Present:

The President of Tynwald (Hon. S C Rodan)

In the Council:
The Attorney General (Mr J L M Quinn QC),
Mr D M Anderson, Mr M R Coleman, Mr C G Corkish MBE, Mr D C Cretney,
Mr T M Crookall, Mr R W Henderson, Mr J R Turner and Mrs J P Poole-Wilson
with Mr J D C King, Deputy Clerk of Tynwald.

In the Keys:
The Speaker (Hon. J P Watterson) (Rushen);
The Chief Minister (Hon. R H Quayle) (Middle);
Mr J R Moorhouse and Hon. G D Cregeen (Arye, Castletown and Malew);
Hon. A L Cannan and Mr T S Baker (Ayre and Michael);
Hon. C C Thomas and Mrs C A Corlett (Douglas Central);
Miss C L Bettison and Mr C R Robertshaw (Douglas East);
Mr D J Ashford and Mr G R Peake (Douglas North);
Hon. K J Beecroft and Hon. W M Malarkey (Douglas South);
Mr M J Perkins and Mrs D H P Caine (Garff);
Hon. R K Harmer and Hon. G G Boot (Glenfaba and Peel);
Mr W C Shimmins (Middle);
Mr R E Callister and Ms J M Edge (Onchan);
Dr A J Allinson and Mr L L Hooper (Ramsey);
Hon. L D Skelly (Rushen);
with Mr R I S Phillips, Clerk of Tynwald.
Business transacted

Leave of absence granted.................................................................1151
Procedural – Item 20 to be taken after Item 9.......................................1151
Procedural – Agreed to sit until 10 p.m. today ....................................1151
Bills for signature.............................................................................1152
Papers laid before the Court..............................................................1152

Questions for Oral Answer ................................................................1154

1. Manx pensioners living overseas – Review of status .......................1154
2. Rates rebates – Policy ................................................................1155
3. Tax relief schemes – Introduction ..................................................1156
4. Beneficial Ownership Act 2017 – Letters to inform companies of consequences...........1157
5. Manx minimum wage – Plans to increase above UK levels .............1159
6. Work permits – Outcomes of review of need ..................................1163
7. Special educational needs policy – Last update ..............................1166
8. New Education Bill – Consultation date ..........................................1167
9. Unqualified teachers – Number employed in schools ....................1168
10. Dental services – Provision in north of Island; general emergency provision ..........1170
13. Lord Street Police Station – Long-term plans for future use ..........1176
14. Police (Detention and Bail) Bill 2017 – Reasons for six-year delay ....1177
15. Horse excrement from horse tram service– Timely clearance .........1179
16. DOI tenders – Value of bids to the local economy .........................1179
17. Peel Marina – Continuing inability to dredge ..................................1180
18. Area Plan for the East Site Assessment Framework – Addition of sites without permission ...........................................................................................................1182
20. Scottish Power – Final report of independent QC .........................1185
21. Enterprise Development Scheme – Progress ..................................1187
22. Teaching training – Opportunities within Island schools and the University College...1192
23. Patient Transfer Service – Success of probation period .................1193
24. Orthodontics – Needs assessments ...............................................1195
25. Island orthodontic provision – Any Qualified Provider model .........1196
26. Nursing homes – Total bed capacity; effect of closure of King’s Reach Care Home, Ramsey .................................................................1198
Procedural – Questions for Written Answer during August and September under Standing Order 3.5(7).................................................................................................................................................. 1201

Questions for Written Answer ........................................................................................................................................................................................................... 1202

27. HM Attorney General’s Chambers – Cost of Review by Stephen Wooler CB.......................................................... 1202
28. Statutory functions and departmental responsibilities – Publication of political delegations ................................................. 1202
29. Chief Minister’s visits to United Kingdom – Planned meetings ................................................................................................. 1203
30. Independent Inquiry into Parole System – When Karran Report to be laid before Tynwald ........................................................................................................... 1203
31. Government employment disputes and redundancy agreements – FD30 payments and confidentiality clauses in past five years ........................................................................................................... 1204
32. Government redundancy payments – Breakdown by Department, value and scale in past five years .................................................... 1204
33. Public service – Total size .......................................................................................................................................................................................... 1204
34. Rates review – Progress .......................................................................................................................................................................................... 1205
35. Government MARS and redundancy termination contracts – Number with confidentiality clauses in past five years ........................................................................................................... 1205
36. School hall lettings – Difference in allocation of revenue .......................................................................................................................... 1206
37. Children with special educational needs – Number at each school ................................................................................................. 1206
38. Peel harbour marina – Testing of silt .................................................................................................................................................................................. 1208
39. DHSC finances – Savings achieved since January 2017 Supplementary Vote ........................................................................................................... 1209
40. Wider access to new cancer drugs – Funding ................................................................................................................................. 1209
41. Disclosure and Barring Scheme – Addressing potential weaknesses in safeguarding ........................................................................................................................................... 1210
42. TT additional hours for Police – Costs ........................................................................................................................................................................... 1210
43. Ronaldsway radar – Sign-off as fully operational .............................................................................................................................. 1211
44. Compulsory purchase orders – Use over last five years; Crichel Down rules ............................................................................... 1211
45. MER diesel locomotive – Expenditure .............................................................................................................................................................. 1212
46. Sulby Reservoir Dam – Estimated life; maintenance programme ....................................................................................................... 1212
47. Retrospective planning applications – Number and details over last five years .................................................................................. 1212
48. Manx Gas regulatory agreement – Earliest date to end and required notice .................................................................................. 1214
49. Environment and Infrastructure Policy Review Committee – Intended report date .............................................................. 1215
50. Public Accounts Committee – Intended report date ......................................................................................................................... 1215
51. Social Affairs Policy Review Committee – Intended report date ............................................................................................... 1215

Order of the Day ...................................................................................................................................................................................................... 1216

3. Funding of Nursing and Residential Home Care – Statement by the Minister for Policy and Reform ........................................................................................................................................... 1216
4. DHSC Children and Family Services – Investigation into allegations – Statement by the Minister for Policy and Reform ........................................................................................................................................... 1219

The Court adjourned at 1.02 p.m. and resumed its sitting at 2.30 p.m. .............................................................................................................................................................. 1221
5. Planning Policy – Statement by the Minister for Policy and Reform ........................................................................................................................................... 1221
The Court adjourned at 5.20 p.m. and resumed its sitting at 5.50 p.m.

<table>
<thead>
<tr>
<th>Procedure and Ministerial Statements</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Single Legal Entity – Statement by the Minister for Policy and Reform</td>
<td>1222</td>
</tr>
<tr>
<td>7. DHSC Financial Sustainability – Statement by the Minister for Health and Social Care</td>
<td>1224</td>
</tr>
<tr>
<td>8. Pension Freedoms – Statement by the Minister for the Treasury</td>
<td>1235</td>
</tr>
<tr>
<td>9. Discount Rates for Personal Injury Claims – Statement by the Minister for the Treasury</td>
<td>1237</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Order 2017 approved</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. Replacement of Eastcliffe Resource Centre; construction of new Day Services Centre – Expenditure approved</td>
<td>1246</td>
</tr>
<tr>
<td>11. Clagh Vane Redevelopment – Projects 7 and 8 – New Build – Expenditure approved</td>
<td>1249</td>
</tr>
<tr>
<td>12. Douglas Promenade Refurbishment – Expenditure approved</td>
<td>1254</td>
</tr>
</tbody>
</table>

The Court adjourned at 5.20 p.m. and resumed its sitting at 5.50 p.m.

<table>
<thead>
<tr>
<th>Order 2017 approved</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>13. Supplementary Capital Authorities for 2016-17 – Expenditure approved</td>
<td>1266</td>
</tr>
<tr>
<td>15. Isle of Man Government Procurement Policy – Policy received and objectives approved</td>
<td>1274</td>
</tr>
<tr>
<td>17. Chief Constable’s Annual Report – Report received</td>
<td>1286</td>
</tr>
<tr>
<td>18. National Infrastructure Strategy – Strategy received and approved</td>
<td>1296</td>
</tr>
<tr>
<td>19. Strategic Sea Services – Continuing negotiations and consideration of options – Motion carried</td>
<td>1299</td>
</tr>
<tr>
<td>20. Select Committee on the Functioning of Tynwald – First Interim Report received and recommendations approved</td>
<td>1240</td>
</tr>
<tr>
<td>21. Isle of Man War Pensions Committee Regulations 2002 – Isle of Man War Pensions Committee membership – Persons appointed</td>
<td>1302</td>
</tr>
<tr>
<td>22. Gambling Supervision Act 2010 – Gambling Supervision Commission – Mr D Reynolds appointed as a member</td>
<td>1303</td>
</tr>
<tr>
<td>27. Harbours Act 2010 – Harbour (Dues and Charges) (Amendment) Regulations 2017 approved</td>
<td>1309</td>
</tr>
<tr>
<td>29. Social Security Act 2000 – Social Security Legislation (Benefits) (Application) (No.4) Order 2017 approved</td>
<td>1311</td>
</tr>
</tbody>
</table>
Social Security Contributions and Benefits Act 1992 – Income Support (General) (Isle of Man) (Amendment) (No.2) Regulations 2017 approved; Employed Person’s Allowance (General) (Amendment) (No.2) Regulations 2017 approved .......................................................... 1312


35. Knottfield Children’s Home – Referral to SAPRC for investigation and report – Motion carried ........................................................................................................ 1314

36. Swearing-in ceremony of the Lieutenant Governor – Castle Rushen as venue – Motion carried ........................................................................................................ 1319

37. Functioning of Tynwald – Bishop’s vote – Referral to FoT Select Committee – Motion lost ........................................................................................................ 1322

38. Functioning of Tynwald – Legislative Council voting for Chief Minister etc. – Referral to FoT Select Committee – Motion lost ........................................................................ 1328

39. Functioning of Tynwald – Members’ pay – Referral to FoT Select Committee – Branches in disagreement – Motion lost – Notice given for combined vote at next sitting ........................................................................ 1330

40. Protection of the historic built environment – Petition for Redress – Appointment of committee – Motion lost ........................................................................ 1334

Announcement of Royal Assent .................................................................................. 1345

Supplementary Order Paper ......................................................................................... 1345

Papers laid before the Court ....................................................................................... 1345

House of Keys .............................................................................................................. 1346

The House adjourned at 10.24 p.m. .......................................................................... 1346
The Court met at 10.30 a.m.

[MR PRESIDENT in the Chair]

The Deputy Clerk: Hon. Members, please rise for the President of Tynwald.

The President: Moghrey mie, good morning, Hon. Members.

Members: Moghrey mie, Mr President.

The President: The Chaplain of the House of Keys will lead us in prayer.

PRAYERS
The Chaplain of the House of Keys

Leave of absence granted

The President: Hon. Members, the only leave of absence is for Mr Speaker for this evening and Wednesday and Thursday.

Procedural –
Item 20 to be taken after Item 9

The President: Given Mr Speaker’s unavoidable absence at that time, I intend to take Item 20, which is the Review of Functioning of Tynwald, after the Statements. So after Item 9, we will move on to Item 20 and take it at that point.

Procedural –
Agreed to sit until 10 p.m. today

The President: Now, Hon. Members, it seems to me that with a fair wind behind us, we might well be able to finish our Order Paper on Wednesday night. That being so, I would put it to the Court that they may wish to sit late this evening, and to make that particular decision now, so that everyone knows where they stand. Would a 10 o’clock finish be agreeable, Hon. Members? (Members: Agreed.)

Is that agreed? (A Member: Agreed.) Then the necessary arrangements can be made. Thank you very much.

Members may remove jackets if they wish.
Bills for signature

The President: Before we turn to the Order Paper, the following Bills will be circulated for signature at this sitting: the Fraud Bill 2017; the Bills of Exchange (Amendment) Bill 2017; the Insurance (Amendment) Bill 2017; the Income Tax Legislation (Amendment) Bill 2017; the Equality Bill 2016 (Mr Thomas: Hear, hear.); and the Police (Detention and Bail) Bill 2017.

Thank you, Hon. Members.

Papers laid before the Court

Terrorism and Other Crime (Financial Restrictions) Act 2014
Terrorism and Other Crime (Financial Restrictions) Act 2014 (Designated Person) (Amendment) Order 2017 [SD No 2017/0207] [MEMO]

Petroleum Act 1986
Petroleum (Revocation) Regulations 2017 [SD No 2017/0209] [MEMO]

Animal Health Act 1996
Bovine Viral Diarrhoea (Amendment) Order 2017 [SD No 2017/0199] [MEMO]

Harbours Act 2010
Registration of Pleasure Craft Regulations 2017 [SD No 2017/0136] [MEMO]
Harbour (Dues and Charges) (Amendment) Regulations 2017 [SD No 2017/0197] [MEMO]

Local Government Act 1985
Onchan General Byelaws 2017 [SD No 2017/0184] [MEMO]

Social Security Act 2000
Social Security Legislation (Benefits) (Application) (No.4) Order 2017 [SD No 2017/0201] [MEMO]
Jobseekers Act 1995 (Application) (Amendment) Order 2017 [SD No 2017/0202] [MEMO]
Social Security Legislation (Benefits) (Application) (Amendment) (No.2) Order 2017 [SD No 2017/0203] [MEMO]
Social Security Administration Act 1992 (Application) (Amendment) Order 2017 [SD No 2017/0206] [MEMO]

Social Security Contributions and Benefits Act 1992
Income Support (General) (Isle of Man) (Amendment) (No.2) Regulations 2017 [SD No 2017/0204] [MEMO]
Employed Person’s Allowance (General) (Amendment) (No.2) Regulations 2017 [SD No 2017/0205] [MEMO]

Reports

Council of Ministers’ Procurement Policy for Government [GD No 2017/0026]
Chief Constable’s Annual Report 2016-2017 [GD No 2017/0020]
National Infrastructure Strategy [GD No 2017/0025] [MEMO]
Strategic Sea Services Agreement [GD No 2017/0027]

The remaining items are not the subject of motions on the Order Paper

Documents subject to no procedure

Ecclesiastical Offices (Terms of Service) Measure 2009
Ecclesiastical Offices (Terms of Service) (Isle of Man) (Amendment) Regulations 2017 [SD No 2017/0214]

Appointed Day Orders

Treasure Act 2017
Treasure Act 2017 (Appointed Day) Order 2017 [SD No 2017/0200]

Reports

Detailed Government Accounts 2016/17 [GD No 2017/0024]
Treasure Code of Practice Isle of Man [GC No 2017/0005]
Department of Health and Social Care Financial Sustainability Briefing Paper [GD No 2017/0028]
Select Committee on the Organization and Operation of the General Election Supplementary Report 2016-17 [PP No 2017/0108]
Social Affairs Policy Review Committee First Report for the Session 2016-17 The Operation of Personal Capability Assessments Volume 1 [PP No 2017/0113(1)]
Social Affairs Policy Review Committee First Report for the Session 2016-17 The Operation of Personal Capability Assessments Volume 2 [PP No 2017/0113(2)]
Social Affairs Policy Review Committee First Report for the Session 2016-17 The Operation of Personal Capability Assessments Volume 3 [PP No 2017/0113(3)]
Social Affairs Policy Review Committee First Report for the Session 2016-17 The Operation of Personal Capability Assessments Volume 4 [PP No 2017/0113(4)]

The President: I call the Clerk to lay papers.

The Clerk: Ta mee cur roish y Whaiył ny pabyryn enmyssit ayns ayrn nane jeh’n Chlaare Obbyr.
I lay before the Court the papers listed at Item 1 of the Order Paper.

The President: Thank you.
Questions for Oral Answer

TREASURY

1. Manx pensioners living overseas – Review of status

The Hon. Member for Ramsey (Dr Allinson) to ask the Minister for the Treasury:

What plans has his Department has to review the status of the 723 Manx pensioners living overseas, especially the 512 who have had their pension frozen on leaving the Island?

The President: Question 1, I call on the Hon. Member for Ramsey, Dr Allinson.

Dr Allinson: Thank you, Mr President.
I would like to ask the Treasury Minister, what plans his Department has to review the status of the 723 Manx pensioners living overseas, especially the 512 who have had their pensions frozen on leaving the Island?

The President: I call on the Minister for the Treasury, Mr Cannan.

The Minister for the Treasury (Mr Cannan): Mr President, I can confirm that by virtue of international social security agreements, the Treasury is legally obliged to follow the UK government’s policy in this area and it is therefore unable to unilaterally review the provisions by which pensioners living in certain countries do not benefit from annual increases to their state pensions.

The President: Supplementary, Dr Allinson.

Dr Allinson: Thank you, Mr President.
Would he accept that the lack of social security agreements with such countries as Canada, New Zealand and Australia currently disadvantage Manx pensioners who may decide to settle in these countries?
Does he also agree that unfortunately Manx pensioners choosing to retire abroad can no longer rely on the state pension and will need to take out extra financial provisions to maintain their standard of living?

The President: Treasury Minister.

The Minister: Well, what I would say to the Hon. Member is that people who choose to go and live abroad choose to do so for a variety of circumstances, and each environment in which they choose to live is different.

I think, just delving a little bit more into the facts behind this, perhaps I should just inform Hon. Members that after the Second World War, the UK government entered into social security agreements with a number of countries where it had interests or a special relationship to pay for pensions to UK citizens living there. The Isle of Man is joined to such agreements by being included in the definition of the territory of the United Kingdom provided for within these agreements. So this is very much an issue for the United Kingdom.

I think that probably the reasons behind this long ongoing issue, which has been taken up by various Members of Parliament in the United Kingdom and so far failed to have any impact, is
simply because of the political decisions to focus and concentrate on pensioners resident in the United Kingdom, rather than deal with a number of issues and potential complications that could arise from uprating pensions in countries for which there is no relationship, or social security relationship, with the UK.

2. Rates rebates – Policy

The Hon. Member for Onchan (Ms Edge) to ask the Minister for the Treasury:

What policy is in place for providing rate rebates to property owners?

The President: Question 2, Hon. Member for Onchan, Ms Edge.

Ms Edge: Thank you, Mr President.

Can I ask the Treasury Minister, what policy is in place for providing rate rebates to property owners?

The President: I call on the Treasury Minister to reply.

The Minister for the Treasury (Mr Cannan): Mr President, the Rating and Valuations Act 1953 governs the rating system. Section 63 of the Act enables the Treasury to make regulations enabling a local authority to make a rebate scheme in respect of rates levied by the authority and any such regulations must be approved by Tynwald.

There are currently no schemes enabled under this section of the Act. However, sometimes situations may arise that interfere with or affect the rental value of the hereditament and the practice has been adopted of making allowances to reflect these circumstances. This impacts upon the gross value and therefore reduces the rates payable.

In relation to circumstances which are likely to be of limited duration, long-standing case law and tribunal decisions have determined that the effect on the hypothetical rental value is to be examined, taking into account matters such as the duration, proximity and severity of the interference.

The President: Ms Edge, supplementary.

Ms Edge: Thank you, Mr President.

Bearing in mind that the Minister said there are no schemes currently in place, is it something that a policy should be looked at to put in to the local authorities so that it is a transparent and open process for the people, so that if they do have an issue, there is something there that is clearly identified?

The President: I call the Minister.

The Minister: Mr President, as I said, there are no schemes currently available. As the Hon. Member will know, the rates review is scheduled in the Programme for Government. I understand from the Cabinet Office, which will be conducting and leading on that, that it will commence in October, and clearly there will be a chance to look at the whole rates situation at that point.
3. Tax relief schemes – Introduction

The Hon. Member for Ramsey (Mr Hooper) to ask the Treasury Minister:

*What plans he has to introduce tax relief schemes to encourage investment in local companies?*

**The President:** Question 3, Hon. Member for Ramsey, Mr Hooper.

**Mr Hooper:** Thank you, Mr President.

I would like to ask the Treasury Minister, what plans he has to introduce tax relief schemes to encourage investment in local companies?

**The President:** Treasury Minister to reply.

**The Minister for the Treasury (Mr Cannan):** Mr President, this administration has set out in our Programme for Government our commitment to supporting enterprise and opportunity in order to encourage investment in local businesses and grow our economy.

Maintaining an attractive tax regime, including competitive personal tax allowances and our Zero-10 corporate tax regime, have undoubtedly been key factors in maintaining sustained economic growth, whilst my hon. friend for Rushen, the Minister for Economic Development, and his officers continue to promote the Enterprise Development Fund in order to encourage job creation and supporting new businesses on the Island.

I certainly recognise the importance of maintaining the impetus in growing and diversifying our economy. What I can say to the Hon. Member is that the Treasury will look closely at potential initiatives for job creation as part of the annual Budget process over the forthcoming months, but there are no formal plans in place for such tax relief schemes.

**The President:** Supplementary, Mr Hooper.

**Mr Hooper:** Thank you, Mr President.

I would like to thank the Minister for that commitment.

I just have one question: as part of that assessment process for the Budget, will the Minister be considering potentially introducing a scheme similar to the UK’s Enterprise Investment Scheme to allow ordinary working people the chance to invest and also make a little bit of money for themselves?

**The President:** Treasury Minister.

**The Minister:** Mr President, as I have just said, there are no formal plans for any such tax relief schemes, and I will not be making such a commitment.

This Government is fully committed to growth in our economy. As a Government, as a Tynwald, we have already committed potentially £50 million over the next five years, with my good friend’s Enterprise Development Scheme. This Government also made available £4 million in the Budget this year to support local businesses through grants and other initiatives from the Economic Development Department. Also with a Zero-10 regime, a highly competitive personal tax allowance regime as well, for personal investment in the Isle of Man, I think extending tax relief schemes in such a manner would potentially open us up to a number of issues.

So my commitment to this Court is to continue to consider how we might support job creation as part of our annual Budget process, but at this moment I am making no formal
commitment that tax relief schemes will form part of our overall ongoing commitments to growing the economy.

ECONOMIC DEVELOPMENT

4. Beneficial Ownership Act 2017 – Letters to inform companies of consequences

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Economic Development:

How many letters have been sent out to companies stating that their previous exemptions have now been removed as a consequence of the Beneficial Ownership Act 2017, resulting in each of these companies now having to appoint a Nominated Officer or Corporate Service Provider?

The President: Question 4. Hon. Member for Arbory. Castletown and Malew, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr President.
I would like to ask Minister for Economic Development, how many letters have been sent out to companies stating that their previous exemptions have now been removed as a consequence of the Beneficial Ownership Act 2017, resulting in each of these companies now having to appoint a Nominated Officer or Corporate Service Provider?

The President: I call on the Minister for Economic Development, Mr Skelly.

The Minister for Economic Development (Mr Skelly): Gura mie eu, Eaghtyrane.

On 1st June, the Department wrote to 561 companies incorporated under the Companies Acts 1931 to 2004 to inform them that an exemption under the Companies (Beneficial Ownership) Act 2012 would no longer apply on the introduction of the Beneficial Ownership Act 2017.

The Isle of Man Government gave a commitment to have the Beneficial Ownership Register operational by 1st July 2017. Due to the dedication and effort of those involved in drafting the legislation and guidance, the design, build and testing of the database, together with the online interface and the marketing campaign, the Government was able to surpass this target and have the database operational and being populated on 28th June 2017.

The President: Supplementary, Mr Moorhouse.

Mr Moorhouse: What has been the impact on staffing in DED of this?

The President: Minister to reply.

The Minister: Gura mie eu, Eaghtyrane.

Yes, there has been some impact on staffing. Clearly this is part of our commitment to the transparency agenda and as the Department being responsible for the Companies Register, it was important that we actually deliver on the date that we have actually committed to.

So yes, there has been some impact but that has now been reached and we are now moving past that and we are moving forward positively.
The President: Supplementary, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr President.
Given the small size of many of the companies receiving these letters, combined with the small and infrequent transactions, could a lighter touch assessment be considered by the Minister?

The President: Minister.

The Minister: Gura mie eu, Eaghtyrane.
Yes, we did consider all options. In this particular case, this is a one-off with an annual submission after that. So the work is really involved in the initial stage and once that is actually achieved, there is very minimal effort required beyond that.
So this is what I would regard as relatively light touch in any case.

The President: Mr Ashford, supplementary question.

Mr Ashford: Thank you, Mr President.,
Can I ask the Minister, what assessment has been undertaken of the impact on the 561 businesses? Have any of them been in touch with DED to express concerns?

The President: Minister.

The Minister: Gura mie eu.
I thank the Hon. Member for his Question.
We have had, I believe, nearly 200 of those companies which have been notified of the appointment, and we have not had any serious or adverse comments. There are one or two teething issues which have been overcome now, and we are working with individuals and organisations collectively there, but very minimal, considering the percentage of companies and organisations that were contacted.

The President: Further supplementary, Mr Ashford.

Mr Ashford: Thank you, Mr President.
The Minister mentioned there teething difficulties. Could he expand on what the teething difficulties were?

The President: Minister.

The Minister: Gura mie eu.
Yes, teething difficulties I think with any technical introduction of a database of this particular nature and those are really operational, I would suggest, in terms of people understanding how to complete the form online and process it in that particular manner.
So it is really just, when I say ‘teething problems’, more guidance that is required for those very few individuals and organisations that have experienced any issues.
5. Manx minimum wage –
Plans to increase above UK levels

The Hon. Member for Middle (Mr Shimmins) to ask the Minister for Economic Development:

What plans he has to increase the Manx minimum wage to levels above the United Kingdom minimum wage and national living wage?

The President: Question 5, Hon. Member for Middle, Mr Shimmins.

Mr Shimmins: Thank you, Mr President.

I would like to ask the Minister for Economic Development, what plans he has to increase the Manx minimum wage to levels above the United Kingdom minimum wage and national living wage?

The President: Hon. Member, Mr Skelly.

The Minister for Economic Development (Mr Skelly): Gura mie eu, Eaghtyrane.

I thank the Hon. Member for his Question.

As Members will recall, our Department, acting jointly with Treasury, gained approval from this Court to increase the rates of the minimum wage with effect from 1st June this year, as recommended by the Minimum Wage Committee. In addition, approval was obtained for the introduction of a new rate, £7.50 per hour, for those aged 25 and over.

The increase in the headline rate of the minimum wage amounts to an increase of over 7% on the previous rate and represents a significant rise for some of the lowest paid workers on the Island. It sends a clear message from Government that work should pay, and affirms our Programme for Government commitment to continue to develop an inclusive and caring society.

The new rate also now matches that of the national living wage recently established in the United Kingdom.

As to future increases, the Minimum Wage Act 2001 requires our Department and Treasury to consult the Minimum Wage Committee before we make changes to the main rate. However, we note that the UK has a target that by 2020, the national living wage will reach 60% of median earnings and it is expected that the UK will increase the headline rate on a yearly basis until it meets that level.

We certainly intend that the top rate of minimum wage in the Isle of Man will not fall below that of the UK. It should be noted, I have undertaken to amend the Committee’s terms of reference prior to the next review, which will enable the Committee to consider wider evidence prior to submitting their recommendations.

We should also remember that earlier this year Tynwald agreed that a voluntary living wage should be established and that the Cabinet Office should report to Tynwald by October 2017, with the proposals to introduce that voluntary living wage.

I am proud that since my time as Minister we have increased the minimum wage rate by almost 13%. However, I am acutely aware of the financial pressures on those in our society and remain committed to supporting them, ensuring that people are always better off at work.

The President: Supplementary, Mr Shimmins.

Mr Shimmins: Thank you, Mr President.

I would like to thank the Minister for that response. I am pleased to hear that he is going to review the terms of reference to the Minimum Wage Committee.

Does the Minister agree that significant increases in the minimum wage are essential for our social and economic prosperity as an Island?
Mr Thomas: Hear, hear.

The President: Minister to reply.

The Minister: Gura mie eu.

I thank the Hon. Member for his supplementary question. Yes, it is important, which is exactly why we have managed to increase the minimum wage significantly over these last three years. But I would point out that is done on a basis where we have actually managed to have that recommendation from the Minimum Wage Committee, because the work that they provide is of great value, and we do have to recognise the strain also on business as we do move the minimum wage up at the same time.

The President: Hon. Member for Douglas East, Mr Robertshaw.

Mr Robertshaw: Thank you, Mr President.

As somebody who has strongly supported the importance of progressively increasing the minimum wage and the adoption of a living wage but who also took extreme exception earlier this year in the late arrival and late advice to business of an increase, could he assure me that in future business is signalled well in advance of any changes, so that business can adopt and embrace these changes and build them into their business plans?

Thank you, Mr President.

The President: Minister.

The Minister: Gura mie eu, Eaghtyrane.

Yes, I do very much recall the Hon. Member’s contribution with regard to that move earlier this year. We did actually signal that and did try and give some leeway in delaying the introduction of that by several months, but I do take on board what the Hon. Member is saying, as there are a significant number of businesses here on the Island which are borderline with regard to their margins and particularly in what we would regard as our domestic economy. So we do need to liaise with business, and the work that the Minimum Wage Committee does is of great value and recognised.

The President: Hon. Member for Douglas North, Mr Peake.

Mr Peake: Thank you, Mr President.

How will the Minister ensure that the employers do not exploit the development workers concept to justify paying workers below what is already quite a low minimum wage?

The President: Reply, sir.

The Minister: Gura mie eu.

Yes, I think the Hon. Member makes a very valid point there about exploitation. Clearly we have a minimum wage and that is set in law, and if people are abusing that there are means to take action there. But the other point that we do need to consider by raising the minimum wage is what impact that has on business, and one of the potential impacts might be that there might be an increase in zero-hour contracts and that is something we do have to bear in mind too. So that liaison, that communication with the Minimum Wage Committee and industry in particular is of vital importance to us before we bring that recommendation to this Court to confirm.

The President: Hon. Member, Mr Moorhouse.
Mr Moorhouse: Thank you, Mr President.

I do support the increased minimum wage. However, in recent days several business owners have contacted me regarding this Question. Three businesses – two in Castletown and one in Ballasalla – have raised an issue about them not benefiting from economies of scale and experiencing high operational costs on the Island. Would the Minimum Wage Committee place a real emphasis, when carrying out the consultation, on talking to small businesses specifically? These appear to be the ones that are having the real issues.

Thank you.

The President: Mr Skelly.

The Minister: Gura mie eu, Eaghtyrane.

Yes, and I appreciate the Hon. Member’s point with regard to small businesses and the impact there. What I would point out is the opportunity for Members to contribute to the Minimum Wage Committee. Several of you, I know, did actually contribute to their work and their findings and that is extremely helpful, and you as Hon. Members have the opportunity to do that on behalf of your constituents and businesses. But I think the Hon. Member does highlight, as I stated earlier, the impact on wider industry, wider business, and there are many companies here on this Island that are paying well above minimum wage but there are also many companies on this Island that are very borderline with regard to their profitability due to the margins they are being forced on, and that is particularly relevant in the domestic economy, which is retail and hospitality in particular. So we are very conscious of those points and once more I would just recommend that Members do contribute to the Committee’s work.

The President: Hon. Member of Council, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

Could the Shirveishagh clarify that there are differences between the national living wage he has mentioned, which sounds good but the national living wage he is referring to is the UK government national living wage, which is lower than the national Living Wage Foundation, which produces a completely different economic assessment for their national living wage, which is higher. I would be grateful for that clarification.

And would he not agree that the Island should be upping the ante in relation to its standing and its position throughout the British Isles and indeed the European economy, so that we are an attractive place to do business with in the first place?

The President: Mr Skelly.

The Minister: Yes, gura mie eu, Eaghtyrane.

I thank the Hon. Member for his question. Taking the last point first, yes, we do need to remain attractive. That is very important and in my original Answer that is why I made the statement that we intend that the top rate of minimum wage in the Isle of Man will not fall below the UK, which is why we made, obviously, that decision earlier this year to remain competitive.

The Hon. Member of Council makes a very valid point with regard to the UK government national living wage and the Foundation, and that falls right into the work that my hon. colleague the Cabinet Minister, Mr Thomas, will be conducting and coming back with the findings due to the motion from Mr Hooper earlier regarding introducing a voluntary living wage. As stated previously, I would highlight that there are many companies on this Island paying well above the minimum wage. That is certainly to be applauded and that is certainly part of our skills shortage also. And going back to the last point again to end, we do need to remain competitive.
The President: Hon. Member, Mr Shimmins.

Mr Shimmins: Thank you, Mr President.

Would the Minister agree that, following the statements made in the UK Queen’s Speech where they signalled that the minimum wage was going to increase significantly, he is signalling today that the Manx minimum wage will also increase significantly and businesses should plan for that, it should not be a surprise that the minimum wage is going to increase, and ideally we should be aiming for a higher minimum wage than the United Kingdom because the cost of living is significantly higher in the Island?

The President: Minister.

The Minister: Yes, gura mie eu.

I think we do need to be very careful with our language, political rhetoric, without the support of industry and the science that is behind making a decision. Clearly we want to make decisions based on evidence and it is important that we recognise the Act, which means we must consult with the Minimum Wage Committee and allow them to do their work. So I think we must respect that first and foremost.

Signalling any sort of significant increase prior to that particular work I think would not be prudent, frankly, but what I do say – and I reiterate the point – is we do need to remain competitive and we have no intention to fall below that of the UK. It is vitally important that the Isle of Man does remain competitive, does continue to move this up. We have managed to do that over the last three years to almost 13%, which I am very proud of and I think that we as a Government should be very proud of, and I hope that we will be able to maintain that but we must be very careful of impact when we do make these increases, as highlighted by my hon. colleague Mr Peake, who stated the unintended consequences: zero-rated hours the proliferation of, and other terms and conditions which may suffer unnecessarily.

The President: Hon. Member for Douglas Central, Mrs Corlett.

Mrs Corlett: Thank you, Mr President.

As the Equality Bill is circulating the Chamber for signatures at the moment, does the Minister believe that applying the minimum wage in age categories meets the legislation in this Bill, and should the minimum wage be a flat rate across the board?

Mr Ashford: Hear, hear.

The President: Minister to reply.

The Minister: Yes, sir. Gura mie eu, Eaghtyrane.

I thank the Hon. Member for the question; it follows on what Mr Ashford has asked me several times. As part of the review, I have asked to amend the terms of reference for the Committee’s work this year – and important that we are going to make this annual as well at the same time, because that has not been in past time too, so it is going to be an annual review and we are widening the terms of reference. One of those will be to review the bands that we currently have. By introducing this over-25 I think it became very necessary to actually conduct that particular review, and clearly with the Equality Bill, as highlighted there, that makes it more evident that this needs to be reviewed, so thank you very much for raising that and that will be reviewed.

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The President: I am taking two more supplementary questions. The first of those, Mr Ashford.

Mr Ashford: Thank you, Mr President.
In reply to the concerns of my hon. colleague from Douglas North, Mr Peake, the Minister mentioned that there were certain sanctions that could be taken against anyone breaching the minimum wage. Can I ask the Minister how many people have actually been prosecuted for the breach of minimum wage; and if he does not have those figures with him, will he have them circulated?

The President: Minister.

The Minister: Yes, gura mie eu.
I certainly do not have that information to hand right here, but I will commit to sharing that with Hon. Members.

The President: Final supplementary, Mr Speaker.

The Speaker: Thank you, Mr President.
I thought I knew where the Minister was going until his response to the second question from the Hon. Member for Middle, so would the Minister just clarify whether or not he has given a commitment that the minimum wage in the Isle of Man will be no lower than the United Kingdom’s over the next few years? I thought he had, and then the answer to the later supplementary left me in a little bit of doubt.

The President: Minister.

The Minister: Gura mie eu.
I will just reiterate what was actually stated here in the original Answer: that we certainly intend that the top rate of minimum wage in the Isle of Man will not fall below the UK.

6. Work permits – Outcomes of review of need

The Hon. Member for Douglas North (Mr Peake) to ask the Minister for Economic Development:

When the outcomes of the review into the need for a Manx work permit will be available?

The President: Question 6. Hon. Member for Douglas North, Mr Peake.

Mr Peake: Thank you, Mr President.
I would like to ask the Minister for Economic Development: when will the outcomes of the review into the need for a Manx work permit be available?

The President: Mr Skelly to reply.

The Minister for Economic Development (Mr Skelly): Gura mie eu, Eaghtyrane.
It is clear that in the current economic climate there is a compelling case for further reform to the work permit system in order for it to support local businesses and encourage further inward investment in the Island. I am pleased therefore to be able to confirm to the Hon.
Member that my Department will be launching a public consultation later today, to run over the
summer, on a number of proposed reforms to the existing system. These reforms are centred
around re-engineering the application and approval process so as to ensure that employers are
able to act swiftly in their recruitment when they have not been able to identify suitable and
available Isle of Man workers. By moving to a single-stage application submitted by the
employer, the system focuses directly on the employment aspect of work permit controls,
removing time and uncertainty, for both the employer and potential worker, from the process.

Eaghtyrane, the Department remains committed to protecting the interest of Isle of Man
workers. However, we recognise that when an employer has tried but failed to find a suitable
Isle of Man worker, the work permit system should be as streamlined and efficient as possible.
Our vision is for the Department to be able to make a decision and issue a permit within one
working day of receipt of an application. In the great majority of cases, provided that the
employer has attempted to find a suitable Isle of Man worker but has been unable to do so, we
aim to reduce the hassle factor for employers and prospective workers to the greatest extent
possible.

Hon. Members, it is important we seek to make the Island an attractive destination for both
employers and those looking to relocate work and contribute to the continued prosperity of our
Island. The proposed reforms align directly with one of the key themes in the Programme for
Government in ensuring that we create an Island of enterprise and opportunity.

I would encourage all Members to consider the consultation and submit their views to the
Department. Following the consultation process, the Department will review submissions with
the intention of bringing forward the necessary secondary legislation to October Tynwald.

The President: Supplementary, Mr Peake.

Mr Peake: Thank you, Mr President.

I would like to thank the Minister and congratulate him and his Department for putting this
together. (A Member: Hear, hear.) I think the consultation process is really overdue – well done.
I like the idea of the streamlining, it sounds great.

Will it include a disclosure and barring service – that is a DBS check – which will actually check
the criminal records? I would be really interested to know if this will actually form part of that in
the future.

The President: Minister.

The Minister: Yes, gura mie eu, Eaghtyrane.

I thank the Hon. Member for his question. In terms of what is included, that is why we are
doing a consultation. Clearly there are a host of different industries and businesses here on the
Isle of Man that already conduct their own DBS checks, so we have a declaration – self-
declaration, as it currently is – and that would be one of the proposals that would need to be
considered. However, what I would suggest there is that we do need to be careful how much we
do with regard to the checks in areas of this nature, as this will delay the process.

The President: Hon. Member for Onchan, Ms Edge.

Ms Edge: Thank you, Mr President.

I am just interested to follow up on the comments from the Hon. Member for Douglas North,
Mr Peake, with regard to DBS. As we all know, that has never been part of the work permit, and
clearly, following Questions in the House, we cannot check people beyond the UK borders. This
is my real concern with any further relaxation with regard to work permits. We need to be
protecting our people on the Island.
The Chief Constable’s Report has stated that he has got concerns with regard to our security and we need to be looking at this. I hope it will take part of the consultation but I would also like and hope that within that there is a question for the people of the Island who are currently not perhaps working in roles that are the profession they have got qualifications in because they cannot get a job in the profession they are qualified in – this includes IT, it includes teachers for promotion, and I hope that a question will be in that consultation. I think it is a great idea to put the consultation out there, but –

**The President:** Hon. Member, you are making a speech at the moment.

**Ms Edge:** Sorry, I will ask a question! Will the Minister confirm that there will be questions in there that will get the answers that we need to ensure why and where it has not been working?

**The President:** Minister to reply.

**The Minister:** Yes, gura mie eu.

I thank the Hon. Member for her question. Yes, clearly the purpose of the consultation is to be able to flush out those particular issues; and, as rightly pointed out, DBS is not taken on the current system.

It is worth recognising here that this is about the work permit system, therefore that is involved with the Control of Employment Act, and not a residency control mechanism, although many people do confuse that. I just want to make sure that Members are aware of that.

Once more, I would just also highlight that this opportunity for consultation is for Members as well as the public, business and industry.

**The President:** Supplementary, Mr Shimmins.

**Mr Shimmins:** Thank you, Mr President.

The Government’s Labour Market Statistics Report has consistently highlighted the skills shortage trend every month for the last three years. No one could accuse the Government of moving too quickly on this matter. (Laughter) The skills shortage –

**The President:** Question, please.

**Mr Shimmins:** – causes real damage to the economy and public services. Will the Minister please confirm where this sits on the priority list for Economic Development?

**The President:** Minister.

**The Minister:** Gura mie eu.

I would suggest that this is actually sat very high on the priority list of Economic Development. Very clearly what we do need to do here is ... We have just had Royal Assent today, which we are now signing here, for the Equality Act, and within that I am sure the Hon. Member will remember there were well over 60 amendments that were part of employment-enablers that allow us to deal with a number of issues as potentially recommended through the reforms of this particular consultation. So this legislation that is introduced here today, which I think is a phenomenal milestone for this Government and for this administration ... but within that, there are over 60 enablers and part of those are stated there with regard to the work permit system. I hope that gives the Hon. Member some comfort that we have been moving as quickly as legislation allows us.

**The President:** Final supplementary, Ms Edge.
Ms Edge: Thank you, Mr President.

I stated before that we need to find out why and where it is going wrong. I am wondering: is the Minister going to confirm that we are not looking to attract unskilled people? Clearly we have relaxed work permits in a number of areas, so for our skilled sector I am just concerned that we might be trying to attract unskilled people with relaxation of work permits.

The President: Minister to reply.

The Minister: Gura mie eu.

I would suggest to the Hon. Member that there is shortage in all industries. Clearly we had a relaxation with regard to temporary permits in the hospitality industry, which was, I have to say, very well received and beneficial to that particular industry. But I would also say that it is across all sectors that we do have skills shortage and as highlighted, unskilled is also included.

It does also raise the point that we must not look at the work permit system as the silver bullet. We must consider training as well at the same time, and succession planning from within.

EDUCATION AND CHILDREN

7. Special educational needs policy –
   Last update

The Hon. Member for Ramsey (Dr Allinson) to ask the Minister for Education and Children:

When his Department’s special needs policy was last updated?

The President: Question 7, Hon. Member for Ramsey, Dr Allinson.

Dr Allinson: Thank you, Mr President.

I would like to ask the Minister for Education and Children, when his Department’s special needs policy was last updated?

The President: I call on the Minister for Education and Children, Mr Cregeen.

The Minister for Education and Children (Mr Cregeen): Thank you, Mr President.

The Department’s special needs policy was last updated in 1995.

My Department have, over last six months, developed a new framework for special educational needs identification and provision. This framework will be implemented in primary schools in the autumn term, and in secondary schools shortly after.

This framework – the Continuum of Learning and Inclusion – looks carefully at the impact that a child’s needs may have on their ability to learn and the provision should be in place to account for that. Schools will be given some time to assimilate all their pupils with special educational needs over this new process.

The updated policy for special educational needs, which we are also currently producing, will reflect new framework. My Department is currently progressing a new Education Act and the new policy for special educational needs will need to reflect the new Act and the Equality Act once finalised.

Thank you, Mr President.

The President: Supplementary, Dr Allison.
Dr Allinson: I would like to thank the Minister for his reply. Could he explain why it has taken since 1995 to look at the special needs policy, particularly since in 2007 there was a review of this which had a number of recommendations to do so?

The President: Minister to reply.

The Minister: Thank you, Mr President. Unfortunately that was prior to my time in the Department, but we are onto it now, and things are moving along.

The President: Dr Allinson.

Dr Allinson: Thank you for that reply. Would the Minister agree that mainstream teaching is a real strength of the Manx educational system; but we need a consistent system of assessing the progress of pupils with special needs, and it is also imperative that all schools have prompt and comprehensive special needs advisory support to allow teachers to teach?

The President: Minister.

The Minister: Mr President, that is an easy one: yes.

8. New Education Bill – Consultation date

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Education and Children:

*When the consultation on the new Education Bill will be brought forward?*

The President: Question 8. Hon. Member for Douglas North, Mr Ashford.

Mr Ashford: Thank you, Mr President. I wish to ask the Minister for Education and Children, when the consultation on the new Education Bill will be brought forward?

The President: Minister to reply, Mr Cregeen.

The Minister for Education and Children (Mr Cregeen): Thank you, Mr President. The drafting instructions for the new Bill have been prepared, and it is hoped that the draft Bill will go out to public consultation early next year.

The President: Mr Ashford.

Mr Ashford: Thank you, Mr President. When the Minister appeared before the Social Affairs Policy Review Committee, of which I am a member, it was suggested that the consultation might well be July or August this year. Can I ask what has changed?

The President: Minister.
The Minister: Yes, due to the size of the new Bill, the drafting instructions took longer to compile than expected and other legislation has been brought forward, taking up resources of the drafting team.

The President: Hon. Member for Garff, Mrs Caine.

Mrs Caine: Thank you, Mr President.
Is the Minister aware that the new Education Bill is causing a lot of concern amongst home educators?
I have been contacted by home educating parents who have been informed that amongst its provisions, the Department will require them to provide a compulsory report to the Department every year. Can the Minister confirm whether such a measure is intended to be included in the Education Bill, and whether home educators have been consulted over any changes affecting them, or that they will be?
Thank you.

The President: Minister to reply.

The Minister: Thank you, Mr President.
Yes, we are aware that home educators have been vocal over the last month.
No, they have not been consulted yet. As I previously stated, they will be consulted when it is appropriate.

The President: Mr Speaker.

The Speaker: Thank you, Mr President.
Given the slip in the timetable for this, is the Minister concerned as to whether there is adequate resource available within the Attorney General’s Chambers?

The President: Minister to reply.

The Minister: Thank you, Mr President.
I am aware that that has been an issue, in that one of the drafters recently left so we are aware there have been difficulties.

9. Unqualified teachers –
Number employed in schools

The Hon. Member for Onchan (Ms Edge) to ask the Minister for Education and Children:

How many unqualified teachers are employed by his Department in each school; and how many full time equivalent teaching posts in schools are occupied by unqualified teachers?

The President: Question 9, Hon. Member for Onchan, Ms Edge.

Ms Edge: Thank you, Mr President.
Can I ask the Minister for Education and Children, how many unqualified teachers are employed by his Department in each school, and how many full time equivalent teaching posts in schools are occupied by unqualified teachers?
The President: Minister for Education and Children, Mr Cregeen.

The Minister for Education and Children (Mr Cregeen): Thank you, Mr President.

In order to address ongoing recruitment issues, particularly in shortage subjects, staff are occasionally employed as unqualified teachers, while they undertake initial teacher training in Manx schools.

Such posts are advertised locally, if the school is unable to appoint a qualified teacher and has the capacity within their own team to support, develop and assess staff new to teaching. According to our most recent HR records, there are eight members of staff following these training routes in schools and employed as unqualified teachers: two at Ballakermeen, four work at Castle Rushen, one works at Queen Elizabeth II, and one works at St Ninian’s.

No full-time equivalent teaching post would be able to be occupied by an unqualified teacher, as these posts are used only for training.

The President: Supplementary question, Ms Edge.

Ms Edge: Thank you, Mr President, and thank you to the Minister for that response. I am not sure whether the facts are fully correct, but with regard to unqualified teachers, I am aware of the training programmes that are in place and perhaps he could come back and confirm that the figures are correct, with regard to unqualified teachers outside of the training agreements?

The President: Minister.

The Minister: Thank you, Mr President.

I think if the Hon. Member discusses with me later, I shall go back to the Department and we can have these positions checked.

The President: Hon. Member, Mr Moorhouse.

Mr Moorhouse: Does the Department carry out any additional checks in this area?

The President: Could you repeat the question, sir?

Mr Moorhouse: Does the Department carry out any additional checks in this area?

The Minister: Checks on what?

Mr Moorhouse: In terms of the unqualified teachers.

The President: It might help the Minister if you could just explain a bit more of what you mean by ‘checks in this area’.

Mr Moorhouse: I was just going back to the original Question, in terms of the employment of unqualified teachers, and I was asking if there were additional checks carried out with regard to that.

The President: Minister to reply.

The Minister: Thank you, Mr President.

These are the figures that we have had from Human Resources.
HEALTH AND SOCIAL CARE

10. Dental services –
Provision in north of Island; general emergency provision

The Hon. Member for Ramsey (Dr Allinson) to ask the Minister for Health and Social Care:

What dental services her Department provides for the north of the Island; what emergency dental services her Department provides generally; and if she will make a statement?

The President: Question 10, Hon. Member for Ramsey, Dr Allinson.

Dr Allinson: Thank you, Mr President.

I would like to ask the Minister for Health and Social Care, what dental services her Department provides for the north of the Island; what emergency dental services her Department provides generally; and if she will make a statement?

The President: I call on the Minister for Health and Social Care, Mrs Beecroft.

The Minister for Health and Social Care (Mrs Beecroft): Mr President, general dental services are currently provided in the north of the Island by Smile Dental Care, under contract to the Department in premises at the rear of Ramsey District Cottage Hospital.

The services provided to patients include regular check-up appointments and any necessary follow-up treatment. Any patient who is registered with Smile Dental Care can access emergency dental services by contacting the practice direct.

General dental services are provided on the same basis across the Island through a number of general dental practices. Emergency dental services for non-registered patients across the Island are provided by the Department’s salaried dental service, which is based at the Central Community Health Care facility on Westmorland Road, Douglas.

Any patient who is in pain and who requires emergency dental treatment is able to receive that treatment from this service.

The President: Dr Allinson.

Dr Allinson: Thank you, Mr President.

I would like to thank the Minister for her comprehensive Answer, and make it clear that I am not criticising any individual dentist or any member of her Department. However, there does seem to be a problem with the commissioning process. Does the Minister agree that good dental care is not a luxury, but an essential part of overall health care and can she state how many dentists are required to run an adequate service for the north?

The President: Minister.

The Minister: Thank you Mr President.

I can confirm that I absolutely agree with the questioner, that it is a priority and it is very important to general health as well.

As to the details of how many dental services dentists are required in the north of the Island, I do not have that figure to hand.

The President: Supplementary question, Mr Speaker.

The Speaker: Thank you.
Just in terms of the general skill sets we employ in dentists, is the Minister noticing a trend of more and more specialist work coming to the community central system, and is that an indication as to whether dentists are not either able or willing to on more complicated work out in the community?

The President: Mrs Beecroft.

The Minister: Thank you, Mr President.
That has not been reported to me, but I am happy to look into that aspect.

Dr Allinson: Thank you, Mr President.
There does seem to be a real problem in the north with access to health care. Would the Minister agree with the statement in the Strategy for Oral Health that it is vital to ensure that patients lead the developments in dental services that the Department provides, by engaging service users?
Could she also explain how the net annual costs for community dental services have actually reduced from £2,184,000 in 2012, down to £2,123,000 in the last financial year and how this reduction in funding is meant to provide the services that she is meant to be providing?

The President: Mrs Beecroft.

The Minister: Thank you, Mr President.
I am sorry, I do not have that detail to hand, as it was not part of the original Question.
I am more than happy to take it back to the Department and find the answers to that and circulate them to all Members, if they would like it.

11. Oral Health Strategy –
Delivery of priorities for action

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Health and Social Care:

How many of the 10 priorities for action in the Oral Health Strategy have been delivered?

The President: Question 11. Hon. Member Mr Ashford.

Mr Ashford: Thank you, Mr President.
I wish to ask the Minister for Health and Social Care, how many of the 10 priorities for action in the Oral Health Strategy have been delivered?

The President: Minister, Mrs Beecroft to reply.

The Minister for Health and Social Care (Mrs Beecroft): Thank you, Mr President.
The Oral Health Strategy referred to by the Hon. Member covered the period 2011 to 2016 and included objectives relating to dental public health and the delivery of, or contracting for, dental and orthodontic services. The Public Health Directorate has just completed an evaluation of the outcomes from the strategy in order to inform a new strategy for the next five-year period, 2017 to 2022.
The 10 priorities for action were described in the strategy as areas we would like to concentrate on for the next five years. As such, they were not framed as specific, measurable, achievable, relevant, timed and funded objectives. The breadth of the priority areas, and the fact that there were no clear objectives set for each area, means that we cannot give a simple statement of how many of the 10 priorities have been achieved.

However, we can identify areas where progress has been and continues to be made, and these include health promotion activities with young children under five. Members of the community dental service regularly visit nurseries, primary schools and community groups to deliver age-appropriate oral health lessons to children. The community dental service works closely with health visitors, to ensure that carers of children under five are given timely and appropriate advice about oral health. This includes provision of a suitable toothbrush, toothpaste and information at the three-month visit.

It also includes having an effective commissioning plan, increasing access to dental services and reducing waiting times. The salaried dental service and special care dental service have been reviewed and are to undergo transformation to concentrate on special care and emergency dental services. There are plans for 2017 onwards to increase access to NHS dental services across the Island, following the elimination of the dental waiting list in September 2016, which facilitated all patients waiting to be allocated to an NHS dentist.

Capacity increases are currently being investigated.

The President: Supplementary, Mr Ashford.

Mr Ashford: Thank you, Mr President.

The key words there were ‘priorities’ and ‘action’, which are in there. From the sounds of it, if they are priorities and there needs to be action, then that is what the strategy should be delivering and from the sounds of that, not much of it has been delivered.

Can I ask then, specifically, Mr President, on priority number 4, which is one that is measurable, which is:

Continue to ensure that no one on the Island endures chronic dental pain and that those experiencing pain are seen within the current UK target time of 72 hours.

Is that happening?

The President: Minister to reply.

The Minister: Thank you, Mr President.

I think as I made clear in my opening Answer that we are not satisfied with the way the previous strategy was constructed, because it was, to put it bluntly, a bit woolly. There is nothing that you could hang your hat on and say, ‘Yes, we have got to do this, we have got to target that.’ The improvements that have been made have been made by staff actually just taking and driving the matters forward themselves, and they are to be congratulated for that. The strategy that we are going to produce for the next five years will have targets, will have a definite plan of how we are going to achieve them and what we are going to achieve. So that is not going to happen again.

With regard to people in pain being seen within 72 hours, I am afraid that is a detail that I do not have to hand, but again, I would be happy to get it.

The President: Supplementary, Dr Allinson.

Dr Allinson: Thank you, Mr President.
I agree with her about the deficiencies in the previous strategy, but does she agree with the statement in the strategy that it is vital to ensure that patients lead the developments and that the monitoring and performance management will be key parts of any plan?

The President: Minister.

The Minister: Thank you, Mr President.

Yes, I do agree with that. We need targets and we need a proper plan that can be measured and people can be challenged if they are not reaching the targets that have been set for them for any reason. In some cases, there might be a legitimate reason that we might need to go back and look at something, but they should have those targets there and they should be clear, and they should be specific.

The President: Supplementary, Mr Ashford.

Mr Ashford: Thank you, Mr President.

I know the Minister says the strategy is rather woolly, and in section 8 that actually has the 10 priorities, it probably is; but the following section, section 9, is actually entitled 'Delivering the priorities', and it lists a number of initiatives. So can I ask the Minister: one of the initiatives listed in relation to children’s setting and prevention is that each nursery and primary school have regular visits by an extended duty dental nurse, who will be able to provide more advice. Can I ask again, is that happening?

The President: Minister.

The Minister: No, I think I mentioned that it was happening in the nurseries. I am not sure if it is going into primary schools, I cannot remember. There has been talk of it but I cannot remember if that is actually happening now or if that is going to be included in the strategy that we have been discussing. Again, I am happy to check.

The President: Supplementary, Mr Speaker.

The Speaker: Thank you.

The Minister has talked about putting some more concrete targets into future plans and strategies. Is she content that there is an adequate management information system across not just the Department’s provision, but across the private providers as well, to make sure that the data that is required is actually captured in the form that is required, so that we can have meaningful information going forward against the targets?

The President: Minister to reply.

The Minister: Thank you, Mr President.

I think that actually capturing the data would be key to measuring if we are achieving the targets that will be set in the strategy. So yes, that has to happen.

The President: Hon. Member for Garff, Mrs Caine.

Mrs Caine: Thank you, Mr President.

Is the Minister confident that the oral health strategies are proving effective for children on the Isle of Man? I believe that two or three children attend Noble’s Hospital each week to have multiple teeth removed under general anaesthetic. Does the Minister feel that her Department is failing a whole generation of children and condemning them to poor oral health, and when is
the Department going to put the priority on promoting good dental health for young people on our Island?

The President: Minister to reply.

The Minister: Thank you, Mr President.
Obviously, I cannot go into the detail of what we have been discussing within the Department that will be in the strategy, but I can confirm that priority will be given to under-fives, because it is an area, we are aware, that needs addressing. Even though there has been slight improvement in that area, there is a lot to be desired yet, and we need to really work on that area, because it is important that they get into good practices as they grow up, and that it is implanted earlier in their routine. We want to ensure that that happens.
The whole strategy will be published in due course, but it is an area we are focusing on.

The President: Final supplementary, Mr Ashford.

Mr Ashford: Thank you, Mr President.
One of the key aims of the Oral Health Strategy was to reduce the prevalence of dental decay, especially in young children. Can I ask the Minister what the current decay rate amongst children is? It was 2.5 decayed, filled or missing by five at the time of the Oral Health Strategy in 2011. Has that improved? If she has not got the figures with her, will she have them circulated?
Will the Minister also accept, from the answers that we have had today, that the five-year strategy from 2011 to 2016 does not seem to have delivered anything?

A Member: Hear, hear.

The President: Minister to reply.

The Minister: Thank you, Mr Speaker.
From memory, and I will have this checked obviously, and circulated if I am wrong, I think that the dental decay has dropped from 2.5 to 2.3. There has been a slight improvement, but not necessarily because of the things that were in the strategy. So the two did not actually tie up.
I cannot remember the rest of the question, if you would like to remind me?

Mr Ashford: The strategy has failed over the last five years – there has not much been achieved.

The Minister: I do not really consider that you could say that the strategy has failed or that it has achieved, because as I say, it was set in quite woolly terms, without a plan how to action them.
But I can promise that the next strategy will be far more robust and will be measurable and will have targets and we will certainly be doing our utmost to improve matters over the next five years.

12. Oral Health Strategy –
Plans for updated strategy

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Health and Social Care:

What plans her Department has for an updated oral health strategy?
The President: That brings us on to Question 12 on the same subject. Mr Ashford.

Mr Ashford: Following nicely on from that, Mr President, can I ask the Minister for Health and Social Care, what plans her Department has for an updated oral health strategy?

The President: Mrs Beecroft to reply.

The Minister for Health and Social Care (Mrs Beecroft): Thank you, Mr President.

As I said before, the Oral Health Strategy covered the period 2011 to 2016 and included objectives relating to dental public health and the delivery of, and contracting for, dental and orthodontic services. The Public Health Directorate has just completed an evaluation of the outcomes from the strategy in order to inform a new strategy for the next five-year period, 2017-22. This evaluation will form the basis of a refreshed and renewed strategy, and a key difference between the new strategy and the previous one will be that the new strategy will focus on health improvement through a public health approach. The strategy development and implementation plan will be led by the Public Health Directorate; responsibility for the delivery of dental services, contracting and commissioning issues will remain with the contractor services.

Our Dental Epidemiology Survey indicates that 27.6% of our five-year-old children have dental decay. This is an improvement on levels at the start of the previous strategy, but is still too high. Our strategy will need to include clear plans for increasing tooth-brushing, regular dental checks and applications of fluoride varnish, as well as clear and consistent advice and information about sugar in the diet. Dental decay is not uniformly distributed across children in our population, it disproportionately affects children in poorer and more deprived households. Our strategy will therefore need to include universal interventions offered to all families but also interventions targeted to those with most need and capacity to benefit. The evaluation of the 2011 strategy will be discussed within the Department this month, after which work on the new strategy and implementation plan will commence.

The President: Supplementary, Mr Ashford.

Mr Ashford: Thank you, Mr President.

Can I ask the Minister, to use her own words, if she will make absolutely certain that this strategy is not woolly like the previous one, and that it will also meet SMART objectives in the fact it will be definable and measurable?

Can I also ask the Minister: will there be full involvement with the service providers, in particular around contracts, and if any of those contracts and the terms of them need to be reviewed?

The President: The Minister to reply.

The Minister: Thank you, Mr President.

I am happy to confirm again, as the questioner would like me to, that it will not be woolly, we will have targets, we will be measuring, etc. because those are things that I think should be in any strategy. I am sure there will be involvement with the dental practitioners themselves, because the strategy will no doubt be going out for consultation anyway and I am sure that their views would be sought as a matter of course.

The President: Final supplementary, Mr Ashford.

Mr Ashford: Thank you, Mr President.
While the Minister might be sure that the providers will be consulted, will she undertake to ensure that they are?

**The President:** Minister.

**The Minister** I am quite happy to, Mr President, thank you.

### HOME AFFAIRS

#### 13. Lord Street Police Station –
Long-term plans for future use

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Home Affairs:

*What long-term plans his Department has for the future use or disposal of Lord Street Police Station; and if he will make a statement?*

**The President:** Question 13, Hon. Member for Douglas North, Mr Ashford.

**Mr Ashford:** Thank you, Mr President.

Can I ask the Minister for Home Affairs, what long-term plans his Department has for the future use or disposal of Lord Street Police Station, and if he will make a statement?

**The President:** I call on the Minister for Home Affairs, Mr Malarkey.

**The Minister for Home Affairs (Mr Malarkey):** Thank you, Mr President.

In answer to the Hon. Member’s enquiry, I can confirm that the Department no longer has an operational need for the Lord Street Police Station building and we are currently in the process of transferring the ownership of the building to the Department of Infrastructure, who are responsible for the Government’s property portfolio. I believe that they have identified the building provides good quality office accommodation and will be utilising the space accordingly.

**The President:** Supplementary, Mr Ashford.

**Mr Ashford:** Thank you, Mr President.

While I accept what the Minister said that his Department has no further use for it, the Minister says it has been identified that it may be used for office accommodation. Can I ask is that just pie-in-the-sky thinking, or is there actually someone who has already expressed an interest and perhaps even about buying that particular site?

**The President:** The Minister to reply.

**The Minister:** Thank you, Mr President.

Firstly, I am not aware of anybody expressing any interest about buying the site. Secondly, the Hon. Member should really now refer these matters to the Minister for DOI, who now has the responsibility for the building.

What I can tell the Hon. Court is that I believe, at the moment, Transport are using the ground floor and part of the first floor, and there is really good office equipment there. With the Government policy of ‘get out of rented properties and go into properties where we actually own the property’, I think this is an ideal building for that very reason, Mr President.
The President: Supplementary, Mr Speaker.

The Speaker: Thank you. Given the Department’s withdrawal from the Lord Street Police Station site, have the Constabulary identified any other locations in Lower Douglas from which to provide a police presence?

The President: The Minister to reply.

The Minister: Not at this time, but it is something we are looking at, Mr President.

14. Police (Detention and Bail) Bill 2017 –
Reasons for six-year delay

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Home Affairs:

What work is being undertaken to identify the failings that led to the Police (Detention and Bail) Bill 2017 being delayed by six years; and what steps he is taking to ensure these are addressed?

The President: Question 14, Hon. Member for Ramsey, Mr Hooper.

Mr Hooper: Thank you, Mr President. I would like to ask the Minister for Home Affairs, what work is being undertaken to identify the failings that led to the Police (Detention and Bail) Bill 2017 being delayed by six years; and what steps he is taking to ensure these are addressed?

The President: The Minister to reply, Mr Malarkey.

The Minister for Home Affairs (Mr Malarkey): Thank you, Mr President. I would like to thank the Hon. Member for Ramsey for providing me with this opportunity to highlight the results of the investigation I have undertaken in my Department in relation to why the Police (Detention and Bail) Bill was not progressed earlier.

The facts are that my Department, the Isle of Man Constabulary and the Attorney General’s Chambers were well aware in 2011 of the change in the law in the UK and why the changes were being made. The reason nothing was done earlier is that the then Director of Prosecutions advised that no action was necessary on the basis that United Kingdom case law is only persuasive on the Island, and that action should only be taken in the event of a challenge arising in a particular case; therefore his view being that, as there had not been any challenges on the Island, the issue was unlikely to arise.

As a result, there were actually no failings in either identifying the UK law changes, or in taking action, because the legal advice received in my Department at the time was that my Department did not need to take any action until a challenge arose.

The President: Supplementary, Mr Hooper.

Mr Hooper: Thank you, Mr President. So it was the case five years ago that UK case law was only persuasive on the Island. Can I ask the Minister what has changed since then that occasioned us rushing through this piece of legislation?
The President: The Minister to reply.

The Minister: Thank you, Mr President.

Well, in the last five years we have a new Attorney General and we have changes within the Attorney General’s office. My Department is guided by the Attorney General’s office.

I believe it was brought to the attention by a senior officer and discussions in the Attorney General’s office that possible cases in the near future could have been affected by us not implementing this law at this time. My understanding is that is why it was decided that before the summer recess we had to progress with this because of the new legal advice coming out of the Attorney General’s office.

The President: Mr Hooper, supplementary.

Mr Hooper: Thank you, Mr President.

So is it the case then that UK case law is no longer only persuasive in the Island and is the Minister taking wider advice on this issue?

The President: I wonder if it would be helpful to the Court if Mr Attorney –

The Attorney General: Thank you, Mr Speaker.

If I could possibly help Hon. Members: when I introduced this Bill, and it is now signed today, I did make it clear to Legislative Council, and I think it was also made clear in your Hon. Court, the House of Keys, that I did make enquiries in Chambers to see whether or not I had any record whatsoever of any advice which was given in 2011. I told Legislative Council and I can tell you, Hon. Members, that I did not find anything. So when I was told recently by the Hon. Minister Malarkey that his Department had discovered that advice was given, it was news to me.

I have still not been able to find any written advice which was given by the then Director of Prosecutions in 2011, but I have got no reason to challenge or question the fact that the Chief Constable, for example, has a clear recollection that he was told by the then Director of Prosecutions that there was no need to take action and that we should wait and see, perhaps – and I think those were the Director’s words – if any challenge was made.

What has changed, Hon. Members, is I entirely disagree with that advice and I think that is the simple fact of the matter. It would be looking to solve a problem after the horse, to put it this way, had bolted from the stable and the stable door was closed. We were then facing a challenge and I honestly say that I do not believe this Hon. Court would then have been persuaded, or would perhaps justifiably have sought to introduce retrospective legislation. We would have been then introducing that legislation in the knowledge that a claim had actually been made. When this Bill was moved, and as I stand here today, no claim has been made.

So it was on that basis that I entirely disagreed with the previous Director of Prosecutions’ advice and it was on my advice that the Bill was then brought forward as a matter of urgency.

The President: Minister to reply.

The Minister: I would just like to thank the learned Attorney General.
15. Horse excrement from horse tram service—Timely clearance

The Hon. Member for Douglas East (Miss Bettison) to ask the Minister for Infrastructure:

_What steps he has taken to ensure that horse excrement from the horse tram service is cleared in a timely manner?_

The President: We turn now to Question 15, Hon. Member for Douglas East, Miss Bettison.

Miss Bettison: Thank you, Mr President.

I would like to ask the Minister for Infrastructure, what steps he has taken to ensure that horse excrement from the horse tram service is cleared in a timely manner?

Two Members: Hear, hear.

The President: I call on the Minister for Infrastructure.

The Minister for Infrastructure (Mr Harmer): Thank you, Mr President.

Hon. Members will know that my Department took over the Douglas Bay Horse Tramway last year. Unfortunately the former operator, Douglas Borough Council, declined to sell the Scarab mini-sweeper that it used to clean the centre of the promenades.

As the sweeping of the roads in Douglas is the responsibility of the Council and the tramway is only operated for a limited time, there was little justification in buying a new sweeper for the task. However, we have recently allocated an old sweeper that has just been replaced, to the work, allowing tramway staff, once trained, to sweep the centre of the Promenade in the middle of the day.

Several Members: Hurray.

A Member: Great news!

A Member: All the big issues.

16. DOI tenders – Value of bids to the local economy

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Infrastructure:

_Whether tenders issued by his Department allocate any weighting to the value of a bid to the local economy?

The President: Question 16, Hon. Member for Ramsey, Mr Hooper.

Mr Hooper: Thank you, Mr President.

I would like to ask the Minister for Infrastructure, whether tenders issued by his Department allocate any weighting to the value of a bid to the local economy?
The President: The Minister for Infrastructure, Mr Harmer.

The Minister for Infrastructure (Mr Harmer): Thank you, Mr President.

All contracts tendered by the Department in liaison with the Procurement Services are evaluated on a weighting between price and quality. Whilst I recognise the added value of local procurement there are of course times when off-Island suppliers are so much cheaper that there is no option. Of course quite a lot of what we buy cannot be supplied locally, though even in these cases we often buy through local agents.

I am aware a new procurement policy is in front of Members for debate at this sitting of Tynwald which includes provisions on how Departments can best realise local economic benefits. If approved, this Department will of course follow it. I am keen to support the Treasury Minister in his efforts to balance local supply and best value.

In relation to tenders involving construction works, which form a large part of the Department’s tendered matters, the Department along with the rest of Government must use accredited contractors on the MACCS list – Manx Accredited Construction Contractors Scheme – maintained by the Isle of Man Employers’ Federation.

The President: Supplementary question, Mr Hooper.

Mr Hooper: Thank you, Mr President.

I would like to thank the Minister for that Answer. Does he agree that when assessing tenders the consideration should be given to how much the individual bid will affect the local economy, not just in immediate financial terms but also to the extent of supporting wider diversification of the economy?

The President: Minister.

The Minister: Thank you, and I thank the Hon. Member for his question. Yes, I completely agree. For example, we do not source bitumen on the Island but it is important that we progress that through a local supplier rather than going directly.

17. Peel Marina –
Continuing inability to dredge

The Hon. Member of the Council, Mr Crookall, to ask the Minister for Infrastructure:

If he will make a statement on the continuing issue of not being able to dredge Peel Marina?

The President: Hon. Member of Council, Mr Crookall. (Interjection by Mr Crookall)

Yes, Question 17.

Mr Crookall: Thank you, Mr President.

I would like to ask the Minister for Infrastructure, if he will make a statement on the continuing issue of not being able to dredge Peel Marina?

The President: The Minister for Infrastructure to reply.

The Minister for Infrastructure (Mr Harmer): It will come as no surprise to the Hon. Member of Council to know that I share his concerns regarding the silt issues of the River Neb and Peel Marina. Extensive work is currently taking place across Government to put in appropriate
solutions. As the Department has already stated publicly, analysis of the silt taken from the marina at the beginning of the year has shown that it contains a level of heavy metal contamination, a legacy of historic industrial activity, which ruled out disposal at sea this year. As a result there is no dredging this year.

The Department has given a discount on marine fees for 2017 to 2018 to the owners of vessels in affected areas, whilst continuing to explore options to support the maintenance of Peel Marina and restore the impounded area inside the flap gate to its published depths. To that end, a Peel Marina Project Board has been set up by the Department, chaired by the Hon. Member, Tim Baker MHK, the political Member for the Ports Division, with attending officers across Government. The terms of reference for this board gives a clear focus on trying to get solutions implemented to allow normal operation of Peel Marina in 2018 and 2019 while also considering the long-term future.

The board was set up in April and there have been three meetings so far with several parallel workstreams being pursued, from potential disposal sites on Island, dewatering methods, differing methods of disposal and prevention of silt accumulation – to name just a few. I would be pleased to give Hon. Members an update on the progress of the Department towards the end of this calendar year, when the Peel Marina Project Board should be in a position to report its progress.

The President: Supplementary, Mr Crookall.

Mr Crookall: Thank you, Mr President.
I must start off by saying I am delighted to hear about the set-up of the project board. It was not something that I was aware of and I am sure a lot of people are delighted to hear that, especially those who use the facilities in Peel; and probably Douglas as well because I note that is starting to silt up.
Can I first ask the Minister if he will take on board the silt traps in Douglas, and certainly in the areas of Peel Harbour which are full again and need doing urgently to stop any further debris getting into the harbour? And would he agree with me that the situation we have really is totally ridiculous and unsustainable: that Peel Marina has been open for probably 10 years and we have 3,000 to 4,000 tonnes every year, which are his own Department’s figures, coming into the harbour? We have known we have this problem and yet year on year, despite the Department either trying to buy in a boat and trying to do it with their own stuff or bringing in people, we still have not got an answer to this.
Will he give an undertaking to look at the silt traps and to update everybody as soon as possible?

The President: Minister to reply.

The Minister: Thank you, Mr President.
I completely agree on both, looking at the silt traps and agreeing that we will give an update, and this is why it does need this cross-Government focus. I think what we were finding is that one Department would be looking at one thing and another Department would look at something else – so actually bringing those people together and giving it the focus that it needs.
It is incredibly frustrating and I just share the Hon. Member’s frustration in all of this and we will be moving forward.
18. Area Plan for the East Site Assessment Framework –
Addition of sites without permission

The Hon. Member for Onchan (Mr Callister) to ask the Minister for Policy and Reform:

*Why a number of sites were added to the Area Plan for the East Site Assessment Framework without the landowners’ permission; and what assessment he has made of the stress that this has caused for the landowners and their neighbours?*

The President: Question 18, Hon. Member for Onchan, Mr Callister.

Mr Callister: Thank you, Mr President.

Can I ask the Minister for Policy and Reform, why a number of sites were added to the Area Plan for the East Site Assessment Framework without the landowners’ permission; and what assessment he has made of the stress that this has caused to landowners and their neighbours?

The President: I call on the Minister for Policy and Reform, Mr Thomas.

The Minister for Policy and Reform (Mr Thomas): Thank you, Mr President.

As part of the statutory process to develop the Area Plan for the East, all potential sites have undergone preliminary assessment. The associated draft reports are simply that; and they do not indicate that the sites are preferred in any way. This is why the Eastern Plan work has involved extensive public consultation which will continue throughout the making of the plan. Indeed the main preliminary publicity report stresses the importance of, and encourages, public comments and representations.

Out of 187 sites initially assessed, 63 were attributed as being suggested by Cabinet Office and reasons largely relate to available evidence, i.e. there being undeveloped allocations in current local plans, sites identified through the Employment Land Project, knowledge of Government-owned sites, and sites outlined in the Central Douglas Masterplan area, and evidence of unimplemented planning approvals.

Where sites did not come through via such evidence there were attempts to contact landowners, but there were few cases where this was necessary. I accept that the plan-making process is an emotive subject; I have first-hand understanding from the public meetings I have attended with officers, including in Onchan. You may, for instance, be a landowner hoping to have your land allocated for a particular purpose, or you may live in the plan area. Understandably, the process may cause worry and that is why there is very real purpose to the public consultation.

Anyone – landowners, concerned residents, developers, local authorities – can get in touch. I can assure you that ahead of the publication of any draft plan, consideration will be given to all views and these will inform the content and format of the draft plan.

The President: Supplementary question, Mr Callister.

Mr Callister: Thank you, Mr President.

I thank the Minister for his response, but will he now apologise for the considerable stress caused to the constituents of Onchan who were shocked to discover that their gardens and surrounding areas were added to the East Assessment Framework, without any consultation to the residents or any formal notice being issued – many of these submissions, as outlined already by the Minister, by his Department?
The President: The Minister to reply.

The President: The Minister to reply.

The Minister: Thank you very much, Mr President.

The Minister: Thank you very much, Mr President.

As I said, sites are added to the procedure which is carried out according to law, because of some evidence. For instance, there are some sites in Onchan, which I imagine is where the gentleman from Onchan is talking about, which were unallocated ... which are allocated already for development inside the Onchan local plan, and that in itself is evidence sufficient to include them at this stage.

Differently to the suggestion made by the hon. questioner, perhaps it can be reassuring for any people who find themselves in that situation that as part of a definitive process inside law a decision will be made about the development status which has been there for a number of years going forward as part of the actual Eastern Area Plan.

The President: Supplementary, Mr Callister.

The President: Supplementary, Mr Callister.

Mr Callister: Thank you, Mr President.

Mr Callister: Thank you, Mr President.

We are not talking about sites here, Mr President, that are unallocated or have not been used or just lay to waste; we are talking about people’s gardens. We are talking about a house in the middle of a garden and the garden has just been added to the Eastern Plan, again, which has caused considerable stress to a number of constituents in Onchan.

I again ask the Minister, will he apologise for the stress that his Department has caused to these residents and their neighbours?

The President: Minister.

The President: Minister.

Unfortunately the hon. questioner has to be factually inaccurate in what he has just said –

Mr Callister: I am not!

Mr Callister: I am not!

The Minister: – because there is no such thing as the Eastern Area Plan, as yet. There is a preliminary publicity to encourage submission of evidence into the process of developing the Eastern Area Plan.

It is my understanding that there are sites, at least one site, certainly one site in Onchan, which is allocated for development in the Onchan Local Plan and conceivably that is the site that is being suggested in this question. In which case, that is the reason for this site being considered as part of the Eastern Area planning process. It is apparently a garden, if this is the right site it is a garden that is allocated for development in the Onchan local planning process.

The President: Mr Callister.

Mr Callister: Mr President, thank you.

Mr Callister: Mr President, thank you.

It is the Minister that is wrong on this and I am more than happy to show him the Eastern Plan where this house and the surrounding garden has been added to the Eastern Plan.

The lady in question – or one of the ladies, of several people that have complained – is in her 80s. She has no intention of selling that site, but the Minister continually leaves his assessment there.

Can I ask the Minister, again, to apologise publicly for the stress that he has caused to Onchan residents?

The President: It is getting a bit repetitive on the supplementaries.

Mr Thomas.
The Minister: Thank you, Mr President.
I believe I know the site that is being talked about, but it has never been identified.
If it is the same site that we are talking about, I repeat, the information I have is that this piece of land is allocated currently for development in the Onchan Local Plan and I repeat there is no such thing as the Eastern Area Plan.
At the moment we have sites that came forward in various ways that are being assessed according to the published site assessment framework.
Of course, I make an apology to anybody who has suffered any discomfort in the process, but I would like to think that Onchan MHKs will join with me in explaining the situation, which is that there is no Eastern Area Plan and at the end of this process it might be that this land could be taken away. If it is the same site that I have information here about, I understand there has been regular contact between officers and the people in question.

The President: Supplementary Ms Edge.

Ms Edge: Thank you, Mr President and thank you to the Minister for his clarification.
I just want to really stand up in support of the Minister. At the open meeting in Onchan with regards to the Eastern Area Plan, it was clearly said that the Eastern Area Plan would go out to consultation. And the number of people that were there with concerns with regard to parts of their property did clearly have the opportunity to speak to the Minister, and the Minister confirmed that.
As an Onchan MHK, I am aware that that will go out to consultation for the Eastern Area Plan.

The President: It is a statement, rather than a question.

Ms Edge: I am just supporting the Minister!

19. Castletown Housing Review and Southern Plan – Statement

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Policy and Reform:

When there will be a statement on the housing review for Castletown and the Southern Plan?

The President: Question 19, Hon. Member for Arbory, Castletown and Malew, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr President.
I would like to ask the Minister for Policy and Reform, when there will be a statement on the housing review for Castletown and the Southern Plan?

The President: Minister for Policy and Reform.

The Minister for Policy and Reform (Mr Thomas): Thank you, Mr President.
The priority, as agreed in the Programme for Government, is the Areas Plan for the East and I will set out more details later on this sitting in that respect.
I am pleased to say, though, that steady progress is being made on the Castletown Housing Review and I plan to make a further statement on the matter to Tynwald in October.
I have asked officers to write to Castletown Commissioners to update progress.
The President: Supplementary, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr President.
Does the Minister recognise the potential importance of the housing review for the growth opportunities in the town?

The President: Mr Thomas.

The Minister: Thank you Mr President.
Housing and planning process are all policy decisions that are currently underway and I do acknowledge that the reason this partial review was added into the Government programme, back in 2016, as part of the Strategic Planning Review process, was because of the potential benefit for Castletown, the south, and the whole Isle of Man.

TREASURY

20. Scottish Power –
Final report of independent QC

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for the Treasury:

Whether he has received the final report from the independent QC in respect of Scottish Power; when he will be discussing it with the Isle of Man Financial Services Authority; and when he intends to lay it before Tynwald?

The President: Question 20, the Hon. Member for Ramsey, Mr Hooper.

Mr Hooper: Thank you, Mr President.
I would like to ask the Treasury Minister whether he has received the final report from the independent QC in respect of Scottish Power; when he will be discussing it with the Isle of Man Financial Services Authority; and when he intends to lay it before Tynwald?

The President: I call on the Treasury Minister, Mr Cannan, to reply.

The Minister for the Treasury (Mr Cannan): Mr President, the Isle of Man Financial Services Authority provided me with two reports on 30th June 2017.
The first report was written by Mr Charles Flint QC, an independent expert commissioned by the FSA to undertake a review on the role of the Insurance and Pensions Authority in relation to the failure of Tower House Insurance Ltd.
The second report was written by the Financial Services Authority and is addressed to me which sets out the key findings of Mr Flint QC, along with the response of the Authority to the conclusions of Mr Flint’s report, including highlighting the regulatory and supervisory developments which address the matters observed.
This second report was published by the FSA on 13th July 2017 and is available, as I am sure the Hon. Member is aware, through its website. The report includes an unabridged copy of chapter 10 of Mr Flint QC’s report in which Mr Flint QC summarises his conclusions arising from his independent review.
Shortly after receiving both reports, I met with the FSA on 7th July to discuss this matter.

The President: Mr Hooper, supplementary.
Mr Hooper: Thank you, Mr President.

Following the Treasury Minister’s confirmation on 14th March that the report would cover all the issues, can he advise why the remit of the report excluded events and evidence obtained after 2010 as well as specifically prohibiting discussions with former directors, managers, legal advisors, auditors and the liquidators of both PIL and PPCL?

The remit of the report also states that further instructions are potentially to follow in this regard. Can the Minister confirm he will be asking the FSA to consider taking further actions in this case?

The President: Treasury Minister.

The Minister: Mr President, we have received a report as requested and in response to many of the questions that have been raised by some of the Hon. Members who are currently in this Court.

I have received an extensive report into this matter which has been summarised effectively in the report to the Treasury Minister, which is now available on the website.

I believe that report covers the key areas of concern and at present there is no plan for any further action.

The President: Mr Hooper.

Mr Hooper: Thank you, Mr President.

Given that the report that has been published concludes on page 34, in relation to the intergroup loans, that:

The directors failed to properly consider the risks of that lending ... and:

That financing was contrary to the company's investment guidelines, imprudent, and not in the best interest of PIL.

is the Minister satisfied with the conclusion therefore that there are no grounds for further action against the directors and will he pursuing this with the FSA?

The President: Treasury Minister.

The Minister: Mr President, this report was written by a highly experienced QC. He has clearly looked at the facts of the situation that he has been asked to look at. He has considered the facts and he has come to his conclusions. His conclusions are very clear:

There are grounds for serious criticism of the decisions made by the Board of PIL in relation to the financing advance to the Powerhouse Group [of Companies], but the evidence would not support any application to the court for a directors' disqualification order, or for any other regulatory action against the former directors.

As I said before, there are currently no plans for any further action.

The President: Final supplementary, Mr Hooper.

Mr Hooper: Thank you, Mr President.

I am glad that the Minister there referenced the conclusions. I wonder if the Treasury Minister could advise if he will be following up with the FSA on how, when the same evidence has been reviewed and assessed by a number of professional parties,
including the APPG in the UK and both professional liquidators, that this individual report can reach completely different conclusions to those parties?

A Member: Hear, hear.

The President: Mr Cannan.

The Minister: Mr President, I am not going to comment on what evidence the APPG looked at and what evidence Mr Flint QC looked at.

What I will say to the Hon. Member who is raising these issues is that whilst, quite rightly, the focus has been within this context on the actions of the Isle of Man companies involved, at no time, as far as I am aware, despite all these reports, has any formal action being taken against Scottish Power, the company who was actually delivering these cash-back warranties. And that is despite all this huge amount of evidence that has been collected by various parties, including the APPG, including the liquidator appointed to look into these schemes.

Of course, I believe that actually as a Government we have listened to the concerns, we have acted responsibly and we have now got a report from a QC who has clearly looked at the significant areas of concern and produced his conclusions from that.

As it stands at present, therefore, I am satisfied that so far we have acted totally properly to investigate matters that started some 20 years ago and concluded some 13 years ago; a considerable time in the distance.

That, of course, does not preclude us from taking any further action in the future. But, as it stands at the moment, I have this report in front of me, a very detailed report, that was given by Mr Flint, within the remit that he was asked to investigate and he has obviously reached a number of conclusions. I expect that those conclusions will not go down well in some quarters but, nevertheless, the report, I believe, has been carried out with the upmost integrity and the upmost professionalism.

As I said to the Hon. Member, as it stands at the present there is no current consideration for any further action, as I believe that many of the issues highlighted, particularly in respect of the regulator, have been addressed over the years as the regulator has looked to improve its risk management of these situations, looked at issues around solvency criteria and capital adequacy of some of these structures.

So I very much hope we are in a much better position now, 13 years on from the conclusion of this saga, than where we were during this period.

ECONOMIC DEVELOPMENT

21. Enterprise Development Scheme – Progress

The Hon. Member for Douglas North (Mr Peake) to ask the Minister for Economic Development:

What progress has been made with the Enterprise Development Scheme?

The President: Question 21, the Hon. Member for Douglas North, Mr Peake.

Mr Peake: Thank you, Mr President. I would like to ask, what progress has been made with the Enterprise Development Scheme?

The President: I call on the Minister to reply, Mr Skelly.
The Minister for Economic Development (Mr Skelly): Gura mie eu, Eaghtyrane.

The Enterprise Development Scheme was approved by Tynwald in October 2015 and the Scheme Manager, Spark Impact was appointed by the Department in March 2016. The Scheme makes available a total of £50 million for loans and equity investment for eligible businesses creating jobs in the Island.

Since the start of the Scheme, Spark has made four loan or equity investment deals, which will bring a forecast 109 additional jobs to the Isle of Man over five years of investment.

Five more investment deals are targeted to be completed in the next few weeks. These will potentially bring another 28 jobs to the Island in the first year of investment, with a further 88 jobs thereafter.

There are another 63 proposals currently being reviewed by Spark.

The total amount invested under the Scheme so far is £1.38 million. After a relatively slow start to the Scheme it is now gathering real momentum and with a strong pipeline of deals showing I expect further investments to build a strong and diverse portfolio of companies.

In addition to the Enterprise Development Scheme, in the previous financial year the Department has provided over £3 million in other grants and assistance to 120 companies and in total supported the creation of a minimum of 221 jobs, but with aspirations for 270 jobs.

The President: Supplementary, Mr Peake.

Mr Peake: Thank you, Mr President and I thank the Minister for his reply.

In the detailed Government accounts this year it says that the investment is £1.6 million at a cost of fees of a quarter of a million.

As you say, a slow start, building stronger, when do we hope to see a return on the investment and is the measure of jobs the only measure we are going to have for this success?

The President: Minister to reply.

Yes, I think the Hon. Member highlights the point with regard to fees attached to it. These are investment fees, obviously involved with this nature of investment. Those fees are to be consumed within the self-sustaining nature of the scheme and that was the whole intention of it being a loan and equity scheme rather than a grant scheme, which we do operate within the Department at a lower level. So fees that are involved there will actually be consumed in the self-sustaining future of the scheme.

I would also recognise, as stated in the original Answer, it has been relatively slow to start. There have been regulations that needed to be in place with regard to licensing that took some time. Now we have got, as I would suggest, real momentum with several deals in the pipeline.

It is worth noting there is a lot of work that goes into these proposals. Having had 228 proposals received, 156 of those actually had been rejected, so there is work in evaluating them and even in the rejection as opposed to those that are approved.

A question in two parts if I might: firstly, with about £250,000 in fees compared to about £1.3 million invested, is the Minister content with the ratio of fees to activity?

Also, given the relatively small value of the applications over the last year what is that telling him in terms of either the attractiveness of the scheme or the availability of finance elsewhere?

The President: Minister to reply.
The Minister: Gura mie eu, Eaghtyrane.

I thank the Loayreyder for his question. In terms of the ratio that is exactly in line with the agreement. Spark Impact were appointed through a procurement process which represented the value in the central consideration and those fees are exactly in line with what we expected.

In terms of the value, yes, only time will actually tell in respect of that because we do have to take into consideration this is about investment and therefore, as highlighted, there have been a number that have been rejected and there have been a few that have been accepted.

They are creating real jobs and we are looking forward to more of those coming forward in due course.

The President: The Hon. Member for Ayre and Michael, Mr Baker.

Mr Baker: Thank you, Mr President.

Could the Minister advise typically what level of investment he would expect to see in terms of individual deals? Clearly there is a lot of work involved in administering each proposition and evaluating it, and is he confident that, with the deal flow that is emerging, actually the fund is going to spend the £50 million that has been allocated to it in a reasonable timeframe?

The President: Mr Skelly to reply.

The Minister: Gura mie eu, Eaghtyrane.

Yes, I take the Hon. Member’s point there. We do need to understand the deal flow that is going to represent real value and I might want to highlight the minimum timeframe, because we have had obviously feedback on how long it actually takes to go through the various rounds to see whether you will be approved or not, whether that be for a loan or for equity, and the minimum time period is 12 weeks. That is assuming everything is actually online and they do have all the relevant information.

We do have a monitoring committee that does oversee this, it is not just the Department. The Department has actually had a presentation and an update from the chair of that independent monitoring committee recently, whereas we have done what we would regard as a health check on the scheme, which has been very helpful to understand exactly how it should perform and what we should be expecting.

The President: Mr Speaker.

The Speaker: Thank you.

I am just a little confused about the set-up here. Are the fees then fixed rather than variable so are these fees payable to the Spark investment company anyway or are they actually related to the amount of transactions and deals that they are monitoring and testing?

The President: Minister.

The Minister: Gura mie eu.

As I understand it those are variable, those fees, and it would depend on the actual nature of the deal that is actually being struck. Again, whether that be a loan or whether that actually be equity.

In all cases, the point is that when any deal is struck it is also very clearly defined the exit strategy so that we do understand what we expect in terms of return.

Hon. Member, Mr Peake, highlighted the matrix with regard to the value for jobs. Yes, jobs are very important, but we are also looking for a fiscal return and the aim is for the scheme to be self-sustaining.
The President: Hon. Member, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

Could the Shirveishagh indicate as to where the elements of this supervisory committee sit in relation to the investment managers?

Can he give us an indication of the Department’s thinking with regard to fees charged compared to other investment managers and value for money in that, and are the fees charged the only element of a payment structure to those particular investment managers?

The President: Minister to reply.

The Minister: Yes. Gura mie eu, and I thank the Hon. Member of Council for his question.

Yes, as far as I understand, those fees are connected to the investment management of the actual scheme.

In terms of the independent monitoring committee, just a couple of months ago, we received in the Department a presentation on their role and their responsibility, to help us understand as a Department – particularly as a new Department and new administration – how that actually does operate.

What I would conclude to do – and I think it would be very helpful for Members – is if I did a briefing to Members in the future regarding the scheme, because now it is in flow I think it would be very helpful to get a gauge for how it is meant to operate; and I would highlight whilst this is about businesses investing in the Isle of Man, it is open to businesses right here on the Island as well at the same time.

The President: Hon. Member, Mr Baker.

Mr Baker: Thank you, Mr President.

I would like to thank the Minister for his answer to the question – or to the question that I did not ask ... sorry, for his answer to a question! (Laughter) He did not answer the question I actually asked, so could I ask him again: what does he think the typical deal size is going to be and whether he thinks the £50 million will be spent in a reasonable timescale?

The President: Reply, sir.

The Minister: Thank you.

I do not believe we have a set figure in mind as to what that typical deal would actually be. Clearly, what we are looking for is what is going to represent value; and, to get back to the jobs issue, we would obviously have a very high value connected to the jobs and that investment to the Island. Also we must respect this is externalised, and externalised for a very good reason – that we have experts in the field who are advising us in terms of the investment that is required, whereas we, the executive, actually play a role in that determination. So we do not have a predetermined figure as to what we believe is the standard investment.

Lastly, the question with regard to the £50 million: that will depend on the recommendations coming forward. We believe it is fairly generous. We would also recognise – and I think Loayreyder had actually highlighted there – are there other schemes out there? Yes, there are other funding mechanisms and we are aware that sometimes joint applications do come forward connected to business angel networks and so forth as well at the same time.

The President: Hon. Member, Mr Shimmins.

Mr Shimmins: Thank you, Mr President.
Based on the figures that we have heard today, the total fees that would be paid on the £50 million equate to £9.6 million; is the Minister content that represents good value?

**The Speaker:** Twenty percent arrangement fee.

**The Minister:** Gura mie eu.

Just like a bank, I would expect if we are to get a return on that £9.6 million and it is self-sustaining then, yes, I would expect that to be good value.

**The President:** Mr Moorhouse, Hon. Member.

**Mr Moorhouse:** Thank you, Mr President.

Of the 156 proposals being rejected, how late in the process is this occurring and are additional companies choosing to withdraw from the process?

**The President:** Minister to reply.

**The Minister:** Gura mie eu.

We do not have the details on all of those applications that are rejected and it is for a host of different reasons; and many of those, I might point out, are not actually at the stage where they should be gaining this type of level of investment in terms of loan or equities. So in many cases they are unprepared and need further developing, so it is very possible some of those could be actually coming back.

However, if they do go through the process I can highlight that there is an appeal option available and there are companies who can follow through that. Again, I think it would be very helpful once more to give Members a full briefing of that so they understand the workings.

**The President:** Final supplementary, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyran.

Can the Shirveishagh confirm when he does organise the Tynwald Members’ briefing on this subject that we will have the name of the supervisory committee or persons involved in that and some sort of documentation of their supervision activity as to what their assessments are so far of the activities of the fund managers – if I can call it that?

Would he also agree to assess the fees paid to, or collected by, this particular fund manager, compared to other Government fund managers and in respect of if we are indeed having value for money here?

**The President:** Minister.

**The Minister:** Yes, gura mie eu.

Yes, I would fully intend to do a very similar presentation as we had with the Department, where we would have Spark Impact actually do the first half of the presentation and we would have the independent monitoring committee chair do the second part of that presentation, so you have the full picture of how it should be operated.
The Hon. Member for Onchan (Ms Edge) to ask the Minister for Education and Children:

What, if any, teacher training opportunities are in place within (a) primary schools; (b) secondary schools; and (c) University College Isle of Man?

The President: Question 22, Hon. Member, Ms Edge.

Ms Edge: Thank you, Mr President.

Can I ask the Minister for Education and Children what, if any, teacher training opportunities are in place within (a) primary schools; (b) secondary schools; and (c) University College Isle of Man?

The President: I call on the Minister to reply, Mr Cregeen.

The Minister for Education and Children (Mr Cregeen): Thank you, Mr President.

I have taken it that the Question relates specifically to initial teacher training, not PDR, and in that case the picture is mixed across different phases.

Because there has been little difficulty in recruiting primary teachers to the Isle of Man, there is currently no initial teacher training route available on Island. Local students typically complete teacher training through a university or training school in England or other jurisdiction, and then secure a teaching post on Island. Following this, they are able to complete their newly qualified teacher induction year in Island schools.

Currently, DEC offers two main pathways to support qualification of the small numbers of secondary school teachers in difficult-to-recruit subjects: the CertEd or FAHE or the CertEd Post-14 Education at UCM followed by professional formation; and award of QTLS, the assessment-only route through university that leads to the award of qualified teacher status. These training posts are advertised locally if a school is unable to appoint a qualified teacher and has the capacity within its own team to support, develop and assess staff to new teaching.

According to our most recent human resources records, there are eight staff in our secondary schools undertaking training using these routes currently. As a Crown Dependency, the Isle of Man cannot unilaterally offer initial teacher training locally through such routes as the School Direct model adopted by Schools Alliance in England. In the past a Post-Graduate Certificate in Education for primary schools has been offered at University College Isle of Man, resulting in Manx-qualified teacher status. This qualification is not necessarily portable to other jurisdictions and could be an option for consideration.

Other ways of developing initial teacher training options on Island are currently being explored by the Department of Education and Children. Clearly, this will, however, be influenced by the consolidation of higher education set out in the Programme for Government. Training of lecturers at University College Isle of Man is, where necessary, undertaken through CertEd accredited by the University of Chester.

The President: Supplementary question, Ms Edge.

Ms Edge: Thank you, Mr President, and thank you to the Minister for his response. I am pleased to hear that he might reconsider the Manx QTS.

Bearing in mind that there is such a shortage within our teaching profession, I think the Manx QTS, although it might not be transferable, might be a solution to some of our issues, so I am
pleased to hear that. I am a little concerned, though, to hear that there are no opportunities within primary and perhaps the Minister could confirm why that is the situation.

**The President:** Minister.

**The Minister:** Thank you, Mr President.

As stated, we have not had an issue at primary schools. It is an area that the Department is keeping an eye on. We are going to be looking at all areas to try to see how we can encourage our young people to go into education; and I think, as most Hon. Members in this Court have seen through the jurisdiction across the water, they are having severe difficulties in teaching, and I am pleased to say the teachers that we have coming over here are really pleased with the education system.

**The President:** Final supplementary, Ms Edge.

**Ms Edge:** Thank you.

Does the Minister perceive any issues with training on site if people are coming back from university? Is it a shortage within the primary sector that is why they have not chosen to train on the job?

**The President:** Minister.

**The Minister:** Thank you, Mr President.

I think what we found previously was that when we did teach our own teachers over here, it was fantastic for them to get into teaching because they were able to qualify on the Island, but later on they may have thought, ‘Oh, I want to transfer this,’ and the qualification was not transferable, which then makes it difficult. So it is something that we will have to have a look at and we have got to keep our eye on the ball.

**HEALTH AND SOCIAL CARE**

**23. Patient Transfer Service – Success of probation period**

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Health and Social Care:

*What criteria were used to assess whether the Patient Transfer Service probation period had been completed successfully; and what weight was given to patient feedback?*

**The President:** Question 23, Hon. Member for Douglas North, Mr Ashford.

**Mr Ashford:** Thank you, Mr President.

I wish to ask the Minister for Health and Social Care what criteria were used to assess whether the Patient Transfer Service probation period had been completed successfully; and what weight was given to patient feedback?

**The President:** Minister for Health and Social Care, Mrs Beecroft, to reply.

**The Minister for Health and Social Care (Mrs Beecroft):** Mr President, during the first three months of the new patient transfer contract with ComCab, the Department closely monitored...
the performance of the service provider. This took the form of encouraging direct customer feedback, the monitoring of an independent Facebook patient transfers page, and surveys of customers who use the service in the first weeks of implementation and then again in week seven and eight.

Using the information from these multiple sources, officers work closely with ComCab to identify how improvements could be made to the service being provided. This has included changes to routes to reduce the amount of speed bumps, additional information provided by the customer to ensure the most appropriate vehicle is utilised for individuals, and improved communication between the patients and the provider.

In the surveys, customers were asked several questions about comfort, safety and if assistance was provided. The results showed an increase in the number of customers receiving assistance, an increase in the numbers who felt comfortable getting into their taxi, an increase in positive responses, and a reduction in negative comments.

The Department has also seen a decrease in the numbers of complaints being received: in weeks one and two, 16 complaints were received, equating to 1.32% of the people travelling; in weeks seven and eight, only seven complaints were received, or 0.6% of people travelling.

It was on this basis that I was able to support a recommendation that the contract be continued beyond the probation period.

I would like to add that the Department will continue to closely monitor the performance of the service provider as part of its ongoing contractual arrangements. It is important that people travelling to appointments in the UK have an effective transfer service between the ports and the hospitals.

The President: Supplementary, Mr Ashford.

Mr Ashford: Thank you, Mr President.

Can I ask the Minister to go back to her Department and check whether all complaints are being treated as complaints and not purely feedback, because certainly the figures she has given there do not tally with the number of people I know who have actually complained to the Department?

Can I ask as well: in the press release saying that the probation period had been completed successfully, it says that the company has a range of vehicles in its fleet, other than black cabs – and that is something that the Minister herself confirmed in a different place on 2nd May 2017, saying they had a minibus; so can I ask the Minister why then Patient Transfer has signed a piece of paper from someone who was trying to book a minibus, saying that they do not have them?

There is clearly still confusion in the service and would the Minister agree with me that patient care is paramount, and when you have got patients who are basically falling out of taxis having to be picked up by their escort, would she accept that is not an acceptable service?

The President: Minister to reply.

The Minister: Thank you, Mr President.

I am not sure that all complaints are not being treated as complaints, and if the questioner has any information on that, I would be happy to receive it and look into it in detail.

Obviously, I do not have information on individual patients who are being transferred. Again, if he has got specific information I would ask him to come and talk to us in the Department and I will get him the answers then; but it is not appropriate to discuss anything of a particular patient on the floor of Tynwald.

He inferred the vehicles were inappropriate because of a patient falling out of them. I am not sure this is the case, because we actually ask all patients who are being transferred for details of the type of vehicle that they need, and this will vary according to their needs.
Again, that is a one-off instance of a particular patient that obviously I do not have the information on and would not discuss it on the floor of Tynwald had I got that information. I would hope he would bring it to the Department and we can look at that particular instance.

With regard to the minibus, I am not aware of that and, again, if he has got details of dates I will look into that.

The President: Supplementary question, Mr Baker.

Mr Baker: Thank you, Mr President.

Could the Minister confirm that at the end of the probation period, so far as she is aware, the expected financial savings – which I think were £30,000 per year – are actually being achieved?

The President: Minister to reply.

The Minister: Thank you, Mr President.

I have not been informed of any changes in that plan, so I assume that is still the case.

The President: Supplementary, Mr Ashford.

Mr Ashford: Thank you, Mr President.

All of the cases that I referred to have already been raised with the Department and in some cases they have not even had an acknowledgement that a complaint has been received, despite chasing the fact.

Can I ask, Mr President: the Minister mentioned there about individual patient needs and patients needing to identify ... would she agree it is unacceptable where patients have identified to Patient Transfer their specific needs, being told, for instance, they might need the vehicle with the removable chair, yet when they actually turn up it is just a Hackney cab that has been sent to them? There are four occasions where that has happened; there have been four occasions it has been complained about to the Department and nothing has been done.

The President: Minister to reply.

The Minister: Thank you, Mr President.

I would agree that if patients are giving the correct information and that is not being translated into the service that they need, that it is not acceptable. But, again, I would ask the questioner to bring his information into the Department so that we can look at this and actually see where the problem is arising and correct that.

24. Orthodontics –
Needs assessments

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Health and Social Care:

What needs assessments have been undertaken for orthodontics in each of the last three years; and what input of providers was sought in drawing up those assessments?

The President: Question 24, Hon. Member, Mr Ashford.

Mr Ashford: Thank you, Mr President.
I wish to ask the Minister for Health and Social Care what needs assessments have been undertaken for orthodontics in each of the last three years; and what input of providers was sought in drawing up those assessments?

The President: Again, the Minister to reply, Mrs Beecroft.

The Minister for Health and Social Care (Mrs Beecroft): Thank you, Mr President.

The last orthodontic needs assessment was commissioned by the Department from the University of Manchester School of Dentistry in 2014.

A health needs assessment is a snapshot of the health needs at a particular time and enables the Department to effectively utilise its resources to improve the health of the population in the most efficient way and has a number of components: firstly, need – that is the capacity to benefit from an intervention; secondly, supply – the available healthcare to provide the intervention; and finally, demand – the express need for intervention.

Needs assessments are informed by providers but need to be objective and independent of those providers. The professor in dental public health who led the needs assessment utilised information gathered from the workload of the orthodontists, both in primary and secondary care. However, it does appear that treatment rates since the assessment have been higher than that expected from the needs assessment itself.

As the Hon. Member will be aware, the Department is in the process of securing new contract arrangements for orthodontic services and has put a temporary service in place while this is done. Once a permanent service is in place, it will be closely monitored to ensure that the treatment is being provided appropriately.

The President: Mr Ashford, supplementary.

Mr Ashford: Thank you, Mr President.

The Minister mentioned there about the short-term service that is in place; I am fully aware of that. The short-term service expires in October, which is not too far away now, Mr President; can the Minister give an undertaking to this Hon. Court that a new service will be in place in time for that expiry in October?

Could I also ask the Minister: as part of that assessment, will the Department be looking at the type of contract; for instance, would a PDS contract or a GDS contract be more appropriate?

The President: Minister to reply.

The Minister: Thank you, Mr President.

The Department is obviously doing its utmost to ensure that the new contracts are in place as soon as possible, but we are not looking to have a contract with just one specific provider; it is going to hopefully be on an ‘any provider’ basis, so if the provider can fulfil what the Department needs, then that provider will be able to carry out the work.

25. Island orthodontic provision – Any Qualified Provider model

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Health and Social Care:

Whether the Any Qualified Provider model is the correct model for orthodontic provision in the Island?
Mr Ashford: Thank you, Mr President.

I wish to ask the Minister for Health and Social Care – and it follows nicely on from that – whether the Any Qualified Provider model is the correct model for orthodontic provision in the Island?

The President: I call on the Minister to reply, Mrs Beecroft.

The Minister for Health and Social Care (Mrs Beecroft): Thank you, Mr President.

Members will be aware that orthodontics is a branch of dentistry dealing with the prevention and correction of irregular teeth by means of braces.

Most courses of orthodontic treatment begin with a referral from a general dentist to a specialist. Depending on what treatment is needed, patients are seen by a specialist in a local primary care practice or by a consultant in hospital. Historically, the Department has followed the type of contract used in England for primary care orthodontics. This meant that the Department contracted with a sole provider for a fixed period to undertake primary care orthodontics services on the Isle of Man. However, it has been recognised both by NHS England and by my Department, that there are a number of problems with this type of contract. These include payment up front for activity that may not take place, and little or no incentive for the dentist to complete cases or robustly follow up case abandonments.

In addition, the previous contract prevented new entrants to the market and was for five years, which for this type of treatment is relatively short-term, and meant that inevitably some patients had to be transferred between providers in the event of a change in provider resulting from a procurement exercise.

The commissioning guide for orthodontics produced by NHS England, which I am happy to make available to Members, recommended the use of alternative contracting frameworks, including staging payments throughout the treatment and longer-term contracts. My Department sought and obtained Treasury committee approval for this form of contract, and we have invited bids on any qualified provider model. Under this model, a number of providers can apply to join an approved list, to provide orthodontic treatment for patients. This not only gives patients a choice, but also ensures that there is continuity of care.

The new contract will mean the orthodontist is only paid for the work that they do on an ongoing basis. If a provider decides partway through that contract to move on and a new provider takes over, then no additional payment needs to be made. Care and finances continue with the new provider. This represents value for money for the taxpayer and will provide greater continuity for the care for patients.

The President: Supplementary, Mr Ashford.

Mr Ashford: Thank you, Mr President, and while it sounds that the world is going to be wonderful under the Any Qualified Provider (AQP) model, will the Minister accept the studies that have been done into the UK, since the Minister indicated we were following part of the UK practice, one in particular, by the British Medical Journal that actually found, to use their words, paradoxically, AQP has been found to tend to drive down quality standards. So rather than actually improving standards, the AQP model has been found to, in the United Kingdom, be driving down the standards.

Equally, an independent newspaper investigation found in the UK, that the Any Qualified Provider model was failing to deliver, and was actually forcing patients who would rather be treated by the NHS to go private. So has that all been taken on board, including the actual practicalities of it in place in the UK, with what the Department is looking at?
Would the Minister agree with me, one of the things about the AQP is that it only works if the service is standard across the board, and one of things that is coming out in the UK is that it certainly is not a standard service across the board that this model delivers?

The President: Minister to reply.

The Minister: Thank you, Mr President.
My understanding is that we are complying with best practice and what the commissioning guide for orthodontics produced by NHS England has provided to us.
I am not aware of the other reports, and again, if the questioner would like to make those available to us, I will have my Department look at those and make comment on them.

26. Nursing homes –
Total bed capacity; effect of closure of King’s Reach Care Home, Ramsey

The Hon. Member for Ayre and Michael (Mr Baker) to ask the Minister for Health and Social Care:

What the current total bed capacity of the Island’s nursing homes is; how this will be affected by the planned closure of King’s Reach Care Home, Ramsey; and what capacity is required to meet the Island’s projected future requirements?

The President: Question 26, Hon. Member for Ayre and Michael, Mr Baker.

Mr Baker: Thank you Mr President.
I would like to ask the Minister for Health and Social Care, what the current total bed capacity of the Island’s nursing homes is; how this will be affected by the planned closure of King’s Reach Care Home, Ramsey; and what capacity is required to meet the Island’s projected future requirements?

The President: Minister to reply, Mrs Beecroft.

The Minister for Health and Social Care (Mrs Beecroft): Thank you, Mr President.
Information available to officers of the Department indicates that presently there are 936 registered care beds for older people on the Island. This number excludes the registered beds at King’s Reach Nursing Home.

Of the 936, 454 are registered as care home beds with nursing, suitable for people with nursing care needs. The Department monitors the vacancy rates across the Island’s care homes on a weekly basis. The information is gathered directly from the providers, and we are reliant on those providers to disclose accurate information on their vacancy levels.

As of 10th July 2017, there were 47 vacancies within registered care homes with nursing.
King’s Reach Nursing Home, at the point of the closure announcement, was caring for 36 residents, 17 of which were fully funded, through Social Security benefits. The Department is confident that there is present capacity within the system to support the transfer of these residents into alternative care placements.

The closure of King’s Reach, whilst regrettable, has coincided with increased capacity within the nursing home sector. This increase is reflective of the Department’s commissioning position around the Salisbury Street Nursing Home, and the general increase in capacity within the private sector nursing homes.
Staff from Adult Social Care are working closely with those requiring help, to secure moves to suitable new homes. The Department has experience of previous home closures and will ensure best practice is followed, including minimising the number of times people will be required to move.

In terms of projected future requirements, officers of the Department continue to work closely with colleagues within the Economic Affairs Division, to refine the available forecast information. The latest projection available to the Department indicates that there will be a requirement for approximately 230 additional care beds, including both residential and nursing by 2036. The information is based on 2016 census data and considers the demographic profile of the Island’s population.

The President: Supplementary, Mr Baker.

Mr Baker: Thank you, Mr President.

I would like to thank the Minister for the Answer to my questions. I would like to ask how she squares that answer off with statements that are shown within the detailed Government accounts for this year, where it explains that part of the Department’s financial problems are the lack of nursing and residential care beds in the Island, resulting in people blocking high cost hospital beds, and how she squares it with the statement in the paper that is also in front of us today, the Department’s Financial Sustainability Report, where she estimates that we need in the region of 18 new care homes in the coming years.

Now, ‘in the coming years’ is neither specific nor measurable and could be accused by some as being a little bit woolly, but the direction of travel is very, very clear: that we need 18 new care homes. We have got one here in the north of the Island, which is going to be closed down due to factors which are not to do with the Island, and the Department is standing by, letting it close and meaning that those patients have to be transferred to care homes, probably in the Douglas area. Is the Department going to take a more proactive approach or is it just going to simply sit there and watch this capacity erode?

The President: Mrs Beecroft.

The Minister: Thank you, Mr President.

I think that the Department is being proactive on this. As I say, the purchase and the opening of the Salisbury Street Care Home shows that we have been proactive.

With regard to people in Noble’s Hospital, I think he was referring to, as being ‘bed-blockers’ – it is not a phrase that I care to use, but it is a common phrase that people use – I believe that we would need different contracts with the different homes, but we are currently looking at that provision to see how we can manage our assets more efficiently, and to give a more integrated service for the people who need it, because it is not good for anybody to stay in hospital when they do not need it. It is not an environment where you would want people to stay over the time that is absolutely necessary for them. So we are taking action to try and address that, and hopefully that will be put into fruition very shortly.

The President: Mr Baker.

Mr Baker: Thank you, Mr President.

The Minister states that we may need different contracts with the providers, which I fully understand, and I welcome the position on getting people out of hospital, but irrespective of what types of contracts you have with the providers, you have got to have assets with which to provide the services, otherwise there is nowhere for them to stay. So what sense does it make to sit by and let a functional care home in the north of the Island close, only to have to recognise further down the line that we need more of these places? Why doesn’t the Department step in,
and actually do something proactive and maintain the capacity, when by its own admission, it is going to need more capacity going forward, and part of the financial issues that it faces are attributed to the lack of capacity that apparently there is at the moment, albeit the Minister is saying ‘Actually, there isn’t a lack of capacity’? She cannot have it both ways.

The President: Minister.

The Minister: Thank you, Mr President.
I am assuming that when the questioner asks us to be more proactive and keeps referring to the care home that is closing, that he is asking us to do something about that. Unfortunately, my understanding is that the building itself does not meet current requirements, which is why the owners – because it is a private care home – have decided to close it because it would cost a lot of money to make it compliant with the current regulations.
I am not sure what benefit it would do to anybody of the Government taking on a building that was old and did not come up to standards. We would have to spend equally a huge amount of money bringing it up to date.
I hope I have answered what the question actually was getting to and if not, I am sure I will find out in a minute.

The President: Hon. Member, Dr Allinson.

Dr Allinson: Thank you, Mr President.
Contrary to my colleague across, I do apologise for this, I would like to thank the Minister and her Department for, actually, their proactive stance in supporting residents and finding alternative accommodation.
This was a move by Four Seasons, which was nothing to do with the Isle of Man operation, but unfortunately it has affected Isle of Man residents. In view of this, can she say whether her Department has provided any help to some of the staff there, the trained staff, to be redeployed as well?

The President: Minister.

The Minister: My understanding is that the staff are being spoken to and supported as well by our officers, who are going down there to speak to both the patients and the staff, and I am assured as much as I can be that the staff who are qualified down there and who give a very service will have no problem finding alternative employment.

The President: Hon. Member for Ramsey, Mr Hooper.

Mr Hooper: Thank you, Mr President.
Given the additional need that was identified in her original Answer and the Minister’s wish to be proactive, is there any ongoing work with other Government Departments to identify potential sites could be earmarked for the development of additional care homes, particularly in the north, or outside of Douglas?

The President: Minister to reply.

The Minister: Thank you, Mr President.
We do have an officer who is looking at all the land available for the various things that the Department needs at the moment and I am sure that we will be having a full report from that officer in due course.
The President: Final supplementary, Mr Baker.

Mr Baker: Thank you, Mr President.

Given that we have acknowledged that the reasons for the closure were due to factors outwith the Isle of Man, particularly the Four Seasons financial structure, and that clearly the facility was perfectly adequate for residents to live in up until the closure was announced, and that we need more capacity going forward, would the Minister undertake to look properly at what it might take to actually maintain that facility, rather than making supposition that it might cost lots of money and therefore it is not a good idea?

The President: Minister to reply.

The Minister: Thank you, Mr President.

I am sure that officers will have already looked at that option, but I am happy to take it back and circulate the information if the questioner would like it.

The President: Hon. Members, that brings us to the end of Questions for Oral Answer. The Answers to the Written Questions will be circulated.

Procedural – Questions for Written Answer during August and September under Standing Order 3.5(7)

The President: Hon. Members, it was stated on the radio this morning that today was the final opportunity from Hon. Members to table Questions before the October sitting of Tynwald. This is not correct, and I refer Hon. Members and the radio station to Standing Order 3.5(7).
Questions for Written Answer

CHIEF MINISTER

27. HM Attorney General’s Chambers –
Cost of Review by Stephen Wooler CB

The Hon. Member for Onchan (Ms Edge) to ask the Chief Minister:

_How much the Review of HM Attorney General’s Chambers by Stephen Wooler CB cost; and how this cost is broken down?

The Chief Minister (Mr Quayle): In 2012, the then Chief Minister requested a review of HM Attorney General’s Chambers in light of the increasing remit of Chambers at the time and concerns around performance of certain functions within Chambers.

The scope of the review was identified as follows:

To examine the factors affecting the manner in which H.M. Attorney General’s Chambers discharges its responsibilities with particular reference to its structures, ethos and working practices; and to make recommendations for strengthening its cohesiveness and improving its performance.

The total cost of the Review of HM Attorney General’s Chambers by Stephen Wooler CB was £20,581.71.

Breakdown of costs

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<tr>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>£12,000.00</td>
<td>General Consultancy Review of HM Attorney General’s Chambers – 25 days at £600.00 per day (£15,000.00 less 20% Non-Residency Tax)</td>
</tr>
<tr>
<td>£2,411.59</td>
<td>General Consultancy Expenses</td>
</tr>
<tr>
<td>£1,587.10</td>
<td>Supplementary review work</td>
</tr>
<tr>
<td>£3,600.00</td>
<td>Consultancy Fee – Review of the role of the CFS Advocate</td>
</tr>
<tr>
<td>£983.02</td>
<td>Expenses in relation to the above review</td>
</tr>
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</table>

28. Statutory functions and departmental responsibilities –
Publication of political delegations

The Hon. Member for Rushen (Mr Speaker) to ask the Chief Minister:

_If he will publish all delegations of statutory functions, or departmental responsibilities he has put in place personally, as well as those between each Minister and their political Members collectively and individually?

The Chief Minister (Mr Quayle): Yes. Whilst I am content to make a commitment to publish the delegations of statutory functions and departmental responsibilities at the earliest opportunity, Members will appreciate that compiling these documents into a suitable format for publication will be time consuming.
29. Chief Minister’s visits to United Kingdom – Planned meetings

The Hon. Member for Rushen (Mr Speaker) to ask the Chief Minister:

_Whom he plans to meet during his UK visits in the next three months?_

**The Chief Minister (Mr Quayle):** All visits I undertake to the UK and elsewhere are part of targeted engagement to protect and defend the Island’s reputation, economy and quality of life. Visits which I will undertake in the next three months and beyond will continue to be in that regard.

30. Independent Inquiry into Parole System – When Karran Report to be laid before Tynwald

The Hon. Member for Rushen (Mr Speaker) to ask the Chief Minister:

_Why the Karran Report was not laid before Tynwald this month; and when it will be laid before Tynwald?_

**The Chief Minister (Mr Quayle):** The Inquiries (Evidence) Act 2003 (‘the Act’), under which the Independent Inquiry into the Isle of Man’s Parole System (‘the Inquiry’) was undertaken, provides that Tynwald is able to resolve that the powers conferred by the Act be exercisable in relation to an inquiry of the nature referred to in section 1(1) which includes, as in this case, an inquiry held by a person appointed by the Council of Ministers.

Although the Act requires Tynwald to confer the relevant powers on the Inquiry, it does not provide for the Report [of the Inquiry] to be presented to Tynwald and this was not envisaged by the motion tabled at, or the resolution of, the July 2015 sitting of Tynwald.

However, on 3rd July 2017 the Report was circulated to all Tynwald Members and published on the Government website later the same day. The Council of Ministers, in directing that the Report be also placed on the Government website, was concerned to ensure that the public at large be made fully aware of the outcome of the Inquiry and its findings.

In conjunction with the circulation and publication of the Report, the Department of Home Affairs, again with the approval of the Council of Ministers, published a comprehensive response outlining the work which the Department has already undertaken to address the majority of the recommendations made by the Inquiry along with the Department’s action plan to respond to the outstanding issues. The Criminal Justice Board will take oversight of the implementation of the recommendations.

I take this opportunity to thank Mr Stuart Valentine for his unstinting support of the Inquiry and to the tireless role he played in assisting the Inquiry unravel the sad series of events which led to the untimely death of his mother. I am sure that all Members will join with me in our expression of our sympathy to him and his family for their shocking and sad loss.
POLICY AND REFORM

31. Government employment disputes and redundancy agreements – FD30 payments and confidentiality clauses in past five years

The Hon. Member for Onchan (Ms Edge) to ask the Minister for Policy and Reform:

*How many confidentiality clauses have been included in*  
(a) *agreements to settle employment disputes involving payments to which FD30 applies;* and  
(b) *redundancy agreements*  
*by Departments, Boards and Government Offices in the past five years?*

**The Minister for Policy and Reform (Mr Thomas):** As the Hon. Member is aware, information on the number of FD30 payments made in the five years to 31st December 2016 was given in response to a Question on 24th January 2017, which indicated there had been 45 settlements agreements over that period.

In order to ascertain whether any of the agreements in the past five years have contained confidentiality clauses, it will be necessary to retrieve and search each of the individual files and this will take time.

It will therefore not be possible to provide the requested information in time for this sitting of Tynwald. However, I will endeavour to do so at the earliest available opportunity.

32. Government redundancy payments – Breakdown by Department, value and scale in past five years

The Hon. Member for Onchan (Ms Edge) to ask the Minister for Policy and Reform:

*How many redundancy payments have been made in each of the past five years by each Department, Board and Government Office to individuals, broken down (a) by grade; (b) by value of payment; and (c) by scale factor, with scale factor calculated as the value of the payment divided by the gross annual salary of the individual?*

**The Minister for Policy and Reform (Mr Thomas):** Due to the extensive work that will be necessary to research and provide this data, it will not be possible to provide the information in time for this sitting of Tynwald. However, I will endeavour to do so at the earliest available opportunity.

33. Public service — Total size

The Hon. Member for Rushen (Mr Speaker) to ask the Minister for Policy and Reform:

*What the total size of the public service was in terms of: (a) number of people employed, and (b) full time equivalents at (i) 30th June 2017 and (ii) 30th June 2016?*
The Minister for Policy and Reform (Mr Thomas): The number of people employed within the central Government public service, with contracted hours, at 30th June 2017 and 30th June 2016 was as follows:

<table>
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<tr>
<th></th>
<th>30/06/2017</th>
<th>30/06/2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>People</td>
<td>8,328</td>
<td>8,234</td>
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<tr>
<td>FTE</td>
<td>7,424.02</td>
<td>7,319.82</td>
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</table>

34. Rates review –
Progress

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Policy and Reform:

What progress has been made with the rates review?

The Minister for Policy and Reform (Mr Thomas): I will be setting out the full plan for rates modernisation by October 2017.

35. Government MARS and redundancy termination contracts –
Number with confidentiality clauses in past five years

The Hon. Member for Onchan (Ms Edge) to ask the Minister for Policy and Reform:

How many termination contracts containing confidentiality clauses have been entered into by Departments, Boards and Government Offices in each of the last five years for (a) MARS and (b) redundancy; and what the reasons were for including the confidentiality clauses?

The Minister for Policy and Reform (Mr Thomas): As the Hon. Member will be aware from my Written Answer in response to the Question she raised in another place on 7th February 2017, there were a total of 185 approved MARS/VRS payments made over the five years to 31st December 2016. In addition, there were a number of voluntary redundancies over the same time period.

In order to ascertain whether any of these termination contracts contained confidentiality clauses, it will be necessary to retrieve and search each of the individual files and this will take time.

It will not be possible therefore to provide the requested information in time for this sitting of Tynwald. However, I will endeavour to do so at the earliest available opportunity.
EDUCATION AND CHILDREN

36. School hall lettings –
Difference in allocation of revenue

The Hon. Member for Rushen (Mr Speaker) to ask the Minister for Education and Children:

Why revenue for hall lettings in secondary schools is retained by the school but income from hall lettings in primary schools forms part of the Department’s income?

The Minister for Education and Children (Mr Cregeen): Secondary schools have devolved financial management and therefore arrange their own lettings, pay for the caretakers for the lettings and retain the income. The primary schools do not have devolved financial management, all the lettings of their community facilities are administered by the Department, the cost of which is offset by the income the Department receives for the lettings.

37. Children with special educational needs –
Number at each school

The Hon. Member for Ramsey (Dr Allinson) to ask the Minister for Education and Children:

How many children have been assessed as having special educational needs at each of the Island’s schools?

The Minister for Education and Children (Mr Cregeen): A child is determined to have special educational needs if they have a significantly greater difficulty in learning than the majority of others of the same age. This will be due to a disability or learning difficulty that impacts upon the child’s ability to access the curriculum and therefore results in special educational provision being made for them.

The difficulty or disability may arise with:

- Cognition and learning
- Communication and interaction
- Social, emotional and behaviour
- Sensory, physical and medical needs
- Complex and multiple needs

Depending upon how much the disability or difficulty impacts upon the child’s ability to access the curriculum will depend on where they are staged within the procedures for special educational needs provision. The stages or bands currently used are:

- Record of Concern (ROC) Not necessarily a special educational but the school has concerns about progress a child is making.
- School Action (SA) The child is making little or no progress despite targeted teaching strategies.
- School Action Plus (SA+) The child is still failing to make progress over a long period of time.
- Higher Level Needs (HLN) The needs of the child are significantly greater than those of his/her peers and are persistent or lifelong.
Not all special educational needs are permanent and the impact they have on the child’s ability to access the curriculum can change. Also, it should be noted that the population of a school is changeable with children arriving and leaving the Island and movement between schools throughout the academic year. Therefore the identification of special educational needs and the staging of that need is a fluid process.

Children with special educational needs are educated within the mainstream classrooms wherever possible but for those children with profound needs, education within a special needs unit within a school is considered.

The Department of Education and Children collects the numbers of children identified as having special educational needs at key points of the year. The information from the latest data retrieval is as follows:

<table>
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<tr>
<th>School</th>
<th>SA</th>
<th>SA+</th>
<th>HLN (Mainstream)</th>
<th>HLN (Unit)</th>
<th>Total</th>
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<tr>
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<td>10</td>
<td>11</td>
<td>9</td>
<td>-</td>
<td>30</td>
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<tr>
<td>Andreas</td>
<td>3</td>
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<td>9</td>
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<td>41</td>
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<td>-</td>
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<tr>
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<td>-</td>
<td>1</td>
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<tr>
<td>Braddan</td>
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<td>9</td>
<td>-</td>
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<tr>
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<tr>
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<td>10</td>
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<td>1</td>
<td>-</td>
<td>8</td>
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<tr>
<td>Foxdale</td>
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<td>3</td>
<td>5</td>
<td>-</td>
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<tr>
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<td>57</td>
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</table>

The Department of Education and Children is introducing arrangements to moderate the decisions schools make regarding the identification and staging of pupils with educational needs in order to provide consistency in the application of these decisions across the Island.
ENVIRONMENT, FOOD AND AGRICULTURE

38. Peel harbour marina – Testing of silt

Hon. Member of the Council, Mr Crookall, to ask the Minister for Environment, Food and Agriculture:

Since 2000 how many times the silt in Peel harbour marina has been tested; what the results of the tests were; and who carried out the tests and at what cost?

The Minister for Environment, Food and Agriculture (Mr Boot): During the period in question testing has been carried out for a number of reasons and by, or on behalf of, two Departments and as such it has not been possible to compile all of the information requested by the Hon. Member in the time available.

I have however summarised the results of samples taken since 2013 and supplied copies of a number of reports completed during this latter part of the period covered by the Question for the information of the Court, during which there has been a particular focus on the sediment.

Five primary sampling exercises have been carried out on sediments in the marina since 2013. These took place on 1st May 2013\(^1\), 13th September 2014\(^2\), 18th August 2015\(^3\), 22nd February 2016\(^4\), and on several days across January/February 2017\(^5\).

These samples were taken to establish the suitability, or otherwise, of disposing of the sediments at sea and the results were compared to the levels for a range of metal contaminants specified in the Oslo-Paris Convention on the protection of the marine environment in the North East Atlantic (OSPAR). The Isle of Man is committed to the OSPAR Convention through the UK.

Some of the sampling was also undertaken to identify if there were potential uses for the courser sediments taken from the marina and to identify if it might be possible to separate the more contaminated fraction of the sediments from that fraction which would be suitable for re-use or disposal at sea.

To explain this in more detail, it is understood that finer grained sediments tend to contain more metal contaminants.

Analysis of the samples taken identified that in the vast majority of samples the metals lead, zinc and cadmium exceeded the relevant OSPAR Level 2 thresholds. Other metals also exceeded their Level 2 standards on occasions.

OSPAR Level 2 is the level above which disposal to the marine environment is not suitable, while Level 1 indicates the level above which a risk assessment is necessary to determine whether disposal to the marine environment is acceptable. The reports supplied provide much greater detail on the findings of the analysis. The data from the analysis also assist determination of the acceptability or otherwise of alternative means of disposal.

Of the circa 2000 tonnes of courser sediments (gravel and course sand) taken from the river section of the marina in the autumn of 2014, approximately 90% was suitable for limited construction applications.

Providing a cost for the sampling undertaken will take more time. Much of the sampling and analysis has been undertaken by DEFA officers and it will take some time to evaluate costs associated with the sampling, transportation, analysis and evaluation tasks involved.

Some of the sampling and analysis has been completed by contractors and we will also need time to compile accurate data on this element of the question.

I can confirm however that Ecospan Environmental, an experienced UK-based consultancy, were contracted to carry out the coring and particle size analysis work completed in January 2017 and the cost for this work was just in excess of £11,000.

I am firmly of the opinion that the money allocated to the sampling work has represented a successful and extremely important investment in ensuring that public health is assured through
the protection of commercially important fisheries stocks and the environment in which they thrive.

The potential for reputational damage as a consequence of breaching relevant international conventions has also been greatly reduced.

I will commit to providing the remaining information sought by the Hon. Member in due course.

Reports:
1. Report on the Sediment Grain-size, Heavy Metal and Polycyclic Aromatic Hydrocarbon Concentrations of Peel Inner Harbour dated June 2013 – [This Report was included with the Written Answer and can be viewed here: http://www.tynwald.org.im/business/hansard/20002020/t170718WA38.pdf]
2. Two Celtest reports: 386542 Sample 1 & 386542 Sample 2 (Samples of coarse material being assessed for re-use by private contractor)
3. Peel Marina samples for Metals & PAHs August 2015
4. Peel Marina samples for PAHs & PCBs February 2026
5. Assessment of Peel Marina Sediments – Heavy Metal Contamination & Grain-size, January 2017, plus Analysis of Peel Inner Harbour (Riverside) Sediments, February 2017

HEALTH AND SOCIAL CARE

39. DHSC finances – Supplementary Vote

The Hon. Member for Onchan (Mr Callister) to ask the Minister for Health and Social Care:

What savings have been achieved by her Department since the Supplementary Vote in January 2017?

The Minister for Health and Social Care (Mrs Beecroft): The Order Paper for this July Tynwald has at Item 7 a Statement by the Minister for Health and Social Care on the Department’s financial sustainability. It is accompanied by a briefing paper [GD No. 2017/0028]. The Hon. Member is referred to the briefing paper, in which details of the Department’s cost improvement plans are set out.

The Department of Health and Social Care is a large organisation, and is faced with a series of challenges which affect its financial performance. It is expected that cost improvement will be a long process. Some progress has been made since Tynwald voted supplementary funding in January 2017: although at the end of the first quarter of the financial year 2017-18 expenditure remains higher than budgeted.

40. Wider access to new cancer drugs – Funding

The Hon. Member for Rushen (Mr Speaker) to ask the Minister for Health and Social Care:

Where the additional funding will come from for the wider access to new cancer drugs referred to in her Department’s press release of 6th July 2017?

The Minister for Health and Social Care (Mrs Beecroft): As part of the normal operation of the Department, decisions are taken to commission or decommission services based on
identified and prioritised need. The Department is mindful of the budget voted to it by Tynwald and must allocate these resources to meet the agreed commissioning and funding needs.

Under this updated policy, drugs will be funded once they are approved for routine use in the National Health Service in England by the National Institute of Health and Care Excellence (NICE) and are also included in protocols followed by Cheshire and Merseyside hospitals, where Isle of Man patients receive treatment for cancer most frequently.

The policy should enable people to start treatment sooner without having to worry about whether their medicines will be funded. It is an update of a broadly similar policy from July 2015, the ‘New Cancer Drug Policy’. The policy will be reviewed again in June 2018.

It is not possible to estimate accurately the additional cost of the policy. Expenditure in any year will fluctuate due to our small population. There is no specific funding associated with the interim policy, and so costs will be met from existing budgets.

HOME AFFAIRS

41. Disclosure and Barring Scheme – Addressing potential weaknesses in safeguarding

The Hon. Member for Onchan (Ms Edge) to ask the Minister for Home Affairs:

Whether checks carried out under the Disclosure and Barring Scheme are capable of identifying risk factors recorded other than in the Isle of Man, England and Scotland; and if not, what options have been considered to address this potential weakness in safeguarding?

The Minister for Home Affairs (Mr Malarkey): Where a check is carried out under the Disclosure and Barring Scheme, in certain circumstances where offenders have been convicted of international crime, references maybe on their records, and this would be highlighted when a check was applied for, and as result may identify additional risk factors.

In addition where the applicant has lived for a significant time in another non UK jurisdiction, advice on how to seek criminal record information is available at: https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants and this information is given to ID checkers during their training.

Alternatively the link above is available to employers from the DBS website Guide for employers: https://www.gov.uk/disclosure-barring-service-check/arranging-checks-as-an-employer

42. TT additional hours for Police – Costs

The Hon. Member for Onchan (Ms Edge) to ask the Minister for Home Affairs:

What the costs were of additional hours over the TT period for (a) special constables; (b) regular police; (c) civilian workers; and (d) retired officers retained?

The Minister for Home Affairs (Mr Malarkey): The 2017 TT costs for additional hours for the Isle of Man Constabulary were as follows:
The Hon. Member for Rushen (Mr Speaker) to ask the Minister for Infrastructure:

*When the radar at Ronaldsway is expected to be fully operational and signed off?*

**The Minister for Infrastructure (Mr Harmer):** I am pleased to inform the Hon. Member that the Director of Civil Aviation (DCA) in the Department of Economic Development is considering the UK Civil Aviation Authority’s recommendation that the Leonardo surveillance system is now suitable for operational use, subject to use of the system in accordance with various conditions and procedures.

Subject to approval by the DCA, it is expected that the new Primary and Secondary Radars will be in use by the end of this month and that the ‘old’ radars will be switched off. There will then be a formal review of this initial operation, at which time the initial approval will be replaced with a final licence.

I know that Hon. Members will be as pleased as I am that this significant step has been reached.

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Infrastructure:

*How many compulsory purchase orders have been used in the last five years and whether the Crichel Down rules apply?*

**The Minister for Infrastructure (Mr Harmer):** The Department of Infrastructure has not compulsorily purchased land during the last five years.

All Government Departments and Local Authorities have compulsory purchase powers; however, Tynwald approval is required under the Acquisition of Land Act 1984.

The Crichel Down rules are a non-statutory set of rules regulating disposal of Government land in England and part of Wales. Given their specific application, and as Isle of Man legislation differs quite significantly from the UK legislation in land law, and policy of the Isle of Man Government would not be based upon its UK counterpart, the Crichel Down rules would not be directly applied here. It is possible that in reaching a determination, a court in the Isle of Man may make some reference to those rules but it is expected that little weight could be applied to them for the above reason. Unless and until there is adoption of the rules into policy, or a challenge in the Isle of Man court, which results in a declaration regarding the application of the rules, there is no authority to suggest or confirm that they ‘apply’ in the Isle of Man.
45. MER diesel locomotive – Expenditure

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Infrastructure:

*How much has been spent on (a) repairs, (b) refurbishment and (c) other costs in relation to the diesel locomotive since its purchase?*

**The Minister for Infrastructure (Mr Harmer):** A total of £108,723.08 has been spent to date on the diesel locomotive since its purchase.

All costs related to repair and refurbishment but cannot be disaggregated.

The diesel locomotive was purchased as a partially refurbished used item. The bogies form part of the locomotive that was not refurbished. Those parts that were refurbished before sale have either performed satisfactorily or have been attended to under the terms of the suppliers warranty.

MANX UTILITIES AUTHORITY

46. Sulby Reservoir Dam – Estimated life; maintenance programme

The Hon. Member for Rushen (Mr Speaker) to ask the Chairman of the Manx Utilities Authority:

*What the estimated life of the Sulby Reservoir Dam is; and whether there is a continuing maintenance and inspection regime?*

**The Chairman of the Manx Utilities Authority (Dr Allinson):** Sulby Reservoir Dam was completed in 1983. The main dam structure was designed to last indefinitely. Those ancillary parts of the dam which are subject to natural processes of deterioration over time, for example the internal pipes and valves were designed to be replaced without major disruption to the operation of the reservoir.

The operation of the Reservoir is regulated by section 10 and Schedule 3 of the Water Act 1991. In accordance with the Act, the dam undergoes continuous and rigorous maintenance with daily inspections by Manx Utilities engineers, a twice-yearly inspection by a qualified civil engineer – the Supervising Engineer – and a ten-yearly Independent Inspection by a senior qualified civil engineer – an Inspecting Engineer.

PLANNING COMMITTEE

47. Retrospective planning applications – Number and details over last five years

The Hon. Member for Onchan (Ms Edge) to ask the Chairman of the Planning Committee:

*How many retrospective planning applications were made in each of the last five years; why each application was retrospective; how many were (a) approved; and (b) refused; and in cases which were refused, what enforcement action was taken?*
The Chairman of the Planning Committee (Mr Baker): Detailed below is information in respect of the number of retrospective applications made in each of the last five years. There were 137 in 2012-13, then in the subsequent years – 89, 54, 72 and 75.

Given the numbers it has not been possible to interrogate why the applications were made retrospectively. However, I can confirm that most retrospective applications are as a result of the Department being alerted to works that have taken place either consciously or inadvertently, without explicit planning approval. Some are made by people wishing to regularise work and are not as a result of any enforcement investigation.

01/07/12 to 30/06/13

137 Retrospective Applications received of which:
109 were approved, 25 refused and 3 withdrawn (all 3 submitted new planning applications).
Of the 25 refused:
In 7 cases the breach was removed (either by agreement or following an enforcement notice);
In 11 cases new planning applications were submitted;
One remains ongoing
In 6 cases it was not in the public interest to take further action.*

01/07/13 to 30/06/14

89 Retrospective applications were received of which:
76 were approved, 6 refused and 7 withdrawn (of the 7 - 4 submitted new planning applications, 1 breach resolved, 2 not expedient).
Of the 6 refused:
In 1 case the breach was removed;
In 3 cases new planning applications were submitted; and
In 2 cases it was not in the public interest to pursue.

01/07/14 to 30/06/15

54 Retrospective Applications received of which:
44 were approved, 7 refused and 3 withdrawn (1 permitted development, 1 breach resolved, 1 ongoing)
Of the 7 refused:
In 4 cases the breach was removed (either by agreement or following an enforcement notice);
In 2 cases the works had become immune from enforcement action; and
In 1 case the breach was reduced to an acceptable level.

01/07/15 to 30/06/16

72 Retrospective Applications received of which:
62 were approved, 5 refused and 2 withdrawn (1 breach resolved, 1 new planning application submitted) and 3 are pending determination.
Of the 5 refused:
In 1 case the breach was removed;
In 1 case enforcement action is pending
In 1 case a new planning application was submitted;
In 1 case removal of the breach is being negotiated
In 1 case the Department is considering issuing an Enforcement Notice

01/07/16 to 30/06/17

75 Retrospective Applications received of which:
57 were approved, 10 refused and 1 withdrawn (new PA submitted) and 7 are pending determination.

Of the 10 refused:
2 cases are pending determination of an appeal;
At the time of compiling this answer, 1 case was still within the time for an appeal to be lodged;
In 3 cases we are negotiating removal of the development;
3 are ongoing enforcement cases;
1 not in the public interest to pursue.

*The decision to close a case because it is not in public interest to pursue can be due to a number of factors including the nature or scale of the breach, the length of time it has been ongoing, advice from the Attorney General or because action is being or was taken under other legislation.

OFFICE OF FAIR TRADING

48. Manx Gas regulatory agreement – Earliest date to end and required notice

The Hon. Member for Ramsey (Mr Hooper) to ask the Chairman of the Office of Fair Trading:

What the earliest date is, under the terms of the regulatory agreement with Manx Gas, that the agreement could be ended; and when notice would have to be given for this to occur?

The Chairman of the Office of Fair Trading (Mr Perkins): When the Regulatory Agreement was signed, in the interest of full transparency, the document was published on the Office of Fair Trading website and is freely available for anyone to view.

Paragraph 15 of the Agreement deals with termination as follows:

15. TERMINATION

This Agreement may be terminated under the provisions of 15.1 or if there shall be a Manx Gas Event of Default pursuant to clauses 15.2 to 15.3 as follows:

15.1. After the expiry of four (4) years from and including the day of 1st January 2015, any Party may terminate this Agreement at any time thereafter by giving six (6) months notice in writing to the other Parties and at the expiration of such notice period the Agreement will be terminated between all Parties.

Assuming that there is not a ‘Manx Gas Event of Default’ the earliest a party could give notice is 1st January 2019 (i.e. four years after 1st January 2015) with termination then occurring on 30th June 2019.

The four parties to the Regulatory Agreement are Manx Gas Ltd, the Department of Economic Development, the Treasury and the Office of Fair Trading; and any one of those parties could give the notice.
ENVIROMENT AND INFRASTRUCTURE POLICY REVIEW COMMITTEE

49. Environment and Infrastructure Policy Review Committee – Intended report date

The Hon. Member for Ramsey (Mr Hooper) to ask the Chairman of the Environment and Infrastructure Policy Review Committee:

When the Committee intends to report on each of the matters it is considering?

The Chairman of the Environment and Infrastructure Policy Review Committee (Mr Callister): The Committee intends to report during the 2017-18 session on the suitability of the regional structure of the IRIS Scheme, with particular reference to the remaining sewage works.

PUBLIC ACCOUNTS COMMITTEE

50. Public Accounts Committee – Intended report date

The Hon. Member for Ramsey (Mr Hooper) to ask the Chairman of the Public Accounts Committee:

When the Committee intends to report on each of the matters it is considering?

The Chairman of the Public Accounts Committee (Mr Speaker): The Committee will lay an annual report before Tynwald in October 2017; and intends to report during the 2017-18 session on the budgetary overspend in the Department of Health and Social Care, particularly at Noble’s Hospital.

SOCIAL AFFAIRS POLICY REVIEW COMMITTEE

51. Social Affairs Policy Review Committee – Intended report date

The Hon. Member for Ramsey (Mr Hooper) to ask the Chairman of the Social Affairs Policy Review Committee:

When the Committee intends to report on each of the matters it is considering?

The Chairman of the Social Affairs Policy Review Committee (Mr Cretney): The Committee intends to report during the 2017-18 session on the adequacy of nursery place provision, in particular for children under two years of age; mental health, looking at the scale and severity of mental ill health in the Island, the health and care resources in place to respond and the impact on other public services including the police; and on the Department of Health and Social Care’s handling of its May 2017 decision to consolidate the Island’s endoscopy services at Noble’s Hospital.
Order of the Day

3. Funding of Nursing and Residential Home Care –
Statement by the Minister for Policy and Reform

Statement by the Minister for Policy and Reform as Chair of the Council of Ministers’ Social Policy and Children’s Committee.

The President: We turn now to Item 3, Statement by the Minister for Policy and Reform: Funding of Nursing and Residential Home Care, and that Statement should be in the process of being circulated.

Minister.

The Minister for Policy and Reform (Mr Thomas): Thank you, Mr President, Hon. Members.

I make this relatively brief statement as Chair of the Social Policy and Children’s Sub-Committee of the Council of Ministers to report progress since November 2016 when Tynwald received the Report of the Select Committee on the Funding of Nursing and Residential Care 2015-16 and the following recommendations were approved:

That the Council of Ministers should further consider equity release for persons required to contribute to the costs of their care and should investigate the establishment of a nursing and residential care fund, before reporting on:
- equity release for persons required to contribute to the costs of their care;
- the benefits and costs of the proposed fund;
- the funding of the proposed fund;
- the governance of the proposed fund; and,
- the criteria which could be used to determine who might receive support from the proposed fund.

Furthermore, that the Council of Ministers should make an interim report to Tynwald by July 2017 and a final report by July 2018.

The future funding of care remains a massive issue in our Island, as it is across the whole of the British Isles, as was clear in the recent United Kingdom general election.

Indeed, as stated in the DHSC briefing paper on its financial stability – about which the Health and Care Minister will make a Statement in a moment – this issue is a ‘significant risk’ to both ‘the finances of the Isle of Man and the wellbeing of the population as the proportion of people requiring care grows’. Already the Social Policy and Children’s Committee has received a paper submitted by the Department of Health and Social Care after initial cross-Government discourse which briefed Members on policy issues and questions which need to be addressed.

This Sub-Committee has agreed in principle to establish an officer task and finish group to consider the Programme for Government Action ‘consider and recommend funding options for residential and nursing care’, including links to the Five Year Health and Care Strategy, and other Programme for Government Action points relating to the ‘long term funding issues posed by an ageing population’ and ‘accommodation that can meet the needs of an ageing population including “care” and “extra care” housing’.

This officer group should report with an action and consultation plan later this summer. Officers from Health and Social Care, Treasury, Cabinet Office and Housing are involved, as a joined-up approach is vital. For instance, the funding of residential and nursing care cannot be considered in isolation from the funding of older persons’ care more generally; nor can it be considered independently of what is happening in respect of social security provision. So the June 2016 Adult Social Care Market Position Statement and Commissioning Intentions for Older People on the Isle of Man, and associated consultation paper and updates, will be taken into account, as will Treasury work regarding social security.
Joining things up is where the Social Policy and Children’s Sub-Committee structure can add tremendous value. Moreover, in a way, this CoMin Sub-Committee is now picking up work it suspended in November 2015, when the Tynwald Select Committee was established.

A Member: They didn’t suspend it.

The Minister: A crucial practical and political dimension is how the funding of care is shared between the public purse and private funds, between the state and the individual.

One potential policy response was outlined during the debate which established the Select Committee. This was the introduction of a dedicated compulsory contribution scheme for those under a certain age in order to build a fund to provide for the future costs of their long-term care in nursing homes and other residential accommodation, whether by reason of age or other incapacity.

Other specific potential policy responses for different generations which will be considered include: requiring people to pay for their own care up to a maximum level, similar to a scheme introduced in Jersey in 2014, proposed in the UK in 2011 by the Dilnot Commission and again featured in the recent UK Conservative Party election manifesto; and introducing a Manx equity release product.

Also, as outlined just now by the Minister for Health and Social Care, the Island’s demography in coming decades will be crucial for this policy response, so the action plan has to take into account how that might develop and how things might change. For instance, the potential shortage of appropriate care and extra care accommodation on the Island needs to be addressed, but the extent of the shortage might need to be reconsidered, given the 2016 Census seems to show a slightly reduced need than previously thought, so the estimate of 18 houses might be an overestimate. This projection will be further unpicked in the Population Challenges white paper expected in October 2017.

Also, there will be an impact on social care provision from any changes to wage rates and other local economic factors arising from things like living and minimum wage changes. This will need to be considered.

The success of the focus of Government’s Health and Social Care Strategy on ensuring that as much care as possible is delivered closer to home will be vital. This strategy has reduced, and should continue to reduce, the number of hospital and care beds required.

But these are points for debate on another day, probably in July 2018.

Mr President, Hon. Members, the purpose of this Statement today is merely to provide an interim report on progress. This is a hugely important topic. Work has begun. Progress is being made.

The President: Thank you. Questions may be asked of the Statement.

Mr Speaker.

The Speaker: Thank you.

Whilst the Minister seems to have identified some other areas that he might want to consider, can he perhaps expand a little bit on what actually has been done, other than identifying additional options? It is not particularly clear from what he has said.

Is there perhaps also a missed opportunity here in waiting till October, before gauging the views of the new administration and the new House, and the Members of Tynwald Court, because only going out to consultation in October with a view to a final report, if he is still intending to report finally by July next year, is a rather tight timescale.

What is the Minister’s view on that?

The President: Minister to reply.
The Minister: Thank you, Mr President.
This is a generational issue. This is a massive issue. A few months here and there are not going to matter, in terms of dealing with the enormity of the policy changes that are likely to be considered, perhaps even agreed, as a consequence of this process that is going on.
I agree that we could be further ahead than where we are now – couldn’t we in terms of every policy response to every issue? The Social Policy and Children’s Committee has received a helpful briefing paper two or three months ago from the Health and Social Care Department, as they are a very important body in all of this, which took into account suggestions from the Cabinet Office and from all the other people involved. We now have a mechanism initiated, with an officer task and finish group, with political governance that will emerge, but underneath the Social Policy and Children’s Committee, such that the Council of Ministers and then Tynwald will receive something back which is very useful, to take the important response to this enormous challenge forward later next year.

The President: Further question, Mr Speaker.

The Speaker: Thank you.

Could the Minister give us a steer as to whether it is his intention to fully pursue the issue of a funded scheme to provide for nursing care down the line?

The President: Minister.

The Minister: As stated, Mr President and Mr Speaker, in the Statement, one potential policy response was outlined during the debate which established the Select Committee. This was the introduction of a dedicated compulsory contribution scheme for those under a certain age, in order to build a fund to provide for the future costs, etc. So that is certainly one option that is on the table, along with a great number of other options, some of which have been outlined in this relatively brief Statement, but others of which are in the paper that has been prepared by officers to inform the decision of the Social Policy and Children’s Committee, which was in two parts.

The first part was to acknowledge that work had taken place, that progress was being made, but we needed to collect our resources, and then impose them intensively on ourselves for the nine months up until we have our final report. The second decision was that I would stand up as Social Policy and Children’s Committee to say where we are, where we are going and to take questions and suggestions in the form of questions today.

The President: Mr Callister.

Mr Callister: Thank you, Mr President, and I thank the Minister for his interim report.
I have no real concerns over future generations actually paying for nursing and residential care through a central fund over a period of their lifetime, but I do have serious concerns over the equity release. I was wondering if the Minister could give a little bit more information on how this could be formed in the future, if possible.

The President: Minister to reply.

The Minister: Thank you very much, Mr President, and to the hon. questioner for that useful and helpful question.
There is legal precedent in neighbouring adjacent islands, about which we have had information provided to our Committee. There is practical experience. What I can say is that now is not the stage to consider the merits of this version or that version, to go through all of the options, but I can absolutely assure Mr Callister that the issues involved in equity release are...
TYNWALD COURT, TUESDAY, 18th JULY 2017

challenging, and we need time, and we need officer assistance and we need work between the Treasury and Social Security and all the other people involved, to come up with something useful to discuss more fundamentally and profoundly next year.

4. DHSC Children and Family Services –
Investigation into allegations –
Statement by the Minister for Policy and Reform

Report of an investigation, on behalf of Tynwald, into allegations relating to the management of case files and relationships with service users in the Department of Health and Social Care, Children and Family Services

Statement by the Minister for Policy and Reform as Chair of the Council of Ministers’ Social Policy and Children’s Committee.

The President: We turn to the next Statement at Item 4, Statement by the Minister for Policy and Reform, Mr Thomas.

The Minister for Policy and Reform (Mr Thomas): Thank you, Mr President.

In April 2016, Tynwald supported a motion, moved by the then Member for Onchan, Mr Peter Karran and amended by Mr Malarkey, that allegations regarding the management of vulnerable families’ cases by the Department of Health and Social Care should be investigated by the Independent Chair of the Isle of Man Safeguarding Children Board. That review is now complete.

I want to put on record my thanks to the families who gave evidence to the review and to the staff who participated openly and honestly. I would also like to thank the Report’s authors, Paul Burnett and Bridget Griffin who have demonstrated professionalism, objectivity and rigour in their work.

I would like to advise this Hon. Court that the Council of Ministers has tasked the Social Policy and Children’s Committee with developing an action plan which responds to the recommendations in the Report and with bringing both the plan and the Report to Tynwald for debate in October of this year.

Thank you, Mr President, Hon. Members.

The President: Mr Speaker.

The Speaker: Thank you.

Would the Minister agree to publish the recommendations in Mr Burnett’s Report? Obviously, there are good reasons why the whole Report cannot be published and we would not want to undermine that good work and the way that the staff actually engaged with it by seeking any more than that, but whether the recommendations of the Report could be published and perhaps an abstract of the lessons that have been learnt from this particular inquiry – again making sure that there was absolutely no suggestion of looking to access personal data or the cases of any individuals, but just the lessons learned from the recommendations in the Report and whether they can be published as well.

The President: Minister to reply.

The Minister: Thank you, Mr Speaker.
I just repeat what is in my Statement: I would like to advise this Hon. Court that the Council of Ministers has tasked the Social Policy and Children’s Committee with developing an action plan which responds to the recommendations in the Report and with bringing both the plan and the Report to Tynwald for debate in October of this year.

So not only will we be publishing the recommendations, we will be publishing the Report.

The President: Hon. Member of Council, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

Could the Shirveishagh answer if, during the line of inquiry, the Department was found wanting in any particular way, to a high, medium or low-level degree; or in fact, did the allegations have any basis of foundation in the first place?

If he could give us some sort of an idea of what we are dealing with here.

The President: Minister to reply.

The Minister: Thank you very much, Mr President, and to the Hon. Member of Council for that helpful question.

Obviously, the Department of Health and Social Care will have co-operated fully with the independent Chair of the Safeguarding Children’s Board. We would expect nothing less, and obviously, the Department of Health and Social Care will have recognised the importance of this issue. We would expect nothing less.

Obviously, the Department of Health and Social Care, the Minister for Health and Social Care, the officers of Health and Social Care – everybody involved – will be participating in the process that I have outlined to come up with a comprehensive and valid action plan, alongside the Report with its recommendations published, warts and all, in October for a full debate. I hope this Court and the public more generally, and the families involved – in fact, everybody – can accept that that is the right way to do it.

We are in a better place because of the independent inquiry on parole, in respect of the future of parole, than we would have been if we had not followed the process taken in that instance. What I am describing is the same process in this instance.

What we need is an action plan alongside the Report and the recommendations and that is what I have promised for October. Every member of the Social Policy and Children’s Committee, all the Ministers involved, all the officers involved, will make sure that we have the resources to do justice to the issues raised and we will come back with an action plan in October.

The President: Mr Thomas.

The Minister: I think that question, Mr President, is slightly beyond the scope of the Statement, but there is a complaints process in three stages. There might or might not be recommendations in respect of that in the Report. A body of work has come to a conclusion and
with respect, I think it would be better for everybody involved if we do not go over the same
ground again in coming months, and we actually wait to have the proper debate, fully informed
by the evidence, the analysis, the recommendations, and the action plan that have resulted from
those recommendations and that evidence, debated on the floor of this Hon. Court in October.

**The President:** Hon. Members, we will now adjourn for lunch until 2.30 p.m.

*The Court adjourned at 1.02 p.m.*

*and resumed its sitting at 2.30 p.m.*

5. Planning Policy –
Statement by the Minister for Policy and Reform

**The President:** We resume our Order Paper at Item 5: Planning Policy, Statement by the
Minister for Policy and Reform. Mr Thomas.

**The Minister for Policy and Reform (Mr Thomas):** Thank you, Mr President, Hon. Members.

The Employment Land Project sought to locate and bring forward one or two sites for use as
employment land using a development order. This process has been overtaken by an increased
focus on area planning, in particular the Area Plan for the East process. The interim findings of
the Employment Land Project last summer showed that sites at the Nunnery and off Cooil Road
had potential, but it was apparent that other work was needed ahead of the publication of any
draft development order. Having weighed up the evidence, which includes an update to the
Employment Land Review which will be published next week, it has been decided to subsume
the development order work within the Area Plan for the East.

Hon. Members, priority must be given to the Area Plan for the East process so that a draft
Plan can be published early next year. This will mean that the percentage of the resident
population living in an area covered by a development plan will increase from one sixth to three
quarters.

Area planning, by way of statutory local level plans which can stand the test of time through
a ‘plan, monitor and manage’ approach, is vital. It allows more comprehensive decision making
and includes inbuilt flexibility. The East Plan alone will replace five plans which range between
12 and 35 years old.

To update Hon. Members, there has been a good response to the initial consultation and I
urge everyone to assist the Planning Policy team with information and evidence, like the
excellent MHKs for Onchan did this morning in respect of a particular site in Onchan.

Hon. Members, the need for change and improvement in the planning system is also
recognised, and Cabinet Office has worked across Government – and particularly with the
Department of Environment, Food and Agriculture, the Department of Economic Development
and the Department of Infrastructure – since the election to develop a planning system action
plan. Ministers and senior officers have been involved throughout, identifying frustrations in
open discussions to plan a better future. The planning system action plan should be available for
consultation very soon as per the action in my name in the Programme for Government, and it is
expected that it will result in implemented improvements to the planning system by April 2018
as per the Programme for Government.

The comprehensive action plan will set out realistic outcomes, timeframes, and identify
complementary action outside of the planning system alongside the actions already specified in
the Programme for Government.

Thank you, Mr President, Hon. Members.
The President: Hon. Member, Mr Robertshaw.

Mr Robertshaw: Thank you, Mr President.

As the most recent ex-Chairman of Planning – and there are many of us who are ex-Chairmen of Planning – I would just like to ask a question related to my own personal experience in that role, and that is to seek assurances from the Minister for Policy and Reform that tremendous energy will be attributed to the importance that must be attached to the Planning Committee being enabled in a way that allows them to properly engage with issues in planning which have an economic benefit dimension to them. I felt, in my experience, that we were limited and I, in my role, tried to do what I could to ameliorate the problem but it nonetheless existed.

Thank you, Mr President.

The President: Minister.

The Minister: Thank you, Mr President, and to the hon. questioner. I agree that we need to apply energy to this issue. It is important that the planning system review results in a situation where the political priorities can be converted into development ... [Inaudible] priorities the politicians have.

This Statement gave an indication of the timetable in terms of the planning review, but I do not think it would be appropriate today to discuss items inside the planning review system – it is premature – but the point that the hon. questioner makes is a good one: we need to make sure that political priorities are transmitted to the Planning Committee and the Planning Committee is structured in a way that they will be taken into account properly.

The President: Mr Shimmins.

Mr Shimmins: Thank you, Mr President.

I would like to ask the Minister how this will impact the desire to see more brownfield sites developed. Will this hinder or help that desire?

A Member: Not for the east, it won’t.

The President: Minister to reply.

The Minister: This is an important dimension to the overall planning system review and the Hon. Member of Treasury, for Middle, Mr Shimmins, has had sight, in his capacity as an Employment and Infrastructure Council of Ministers Sub-Committee member, of 15 policy areas, and I believe this proposal is completely in line and it is important that we make sure that the public and Members of this Court understand and developers and owners of land appreciate that brownfield sites need to be developed, so it can only help it.

6. Single Legal Entity – Statement by the Minister for Policy and Reform

The President: We move on to Item 6: Single Legal Entity, Statement by the Minister for Policy and Reform.

The Minister for Policy and Reform (Mr Thomas): Thank you, Mr President.

In this Hon. Court in December 2016, Tynwald resolved that the Council of Ministers should establish a sub-committee to investigate the merits and practicalities or otherwise of organising

I was appointed as chair of the sub-committee and was joined by my hon. colleagues Mr Boot, Miss Bettison, Mrs Caine and Mr Robertshaw. I would like to thank them for their work so far and for taking the time to attend so many meetings, and there have been quite a few. I would also like to thank the officers who supported the committee.

The interim report of the sub-committee has been laid before Tynwald this sitting, and Hon. Members will no doubt have discovered that it is a comprehensive and quite lengthy report which presents a variety of options for the future evolution of Government on the Isle of Man.

The sub-committee has considered four options for reform: an incremental approach; single legal entity with departmental structure; single legal entity operating as a single organisation, and an executive agency model. We have also considered some potential barriers to change, which include exercise of power, collective responsibility, equal pay and the cost/benefit of the whole development. At this stage the committee has concluded that the progression of reforms on an incremental basis, whilst retaining the ultimate objective of moving towards a single legal entity, is the most desirable option.

Our report was received by the Council of Ministers only at the end of last month, and Council has decided that further time is required to consider its contents before its conclusions and recommendations are debated. Council also believes that further dialogue with Members would be beneficial, perhaps in the form of a workshop, where the options in the Report can be explored in more detail. That being so, it is Council’s intention to conduct this further work after the parliamentary recess and to report back to Tynwald by no later than December 2017.

Thank you, Mr President, Hon. Members.

The President: Mr Robertshaw, Hon. Member.

Mr Robertshaw: Thank you, Mr President.

I thank the Minister for Policy and Reform for that Statement. In the light of his comments, and recognising the fact that there is a lot more work to do, I would put it to the Minister that the sub-committee of the Council of Ministers formed enjoys a wide variety of opinions in its submissions and its work, which I think can only be seen to be healthy.

My first question: does he take the view that it is important for that sub-committee to continue for some time yet in its work?

The second question is: does he recognise that there is almost now the beginnings of a natural progression towards cross-departmental work? For example, today we heard a very exciting presentation by the Minister for, currently, DED (Interjection) – whether it will be Department of Enterprise in the future – and it was noticed there that there was the first inkling of a cross-departmental role for civil servants, for public servants. Does he recognise that there is almost an innate and developing progression towards the need to energise this work even further?

Thank you, Mr Speaker.

The President: Minister to reply.

The Minister: Thank you, Mr President, and to the hon. questioner.

I believe the committee, and I believe everybody else accepts that the committee has worked well together, and it would seem sensible that this committee would consider further; and so, consequently, the answer to the first question is I believe so, yes.

In terms of the connections with the Department of Economic Development review which is being unveiled and presented during the course of the day, I acknowledge the connections made by the questioner between the work to encourage cross-departmental working and civil servants working together and politicians working together and joining things up, and business agencies
are obviously all connected, but at this stage they are parallel initiatives, and as we are taking an incremental approach it seems to me logical that we will be reconsidering some of these connections in coming months.

7. DHSC Financial Sustainability –
Statement by the Minister for Health and Social Care

[GD No 2017/0028] is relevant to this Item]

The President: We turn now to Item 7: Statement by the Minister for Health and Social Care. Mrs Beecroft.

The Minister for Health and Social Care (Mrs Beecroft): Thank you, Mr President.
Hon. Members will be aware that my Department has been forced to seek approval for supplementary votes in each of the last two financial years. As I explained in January, this is a situation that is not unique to the Isle of Man; health and care systems around the world are under increasing pressure not only to improve the quality and scope of services offered but to do this whilst improving their financial performance.

This is not an easy challenge. Being an Island of our size, it is particularly difficult as we are unable to take advantage of the many economies of scale available to larger health and care systems. As medical treatment develops, we find that more and more modern treatments are being performed in large, specialised treatment centres. This development not only increases economies of scale but improves outcomes for patients. In medicine, as in most walks of life, practice makes perfect. We know that we cannot provide all the services here on the Island, and neither should we try. There are areas where we simply do not have the volume of patients to enable our skilled medical staff to maintain competencies in the local environment and therefore either travel off Island or bringing services in will always be necessary. Whilst more people may initially travel off Island for complex procedures, we must ensure that more follow-up work is done here on the Isle of Man, which reduces the burden of travel on those people who often find journeys off Island difficult. We employ many excellent staff here on the Island. They perform wonderful work and we should be very proud of that fact.

However, it is important to recognise that the shape of the services we offer our residents will change. Last year this Court approved the National Health and Care Service Act 2016, which is a significant piece of enabling legislation and will allow us to deliver the changes we need. Further work has been done to identify how services will be provided in the future and we will soon be going out to public consultation on the General Scheme and Charter, which again underpins the principles of our Five-Year Health and Care Strategy, approved by this Hon. Court in 2015.

We have worked hard this year to establish robust contractual arrangements with our tertiary care providers in the UK and also to secure procurement efficiencies through our membership of the NHS North of England commercial procurement collaborative. It is important to always consider that the scope of change needed to our health and care system moves far beyond that of efficiency and finances.

We will have to decide what type of health and care service we require and how we can implement that against the myriad constrained resources available to us. Finance, access to medical professionals, new treatments and a need to increase provision for our growing older population are all key challenges for the Island.

All of these issues will need to be weighed when considering how we deliver our health and care into the future. We must ensure that by implementing change in one area of our health and care economy we do not inadvertently impact another. In the meantime, I wish to stress that
whatever changes are made, I am determined that the people we support and provide services
to will always be at the centre of our considerations.

There is much good work underway across the health and care system of the Island which
will improve how we deliver our services. For the first time, we have now started to publish our
performance on waiting times in a transparent way. There is improvement needed in some
areas, but at least the information is available to the public and they will be able to track how we
are making improvements. And there will always be scope for improvement. We have witnessed
growing demand for our diagnostic services in the radiology department which has led to
extended waiting times, and we are currently considering how we can expand this service to
meet this demand.

Over the last year I am pleased to report that there has been a dramatic improvement in the
two-week target for cancer investigation. At the end of June 2016, 38% of patients were seen
within two weeks. In April 2017, my Department published statistics for January to March 2017
which showed improvement in performance to 78%. I am pleased to confirm that the latest
information shows that this improvement continues, with performance for April to June at
89.2% compared to the target of 93% for referred patients to be seen within two weeks.

I am also pleased to report that my Department, in collaboration with the Department of
Economic Development and with support from Treasury, has now been able to establish the
Health and Life Sciences Advisory Board to support developments in the field of biomedical
research and also provide advice and knowledge to help Government focus on how to best
position the Isle of Man and its residents to benefit from improvements in quality of care and
safe, innovative medical research based here in the Isle of Man.

The Department’s capital programme has made significant progress during the first half of
2017. We have seen the opening of the new in-patient facility at Manannan Court in April, and
the redevelopment of day services for adults with a learning disability is underway with a motion
to Tynwald to support capital funding for this sitting.

I am determined that resources freed from efficiency gains or from changes in income
generation will be utilised in a balanced way. I clearly understand the importance of hitting our
financial targets this year but we also need to appropriately invest in services to ensure we
deliver an effective, safe and person-centred health and care service. This means providing the
right services at the right time and also in the right place. The safety of our patients always has
to be prioritised and I know that Hon. Members would accept nothing less.

We also need to look at giving people a broader choice in receiving care, and to this end the
Department has commissioned work to explore how we can expand and improve the quality of
private healthcare on the Island and benefit from the income this can generate to support state-
run services.

Hon. Members, by making this Statement I wish to highlight to you that, against the
background of the system-wide challenges facing us, there is a huge amount of work going on in
my Department to ensure that we provide effective, efficient and, most of all, safe services to
the public of the Isle of Man.

These changes will take time if we are to deliver them without endangering the delivery of
our existing services and I would ask for Members’ forbearance whilst we implement the agreed
five-year strategy.

The President: Hon. Member for Douglas East, Mr Robertshaw.

Mr Robertshaw: Thank you, Mr President.

I would like to thank the Minister for her Statement and for the content of much of her
briefing paper – and there is a ‘but’ coming. I am sorry it is a Statement. I think it is such a huge
and important subject that even at this early stage it warranted a debate, which we will not be
having today and I regret that. I have to limit my comments to a question, so I will try to do that.
The document is entitled ‘Financial Sustainability Briefing Paper’, and yet historically our financial sustainability with Health continues to be an endless surprise to us. Each year we forecast what the costs are going to be for the Department the following year, and it is always out. The year before last it was £9 million, last year it was £11 million, this year – surprise, surprise – we hear there is going to be another possible supplementary vote.

We cannot allow this to go on being a surprise, so the question that I want to pose to the Minister is this. I think it is excellent that the Department is doing all it can to find new efficiencies to save money wherever possible, but I want to refer to a phrase that the Minister for Policy and Reform used, and that was when he was talking about just one part of the challenge the Minister faces, and we all face, which is the provision of elderly residential care. He used the word ‘massive’. That one section alone in the future is going to be massive. So put that in the context of that just being a small part of the challenge which faces the Department – and us all; we all face this together, not just the Minister. When are we going to start seeing financial forecasting going forward, looking at the anticipated cost growth that is going to occur in terms of the demographic changes that are taking place? Until such time as we do that, we are on a magical mystery tour. We cannot go on doing this. We in this Hon. Court cannot make difficult decisions unless we know pretty clearly what the difficult challenges are.

So, well done so far to the Minister, but goodness me, when are we going to start getting these forecasts, which increasingly exist now elsewhere, showing elsewhere the degree of billions of extra pounds needed? Here, hopefully, we are going to be in the millions. When are we going to get it and when are we going to factor it in to the medium-term financial strategy, which is always going to be nothing more than a guess until such time as we include the forecast, which I think must come from the Department, which will help us all make those difficult and bold decisions in the future that we need to make?

Thank you, Mr President.

The President: Minister.

The Minister: Thank you, Mr President.

I thank Mr Robertshaw for that question, because it is very relevant. Unfortunately, the position at the moment is that we are looking at so many different areas. Until we have nailed them down we cannot give a safe predictable forecast. For example, we just had the Statement from the Minister for Policy and Reform about how we were going to fund nursing and residential care. That obviously has a huge impact on my Department and its forecast for the finances that we will need in the future for that area, so until that is nailed down we cannot give you a forecast in that area that is robust enough to stand challenge.

There are many areas that we are working across the Department because we have to have proper strategies going forward. For instance, we have just formed a new strategy group looking at acute clinical care for the Island to decide in broad brush strokes which services we send across for patients to have their treatments there, which we should be doing here ourselves, which services we should be importing maybe on a clinic basis once a fortnight or once a month or whatever. And again, until all of those have been put into place with firm decisions made in each area, it is difficult to forecast exactly how much we are going to need into the future. I will be quite honest: I do not know yet whether we have enough in our budget that is appropriate, because we have not finished driving the efficiencies out yet, and as more efficiencies are found obviously there are more new things coming on to the market and new areas that we have to address.

I do hope to be in a much better position towards the end of the year to give Members a fuller explanation of where we are up to and where we feel we are going to be in the future. At the moment it is simply too early to say exactly what budget we will need in the future, because we have not ironed out those very fundamental elements. So I hope Members will bear with us while we do that and we will be able to give you a much more structured picture in the future.
The President: Hon. Member of Council, Mrs Poole-Wilson.

Mrs Poole-Wilson: Thank you, Mr President.

I too thank the Minister for her Statement and welcome the work the Minister and the Department are doing to try and increase efficiency and make best use of resources. However, I do have some concerns about one of the proposed routes to make savings, and that relates to section 4.1.4 of the report, which relates to procedures of low clinical value. I have two questions on this particular area.

The first is I would like to ask the Minister the basis for including grommets in the list of procedures of low clinical value and for which it appears the Department has already suspended routine funding. Grommets, as Hon. Members may know, are tiny tubes inserted into the ear drum to treat glue ear. My son, when aged two and a quarter, had this 15-minute procedure at Noble’s Hospital. Up until the operation he had no clear language development, although was making sounds; however, following the operation he made rapid progress with his speech. So I wondered if the Minister could please explain why this particular procedure has been categorised as being of low clinical value.

My second question is: does the Minister share my concern that suspending routine funding for procedures such as grommets may actually prove a false economy, in that if grommets are not available and young children suffer delayed speech and language acquisition this could actually lead to an increase in costs due to an increased need for speech therapy down the line and quite possibly additional resource and support in primary schools to assist delayed educational development?

The President: Minister to reply.

The Minister: Thank you, Mr President.

Whilst I understand that my brief is actually to only answer questions pertinent to the Statement that I have made, I will do my best with this one.

There are quite a number of procedures that have been classed as of low clinical value but I would like to reassure the Court that in all cases of that there are always the exceptions, and if people feel they are an exception they need to go back to their GP and talk to them about it. However, when they are classed as low clinical value there are usually very good medical grounds for that classification and we follow best practice in those areas. So, if somebody does have any queries in that area, if they go back to talk to their GP they will be able to reassure them or refer them on if they are one of the rare exceptions.

The President: Mrs Poole-Wilson.

Mrs Poole-Wilson: I thank the Minister for her reply.

I am also aware that the report does go on to mention that there will be an opportunity for individuals who have clinical circumstances that might make them an exception to be considered for funding through the individual funding requests process. Again, my concern though is that where there are young children who clearly have a clear clinical need for this sort of procedure I did just wonder whether it would be preferable, in terms of efficiency and promoting financially responsible government, that it is open to clinicians to make a quick decision without having to go through effectively another layer of paperwork, which I think could then in turn cause further cost and delay.

The President: Minister.
The Minister: Thank you, Mr President.

I certainly would not be going against any advice that my clinicians give me, and their advice in these areas is that it is best practice what is being suggested here; it is not particularly a financial incentive that these measures have been brought in. It is quite right that if it is something that requires a general anaesthetic, if it is not clinically necessary, in best practice then we should not be doing it without having a very robust procedure to go through. So, going through your GP and then, if it is felt appropriate to be referred on to the consultant ... In my view I think the clinicians are advising me correctly.

The President: Hon. Member of Council, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

I wonder, following on ... That has generated a couple of other questions for me, if I can just put ... (Interjection) with regard to grommets and glue ear. I think we need a little statement to Members, if the Minister could agree to that, as to the clinical opinion as to why this service is being withdrawn, in a little more detail, apart from exceptional circumstances, given that the likes of Great Ormond Street have this as a clear given procedure at their hospital and undoubtedly are experts in their field.

Secondly, if you go round the GP referral circuit as the Minister said, does she not agree that somebody who is in clinical need of grommet insertion, that could put them back six months, eight months, to actually having something that they need relatively quickly? We would like to know, also, the waiting list for the current grommet procedure, because I am given to understand we are looking at something like six months, which I do not think is acceptable if there is a clinical need and certainly if children’s hearing is suffering.

The main questions, Eaghtyrane, are: would the Minister agree with me that, in welcoming her Statement, which I do, there are some underlying principles that should be supporting that Statement? And would she agree really that we do need to be asking the question about what type of Health Service we do require? What type of services do we require here in the Isle of Man for an 85,000 population? Does she agree we may need to re-educate our public on expectations? Will she be looking at the funding model going forward, compared with other jurisdictions? Also, can she concur that we will be carrying on with an efficiency drive going forward? And, finally, Eaghtyrane, is she aware – or maybe her Department is using, if she can confirm – that there was an audit done within the Health Service from Mersey healthcare team? It may have been an internal document, but it was asking similar questions. Would she agree you have to have a base to work from no matter what your strategy is and those are the fundamental things that should be looked at?

Gura mie eu.

The President: I am very conscious that when we have Ministerial Statements that are widely cast there is a tendency, inevitably, for it to broaden out into a wide debate. I know Members appreciate that there is a difference between debating points in speeches and questions, but we must try and focus on questions directly related to the Statement.

There will be plenty of opportunities to focus on, perhaps, some of the detail, but it is inevitable, Minister, when you have a widely cast Statement, as you have, that particular details will be focused on. So, Minister, I make that observation.

The Minister: Thank you, yes, obviously I am not going to have all the details with me today, but if anybody has any details that they would like that I am not able to address, I am sure they will be provided.

With regard to the grommets and other areas that have been considered of low clinical value, it is actually the CRC policy decision, which is the Clinical Recommendation Commission, that bring those policies forward to the Department, and they do turn these things around very
quickly. It is not a six-month wait for them to turn these things around. They look at them, what is best practice, and they advise the Department on what we should be doing.

I do agree that, yes, we do have to give realistic expectations to the public and I think this is actually part of why we are publishing the waiting times, and there will be more and more things added to those publications as time goes on. Why we have been giving an update every quarter is so that all Hon. Members and every member of the public can actually see what the waiting times are in certain areas and how we are making effective progress to get on top of some of them and reduce them where they are unacceptable – there is an awful lot of work going on.

We do need a good robust financial model, but we need a good robust plan as well to base that on. As I said, there is a lot of work in all areas going on to allow us to do exactly that going forward so that we will be able to produce plans that are robust and will stack up both financially and clinically.

The President: Hon. Member for Douglas North, Mr Ashford.

Mr Ashford: Thank you, Mr President.

At the end of the second paragraph of the Statement the Minister makes reference to the fact that there is recognition that off-Island travel will be needed and that we cannot do everything on Island. But can I ask the Minister to give an undertaking in relation to that, that while the Department is looking to change who can be escorted off Island – which is a very important part of the treatment of some people, travelling off Island – anyone, where it is recommended by their hospital, their doctor, their surgeon even that says they must be accompanied, will be allowed to have someone accompany them? Because there have been recent cases that I have been involved in where people have been denied having escorts, despite the fact the hospital that is treating them has said fundamentally, in writing, they must be accompanied. So, can the Minister give an undertaking that any changes in that area are not going to create more stress for patients?

The President: The Minister to reply.

The Minister: Thank you, Mr President.

We will always try to provide whatever we do with the least stress possible to patients.

I am somewhat disappointed because the questioner asking this particular question seems to have an awful lot of complaints given to him and they are not passed on to the Department, so I cannot answer on individual ones. I do not know why somebody would have been denied the escort without knowing the circumstances around that request. If he would send the complaints to the Department, I can promise that they will be dealt with appropriately.

The President: Hon. Member for Onchan, Mr Callister.

Mr Callister: Thank you, Mr President.

I also thank the Minister for the Statement and the briefing paper. Under the efficiency improvements in the briefing paper it states that the Department have identified the financial opportunities of just over £5.4 million in respect of Noble’s Hospital. Can I ask the Minister for further details on these opportunities?

The President: Minister.

The Minister: Mr President, I am sorry, I do not have those details with me today because I was under the impression that Members would be asking me questions based on my Statement, not based on the report.
Hon. Member, Ms Edge.

I hope the Minister can answer this one, but it is in the additional information not in the Statement. It is with regard to 4.3, Government Catering Services. I have real concerns to see that last year again it overspent by £1.5 million. At the start of the comments within the report, it states that there was initially £800k savings to made over a three-year period. It is quite clear that has not happened. We overspent the year before, I think, by £1.2 million. There is nearly £3 million here of overspend within a service that I believe was not overspending prior to the transfer to her Department.

How is the Minister going to address this? There are clearly some management issues within that. There could be significant savings here that would support perhaps some of these issues that are arising where people cannot be supported off Island, or some of these clinical grommet operations, if this was addressed. How is the Minister going to be addressing that so that we do not go on this year and have another overspend of £1.5 million?

Hon. Member, again, we are having questions posed that are really straying beyond the Statement that you made rather than the report that has been laid. Minister.

As a point of order, Mr President –

Item 7 on the Order Paper about the Statement does say that Government Document No 2017/0028 is relevant to this Item, so it is reasonable that – (Interjection)

It is relevant to the Item, Mr Speaker, but the Statement did not focus particularly on the report. I suggest, if Members have concerns about the contents of the report, that they table appropriate resolutions in Tynwald and pick up the report itself. But I cannot have the whole afternoon spent debating the report as well as the Statement. It is questions on the Statement. The report is relevant, but it is not the subject of the Statement.

Clearly I do not have that level of detail with me.

Hon. Member, Mr Robertshaw.

Increasingly it is clear that we should have had a debate today. (Mr Cretney and another Member: Hear, hear.) I come back to the title of the Statement: Financial Sustainability for the DHSC. We have heard from the current Chief Executive that he considers – in the past – the current model unsustainable. We have heard from the Minister herself today in some of her answers that she is not sure about where things stand in terms of the future.

So I ask the Minister now: when can we have a plan placed before this House for full debate to identify and establish what the Department considers the future Health Service delivery model to look like and also the cost of that; and then, related to that, how this Court is going to face up to the very challenging issue of financing that. (A Member: Hear, hear.) I think we need a date from the Minister now as to when we are going to have that debate and I caution the Minister that, if this goes on too long, this Court, finishing as it is now its first year, will run out of time to make the difficult decisions – you can write the last one-and-a-half years off. We have
got to have a plan, we have got to know what the cost of it is going to be and we have got to be able to decide how we are going to pay for it. Then and only then can we achieve financial sustainability, Mr President.

The President: Minister.

The Minister: Thank you, Mr President. I think the previous speaker and the questioner might be quite surprised that I agree with a lot of what he says. We do need a plan, we do need it costed, we do need it to be open and transparent and available to scrutiny. However, I think my Statement explained, and I have subsequently explained, that with the amount of work that is going on at this moment it is not possible for me to say exactly what the shape of that plan will be nor the costings with it at this point in time. There is a huge amount of work going on and it is impossible for me to give a date when all those different strands are going to be finished and pulled together. I would certainly hope it would be completed within the next parliamentary year, so that by this time next year we would all have a much better idea of exactly what is going on and where we are going with it, but I cannot give a definitive date because there are just too many strands and too many strands that are outwith my control to do so.

The President: Hon. Member for Onchan, Mr Callister.

Mr Callister: Thank you, Mr President. I have to start by saying I am really disappointed that we have got something on our agenda here today that we are not allowed to just ask questions about: the briefing paper. (A Member: Hear, hear.) But to keep my remarks purely to the Statement, like many of my colleagues in this Court today I also have serious concerns that the Department is going to be coming back to this Tynwald Court towards the end of year for another supplementary vote. Therefore, I must ask the Minister this afternoon if she actually has control of this Department and if the Minister herself actually has the skills and the leadership to deliver the efficiencies, the improvements required, but at the same time have the overall quality of the staff and the service and the delivery service that we need to go forward, because everything I am witnessing here is that the Minister is not fit for purpose.

The President: Minister to respond.

The Minister: Thank you, Mr President. When it comes to qualities of the staff who work in my Department, I will defend them to the hilt! We have some absolutely admirable and wonderful people in there and I will not have any slurs cast on them!

Miss Bettison and another Member: Hear, hear. (Interjection)

Mr Callister: I never said the staff.

The Minister: You did!

Mr Callister: I said the Minister.

The Minister: You did, Hon. Member – read your Hansard when it’s finished!

The President: Through the chair, please!
The Minister: Sorry, Mr President.
Over the months that I have been in the Department I have witnessed many things. I have
gone through the different departments, I have attended many things like the major trauma
incident last week – the staff we have are of an outstanding calibre.
As to whether I have the correct skills or not, I do not think it is for the Hon. Member for
Onchan to decide that; I think it is for the Chief Minister.

Thank you.

The President: Hon. Member for Douglas North, Mr Ashford.

Mr Ashford: Thank you, Mr President.
It is both a question and a point of order under Standing Order 2.7. Will the Minister accept
that every single case that I have raised today has already been reported to her Department
either by myself or by the people concerned?

The President: Minister.

The Minister: Thank you, Mr President.
If that is the case, I am disappointed, and if the Hon. Member would give me a list of those I
will personally follow them up.

The President: Hon. Member for Douglas Central, Mr Thomas.

Mr Thomas: Thank you very much, Mr President.
On pages 2 and 3 of the Statement, there is a clear statement about the Five-Year Health and
Care Strategy which is underpinned by an action plan here, an action plan there. On statement 2
and 3 of the Statement, there is a very clear statement about the Scheme and Charter which is
being brought under the National Health and Care Services Act.
Does the Minister agree with me that is a clear action plan which is being undertaken in good
faith by the politicians and the officers involved?

The President: Thank you, Mr President.
I am very happy to confirm that is the case. Everybody is working very hard on all the
strategies that we have in place and to work up new ones where we need them.

The President: Chief Minister.

The Chief Minister (Mr Quayle): Thank you, Mr President.
I do not want to sound like a football manager here where you say you have confidence in
your Minister, but the Department of Health and Social Care is not a Department that is
suddenly corrected overnight. It takes years of hard work, and the officers have been working on
making improvements. We have seen digital inclusion of medical records. We are seeing double-
up training of nurses, etc. All these things take a long time and it has been my experience as the
Minister that one even – (Mr Anderson: Question!)
The question is would the Minister not agree with me –

The President: Excuse me, Hon. Members! (Laughter) The Chair will control the debate.

The Chief Minister: Yes! Thank you, Mr President. I was not aware that the Hon. MLC
Mr Anderson had taken over your role (Laughter) – but maybe the wig would suit him better, for
obvious reasons! (Laughter)
The Speaker: He was a previous Minister for Health.

The Chief Minister: I am sure the Hon. Minister would be more than ... Would she not agree that she would be more than happy to give Members a briefing in the future in the Barrool Suite on financial details – would she not agree with me?

The President: Minister.

The Minister: Yes, thank you, Mr President, I would be more than happy to agree with that and I do thank the Chief Minister for his comments, which gave me time to compose myself and recall things that I should have remembered but my emotions ran away with me.

The President: Hon. Member, Dr Allinson.

Dr Allinson: Thank you, Mr President.
I am a bit disappointed by the way this non-debate has taken place. This was a clear Statement, a clear report, and I must admit I did read through the report and I found it very encouraging. I will make it a question!

A Member: Go on, then! (Laughter)

Dr Allinson: I will try to!
The King’s Fund report into the Canterbury model in New Zealand had a quote that ‘we are trying to reach a position where the specialist needs to do what only the specialist can do’.
It is essential that Noble’s Hospital still exists, still runs efficiently, but it discharges people who are being seen time and time again to primary care.
I am very encouraged in the report that the Minister is keen to recruit more GPs. Would she also pledge that her Department will ensure there are enough community resources to fully implement integrated care pathways which are a clear strategy to provide decent patient care to people near their homes at reduced cost to Noble’s and the NHS as a whole?

The President: Minister.

The Minister: Thank you, Mr President.
I thank the Hon. Member for Ramsey, Dr Allinson, for his support and for his encouraging comments.
The integrated care pathways are something that we are working on. Obviously you need to have one in place before you can turn the tap off in another area, and that is something that we are working on to find the best way of doing that with the least cost and the most efficient, and the way that the patients will be treated in the best way during that transition.

The President: Hon. Member, Mr Callister.

Mr Callister: Thank you, Mr President. I just want to clarify, as well as ask a question.
I hope I did not refer to the staff, because my intention was never to refer to the staff, but as you say, the frustration from the Department, which is led by the Minister, and the lack of financial information that is coming into this Court and to Members in order to make an assessment before coming to this Court towards the end of the year for another sizable supplementary vote which this Island cannot take ... We have already had the Police Constable’s Report, which is tabled today, that is going to be debated.
Therefore, can I ask the Minister to work with this Hon. Court and the Members to try and get the financial information here so we can assess the position of her Department in order to
help her, where we can, and in order to make sure that we are not coming back with sizeable supplementary votes again at the end of the December?

The President: Minister.

The Minister: Thank you, Mr President.

I think I already agreed to the helpful suggestion from the Chief Minister to provide a briefing to Members, and that we will be having our financial plans and they will be available to Members at the appropriate time.

The President: Hon. Member, Mr Hooper.

Mr Hooper: Thank you, Mr President.

Like my colleague from Ramsey, the Hon. Member Dr Allinson, I was also quite encouraged by the briefing paper that was laid before us. I was encouraged by the reviews of strategic commissioning, the control of bank staff and a number of other things in there.

My question specifically relates to the Statement that was made. The Minister mentioned that obviously we cannot do everything on Island, and I think we all accept that to be true, but the Statement makes reference to ‘either off-Island travel or bringing services in would always be necessary’. I would just like a bit of clarification: is there also some work being done within the Department to make sure we are taking full advantage of modern technology and dealing with telemedicine and accessing services that way?

The President: Minister to reply.

The Minister: Yes, thank you, Mr President.

There is a huge amount of work being focused on telemedicine and anything digital because it will definitely make the services more efficient. If we can take images and transmit them to centres of excellence which specialise in those areas for particularly difficult cases, we have no need then to send the patient off Island unless that is strictly necessary, and we can have a diagnosis within hours from somebody who is highly specialised. So not only will we have a more cost-efficient service, we will have a more efficient service with better patient outcomes. All of these areas are being explored.

Yes, I thank him for his question. There are just so many areas that we are looking at that are similar to this, like electronic discharging, so that on the ward it is filled in electronically, it will immediately go to the GP without the necessity of laborious letter writing and waiting for them to be typed up etc., which is clearly inefficient.

So there is a huge amount of work and I look forward to telling Members when it has been effected and what those changes are. You will be able to monitor the changes as you see on the clinical side of it with the published targets that will be available publicly and there will be more and more added to those as we go on.

The President: Mr Speaker.

The Speaker: Thank you.

I suppose the question I have for the Minister is: is the biggest disease in the NHS at the moment that needs a cure ‘initiative-itis’? We have seen in the last few weeks a new Cancer Drug Fund, we have got new buildings, and I am not entirely sure how all of these things fit into the perpetual quest, that is in the Statement, for value for money.

Would the Minister agree that perhaps the most important thing it to stick to the knitting and work on the efficiency, economy and effectiveness of the Health Service rather than coming up
with all sorts of new ideas with new costs that do not actually improve the efficiency of the service?

The President: Minister to reply.

The Minister: Thank you, Mr President.

With regard to the newly announced Cancer Drug Fund, this is actually just a simple extension to the policy that was introduced in 2015 which makes the pathway just very clear for people when they go across.

We are obviously concentrating on the nitty-gritty, the day-to-day basics, at the same time, but we would be not fulfilling our duty if we thought that just concentrating on those elements was going to solve the problems both in care and in finance. We have to do things more effectively, more efficiently, using things like telemedicine and digital records, etc. wherever possible to achieve those efficiencies so that we can balance our books and we can give our patients a more effective and efficient and more timely service.

8. Pension Freedoms – Statement by the Minister for the Treasury

The President: Hon. Members, we move to Item 8: Statement by the Minister for the Treasury on Pension Freedoms.

The Minister for the Treasury (Mr Cannan): Mr President, in July 2015, this Hon. Court supported my motion to bring forward proposals to allow Manx residents pension freedoms equal to or better than those available in the United Kingdom.

Since this motion was approved, some progress has been achieved by increasing the triviality limit to £50,000 and lowering the age at which triviality can be obtained to 55. However, more needs to be done and today we launch a consultation on proposals to extend pension freedoms by introducing a new class-leading Isle of Man pension scheme to attract local investment and to provide more flexibility for people who are saving for their later years.

The proposed new scheme will be fully flexible after the age of 55 and even more tax efficient than the current regime. The tax-free lump sum paid from the new scheme will be increased to 40% of the fund value. The pension, when paid from the new scheme, will all be subject to a 10% rate of Income Tax and will have fully flexible access. The fund will still build up tax free and there will be no tax charge on the death of the member.

To compensate for this very tax-efficient scheme and the fact that it will be fully flexible, it is proposed that each person will be limited to one scheme, annual contributions into the scheme will be capped at £5,000 per person, and tax relief will be allowed at the 10% rate.

Anyone who has a current Isle of Man approved scheme will be able to transfer from their existing schemes into the new scheme for just a tax charge, which is suggested in the consultation document as 15%.

Today the Assessor will issue a consultation, therefore, on the new pension proposals which will not only allow for pension freedoms but also provide the Island with a more tax-efficient savings vehicle.

The pension freedoms proposed will be better than those in the UK, where in many cases Income Tax could be charged at up to 45%.

I will await the response to the consultation to finalise the details and, in the light of that, I hope to produce the new scheme for the next Income Tax year.

Thank you, Mr President.
The President: Mr Speaker.

The Speaker: Thank you.

The new scheme that the Treasury Minister has announced: is that something that will be take it or leave it, or is there the potential there for options and variations on the scheme?

Secondly, what safeguards will the Minister be introducing to ensure that people do not deprive themselves of income in future years; and how will that balance between the short-term tax take and the potential long-term declaration of funds, perhaps required for nursing care, be balanced out?

The President: The Minister to reply.

The Minister: Well, first all, Mr President, let me be absolutely clear with the Hon. Member and Hon. Members in this Chamber today. This new pension scheme proposal is exactly that: it is a proposal going out for consultation and I would urge Hon. Members to express their thoughts on that if they feel so inclined. In short, Mr President, depending on the consultation responses, there is a possibility that the terms of the scheme may be open to change.

The Hon. Member then starts asking a question which in a nutshell is interpreted as ‘can people be trusted to plan for their old age with their own money?’ In essence, Mr President, in supporting my motion in 2015, this Hon. Court felt that people could be trusted after the age of 55 to do the right things with the money that they have been saving for their old age. I still believe that is the case.

Clearly, with all these types of schemes it will be important in the future to ensure that the right financial advice has been given to individuals should they wish to partake of the freedoms that will be available to them under this scheme, and as things develop I am sure that we will be looking to review that situation, but that is the current state of play.

The President: Hon. Member for Ramsey, Mr Hooper.

Mr Hooper: Thank you, Mr President.

Luckily the Treasury Minister has answered my question regarding advice. The FCA has recently published a report – last week, I think – which says that since pension freedoms have been introduced, the number of people drawing down on these funds without advice has risen from 5% to 30%, so I am really reassured that you are looking at bringing in some kind of controls in that space.

The question I have got is, in his Statement he mentioned that the new scheme will have fully flexible access. I am wondering if he could expand on that a little bit.

The President: The Treasury Minister.

The Minister: I do not know how to expand on that, Mr President.

It is in the consultation document. In terms of ‘fully flexible access’ it allows people to withdraw down their pension in the framework that has been outlined, so if they want to take 100% of the pension pot within the term then they can take 100% of the pension pot within those terms. How they then do that, whether they spread that claim over a period of time, will of course be up to them to decide, but the essentials of the framework will still apply.

The President: Mr Ashford.

Mr Ashford: Thank you, Mr President.

Can I start by welcoming the Statement from the Minister for the Treasury and thank him and the team in the Treasury for bringing this forward so quickly.
Can I ask the Treasury Minister – obviously we have not got the consultation document in front of us – how long the consultation is due to last, and if at the moment he has any timescales as to when he is likely to attempt to bring these changes in?

**The President:** Minister.

**The Minister:** Mr President, the consultation runs until 15th September. It is available on the Government website. As I have just outlined in my speech, I very much hope that we will be bringing the formal proposals for the final scheme in the next Income Tax year.

### 9. Discount Rates for Personal Injury Claims – Statement by the Minister for the Treasury

**The President:** We move to Item 9: Statement by the Minister for the Treasury.

**The Minister for the Treasury (Mr Cannan):** Thank you, Mr President.

During my Statement at the April sitting of Tynwald concerning discount rates for personal injury claims, I made a further commitment to update Members regarding future plans.

Members will recall I advised in April that the Treasury would not be amending the existing Isle of Man discount rate in light of the major implications resulting from the introduction of a revised discount rate applicable in the United Kingdom and the resultant ongoing debate.

This decision was carefully considered and based on a number of factors, including the uncertainty surrounding the validity of the revised UK discount rate, the instigation of a wide-reaching UK consultation to examine the framework under which future discount rates are set, and the opportunity to amend current primary legislation regarding the use of alternatives to lump sum awards.

Mr President, I am happy to confirm that clauses added to the Statute Law Revision Bill have now been approved by the Branches and the Bill is currently awaiting Royal Assent. Once enacted, the provisions will provide the Isle of Man High Court with the ability to impose Periodical Payment Orders without the consent of both parties in a claim. This provides an important additional option to the High Court in settling claims and reflects the endorsement of the previous report of the Economic Policy Review Committee, who considered the application of an Isle of Man discount rate in 2014.

Recent events in the UK appear to have delayed the anticipated report on the consultation responses, that I have just mentioned, and indeed the publication of any proposals from the UK government to either further amend their existing discount rate or to more fundamentally alter the framework for how discount rates are calculated and imposed.

Reflecting this, therefore, I do not intend to amend the current Isle of Man discount rate, or propose any changes to the existing underlying primary legislation, until further details of the UK review are available and can be fully assessed.

Although extending the period of review may not be ideal, I expect that assurances from the previous Lord Chancellor that the results of the consultation will be acted upon swiftly and the wide-reaching debate and urgency that the recent change has created, will result in the emergence of UK proposals in the near future.

Mr President, I believe the prompt actions to seize the opportunity to update legislation regarding periodical payments demonstrates that the Treasury is intent on reaching a fairer framework for both claimants and defendants.

I can further assure Hon. Members that the Treasury will continue to keep a close watching brief on developments and I will commit to returning to Tynwald with proposals for any changes
to the existing discount rate or more fundamental reform of legislation, as soon as the results of the UK review are available and have been considered.

**The President:** Hon. Member, Miss Bettison.

**Miss Bettison:** Thank you, Mr President.

In 2014 the then Treasury Minister, Mr Teare, stated that Treasury cannot second guess if, how or when the discount rate may be amended in the UK. He went on to state that he would reiterate that the order is merely being produced to mirror current UK and Scottish discount rates. I would ask then, Mr President: are we now going it alone by maintaining a discount rate that no longer mirrors UK and Scottish rates and is unachievable in current financial markets?

**The President:** Minister to reply.

**The Minister:** No, Mr President. As I have clearly set out, the changes to the discount rate I think took many people by surprise and have resulted in significant consternation and significant debate in many quarters as to whether the UK rate was warranted and indeed set at the appropriate level.

It seems to me inevitable that the current review that is being undertaken will result in either a new rate or new legislative framework or indeed both, and it does leave significant uncertainty over the permanence of the – 0.75% rate.

I think, Mr President, in these difficult circumstances, that we are adopting the right position to take our time and wait for this review to be completed in the United Kingdom so that we can give a clear pathway and framework ahead for those many people who are concerned and interested in this particular topic.

**The President:** Miss Bettison, a supplementary.

**Miss Bettison:** Thank you.

While we are not aware whether the negative 0.75% interest rate is appropriate, we are also not aware if the 2.5% interest rate is appropriate, so we are now going it alone very much. So, by not making any move we are telling claimants in the Isle of Man they can get 2.5% interest today via a risk-free investment.

As you are telling the Court to continue using that rate in the calculations, it must be founded in fact and be justifiable. That being the case, perhaps you can tell me today where to obtain that risk-free rate for those who are unfortunately caught in the middle of this period of indecisiveness.

**The President:** Minister.

**The Minister:** Mr President, I think I have already explained clearly why we are having to take our time here. There are many complicated issues at stake, both for personal claimants, ensuring that they get the right rate of return, and of course for both Government and for business as well.

I think that, given the ... perhaps the right word is ‘furore’ that has been created by the announcement of the new discount rate, given the commitments from the UK government that urgent reviews and consultations are taking place about this matter, I am confident, as it stands today, that we are going to see some developments in the not too distant future in respect of that. I think, as an Island, as a responsible Island, as a responsible Government, we should therefore by adopting a neutral position in terms of remaining at the current discount rate until the issue is settled and resolved and then we will be in a better position to make a more informed decision about our future setting of discount rates.
The President: Miss Bettison, a further supplementary.

Miss Bettison: Thank you.

I wonder whether here we are trying to protect the Government and the businesses or the victims of negligence, and whether a zero percent, just to give the victim the amount that was decided by the court, would be more appropriate in the interim.

The President: Minister.

The Minister: Mr President, I do not believe that we are in a position to go plucking figures out of thin air in a very complex situation and environment. I think the best policy is to wait to see what emerges from the consultation and review in the UK and for us then to make a proper considered decision.

At the moment, the Isle of Man has not got a framework in front of it to go it alone per se. That decision has not been made. All that has been made is to adopt a very sensible and mature holding position whilst people who are effectively setting these rates now and into the future work out whether in fact they have set the discount rate at the right level to reflect both the claimants’ needs going into the future and the needs of both society and business, and all of those needs have to be balanced in the appropriate manner to make sure that the situation is not overplayed in any of those particular quarters.

The President: Hon. Member of Council, Mr Coleman.

Mr Coleman: Thank you, Mr President.

I would like to ask the Treasury Minister about another aspect of keeping the rate the same. I do not have a problem with that. However, people who are insuring at the moment, where there is a personal injury element, with UK insurance companies, the new negative discount rate is being applied and therefore the premiums are becoming more expensive. Therefore, I wonder if the Treasury Minister could prevail upon local insurers to insure—sorry, ensure (Laughter)–by maintaining the 2.5% discount rate we are not being disadvantaged with insurance premiums with policies in the UK.

Thank you, Mr President.

The President: Minister.

The Minister: Thank you very much, Mr President.

I absolutely recognise what the Hon. Member of the Legislative Council is stating, which is now emerging as clear fact in terms of premiums in a whole raft of areas. I will discuss that matter with the Minister for Economic Development.

I expect that once we have got some clarity in terms of the way ahead we will be in a much better position to perhaps review how local insurers are reacting from a price perspective for our local residents. So I think my response to the Hon. Member is: a valid point, sir, and we will take that on board, and at the appropriate time I think we will engage with local insurers if that in fact is relevant in the longer term.

The President: Mr Hooper.

Mr Hooper: Just a short question for the Treasury Minister, which I am not sure he will be able to answer. By delaying the change or the consideration of changing the Isle of Man discount rate whilst at the same time keeping it different to the UK, the Economic Policy Review Committee back in 2015 stated that they noted with concern the evidence that the insurance industry may well react to a different rate in the Isle of Man either by declining to underwrite
business or by putting up costs. I just wonder if this has been considered and actually how long are we going to wait for the UK to release the results of their consultation and to think about the way they want to go forward before we decide that actually what is in the best interest of the Isle of Man is to try and go our own way.

The President: Minister to reply.

The Minister: I think it is a question of applying common sense, Mr President. Clearly, if within the next few months the UK has failed to reach a decision on this then I suspect that we will have to have a very serious consideration as to how we then progress to try and give some certainty to the many different individuals and bodies who are interested in the stance of the Isle of Man Government.

Procedural –
Ministerial Statements

The President: Hon. Members, that brings us to the end of the series of seven Ministerial Statements on which questions, under Standing Orders, may properly be put. I do sense and am aware of the sense of frustration within this Hon. Court regarding Item 7, the Department of Health and Social Care Financial Sustainability Statement, on which no more than questions could be properly put to the Minister on a report which was indirectly the subject and featured as part of the Statement.

I contrast this approach with Item 6, the Single Legal Entity, where similarly there was a substantial document forming the subject of the report but essentially that Statement was to indicate that the report would be reported further later in the year and it would be the subject of further consideration in Tynwald, and to that extent it was perfectly proper for the Statement to refer to that document.

However, such was the complexity, I feel, of the briefing paper on Financial Sustainability within DHSC, I think on reflection, and I am sure the Minister would perhaps reflect, that it would have been preferable to have formed the subject of a debate to ... (A Member: Hear, hear.) of a report to be debated, if only to be received, so that Members might have had a full opportunity to debate the contents rather than contrive a series of unsatisfactory questions on issues they really wanted to know about but which technically I was not able to rule as being in order.

So, in future perhaps Council of Ministers would consider the framework of statements by Ministers when they are in effect introducing substantial statements of policy and whether it would not be better for that statement of policy to form a proper debate within this Court. I think that would do justice to the Department and certainly resolve the concerns that Members may well have felt this afternoon.

20. Select Committee on the Functioning of Tynwald –
First Interim Report received and recommendations approved

The Chair of the Select Committee on the Functioning of Tynwald (Mr Speaker) to move:

That the First Interim Report of the Select Committee on the Functioning of Tynwald – Remit and Work Plan [PP No 2017/0120] be received and the following recommendations be approved:
That the Select Committee on the Functioning of Tynwald should have the authority to consider the following issues when deliberating:

(1) Whether Members of Legislative Council should be able to vote on the appointment of the Chief Minister or on a vote of confidence in either the Chief Minister or the Council of Ministers;
(2) Whether the Lord Bishop should retain his vote;
(3) Whether a sitting Member of the House of Keys should be eligible to be nominated as a Member of Legislative Council;
(4) And whether the following changes to draft Bill procedure be adopted:
   (i) Draft legislation be automatically referred to the relevant principal committee instead of being subject to the existing formal consultation procedure; but that the relevant principal committee seek the views of the public;
   (ii) In considering the draft Bill, the committee take evidence from experts in the field and from persons who may be affected by the proposed legislation;
   (iii) Amendments to the Long Title of a Bill be authorized by an instruction moved immediately after second reading (which instruction would be open to amendment);
   (iv) Amendments to the Long Title of a Bill be taken at the end of the clauses stage.

The President: As I indicated earlier, Hon. Members, we will take Item 20 at this point, which is the motion regarding the Select Committee on the Functioning of Tynwald. I call on Mr Speaker to move.

The Chair of the Select Committee on the Functioning of Tynwald (Mr Speaker): Thank you, Mr President.

At its last meeting Tynwald established the Select Committee on the Functioning of Tynwald and referred to it a number of matters. The Committee was the product of lengthy debate and I do not wish to rehearse the points made then. Suffice it to say that there can be few Committees which Tynwald has set up with quite an involved remit.

The debate on the recommendations underlined the need for speedy action by the Committee and we met on 21st June 2017, the day after we were elected, and decided immediately to issue a report with two main purposes: to inform Members and the public about the precise terms of the remit and to set out the general work plan of the Committee. We felt it was important to report early to set out authoritatively the remit of the Committee and its work plan.

However, we also ask for a modest change to our remit in order to allow us to consider the whole range of issues and make proposals taking into account the full range of opinion in Tynwald. This change in no way indicates support or otherwise for any particular propositions but it does allow us to take into account matters which might be relevant.

With that, Mr President, at this point I beg to move.

Dr Allinson: Thank you, Mr President. I beg to second and reserve my remarks.

The President: Hon. Member for Ramsey, Mr Hooper.

Mr Hooper: Thank you, Mr President.

Briefly, I am actually very glad the Committee has come back to this Hon. Court asking for this extended remit. I think the proposals are very sensible, actually. (A Member: Hear, hear.) There are only two items I would like to briefly focus on and these are the same two items that are the subject of motions a little bit later on in the Order Paper. These relate to removing
the Bishop’s vote and prohibiting MLCs from voting on the Chief Minister. Both these items were voted on last month and a majority of Members of Tynwald did vote in favour of both these proposals. They were not passed, because of disagreement with the Upper House, the Legislative Council, and the only reason we do not have a formal resolution in front of us is because no combined vote was called at the time.

So I would really not like to see the summer wasted if the Committee just intends to simply come back in October and recommend approval or not when essentially Tynwald has already had that vote. I would rather the Committee spend the summer working on proposals for implementation of these items, and so can I ask the Committee Chairman if it is his intention that when considering these two issues the Committee intends to treat them as if they had been approved and to include in their Report recommendations for their implementation.

The President: Hon. Member, Mr Robertshaw.

Mr Robertshaw: Thank you, Mr President.

I rise to address specifically number (2), whether the Lord Bishop should retain his vote, and the comments made by the Member for Ramsey just now.

I have to hold my hand up a little bit here because Mr Hooper is quite reasonably that there was a particular vote in favour of the Bishop losing his seat – his vote, I beg your pardon, and that I actually supported that. However, on reflection, I feel that it should go to the Committee, that my instinct is absolutely the Bishop should be with us, and I think there are issues that we need to address further with regard to the retention of his vote. So I think, from my perspective, it is safer that this matter goes to the Select Committee rather than necessarily not later on in a further motion, because I think there is a degree of uncertainty growing in my own mind and I really do think the Select Committee should address it.

Thank you.

The President: Hon. Member for Middle, Mr Shimmins.

Mr Shimmins: Thank you, Mr President.

I am slightly confused about the direction of travel here. I think it is great to have such a quick Interim Report from the Select Committee. I think there is, as the Committee itself identifies, scope for misunderstanding exactly what it has been tasked to do, so it is good, I think, that we can try and clarify that.

One of the aspects when I read the Report: there was a suggestion that potentially it would also consider whether the election of MLCs should be open or not, and given the decision made unanimously by 24 Members of the Keys on 4th April, it appears to me there is very little justification for the Committee revisiting that. I may be confused about that but I would welcome clarity from the Chairman in due course.

Personally, I would prefer that we had also some clarity on the motions proposed by the Hon. Member from Ramsey, Mr Hooper, later on in the paper. I think that resolves some of these situations rather than tasking the Select Committee to look into things, as Mr Robertshaw has suggested, when in fact they have got plenty of things to look into. There was a clear vote on these. For me it clarifies something and enables things to get done rather than a constant debate about different aspects. So I think it is actually helpful for the work plan to narrow that remit of the Committee and personally I think the motion would be a better way of doing that.

There is just one aspect of the Report, which again I may have misunderstood and apologies if I have, where it talks in some detail about the authority to consider issues when deliberating. Maybe that is just unfortunate language for me, but I think it would be preferable to have a more tangible remit to recommend specific actions rather than thinking about things and considering things; but again I would welcome some clarity on that point.

Thank you, Mr President.
A Member: Hear, hear.

The President: Hon. Member, Mr Thomas.

Mr Thomas: Thank you, Mr President.

I was going to use the same comment in the Report to preface my remarks, which was that ‘there is scope for misunderstanding exactly what the Committee has been tasked to do’, but then later on in the Report there is actually a clear statement that ‘we take our remit as instructed’ and looking for this debate to get the remit instructed.

In the light of that apparent desire for certainty about the remit, I just want to take the different approach, which is to make sure that the Chair and the Committee itself understand that work goes on during the time of the Committee’s deliberations, however long they may be, (A Member: October.) because obviously it is for the Committee to decide when it reports back.

So, specifically, I believe after 12th October 2017 my good friend the Hon. Member for Ayre and Michael, Mr Cannan, has the ability to bring back, under the Constitution Act 2006, his Private Member’s Bill, which covers the election of the Chief Minister process, and as far as I am aware, 24th October or thereabouts, he does intend to bring it back and I want a clear statement that that process is not in any way affected by the Committee’s deliberations.

The second question is, quite understandably the Committee has invited Members to submit evidence to it by 21st July in respect of the matters covered for the October report. I just wanted a clear statement in public from the Chair that in actual fact more detailed information about some of the items that are going to be considered for the December report could actually be submitted later, because to me Government itself would like very much to be involved in how we consider the legislative process because legislation is the people’s legislation, both put together by a proposer and considered in Tynwald in its Branches, and I think we need more time to prepare information for that part of the process, and indeed other parts of the process.

The President: I call on the mover to reply. Mr Speaker.

The Speaker: Thank you, Mr President.

To pick up Mr Hooper’s comments first and to reflect on the items further down the Order Paper, first I would say that certainly my view, if not that of the Committee, was that the definition of madness is doing the same thing twice and expecting a different result, and by putting the same motion down as we voted on last week and expecting something different to happen … I think the Committee were acutely aware that that was not a particularly positive move forward.

I do, however, take the point about being realistic about the voting and looking at the numbers in their pure form and trying to interpret them. Again, to pick up on Mr Robertshaw’s comments, we have got to be careful about the danger of over-interpreting them, and so hence that balance at this point about bringing them into our remit so that we could recommend on it and recommend either inclusion or recommend implementation, but that is about giving us somewhere where Tynwald wants to be. That is why it is so important that Members give that detailed feedback by 21st July, so that we have a stronger sense of where Tynwald wants to be and we can then pick that up, we can look at all those individual submissions and try and get us to more common ground and see what really underlies those numbers that we have looked at from last month and are in the Report. So that is why we are seeking to investigate further and take Members’ feedback on board.

One of the things I really would like to caution Hon. Members against is landing the Committee with an impossible task. We have got a challenging deadline and we are absolutely committed to the cause, but the worst of all worlds would be to have the same vote as happened last month on Mr Hooper’s motions, where it was passed in the Keys, fails in the Council, you then have a notification of a combined vote – and where does that leave your
Committee, Hon. Members? We need to be able to make progress, we need to be able to come back to you with recommendations in October, and that is why we have put this down today, but it will reflect very much the views of Members.

So for those who are looking to just spoil the whole process, that is the way – *(Laughter)* I noted where the laughs were coming from in the Chamber there! *(A Member: Guilt!)*

In terms of the open process, to pick up on Mr Shimmins’ comments, I think you are right, Keys has made a clear determination on that, that matter has largely been settled, but it was part of Lisvane’s recommendations and that point is about seeking reinforcement of them by both Houses. So, as I say, I think that one has perhaps already been overtaken by events in the Keys Chamber.

We want to make sure in the Committee that our remit is not overly limited, and that is why we have sought to bring these extra parts in. We think it is important because we recognise the strength of feeling, especially in the House of Keys, over some of these issues and we want to be able to report on it, and without it being in our remit we cannot. That is the problem. We started off on a process of saying that, actually, the way some of these votes went it would be wrong to exclude them specifically, and that is why we are back here with this motion today so that we can bring that consideration into the Committee’s report, which is absolutely vital.

As I said, we are keen to deliver on time. We do want this to come back to October Tynwald, at least the first report, which was set out last month what that would involve and what we need to report on by then. So at least a lot of the leg work will have been done before that first sitting of the House of Keys, where, as Mr Thomas states, the Hon. Member for Michael could return with his Private Member’s Bill – and there is nothing in the Committee’s work that would prevent that happening.

What again I caution people about is rushing at their fences. This is something that there is a demonstrated will in the Committee to move forward with at a pace that is not overly rushed but is actually going to deliver something that Tynwald Members want – and that, I think, is the most important part of this. We need just enough time, and no more, to deliver what Tynwald Members want, so really that is going to be very much about how good the submissions are that Hon. Members send us; because if we only get one or two, then please do not blame us if we come back with something that you did not ask for in October, because speaking to the Members of the Committee we are absolutely keen to come back in October and December. We are very minded about the timeframes, which are tight – that is why we have said we are not going to have oral evidence – but please do this give your support. Please give the Committee a clear steer, a clear direction, and we look forward to coming back in October with far more detail.

Thank you, Mr President.

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**The President:** Hon. Members, I put the motion as set out at Item 20. Those in favour, please say aye; those against, no. The ayes have it. *(Mr Cannan: Divide!)* The ayes have it.

**The Speaker:** Mr President, Mr Cannan called a division.

**The President:** I did not hear divide. Would you please –

**Mr Cannan:** Divide. I did.

**The President:** Okay, you need to speak up. *(Laughter)*

**A Member:** Everyone else heard!
A Member: Of all people! *(Laughter)*

Mr Cannan: I am only voting out of curiosity, Mr President.

The Speaker: You cannot leave until the vote is completed, Mr Thomas.

*Electronic voting resulted as follows:*

**In the Keys – Ayes 23, Noes 1**

**FOR**
Dr Allinson  
Mr Ashford  
Mr Baker  
Mrs Beecroft  
Miss Bettison  
Mr Boot  
Mrs Caine  
Mr Callister  
Mr Cannan  
Mrs Corlett  
Mr Cregeen  
Ms Edge  
Mr Harmer  
Mr Hooper  
Mr Malarkey  
Mr Moorhouse  
Mr Peake  
Mr Perkins  
Mr Quayle  
Mr Robertshaw  
Mr Skelly  
The Speaker  
Mr Thomas

**AGAINST**
Mr Shimmins

The Speaker: In the Keys, 23 votes for, 1 against.

**In the Council – Ayes 8, Noes 0**

**FOR**
Mr Anderson  
Mr Coleman  
Mr Corkish  
Mr Cretney  
Mr Crookall  
Mr Henderson  
Mrs Poole-Wilson  
Mr Turner

**AGAINST**
None

The President: In the Council, 8 for, none against. The motion therefore carries.
10. Replacement of Eastcliffe Resource Centre; construction of new Day Services Centre – Expenditure approved

The Minister for Health and Social Care to move:

That Tynwald approves of the Department of Health and Social Care incurring expenditure not exceeding £5,030,000 in respect of the Replacement of Eastcliffe Resource Centre and the construction of a new Day Services Centre, Braddan. [MEMO]

[Reference: Scheme code G13-082 Item 1 on page 35 under the heading “Accommodation for Day Care Services Eastcliffe”; Detailed Estimates of Government Departments and other Bodies 2017-18 Appendix 5 on page 93 under the heading “Full Capital Programme including 2017-18 Approvals, Ongoing Schemes – Health and Social Care – Accommodation for Day Services Eastcliffe”]

The President: We turn now to Item 10: Replacement of Eastcliffe Resource Centre and construction of a new Day Services Centre.

Minister for Health and Social Care to move. Mrs Beecroft, please.

The Minister for Health and Social Care (Mrs Beecroft): Thank you, Mr President.

In 1991 Tynwald approved the strategy for the development of community-based services for adults with a learning disability. Since that time significant improvements have been made in services for adults with a learning disability, with more people now leading full and rewarding lives.

The Tynwald approval of the 1991 strategy was the catalyst for the decommissioning of hospital-based services for adults with a learning disability and ultimately led to the closure of the wards at the former Ballamona Hospital.

Today there are almost 300 adults with a range of needs accessing community-based day services, residential services, respite and supported-living services, which is a testament to the improvement in the manner in which the Isle of Man supports the vulnerable in our society.

In 2014 the former Department of Social Care, following a period of consultation, launched the second five year strategy for adults with a learning disability. The strategy set out the Department’s view of how people with a learning disability should be included and supported in the community in which they live. The strategy laid out proposals for the commissioning of services for adults with learning disabilities in the Isle of Man. The strategy also recommends that services should be reorganised to provide more personalised support and care rather than fitting people into existing services.

Over the lifetime of the first Learning Disability Strategy significant improvements were made, with increased opportunities for people to choose how and where they live and how they spend their days. The second Learning Disability Strategy is about how the Department of Health and Social Care can improve things even further.

The strategy does focus on four key themes: housing, employment, health and inclusion. Fundamental to the development of employment opportunities and greater inclusion is ensuring that services are delivered in buildings that are both fit for purpose and compliant with the standards laid out in the Regulation of Care Act.

Day services for adults with a learning disability are currently provided across four main sites: Eastcliffe Resource Centre, which is located adjacent to the former Victoria Road Prison on Victoria Avenue in Douglas; Greenfield Garden Centre, which is located behind Radcliffe Villas on Glencrutchery Road; Eastcliffe Resource Industrial Centre, which is located on Noble’s Hospital estate; and Mooragh View, which is a day service located in Ramsey.

This capital scheme proposes the replacement of Eastcliffe Resource Centre and to move both Greenfield Garden Centre and Eastcliffe Resource Industrial Centre on to the one site on
the Noble’s Hospital estate. The proposed site is the former Ballamona Farm, which most recently was the base for the Department’s Estate Services. The Department of Health and Social Care Day Services has, over the last few years, been developing a model of employment for service users within two work-based units at Greenfield Garden Centre and within the Eastcliffe Resource industrial unit, which is currently located on the proposed site.

The Department is now seeking to bring day care facilities and current employment opportunities together on to a single site and building on this foundation, evolving a number of new social enterprise activities which extend the range of employment for adults with learning disabilities. Equally, the Department of Health and Social Care are increasingly aware of the need to provide day services to adults with a learning disability who have complex needs, and this is not possible given the limitations of the building at Eastcliffe Resource Centre. As a result, some service users have not been able to access the Department’s Day Service buildings. Part of this major development will be to construct a new building that is compliant with modern standards and accessible for those who have complex physical needs.

The proposals represent a major development in Braddan by the Isle of Man Government, which in conjunction with the reuse of the existing buildings will provide an opportunity for a modern facility that does offer opportunities for environmental improvements and will have a positive impact on energy usage and running costs. The development, when complete, will be a further step in modernising the infrastructure that supports adults with a learning disability and will ensure the Isle of Man continues to support those people most vulnerable in our society.

Mr President, this much needed scheme directly complies with the Programme for Government which was brought to Tynwald by the Council of Ministers, where it was agreed by Members, and the specific objective that we have an inclusive and caring society.

I beg to move.

The President: Hon. Member for Douglas East, Miss Bettison.

Miss Bettison: I beg to second and reserve my remarks.

The President: Hon. Member for Ramsey, Dr Allinson.

Dr Allinson: Thank you, Mr President.

I would like to welcome this motion. This will increase the access and opportunities for people with learning difficulties and I think shows a very longsighted strategic plan to consolidate services, improve them and put them all at the same site. I welcome, as I said, this going on.

Could I ask the Minister about her commitment to the unit in Ramsey at Mooragh View, because by definition some of the service users there have problems with accessing either private or public transport and I think, certainly for people with learning difficulties, particularly adults, having local centres outside Douglas is equally important as having a world-class facility in the capital.

The President: Hon. Member of Council, Mrs Poole-Wilson.

Mrs Poole-Wilson: Thank you, Mr President.

I rise in support of the motion and also I wanted to highlight the issue of how these new facilities that we have just been hearing about might be used to support not only the needs of adults with learning disabilities but perhaps the employment and work experience needs of other groups of vulnerable young people.

As a trustee of St Christopher’s, I am aware of the difficulties that can be experienced sometimes by looked-after young people, both school leavers and young adults, when it comes to finding employment or even obtaining work experience. This group includes looked-after
children in residential care but also a wider group too that make use of a drop-in facility which is
based in Hope Street and which is there to support young people who maybe do not have the
family support in place to help them with all the challenges of independent living. While such
young people may not necessarily have learning difficulties, they are likely to have had disrupted
school careers and possibly have left school without formal qualifications, as well as facing other
challenges.

So, as regards employment opportunities, it is not just the absence of formal qualifications
that might make finding employment difficult. It often may also be just not being prepared for
the world of work, and challenges may include issues like reliability, punctuality and just how to
handle interactions with co-workers. With that in mind, I am aware that St Christopher’s is
always looking for ways to try and help young people to get work experience in environments
and with staff who understand the particular challenges of looked-after young people.

I was interested by the future development of the Eastcliffe facilities and whether there is
any scope for young adults such as I describe to gain potential work experience there, as they
may need a more forgiving and supportive environment in which to gain that experience. This is
something I have raised with the Minister for Policy and Reform in his capacity as Chair of the
Social Policy and Children’s Committee and I would hope this is something that the Minister and
the Department for Health and Social Care would also be open to considering.

If there is potential to have a more joined-up approach in this case and to be able to use new
facilities to support different groups of people in need, I feel it would really be in line with the
key objectives of the Programme for Government, particularly promoting an inclusive and caring
society but also helping to deliver financially responsible government through the maximised
use of facilities to support different groups in need.

Thank you.

The President: Hon. Member, Mr Ashford.

Mr Ashford: Thank you, Mr President.

I absolutely welcome the proposal and I have no objections to it, but one thing I want to
focus in on is the current sites, both on Glencrutchery Road and Victoria Road. In the backing
documentation it makes reference to the fact that the Department recognises that they have a
certain strategic importance, but what it then later refers to is that it gives Isle of Man
Government greater flexibility in future redevelopment opportunities. To my mind, that means
that they are not already earmarked for anything. This is one of my biggest bugbears,
Mr President: Government keeps vacating sites, not just in Douglas but around the Island, with
no plans as to what is going to happen to those sites afterwards. So can I ask the Min-
ister: are there any redevelopment opportunities for those sites on the table, or are we just about to get
another vacant site in Douglas?

The President: Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Mr President.

I would like to ask the Minister to confirm that when we have these wonderful new premises
there will be enough revenue expenditure to actually make full use of them.

I have visited Eastcliffe a number of times in my role looking after the section dealing with
speech and language. Once a month they have a session for people who are quite severely
handicapped and can only communicate by touch, and on a one-on-one basis, in a room using
enormous cushions, with music playing, the carer – and it is actually a professional, normally –
just runs their hands over them for a period of about an hour. Quite frankly, it is very moving. I
asked the person who organised it how often they did this and they said once a month. ‘Well,
why aren’t you doing it more often?’ ‘We can’t get the budget.’ How much is the budget? Thirty
thousand pounds a year for a staff member to actually co-ordinate it.
Hence my question: it is wonderful having bricks and mortar, but will there be enough money to make the best use of those bricks and mortar?

Thank you, Mr President.

**The President:** I call on the mover to reply. Mrs Beecroft.

**The Minister:** Thank you, Mr President.

I thank Dr Allinson for his support and his encouragement. I would like to give a commitment that there is no change to the facilities in Ramsey for him; they will continue because it is important to have them not just in one area, as he says.

Mrs Poole-Wilson, yes, I know the drop-in centre; I visited there just a couple of weeks ago when I was doing a tour of the Children and Families Services, and it is quite excellent. There was a young man there who did have difficulties, but he was just charming. He made me a lovely cup of lemon and ginger tea and his smile was just ... It made my day, to be honest; I am still living on that smile. I agree with you that, wherever we can, we should be trying to work together and make the most of everything. It is essential that we meet the needs of our people who have learning disabilities, but we should work ... we are committed as a Department to work across not just other divisions but with other Departments where we can have synergies and where we can help ourselves and make better use of our assets by joining forces.

Mr Ashford was asking are we going to be using Glencrutchery Road and Victoria Road, or are they going to be empty. No, they are most certainly not going to be left empty. Glencrutchery Road – the Department is already in discussion about respite care there. Again, I viewed the facility and, quite frankly, it is rather out of date and we are looking to build possibly behind that and to have proper up-to-date accommodation for that use; but that is something that is just being looked at, at the moment. But no, we are not going to leave the ground lying empty, and again the proposals will be certainly being brought forward about the Eastcliffe Centre as well.

Mr Coleman, bringing the sites together to make the best use of them: I do agree. I think that we can learn from Mr Coleman’s experience in that area and I would welcome any suggestions that he has as we go forward, if we can make things better in that regard. And I would certainly hope that the budget is in place for things that we need to do and which we prioritise.

I think I have addressed everybody’s comments and I thank Hon. Members for their support.

**The President:** Hon. Members, the motion is set out at Item 10. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

### 11. Clagh Vane Redevelopment – Projects 7 and 8 – New Build – Expenditure approved

The Minister for Infrastructure to move:

*That Tynwald approves the Department of Infrastructure incurring expenditure not exceeding the sum of £8,240,000 in respect of the redevelopment of Projects 7 and 8, Clagh Vane Estate, Ballasalla. [MEMO]*

[Reference: Scheme code G15068 Item No 48 on page 36 under the heading “Schemes funded from housing reserve”, Clagh Vane Redevelopment 7 & 8; Detailed Estimates of Government Departments and other Bodies 2017-18, Appendix 5 on page 96 under the heading “Full Capital Programme including 2017-18 Approvals, Ongoing Schemes – Department of Infrastructure – Clagh Vane Redevelopment 7 & 8”]
The President: Item 11: Clagh Vane Redevelopment Project.
Minister for Infrastructure, Mr Harmer, to move.

The Minister for Infrastructure (Mr Harmer): Thank you, Mr President.

The Clagh Vane estate in Ballasalla has undergone a phased programme of refurbishment and redevelopment since 2009, including environmental improvements and the addition of new public sector housing for rent.

The Housing Review recommendations in 2013 recognised that there is a need for growth in affordable homes on the Island. The new southern combined Housing Division local authority waiting list currently has 97 households seeking public sector homes for rent with the south as their first, second or third choice. The first-time buyer fixed scheme register currently has 63 applicants with an interest in affordable homes as their first, second and third choice.

Projects 7 and 8, known locally as the Horseshoe area of the Clagh Vane estate, is in the final phase of redevelopment and replaces the substandard housing constructed in the immediate post Second World War years. The development also increases the number of units for rent, with scope for a small number of properties allocated for sale through the first-time buyer fixed scheme or rent, depending on the demand in Ballasalla at the time.

The proposals represent a major development in Ballasalla by the Isle of Man Government which will provide modern, well-insulated homes to replace existing dwellings which could not be economically upgraded to meet the current standards and therefore have subsequently been demolished to make way for the new scheme. The proposals will also have beneficial environmental and spatial impacts with a new public open space and adequate parking facilities.

The completed demolition of 42 existing dwellings in the Horseshoe area of Clagh Vane will be replaced with 51 new dwellings. Eight tenant decant properties were also completed last year, which will give a net increase overall of 17 new dwellings.

The new properties will consist of a mix of two-, three- and four-bed houses in addition to the one- and two-bed apartments. It is proposed that eight properties within the housing mix will be constructed as low-energy dwellings and will have an energy performance standard above current building regulations requirements. This represents a continuation of the Department’s effort to investigate viable methods of building affordable homes which reduce energy costs for tenants and meet the Island’s environmental and CO₂-reduction aspirations. These have recently been restated in DEFA’s Delivery Plan 2017, which forms part of the Government five-year programme ‘Our Island: A special place to live and work’. I quote:

In order to help meet our commitment to reduce greenhouse gases, we want to reduce the amount of CO2 produced by households.


The inclusion of these dwellings reflects the standard dwelling types developed by the Department and will build on the knowledge derived from the construction of two passive house dwellings at Janet’s Corner in Castletown in 2015. The tender process provided an opportunity for contractors to come forward with their own preferred construction methods to construct low-energy homes which comply with the Association for Environment Conscious Building silver performance standard. The contractor who has won the tender has a long history of engagement on the site and won tenders for other phases of development and modernisation. They also completed the first two passive houses at Janet’s Corner for the Department, so have familiarity with low-energy homes.

The development, when complete, will bring an end to this major capital investment programme and will deliver modern and well-insulated affordable homes to the south of the Island.

Mr President, this much needed scheme directly complies with the Programme for Government 2016-21 and the specific outcome that we have affordable, accessible housing which meets our social and economic needs. I beg to move the motion standing in my name.
The President: Hon. Member, Mr Cregeen.

Mr Cregeen: Thank you, Mr President. I am pleased to second the motion here. It is surprising: 10 years ago I stood in this Hon. Court and was talking to one of the Members and he said, ‘Oh, well, these houses in Clagh Vane will be replaced in three years, so there’s no need to put any heating or any draft-proof doors on because it will be completed in three years.’ Needless to say, they put the heating in and the doors and it improved the quality of life for all the people who were living in them.

This is a much needed development for the area because we have lost family homes in the area over the years in the development of apartments. The community needs young people back in it (A Member: Hear, hear.) and I think that is one of the vital things that this development does. Hopefully it will bring young families back into the area and it makes the villages sustainable, so I am pleased to support this motion today.

The President: Hon. Member, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr President. Supporting these proposals sees the long-awaited completion of the Clagh Vane estate. Ninety-two houses will be located on the site, an increase of one third, a far better use of resources.

In my opinion, the possible jam here will be the seven new homes that will be potentially offered for sale to first-time buyers. I really do hope that this aspect of the scheme can be taken forward.

The low-energy units will provide an interesting dimension to this development. Local businesses and Ballasalla Primary School are eager to see the completion of this scheme. I hope you can all support this exciting development in Malew.

The President: Hon. Member for Ramsey, Dr Allinson

Dr Allinson: Thank you, Mr President. I welcome the project to replace 42 post-war houses with 51 new homes. The potential for a mixed development of social housing alongside first-time buyers’ properties is an important concept. It is vital that on a small Island we try to avoid stereotypes and small enclaves of social housing, and strive towards a more inclusive society where the arbitrary nature of whether a family can afford to buy their own home or continue renting is not a barrier to social cohesion. (A Member: Hear, hear.)

I am slightly disappointed that only eight dwellings will be constructed as low-energy homes. I believe the previous pilot schemes by the Department have proved that homes built to a higher standard of energy efficiency whilst costing slightly more in the short term offer real long-term benefits to tenants with lower energy bills and reduced anxiety about the potential for fuel poverty.

If we are going to be serious about meeting our national target to mitigate climate change, now is the time to be bold and to state that in the future all new public sector builds will be low-energy homes. By challenging conventional building techniques we can act as an example of best practice, encourage local builders to increase their skills and reduce prices through volume manufacturing, we would make a clear and bold statement about the role of public sector housing not being second best whilst encouraging private developers to also move forward on improved house design to benefit homeowners, the Island and indeed the planet.

The Speaker and Mr Perkins: Hear, hear.

The President: Hon. Member, Mr Malarkey.
Mr Malarkey: Thank you, Mr President.

I rise to congratulate the Department for this development coming forward and to say I am glad to see there is a bit of a policy change from what there was eight years ago. When we decided that we would have a lot more stay at home, we suddenly decided within Government that we were going to build lots of one- and two-bedroom apartments to help people stay at home. Of course, now people are living longer and couples are living together longer, eventually these couples sometimes want to have separate rooms in their own properties so they can stay at home even longer. So the policy of building one-bedroom apartments no longer works, in my opinion, and we should be building two-bedroom units to allow not only the elderly couples who want to live together but in separate bedrooms but also maybe the single elderly person who wants to look after their grandchild while somebody else goes out to work.

There is not an argument these days, I am afraid, Mr President, for building one-bedroom apartments. I think that policy that we took out in 2009-10 when we were trying to develop a stay-at-home policy has now proved to be wrong. We did it to try and free up at the time some of the two-, three- and four-bedroom houses that we had on our estates and tried to make people move out of their homes and move into small apartments. That did not work, because people who had been lifelong residents in houses that were two-bedroom or three-bedroom houses did not want to move, and they certainly did not want to move into one-bedroom apartments as couples.

So I am glad to see and I hope this is a policy, moving forward, for the Department … I do not think one-bedroom apartments are the way forward for the future. Certainly two and three bedrooms must be our plan for the future, Mr President.

The President: Hon. Member, Mr Ashford.

Mr Ashford: Thank you, Mr President, and can I start by saying it sounds like the Hon. Member for Arbory, Castletown and Malew, Mr Cregeen, has had a long three years! (Laughter) To be fair, if you are a Douglas Member, there have been promises to Members – who are probably no longer around, since it was about 80 years ago – in relation to Lord Street. (Mr Cregeen: More efficient!)

Can I start by saying that I fully welcome this and it most definitely is required. The Minister mentioned in his opening remarks about the low-energy units and said that they would have an energy performance standard above current building regulation requirements, but other than that he has not really said much about it. I was wondering if the Minister could expand a bit in his reply about what he means by low-energy units.

Equally, can I ask the Minister were passive builds considered at all. And, like the Hon. Member for Ramsey, Dr Allinson, I am a bit saddened that it is only actually eight of the 51 units, or, to work it out in percentage terms, 15.7% of the overall build that is actually going to be low energy. I was wondering again if the Minister can expand on that and explain the reasons why, because although there is an added cost, it is most definitely an added cost worthy of having.

I also want to follow on from the Hon. Member for Douglas South, Mr Malarkey, and completely concur with his remarks, Mr President, in relation to the one-bed apartments. We should not be building anything that is one-bed anymore; everything should be a minimum of two-bed. (A Member: Hear, hear.) In fact, in a different life, when the Tolson review was underway for the Department, I spoke to David Tolson when he was over and one of the things he was very firm on was the fact that we should not be going down the route of building only one-beds. That did not seem to be something that came out in this Hon. Court when Tolson was debated, but he was very clear that we were one of the last jurisdictions anywhere that was actually building, as a norm, one-beds. So I would like to echo the comments from Douglas South and I hope the Minister will take that on board for all sorts of developments going forward, be it homes, be it apartments, and be it sheltered accommodation in Willaston.
The President: Hon. Member for Garff, Mrs Caine.

Mrs Caine: Thank you, Mr President.

I rise in support of the motion but I would like an undertaking from the Minister to consider a change of policy in respect of public housing in the future. Only eight homes of these at Clagh Vane being developed to an energy-efficient silver standard is, frankly, not enough – not enough in number and not to a high enough standard. We are told the two homes at Janet’s Corner enjoy a 65% reduction on energy bills, so we know the technology is proven, and it continues to improve and reduce in cost. Building more or building all new public sector homes as energy-efficient homes would significantly reduce the cost of construction, reduce the cost to the Government and to the environment, and benefit us all in terms of energy consumption and emissions.

I believe the Isle of Man should celebrate its UNESCO Biosphere Reserve status with a policy to increase the eco-credentials of all new buildings. I would like to ask the Minister to give a public undertaking that he will review the Department’s policy and consider ensuring that all public housing and first-time buyer properties are built to higher energy-efficient standards in the future. Economies of scale would bring the cost down, the level of expertise in the area would increase and the Isle of Man could hold its head high in international terms, contributing to mitigating climate change.

Thank you, Mr President.

The President: Hon. Member of Council, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

I would just like to wholeheartedly support the scheme and say it is another feather in the Island’s cap and for Government in recognising their social responsibility. Over the years I have served here I have seen the refurbishment of Pulrose and the rebuild, I have seen Willaston in North Douglas benefit from the same changes and ongoing changes, and earlier phases at Clagh Vane – and here we are with this particular one, and it really is good to see social policy recognising the needs within our community and a feather in Government’s cap.

I would just like to make a little comment on the issue about one- and two-bed apartments etc. I think the point is, as we are moving towards healthcare models that are supporting people to live at home longer then their healthcare needs change and that is a critical element in that too, where it may be for health reasons that a two-bedroom unit is desirable for a couple, not just for a social kind of nicety, but there are more basic reasons than that and I think those need to be recognised when we are going forward.

With that, Eaghtyrane, I would just like to fully support the programme.

The President: Hon. Member for Middle, Mr Shimmins.

Mr Shimmins: Thank you, Mr President.

Like many other Members, I wholeheartedly support the scheme and I commend the Department for bringing it forward.

I would just like to bring a bit of balance to the one- versus two-bed debate. There are a very large number of single people on waiting lists in the Island at the moment, and clearly we can build more one-beds than two-beds on the same piece of land; so all I would suggest is please do not be totally focused on two-beds, because there are some real advantages in building one-beds for those single people who are on those lists.

Thank you.

The President: The mover to reply. Mr Harmer.
The Minister: Thank you, and I would like to thank everybody for their positive comments. Again, three years can seem a long time, can’t it! But I welcome the comments from the Hon. Member for Arbory, Castletown and Malew and I think this is an excellent way forward – and also Mr Moorhouse for his comments and his support.

There is a theme running through … and again I thank Dr Allinson for his points regarding social inclusivity, and that is all very important. A key part is to do with the passive house element, or the energy efficiency. I suppose the easy answer would have been – because of the costs and because you have got two very different schemes and because it was the last part of the estate – just to have developed standard housing because there is already a premium for the cost of developing that last piece of land. It was important that we do move forward on energy efficiency, and that is something I am passionate about – I suppose it is steps.

The silver standard is a step, I believe, in the right direction. In terms of the project planning, if we had at this stage brought them all into one plan we would have added about 20% to 25% on to the scheme, which for this project was not possible. But I do take this aspiration; I am committed to that aspiration to moving further to the higher standards. The gold standard is not necessarily passive house, because that is a particular brand or whatever, but in terms of energy efficiency. However, we have got to consider one element of that is the fact of course that the capital costs increase but the day-to-day rent or the energy costs reduce, so how do we reflect that into our rent? There is a piece of work that we need to do there. Also, in terms of general building standards, I am looking forward to working with DEFA on those sorts of issues because I do think it is a cross-Government concept.

Again, I thank Mr Ashford for his support, and Mr Malarkey’s similar theme about the two-bedroomed versus the one-bedroomed. I will not make a policy commitment here, but from my experience I am minded more on the two-bedroomed, if I am truly honest. That is purely a personal view, but some things we have got to take, as Mr Shimmins said, in the round. I will not make a statement right now, but I do think the advantages are quite clear.

Mrs Caine – I thank her for her support. In essence, the aspiration I agree with, but I do think this is quite an exciting thing and a real step forward for our community and to provide sustainable housing.

From that, I beg to move.

The President: Hon. Members, I put the motion that is set out at Item 11. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

12. Douglas Promenade Refurbishment – Expenditure approved

The Minister for Infrastructure to move:

That Tynwald approves the Department of Infrastructure incurring expenditure not exceeding £20,730,000 in respect of works associated with the reconstruction of the highway from Peveril Square to Strathallan Crescent at Douglas Promenade. [MEMO]

[Reference: Scheme code G18-050 Item No 9 on page 35 under the heading ‘Douglas Promenade; Detailed Estimates of Government Departments and other Bodies 2017-18’ and Appendix 5 on page 93 under the heading ‘Full Capital Programme including 2017-18 Approvals, Ongoing Schemes – Department of Infrastructure – Douglas Promenade’]

The President: Item 12: Douglas Promenade Refurbishment. Again, I call the Minister for Infrastructure, Mr Harmer.
The Minister for Infrastructure (Mr Harmer): I will bite my tongue at this point!

Thank you, Mr President.

The redevelopment of Douglas promenade has been debated for many years and I believe that now is the time to grasp the nettle.

The Department is today seeking funding for a scheme that will benefit the Island for generations to come. This work is identified as a priority within the Programme for Government and we stand ready to deliver that commitment.

In January of this year, Tynwald approved a series of key principles that enabled the Department to progress the Douglas promenade regeneration proposal and establish an outline design and budget.

Major reconstruction work was last undertaken on Douglas promenade in the 1930s and despite serving the capital well since that date the overall structure of the road has continued to deteriorate. It now requires a full-depth reconstruction to serve the Island’s needs into the future.

The Department recently carried out temporary remedial work on the promenade which has provided a smoother running surface to alleviate some the frustrations of vehicle drivers. However, this work did not address the failing nature of the highway and was only intended as an interim measure while the Department developed its long-term proposals.

The promenade is often a visitor’s first impression of the Island when disembarking from a ferry or a cruise liner and it is regarded by many as the gateway to the Island. There is also a perception amongst major businesses on the Island that the neglected state of some of the infrastructure in Douglas is acting as a brake on investment.

The first phase of the Douglas Promenade Scheme was completed in May 2014 and the high standard of workmanship has rejuvenated the area around Peveril Square, Loch Promenade and the Jubilee Clock. The use of high-quality paving and the introduction of specimen trees and sympathetic street furniture re-established the standard expected for the gateway to the Island.

I believe the continuation of such improvements will make a material contribution to economic activity as well as improving amenity for the area for the whole of the community. The development proposal laid out today will achieve all these key principles approved by Members in January.

The scheme reflects the intention of the Central Douglas Masterplan to improve connections across the promenade to link between Strand Street and the promenade. For this reason, the scheme includes the east-west connections into Strand Street.

The proposal meets the principal design aim of replacing the worn and failed carriageway throughout its length with a suitable road construction that will last 40 years without the need for further significant construction.

The proposal will improve the surface quality on both the carriageway and some of the footways for the benefit of vehicles, cyclists and pedestrians.

The proposal will improve the efficiency and the flow of traffic along the length of the promenade.

The proposal will improve the efficiency of capacity at Church Street and Broadway junctions.

The proposal will improve the aesthetic appearance of the promenade and restate its prominence as the gateway to the Isle of Man.

The proposal will create an enhanced environment outside the Gaiety Theatre and Villa Marina.

Finally, the proposal will reduce noise through better running services.

Members will recall that in January this Hon. Court decided that the horse tramway should run the full length of the promenade. The proposal before you today will renew the twin-track section of the rail in the centre of the highway between Strathallan Crescent and Castle Mona Avenue. This rail is offset to a single track on the seaward side of the highway as far as Peveril Square.
Finally, the scheme will continue the aesthetic and design philosophy of both the Douglas promenade phase one work and the Douglas town centre regeneration work, supporting the ambitions of the Douglas Masterplan. The scheme will be linked into existing improvements to Strand Street.

The promenade’s redevelopment will be overseen by the Department’s Highways Services Division, but approximately 90% of the works will be subcontracted to the private sector. The scheme will provide a valuable contribution to the Island’s economy through the purchase of materials through various frameworks and supply agreements.

The overall cost to complete the project is £20,730,000, of which the construction costs are £18,825,000. I can assure Hon. Members that as the design develops and construction starts every effort will be made to reduce the cost of the scheme and complete the work under budget.

It is proposed that the scheme will start in September 2018 and be completed by May 2021. A detailed traffic management plan will be developed to reduce congestion and to keep traffic flowing, with an expectation that two-way traffic will be maintained. However, we will review options to compress the time required for these works.

This project does not prevent any future works to improve the capital’s sea defences. The current seawall has a life expectancy of more than 30 years with ongoing maintenance. The proposals, as presented, have been designed to readily allow the introduction of a secondary sea defence wall behind the existing sea wall should this be deemed necessary in future plans.

Hon. Members, this proposal will not only secure the long-term future of a vital route, it will also support economic investment, act as a catalyst for the future regeneration of the capital, enhance the tired appearance of the promenade and reinforce the Isle of Man’s status as a special place to live and work.

Hon. Members will know that they have already endorsed the principle of the promenade scheme through the commitments contained in the Programme for Government. I would ask you to support this scheme so that we can repair the failing infrastructure and deliver a national asset the Island can be proud of.

I beg to move the motion standing in my name.
been absolutely excellent as a temporary measure, but now we do need to get on and get the job done.

A couple of questions I do have for the Minister, though. One of the things I am uneasy about is the plan for the tarmac and then granite paving at certain points for shops further up, which I have already discussed with the Minister. I just think they are going to play against each other, but again, as I said, I am more than happy to compromise and accept that, if that is the route the Department wants to go down.

In relation to the tram terminus that is going to be in the cultural area, of course that was one of the options that, from my memory, was voted down by Tynwald in January, but it is still on plan now. I know the Minister says the track is going to be laid the whole way down for the horse trams, but will he give a commitment today that operationally the trams will continue to run the whole length of that track, so we are not going to be laying a horse tram track the whole way down only for a decision to be made that they are going to terminate at this terminus at the Villa Gaiety complex outside the cultural area? Will the Minister give an undertaking that operationally the trams are still going to run the full way?

All I can say really, Mr President, in conclusion, is once again congratulations to the Minister and the Department. With this proposal it has been the right way round: rather than rushing off for planning permission and then coming before this Hon. Court, they have come to this Hon. Court twice now with proposals and then they will go for the planning. I think it has been the right way round; the Minister has listened to some of us who have had concerns.

I will be fully supporting this and I hope that every Hon. Member ... Well, I had heard a rumour there might be an amendment to this, and if it is the amendment that might come forward in terms of delaying it, I certainly will not be supporting it.

The President: Hon. Member for Douglas South, Mr Malarkey.

Mr Malarkey: Thank you, Mr President.

I would like to echo the words of Mr Robertshaw: Halleluiah! Here we are! (A Member: Unbelievable!)

Mr President, since 2006 when I first entered this Hon. Court, and then in Douglas Town Council during the interim period, I cannot remember how many presentations I have had on Douglas promenade, but I have run out on one hand and I am somewhere down the second hand – and the amount of motions there have been in here one way or the other with regard to this!

To me, this is definitely a blue ribbon day, or whatever you like to call it. Please support this. This has gone on and on and it is time to get it done and finalised and finished. I am glad the Minister has come forward today with the amount to do the full lot. It is not going to be in stages like we started doing Peveril Square and then we had another come back and we started to look to go as far as Howard Street and then plans were changed. Let’s just get it all done and dusted today, get on with the project and let the workers do what they need to do to get it done.

Also, in the presentation I was delighted to hear that Castle Street will be getting started, I believe, this September, which I have been asking for for many years, because Strand Street and Duke Street look very nice, but to finish at Castle Street I thought it lost the whole of the shopping centre in Douglas. I am delighted to hear that is getting done starting this September.

Also, at the briefing I did query the Minister with regard to the walkway on the promenade where, because of all the delays and all the plans that we were going to have that the walkway was going to be included in some of the promenade refurbishment ... and now that it is not, can the Minister, for Hansard, reassure me that some of the tarmac that has been patched along with the walkway will now be brought back up again and the walkway put pack to the red and black tarmacadam or whatever it was when it was originally done after the IRIS project was done.
on the promenade? These are things that will really help to tidy Douglas up. (A Member: Hear, hear.)

Again, I am aware that Douglas Corporation has plans for a new lighting scheme right along the promenade and I understand that the new lighting poles will only be on one side of the promenade and be illuminated and change colours so that it can still give an effect, rather than having dangly Blackpool lights across the promenade which they are repairing every five minutes.

As far as I am concerned, Mr President, this is a win-win all the way down the line. There is a good working relationship with Douglas Town Council. I know they would like to see you do the granite all the way from Castle Mona over to – (A Member: Port Jack!) (Laughter) Port Jack, possibly, or even probably up to the boundaries! In that case I would start asking them for the money – see if they want to put their hands in their pocket to help with that.

I would urge everybody today ... Really, from a veteran in here on horse trams and Douglas promenade, this has gone on long enough. Today is the day to make a decision – let’s get on with it.

The President: Hon. Member, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr President.

The proposals for the promenade do place me in a challenging position. I have been a critic of Government overspend, but having been able to spend some time and real input into the scheme I feel that, even in the year when reserves have been eaten into, the scheme can be justified.

The first reason for my support is necessity: when people get off the boat, we want to really impress them, to give them the first impression that we mean business and that they could not do better than to invest here. Recent improvements have dealt with serious issues, but to the outsider they resemble the type of sticking-plaster solution we would expect to see in a third world country – that is not the message we should be sending out.

Secondly, having accepted the right solution is needed, we need a scheme which achieves this. I have been proactive in this area, questioning things like the costly roundabouts and management of utilities. I am pleased that my concerns and suggestions have been responded to positively. There will be no roundabout at the bottom of Summerhill and a service duct has been incorporated into the design. This will help in the build and help future-proof the scheme. I thank the Minister for that.

The third reason I support the plan is because of the subsequent investment which will follow. Leverage and the multiplier effect are great academic concepts – let’s see them working for us here. Areas such as Castle Street will hopefully attract new investment, and a cultural quarter has potential to become a new focal point for the whole Island.

We have to invest and we have to do it in a way that sends out the correct message, but the most important thing of all is it must be done for the best price. If we delay investment, costs will rise – history proves that.

The one final thing I must say to the Minister is let’s really try to bring the scheme in on time and below budget.

The President: Hon. Member of the Council, Mr Crookall.

Mr Crookall: Thank you, Mr President.

Can I start off by thanking the Minister and his officers for their briefing to us the other day and giving us all the facts.

First of all, I will be the first to support the failing infrastructure, which is one reason why we need to do it. To improve efficiency for six million traffic movements per annum, I am not too sure about, though, when we come to putting twin tracks in at the far end of the promenade on
the narrowest part of the promenade, and that is my big beef with this project: still putting the twin tracks in at the far end. I support the trams and I was more than happy earlier on this year when we decided to go the whole way – absolutely the right thing to do. Putting them in the middle of the road, though ... This is the one chance you will get in the lifetime of probably two generations. I still think we have made a huge mistake here by putting them in the middle of road at the far end of the promenade. I would ask the Minister to think about this again – I really would. I do not believe it is the right thing and I think time will prove that. Six million vehicle movements a year down there – and it is not going to get any lighter; we all know that.

Thank you, Mr President. (Interjection) And I said!

The President: The Hon. Member for Middle, Mr Shimmin.

Mr Shimmins: Thank you, Mr President.

I think one thing we all agree on is that Douglas badly needs a lift, (Two Members: Hear, hear.) and in principle I am supportive of investment in our capital to support much needed regeneration. The question we need to ask: is this the right scheme?

There are some aspects of the scheme which I feel are misplaced: £5.2 million for the horse trams. No wonder Douglas Corporation are supportive – they should be ecstatic! (Laughter) (A Member: They are!) We do not even get the stables for the horses; that will cost more – we do not know how much yet. When, in July last year, the previous Court agreed to take over the horse trams, it was on a two-year trial. We are spending £5.2 million before that trial has even been completed. How does that work?

I guess we already spend an eye-watering amount of money on heritage railways and there is a very vocal transport enthusiasts’ minority lobby. There is no doubt that heritage railways are also very popular with many veteran Members. It is a very expensive trainset. Twenty one million pounds does not even cover resurfacing all the walkways. There is limited integration with safe walking or cycling routes, which we agree are a national priority under the Active Transport Strategy. I would suggest that these need to be included.

Members, some aspects of the plan do excite me: the area outside the Sefton Hotel, the pedestrianisation there; the roundabout at Broadway; and the removal of many parking spaces are in line with much more modern-day thinking – so that is great. Across the globe, towns and cities are being regenerated by removing cars. Communities are returning and we are seeing a renaissance of urban living. I hope that we are able to embrace these concepts more fully and this scheme will encourage more reclamation of streets in favour of people rather than traffic.

Members, three years of roadworks! This will cause disruption and damage to the business and economy and our Island. Three years – have we any idea of the impact that this will cause on a town which is already struggling with empty buildings and plots? The recent experiences with schemes in Foxdale and Port Erin are very off-putting.

I do understand that the Minister shares a number of these concerns and that it may be possible to reduce the time taken to undertake these works by restricting parking, potentially to one year – that would be fantastic. It may also be possible to incorporate the walkway improvements into the scheme and link it in to the Active Transport Strategy. That would be forward-looking rather than backward-looking, Members. If it is necessary to reduce some of the expenditure on gold-plated engineering on the railway track to deliver the wider benefits for the whole community, then so be it.

In summary, whilst I have some real reservations about this, I will back the Minister and I will vote in favour. This is because I believe he will seek to provide more balance on this scheme for all ages. I also hope that this will be the first of a number of schemes to come forward quickly to restore Douglas’s fortunes.

Thank you.

The President: Hon. Member for Garff, Mrs Caine.
Mrs Caine: Thank you, Mr President.

I would also like to congratulate the Minister and the Department of Infrastructure on delivering this scheme so swiftly after the debate in this Hon. Court six months ago. It will not please all the people, but I believe and trust it will satisfy the majority of residents and visitors, including transport enthusiasts. I can see genuine efforts have been made to accommodate the will of Tynwald and take into account the views of less able citizens in terms of incorporating traditional pedestrian crossings in the new scheme.

However, I have received only one email opposing the road’s reconstruction, from someone who believes Douglas does not merit this level of investment in its promenades. I disagree. I firmly believe that we must invest in the gateway to our Island and ensure it reflects the Island’s economic success and optimism for the future. This scheme will deliver that.

It also ensures the roadway is put on a firm foundation for the future. It is not a gold-plated, Rolls-Royce scheme, but it will be a huge improvement on the existing one that should serve us for decades into the future.

I welcome the continuation of the horse tramway along the full length of the promenade. It should be recognised how much heritage railways contribute to our economy. Can the Minister reveal any plans to utilise the tracks for a modern tram system in the future?

I also support the creation of the cultural quarter on Harris Promenade. It may be simple landscaping, but it will enhance the area. Can I ask the Minister to give assurances that our local creative professionals will be consulted and employed as much as possible in the delivery of the cultural quarter, in keeping with recently published strategies regarding arts and culture and the increasing focus in the Department of Economic Development on supporting creative industries?

Creative thinkers bring imagination and insight to every aspect of life, and in establishing a cultural quarter we need their input, we need their buy-in and we need them to embrace this area to ensure it maximises the possibilities for performing and visual arts. The Island is bursting with talented people promoting all aspects of our culture. We know participation in any form of arts and culture has benefits in terms of wellbeing, but a cultural quarter also has the possibility of being a showcase for those artists as well as a draw for visitors and residents. This area should become the jewel in the crown of Douglas seafront.

In closing, I would just like to add that I hope the Minister will receive overwhelming support for this scheme today. The talking has gone on long enough. Minister, please just get on with it!

Thank you, Mr President.

The President: Hon. Member for Onchan, Mr Callister.

Mr Callister: Thank you, Mr President.

I am not going to repeat everything that has been said, but I echo the views of many of my colleagues this afternoon. I am actually well in favour of this. We have got to get it done, as the Minister and many other Members have said.

I do have some concerns, and one relates to the crossing point when you go from a dual track to a single track. I was wondering if the Minister could just give some more clarity on the traffic light system on that. I was on the prom on Sunday and, again with the horse trams, the traffic was building up behind because there was a bus and the bus was not able to get past the horse tram. So, what I want to make sure is, for any redevelopment, that we do have a promenade that has free-flowing traffic, and this will enable it.

Overall, I am absolutely in favour. We have got to get this done. It is not, I think most of us agree, ticking every single box for all of us, but it ticks almost all of them, so I commend the Minister and his Department for bringing this plan and I fully support it.

Thank you.

The President: Hon. Member for North Douglas, Mr Peake.
Mr Peake: Thank you, Mr President.

I would like to congratulate the Minister as well. I think it is a sensible approach he is taking; he has resurfaced the promenade for a temporary period to enable motorists to enjoy the trip along the promenade. I think he is right to actually come to Tynwald to get the go-ahead to the next stage. Today is not the day for detail, it is about getting support, which I can do.

I am very grateful, as well, that he is appearing to look at an opportunity to really condense this work into a year. I think that would be a very good move. It would certainly support businesses in the area so they are not disrupted too much. So, I would support this and I really urge him to look at that condensed into a year.

Thank you.

The President: Hon. Member of the Council, Mr Corkish.

Mr Corkish: Thank you, Mr President. Just a brief intervention in this debate.

We would all echo the call, I think, Mr President, that this is long-awaited – let’s get on with it.

The Douglas promenade is a major roadway, and can I congratulate the Minister not only for bringing this forward but also for the halfway house venture that has made the promenade much more enjoyable to drivers in and out of Douglas.

The promenade is a major part of our capital, but it is also a major part of leisure and business facilities for the whole Island to enjoy. In striving to promote itself in everything it does, this part of the Island is important. Most, if not all, business is perhaps generated in and around Douglas. What a picture the present state of Douglas promenade presents to people who might want to come here via various events that we have on the Isle of Man – TT. Such a programme as we have for visitors to Douglas promenade is a great statement of confidence in ourselves, in the future.

So, the finished articles are envisaged, and I have been down to the DoI too in the past. It is not exactly what I would like. I would have liked to have seen more incorporated in the plans, but it will be good for our visitors, both leisure and business orientated, but importantly for the residents of the Isle of Man all year round. And, who knows, because of the new-look promenade, much more business may emanate for the benefit of the Island.

Thank you.

The President: Hon. Member of the Council, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

I would like to echo the thoughts of many Members this afternoon and fully support the Minister on this project. As many have said, it is a long time coming but thank goodness it is here – well done.

I just want to re-emphasis one or two points. Yes, Douglas promenade is the gateway for many and the front of house, if you like, to Douglas. Revamped, improved, it has got to be good for the economy of Douglas and the businesses there as well, and attract business or help sway somebody’s business decision to come here.

Looking at it at the minute, as other Members have said, Douglas needs a lift, most definitely, but fundamental for me is the structural engineer’s reports that we have frequently been furnished with regarding the actual foundations and concrete slabs of the promenade. That is of great concern, because if we keep putting off the inevitable I am worried that at some stage in the future we will have an emergency situation or a point where we have to spend the money in those kind of circumstances and it may well cost a lot more in doing so.

I have always supported the refurbishment of the carriageway in particular and have been quite vociferous on it over the years; however, this Member, who has been here for quite some years, Eaghtyrane – a veteran, if you like, but a veteran with both feet planted in reality and
progressive in looking at things – would echo the concerns with regard to the horse tram rails as well.

Really, I know the Department has had some hugely difficult opposition with regard to this from many different quarters, but I think really, as the Hon. Member for Middle, Mr Shimmins, has pointed out with regard to £5.5 million thrown into this, could we have done something different? We did have different options and maybe it would have been better, but looking back is it going to do us any favours now?

I think we could have made better decisions quite a while ago, possibly before this House, which would have made the Hon. Member Mr Harmer’s position a little easier, perhaps. I regret a couple of things that have gone on in the past that have had an effect now in the background, but, nonetheless, let’s get on with it and let’s improve the front face of Douglas. Castle Street is brilliant as well, and let’s progress at a common sense pace.

The President: Hon. Member, Mr Baker.

I have four more Members wishing to speak. Members may consider that a lot has been said already and there is no need to repeat exactly the same thing as others have said. Mr Baker.

Mr Baker: Thank you, Mr President.

In this Hon. Court last month we had Milk Tray chocolates. This is not a pick ‘n’ mix situation,(Interjection) it is a bar of chocolate – it is probably something like Cadbury’s Dairy Milk – and we either want it or we do not. It is a simple decision.

Mr Malarkey: Is it plain chocolate?

Mr Baker: I do not believe this is a gold-plated solution, and in fact the £5.5 million mentioned for the horse trams is not a true picture of the incremental costs of the horse trams because that carriageway would have had to have been covered with highway otherwise, which would have cost a significant portion of that.

It has been developed in the right manner over the past year and there is a huge amount of hard work gone in at both political level and officer level in the Department. Most of the cost of this solution is in the infrastructure under the road, but at the same time as doing that – which is essential, because it will fail – there are some really nice elements, such as the cultural quarter, that have been added, which deliver real value and real opportunity for both Douglas and for the Island as a whole.

To be successful going forward with Government, in my view, we need to balance financial prudence with ambition in the decisions that we make. I believe this proposal, as it is, makes a statement of intent in that regard, strikes that right balance and it is worthy of all of our support.

Thank you.

The President: Hon. Member of the Council, Mr Turner.

Mr Turner: Thank you, Mr President.

A slightly new angle on what has been said: I agree with a lot of the comments said before, but what concerns me are some of the comments about demonising motorists and traffic. We have to remember the promenade is a key strategic route for traffic. (A Member: Hear, hear.) When the TT course is closed, the promenade is the only route north and south.

Members who were here about 10 years ago will remember the Governor’s Hill debacle when they put the new bit of Governor’s Road in down to Governor’s Bridge, and there were plans for a flyover, some Members will recall, coming out of where Glenside is across to Blackberry Lane. The reason for that at the time was because when the TT course is closed the only route north and south is Douglas promenade, and that was to alleviate some of the traffic. Obviously, that has not happened because, as Members will know, there was quite a fuss over
that at the time. In fact, that is an understatement: there was an incredible fuss over it – and, 
surprise, surprise, it is not there.

I think it is important that, whilst we talk about all these other things about where the horse
trams tracks go and where there are cultural quarters and all the rest of it, we do not forget the
importance that, in the absence of any other route north and south, that is a key strategic road
and any attempts to try and somehow slowly get rid of traffic in favour of pedestrians or cyclists
need to be treated with caution, because it is a very important road. Also, I would say to the
Minister as well that when speaking to traders, the motorcar, for people buying goods, is
essential, so please make sure that adequate parking provision is still included.

I know the Corporation, since it took over the car parks, have come up with some good
incentives to encourage people back into the town centre – because it is all very well getting
people into the town centre, but what you want them to do is spend money, to shop and
everything else. They have come up with some initiatives like the free parking after school,
which has helped parents pick their children up and maybe come to town and do a bit of
shopping and so forth. So there are things that need to be factored in, but please do not
underestimate, while those works are going on, the importance of the promenade as a key
strategic route as well as a promenade area.

The President: Hon. Member for Douglas East, Miss Bettison.

Miss Bettison: Thank you, Mr President.

I would also like to echo my support for the scheme and just request that the Minister take
on board the comments from the Port St Mary regeneration, where the traders did not feel
adequately communicated with on some – (A Member: Port Erin!) Port Erin, sorry. They did not
always feel adequately communicated with, and I think we cannot always rely on one network of
access into those traders. We need to make sure everyone is communicated with, who is
affected by the works.

The President: Hon. Member of Council, Mr Anderson.

Mr Anderson: Thank you, Mr President.

Just replying to some of the queries that have been raised, really, by Hon. Members. This has
been going on for a considerable number of years. It has been a very long journey and I think the
design actually started when I was Minister for Transport and there has been a Minister for
Transport since.

I think what we have got here today is something that everybody seems to have confidence
in. I congratulate the officers within the Department who have stuck at the scheme for so long. I
think what has been incorporated within the scheme has given most people something to be
supportive of.

In relation to one or two of the queries that have been raised already – and the Minister will
be responding, obviously, at the end of the debate – Mr Ashford talked about the tarmac and
the granite paving and why we could not take the granite paving further. Obviously we are
restricted by budget. This is something that came up in our discussions with Douglas Corporation
and we explained we would love to go all the way in granite and it would look great, but we
have to be realistic – that is the reason, and I am glad, despite reservations, that he can give his
support.

Mr Malarkey raised the question of the walkway and the maintenance to the walkway. The
walkway is outside of the scheme, of course, but the Minister has already given an undertaken
that maintenance work will be done separately. It will be outside of the scheme, but will be
done in tandem but separately, if you like.

In relation to Mr Crookall’s comments that he was disappointed that the twin tracks are still
in the middle of the road, obviously we took on board the last resolution that came, the
amended resolution that was put forward by Mr Robertshaw at a previous debate, and built on that. We had the support of this Court for that and that is why we have gone down with that. We have tried to take as many of the concerns on board and put a scheme forward that we can get on with.

I was a bit disappointed by Mr Shimmins’ contributions, obviously coming from his background, but this is a long-term investment. It is a long time since we have invested a serious amount of money in what people have already said is the gateway to the Island, and it is very important that we get it right. I believe this proposal does get it right and it is not gold plated.

We have put in place something that is as safe as possible. We have to recognise that heritage railways do have a safety aspect as well. We are taking the opportunity to make sure, in relation to one or two of the other points that have been raised, that we are maximising the space between the trams and the curbs so on the north side of the promenade it will be easier to pass. I think somebody else mentioned that. I think Mr Turner mentioned that it does create problems. There are pinch-points, and hopefully by the design of this scheme we will be ironing out some of those pinch-points.

In relation to Mrs Caine’s comments about these tracks – could they be used for a modern tram in the future – yes, they have been put in place so they can. The widths of the trams will allow for a modern tram if ever the Treasury Minister wins the Lottery. (Laughter)

Mr President, I am glad there is so much support for this scheme and I just want to put on record our thanks to the officers who have taken an awful lot of time to design this scheme, a scheme that I think will get and hopefully will get the unanimous support of this Court.

I think it is fair to say the general public does not understand the complexity of the scheme and the state of the promenade under the surface. That has been a major concern for many Departments for many years. The opportunity has not just been given to putting that right, but we are putting in place future-proofing. There will be ducting going in on the walkways, on the pavements, that will enable the telecoms to put in their services in the future, and at the same time the MUA will be replacing electricity cables as well. So we are doing a lot of future-proofing at the same time, but we are enabling people to put other services in in the future as well.

I commend this motion to this Court and I hope it gets the unanimous support of the Court.

The President: I call on the hon. mover to reply. Mr Harmer.

The Minister: Thank you, Mr President.

Thank you for all the comments and all of the support. There are many to go through and I thank the Hon. Member, Mr Anderson, for picking up some of those.

Just to start with Mr Robertshaw: yes, ‘at last!’ ... Well, hopefully!

I agree with Mr Ashford: it is time to deliver. We talked about the granite. We will be monitoring and managing the budget as tightly as we can, and where we can improve things, obviously that is something to consider, but at the moment the budget is the budget.

Yes, it is the full-service tram service. I can confirm that, and I think this Court has made it quite clear.

In answer to another question, of all the heritage railways this is the one that will actually have the ability to break even.

In terms of the capital costs – I know that has been mentioned at £5.2 million – remember, if we did not put rails in we would have to, as the Hon. Member Mr Baker said, put highway in at a similar cost, and actually the differential is not that at all.

Again, Mr Malarkey: ‘We must not have any delay’. I thank Mr Malarkey for his comment. It is quite difficult to represent, in one speech, in one part, all of the work that everybody has done together and how everything interlaces with each other: the complexity of the Castle Street regeneration happening at the same time, the gas works going in, the electricity cable going in, the water mains going in, Douglas Council’s lighting. There are so many things waiting, pending,
almost ready to go and to start but have been held back. Hopefully today those things can happen and we can regenerate.

I thank Mr Moorhouse for his comments because he is right. I actually had to start this scheme with a sense of scepticism. When you see numbers, it is good to challenge, and it is good to have Mr Moorhouse on the team because it is good to challenge those parts of the design that are not needed, and Summerhill was one of them that actually improves traffic flow. As the newspaper said, this actually works as it is, and it is important to consider that.

Like I say, it is silly to show photographs, but there are photographs of the designs. I have got the designs with red lines on maps showing the structural surface – everything is red; everything is failing. The time to fix things is when the sun is shining.

Again, I want to thank Mr Crookall for his comments. I do not think we are going to get, as Mr Shimmins says with a different view, a scheme that has everybody’s support in all aspects, but what I should reassure him of is that the carriageways have been relooked at, redesigned, we will be able to, because of the lighting scheme, reclaim some of the kerb-way, so that will allow better running tracks north.

As the Hon. Member of Council, Mr Turner, said, for the motorists it is important to improve things for them, so there are bits in the design where we are improving in terms of roundabouts and so forth.

I take on board Mr Shimmins’ and Mr Peake’s comments about compressing the timeline. We cannot even look at those until we get this through today, but this will be a political call, because obviously if you compress it rather than at the moment we are looking at maintaining two-way flow and maintaining that, there are compromises.

In terms of active travel, this is an opportunity, and many things go hand in hand. It is really vitally important, so one of the things we are looking to pilot, for example, is can we use the space at Summerland to do a walk and ride, a park and walk? In all of the schemes now it is imperative that active travel is part of that in terms of how do you get off and on the prom, and that is important as well.

Talking to Douglas Council, they are looking at arts and culture, which Mrs Caine was talking about. We are working in terms of providing art on the walkway. I find the walkway is an incredibly important part. We do not want to overload this scheme, but we will work within our maintenance budgets to make sure it is a smooth and proper surface and that the scheme hangs together.

There have been so many comments. I will not go through everyone, but I just want to thank … Again, I want to thank Mr Corkish – the arts are central to it. Again, there are so many parts to this scheme that we have not even talked about here.

Mr Henderson: yes, it is a gateway, absolutely.

Like I say, I think I could go through it, but I would just finish up and say it is a design and a design has to meet those requirements across the board. I hope this design will have the full support. I would like to say, at last, let’s get on with it and let’s do the job.

Two Members: Hoorah!

The President: Hon. Members, I put the motion at Item 12. Those in favour, please say aye; against, no. The ayes have it.

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

In the Keys – Ayes 24, Noes 0

FOR
Dr Allinson
Mr Ashford
Mr Baker

AGAINST
None
Mrs Beecroft
Miss Bettison
Mr Boot
Mrs Caine
Mr Callister
Mr Cannan
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Hooper
Mr Malarkey
Mr Moorhouse
Mr Peake
Mr Perkins
Mr Quayle
Mr Robertshaw
Mr Shimmins
Mr Skelly
The Speaker
Mr Thomas

The Speaker: Mr President, in the Keys, there are 24 votes for and none against.

In the Council – Ayes 7, Noes 1

FOR
Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Henderson
Mrs Poole-Wilson
Mr Turner

AGAINST
Mr Crookall

The President: And in the Council, 7 for and 1 against. The motion carries.

At this point, Hon. Members, we shall take a break for half an hour and resume at 10 minutes to six.

The Court adjourned at 5.20 p.m.
and resumed its sitting at 5.50 p.m.

[In the absence of the Speaker,
the Deputy Speaker (Mr Robertshaw) took the Speaker’s Chair.]

13. Supplementary Capital Authorities for 2016-17 –
Expenditure approved

The Minister for the Treasury to move:

That Tynwald authorises the Treasury to expend from the Capital Transactions Account in respect of the year ended 31st March 2017:
Sums not exceeding £4,499,737 in payment of the items set out in Column 6 of the Schedule hereto (incurred due to timing differences in the Capital Programme)
Sums not exceeding £2,768,295 incurred in respect of the items set out in Column 7 of the Schedule hereto. [MEMO]

Capital Schedule

SUPPLEMENTARY CAPITAL AUTHORITIES

<table>
<thead>
<tr>
<th>Col 1</th>
<th>Col 2</th>
<th>Col 3</th>
<th>Col 4</th>
<th>Col 5</th>
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<tr>
<td>Dept.</td>
<td>Item Description</td>
<td>Vote 2016-17</td>
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<td>Excess vote required for amount 2016-17</td>
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<td>DHSC</td>
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<td>Live Fire Training</td>
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<td>TOTAL</td>
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<td></td>
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<td>(4,499,737)</td>
<td>2,768,295</td>
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</table>

NOTES TO SCHEDULE

Endoscopy Decontamination Unit – The project is in receipt of a number of charitable donations hence the positive expenditure figure during 2016/17. At present, this project is showing expenditure beyond the total vote approved of £97,903 however, it is hoped that this will be reduced by further donations beyond this financial year.

Accommodation for Day Care Services – Eastcliffe – Although there was some remaining budget in place for Eastcliffe in earlier years, 2016-17 overspent due to enabling works advancing much quicker than expected. It is intended that these amounts will be recovered through the Financial Motion at the July Tynwald.

DHA Minor Capital Works – The Department have confirmed that they intend to address this through a reduction in future budgets therefore the 2018/19 budget will be amended as part of this year’s budget process. This will ultimately be a timing issue.

Live Fire Facility – The overspend of £20,078 is primarily due to an increased cost of the containers used which was in excess of the original estimates.

Offstreet Car Parking – A historical adjustment for overspends pre-2016/17. This is a miscoding in relation to the Ramsey Transport Interchange which occurred pre-2015/16 and therefore requires retrospective adjustment. This will be reflected in the 2018/19 budget process.

Strategic Structural Maintenance & Strategic Highways Replacement Programme – Overspend incurred due to the acceleration of several schemes intended to serve and protect the public. This includes Peveril Jetty remediation, Alfred Pier spray concrete, Glen Road Laxey Retaining Wall, emergency repairs to the Castletown Breakwater and the replacement of a number of footbridges. The Department have confirmed that they intend to address this through a
reduction in future budgets therefore the 2018/19 budget will be amended as part of this year’s budget process. This will ultimately be a timing issue.

DSC Planned Maintenance – This scheme is funded by the Housing Reserve. The approved vote for 2013/14 was omitted from the 2016/17 budget therefore retrospective approval is required for £1.8m in relation to historical expenditure.

The President: Right, Hon. Members, we will resume the Order Paper at Item 13, Supplementary Capital Authorities for 2016-17. The Minister for the Treasury to move.

The Minister for the Treasury (Mr Cannan): Mr President, I would like to move the following resolution which stands in my name.

Hon. Members will be aware that the requirement to approve Capital Supplementary Authorities occurs every year as part of the year-end accounting process. Supplementary approvals are required when the expenditure on a Capital Project exceeds the expenditure approval for a specific financial year as approved by this Hon. Court. These are primarily in relation to timing discrepancies.

As is to be expected when the timing for a project is determined for inclusion in the Pink Book, the very nature of capital projects often means that the expenditure profile alters as time passes. This process allows for the approval of these timing discrepancies.

I would stress that this is not necessarily an indication that the projects are overspent, this is an accounting adjustment that reconciles where these timing discrepancies have occurred. The need for approval can arise in two situations: the first occurs when expenditure is delayed from a previous year and the expenditure for the project does not exceed the total amount approved by this Hon. Court but does exceed the budget for that specific year. This is always offset by underspends in earlier years.

The sum of expenditure to be approved under this matter is £4,499,737 as shown in column 6 of the schedule. Hon. Members will also recall that when the Budget was approved in February this year, the Treasury was given delegated authority to approve those items that would ordinarily be included above, but were under, £100,000 and less than 10% of the total. This has removed 16 small discrepancies from this motion, saving valuable time for this Hon. Court, and I intend to investigate whether this approach can be utilised further as part of the ongoing review into the Budget process.

The second type of variance occurs where the total expenditure has exceeded the amount approved to date; this can be because work has been accelerated from future years, or to replace delays in other delivery programmes. This can be seen in projects 4, 10 and 13 on the Order Paper. Naturally, this can also be required where projects do overspend which has happened on projects 5 and 6 as outlined on your Order Paper.

Mr President, a brief explanation of each overspend is included within the notes to the schedule so the amount to be approved under Part 2 of the motion is shown in column 7 at £2,768,295. In addition to the above, there were eight schemes approved from the Capital Contingency Fund, totalling £4,927,812. These were approved by Treasury in line with their delegated authority and were considered to be of an emergency nature.

The purpose of this motion is to approve the accounting treatment of expenditure as being funded from the Capital Transactions Account. I beg to move the resolution standing on the Order Paper.

The President: Hon. Member, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.
I beg to second and reserve my remarks.

The President: Hon. Member for Garff, Mr Perkins.
Mr Perkins: Mr President, regarding Schedule Item 2, the Endoscopy Decontamination Unit: despite an improved sum of £590,000 the Department actually spent a total of £692,000 on this unit. Hon. Members, that is an overspend in the region of 16%, from my figures on the back of a fag packet.

The accompanying statement in the notes suggests it is hoped that this sum will be covered by charitable donations. I have to point out to Hon. Members and the Treasury Minister, do not bank on any donations coming from the north of the Island. The relocation of the endoscopic equipment from Ramsey Cottage Hospital has left a question mark over the future of such donations.

It was good to hear the Minister’s statement previously that the Hospital is making big inroads into savings, and I congratulate her on that. However, if we approve the cash, I just hope we are seeing the light at the end of the tunnel regarding the endoscopy saga.

The President: Hon. Member, Mr Ashford.

Mr Ashford: Thank you, Mr President.

It is in a similar vein to the Hon. Member, Mr Perkins, in relation to Item 2. Does the Treasury Minister believe that this is value for money when, as far as I am aware, there is an endoscopy decontamination unit fully functional up in Ramsey? And if it is not, when did it cease to be functional?

The President: I call on the Treasury Minister to reply.

The Minister: Mr President, the endoscopy saga, if you want to call it that, has been well aired and in terms of the plans that are being followed by Noble’s I think the Minister has explained the situation, and doubtless will continue to be asked about the ongoing situation. Clearly at the time when this money was voted through, the circumstances in which we now find ourselves were not on the agenda, so to speak. The Minister has to react to the situation as she sees it and Treasury’s job obviously is to make sure, as the Hon. Member points out, that we are spending the money as it has been voted for and that we are spending it in a manner so as to get proper value for that money.

In terms therefore of the specific decontamination unit that is listed on this capital scheme, I am satisfied we have no reason to believe we are not getting the value for money.

On that note, Mr President, and having no further questions, I beg to move.

The President: I put the motion at Item 13. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Tynwald Policy Decisions – Removal of Decisions –
Motion carried

The Chief Minister to move:

That Tynwald approves:

(i) The closure of the following ten Tynwald policy decisions:
(1) Recommendation 3 the refurbishment of the two Donegal railcars presently in the possession of the Department of Tourism & Leisure should proceed [TPDR Ref 18/08]
(2) Recommendation 1 That the proposals set out in section 3 and section 4 of the Report should form the general framework for updating Manx enactments in respect of the functions of the Governor and the Governor in Council [TPDR Ref 09/11]

(3) Recommendation 2 That legislation to progress updating Manx enactments in respect of the functions of the Governor and the Governor in Council should be included in the Government’s legislative programme for the 2011 – 2016 session; and [TPDR Ref 09/11]

(4) Recommendation 3 That draft primary legislation in respect of transferring functions of the Governor and Governor in Council should be subject to full consultation in accordance with the Isle of Man Government’s Code of Practice on Consultation. [TPDR Ref 09/11]

(5) Recommendation 6 The Council of Ministers should consider: opportunities for further reforming the criminal justice system; the potential benefits that could be achieved by streamlining certain corporate services and regulatory functions; whether there is merit in creating the Isle of Man Government as a single legal entity, and report to Tynwald on these matters by July 2014. [TPDR Ref 15/14]

(6) Recommendation 1 That Tynwald is of the opinion that the rules of court and the legal aid rules should incorporate a requirement that mediation must be attempted as a matter of course as a precondition for access to the court and to legal aid; and that both sets of rules should set out clearly the adverse consequences of any failure to come to mediation in good faith. [TPDR Ref 53/14]

(7) Recommendation 3 That the offer by the Children’s Centre or any other suitably accredited and qualified contact centre to report directly to the court in private law family disputes, as a means of relieving pressure on the Family Court Welfare Service and reducing delay, should be taken up. [TPDR Ref 55/14]

(8) That Tynwald receives the report into Government as a Single Legal Entity [GD No 2014/0075] by Sir John Elvidge and requests the Council of Ministers to report to Tynwald, by no later than June 2015, with recommendations in respect of the proposals contained in the Report [TPDR Ref 65/14]

(9) That the Treasury should at the earliest opportunity report to Tynwald with its recommendations for introducing a transparent policy in respect of the drawing down of administrative expenses from the National Insurance Fund. [TPDR Ref 68/14]

(10) Recommendation 2 - Requires that the Report by Envision and the Report by the Council of Ministers be put out to public consultation; and that subsequently further work is undertaken in order to provide the new administration with options for how the planning system could be reformed considering Key Principles and Key Messages set out in this stage of the review. [TPDR Ref 33/16]

and (ii) a change of the date by which a response is required in relation to the following two Tynwald policy decisions:

(1) Recommendation 2 research should be undertaken to establish whether there would be any significant economic benefit to the Island to be derived from the transfer of commuter traffic from car (or bus) travel to rail travel; [TPDR Ref 18/08]

(2) Recommendation 4 a Report on the issues which the possibility of commuter rail travel raises should be made by the Department of Tourism & Leisure to the sitting of Tynwald in July 2009. [TPDR Ref 18/08] [MEMO]

The President: Item 14, Council of Ministers Directive, the Chief Minister to move.

The Chief Minister (Mr Quayle): Thank you, Mr President.

The Tynwald Policy Decisions Report lists all Tynwald policy decisions that require action to be taken by Government. As part of an exercise to improve the reporting procedure, the Council
of Ministers invited Departments to highlight any decisions that have remained on the Report that will not be implemented and the reason no action has been taken.

As a result of this exercise the Council of Ministers is recommending to this Hon. Court that 10 policy decisions as listed in the explanatory memorandum will not be acted on. The reason for the closure has been included in the memorandum. In addition, there is a request for the date of response set by Tynwald to be changed in relation to two policy decisions.

Mr President, I beg to move.

The President: Hon. Member, Mr Thomas.

The Minister for Policy and Reform (Mr Thomas): Thank you, Mr President.
I beg leave to second and reserve my remarks.

The President: Hon. Member of Council, Mr Cretney.

Mr Cretney: Yes, thank you, I should have asked the Chief Minister this in advance.
Item (5), Recommendation 6:
The Council of Ministers should consider: opportunities for further reforming the criminal justice system;

I thought that was work ongoing, or are we saying we have made sufficient progress now in that regard?

The President: Hon. Member, Mr Baker.

Mr Baker: Thank you, Mr President.
I would just like to ask the Chief Minister: I am very supportive that we close off obsolete decisions that have no longer got value, but how do we ensure going forward that we have got the right management framework around this to make sure we do not get into the same situation again, with actions that have been committed to Tynwald just drifting and then people deciding subsequently that they are no longer required?

The President: Hon. Member of Council, Mr Turner.

Mr Turner: Thank you, Mr President.
It is quite concerning sometimes when we see Tynwald policy decisions that get passed by the Hon. Court and then at a later date ones that ... Some of them, I can recall, were not quite popular with officers in certain Departments and they have sat there for a period of time, and then suddenly we get a motion to just remove them and cast them off as if they had not happened. I think it is quite a dangerous precedent to be able to just remove them without proper justification as to why those recommendations – which, as I said, were passed by the Court – could be just simply removed.

Now, it might be that time has overtaken them and new provisions have gone in, but I think when doing so they should still make the case for each of the subjects as to why those are no longer going to be on this to-do list. I look at the likes of number 6, which was to do with:

That Tynwald is of the opinion that the rules of court and the legal aid rules should incorporate a requirement that mediation must be attempted as a matter of course as a precondition for access to the court and to legal aid; and that both sets of rules should set out clearly the adverse consequences of any failure to come to mediation in good faith.

That was a detailed Committee which came out of a redress – I think it was a Tynwald Hill Petition – and there was evidence taken, there was a lot of investigation done and that was a
decision that was brought in family matters to try and encourage parties ... and I will not go into
great detail, but just in a nutshell to make this point. There was one party who was legal-aided
and there was the other party who was not; there was lots of court, there were children
involved and what we were trying to say in that Committee was that we have a duty to change
the system, to try and get people to come with a better outcome of 'Try the mediation' – and
that you cannot just then go running off to the legal aid fund because you can have it freely, the
bottomless pit of money, for your court case.

So that was a recommendation that was passed and that had real merit. Why is that being
removed from this list? That is just one example. All of these should be properly justified in my
view and there should be a reason given as to why they are going to be removed. I think all of
them have merit and if we could maybe find out why they are being removed, I think that would
be helpful, because otherwise we are going to get into the same situation and the work of the
Court is pointless if it is not going to be carried out by executive Government.

The President: Hon. Member of Council, Mrs Poole-Wilson.

Mrs Poole-Wilson: Yes, I also support the general thrust that things that are obsolete and are
not going to be taken forward for good reason should be closed off, rather than languishing. I
had a similar concern to the Hon. Member of Council about this particular recommendation
because it did strike me what had happened to it and was it going forward. I did actually make
some enquiries myself about this. I think one of the practical difficulties I could see with that
particular recommendation was actually that it is difficult in certain cases to require mediation –
for example, in domestic violence or cases where there is a high level of conflict it is quite
difficult to make it a requirement that there be mediation.

I think also as a policy matter from my own enquiries and from my own experience I know
that Legal Aid require, or at least ask, what efforts have been made to negotiate before any
further legal aid funding is put in place. That has been a historic policy and I have found out this
week that continues to be the policy. So I share Mr Turner’s concerns about a full explanation as
to why things might be closed.

I think in this particular case I am also aware that the Legal Aid Committee is currently doing
a great deal of work around possible reform to the provision of legal aid in a broader sense, and
it may well be that there needs to be something else that comes back before this Hon. Court in
due course, which makes sure the issues that were highlighted on that Committee are still
picked up in whatever broader changes are put forward.

Thank you, Mr President.

The President: I call on the Chief Minister to reply.

The Chief Minister: Thank you.

The President: Chief Minister, I am aware that an explanatory memorandum was circulated –

The Chief Minister: Yes, sir, I am surprised at the comments –

The President: – listing and detailing reasons for closure, and it would appear that some
Members are perhaps not aware of that; but I do not want to pre-empt what you want to say, Chief Minister.

The Chief Minister: Thank you, Mr President, because in my Tynwald pack, electronically, are
all the reasons for why we have taken it off. The Council of Ministers would not just remove stuff
without explaining to the Hon. Members of this Tynwald Court, so I do not know what has
happened there but it is certainly on my electronic details. There is one where the Order is
actually mentioned and then there is another item under that area which gives you all the reasons as to why it has been submitted.

So I do not know whether everyone else has got it – and other Members are nodding their heads in agreement with me that they have seen it. I do not know what has happened to some Members, so obviously Mr Cretney’s answer is there. Mr Turner says ‘no proper justifications to remove’, but we have actually given full reasons why all these items were removed.

In the spirit of fairness I will read out the reason if I may, Mr President, for Mr Turner, because he picked on Recommendation 1 as an example, and the reason for closure was:

Changes to Rules of Court will be considered following any changes that the Legal Aid Committee make to their Regulations. Currently the Courts encourage parties to consider mediation in family matters. Legal Aid aspects are a matter for the Treasury w/e 1st April 2015.

and that is where the changes have come from, effectively –

In relation to Court matters, the courts seek to encourage the use of Mediation at the outset of proceedings and can consider the position following any changes made to Legal Aid Regulations as part of the Legal Aid Committee’s Review.

He did make a very good point but I want to clarify what we are going to do in the future, Mr President, to make sure it is as transparent as possible. At a Council of Ministers’ meeting on 28th July 2016, Council agreed to the following proposals which will bring about a change as to how the Tynwald Policy Decisions Report is updated and made publicly available.

Step 1 has been actioned and that is now submitted to Tynwald. Step 2 was that a new procedure is being prepared and has not yet become live; Departments will be notified prior to the October sitting in 2017, and that is to incorporate SharePoint list into a web-based version.

The webpage will be hosted on the Tynwald website, which is where the Annual Report is currently available. The Cabinet Office will continue to be responsible for uploading new Tynwald policy decisions on to the list and Department-nominated officers will be able to access the list of decisions but will be updating the report in real-time on to the website as recommendations are progressed or completed. Various views of the list by Department, Committee, current and past recommendations will be possible to allow all stakeholders, including the public, to access the information in the way which suits them. The list will provide a full history of the decisions and the progress made. An annual report will be produced by the Cabinet Office.

So hopefully that gives the reassurance that – and I suppose this is housekeeping – we are trying to make it as modern as possible. We did give the reasons for every recommendation which has not been taken forward to all Members, but obviously some did not get it. So I can only apologise – as to why, I do not know, but MHKs have received it.

**Mr Coleman:** It is on BoardPad.

**The Chief Minister:** Yes, it is on BoardPad.

**Mr Cretney:** I am sure it is on BoardPad, but I have had lots of ongoing issues with BoardPad. If you would be kind enough to let me have an answer to what I asked?

**The Chief Minister:** In regard to Mr Cretney, can you just remind me which page –

**Mr Cretney:** The criminal justice system.

**The Chief Minister:** I do not want to have to read –

**The President:** Recommendation 6, Chief Minister.
The Clerk: Opportunities for further reforming the criminal justice system.

Mrs Caine: Number 5.

The Chief Minister: Is it number 5?

Mrs Caine: It is number 5 on your list, but recommendation 6.

The Chief Minister: Right, the motion was recommendation 6, and the reason for closure is:

Latest progress on this decision has been listed on the report under Single Legal Entity (Committee) Ref: 86/16

Mr President, I beg to move.

The President: I put the motion set out at Item 14. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

15. Isle of Man Government Procurement Policy – Policy received and objectives approved

The Minister for the Treasury to move:

That Tynwald receives the Council of Ministers’ Procurement Policy for Government [GD No 2017/0026] and approves its key policy objectives of:

1. Achieving best value for the Isle of Man from Government purchasing whilst ensuring Government’s purchasing power is used to spend locally wherever possible.

2. Purchasing through fair and open competition.

3. Making selling to Government as simple and straightforward as possible.

The President: Item 15, Isle of Man Government Procurement Policy, I call on the Minister for Treasury, Mr Cannan.

The Minister for the Treasury (Mr Cannan): Mr President, you will recall that in January this year my hon. colleague for Ayre and Michael brought forward a motion to this Hon. Court asking for us to review procurement policies specifically in relation to Catering Shared Services. That motion was broadened out to reflect both the work that the new Treasury Team were determined to undertake, and to reflect the actions outlined in the Programme for Government to improve our procurement policy to ensure that we spend more money locally where possible.

I am confident the new and refined procurement policies that you see before you today will go a long way to achieving those aims. In fairness to Government, Members may be interested to know our research has shown that prior to this new policy in 2015-2016, 58% of our supplier spend was made locally and, averaged out over the previous three years, 95% of tendered contracts were awarded to local firms and businesses where a local supplier submitted a bid.

However, we want to build on that and ensure that local businesses are given a fair and equal opportunity when it comes to bidding for contracts. We certainly need to be confident that our smaller suppliers are fully aware of the opportunities that exist and I believe we have set out to address this issue in this document.

The Isle of Man Government spends over £200 million each year on goods, works and services and it goes without saying that the Government must do its utmost to achieve best value from this expenditure. Public sector procurement is a surprisingly complicated matter,
more so than many of us would like to believe it to be. Due to legal precedents and treaty obligations, the way in which the Government must go about its procurement activity is far less straightforward than the same activity undertaken by a privately owned entity or by individual citizens. I am sure that Hon. Members recognise both the importance and challenge of spending locally, of achieving social value for our community, and of realising best value for the public purse. This policy builds upon the desire already expressed by many Members to move procurement on to a more consistent and considered footing and absolutely considers many of the by-product objectives laid out in the Programme for Government.

The purpose of this policy is to ensure that all Isle of Man procurement activity is focused on the delivery of best value for the public purse, whilst ensuring Government’s purchasing power is used to spend locally to achieve the optimum outcome for all parties. This policy clearly and unequivocally sets out Government’s commitment to consider local economic benefits, social value, and environmental and sustainability considerations when making contract award decisions. We are taking positive steps to advance our objectives by advertising all contract opportunities of £10,000 or more in value. This will ensure that for the first time more than 95% of Government purchasing expenditure will be subject to full and open competition. With a far greater number of contract opportunities being advertised, there will be much greater opportunity for public money to be spent locally.

As I have mentioned earlier, evidence shows that Isle of Man businesses have a very strong track record of winning Government contracts when given the opportunity to compete. Furthermore, contracts of more than £100,000 in value will be subject to competitive tender. Tendered contracts will be advertised as normal to ensure fair and open competition. In addition, the tender process will allow local economic benefits, social value, and sustainability and environmental value factors to be considered when making a contract award decision. In fact up to 50% of a contract award decision can be based on factors other than price, with this figure being further increased if appropriate with the permission of the Treasury. The Hon. Attorney General will be producing guidance for Government as to how these factors can be considered in a fair and objective manner.

I believe that the measures contained in this policy document are a very positive move and will see a greater value of Government purchasing being directed into the local economy whilst ensuring best value for the public purse. That said, I am sure there may be some of us in here who would still like to see the introduction of local bias through price weighting that would see Government accept higher prices from local suppliers. Therefore I thought it might be useful just to take a minute to put the matter of a weighting factor into context. Prior to 2011, the discretionary advice in this regard was to allow a higher price from local suppliers of up to 5% for purchases of less than £50,000 and 10% for purchases below £5,000. However, in 2011 the then Council of Ministers received advice from the Attorney General’s Chambers to the effect that applying such price-weighted contract award decisions would see the Government breach its international treaty obligations. Applying such a local weighting factor would have the potential of exposing officers and political Members responsible for contract award decisions to legal challenge. Therefore the discretionary percentage weighting at that time was discontinued.

I can advise Hon. Members that the legal advice in this regard remains unchanged. That said, Treasury will continue to closely monitor any changes with regard to our treaty obligations as the Brexit process continues. Quite frankly, Mr President, in addition to the legal position I do not believe that a local price weighting is necessary or in the public interest. As I have stated previously, when given the chance to compete for contracts local suppliers have a very strong track record of winning. I believe a local price weighting would do little more than drive up Government costs and I would suggest that we trust in the ability of local suppliers to succeed in their endeavours without the need for Government intervention or unsafe bias in the procurement process.

With regard to the third sector, experience indicates that the purchasing of services from this sector can be difficult to accommodate when following a traditional procurement route.
However, I can advise that the Minister for Health and Social Care and her team are working on a policy to complement the procurement policy that addresses issues such as partnership arrangements with the third sector.

With regard to the purchase of food, the Department of Environment, Food and Agriculture has already developed a policy and guidance in this regard. I can advise that with the agreement of the Department this work will now be incorporated into the guidance for Government being produced by the Attorney General’s team. In addition to achieving best value, I am sure Members will agree with me that it is equally important for Government procurement to be undertaken in a fair and open manner, and not simply seen as getting the best deal or lowest price at any cost.

The Programme for Government gives a clear commitment to greater transparency across Government so that the public can hold our public bodies and Government bodies to account. This policy therefore sets out a clear duty of fairness and equality for the Isle of Man Government in its procurement activity and promotes a level of transparency not seen before.

This policy also sets out the clear intent to make it simpler and more straightforward for businesses to sell to Government. Through the use of a new online tender system Government will look to replace the current repetitive and time-consuming paper-based process, and by both raising the current tender thresholds and introducing a new £10,000 threshold for advertising contracts, Government will increase opportunity to win contracts for local business whilst at the same time reducing the administrative burden that is currently being experienced.

Mr President, this procurement policy achieves the best outcome for both the public purse and the wider Isle of Man community, striking a workable balance between both risks and opportunities. Nothing is perfect, Mr President, and procurement decisions can be, and often are, a fine balance of multiple considerations. Nevertheless this procurement policy sets out to deliver a better framework for Government spending, better opportunities for local business and better economic returns for our society.

I would urge Hon. Members to support the motion.

The President: Hon. Member for Douglas North, Mr Peake.

Mr Peake: Thank you, Mr President.

I beg to second and reserve my remarks.

The President: Hon. Member for Ayre and Michael, Mr Baker.

Mr Baker: Thank you, Mr President.

I would like to thank the Hon. Treasury Minister for bringing forward this policy on behalf of the Council of Ministers as a response to my motion from January. I am very pleased, having worked through the detail, with what it shows and I believe it will bring big opportunities for local suppliers.

This will particularly apply to the suppliers in local food and agriculture which was the target of my original motion, but by broadening it out it makes it a far more encompassing policy. It looks very well thought through to me and I think it will make a huge difference. In particular it explicitly recognises the local economic multiplier effect and also social value – both concepts which I believe have been understated in previous approaches.

For me, the highlights are the fact that Procurement’s activities can be focused on best value for the public purse, not just the cheapest cost, and it will also ensure that Government’s purchasing power is used to spend locally wherever possible. I also noted the commitment to environmental and sustainability considerations, which I think is progressive in terms of decision-making going forward.

Clearly the transparency and simplicity, and a more straightforward, easy-to-do-business approach that Government is now offering, will be very much welcomed by all sectors of
industry; and the greater transparency around the £10,000 threshold for advertising, and the £100,000 level at which a mandatory formal tender process kicks in are going to be very beneficial in my view.

As a final point, I noted within the policy the approach of acting collaboratively in purchasing and procurement within Departments, but also across Departments, Boards and Offices, which I think will help get better value for Government and for the public. I am certain that this policy will be good for Government spending decisions and for the local economy, (Mr Robertshaw: Hear, hear.) and I give it my full support.

Two Members: Hear, hear.

The President: Hon. Member for Onchan, Ms Edge.

Ms Edge: Thank you, Mr President.

I want to raise a number of queries with regard to the policy, but I am pleased that Treasury have listened to the numerous concerns, within the Court, raised and that we will have an online procurement portal. But I would like the Minister to confirm the date this will go live and will he also consider the following?

There is a statement with regard to best value for public purse, but the policy states that he will only advertise £10,000 and 5% will not be advertised. This equates to £10 million of public money. I would like answers as to why one system cannot suit all and why this cannot be utilised from £5,000 upwards.

The DHSC and partnership agreements are mentioned. Why, when in other jurisdictions they have one system? I do not understand why we are different here for the third sector. One system for all improves transparency. I would like an explanation on this and why this sector is so difficult.

I cannot agree with paragraph 4, that states we will be increasing opportunity to win contracts by raising the threshold. What about the small to medium enterprises on the Island? This is not a fair and open manner, as stated in the policy. It also states that ‘purchases through fair and open competition,’ but we are only looking at 95%. If there is one system there can be no grey areas, and it would provide clear direction of policy to officers.

The policy states, ‘For contracts below £10,000 ... Offices will through their best endeavours strive to seek ... competition where practicable to do so.’ Who is going to define this? Currently under FD8 the figure is £5,000 and we are hearing numerous times that suppliers on the Island are being excluded. How will this impact if £10,000 is utilised?

Under ‘Public Expressions of Interest’ it states:

If a contract relates to a provision covered by a previously advertised framework agreement, including a select list of suppliers, the opportunity may only be advertised to those parties ...

How do other suppliers on the Island join this club if it is not advertised through the procurement portal and it is only a chosen few who utilise it?

‘Non-competitive Action’: ‘For work of exceptional urgency caused by unforeseeable circumstances where competitive tendering would cause ... delay’. Are Treasury therefore going to introduce a day work rate policy to ensure that this does not become another opportunity of a club that is joined by the chosen few, when the policy states the proposed supplier is the only one?

Under ‘Exclusion’ a list needs to be provided so that it is transparent to the suppliers for all areas. Is this tax debts, NI debts; is it workmanship? It needs to have a set criteria. The Manx Accredited Construction Contractors Scheme was implemented to ensure all Government funds go to approved contractors who meet the expected criteria; why would we be duplicating this?
‘Reducing Administration and Increasing Opportunities’ clarifies that jobs between £10,000 and £100,000 will be advertised through the procurement portal. Can the Minister confirm that all contracts above £10,000 will be as stated in the ‘E-Tendering’ paragraph to advertise ‘regardless of the size or complexity of the tender,’ so therefore it should be £5,000 and above?

If this policy applies to anyone acting on behalf of a designated body, including contractors and consultants, how does this tie in with FD25, and should all the financial directives be included in the policy so that there can be no confusion as to what is set out in the policy?

I would like to finalise by congratulating Treasury on the positive step forward for procurement of goods and services for the Island and the introduction of the portal. However, I do feel that we should operate the system, from the outset, with the current lower value of £5,000 to ensure that all have the opportunity to be involved in Government contracts and that without this measure at the outset we will not know the success of the process and policy if, again, some smaller suppliers are excluded due to the raising of the value of the tender process.

Thank you, Mr President.

The President: Hon. Member of Council, Mr Turner.

Mr Turner: Thank you, Mr President.

I have not been the biggest fan of centralised procurement over the year since it has come in, because it has been dogged with problems. One of the main issues – certainly in its early days – was the whole bureaucracy that it created, where what you had was the person in a Department who was buying a service in, previously would follow the procedures and buy the service in; once everything was brought into a whole new Department, they were still involved in the process, but then there were more people involved in the process; so suddenly we had a middleman involved, and in some cases it has been proved to be an absolute disaster and it has cost more. So I think reviewing this was definitely long overdue.

My concern is that we need to make sure that the process of – whether it be filling in forms online or on paper is irrelevant … Especially smaller businesses, many who are very good at what they do, do not have the staff or resources to be putting complex proposals together. They know their job, they know how to do the work and they want to put in for it. Obviously there has to be an element of form filling – we understand that – but when I have seen some of the forms that small businesses have handed to me for quite routine jobs, they are phenomenal; you would need somebody dedicated to doing that.

A couple that spring to mind are: a grass cutting contract – the forms were just like nothing you have ever seen; and the other one was, one of my favourite subjects at the moment, those wonderful planters on Strang Road – there were pages and pages and pages of forms to have somebody fill them with soil and put some weeds in; I say weeds because that is what is growing out of them all at the moment.

So the procurement process has to be simple enough that the smaller businesses who we are trying to spread some of this work to, who, as I said, do a very good job in the areas that they work in … The process has to be designed in mind that it is doable, because up until recently a lot of small businesses were just saying, ‘We just cannot even think about putting in for Government work because the process is too complicated, we do not have the staff to deal with the application process,’ whereas the bigger firms who were hoovering up a lot of the work and even getting some of the jobs that we might consider more suitable for smaller businesses, they were hoovering them up as well because they had the resources to put in for it, particularly if some of those bigger firms were having a bit of a downturn in their bigger projects.

So I think it is vital that when this policy goes live, it is constantly reviewed and feedback is taken from those smaller businesses, because, as I have said many times in this place, the biggest employers are the small businesses; they are the ones who employ the most people. So we need to make sure this process is clear.
When you get to the more meatier contracts, there is a lot more scrutiny involved and many of them come to Tynwald for votes, where there is a substantial amount of scrutiny, but some of those smaller jobs – and I think this policy is designed to simplify that process – really do need to be brought to a level where there are minimal people involved, because it was becoming a massive bureaucracy.

Simple tasks like grass cutting at certain Government sites was a major job, and the number of people involved in that – where it used to be the man at DAFF or DEFA would think, ‘Well, we have got some land that needs dealing with. We will stick an ad in and we will appoint somebody to go do the job.’ Obviously, things have come on a little bit since then, but there is still no reason for 10 people to be involved in some of these decisions; it is just ridiculous.

When we are looking at the overall cost of these savings, the cost of this procurement department needs to be factored in, because that is the new cost that we are adding to the process.

So I hope this – I would imagine it is going to be approved today – remains a live document and they have regular reviews on its performance as to whether it is working and whether it is working for, especially, small businesses on the Island.

The President: Hon. Member for Ramsey, Mr Hooper.

Mr Hooper: Thank you, Mr President.

I am quite supportive of this policy; it is a marked improvement over current practice. I am especially glad that the focus here will be on value for money and not just cost, and the policy requirements to consider the benefit to local economy and social value – I think they are essential and I think it is an acknowledgement here that Government procurement policy can have a very positive effect on diversifying the economy.

My only question for the Treasury Minister is: will this policy at some point be extended to cover local authorities, given that they are responsible for a great deal of public spending, including the vast majority of the Island’s public housing stock; and, if not, how is it going to be ensured that local authorities will follow Government’s aims of supporting the economy and ensuring social value through Government procurement?

The President: Hon. Member for Garff, Mr Perkins.

Mr Perkins: Thank you, Mr Perkins.

I agree with the Treasury Minister that the procurement process, particularly from Government, is very complicated. I absolutely agree with the new key policy objectives.

One of my concerns is, for example, if a refurbishment of a vintage transport vehicle is being undertaken by a large company, they will quote a price whether they want to win the job or not. The price quoted will be the price that Government pays. An analogy of this would be taking the family car into the garage and the mechanic says, ‘It is going to cost you 200 quid,’ but when the bonnet was lifted, the actual cost to replace the washer that was causing the rattle was only £20. In this scenario, the Government would still pay 200 quid. I hope the new system goes some way to sorting out that problem.

My other concern is, for example, on a large construction project the main building contractor would have to bring in specialist subcontractors – for example, electronics. With the internet and things, electronics are going to be increasingly important. I suggest that the submission of the final quote to Government, the price that is submitted to the main contractor by the smallest subcontractors – that is, each one who has bid for his part in the contract – should be included, showing all of the subcontractors and, indeed, the prices which they quoted. This will enable Government to show the mark-up by the main contractor. At the end of the process, the bids should be made fully available online to all other companies who entered into the bidding process. This is the only way to ensure that the process is open, fair and transparent,
giving the best value to Government and the smallest of contract firms the chance to see who they are competing with and the chance to improve if they are not successful.

I will be supporting the motion.

Thank you, Mr President.

The President: I call the Hon. Member of Council, Mr Coleman.

Mr Coleman: Thank you, Mr President.

I will be supporting this as well, but I have one concern and that is the lack of transparency when FD8 waivers are used.

I think there should be some mechanism where someone could go online and look at FD8 waivers that have gone through and see whether they could potentially have bid. The FD8 waiver rule was basically saying, ‘theoretically; urgency; and no other person available who can do it.’ I think that that last condition is one that could possibly be questioned if the FD8 waivers were put up online.

Thank you, Mr President.

The President: I call on the mover to reply, Mr Cannan.

The Minister: Thank you, Mr President.

I will try to respond to most of the positions and queries that have been raised.

I think one of the points that comes through ... and I will pick up on the Hon. Member of the Legislative Council who talks about FD8 waivers and publishing details; and I think in a slightly similar vein, or perhaps with a slightly different emphasis, so did the Hon. Member, Mr Perkins, talk about more transparency.

There are two dangers, I think. In all this, there is a danger that Government becomes so bogged down in trying to be completely transparent about every single spending decision, that actually we then spend more time discussing the pros and cons of why a decision has been reached and exposing ourselves to all sorts of challenges from different angles, when actually a lot of common sense has already been applied. Government spending, particularly on smaller items, becomes so bureaucratic and so bogged down in debate in here, debate outside of here with officers, and debate with external parties, we do not actually get anything done.

So I take the point about FD8 waivers, in that they are regularly used in Government – perhaps more than some people might be aware – but on the other hand what you do not necessarily see is a fairly rigorous scrutiny process, certainly with the current Treasury team – and I compliment the members of that team who really are giving proper analysis to these decisions.

I think what I will do on that particular point from the Hon. Member, again, is take away his point and just discuss whether or what the practicalities are of publishing the FD8 decisions, or whether you can somehow maybe put those in some form of end of year reports to accompany one of our spending reports that are produced by the Treasury.

I think I will just move on to deal with the Hon. Member, Mr Perkins’ point about contractors: final prices being displayed. I am slightly reluctant on this point, because, to me, all that is then going to do is you ultimately show everybody what the price that has been set is, and of course, from a competitive element everybody is fully aware and then they simply gear their pricing (A Member: Hear, hear.) for the next tender to suit what they expect of the pricing structure that they have already seen.

So I think that in order to protect the Government’s requirement to ensure that we are getting best value, publishing that kind of minutiae or detailed information would not be in the best interests of procurement as we move forward.

I would like to thank my hon. colleague for Ayre and Michael for his support and I think what I would like to add to Hon. Members is that I will endeavour to ensure that we get some of the
relevant procurement practice notes distributed. I think that it is important that you see the
detail behind this – as always, the devil is in the detail. But I can assure you again that the
Treasury team have actually gone through this process of scrutiny in terms of what will be
coming out in quite extensive detail.

So as soon as the procurement notes have been published I will endeavour to get them
circulated, along with any other relevant information, as to how these guidelines are actually put
into practice.

I want to move on to the Hon. Member for Onchan, Ms Edge’s comments and I am afraid I
could not write fast enough to keep up with absolutely everything she was saying, but I will go
back and review the Hansard. She did ask, I think, to start, about the procurement portal. I can
tell her that the procurement portal is live now for tendering and for the £10,000 threshold it
will start on 1st August.

But the Hon. Member really, essentially, I guess ... I think there were two key points; she was
saying, ‘Well, you need to lower the threshold down to £5,000,’ and then she talked about how
people got into the club through federations, and I suspect that one of the federations or clubs
that she was talking about was the Construction Federation.

I want to deal with the first point about going down to £5,000. First of all, we have
significantly moved in terms of bringing forward this new policy that anything over £10,000 will
be put online; and in order to do that, not only have we been through a fairly extensive political
discussion within the Treasury and analysis, but the Chief Financial Officer has had to fight some
fairly rocky road within the Chief Officers’ Group, who felt that even going to this stage might
result in us getting bogged down for longer than we might want in terms of delivering on
spending decisions. Nevertheless, it is absolutely the right thing to do. As with all these things,
we will be monitoring it and seeing how it is working.

But I cannot agree with her that we are not being fair on small and medium businesses,
which is what she said. I think we are being fair. If anything, we are being more open and more
transparent, giving out more opportunity for people. What it is going to take is just to make sure
that every body, every business, is aware now that if they look on the Government portal they
will see these opportunities being advertised and will have a much better opportunity now of
easier access.

Alongside that – just to move onto draw in Mr Turner’s point about this bureaucracy – I agree
there is too much bureaucracy with procurement and if we can get it down and simplify through
the online portal then, again, I think that we will be making progress. But obviously there is a
fine line with all these things between transparency and delivering proper administrative
processes to make sure that we are being equal and fair to people bidding, and that those
companies who are being awarded contracts are in a fit and proper state to award that. We
have got to make those judgement calls all the time and so anything that we can do to refine the
process as it rolls out online, I can assure you we will do and that the Treasury will be seeking
regular updates as to how progress is being moved forward.

So, going back to the Hon. Member’s point about dropping this even further, as it stands at
the moment I think we have made a significant change here; we ought to see how it goes and
how successful it is. In due course, if it emerges that we could drop this price to an even lesser
level then I think we will consider that, but I think we have made the concession and I think
Members should support the £10,000 and I think we should roll that out.

I think this point about these clubs: well, the only real club that I can think of, if she is
referring to one, is the Construction Federation. I think it is right actually that we continue to
review whether or not any sort of Government-related organisation in these types of situations
are performing in the way that they should be and that they are giving equal opportunity for
businesses to receive contracts. So I think that my view on these – particularly the Construction
Federation – is that we do need to continue to ask questions and we do need to make sure that
it is operated to the standards that we want it to operate to.
In fact, I can tell her that very question was indeed raised in Treasury not more than about two weeks ago and we will continue to monitor that situation. But I think, again, Mr President, to be fair to the Government and fair to Procurement, the evidence is that local businesses, when they do tender for contracts, 95% of the time already they win the business. So there may be things that need ironing out. It is a consistent process of improvement and we need to be mindful of that and the way to be mindful is to make sure that: first of all, we are getting the proper analysis; secondly, that we are asking the questions and that, where practical, the Government is seeking to improve.

Mr President, I think that I have covered the majority of points raised by those Hon. Members who have spoken. I apologise if I have missed off one or two points that have not been covered to a Member’s satisfaction; I am absolutely open to continuing to discuss procurement and its effectiveness, and indeed hearing from Hon. Members when they become aware, as doubtless they will over time, of constituents’ businesses particularly who are finding problems with the specific process.

Sorry, just one quick point. I think the Hon. Member for Ramsey, Mr Hooper, did ask me about local authorities. As it stands at the moment, my understanding is that we have no power to roll this out to local authorities, but it may be something that is worth questioning as, again, we move forward.

On that basis, Mr President, I hope Hon. Members will recognise that the policy that has been put before you is intended to improve the process, make the process more equitable, more open, more transparent for our local businesses and that it will, I hope, lead to better economic results for our society.

I beg to move.

The President: Hon. Members, I put the motion at Item 15. Those in favour, please say aye; against, no. The ayes have it.

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

In the Keys – Ayes 23, Noes 0

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The Deputy Speaker: In the House of Keys, 23 for, none against.

In the Council – Ayes 8, Noes 0

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<td>Mr Anderson</td>
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The President: In the Council, 8 for and zero against also. The motion therefore carries, Hon. Members.


The Chairman of the Arts Council and Vice-Chairman of Culture Vannin (Mr Corkish) to move:


The President: Item 16, Joint National Development Strategy for Culture and the Arts. I call on Mr Corkish to move.

The Chairman of the Arts Council and Vice-Chairman of Culture Vannin (Mr Corkish): Thank you, Mr President.

I thank you and the many Members of Tynwald who last week attended a presentation of the Joint National Development Strategy for Culture Vannin and the Isle of Man Arts Council that had been developed after wide consultation, including a workshop for stakeholders.

It is, Mr President and Hon. Members, a true partnership with Culture Vannin, Isle of Man Arts Council and this community of the Island, by whom it will be delivered. Its launch was promised in the Programme for Government document and I hope that all Hon. Members had received a copy prior to today.

I will, Mr President, be as brief as possible in outlining this Strategy, conscious of the weight of business before us on our Order Paper yet to happen.

The presentation given detailed our ambitions of this living document and the illustrated economic, wellbeing and quality of life benefits to our community through its inception and practice and is summarised in six ambitions: ambition 1, inspire people of all ages and backgrounds to enjoy our culture and the arts; ambition 2, invest in the Island’s creative communities so that they are successful and sustainable; ambition 3, promote our unique Manx culture and distinctiveness as central to the Island’s image, nationally and internationally; ambition 4, champion the arts and culture as fundamental to our wellbeing and sense of place; ambition 5, develop knowledge, skills and understanding within our creative and cultural industries; and ambition 6, inspire and enable people to explore through innovation, media and technology.

Mr President, the last 10-year National Arts Development Strategy ended as planned with a celebration under the banner headline Island of Culture spanning over a year. Led by the Arts
Council and supported financially and through development work by Culture Vannin, we let the grass-roots lead, resulting in a celebration of arts and culture in the community. Through an independent survey, we were able to evidence financial benefit to our economy from Island of Culture of over £6 million.

The creative industries are a huge growth sector globally, with abundant documented evidence to prove major beneficial impacts on economies, communities and quality of life. Arts and culture are integral to the success of the creative industries. In the UK in 2014, the Gross Value Added (GVA) of the creative industries was £84.1 billion. This would equate to £112.7 million for the Isle of Man. We need to change Government processes to measure and develop this sector successfully and for the benefit of the economy and I would hope that our good friends in Treasury and Economic Development will work with us to achieve this.

Our Island needs a vibrant arts and culture scene if we are to attract and retain young people. It is through cultural regeneration that quality of life and graduate retention are enhanced. We support the main centres of community entertainment around the Isle of Man: the Studio Theatre at Ballakermeen and live screenings; the Youth Arts Centre; the Gaiety Theatre; the Sayle Gallery; the Isle Gallery; the Erin Arts Centre; the Centenary Centre in Peel and the Ramsey Grammar School with their live screenings.

The Arts Council provides a subsidy of up to £100,000 a year to the Department of Economic Development for them to continue to offer an amateur hire rate at the Gaiety Theatre. Without this subsidy, not only would DED lose some of its biggest box office returns, but our performing community would lose the opportunity to work at the theatre, which as we all know, is a jewel in the crown of our architectural heritage and which has given many the propulsion to choose professional theatre as career.

We also support the people who devote their time, talent and expertise to the rich cultural and artistic offering we are lucky to enjoy here. Through Culture Vannin, we provide free translation services across Government and the private sector, free adult tuition for the Manx language, Gaelic Broadcasting, and support the Department of Education and Children in their provision of Manx Studies in the curriculum through innovative apps and videos, as well as printed resources and workshops.

Apps and online content are key to connecting with 21st century audiences. Culture Vannin has pioneered the development of new media to connect everyone everywhere with Manx culture and through beginning and continuing to fund the live screening programme, the Isle of Man Arts Council ensures opportunities for all to attend live performances from the Royal Opera House, the Royal Shakespeare Company, the National Theatre, the Metropolitan Opera, the Globe Theatre and a lot more locally, of course, and at the most affordable prices, which are very well received here and another addition to our community well-being and vibrancy.

Through prudent ring-fencing of our funding over a long period, the Arts Council were able to bring the celebrated Hallé Orchestra, who played to a packed Villa Marina in June, and provided the opportunity for local musicians and singers of all ages to join in a performance, retaining our ethos of engagement and participation for all.

Mr President, both organisations have a strong focus on the cultural and artistic talent of tomorrow. Through bursaries, for the arts and for the Manx language, coupled with our development work, we make sure that access is equal and that our young people are inspired and valued.

Artwork for the Villiers Square site – which has been mentioned today, I think in earlier debates – has been in instigated by the Arts Council, recognising the importance of our environment for residents and visitors alike. High-quality artwork in public spaces can have substantial benefits and often tells the story of a community.

The Isle of Architecture has been a year-long celebration of our built environment – a partnership between Culture Vannin, Manx National Heritage and the Isle of Man Society of Architects. It has helped people connect to our architecture in positive and innovative ways.
In recognising the ongoing success of the Island Games, we have suggested to our sister islands the concept of an Island of Culture movement. This was initiated this year at Gotland, and our model has already been received with enthusiastic support, specifically from Gotland, and indeed Gibraltar.

Culture Vannin has a long and proud history of inspiring people to engage in Manx culture and encouraging people to think about what it means to belong to this Island nation, throughout its years as the Manx Heritage Foundation and more recently under its new name. Our new cultural centre in St John's is a celebration of our vibrant and innovative cultural and political identity and opened by Mr President on Tynwald Day.

Our cultural development work helps place the Isle of Man on the international stage, whether that be for our successful language revitalisation work or for major presentations and internationally acclaimed festivals like Lorient in Brittany.

Finally, Mr President, I pay tribute to the boards of both Arts Council and Culture Vannin, who, without recompense, give unstinting enthusiasm, expertise and passion to our work, and as importantly, both the Chairman of Culture Vannin and I thank the officers and small teams who administer the organisation and involve themselves totally in our work.

Both organisations are funded largely through Lottery tax duty allocated by the Treasury, which we have recently seen reduced as Lottery ticket sales decline. Obviously, this is not a sustainable funding stream. We face challenging decisions in the near future and the ambitions set out in this strategy will help guide us in establishing priorities.

However, both the Arts Council and Culture Vannin are confident that through this strategy and complementing the Programme for Government and in partnership with the community, our contribution to the Island will bring significant benefits to our health care, our economy and our community, as we move into 2018 with all its hopes and aspirations for celebrating Isle of Man plc.

Mr President, I beg to move that Tynwald approves the Joint National Development Strategy for Culture and the Arts on the Isle of Man

The President: I call on the Hon. Member for Douglas Central, Mr Thomas.

The Minister for Policy and Reform (Mr Thomas): Thank you, Mr President. I beg leave to second and reserve my remarks.

The President: Hon. Member for Garff, Mrs Caine.

Mrs Caine: Thank you, Mr President.

I welcome the publication of this Joint National Development Strategy for Culture and the Arts on the Isle of Man. I would like to congratulate both the Arts Council and Culture Vannin for the focus it brings to this important aspect of the Island’s creative output. (A Member: Hear, hear.) The success of sporting strategies over previous decades, the building of the National Sports Centre and the activities of Manx Sport and Recreation have opened up endless opportunities for people of all ages to participate in physical activity at all levels, and I trust we will see the same expansion and provision of all things cultural and artistic in the years ahead, following publication of this Strategy.

I applaud the aims of inclusivity set out in the Strategy that specifically seek to enable opportunities for everyone participating cultural activities. The benefits in terms of the Island’s creative output, plus the bonuses it brings to individuals should not be underestimated. There is also a multiplier effect: increased creative activity contributes more to the local economy and the Strategy published by Culture Vannin and the Arts Council dovetails neatly with the current focus in the Department of Economic Development on creative industries – a sector that I am delighted to have responsibility for within the Department.
Creative industries have been a rich part of our past and we are confident that they will play an increasingly important role in our future. Currently, we have many creative people engaged in full-time careers in the arts, including music, theatre, fashion, sculpture and fine art. As well as promoting themselves, every one of them helps to promote the Isle of Man as a cultural entity. Additionally, each handcrafted piece of jewellery or other artisan product made in the Isle of Man that is shipped to the UK or further afield, consistently helps to promote the Island in a positive way, with side benefits of advertising us as a visitor destination.

Also, creative industries encompass so much more than simply artists and musicians. There are many industries that have their origins in individual creativity, skill and talent, but which have a potential for wealth and job creation, through the generation of exploitation of intellectual property. Subsectors include advertising and marketing, architecture, crafts, design, film, TV photography, IT software and computer services, publishing in print and digital, museums galleries, as well as music and performing and visual arts.

In fact, creative people are present in jobs that cut across many sectors of our economic activity. It was estimated in March 2017 that creative industries on the Island now comprise over 250 businesses, employing approximately 800 people. That amounts to around 1.9% of jobs against the 2016 Census – a small sector admittedly, but small industries, given the right climate and support, can and do grow. The Department of Economic Development actively represents the Isle of Man on the creative industries workstream with the British-Irish Council. This involves working with other jurisdictions to share transfer of best practice and promote innovation and creativity to support enterprise and entrepreneurial activity. DED is also working closely with the Arts Council and Culture Vannin to ensure that our activities are aligned and mutually beneficial.

Additionally, the Department works with a range of stakeholders to facilitate networking and collaboration, including hosting regular events for industry professionals. If I might take this opportunity to give a general invitation to all involved or interested in this sector to attend the next industry event that will take place at Noa Bakehouse on Thursday, 10th August from 6 p.m. to 8 p.m. – the evening will be focusing on how the Joint National Development Strategy for Culture and the Arts on the Isle of Man dovetails with our creative industries.

Thank you, Mr President.

The President: I call on the mover to reply, Mr Corkish.

Mr Corkish: Thank you, Mr President.
I thank Mrs Caine for her support. I know how well she works through DED in the creative industries section that she champions, and with the Isle of Man Arts Council.
It is all part of the confidence-building of our people in the Isle of Man, and I am drawn to make a comment about some of our VIP guests at Tynwald this year, who particularly noticed the way that we revere our history and traditions and uphold them.
So I am grateful for the support of Mrs Caine, and indeed of this Hon. Court.
I beg to move, Mr President.

The President: Hon. Members, I put the motion at Item 16. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

17. Chief Constable’s Annual Report – Report received

The Minister for Home Affairs to move:

The President: Item 17, the Chief Constable's Report. I call on the Minister for Home Affairs, Mr Malarkey to move.

The Minister for Home Affairs (Mr Malarkey): Thank you, Mr President.

Under section 4A of the Police Act 1993, I am required to move the Chief Constable’s Annual Report 2016-17, which has been laid before this sitting of Tynwald.

A total of 2,176 crimes were recorded for this period: an increase of 11% on last year and of 2% on a three-year average. Levels of traditional crimes, such as burglary and anti-social behaviour, remain exceptionally low, although the latter has been increasing. I am pleased to be able to highlight that the Chief Constable intends to direct his officers to take further actions to combat anti-social behaviour.

Crime remains at its third lowest level for 40 years, and roughly a third of the levels seen in the United Kingdom. The crime detection rate, at 46.9%, continues to be better than the crime detection rates in the United Kingdom and the Channel Islands.

Recorded crime levels are only one aspect of measuring performance of the Police. Surveys routinely undertaken by the Police indicate 94% of those surveyed are satisfied with the Police and what they did for them.

While much of the work of the Constabulary is visible to the public, a significant amount of work is undertaken by police officers with regard to sexual offences and financial crime. These are offences that require substantial resources for large and complex investigations taking place over many years. The Constabulary’s work in this area is vital to the Island’s reputation as a safe place to live, as well as being a well-regulated financial jurisdiction.

Much has been made in the media about the level of resources provided to the Constabulary for the period of this Report which ended in March this year. In this connection, I very much accept that the Constabulary has made tremendous efforts to adjust to the financial realities which affect the public service.

I also recognise that demand on the Constabulary have increased, particularly in the areas of financial crime and historical sex offences. To this end, I am delighted to acknowledge the additional financial support which has been made available to my Department to support the Constabulary in its endeavours to address financial crime and to meet our international obligations.

In addition, the purchase of an implementation of a new IT system with the assistance of the GTS is being implemented this year. This will free up substantial officer resources, from basic administration tasks and allow them to be more effectively targeted where they are required.

I am also very grateful to the Chief Minister, fellow Ministers and Tynwald Members for their support in providing additional resources, as I have previously mentioned, during these times of continued financial restraint. I would also like to thank the Chief Constable, his officers and his staff for achieving such excellent results in the face of such significant challenges.

Mr President, I beg to move that the Chief Constable’s Annual Report for 2016-17 be received.

The President: Hon. Member of Council, Mr Coleman.

Mr Coleman: Thank you, Mr President.

I beg to second and reserve my remarks.

The President: Hon. Member for Garff, Mr Perkins.

Mr Perkins: Thank you, Mr President.

The Isle of Man Police Force is to be congratulated on the savings they have been making in recent years. Mr Roberts, the Chief Constable, states in his Report that the Force is now working very hand-to-mouth. He is not a man to cry wolf. As politicians, we must make sure Mr Roberts
and his team have got the right tools to do the job. Their actions underpin our Island way of life which we hold so dear.

In this sitting, we have been asked to approve a financial expenditure. It is important that we do indeed bear in the back of our minds that next year an increase in the Force’s budget will have to be considered, to enable it to continue to do the job to the same standards that we enjoy today.

But it is not just financially where we politicians can help the Force. Many of the offences that the Police deal with on a regular basis, particularly mental health issues, should quite clearly be dealt with by different Government agencies. I know there is a Government workstream that is carefully considering this.

Border security is an increasing threat that has been highlighted, which we must urgently address.

Mr Roberts highlights the fact that half the increase in recorded crime is down to the possession of cannabis for personal use. I believe the time has come for us to now fully take stock. Do we really want police officers chasing individuals for £3.50 worth of cannabis? I agree that on-the-spot fines will go some way to streamlining the process, but I believe we must now take a good long look at what is happening round the rest of the world.

In Canada, certain states of the United States, Australia, Norway, Holland, Portugal, Spain, Switzerland and Germany have all started making steps towards decriminalising personal possession of cannabis for small amounts only. We must watch this process and learn from the outcome, and then engage in public discussion to decide the best way forward for the Isle of Man.

Finally, I congratulate the Chief Constable and his team for the difficult job which they do for us all.

The President: Hon. Member for Douglas East, Mr Robertshaw.

The Deputy Speaker: Thank you, Mr President.

Dr Allinson: Thank you, Mr President.

Each year, I look forward to reading the Chief Constable’s Annual Report. I like living on a safe island with a community spirit and a responsive police force. I value the freedom my children
enjoy on our streets and the confidence I have that they are free to develop without living in a climate of fear.

However, the peace, freedom and safety we enjoy is not there by accident. It is fostered and ensured by the rule of law. The Police Force must constantly change to deal with new challenges and opportunities. Last year, 112 people were charged whilst driving using a mobile phone – a new offence which reflects the way we now carelessly use technology in a way that can endanger our safety and that of other road users. This sort of behaviour, like smoking in cars with children present or drink driving, is just not acceptable and I hope the numbers will decline as people appreciate this.

The increased prevalence of cybercrime and the conclusions of the Moneyval report will pull the Department’s resources in different directions as the Chief Constable also tries to bolster community policing to address a slight increase in anti-social behaviour.

His comments about the serious impact of sexual crimes are important for us as members of our society and for victims. Sexual crimes, domestic violence and child abuse have no place in our society. There are no explanations, excuses or mitigating circumstances. Those guilty must be prosecuted, even if the evidence is online behind passwords and firewalls. Victims must be listened to and believed. We must encourage anyone abused, even if this was in the past, to come forward so that we can start to remove this stain on our society.

The police officers of the Public Protection Unit who deal with these cases have my utmost respect and it was an honour to attend this year's Chief Constable's Award Ceremony. I am extremely encouraged that the Minister for Home Affairs has made it one of his priorities to introduce new legislation on sexual offences, which deals with electronic and computer-based abuse, which will bring those who commit these evil crimes to justice whilst protecting and giving a voice to victims.

The Chief Constable has some blunt comments about resources, which are honest and need noting. He also points out the rising problems his officers face by people in possession of small amounts of drugs, especially cannabis. I believe that now is the time for a proper debate on drug policy, based on scientific evidence and medical advice, and look forward to the imminent publication of the joint strategic needs assessment. It cannot make sense to criminalise large numbers of young people for the use of drugs while the Force struggles to meet the needs of victims of serious crime and increasing numbers of people with mental health problems needing their help in times of crisis.

I welcome this Report as proof that the Isle of Man is really one of the safest and most honest places to live, but I also recognise that we have to constantly adapt to preserve this freedom and support our Police Force as it strives to protect us.

The President: Hon. Member of Council, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

I would like to start, as one or two other Members have, in congratulating the Chief Constable with regard to the production of this Report, and also for his efforts over the year and [inaudible] But most of all, I would like to thank the police officers and front-line staff, who are out there for our community 24 hours a day, 52 weeks of the year, helping to protect our community and keep it the safe place that we enjoy, and that the Hon. Member for Ramsey, Dr Allinson has pointed out.

Those men and women face extraordinary threats and challenges every day, including life-threatening circumstances, and they continue to do their duty for us. To them and for that, I am grateful, as I am sure every Member of this Hon. Court is. (Two Members: Hear, hear.) I certainly commend the work that they undertake. It is a great credit, and a great credit to the Island.

Having said that, Eaghtyrane, I now wish to move to two points I want to major on. I am sure the Shirveishagh may very well know what is coming next. In no way is it a criticism of the Isle of Man Police Force; far from it, but I have to point out, on the issues of mental health that I have
been flagging up in this Court for at least seven years, where somebody who may be suffering a mental health issue in a public place to the point where people notice that they are suffering or not functioning properly – they may not be a danger to the public but there is obviously something very wrong with that person – what is our first line to deal with that? The Police are called, and that person is arrested.

After passing the Equality laws here, and everything else that we have done so far, which is highly commendable, I find this completely intolerable now in this modern age, in 2017. I can recount cases from various periods of time, including one in particular, where a female who was distressed – not a danger to the public – was obviously reported to the Police and arrested out of a public area, after a major struggle, because they became frightened and stressed. They did not know what was happening, they were bound hands and feet and forcibly ‘placed’ into the back of a police van. They could not do anything about it. It is not particularly their fault – they are left to deal with something like that, when it is highly unfair, they are not trained for it, and there are better ways to do it.

I would say to the Minister and the Health Minister, this has got to stop. I have raised it, as I say, for at least seven years now. There must be a better way, working collegiately with interdepartmental help, of solving a situation like that – it is not common, thankfully – but an on-call social worker or some member of an on-call health team could be contacted or a healthcare worker asked to come off a ward, for instance, from Mental Health or something of that ilk, to assist and make the primary approach to that person, where they are not uniformed and they are far less of a threat, and where they may be able to defuse a situation to the point where that person agrees to come with them to A&E at Noble’s or the acute admission ward at the new psychiatric unit at the Noble’s Hospital site.

That would be a far better, far more humane way of treating that person and assisting them, rather than harking back to practices that are ostensibly 100 to 150 years old – our first response: arrest them, throw them in the back of a van and take them to A&E at Noble’s. That cannot be right and I really would like to see a commitment here.

In the past, when I have tried working with Departments on this, I have consistently had the issue of resources thrown at me, ‘costs, this problem, that problem – can’t do it’. Every way I try to put a solution to it, the ‘can’t’ word was used and any excuse. I do not believe that is the right way forward for 2017, and the way in which we are going and Tynwald is going forward at the minute, I think we can do a lot better than that. I would like to hear some commitments from the Ministers.

I am not blaming anybody; I am just flagging up an issue that cannot be allowed to carry on much longer.

I agree that in a situation where there may be illegal substances involved – not just cannabis – but whereby somebody is exhibiting dangerous, unpredictable behaviour, that is a different set of circumstances, and obviously, the Police have to operate accordingly there, to protect members of the public, and indeed that person from harming themselves, should the situation be that dangerous.

But if it is a situation as I have described – and that has happened many times over the years ... It is not always a dangerous situation; it is a mental health crisis situation, and I have certainly worked as on-call community psychiatric nurse, to assist in situations such as I am describing, and we have been able to calm that person down and get them to accompany us back to the acute admission ward, where they can receive the help that they need, in a proper humane fashion, rather than a more brutal way of solving the issue. So it can be done, because I have done it.

Now, moving on to the sex offenders issue: something, again, I have been highlighting in this Court, and I have worked with the Minister before on, and that is my call on the fact that we really do need to revise the sentencing regime here and we really do need to recognise the enormity of these crimes and by proportionality with the sentences dished out, if I can put it like that.
Over the years, I have noticed an erosion in social attitudes towards sexual offences in that sentencing has reduced, there has been a far more lenient, compassionate approach. Certainly, you should be compassionate with human beings, that is fine, but what I am trying to say is that the last case I read in the paper, we had a 10-year-old boy who was raped. The true horrific nature of that crime will never be known: devastating, lifelong consequences that will have on that little boy. A six-year jail term was for the perpetrator.

I also know that many of these perpetrators – not all, but through personal professional experience and meeting the experts in the field and with the Minister – their thinking is completely different to any normal person. The brain, if you like, is wired completely different. They have no conscience, no feelings, they are driven by what they believe they want to achieve.

There is no getting away or around that, Hon. Members, and I really seriously think we need to look at our sentencing regimes and how we deal with these situations, so that what we do matches the enormity of some of these offences.

Some offenders may be able to be treated to an extent for what I can call ‘minor’ offences and work with probation officers, social workers and go on the sexual offences register and so on. However, the more serious cases, I think we really do need to take more seriously, especially ... and I mean that, in how we deal with it in sentencing terms and other terms, or do some of these perpetrators need to be sent across for extended periods of time for more intensive looking-after, for want of a better way of describing it?

So I leave that with the Minister and hopefully he will come back with some positive comments on that.

Mrs Caine: Thank you, Mr President.

I would like to thank the Chief Constable for his comprehensive Report and the Hon. Minister for bringing it before this Court today.

We learn our crime levels are a third of those in the UK, but half the increase in the Isle of Man’s recorded crime is made up of people possessing drugs, mainly cannabis, for personal use. I concur that more imaginative policies are needed to tackle this increase of 115 cases, to the highest level ever recorded. I do not want dozens more people criminalised for low-level possession, but neither do I want decriminalisation to risk harm to the next generation. There needs to be a balance. Also, there are many occasions when people report that cannabis usage assists with medical conditions, and that is an area that needs further exploration.

It is disappointing that the Drug and Alcohol Strategy, anticipated to come out in January, has not yet been published or implemented. I also note with concern that investigations into cyber and financial crime, plus sexual offences, prevent proactivity to the same degree enjoyed in previous years, so more drugs find their way on to our streets. Plus there is the increasing threat of legal highs and online access that young people will find. There is a clear need for more conversations about drugs, both in the home with parents and in schools, if we are to change the mindset. The acceptance of drugs, in the same way the message of safer drinking, seems to have reached young people. This is not just a police matter, it is a matter for the whole community. Neighbourhood policing played a significant part in proactive policing and the reduction to frontline services was bound to have an impact. Alongside drug use, antisocial behaviour is increasing in Douglas, Onchan and Peel, we learn, and these are irritations that impact seriously on people’s quality of life.

The Chief Constable points out that the 16% reduction in the size of the Constabulary has a direct bearing on the level of police patrols that can be operated. Can the Minister state whether there are plans to review the police establishment? In addition, when the Chief Constable reports organisational threats of severe budgetary restrictions, living hand to mouth with resources constantly stretched, faced with a creaking IT infrastructure and recruitment issues, I think it is time for Government and for us politicians to sit up and take notice. Too easy
to say the Police do not need more resources because the Island is still the safest place to live. Do we wait until we record more dramatic increases in crime or find evidence of organised crime coming our way before reviewing the way the Police are funded and resourced?

Reductions now in preventative work could have consequences many years ahead, we are told. So in my opinion we should consider expediting the establishment of the multi-agency hubs advocated by the Chief Constable to address this. Will the Minister undertake to make that a Department priority?

We are certainly under-policed, if you consider the statistics provided – 44p per person per day in the Isle of Man, compared with the UK average that is 25% higher at 55p. We have also the lowest number of staff per head of population. It is not a proud boast to say that our Police are cheaper than anywhere else in the British Isles. It begs the question are they now underfunded and under-resourced – even undervalued? Resources have shrunk by 20% in recent years and there are 16% fewer people to deliver police services on the Isle of Man. That sets alarm bells going in my mind. With the current challenges facing our Island it needs to be reviewed urgently. The Police contribute to maintaining the Island’s reputation for combating serious financial crime. Of course resources should be allocated for that, but it should not be at the expense of neighbourhood policing, proactivity by neighbourhood police teams or in safeguarding and protecting the most vulnerable in our society.

Unfortunately, the Chief Constable speaks of unprecedented levels of financial crime which he anticipates will become the new norm. This surely needs addressing in terms of adequate resources, otherwise the dedicated but obviously overburdened officers will not be able to cope. I note that in the final quarter of the year, financial crime investigators were supplemented by civilian investigators, but that sounds like too little too late. What about the risk of UK organised crime exploiting the reduction in proactive policing? The Chief Constable says he is highlighting a sad reality of a police service that has been cut to the bone.

We do urgently need the new Drug and Alcohol Strategy, but we also need to listen to this experienced police officer when he states it must be as much focused on health aspects as enforcement. We need to know that the Department of Home Affairs will respond to these statements and warnings. Transforming the Constabulary’s IT systems to reduce bureaucracy, implement a paper-free judicial system and thereby increase the time officers can spend in communities must be welcomed, but I fear that the programme of change will impact severely on the police service while that happens.

My overall impression on completing reading the Chief Constable’s Report is that the Constabulary should be congratulated for the many achievements of the past year. We are fortunate to enjoy living on a very safe Island. The high satisfaction levels of victims of crime remaining above 90% is also a notable success. However, Government and all of us should heed the warnings: funding and resourcing issues must be addressed. It seems to me that every pound invested in the Constabulary gives a good return for society in general. Recruitment and succession planning is a worry, but so is the fact that a police officer is assaulted on duty here on average every 12 days. I am also concerned the training budget has been cut by two-thirds compared with 10 years ago. The increase in cyber and financial crime and the demands that places on officers must be addressed, but so too should the Police’s role in continuing to care for the most vulnerable in our society. I do not think the Chief Constable should be living hand to mouth and scrabbling round to fund essential training or services, as he describes.

We need to look to the next generation. Every parent must fear the possibility of their child getting involved in drugs or involved in a high-speed car crash. The Chief Constable states the necessary but long-delayed road safety strategy will be progressed, and the drug and alcohol policy too. We as political representatives must ensure that the correct policies and strategies are in place to maintain the safety of the Island and its people. The priority in the current year must be for the Government to lead an open-minded review of these policies and ensure proper resourcing to enable the Isle of Man Constabulary to continue its excellent work. There are many positives, such as extending the restorative justice into the adult arena, but tackling
offending and reoffending and preventing our young people from entering a life of crime through education, arts and sports all complement the police efforts. Prevention should be the goal rather than detection and recording of crimes. We need to have confidence and we need to have the policies and resources in place to achieve that in the future.

Thank you, Mr President.

The President: I call on the mover to reply. Mr Malarkey.

The Minister: Thank you, Mr President.

I shall start in order with Mr Perkins, but there is a theme running through virtually everybody’s thoughts here today with regard to … Firstly I shall take back your congratulations to the Chief Constable, which all those who have donated have said.

Can we start with mental health. Mental health is a major issue not just for the Police Force, but it is for the Hospital, it is for the Prison. I am very much aware of the problems that police officers have with regard to mental health. We are now increasingly becoming the agency of last resort, where a police officer is called because, maybe even in the hospital, there is somebody with mental health problems and late at night the only way they can sort the problem out is to have police officers. This happens on almost a daily basis either with domestic violence or with all different types of crime – mental health normally has something to do with it somewhere down the line. This is a major issue that we really do need to get to grips with on the Island.

Mr Henderson has said it is going back seven years. I like to think it has changed considerably in seven years – certainly the Chief Constable is aware of it, and I am aware of it and my chief officers are aware of it. From a policing point of view, our new cadets are trained to some degree within mental health when they are doing their training down in Port Erin. Our present police officers are doing mental health training and I am told there are mental health officers at the Hospital helping police at times in A&E with mental health issues. So they are issues that we are well aware of. But as was mentioned by Mr Henderson, there is a mental health report, which I am eagerly awaiting and you will note at my Department meetings nearly every month I am waiting … I have seen the interim report and I am just awaiting for the final report to come through with that.

I have spoken to the Health Minister with regard to this and also Mrs Corlett, whose responsibility it is for mental health, because of the issues not just that the Police are dealing with but the issues we are dealing with at the Prison. Most of the people we have locked up at the Prison have got mental problems. I know the Chief Minister, as former Health Minister, has brought it up in Council, and he is well aware of what mental health problems we have. It is finding the solution on how to cope with that, Mr President.

So from a mental health point of view we are very much aware of the issues that we are facing, and we hope we are going to get a cross-Department working group to get together so that we can start solving this. I have got a meeting with the Prison Governor in fact on Monday and one of my top issues in that is mental health within the Prison. I do not want them letting people back out of prison again, with mental health problems, who end up going back into prison again – it is a circle we have to break. So that is very much on my agenda, I can reassure all Members who have mentioned mental health.

Mr Perkins was mentioning border security. That is well underway. The working group between the Dof, the Cabinet Office and Department of Home Affairs and our officers are working with the private sector and understandings have been reached. I am hoping within the next 12 months we will have legislation in here. With regard to border regulations we have come up with a method of moving forward without having to show passports and put in border controls. There is a way forward and I am very happy with the progress we are making on that.

All I can say to you is please watch this space, but this is part of the Programme for Government and it is in hand.
Cannabis: I think we could talk all day about cannabis, one way or the other. I will say it quite bluntly now: I think I want an open debate on cannabis. Mrs Caine says she is not in favour of decriminalisation. It is certainly a line that I am moving more towards than I ever was seven or eight years ago when I was in charge of the Drug and Alcohol Strategy. Cannabis is becoming the drug of choice these days. Having last year visited Amsterdam, my whole attitude towards the cannabis side of it – and no, I did not try any (Laughter) ... I could just see the head over there going ... No, the whole attitude in Amsterdam is quite astonishing, the way it is approached, but I would like to see a good open debate and maybe a select committee looking into the whole cannabis issue. But certainly from the point of view that you will see, of the 11% increase in crime, I think 7% of that was due to cannabis possession, and really it is quite ridiculous with some of it being £3, £4, £5 and the system we have is one, two, three times you are in court.

The Chief Constable has been talking to the Attorney General, I am well aware of that, and we are trying to find a different route to go down so that we stop some of these low-quantity possessions becoming a major crime – criminalising people, sometimes young students who could be ruining their careers for the rest of their lives, not be allowed to go to Australia or America because they have been caught with £2 or £3 worth of cannabis and ended up in court. I am very aware of this, as I said, because of my past history within the Drug and Alcohol Strategy and it is something that in my term in Home Affairs I want to get to grips with. So I think that covers most of Mr Perkins.

Mr Robertshaw: yes, it would be great to have multi-agencies around the Island, and I can go back to 2011 when I was in Social Services when that was being mooted. I think it is more of a cost issue that has prevented it over the years, but I would certainly like to review that again. Where I am happy with the Constabulary now is that in the very near future the Castletown Police Station will be moving into the Castletown Commissioners’ offices, which are becoming a real community centre for policing, and there is a lot we can do within that unit we will have in Castletown – like we are already doing in Ramsey, which is working extremely well. And if I could find a way of doing that over in Peel as well, that is the way of policing going forward for the future and that is the way of community policing involving multi-agencies, so that we can keep an eye on our young ones and get in early enough to stop a lot of antisocial behaviour and social crime. All these types of things can be tackled from the inside and it is certainly on my radar, so I can give some reassurance to Mr Robertshaw on that one.

I thank Dr Allinson, who is a great asset in my Department, especially when he tells us what fabulous ... the Sexual Crime Bill that is coming forward in the future, which of course he is driving for me within my Department. I think that will give a lot of weight to some of the things that Mr Henderson was picking up on, on sentencing and sexual crimes and protecting the young and protecting all those who are victims of sexual crime in some way. I thank Dr Allinson for taking that Bill. He is very involved in it at the moment and moving with that, and we are hoping to have that ... I think within the next 12 months we should be in consultation on that.

I am a little bit interested that he said he wanted to see the mobile phones ... the 112 cases of people getting done for mobile ... reducing. I can remember sitting in here 12 months ago when everybody was saying we are not actually booking enough people for being on mobile phones – so that is a bit of a ‘damned if you do and a damned if you don’t’ situation. A lot of pressure from the public and outside wanted more people to be done to send a clearer message. There has been a major increase in the amount of people who have been done, and I want to see even more people, because it really annoys me to see people on mobile phones. And I am sorry, not just in cars, there are some very big wagons that go around with drivers on mobile phones. They are real death vehicles and you see drivers going round in artics on mobile phones, and I find that so annoying. So I am afraid the more that can be prosecuted to get the message home, the better.

Community policing: yes, neighbourhood policing is extremely important. The Chief Constable does realise that some of the anti-social behaviour ... and, as I said in my speech, he has promised me that he is going to have his officers now looking at some of the antisocial
behaviour from the noise issues and some of the graffiti that has been going on. So he is actually
hopefully going to tackle that in this coming year. I think I have covered most of Dr Allinson.

Mr Henderson as well – I think I have given you the outline. Mental health is high on my
radar, very much so. The Sexual Offences Bill is very high on the Department's radar. So you
have waited a long time to see this coming. I am hoping to be driving a lot of this coming
forward in the next couple of years (Interjection) – the Chief Minister allowing me, of course –
within the Department.

Mrs Caine, I think I have covered a lot of what you actually said. You are dead right in the
impression that is coming out that the Chief Constable is hand to mouth. Well, I think to a
degree, yes, I would not disagree with that, but I think he has done an extremely good job.
Obviously he has the job, with what limited resources he has, of saying what he prioritises and
what does not, and what we have to make sure is that those he does not prioritise do not
suddenly become an issue for the future. So I am delighted that everybody in here thinks we
should have more resources in my Department and I am sure the Treasury Minister is listening
very carefully over there – I can imagine what he is going to say to me on Thursday, probably no,
but I do actually thank you all for your support.

Financial crime is a big part of policing in the future. The whole policing of today is totally
different to what it was 25 or 30 years ago. I think you see that a lot where burglaries have
reduced greatly. Twenty five or 30 years ago somebody would go and pinch a DVD player and
flog it down the pub. They would not get as much and you could buy one cheaper probably in
Tesco, or one of the other stores – there are several around – these days. Whether burglary is
going in that direction because of that ...

It is now financial crime; it is now about what is being
done behind the scenes.

Historical sexual crimes is another major issue which has been highlighted very much in the
last few years with big cases in the UK. People are now being more open and coming forward far
more than they used to.

Domestic crime is also getting reported much more, because people have confidence in the
Police. It is interesting that I remember, going back in the Department in 2010-11, where we
were not getting much domestic crime from Eastern Europeans, because Eastern Europeans did
not trust the Police – they just did not trust the Police. But it is nice to see these days that the
Police Force go out of their way to communicate with people from all nations on the Island and
gain their confidence so that if they do have a problem, instead of trying to sort it out
themselves, which a lot of nations try to do within their own communities, they are now coming
forward. So obviously we are going to see a lot more crime being reported, the more that
the people get confidence with our Police Force, and that is down to our Chief Constable, our
constables and the staff who work round that.

Hopefully I have not missed anybody out, Mr President, but I thank you all for your kind
words and I have noted your comments, and I move my Report, sir.

The President: Hon. Members, I put the motion as set out at Item 17. Those in favour, please
say aye; against, no. The ayes have it.

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

In the Keys – Ayes 23, Noes 0

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Mrs Caine
Mr Callister
Mr Cannan
Mrs Corlett
Mr Cregeen
The Deputy Speaker
Ms Edge
Mr Harmer
Mr Hooper
Mr Malarkey
Mr Moorhouse
Mr Peake
Mr Perkins
Mr Quayle
Mr Shimmins
Mr Skelly
Mr Thomas

The Deputy Speaker: In the Keys, 23 for, none against.

In the Council – Ayes 8, Noes 0

FOR
Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Crookall
Mr Henderson
Mrs Poole-Wilson
Mr Turner

AGAINST
None

The President: In the Council, 8 for and none against. The motion carries.

18. National Infrastructure Strategy –
Strategy received and approved

The Minister for Infrastructure to move:

That Tynwald receives and approves the National Infrastructure Strategy [GD No 2017/0025] [MEMO].

The President: Item 18: National Infrastructure Strategy. The Minister for Infrastructure, Mr Harmer, to move.

The Minister for Infrastructure (Mr Harmer): Thank you, Mr President.

There can be no doubt that the Island's infrastructure is of paramount importance to our everyday Island life. Resilient and reliable infrastructure is critical to ensure that our economy can flourish. Investing in infrastructure can increase long-term economic growth, while failure to do so can have a significant negative impact on economic growth.

The Island’s infrastructure allows for the efficient movement of people and goods both across the Island and off the Island. It provides us with powers and telecommunications we need for our homes and businesses. It services our buildings with fresh water and treats the sewage and waste produced. Generally our infrastructure is in a good condition, having benefited from
significant investment over the last 15 years, along with the successful implementation of good maintenance programmes for key assets. The demands on our infrastructure are forever shifting with changes to our population, economy and technological advances. Many of the improvements that have been made in this time have ensured that the infrastructure meets both our current and future needs. Where there are shortfalls in meeting the Island's needs, Government or infrastructure providers have for the most part identified this and have already started addressing this in their planned programmes for work. However, it is important we identify future infrastructure challenges and opportunities if the Island is to remain a desirable place to live, work and invest in.

In meeting its commitment in the Programme for Government, the Department of Infrastructure has prepared a National Infrastructure Strategy, which has the overarching aim to set out a strategy that will ensure there is an integrated, reliable, secure and resilient provision of Islandwide infrastructure that meets our social and economic needs of the Island up to 2050.

The Strategy provides a number of broad principles and statements which are intended to guide the Island’s infrastructure providers when making long-term decisions for significant future investments. The National Infrastructure Strategy identifies two fundamental issues which will need consideration by all infrastructure providers when making decisions: to look to the future and to ensure value for money. In order to achieve this, the Strategy encourages a forward-looking collaborative approach between infrastructure providers and Government Departments.

The Strategy also states that the future social and economic needs must be considered as well as emerging trends and technologies, while ensuring that any international and national obligations are met as appropriate. Appropriate monitoring and maintenance programmes in line with relevant valid statements for asset management should also be prepared and adhered to. This will help to achieve the full design life of each of the Island’s strategic assets and, given that many of the Island’s infrastructure providers are already doing this, means that many of our assets are being properly managed and maintained.

The Strategy includes an audit of the condition of the Island’s current infrastructure and presents an assessment of how our infrastructure is meeting our Island’s current and immediate social and economic needs. It then outlines a number of factors which could impact on the future provision of the Island’s infrastructure and sets out an assessment of these factors against the Island’s infrastructure. Finally, consideration has been given to the obsolescence of each of the Island’s key assets, and key dates for replacement have been identified, taking into account the design life and maintenance programmes.

Looking to our Island’s future, there are many unknowns. It is my aim to ensure that we are preparing the Island’s infrastructure for that future in the best way we can. This Strategy will be regularly monitored to ensure that it continues to take account of the Island’s needs, and the intention is that this Strategy sets a long-term overarching framework against which other strategies can be prepared. For instance, the work the Department is undertaking in relation to the Harbours Maritime Strategy will, when completed, be fed into this. Other relevant work across Government will also be included when it becomes available.

When reviewing the National Infrastructure Strategy the Department will take account of changes in and predictions about the Island’s future population, economy and environment and will set out any known responses to these factors.

The National Infrastructure Strategy has been prepared by the Department of Infrastructure with input from colleagues across Government Departments, the Manx Utilities Authority and infrastructure providers in the private sector. The valuable work of the Strategic Infrastructure Group will continue to ensure that there is an ongoing collaboration in providing the right infrastructure to meet the Island’s needs.

The National Infrastructure Strategy will provide a vehicle for making these decisions collaboratively, based on common information and a shared understanding of the Island’s future.
Hon. Members, I commend this Strategy to you not only as a helpful summary of where we are today but perhaps more importantly as an important step towards ensuring that, whatever happens in the future, we have ready the infrastructure that we need for the social and economic well-being of our Island, so that it can continue to be a special place to live and work.

I beg move the motion standing my name.

The President: Hon. Member for Onchan, Ms Edge.

Ms Edge: Thank you, Mr President. I beg to second and reserve my remarks.

The President: Hon. Member, Mr Robertshaw.

The Deputy Speaker: Thank you, Mr President.

I thank the Minister for the presentation that he and his team gave recently in the Barrool Suite; and there was a somewhat, I think, humorous exchange between myself and the rest of the Members there that day when I think the rest of the Members felt I was being a bit grumpy with you. (Several Members: No!) I reflected afterwards why I felt that way, because it was an excellent presentation. But what I want to say now I want to say as, I hope, representing SMEs on the Island, because I think there is a point that needs to be made. It is going slightly off piste and I just want to draw a few little bits of data in about my own business and do a comparison.

If my business was in the UK, then I would be pretty troubled by an extremely complicated tax system and a distant connection with them. I would also have hardly any immediate connection with our Customs and Excise service. On the Isle of Man we are blessed with a very good, simple tax system and a sensitive and well-focused Customs and Excise organisation. So my business pays £120,000 a year to those two organisations and I am content and comfortable about it.

Turning to one or two areas like rates, gas, electricity and telephone, my company pays £50,000 a year, and there I am less comfortable. In the UK my company would be seen as a customer and would go and find a supplier that it chose to work with; on the Isle of Man we are tied in with monopolies.

Now, taking MU for a second, I am not comfortable at the moment – and I hope I am representing the view of other SMEs at the moment – with the degree of sensitivity on the part of MU with regard to its customer service. I forgive it for the moment because it has gone through a very considerable reorganisation, but I think it is still internally focused on its reorganisation and its absorption of the three elements. I think it is yet to get the point that we, SMEs, are customers.

Turning to gas and telephone – and these are effectively again monopolies; they are owned outside of the Isle of Man by international finance shareholders, but they are monopolies – if I was in the UK, I could go out to others.

So I am focused very much now, when it comes to these utilities and these services, on the work the OFT is working towards and how important I think that new Bill will be in the future to give businesses, SMEs, the chance to feel that they were being seen more in the future truly as the customers and not just simply recipients of monopoly services.

Thank you, Mr President.

The President: Hon. Member for North Douglas, Mr Ashford.

Mr Ashford: Thank you, Mr President.

I would like to welcome the Strategy. I think it is a very detailed document and there has definitely been a lot of work put in by the Department in developing this.

Also I would like to welcome the focus on telecommunications, as Chairman of the Chief Minister’s Telecommunications Workgroup, and the comments made in section 4.7 of the
document. There has been definitely a recognition there that if we are going to future-proof our Island, then telecommunications has to be at the forefront of that, and it is welcoming to see that coming forward in the Infrastructure Strategy.

One thing I do not see, though, in the Infrastructure Strategy – unless I am going snow blind over the 52 pages, which is quite possible; and maybe the Minister can tell me it is in there – is you mentioned about the document being forward looking, all the different providers having to look for value for money, economic need and having a collaborative approach. Well, in terms of the collaborative approach, Mr President, I think there needs to be maybe a carrot-and-stick approach, in terms of if you get a provider that decides to come along and dig up the same piece of road that another provider has done previously, where in this document are the powers that are actually going to stop them from doing so? I notice lots of talk around them notifying the infrastructure owner, which would be the Department, but I do not see anything that sees the Infrastructure Department saying, ‘No, that piece of road or that piece of highway has being dug up recently: why are you coming along to dig it up again?’ – unless, of course, with something like gas it could be a health and safety issue, which is understandable. So I do think that perhaps we need to think more around those powers. I can think of a case – time seems to fly by now; I am going to say probably five years ago, but it is probably longer than that – where Victoria Road was dug up by one provider, and then no sooner had it been filled in the exact same spot was dug up again by another provider. So these things do happen and do occur.

So I am wondering what the Minister has got in there to … All for collaborative working, but in the event that collaborative working does not work, what does he do to force them to work collaboratively?

The President: I call on the Minister to reply. Mr Harmer.

The Minister: Thank you, Mr President.

Thank you for the good comments from Mr Robertshaw. I was going to say Grumpy – but not Grumpy, no (Laughter) – and from Mr Ashford, excellent comments. I think this is really a framework for going forward, but they have both pointed to very good points.

One is that obviously infrastructure is not just within the context of Infrastructure, which is what this document does, but it needs to be set in the context of the providers and how those work together, and I think the key part will be the Competition Bill when that comes through.

The other thing about highways is a good point. We do have powers, but I do think as we are … because this is going to be a living document, I think it is something we can address in the document going forward as it goes through its iterations, because we are trying to not just work together but make sure people work together.

With that, I beg to move.

The President: I put the motion to Item 18, that Tynwald receives and approves the National Infrastructure Strategy. Those in favour, please say aye; those against, no. The ayes have it. The ayes have it.

19. Strategic Sea Services –
Continuing negotiations and consideration of options – Motion carried

The Minister for Infrastructure to move:

That Tynwald, whilst noting the terms of the offer of the Isle of Man Steam Packet Company Ltd dated 3rd March 2017 for a New Strategic Sea Services Agreement, instructs the
**Department of Infrastructure to continue negotiations with the Company and to consider all other options for achieving a more effective solution that offers greater benefit to the Island [GD No 2017/0027]**

**Mr President:** Item 19: Strategic Sea Services. Minister for Infrastructure, Mr Harmer, please.

**The Minister for Infrastructure (Mr Harmer):** Thank you, Mr President.

You will recall that the Department of Infrastructure has for some time been engaged in discussions with the Isle of Man Steam Packet Company Ltd and its shareholders as to the possibility of changing the current User Agreement. Some of you in this Hon. Court will remember the then Chief Minister’s Statement of October 2012 committing the Government to seeking a new agreement from the company to promote resilience in our sea services. Since then, there have been a number of debates and a number of reports into issues surrounding strategic sea services. Hon. Members will recall this Court recently approved the Strategic Sea Services policy, which committed us to intervening in sea services to the extent that is necessary to support the Island’s social and economic well-being.

At the outset, I would like to make clear that I applaud the efforts of the local management to provide reliable and effective services. They have persuaded their shareholders that a third vessel was needed to make sure that the problems that caused the previous Chief Minister to call for a new agreement have not since reoccurred. They manage a longstanding local company in such a way to ensure there really is a boat in the morning.

Hon. Members will have read through the offer from the company for a new agreement. I believe that Members will not be surprised to hear me say that I do not think it is ideal to conduct commercial negotiations on the floor of Tynwald Court. Indeed, I would not regard this as the right time to bring forward an offer. However, my predecessor gave a written commitment that an offer would be put before Tynwald and it is only right that I honour this commitment.

Hon. Members, the motion before you is very simple. It says the Department cannot recommend the offer as it stands and asks the Court to instruct the Department to both negotiate further and to consider other options that will deliver the right service in the right way for the Island. The offer before you is not a bad one, and the report makes it clear that a decision on whether or not to recommend it is finely balanced. However, I do not believe that we can go forward on something as critical to our collective future on the basis of something that is described as finely balanced. I am asking this Court to allow me the time to secure an outcome that I can put forward with absolute confidence as the best way forward at a time that is right.

Hon. Members, although the issue before us is a complex one, the motion is not. I can give you a commitment that my Department is committed to finding the best way forward. All I ask at the moment is that you support me in that.

Mr President, I beg to move the motion standing in my name.

**The President:** Mr Baker, Hon. Member for Ayre and Michael.

**Mr Baker:** Thank you, Mr President. I beg to second and reserve my remarks

**The President:** Hon. Member for Garff, Mr Perkins.

**Mr Perkins:** Thank you, Mr President.

I thank the Minister for his proposal. The Isle of Man Steam Packet has a long and distinguished history which is synonymous with the Isle of Man, and the Island has a very special place in its heart for the Steam Packet. But let’s just remove the rose-tinted spectacles and take out the emotion. It is a ferry company which is
now wholly owned by a Portuguese bank who make a great deal of money for their shareholders by providing a ferry service to the Isle of Man; and we, Hon. Members, allow them to do this by way of the existing sea services agreement which runs to 2016. The ferry company has adopted a very clever strategy, and I say to you all beware a wolf in sheep’s clothing. The boy-next-door image is part of the clever tactics by which the owners and shareholders hope to engender themselves in the deal to be accepted by the Island’s residents and visitors. If we accept the offer now, they undoubtedly will sell the company on immediately.

Hon. Members, I think the Minister has come up with the best solution and I give him my wholehearted support and ask you to do the same.

Several Members: Vote!

The President: I beg your pardon?

Two Members: Vote!

Mr Malarkey: Minister to reply.

The President: Sorry, does somebody wish to speak? Point of order? No. Hon. Member for Ramsey, Mr Hooper.

Mr Hooper: Thank you, Mr President.

I really do not intend to say much here. We are being asked to approve that the Department continues with very sensitive commercial negotiations, and it is my view – and obviously shared by the Minister, and I get the general feeling from this Hon. Court – that we should not be having those discussions on the floor of this Court. (Several Members: Hear, hear.) Therefore, I suggest we proceed straight to a vote on this issue, allow the Department to get on with its work and report back in due course, whilst continuing to engage with Hon. Members throughout this whole process.

A Member: Hear, hear.

Mr Henderson: I beg to second, sir.

The President: The motion is therefore put without discussion, and I revert to the mover, Mr Harmer.

The Minister: Thank you for your comments and I beg to move.

The President: I put the motion at Item 19. Those in favour, please say aye; against, no.

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

In the Keys – Ayes 23, Noes 0

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TYNWALD COURT, TUESDAY, 18th JULY 2017

Mr Callister  
Mr Cannan  
Mrs Corlett  
Mr Cregeen  
The Deputy Speaker  
Ms Edge  
Mr Harmer  
Mr Hooper  
Mr Malarkey  
Mr Moorhouse  
Mr Peake  
Mr Perkins  
Mr Quayle  
Mr Shimmins  
Mr Skelly  
Mr Thomas

6375

The Deputy Speaker: Mr President, in the Keys, 23 for and none against.

In the Council – Ayes 6, Noes 1

FOR

Mr Coleman  
Mr Cretney  
Mr Crookall  
Mr Henderson  
Mrs Poole-Wilson  
Mr Turner

AGAINST

Mr Anderson

The President: In the Council, 6 for, 1 against. The motion therefore carries.

21. Isle of Man War Pensions Committee Regulations 2002 –  
Isle of Man War Pensions Committee membership –  
Persons appointed

The Chief Minister to move:

That in accordance with the Isle of Man War Pensions Committee Regulations 2002, Tynwald approves the appointment, by the Council of Ministers, of the following:

Mr Brendan Byrne  
Mr Stephen Christie  
Squadron Leader Robert Clucas  
Mrs Ann C Cottier  
Rt Revd Peter Andrew Eagles  
Mr Ernest Ray Ferguson  
Dr Anthony Green  
Mr David Handscombe  
Mr Donald Hulme  
Mrs Jill Kelly  
Ms Elizabeth Kewley  
Mrs Lillian Leece  
Mr Thomas Malcolm Lord MBE  
Mr Keith Manktelow
Mr President: Item 20 has been dealt with.

Item 21: Isle of Man War Pensions Committee Regulations, Chief Minister to move.

Mr Quayle.

The Chief Minister (Mr Quayle): Thank you, Mr President.

The Council of Ministers is pleased to recommend the nominations as set out in the Order Paper for appointment to the War Pensions Committee for a term of five years. All nominees have demonstrated their direct involvement with the Armed Forces and displayed a clear understanding of the principles required for public appointment.

It is necessary to appoint at this sitting of this Hon. Court to the War Pensions Committee, as the term of appointment for the previous membership ended on 10th July 2017. The War Pensions Committee consists of 18 members, of which one is a Member of Tynwald, being the Hon. Alfred Cannan, who was appointed following the House of Keys General Election. It is therefore necessary to appoint 17 lay members to the Committee in line with the regulations.

Hon. Members, on behalf of the Council of Ministers, I would like to thank the outgoing members of the Committee for their valuable contribution to the work of the board.

Mr President, I beg to move.

Mr Cannan: I beg to second and reserve my remarks.

The President: Hon. Member for Ayre and Michael, Mr Cannan.

Mr Cannan: I beg to second and reserve my remarks.

The President: I put the motion set out at Item 21. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

22. Gambling Supervision Act 2010–
Gambling Supervision Commission –
Mr D Reynolds appointed as a member

The Minister for the Treasury to move:

That Tynwald, in accordance with Section 4(2) of the Gambling Supervision Act 2010, approves the Treasury’s appointment of Mr David Reynolds as a member of the Gambling Supervision Commission. [MEMO]

The President: Item 22, Gambling Supervision Act. Minister for the Treasury to move.

The Minister for the Treasury (Mr Cannan): Mr President, the Gambling Supervision Commission was established to license and supervise most forms of gambling in the Isle of Man to ensure that gambling is conducted honestly and fairly and that it remains free from criminal influence and exploitation and does not cause harm to the public interest, individuals and families.

In accordance with the Gambling Supervision Act 2010, Commission members are appointed by the Treasury, subject to the approval of Tynwald, for a period of five years. Due to the
impending end of a Commission member’s tenure, a recruitment process was undertaken to seek applications from suitably qualified individuals to fill this role. The outgoing member currently fulfils the requirements for there to be a legally qualified member of the Commission. As a result of this process, it was agreed to recommend Mr David Reynolds for appointment. A copy of Mr Reynolds’ curriculum vitae has previously been circulated to Hon. Members for their information, which I trust demonstrates that he is suitably qualified to be appointed.

The motion seeks the support of Hon. Members for the appointment of Mr Reynolds to the Gambling Supervision Commission. Mr Reynolds has considerable legal experience, including that of regulatory law, along with the desire and enthusiasm to help continue the excellent work at the Commission in developing the gambling industry whilst safeguarding the Island’s reputation. I am confident Mr Reynolds will be an asset to the Commission.

Mr President, I beg to move that, in accordance with section 4(2) of the Gambling Supervision Act 2010, it be approved that the Treasury shall appoint David Reynolds as a member of the Gambling Supervision Commission.

The President: Hon. Member for Middle, Mr Shimmins.

Mr Shimmins: Thank you, Mr President. I beg to second and reserve my remarks.

The President: I put the motion at Item 22. Those in favour, say aye; against, no. The ayes have it. The ayes have it.
Petroleum (Revocation) Regulations 2017 approved

The Minister for Economic Development to move:

That the Petroleum (Revocation) Regulations 2017 [SD No 2017/0209] [MEMO] be approved.

The President: Item 24. Minister for Economic Development, Mr Skelly.

The Minister for Economic Development (Mr Skelly): Gura mie eu, Eaghtyrane.
This Order will revoke the Petroleum (Production Licence) (Seaward Areas) Regulations 1995 and the Petroleum (Royalties) Regulations 1995, which, among other things, prescribe application fees and royalty rates in respect of licences to search, bore for, and get petroleum.

It is necessary to revoke these outdated Regulations to enable the Department to commence an offshore hydrocarbon licensing round and allow potential developers to allow for licences to undertake hydrocarbon exploration in the Isle of Man territorial seas.

New regulations will be laid before Tynwald later this year for approval, which will contain appropriate licensing terms and royalty rates which are competitive, flexible and fair both to the Isle of Man Government and a potential developer.

I beg to move the motion standing in my name.

The President: Mr Hooper.

Mr Hooper: Mr President, I beg to second and reserve my remarks.

The President: I put the motion at Item 24. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Bovine Viral Diarrhoea (Amendment) Order 2017 approved

The Minister for Environment, Food and Agriculture to move:

That the Bovine Viral Diarrhoea (Amendment) Order 2017 [SD No 2017/0199] [MEMO] be approved.


The Minister for Environment, Food and Agriculture (Mr Boot): Thank you, Mr President.

This Order amends the Bovine Viral Diarrhoea Order 2013.

Bovine diarrhoea, or viral diarrhoea (BVD), is a viral disease of cattle which results in significant financial loss to the keeper of an infected animal. The disease spreads easily through viral excretions from infected cattle, either directly or through objects such as clothing, wellingtons and vehicles. Even a small number of infected animals can pose a substantial risk to other cattle across the Island due to the lifelong shedding of the virus from persistently infected animals.

The 2013 Order achieved a substantial move towards eradicating BVD on the Island. The initial momentum established by the Order is now waning, and this raises significant risk of persistently infected animals spreading the disease again. The Manx National Farmers’ Union
had sought action from the Department to progress further towards eradicating the disease and are extremely supportive of the provisions proposed under this Order. The new provisions require the Department to inform a relevant person if an animal has a positive test result currently on a holding and if there has been animal on a holding which has had a positive test result in the last six weeks. A relevant person could, for example, be a farmer who wishes to purchase stock from a holding and wishes to check for BVD incidents.

The proposed legislation is intended to encourage the removal of infected animals and enable cattle keepers to make better-informed decisions to reduce the spread of BVD to their cattle, thereby reducing the substantial total cost to the industry caused by the disease.

I therefore beg to move the motion standing in my name.

The President: Hon. Member for Garff, Mr Perkins.

Mr Perkins: Thank you, Mr Speaker. I beg to second the motion and reserve my remarks.

The President: I put the motion at Item 25. Those in favour, say aye; against, no. The ayes have it. The ayes have it.


The Minister for Infrastructure to move:

That the Registration of Pleasure Craft Regulations 2017 [SD No 2017/0136] [MEMO] be approved.

The President: Item 26: Harbours Act. Minister for Infrastructure to move.

The Minister for Infrastructure (Mr Harmer): Thank you.

Mr President, the Harbours Act 2010 allows the Department to make regulations requiring the registration of pleasure craft under section 54 of that Act. Today, I am bringing forward those Regulations that will govern the registration of pleasure craft on the Island.

The Department wants to establish the ownership of vessels quickly so the owners can be held accountable for their actions in the same way as motorists are for their cars. These Regulations will establish a register of pleasure craft, which will contain ownership details.

Mr President, it should be noted that these Regulations also prescribe a fee that is payable to the Department in connection with the registration of pleasure craft. The fee for the first registration of the pleasure craft will be £50.

In order for the regulation to come into operation on 1st August 2017, Tynwald approval is required. I beg to move the motion standing in my name.

The President: Mr Baker.

Mr Baker: Thank you, Mr President. I beg to second and reserve my remarks.

The President: Mr Hooper.

Mr Hooper: Thank you, Mr President.

You would think I could not really have any issues with pleasure craft regulations; but, Hon. Members, you would be wrong, I have got some quite significant concerns about some aspects of these Regulations. Generally, I feel they have been drafted in a bit of a rush, actually.
From looking at the fees schedule, it seems that the intention is there will be a fee when any changes are made to certificates, which is referenced as an amendment of certificate fee. Section 10, which deals with amendments to certificates, does not reference or prescribe that any fee is required. Both of the other sections relating to where a fee is payable – that is on registration or on change of ownership – specifically prescribe the fees will be due. So I would like the Minister to confirm that this amendment of certificate fee will not be payable when changing any of the other particulars on the certificate, because it is not prescribed anywhere. Or, if they are payable, why is it not prescribed somewhere?

Secondly, on the details that registrar is requiring, schedule 4 lists 12 very specific pieces of information that are required, which have been helpfully numbered 1 to 12. Section 10, which talks about changes to these registered details, only requires that numbers 3 to 12 would need to be notified to the registrar when they change. The one obvious omission is that a change of address does not need to be notified to the registrar. So the Department is introducing a register because they want to establish the ownership of vessels quickly, so that owners can be held accountable for their actions, but they do not require an up-to-date address.

In addition, surely this is a breach of data protection legislation. The fourth data protection principle requires that all information that is held should be accurate and up to date, so another question for the Minister: how does the Department intend to ensure that this is the case, when it is not a requirement that people have to update the registrar when they move house? I have queried this with the Department and the response I received was contradictory, including both of the statements, ‘Well, obviously we need to ensure that owners tell us their new address,’ but also, ‘In future, we see the change of address being less of an issue going forwards.’ So which is it? And in all honesty, if people moving address and thereby becoming uncontactable is seen as being less of an issue going forwards, why do we need a register at all?

My final concern is probably the most significant one, and it relates to the ID requirements. The Regulations simply state photographic ID. So what if someone does not have photographic ID? I know a number of people with no photographic ID, my wife’s parents being two. The Department asserts they do not recall having any issues in the past. That is not exactly future-proofing this legislation. Can the Minister provide some detail on what would be considered acceptable as photographic ID? Because again that is not defined in the Regulations. Would the Regulations as drafted allow the Department to disallow some types of photo ID, or would they be obliged to accept any form of ID that is presented to them? Surely that is not best practice. Can the Minister advise what the Department will do if a boat owner has no photographic ID, which is now a requirement of these Regulations? Again, I have asked the Department this but have not received a response.

And what about the requirement to submit a utility bill? Having spent the best part of a decade working in the trenches of the finance industry, I have come across a lot of situations where utility bills just are not available, especially if you are not able to accept email utility bills – which again, according to best practice, you should not. The AML handbook accepts this and provides a lot of alternatives, including bank statements, tax documents, and even gives guidance when nothing else is available. I will give an example: where all the bills of a household are in one person’s name, so if the other person in the household wanted to register a boat they would not be able to, and then having an unregistered boat would immediately make them guilty of an offence, which is clearly insane. So either the Department is intending to ignore best practice, or it is bringing forward Regulations it intends to ignore if a situation like this comes up; or it is asking people to change their own personal circumstances simply to adhere to its own restrictive policies. The point I am making is that restricting it to utility bills only potentially builds in barriers that really are not necessary. Why don’t the Regulations just refer to the AML handbook, which has a detailed list and guidance for best practice and is regularly updated as the world around us changes? I have asked the Department what their plans are for dealing with an individual who cannot provide a utility bill, and again the assertion was there have been no
issues that they can recall. I have not actually received an answer as to how they would address an issue should it arise.

I have got no objection to the principles behind these Regulations; Hon. Members, I simply urge you not to support them as drafted. Send them back to the Department to come back with some sensible solutions. We should not be passing bad legislation, and as drafted these Regulations are bad legislation. We should not be waiting for problems to arise before addressing them, especially when these problems can be readily foreseen.

Thank you, Mr President.

The President: Hon. Member of Council, Mr Turner.

Mr Turner: Thank you, Mr President.

Registration of pleasure craft. As a former owner of a pleasure craft, they say that there are two great days of owning a boat: one is the day you buy it; the other is the day you sell it. (Laughter) And I think that is right: having had one of these craft that sat on the drive for about 10 years slowly rotting, I did manage to get rid of it.

I have had a read through these Regulations and, like the Hon. Member who has just resumed his seat, I am a little bit unsure about quite how these are going to operate.

There is currently a system in place where the leisure craft have – most people have probably seen them when you have been walking down the harbour – the number plate with the little Three Legs of Man and the numbers on. That all forms part of these Regulations. Could the Minister maybe outline what has brought on the change that has resulted in these Regulations coming forward?

I think the principle of having some sort of regulation on harbour users is quite right because the facilities have to be paid for, but also you could get people causing a nuisance using jet-skis in a bathing area, for example, or ripping up and down the harbour at quicker speeds than they should be going in those areas, so it is important that there is a level of regulation. But could he maybe outline why these have been brought in? What is different to the current registration regime? I know when I purchased my boat many years ago I got a blue logbook, which was a bit like the old orange car logbooks that they used to have; it was a blue version, a similar sort of format, so I understood there was already a registration process in place. So what has changed? What has caused the change to come through?

If, like the Hon. Member Mr Hooper has just outlined, there are clearly some issues that need to be addressed with regard to the changing of details, then maybe they should be withdrawn and brought back once these things have been checked, because if there is any doubt that these are not right then we would be foolish to approve them and say, ‘Well, we’ll bring them back and make them right later.’ If there is any doubt, we should not be approving them at all. They should be taken away, the i’s dotted, the t’s crossed and we have a proper set of regulations brought back before the Court.

But maybe the Minister could just explain what has changed and what is in these new Regulations that was not the previous set.

The President: Minister to reply. Mr Harmer

The Minister: Thank you, Mr President.

Thank you for the comments from Mr Hooper and Mr Turner. In essence, there has been, historically, a lack of information when owners of pleasure craft have moved address, or there has been a lot of chasing work to do when vessels have been sold or when there have been issues in harbours in dealing with harbours and pleasure crafts.

I know there has been some correspondence with Mr Hooper, and obviously we will take through the nitty-gritty. I think this is more a change of culture, a culture that we are very familiar with, with cars; but I do think it is the right principle to have exactly the same with
boats. They can cause damage: we need to be responsible, both sets of scenarios. But I would reassure Members that as these measures get introduced we are not going to go in heavy-handed. We are going to be sensitive, because a primary concept is to understand who owns the boats and whether they are being used properly. That is the simple purpose of it, a simple registration system, and there is nothing more than that.

With that, I beg to move.

The President: I put the motion at Item 26. Those in favour, say aye; against, no. The ayes have it.

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

In the Keys – Ayes 17, Noes 4

FOR
Dr Allinson
Mr Ashford
Mr Baker
Mrs Beecroft
Mr Cannan
Mrs Corlett
The Deputy Speaker
Ms Edge
Mr Harmer
Mr Malarkey
Mr Moorhouse
Mr Peake
Mr Perkins
Mr Quayle
Mr Shimmins
Mr Skelly
Mr Thomas

AGAINST
Miss Bettison
Mrs Caine
Mr Callister
Mr Hooper

The Deputy Speaker: Mr President, in the Keys, 17 for, 4 against.

In the Council – Ayes 5, Noes 1

FOR
Mr Anderson
Mr Coleman
Mr Corkish
Mr Cretney
Mr Henderson

AGAINST
Mr Turner

The President: And in the Council, 5 for and 1 against. The motion therefore carries.

27. Harbours Act 2010 – Harbour (Dues and Charges) (Amendment) Regulations 2017 approved

The Minister for Infrastructure to move:

That the Harbour (Dues and Charges) (Amendment) Regulations 2017 [SD No 2017/0197] [MEMO] be approved.

The Minister for Infrastructure (Mr Harmer): Thank you, Mr President.
These Regulations amend the Harbours (Dues and Charges) Regulations 2017 by making provision for the Department to make and carry out an agreement with any person who is liable to pay harbour dues and charges regarding the compounding or discounting of those harbour dues and charges. This amendment will allow an agreement to make provision for the manner and timing of payment of those discounted or compounded harbour dues and charges to the Department.

Subject to the approval of this Court, these Regulations come into operation the day after they are approved by this Court.

I beg to move the motion standing in my name.

The President: Hon. Member, Mr Baker.

Mr Baker: Thank you, Mr President. I beg to second and reserve my remarks.

The President: I put the motion at Item 27. Those in favour, say aye; those against, no. The ayes have it. The ayes have it.


The Minister for Infrastructure to move:

That the Onchan General Byelaws 2017 [SD No 2017/0184] [MEMO] be approved.

The President: Item 28: Local Government Act. Minister for Infrastructure, Mr Harmer.

The Minister for Infrastructure (Mr Harmer): Mr President, the Local Government Act 1985 (the Act) allows local authorities to make byelaws for the good rule and governance of the whole or any part of the district and for the prevention and suppression of nuisances.

Onchan District Commissioners have previously had byelaws; however, these expired on 17th April 2011. It is the intention of the Commissioners to reintroduce byelaws for their administrative area. Subject to the approval of this Court, the byelaws will come into operation on 1st August 2017.

I beg to move the motion standing in my name.

Ms Edge: Thank you, Mr President. I beg to second and reserve my remarks.

The President: I put the motion at Item 28. Those in favour, say aye; against, no. The ayes have it. The ayes have it.
29. Social Security Act 2000 – Social Security Legislation (Benefits) (Application) (No.4) Order 2017 approved

A Member of the Treasury (Mr Peake) to move:

That the Social Security Legislation (Benefits) (Application) (No.4) Order 2017 [SD No 2017/0201] [MEMO] be approved.

The President: Item 29, the Social Security Act. I call on the Hon. Member for North Douglas, Mr Peake, to move.

A Member of the Treasury (Mr Peake): Thank you, Mr President.

This Order applies to the Island one statutory instrument of the United Kingdom Parliament, further amending existing local Social Security legislation, consequently, on the replacement of the former bereavement benefits with the new Bereavement Support Payment from April this year.

These are essentially ancillary measures which do not change the previously agreed policy in any respect and are of no detriment to the beneficiaries.

Mr President, I beg to move Item 29.

The President: Hon. Member, Mr Shimmins.

Mr Shimmins: Thank you, Mr President. I beg to second and reserve my remarks.

The President: I put the motion at Item 29. Those in favour, say aye; against, no. The ayes have it. The ayes have it.


A Member of the Treasury (Mr Peake) to move:


The President: Item 30, Social Security Act. Mr Peake.

A Member of the Treasury (Mr Peake): Thank you, Mr President.

This Order amends the Jobseekers Act 1995 as it has an effect in the Island, so as to reinstate the condition that a person must not be in remunerative work to qualify for Jobseeker’s Allowance, but only insofar as they are in employment as a self-employed person, a company director or a share fisherman.

The remunerative work condition was revoked for all jobseekers in any type of occupation in August 2015. It previously provided that if a jobseeker undertook work for 16 hours or more in any week, for which they were expected to be paid, they would not be entitled to any Jobseeker’s Allowance for that week, regardless of how much they earned. However, for the reasons explained in the memorandum which has been circulated to Hon. Members, Treasury has decided that the remunerative work condition should be reinstated for self-employed persons, company directors and share fishermen. It has been reinstated from 5th November
2017 in order that reasonable notice may be given to a small number of claimants who may be
affected.

This Order also enables regulations to require persons who sign on as unemployed solely for
the purpose of being credited with a National Insurance contribution to have to enter into a
jobseeker's agreement. This will align the rules in respect of credit signers with those for
recipients of Jobseeker’s Allowance and will also help the Treasury to ensure that the conditions
of entitlement to National Insurance credits are being met, and will give more help to credit
signers with their job search.

Further information has been provided in the memorandum, which has been circulated.

Mr President, I beg to move Item number 30 on the Order Paper.

The President: Mr Shimmins.

Mr Shimmins: Thank you, Mr President. I beg to second and reserve my remarks.

The President: I put the motion at Item 30. Those in favour, please say aye; against, no. The
ayes have it. The ayes have it.

31-33. Social Security Act 2000 –
Social Security Legislation (Benefits) (Application) (Amendment) (No.2) Order 2017 approved;
Social Security Contributions and Benefits Act 1992 –
Income Support (General) (Isle of Man) (Amendment) (No.2) Regulations 2017 approved;
Employed Person’s Allowance (General) (Amendment) (No.2) Regulations 2017 approved

A Member of the Treasury (Mr Peake) to move:

31. That the Social Security Legislation (Benefits) (Application) (Amendment) (No.2) Order
2017 [SD No 2017/0203] [MEMO] be approved.
32. That the Income Support (General) (Isle of Man) (Amendment) (No.2) Regulations 2017
[SD No 2017/0204] [MEMO] be approved.
33. That the Employed Person’s Allowance (General) (Amendment) (No.2) Regulations 2017
[SD No 2017/0205] [MEMO] be approved.

The President: The Member of Treasury has asked that Items 31 to 33 be taken together as
they are similar in content. Is the Court content? (Members: Agreed.) Thank you.
Mr Peake.

A Member of the Treasury (Mr Peake): Thank you, Mr President.

As these Items make changes to regulations for Jobseeker’s Allowance, Income Support and
Employed Person’s Allowance, respectively, the changes made are: (a) consequential in the
restatement of the condition that persons claiming Jobseeker’s Allowance, including both
members of a joint claim couple, must not be in remunerative work, insofar as they are engaged
in employment as a self-employed earner, a company director or a share fisherman; (b) provide
for the value of the Department of Education and Children pre-school credit to be taken into
account for Jobseeker’s Allowance in the same way as it is for Income Support; (c) change the
formula for calculating the way in which the Department of Education and Children pre-school
credit is taken into account for Income Support and Employed Person’s Allowance such that it
will no longer be necessary to amend those regulations each time there is a change in the rate of
pre-school credit and, for Employed Person’s Allowance purposes, to recognise that a qualifying
claimant may incur childcare changes all year round, not just during the academic year; (d)
abolish the four-week benefit run-on for both Jobseeker’s Allowance and Income Support, subject to saving provisions; (e) amend the Income Support and Employed Person’s Allowance regulations, consequently on the introduction of a new bereavement support payment; and finally, (f) remove redundant reference from the Employed Person’s Allowance regulations to a rate of Child Benefit which is no longer payable.

Mr President, I beg to move Items 31 to 33 on the Order Paper.

**The President:** Mr Shimmins.

**Mr Shimmins:** Thank you, Mr President. I beg to second and reserve my remarks.

**The President:** I put Items 31, 32 and 33, in that case. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

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A Member of the Treasury (Mr Peake) to move:


**The President:** Item 34, Mr Peake.

**A Member of the Treasury (Mr Peake):** Thank you, Mr President.

This Order amends the Social Security Administration Act 1992, as it has an effect in the Island.

The amendments made give Social Security inspectors new powers to obtain information from landlords and to enter the landlord’s premises to ascertain whether benefit has been paid in accordance with the legislation and whether any benefit offences have been committed etc.

The amendments also allow Treasury, the Department of Infrastructure and local authorities to share certain information they hold with each other. The type of information to be shared and what it is used for are specific in legislation as they are safeguards regarding the further disclosure to third parties.

Mr President, these amendments will help the Treasury prevent, detect and act upon Social Security offences, and will allow the Department of Infrastructure and local authorities to ensure tenancy conditions are being met, and to exercise their respective legal powers where necessary and appropriate.

I would like to thank the Members who spoke to me earlier in the week and I furnished them with all the details to satisfy their needs.

Benefit fraud is a significant problem in the Island. Over the last two financial years almost £2 million of benefit overpayments have been identified or prevented through the benefits inspector’s intervention. I hope Hon. Members will agree with me that we need to give these inspectors all reasonable powers to assess the relevant information to help them to detect fraud and take appropriate action against offenders.

Mr President, I beg to move Item 34 on the Order Paper.

**The President:** Mr Shimmins.
Mr Shimmins: Thank you, Mr President. I beg to second and reserve my remarks.

The President: I put the motion. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

35. Knottfield Children’s Home –
Referral to SAPRC for investigation and report –
Motion carried

The Hon. Member for Ayre and Michael (Mr Baker) to move:

That Tynwald notes with concern reports of historical child abuse at the former Knottfield Children’s Home, which closed in 1983, and refers the matter to the Social Affairs Policy Review Committee to report by December 2017; and further instructs the Committee to investigate the adequacy of current procedures to protect from abuse children in care (looked after children) in the Isle of Man and to report in March 2018.

The President: Item 35, Knottfield Children’s Home. Hon. Member for Ayre and Michael, Mr Baker to move.

Mr Baker: Thank you, Mr President.

This is a difficult subject; it is not one that I bring to the floor of this Hon. Court lightly, but it does need tackling. As a modern, mature and caring jurisdiction, we must be both able and willing to deal with uncomfortable issues such as this in an appropriate manner.

Hon. Members, the background is that Knottfield was a children’s home run by the then Children’s Board on the site of the Children’s Centre. It was closed in 1983. In the 1990s, as a result of a UK police operation, Knottfield became the subject of a historic sex abuse trial. One of the former employees was successfully tried and imprisoned for his crimes. He has since been released.

Last year, additional complainants came forward and a police investigation took place. This included one of my constituents, who also disclosed his abuse to the Police at that time but chose not to make a formal statement. Whilst I understand that the evidence was strong, the matter did not, however, proceed to trial. I understand that this was primarily because of the age and medical condition of the accused.

Those affected included my constituent and a group of several others known to him. This was many years ago, but the experience has had, and still has, damaging consequences for them; it is not something that has gone away. Yet, other than going through a formal police process, there is little in place to meet their needs. Many of the victims have had no opportunity for counselling, support or assistance to work through or to move on from the experiences that they suffered whilst in the care of the Government. They need to achieve closure and for this they need our help.

As Knottfield was run by the Education Board, it has been difficult to identify who to address this with. I have spoken at length with Clare Bettison, as she has current responsibility for this area within the Department of Health and Social Care, and with Paul Burnett as the Independent Chair of the Safeguarding Board. This has shown that the subject has not previously been raised in Tynwald and Government has not properly investigated or acknowledged what went on at Knottfield.

Despite the best efforts of the Hon. Member for Douglas East, Miss Bettison, and Mr Burnett, and their assistance, for which I am very grateful, no satisfactory outcome has been
forthcoming. I therefore determined to bring this motion before you today, but am mindful that this must be handled in a sensitive manner which does not cause further distress.

Hon. Members, the core part of this motion simply asserts that the issue of historic child abuse at Knottfield Children’s Home needs investigating. There is little doubt that some children and young people suffered what can only be described as terrible abuse whilst in the Government’s care at Knottfield. They need to be given the voice that they have lacked to date. Their stories need to be told.

An appropriate response from Government will be required so that they can obtain the outcomes that they need. Referring this matter to the Social Affairs Policy Review Committee is the right way, in my opinion, to ensure that this is achieved.

The second part of my motion instructs the Committee to subsequently investigate the adequacy of current procedures to protect children in care from abuse. This is simply to ensure that our current procedures are fit for purpose and reflect current best practice. At a minimum, this will confirm that everything is fine and that the lessons have been learnt. It may, however, highlight further areas for improvement. If so, this will serve to reduce the risk of any similar problems occurring in the future.

Both parts of this motion are important and I therefore commend it fully to you. Mr President, I beg to move the motion standing in my name.

The President: Hon. Member for Ramsey, Dr Allinson.

Dr Allinson: Thank you, Mr President. I beg to second.

The President: Hon. Member for Douglas South, Mrs Beecroft.

The Minister for Health and Social Care (Mrs Beecroft): Thank you, Mr President.

With the eyes of the world on Jersey recently, following the publication on 3rd July of the final report of the Independent Jersey Care Inquiry into the abuse of children in that island’s care system, it is only right that we should reassure ourselves that children and young people in the Isle of Man who, for whatever reason, are being looked after by the state are safe.

As Hon. Members know, in the past we let down some of the most vulnerable children in our care. We are well aware of the events that led to the 2006 report of the Commission of Inquiry into the Care of Young People in the Isle of Man. The report was unflinching in its assessments of the failings of the care system at that time and also of the broader failings of Government to protect those who needed protecting most.

Following its publication, a huge amount of work was undertaken to put systems and processes in place to improve the standards of care for looked-after children in the Isle of Man. This included the creation of a Safeguarding Children Board with an Independent Chair.

The adequacy of current procedures to protect children in care from abuse can be set out clearly and I do not think that the Social Affairs Policy Review Committee of Tynwald needs to conduct an inquiry. Our arrangements today are very different from those applying in the 1970s and the 1980s.

The Children and Young Persons Act 2001 introduced modern law and practice into our child protection work. The Regulation of Care Act 2013 introduced a wide range of care standards, including the vetting of staff working in children’s homes and the inspection of the homes by my Department’s Registration and Inspection Unit, which publishes its inspection reports.

In addition, residential facilities for children and young people are commissioned from external providers and we have robust governance arrangements through contract management. No current children’s home has failed an inspection. An external body, the Care Inspectorate from Scotland, reviewed our services for children and young people in 2014 and did a follow-up inspection in 2016.
Sadly, we know that child abuse took place at the Knottfield Children’s Home some years ago and that a perpetrator was convicted and imprisoned. That home was closed over 30 years ago. Whilst I understand and respect the Hon. Member for Ayre and Michael’s wish to have any further allegations looked into, and indeed support that wish, I again feel that the Social Affairs Policy Review Committee should not inquire into the matter. It is a matter for the Constabulary and its officers, who are skilled both at interviewing and supporting witnesses with care and respect and dealing appropriately with alleged offenders.

In addition, the Independent Chair of Safeguarding Board is proposing to carry out a review to test the Isle of Man performance against the areas that the Jersey inquiry have identified for improvement.

I will close my remarks there, Mr President, and beg to move the amendment standing in my name:

To leave out all the words after ‘That Tynwald notes’ and to insert the words ‘that allegations of historical child abuse at the former Knottfield Children’s Home were investigated by the Isle of Man Constabulary and resulted in a prosecution; encourages all victims of abuse, historical or current, to report their allegations to the police for investigation; and further notes that the Island’s services for children and young people, including “looked after children” have undergone independent review, including the 2006 Overall Commission of Inquiry into the Care of Young People and the two Scottish Care Inspectorate reports into services for children and young people in 2014 and 2016, and that the Island’s Safeguarding Children Board provides rigorous and independently chaired oversight of all matters relating to the safety and care of vulnerable young people’.

The President: Mr Malarkey.

Mr Malarkey: I beg to second the amendment by the Hon. Member and just emphasise the middle part and encourage all victims of abuse, historical or current, to report these allegations to the Police for investigation. That is what they are there for and I would encourage anybody who has had sexual abuse, present or past, to let our Police Force deal with it.

The President: Hon. Member of Council, Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

I am a bit bemused here with what is going on. I am very supportive of Mr Baker’s motion – 200%! I can see why it is here, I can see why he wants the Committee to have a look at it, and I am sure that the maturity of our Scrutiny Committees will dictate that if there is any evidence uncovered of anything untoward – I will put it like that – they will involve the appropriate professional authorities to assist them and direct their proceedings accordingly, or halt their proceedings if necessary and engage the professionals required if such circumstances came about.

I believe very strongly that any case of child sex abuse, those victims should be allowed a voice, and that it is all very well for us here pontificating – and I mean that in a professional sense – that we leave it to the Police and those who are qualified to do deal with it; people may not want to come forward to a formal figure after a horrific crime such as this – they may feel more comfortable talking in privacy or alluding or having a friend represent them in privacy and the more informal setting that a Tynwald Scrutiny Committee can provide.

It will then be up to the Committee, I would say, to handle what information they have collected, as we have seen in the recent Social Policy Committee investigation into personal capability assessments – that was handled with aplomb, privacy and confidentiality, and in a very appropriate manner. So I am sure that this Committee that this is asking to be referred to can do the same thing. I have no question in my mind that they could not perform these duties.
We have heard about the Everall report. The Everall report was into something entirely different; it was to do with the double murder at Strang Lodge. It looked at that particular circumstance. It did not look back in time, as far as I can recall – and I waded through it and we have had the debates here. It was looking at very specific circumstances, systems and how we could improve failings and so on. The Health Minister is correct: it was unflinching and it pointed out some very serious issues which, going forward, new systems have been put in place, systems tightened up and so on.

But the point I made then with the Everall inquiry and the point I make now is no matter what you do with putting systems in place, they are not perfect and we will always get, with whatever subject we are dealing with, the situation where we have tried in the past, changed processes, changed procedures, and something else will invariably happen that was unaccounted for, or some new or unusual circumstance, and then the process will begin again to address that circumstance.

What I am saying, Hon. Members, is systems are not completely failsafe. I am not saying what we have got in place now is bad; I am just saying it is not absolutely failsafe. What I am saying from that is if there is evidence where people have not been allowed to speak, tell their story, or through a friend, then they should be allowed the right to do so, or for at least the Committee to look into the surrounding circumstances or overview circumstances to see if there is a case to be dealt with, if I can put that in parentheses.

We have seen recent issues with regard to our systems in place where there have been failings. Even with new systems put in place … least of all the front pages of our press this week – I will not go into any further details. But I think Hon. Members will see the point that I am making is you cannot account for all situations all the time, as best as we try, with our best endeavours.

I am not criticising any hard work that has gone into this situation, but what I am saying is that I think particularly the victims of child sex abuse should be given a chance, if they feel they have not – and we can offer them the chance, at the very least. Then if the Committee was to look into the situation at least there is another doorway there for them; and that is what I think is important.

The amendment, to me, clearly closes that door shut. It is absolutely straightforward with what it does and it precludes then if the Hon. Member for Michael and Ayre has a person or persons who have a story to tell and, for whatever reason, they may not have had a chance before, they may have felt threatened by authoritarian figures or the Police, as we find out … it is just in their psyche, or because what happened has made them so frightened that they would not even consider it, we should allow a door to be open to those people.

Let the Committee assess it even in overview terms to see what they are dealing with, what needs to be done, and I am sure our Scrutiny Committees – or their members – have considerable experience and breadth of knowledge; and the Clerks, who obviously will be attending that Committee, will assess what information is coming through or what is likely to come through, and the Committee and the Clerk, or Clerks, will come to a decision and determination on that.

So, for me, Hon. Members, I am going to vote for the main motion. Keep the door open, especially for such vulnerable people as this.

The President: The mover to reply, Mr Baker.

Mr Baker: Thank you, Mr President.

I stand to reply to both Mrs Beecroft’s comments and the comments of Mr Henderson. I understand why Mrs Beecroft, the Minister for the Department, has proposed the amendment, but it really does not address my concerns. I cannot and will not support it. She says in one breath that she does not feel the need for the Social Affairs Policy Committee to
review this matter, yet she indicates that she is confident in what is in place now; in which case, why not let it be looked into?

Her statement acknowledges that these issues happened. She said she supports my right to bring this forward and the wish for it to be looked into, yet is proposing not to let that happen by raising this amendment. Accepting the amendment would simply sweep the issue away and deny what is being asked for here, which is an opportunity for these voices of vulnerable people who were young and have been severely damaged by this experience. I think we, as a Court, owe them their justice.

In complete contrast, Mr Henderson’s comments. I really thank him for his comments. He shows a complete understanding of both the situation and the sensitivity with which it has to be dealt with, and the people who have been affected by it; and he gave a very clear exposition of why defeating the amendment and voting for the motion is the right course.

So, in closing, I would reiterate: please, defeat the amendment, support the motion and demonstrate that we are an inclusive and caring Court, that we will listen to those whose voices have not been heard, that we will stand up for what is right and that we are prepared to address past wrongs.

Thank you, Hon. Members, on behalf of all those who have suffered injustice over the years at Knottfield.

The President: Hon. Members, the motion before us is at Item 35 and, to that, there is an amendment in the name of the Hon. Member for Douglas South, Mrs Beecroft.

I put the amendment first. Those in favour of the amendment, please say aye; against, no.

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

In the Keys – Ayes 13, Noes 10

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<td>Miss Bettison</td>
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<td>The Deputy Speaker</td>
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The Deputy Speaker: Mr President, in the Keys, 13 for and 10 against.

In the Council – Ayes 1, Noes 7

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The President: In the Council, 1 for and 7 against. The Branches are in disagreement, therefore the amendment fails to carry.

I put the motion as set out. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

36. Swearing-in ceremony of the Lieutenant Governor –
Castle Rushen as venue –
Motion carried

The Hon. Member for Arbory, Castletown and Malew (Mr Cregeen) to move:

That Tynwald is of the opinion that the swearing-in ceremony of the Lieutenant Governor should be held in Castle Rushen.

The President: Item 36, Swearing-in ceremony of the Lieutenant Governor.

Hon. Member for Arbory, Castletown and Malew, Mr Cregeen, to move, please.

Mr Cregeen: Thank you, Mr President.

The motion put before you is quite simple. If approved, it would bring any future swearing-in of the Lieutenant Governor back to Castletown and Castle Rushen. Mr President, we have just celebrated Tynwald Day and celebrated our culture and our heritage. We can rightly be proud of our heritage: the world’s longest continuous parliament; the first place to give women the vote. This motion is not about the position of the Governor; it is about reverting to past practice of swearing-in of the Lieutenant Governor to the place it has taken place in since 1791.

Mr President, I have spoken to the CEO of Manx National Heritage, who has plans to refurbish the room and to promote it as a function venue. I have spoken to a Treasury officer and can confirm no additional funding is to be allocated at MNH for this work, and it will sit with their ongoing maintenance programme. Hon. Members, this motion acknowledges that Castle Rushen gives the ceremony the gravitas that it deserves.

Mr President, this motion acknowledges the Petition from Colin Leather and Tony Brown. It also has the support from Castletown Commissioners. I have spoken to the Speaker and he supports it. I hope Hon. Members will support this motion. It brings back the ceremony to its historical location and with no additional costs.

I beg to move the motion standing in my name.

The President: I call on the Hon. Member for Middle, the Chief Minister, Mr Quayle.

The Chief Minister (Mr Quayle): Thank you, Mr President.

In rising, I stand to second the motion. We have one of the best preserved medieval castles in Europe in Castle Rushen, but we are a Manx nation steeped in history and tradition and it seems incomprehensible that we should not use Castle Rushen for the swearing-in ceremony of the Governor.

I attended the last ... my first swearing-in of a Governor in the courthouse in Douglas and the facilities were nice and I am sure they were far less cramped than maybe it will be down in the room in Castle Rushen; however, sad to say, it was totally devoid of character.

It is a unique part of our history. It should not have been thrown away, and I am more than happy to back and second this motion.

Thank you.
TYNWALD COURT, TUESDAY, 18th JULY 2017

The President: Hon. Member for Arbory, Castletown and Malew, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr President.

Two thousand and seventeen was a special year on the Isle of Man: we were able to celebrate 150 years of democracy. One of the outstanding moments of this parliamentary year must be the sitting of Keys in Castletown. Castletown was the ancient capital of Mann and we must not let that fact fade into history. As part of my election manifesto, I called for this and I hope we can all support it.

Friday, 27th May 2016 was a dark day for the Island. Castletown perhaps reached its all-time low as the Governor’s inauguration took place in Douglas. Castletown is changing and anyone who was able to visit the town last weekend cannot have failed to have experienced the sense of positivity that is building. New businesses are opening and they are thriving.

All this is taking place against the unique backdrop of Castle Rushen. This amazing structure needs to come alive. In my opinion, to re-establish links between the Island and Crown in this setting would be ideal. Several Members appear reluctant to support the motion involving the Governor. Let them consider how majestic and dominant Castle Rushen must appear to the new Governor and the Crown.

Having spoken to Edmund Southworth, the Director of Manx National Heritage, about the best way forward, it is clear that neither the cost nor the task of bringing the facilities up to modern-day standards are an issue and, as Mr Cregeen said, it can be done through minor capital schemes. The key is having the time to include this in the works programme.

I hope this motion can be supported by everyone. It will send out the most amazing message to the people of Castletown and the whole Island in this anniversary year. Last night Castletown Commissioners unanimously showed their support for the motion and hopefully you have seen the letter come to you via email.

Thank you.

The President: Hon. Member for Garff, Mrs Caine.

Mrs Caine: Thank you, Mr President.

The decision to move the location of the swearing-in of the Lieutenant Governor last year was incomprehensible. It disregarded so many years of tradition unnecessarily, in my view.

I have long been involved with theatrical productions on the Island and I am aware that a little set dressing can work wonders. I am informed that Manx National Heritage was on standby and ready to commit up to £10,000 to make cosmetic repairs to the courtroom to facilitate the swearing-in ceremony; however, the condition of the room did not appear to be the only reason for moving the ceremony to Douglas.

I should point out that the condition of the room was following the room’s decommissioning as a courtroom by our judiciary, but the whole fabric of Castle Rushen requires investment, with some areas not having had any refurbishment for 100 or 200 years in some cases. This is not a criticism, simply a statement of fact acknowledging that a historic building such as this will require ongoing investment. The last significant investment was in the 1980s and Manx National Heritage acknowledges the need to consider improvements that will make steps to comply with the disability legislation and create better access to parts of the castle complex.

As long as the minor capital works programme for Manx National Heritage will continue, I have confidence that they can schedule the necessary work to bring the courtroom and Derby House into public use with then minimal outlay to host future swearing-in ceremonies.

I therefore am wholeheartedly in support of this motion.

Thank you, Mr President.

The President: The Hon. Member for Douglas Central, Mr Thomas.

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The Minister for Policy and Reform (Mr Thomas): Thank you, Mr President.

I was hesitant to rise for this motion because, as Minister of Policy and Reform with responsibility for planning, I had thought that the major issues in Castletown were the Castletown Housing Review and the Ronaldsway Masterplan and the issues of regeneration in the town, but I will limit my remarks to just a few questions for the benefit of the record. In part, I am brought to ask those question just because of some of the remarks, particularly by the mover when bringing this motion.

The first question is I just wanted complete clarity how it is we are modernising this medieval castle and what it is we are achieving by modernising this medieval castle, to avoid any misunderstanding later.

The second point is I think I heard a clear statement that there were no costs involved, so I would like to know what the estimate is of the capital costs and also what are the estimated costs of having the ceremony in Castletown rather than in Douglas.

Finally, I would just like to put it on record that I believe the schoolchildren of Henry Bloom Noble did a wonderful job at the ceremony last year. I think it was wonderful to see the Sword of State, all the other symbols of power, shared around amongst the children and I do think it was a wonderfully open ceremony that was organised in Douglas.

Obviously, it is an important ceremony. Obviously how it is held needs to be taken into account by people in terms of the power and the status signified by the role, but I just wanted those questions answered by the mover when he is making his closing remarks.

The President: I call on the mover to reply. Mr Cregeen.

Mr Cregeen: Thank you, Mr President.

I would like to thank my seconder and also everybody who has spoken in support of this. The Member, Mr Thomas, when he is talking modernisation: unfortunately ... well, fortunately, they are not going to carry out what the planners have done in the past as in put fibreglass chimney stacks on the place to make it look as if it is something in the area. It is not the modernisation of it. It is actually the refurbishment – what they should have been doing over many years before it detracted into the situation it has now.

I did say there is no additional money. This is being carried out from MNH’s current budget. They have to maintain, as the Chief Minister said, this historic castle – a well-maintained building. It is probably one of the best maintained in Europe. We need to keep it in that state. It is no use saying, ‘Oh, we will go and bring it back into Douglas and let it deteriorate, because that is what you do with old things.’

The children at Henry Bloom: yes, they did a fantastic job. We are not saying it is because they did not do a good job. We are saying this is a venue that you actually do something and it actually gives it some gravitas about what the position is.

With that, Mr President, I beg to move.

The President: I put Item 36 to the vote. Those in favour, please say aye; against no. The ayes have it. The ayes have it.
The Hon. Member for Ramsey (Mr Hooper) to move:

_That Tynwald is of the opinion that the Bishop should not retain his vote; and refers this opinion to the Select Committee on the Functioning of Tynwald to report with recommendations to Tynwald on the changes required for its implementation._

**The President:** Item 37: Functioning of Tynwald, Bishop’s vote. The Hon. Member for Ramsey, Mr Hooper, to move.

**Mr Hooper:** Thank you, Mr President.

I am a little disappointed that when we were talking about this issue of democratic parliamentary reform, the Committee on the Functioning of Tynwald has decided they are going to allow the Legislative Council to override the democratic wishes of the House of Keys on a permanent basis rather than just to delay it. It is this decision which has made the motion a necessity.

As Mr Speaker mentioned this morning, placing the exact same motion before this Hon. Court, you would expect exactly the same result again, which is why we have the combined vote procedure, so that the will of the elected House is not permanently frustrated by the Legislative Council. I am unsure why the Speaker did not avail himself of this procedure last month, but as he is not here to comment I will say no more on the matter.

The Speaker also talked about not wanting a combined vote hanging over the Committee’s head over the summer recess. I fully agree with both of these statements, so I suggest that in order to allow the Committee to report by October and to avoid there being a combined vote later in the year, all Hon. Members should simply vote in favour of this today, thereby resolving both of these issues. *(Laughter)*

**A Member:** That’s a nice try!

**Mr Hooper:** Aside from the Deputy Speaker, who seems to have changed his mind since the last sitting ... I am not sure what new evidence can have been presented in the last month to have occasioned that but I am quite eager to hear it.

Allowing the Committee to simply bring back another recommendation in October regarding this particular Item, the Bishop’s vote, is a very strange suggestion. The recommendation will surely either be in favour or against. If the Committees comes back and recommends removing the vote, that is exactly the same vote we had last month and the same vote in front of us today, so we have had a delay for no reason. There is a clear will in the House of Keys, the elected Chamber, to remove the Bishop’s vote, which has been evidenced by last month’s majority verdict. I hope that will be repeated today.

If the Committee comes back and recommends keeping the vote, there are at least 14 Members of the House of Keys who are against that proposal, so surely it will not pass, so we end up in a situation where nothing will happen; where the will of the elected Chamber is permanently overridden and not simply delayed, solely because no combined vote was requested last month.

I urge Members to vote for this today and I urge Members of Council to consider that there is no sense in delaying the implementation of these reforms that are clearly supported by the majority of elected Members in this Hon. Court.

Mr President, I beg to move.
The President: Hon. Member, Mr Ashford.

Mr Ashford: I beg to second, Mr President.

Mr President: Hon. Member for Douglas South, Mr Malarkey.

Mr Malarkey: Thank you, Mr President.
Hon. Members know already that we have voted today for the Committee to come back and report to us in October, so I will emphasise in Mr Speaker's absence what would happen today if there was a combined 17 votes in here: Mr Hooper will stand and he will ask for a combined vote to come back in October, which will really stop the Committee progressing their report to come back in October. So it is a no win/no win situation because you are just going to snooker up the whole Committee that we put together last month.

On a more important issue, I have never been overly in favour that the Bishop should have a vote and I have said this over the years, but we have just had a debate on our heritage and the Governor. Now, we could have another argument as to whether we should have a Governor, Mr President – it is about the same. He used to have a vote, he does not have one any more, but at least we still have a Governor.

The marked difference here is that if you take the vote away from the Governor, (Interjections) it has been well established by the Church that – (A Member: The Bishop!) The Bishop, sorry; not the Governor, the Bishop. (Laughter) Sorry, Sir Richard! It is extremely well known that in five years’ time or whatever you will not have a Bishop sitting in that chair.

You talk about, in one minute, keeping the heritage, keeping our Governor sworn in at Castle Rushen, but we will not have a Bishop, because it has been made quite clear by the Church that the reason we have a Bishop on the Isle of Man … and a very strong part of that is the fact he sits in this Hon. Court and he has a vote. It was made very clear to past Chief Ministers, prior to our last Bishop, that if that vote was taken away you would not have a Bishop.

So, be very careful what you are wishing for today and what you are voting for. Let the Committee do its job. Do not start going in half-heartedly thinking, 'That is a great idea, let's not let the Bishop have a vote,' because the end result tonight could be you just voted out your own Bishop for the future. So be very careful what you wish for.

Thank you, Mr President.

The President: Hon. Member of Council, Mr Corkish.

Mr Corkish: Thank you, Mr President.

Here we are again –

Mr Cretney: Happy as can be. (Laughter)

A Member: All good friends ...

Mr Corkish: Lucky for you at this late hour, Mr Cretney.

Here we are involved in two of the most divisive subjects known to man: religion and politics. Mr President, Hon. Members, I feel that I must reiterate my views which I said in this hon. place recently regarding the Bishop in Tynwald.

Hon. Members, we must always be aware of the consequences that our deliberations, our decisions and actions in this hon. place can attract. The Lord Bishop occupies a historical seat in this place – as Bishops in other places do – and in the story of our ancient parliament and its evolvement, and we have been keen to adhere to those tenants that have stood us in good stead and maintained stability in our Island and to those who watch us from the outside wide world.
Now, we support, do we not, the benefit from the diversity of our Tynwald membership? It has been mentioned here many times before. I, like everybody here assembled, arrived here to maintain and contribute to good government and to serve the people – all of the people.

Mr President, I will repeat my view that the Bishop in Tynwald brings a moral and ethical viewpoint to our debates on behalf of all people and common to all faiths. He, and perhaps in the future she, brings an independent view and in many cases, like our new Bishop coming from a very high-profile background, brings a valuable breadth of knowledge from very different circumstances and background from others in this place – again, that valuable commodity in this Hon. Court: diversity. And the Bishop cometh free.

I also repeat my long-held view, and shared by many with ecclesiastical knowledge, that the continuing presence of a Bishopric of Sodor and Man is due to the constitutional role of the Bishop being a Member of Tynwald. Put simply: lose the vote, lose the Bishop, lose the Diocese of Sodor and Man, lose a lot. Mr President, it is my opinion that if that should happen there are consequences: a loss of the ancient diocese, a loss of diversity of viewpoint, a loss of status and nationhood and a loss of Isle of Man profile and a voice in other arenas.

As has been pointed out, the Committee has been charged to look at this matter – let them do it. That is the way we went ahead. We said we would do that – do it. Do not mess about.

I respect tradition and make no apology for that, but I am always ready to welcome review and change when agreed as beneficial. A former Member of Legislative Council once said in here it is all right to look back, but do not stare – quite right. Move onward, taking wisdom and knowledge from the past as support and guidance.

Mr President, looking forward with this scenario, I see no benefit and quite the opposite for this place in the removal of the Bishop’s vote in this place.

The President: Hon. Member for Middle, Mr Shimmins.

Mr Shimmins: Thank you, Mr President.

One Member’s ancient tradition is another Member’s anachronism. (Mr Cretney and another Member: Hear, hear.) I said last time we debated this it feels like a custom from less enlightened times.

I have listened to some of the arguments made about the impact of losing the Bishop. Should that be the guiding factor as we look at this decision? We have a model whereby the Bishop remains on the Council and provides Council an advice but does not vote, so he is still a Member of this Hon. Court. That is very similar to the Attorney General.

For me, the suggestion that we may lose the Bishop as an outcome does not, in my view, change the fundamentals of this decision. I believe that the credibility of our parliamentary democracy in the modern world today is more important than historical, religious status symbols.

Members, I would stress again that I have great respect for the Church and value the important work undertaken by faith leaders from all denominations across the Island.

Thank you.

The President: I will ask the Hon. Member, Mrs Beecroft, to speak.

Mrs Beecroft: Thank you, Mr Speaker.

I agree with much of what the previous speaker said on the subject. I too value the Bishop and welcome his words of wisdom at times when he brings a humanitarian aspect into this Court, which at times we do need to be reminded of because we can get carried away, but I do not think he should have a vote.

Funnily enough, I was thinking back – the previous Bishop and I actually had quite a chuckle about it afterward ... I remember this being discussed during the last administration and I said I was all for the Bishop retaining his vote basically because his vote had never made any
difference to anything, so why take it away? And, would you believe, the very next motion, his vote made a difference. I could not believe it. I thought, ‘Somebody up there is watching over him.’ (Laughter) [A Member: Divine intervention!] Yes, and the Bishop and I definitely had a chuckle about it.

But it does not make it right that somebody has the vote just because we value his words of wisdom, and I believe that Mr Hooper’s rationale and his logic in presenting this motion make perfect sense. I have no hesitation in supporting the motion.

The President: Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane.

Eaghtyrane, I would just like to point out some procedural issues here, looking at the situation and the forthcoming other two motions, in that we have appointed a Committee, we have charged it with a lengthy list of options to look at, it was amended, the amendments were approved, the main motion was approved, and the Committee has been charged to come back in October.

I hear what the Hon. Member, Mr Hooper, is saying; however, Tynwald has done its business and the Committee is due to report in October. We have had an initial report, we have had a call for evidence. We have an issue here and the further two issues, I would hazard as a guess, are premature and it could predetermine the work and results of what is going to come back, whatever may come back. And whatever does come back, I will be happy to support. I have already spent hours putting a substantial commentary and so on to evidence documents that have been called for, as I am sure other Hon. Members have.

I am quite happy for reform in a measured, sensible, commonsense way — no problem with that, and I have made a list of reform recommendations of my own in what I have put forward to the Committee. However, the Committee needs to weigh and balance up all points, as Mr Speaker laid out this morning, to come back with some sort of suitable way forward and plan and present it to Tynwald. What we make of it then is up to ourselves, but at least we will have an in-depth, considered look at the items.

Hon. Members, we have already covered a substantial vote on this … amendments and voted on again, put to Committee. It is very definitely a premature move in some ways and certainly you are, in effect, predetermining the outcome of a Tynwald Committee that we have elected.

Two Members: Hear, hear.

The President: I call on the mover to reply. Mr Hooper. (Interjection) Sorry, you did not indicate. The Chief Minister wishes to speak.

The Chief Minister (Mr Quayle): Thank you, Mr President. I am sorry, I did try to get your attention, but my apologies for leaving it late.

I just wanted to come to my feet. Obviously, I think you all know where I stand on this, but I was just disappointed by a couple of comments that seemed to think religion has no place in politics, that that is part of our history. I was really disappointed by Hon. Members with that. I stand up as a Christian — maybe not very good one, but I do my best. (Laughter) I just think it is really important to me personally that we have a Bishop in the Court with a vote and that a different viewpoint is brought in. I just would not like anyone listening to this to feel that all political Members in this House feel that religion is something that is gone and is done and dusted and we should not have in the modern world. I just think, yes, let’s embrace change, but do not throw away your morals.

Thank you.

The President: Hon. Member, Mr Cregeen.
Mr Cregeen: Thank you, Mr President.

Just supporting the Chief Minister there, we are talking about the Bishop and saying that he will lose his vote, ‘Oh, well, it doesn’t make any difference,’ and ‘Oh, well, you know …’ If they say that he will go, he will go. Then you will not have somebody there who is separated from the politics of it. The amount of times that I have been sat in this Hon. Court over the last 10 years, 11 years nearly, when … a number of Members will remember past Bishops and past Members of Council like Eddie Lowey spelling their wise words of wisdom, and it is from that point of view that you can see debates will change, because it puts something in there from people who can see it as a full round.

It really does concern me at times when people say, ‘Well, let’s go and change things because, I tell you what, they don’t in other jurisdictions.’ Well, maybe they do not get right.

I think we have got to be very careful what we do. Let the Committee get on with their work. If the Hon. Member is still not happy with it at the end of it, then let’s have a look at that part again, but just to say let’s hold it over until October, November …

The President: Hon. Member for Douglas Central, Mrs Corlett.

Mrs Corlett: Thank you, Mr President.

I would just like to say that I do not believe the Bishop should have a vote, but I intend to vote against this motion as I believe it should be considered by the Select Committee we elected and their recommendations brought back and debated at that point.

Thank you.

The President: Mr Hooper to reply.

Mr Hooper: Thank you very much, Mr President.

I would like to thank people for those comments. I actually do want to echo the Chief Minister’s words there: it is quite important that we do not lose sight of all of our history and there is often a very strong connection between religion and politics, and that certainly is not the intention of this at all here.

Dealing first with the comments made by Mr Malarkey, I think there is a clear bit of evidence there that he has a fundamental lack of understanding as to parliamentary procedure, which is quite embarrassing for such a veteran Member. (A Member: Ooh!)

Mr Malarkey: Thank you! Unbelievable.

Mr Hooper: If there is a vote today and it is defeated and it is called for a combined vote in October, assuming that passes then the Committee has to report on implementation … No, say it takes them a month, that is November. If there is no vote today, the Committee is going to come back in October with recommendations which may or may not get approved, which means they will be working on implementations probably in November. So, actually, there is no delay at all by bringing this in. The Committee has only said they want to go away and think about this, rather than they want to think about how to implement it.

Mr Malarkey: Point of order, Mr President. If there is a vote today to remove the Bishop’s vote, it gives clear direction to the Committee. The Committee cannot go against that, so it would be a clear recommendation from this Court – combined vote or no combined vote.

Mr Hooper: Again, I think the Hon. Member has misunderstood –

Mr Malarkey: The Hon. Member is well aware of how procedure is in this Court.
Mr Hooper: – what I am saying. I am not saying that a vote today would not give the Committee clear direction; I am saying there would not actually be a delay in the implementation of any of these recommendations.

Again, like I said when I moved this motion, if the Committee reports back in October with recommendations they will either be to accept or reject this. Either way, there is going to be this debate again in October. What is the point in delaying this even further?

A Member: We will have more evidence.

Mr Hooper: I would like to also comment on some of the arguments that have been made about the Bishop losing his vote and losing his seat. I was not going to get into this. I hoped that this had been aired last month, but clearly not. I will read something that has been written by a Professor of Law, Peter Edge, which states:

The emphasis on the distinctive voice of the Bishop in the legislature accords with the findings of a two-year study into the work of the Bishop. Our emphasis there was on the role of the Bishop in debates rather than in voting. As an internal matter, a change to the voting status would make much less difference to Tynwald than the removal of the Bishop from the Tynwald. As an external matter, however, a concern raised in 2017 debates was that changing the role of the Lord Bishop would lead to the loss of the Anglican Diocese.

It then goes on to explain the history behind this debate. He concludes:

We do not need to look very far afield to find a Crown Dependency with a Church of England officer who sits in the legislature as of right but does not vote: the Dean of Jersey sits in the States of Jersey ex officio and contributes to debates, but does not vote.

So the argument here, that to lose the vote would lose the role, I find quite weak.

Mr Corkish: No, it is different.

Mr Hooper: Either way, the sole purpose of moving this motion is to essentially give Members the chance to vote on it separately. And yes, as to Mr Henderson’s comments, this could predetermine the results of the Committee. Last month a majority of Tynwald Members voted in favour of this exact motion, so to my mind the Committee should already be going down this avenue. (A Member: No.) I cannot see the advantage of letting the Committee spend the recess doing some more deliberating only to come back with recommendations which essentially Tynwald has already said which way we think they should be going.

I beg to move, Mr President.

The President: Hon. Members, I put the motion at Item 37. Those in favour, please say aye; against no. The noes have it.

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

In the Keys – Ayes 10, Noes 13

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The Deputy Speaker: Mr President, in the Keys there are 10 for and 13 against.

In the Council – Ayes 2, Noes 6

FOR
Mr Cretney
Mrs Poole-Wilson

AGAINST
Mr Anderson
Mr Coleman
Mr Corkish
Mr Crookall
Mr Henderson
Mr Turner

The President: And in the Council, 2 votes for and 6 against. The motion therefore fails to carry.

38. Functioning of Tynwald – Legislative Council voting for Chief Minister etc. – Referral to FoT Select Committee – Motion lost

The Hon. Member for Ramsey (Mr Hooper) to move:

That Tynwald approves the recommendation in the Report by Lord Lisvane that Members of the Legislative Council should not vote on the appointment of the Chief Minister, or on a vote of confidence in the Chief Minister or the Council of Ministers; and refers this recommendation to the Select Committee on the Functioning of Tynwald to report with recommendations to Tynwald on the changes required for its implementation.

The President: Item 38, in the name of Mr Hooper: Functioning of Tynwald. Mr Hooper, please.

Mr Hooper: Thank you, Mr President.

The same logic applies here, in essence. Allowing the Committee to come back after the summer and make this recommendation again seems to make no sense. It was clear that at the last sitting of this Hon. Court the House of Keys voted in favour with 22 Members, and that was exactly the same motion. So if this motion gets 17 votes today – which, based on last month, I have no reason to suspect it will not – and yet it still fails, I will be calling for a combined vote in October because it will not delay the implementation of any of these reforms.

If this motion does fail today, all that will probably happen is the Committee will report back in October recommending exactly this.

Mr President, I beg to move.

The President: Mr Ashford.

Mr Ashford: I beg to second, Mr President.

The President: Mr Malarkey.
Mr Malarkey: Thank you, Mr President.

I intend to vote against this today, although I actually agree and I very much supported this legislation that the Treasury Minister tried to bring through last year. But, for the same reasons and the same arguments as the last motion, we have a Committee who are actually going to look into this – let them do their job! (A Member: Hear, hear.) Let them do their job! Reject this today, because this is one of the issues that the Committee is looking at, and I would suggest you let them do the job and then have your vote when they have reported at the end of the day.

It is a motion I actually do support, but for the same reason as last time, we voted this morning to let the Committee come back and report back to us. I urge us to do exactly the same with this motion.

The President: Hon. Member for Middle, Chief Minister.

The Chief Minister (Mr Quayle): Thank you, Mr President.

I am not going to vote for this motion, not for the same reasons as my hon. colleague but, as Chief Minister, I think if you were in a bigger parliament, say of 600, not having the support of … You have got the House of Lords, House of Commons; I can understand why the House of Lords would not have an input into the House of Commons, but in a small Chamber like we have got – 32 votes – if a Chief Minister does not have the support of the whole Court of Tynwald then it is going to make their life an awful lot easier … harder, I mean! (Laughter) It is 20 past nine, Mr President! (Laughter) You have got to have the goodwill and support of both the House of Keys and the Legislative Council, and that is my only point. It is maybe not a popular view, but I believe in being totally truthful and frank with you all.

The President: The Hon. Member for Ayre and Michael, Mr Cannan.

Mr Cannan: Thank you very much, Mr President.

I think, unlike the previous motion that the Hon. Member for Ramsey brought, this one – and indeed the next motion, just to save a little bit of time – is a lot clearer in its principles and I tend to go with the view expressed that really we should be seeking to save the Committee a lot of time. It is a fantastic process that we are following here: we are having committees on committees and evidence on evidence (A Member: Yes.) for some fairly straightforward and simple questions. (A Member: Hear, hear.) I am pretty sure that all Members in this House know exactly where they stand, and if they do not then I am wondering whether they have actually given this matter any thought, particularly on Items 38 and 39.

I think the arguments are very straightforward. Lord Lisvane has covered this in great detail, called huge numbers of witnesses forward. I think that the time has come to support the Hon. Member for Ramsey on this, to give the Committee the absolute guidance that it needs in order to get these changes implemented and for us to make some real progress instead of this process of procrastination that we insist on following every time we come to talk about reform in this place.

The President: Hon. Member for Douglas South, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr President.

On this occasion I am completely in agreement with the Treasury Minister and, much as I really do not want to spoil the happiness of the Chief Minister, I have to do what is right and this is absolutely right. This is the will of Keys that we should be doing this and I think this one and the next one will have my absolute and full support because of that.
**The President:** Mr Hooper to reply.

**Mr Hooper:** Thank you, Mr President. I do not really think there is anything further to say, so I just beg to move.

**The President:** Hon. Members, I put the motion as set out at Item 38 in the name of Mr Hooper. Those in favour, say aye; those against, no. The ayes have it.

_A division was called for and electronic voting resulted as follows:_

**In the Keys – Ayes 17, Noes 6**

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**The Deputy Speaker:** Mr President, in the Keys 17 for and 6 against.

**In the Council – Ayes 2, Noes 6**

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**The President:** In the Council, 2 votes for and 6 against. The Branches are in disagreement. The motion fails to carry.

**39. Functioning of Tynwald – Members’ pay – Referral to FoT Select Committee – Branches in disagreement – Motion lost – Notice given for combined vote at next sitting**

The Hon. Member for Ramsey (Mr Hooper) to move:

_That Tynwald notes the recommendation in the Report by Lord Lisvane that an independent review of all Member’s pay and allowances be undertaken; and refers this recommendation_
to the Select Committee on the Functioning of Tynwald to report with recommendations on
the terms of reference of such a review.

The President: Item 39: the Functioning of Tynwald. Mr Hooper.

Mr Hooper: Thank you, Mr President.

I suppose there is nothing that is more discomforting than talking about your own pay in
public, especially when you are sitting here in this Hon. Court and talking about public money,
but that should not stop us.

Lord Lisvane recommended a review of all Members’ pay and so I feel it is right that we vote
on this. We have asked for a review of Legislative Council pay and a review of Civil Service pay,
so it is only right we look at our own. But I fully appreciate the issues with this. What if an
independent review says we should be paid more? Would anyone really vote for that? (A
Member: No.) I suggest not. So any review of Members’ pay therefore should have a very tight
remit, that whatever the outcome the current budget for Members’ pay cannot be allowed to
increase.

What we are looking at really is redistributing the existing budget, which is basically what
Lord Lisvane is talking about. Should scrutiny Members get paid an uplift? Is 50% uplift right for
Ministers, 30% for Members, 60% for the Speaker? Should the expense allowance be retained?
If yes, should it be tax free, or are we better off just admitting MHKs in reality get paid a
minimum of £50,000 basic plus the expense and just set it at a flat rate?

I do not know the answers to these questions, but I think the questions we should be asking
are: does Members’ pay put people off standing; and are the various roles of Members of
Tynwald remunerated in a fair way?

And so I feel the Select Committee should be allowed to go away and to propose a remit for
any review, to make sure that it is asking the right questions and at the same time ensuring the
review is financially responsible. This way, Members can submit their views to the Committee
about what they feel the remit should be, then the Committee can consider it and report back.
Let’s not rush into this.

This also gives time for the roles of Members of Tynwald to be addressed, as any review of
pay would need to come after the Committee has considered and reported on what the various
roles should be.

Mr President, I beg to move.

The President: Mr Ashford.

Mr Ashford: I beg to second, Mr President.

The President: The Hon. Member, Mr Harmer.

Mr Harmer: Thank you.

I will be very brief. I fully support this. In some ways I was disappointed it somehow got lost
in the last debate, so I think this is absolutely important to do and I fully support it.

The President: The Hon. Member, Mr Cannan.

Mr Cannan: Thank you very much, Mr President.

Again, I indicated my support. I think that was an excellent précis given to us by the Hon.
Member for Ramsey as to absolutely why we should have a broader review.

I have long thought … In fact ever since coming and being voting in to this hon. place I have
supported this concept of ensuring that we have a proper pay system for Members that is fit for
purpose. There are far too many questions around the structure of Members’ pay at the moment: how Members are paid for what roles.

It is absolutely right that we should have that proper broader review – that it should not, I think, just be limited, as the Committee appears to think, to the appropriate role of Members of the Legislative Council – in advance of recommendations they might make about their role. It is right and proper that we undergo this process and, as the Hon. Member says, it is really probably more about the concept of redistributing and ensuring the proper redistribution of pay where appropriate.

It may be, of course, that such a review found everything to be completely in order, but my gut feeling is that we do need to take a long, hard look at this; that Lord Lisvane, in taking his evidence, was absolutely clear that this was much needed and should be followed.

I think the Hon. Member for Ramsey is absolutely right to do what he is doing here and I urge Members to support this motion.

**The President:** The Hon. Member for Ayre and Michael, Mr Baker.

**Mr Baker:** Thank you, Mr President.

I am just standing to clarify two points. One is that I will be supporting the Hon. Member for Ramsey, Mr Hooper’s motion here. And secondly, just to clarify the comment that has just been made by the Hon. Member for Ayre and Michael, Mr Cannan, the Committee did not decide not to embrace this subject. It had no powers to because of the way the motion was structured in the last sitting of this Hon. Court. It was framed purely in terms of the Legislative Council remuneration, so it was never within the gift of the Committee to ask for that to be included along with the other matters that we requested for the expansion of scope earlier on. That is the reason why we are where we are today.

**The President:** Mr Robertshaw.

**Mr Robertshaw:** Thank you, Mr President.

I will support this with significant reservations, in the sense that at a time of restraint on pay across the whole public sector we must not give the wrong impression.

I have come to my feet because I want Hansard to show that what I believe in in the review is what has been indicated elsewhere, and it is more a redistribution that we are seeking here rather than necessarily any major review which would result in a significantly increased cost. So, on that basis, I will support this motion.

**The President:** The Hon. Member, Mr Shimmins.

**Mr Shimmins:** Thank you, Mr President.

I am slightly concerned about this, Members, in terms of we have had a few interesting votes and discussions already and, if we look forward to potentially some of the outcomes, if there are very few outcomes decided but we are going to have a review of Members’ pay, I would suggest that sends a really poor message to the outside world. *(A Member: Hear, hear.)*

That is one of the major reservations I have about this motion; so, I am sorry, I am not going to be able to support it.

Thank you.

**The President:** Mr Hooper to reply.

**Mr Hooper:** Thank you very much, Mr President.

I would like to thank the Treasury Minister for his supportive comments, and actually I would like to thank Mr Robertshaw as well. I think you are right about increased costs there: there cannot be any increased costs – that has to be quite key to this.
Again, the Hon. Member for Ayre and Michael, Mr Baker, is spot on: this was never referred to the Committee in the first place, so really it is our job to refer it there and get some work started.

Addressing the comments raised by Mr Shimmins, I accept his point, but I take a slightly different approach. I would say that, yes, it would look bad if this was the only outcome from the Committee, so it is incumbent among the Committee to make sure there is more than one outcome. They should go away and do their job well; come back with a host of recommendations about reforming this Parliament, (Several Members: Hear, hear.) including one on Members’ pay, so I hope (Interjection by Mr Shimmins) then that I can count on your support on that basis.

Mr President, I beg to move.

A Member: It is not going to be a fudge!

The President: I put the motion, Hon. Members, as set out at Item 39. Those in favour, please say aye; those against, no.

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

In the Keys – Ayes 18, Noes 5

FOR
Dr Allinson
Mr Ashford
Mr Baker
Mrs Beecroft
Miss Bettison
Mrs Caine
Mr Cannan
Mrs Corlett
Mr Cregeen
The Deputy Speaker
Ms Edge
Mr Harmer
Mr Hooper
Mr Malarkey
Mr Peake
Mr Perkins
Mr Skelly
Mr Thomas

AGAINST
Mr Boot
Mr Callister
Mr Moorhouse
Mr Quayle
Mr Shimmins

The Deputy Speaker: Mr President, in the House of Keys, 18 for and 5 against.

In the Council – Ayes 3, Noes 5

FOR
Mr Anderson
Mr Cretney
Mrs Poole-Wilson

AGAINST
Mr Coleman
Mr Corkish
Mr Crookall
Mr Henderson
Mr Turner

The President: And in the Council, 3 votes for and 5 against. The Branches are in disagreement. The motion fails to carry.

Mr Hooper.
Mr Hooper: Mr President, I would like to call for a combined vote under Standing Order 3.19.

The President: A combined vote at the next sitting – noted.

40. Protection of the historic built environment –
   Petition for Redress –
   Appointment of committee –
   Motion lost

The Hon. Member of Council (Mr Cretney) to move:

That a committee of three Members be appointed to consider and to report to Tynwald on the Petition for Redress of Charles Guard presented at St John’s on 5th July 2015 in relation to protection of the historic built environment.

The President: Item 40: Protection of the historic built environment, Petition for Redress. I call on the Hon. Member of Council, Mr Cretney.

Mr Cretney: Thank you, Mr President.

I rise to move the motion in my name that the Petition for Redress of Charles Guard that was presented to Tynwald in the open-air sitting at St John’s on 5th July 2015 in relation to the protection of the historic built environment be referred to a committee of three Members to consider the issues raised, consult and report.

I have not put a date for such a report but in discussion with other Tynwald Members believe this long-overdue work could be completed by April 2018, (A Member: Hear, hear.) and would be happy to be bound to such a timescale should I be involved and should Members now support it.

I wished to move the resolution in 2015 when the Petition was first placed, being aware of the inconsistent approach, to say the least, over a very long time of various administrations to this matter. I indicated this to the Clerk of Tynwald and sought agreement from the Ministers of the two Departments I was then a Member of – Mr Skelly at DED and Mr Ronan at DEFA – which I was given. This time I have, some time ago, raised this matter with Mr Boot at a Department meeting of DEFA and received no objection.

In the interim, I would wish to place on record my sincere thanks to the volunteers who have comprised the Building Conservation Forum and for raising the profile of this important matter, in particular through the Isle of Architecture, and for all the work they have undertaken to date and no doubt will in the future.

It is, though, a fact that such matters sit squarely within the responsibility of Government and should not depend solely on the goodwill and free services of those outside Government with a passion or interest in such matters.

I seek Members’ support and indulgence at the end of a long agenda of Tynwald and will attempt to be as concise as possible in what is a very important matter. Over 25 years ago I had the privilege of being the Chairman of the Isle of Man Planning Committee, and indeed Mr Guard was one of the lay members I appointed. It was clear that we had a common interest in the importance of our historic buildings and how they provide an essential part of the fabric of our society and contribute enormously to our national identity, something which has an economic value as well as a social one.

During the time I was associated with planning, the Department of Local Government, as it then was, took the bold step of appointing a full-time conservation officer, something that had been long talked about and was overdue. An assistant conservation officer was employed at a
later date. At that time also there was a consultative committee made up of local experts who were able to scrutinise all planning applications and alert the Planning Committee to important architectural or historical features on buildings that were up for alteration or even demolition.

If we come forward to today, we find a very different state of affairs. Until very recently there has been no conservation officer. The post has been vacant for a number of years, though there is a half full-time-equivalent conservation officer now in place, and at a Department meeting last week it was determined that the facility exists to improve upon that, but the present provision is clearly inadequate.

There was a time when there was a conservation grant budget designed to assist with the protection and preservation of registered buildings. This has not been in place for years and for the first time since I have been in DEFA it was discussed as one of the issues around this matter at our Department meeting last week. Even back in the 1990s progress was slow in getting buildings registered and protected and I think it was stated at our meeting there had been a maximum number of five registered in the last six years.

There is an urgent need to consider all these issues and I believe a parliamentary committee is best placed to move things forward in conjunction with consultation with the Department and others to make recommendations and report in a timely manner.

Let’s just consider for a moment what the Manx Government’s stated aims are, and then we can see how woefully we fall short of achieving those aims. We have accepted the designation of UNESCO Biosphere Reserve – I think it is unique in the world that a whole country has had this status conferred on it. In accepting this we have pledged to help, and I quote:

Support and promote our cultural heritage. Develop our economy in a sustainable way. Make our environmental impact positive wherever possible. Engage with the local community. Promote our outstanding living landscape and seascape through active involvement with UNESCO Biosphere Isle of Man.

Quite a requirement – our lack of protection of our built environment makes something of a mockery of this.

The Manx Government has also signed up to the Council of Europe Convention for the Protection of the Architectural Heritage of Europe, and in our own planning policy statement – 101, for those interested – we state that:

Whatever our role in Island life ... the quality of our historic environment touches us all, often to a degree which is not immediately evident. The distinctive and unique character of our townscapes and rural landscape possesses an almost intangible quality that is the result of thousands of years of natural formation and development, as modified by man’s inhabitation of the land.

It is surely fundamental to the Government’s responsibilities that there should be effective protection for all aspects of our historic environment as a central part of our cultural heritage and our sense of national identity.

Our historic environment is of immense importance for tourism, leisure, recreation and commerce generally. What do we think that these cruise ships are coming here for? They want an interesting environment. They want culture and history, among other things. What they do not want to see is all the historic buildings swept away and replaced by often bland replicas of the worst architecture in the British Isles.

Mr Guard’s Petition raises a number of important issues. We are woefully behind in getting important buildings registered. Forty years ago a consultation process was undertaken by the Government to try and identify the nucleus of historic buildings that should be registered, thereby offering them legal protection from demolition or unsightly and inappropriate alteration. To date, there are still 275 buildings awaiting registration and deemed by DEFA to be worthy of registration.

It is notable that no advert for the post of conservation officer was forthcoming after the statement by the Minister for DoI in the Keys of March 2015 that recruitment was in process.
In November 2014 the DoI stated that it was hoping that volunteers would undertake research work for the registration of buildings. Not only had the important registration process completely stalled, but there was a much reduced service being offered to the public, to owners and developers who need advice on conservation matters and there is much catching up needed.

It is unfortunate that in 2017 adverts for additional planning officers did not include any reference to the conservation knowledge or duties.

I asked Mr Guard for some examples of issues and he responded.

We have lost and stand to lose many important structures. The World War II radar bunkers at Bride, part of the world’s first functioning radar system, are not registered or protected in any way, despite requests for them to be protected. The land around them is gradually being excavated away by a planning consent to Island Aggregates Ltd, with no stipulation to preserve the structures, a unique and vital part of the Island’s history, and one, if nothing else, that could form part of a popular tourist trail as such remains provide on Jersey.

The Nunnery is not registered and in the last few weeks its 1830s Gothic Winter Garden with its Victorian gardeners’ workshops, quartz-lined walls, and gothic arches, has just been swept away and put in a skip. This is scandalous.

The landscape around historic Lorne House in Castletown, a superb Regency mansion, is under threat.

Homefield, formerly the home of the Island’s Civil Defence Corps, is to be sold. It is not registered and yet it is one of the finest Victorian houses in Douglas, with its original plasterwork and decorative tiling still in place. There is nothing to stop a purchaser demolishing it.

One of the Island’s finest buildings, the Castle Mona, which is only partly registered, is now in a parlous state and the remarkable painted ceiling in the grand salon dating from 1801 has a huge hole in it.

Ballautington Manor on the outskirts of Douglas – on the buildings register, but now demolished.

Others that are on the register are the subject of schemes to substantially alter them, such as Port St Mary Railway Station and Royal Buildings in Onchan.

We have the oldest horse tram system in the world, as well as the oldest functioning electric railway in the world – amazing and iconic pieces of transport history. But guess what? They are not registered. They are not protected at all.

Now, the official line has always been, with buildings in Government ownership, that this would provide the comfort required in terms of retention. However, if you look at the Nunnery example, that theory went out of the window once a sale was achieved.

The people of our Island have elected us to take care of the Island on their behalf and my sense, speaking to many of them, is that they are deeply unhappy about the lack of respect and protection for this aspect of the Island’s heritage, for the heritage entrusted to us for safekeeping. The situation is simply not good enough.

There are many issues for a parliamentary committee to investigate, a number of which were raised at our DEFA meeting last week by officers who are clearly aware of the present inadequate situation. For example, should we register the buildings on the Island or should we introduce a graded, listed system as in the UK? Should the Department that grants registration be the same Department that nominates buildings to be registered? Perhaps it would be better to have the initial assessments undertaken by a separate body, such as Manx National Heritage, for example.

What has happened to the advisory body? Under the 1999 Town and Country Planning Act, it is stated that the Council of Ministers should establish a body for the purposes of obtaining the views of organisations in the Island concerned with the environment, the Island’s economy and the planning of development. No such body has ever been set up 18 years after the Act was passed. And why is it on our Island that having one’s building registered is seen by some as a
negative process, whereas in the UK, for example, it is seen as a matter of pride and immediately increases the value?

We had a grant system, and I believe support could be reintroduced on the basis of any extra costs incurred by owners of registered buildings as a matter of Government acknowledging their importance. Again, this was discussed at our meeting last week.

For years it has been a reactionary process which provides no stability or surety for developers or investors. We are way behind and early engagement and clarity are required rather than a holding position if a development is proposed. This is not going to happen until we treat our historic built environment with the respect it deserves.

Conservation goes beyond preventing the destruction of our built heritage. Conservation involves actively caring for our buildings, maintaining them in good condition and enabling them to be regularly accessible for study, enjoyment, recreation, tourism, and perhaps regularly – quite often, I would say – alternative uses from what they were originally intended for.

To go back to the Council of Europe Convention we signed, we agreed that we must ensure that the means are available to identify what is special in the historic environment, so that when proposals come forward for change or new development we are able to assess their impact on the historic environment and give it the full weight alongside other considerations.

I am afraid the Island’s historic environment record falls well below the minimum European standards and practices.

I was struck, Mr President, by what one of our Tynwald guests said on Manx Radio last week. Mr Eamon O Cuiv was the grandson of a former Prime Minister of Ireland, Eamon de Valera, who was responsible for making sure that the Island’s last surviving Manx speakers were recorded – something we were not planning to do. Mr O Cuiv made the point that he felt it was important that when Government started making the hard day-to-day decisions about spending money on infrastructure, education, welfare and the like they never lose sight of the fact that culture, art and the environment are just as important to the endeavours of the human and that a government must always put money aside for the long-term project. A government has a duty to see to all of these things for its people and it is up to us to find a way of doing it.

Fortunately, Mr President, at this stage I am not actually asking for any money. I am merely asking Members to agree to set up a three-Member committee to take evidence from the many interested parties who I know want to speak on this and to weigh their evidence, to investigate the issues and to report back with recommendations that will, once and for all, settle these matters.

I accept that there may be Members here today who do not see this as important and I would urge any Member who does not think that our historic built environment is important and should not be protected to stand up and say so. Let’s know what we all think about this.

But I do care. We really need to examine the whole process of registration. What does the Island need in terms of conservation planning and what level of staffing should it have?

Hon. Members were circulated with an email from my Minister this morning in relation to work which is at long last starting at DEFA – at long last! As I say, I raised it with the previous Minister, I raised it with this Minister so he knew before this matter was coming on the agenda that I had an interest and it was my intention to pick up this Petition.

What I would say is I do not believe that the two workstreams are mutually exclusive. I think by both emphasising the importance and by both the Department and a select committee working now we can make real progress, which has been so sadly absent for so long.

I beg to move.

The President: The Hon. Member, Mrs Caine.

Mrs Caine: Thank you, Mr President.

I am happy to second the motion. Given the lateness of the hour, I apologise for the length of this speech but this is an important subject and it merits detailed consideration.
This Petition is about pride in the Manx built environment. We have to show people that we apply planning laws impartially and be seen to apply planning laws fairly so that some developers, those who develop without bothering about planning approval at all, see that we have good processes and that they must be complied with.

The conservation officer and assistant posts were removed without justification. They may now have partly been reinstated, but too often has DEFA convinced Members they were addressing these shortcomings and the result is there was and is a huge backlog of work to recognise our architecturally and historically important buildings. Over 110 reports on individual buildings, or groups of buildings, were prepared in the late 1990s and early noughties and only 22 were registered. Any investigation by a select committee needs to establish what has happened to the rest. That need has not gone away.

Events of the last two years have shown need for a select committee even more starkly. While I am not a fan of our planning process generally, there is a flawed responsibility for the decision-making process with regard to registered buildings. The process of registration is such that the Minister for Planning is the person who takes the decision whether or not a building will be entered on to the list of buildings registered for architectural or historic importance. The same Minister is responsible for taking the decision if someone requests deregistration of the building. The same Minister is responsible for taking decisions on any planning applications affecting them if the planning application goes to appeal. There is a clear conflict of interest and we must remove political influence from building registration. In fact, I would suggest we should remove political decision-making from planning.

I would like to give a few examples, leading on from Mr Cretney’s comments, where Government has failed to protect historic buildings.

Take the Nunnery estate: Minister Gawne, then Minister for DoI under whose control registered buildings were, despite supporting preparation of the report for registration of the Nunnery estate prior to its being put up for sale, then refused to register it. The reasons were not given. The developer buys it and puts in an application for a large new building in lieu of some outbuildings. This application was deemed acceptable by the Planning Committee, so the developer moves in, demolishes old outbuildings in line with the application but also demolishes valuable structures in the grounds which were not part of the planning application and not protected through registration. If we do not show developers that we care for our built environment we will lose it. We need a rethink on process and careful consideration about who makes the decision with regard to registration. Currently, the Planning Committee is bypassed in the process.

Another recent example is Lorne House. The current Minister, Mr Boot, registered Lorne House after a two- or three-year gap and a five-year gap since reregistration was re-requested. The Director of Planning, who has since left the post, decides that he is not happy with registration. The building’s owner applies for deregistration of building and curtilage, stating the registration was ultra vires. The new Director of Planning approves deregistration on the basis that it is ultra vires, albeit no court of inquiry has proven the point. The Planning Committee was excluded. DEFA pays the owner £5,000 on the basis of his claim, albeit the latter has not been substantiated. Until shortly before the appeal inquiry, third parties are excluded from the process and from seeing correspondence relating to the case, even though they would be entitled to under normal planning process. A decision is awaited.

There is also Ballaughton Manor. Planning conservation was undertaken and there was an in-house report supporting registration. The Minister did not seem to consider it. Applications by a newcomer, a high net worth individual, gave approval initially for a massive extension that would have dwarfed the original and then demolition of the whole of the original building. The Minister gave approval, saying planning officers were at fault for not progressing the registration despite the fact that the power to register can only be taken by the Minister after a proposal to register, which the Minister or MHK in the Department can take. The result was the unjustified loss of a major villa on the outskirts of Douglas.
Then there is Port St Mary Railway Station, the passenger and goods buildings. Planning conservation undertook an in-house report supporting the application. DoI indicated it wanted to sell the building. The developer submits plans to convert, removing many features, including the waiting room, which were necessary for ongoing station use, and instead attach a bus-shelter type facility to the end of the building. The inspector at appeal recommends against. Minister Boot overrules to permit development. Again, delays were imposed on registration from within the Department so that buildings considered have no protected status at the time of the planning application.

Clear conflict is occurring within the Department over registration. I strongly believe that we need a select committee to examine who should be responsible for what and whether it should be in the same Department at all. Economic activity or development that is seen as bringing people or organisations with taxable wealth to the Island is perceived as being given wholesale priority over conservation. A select committee is needed to examine the need to address the imbalance and to ensure a positive economic outcome is generated over registered buildings.

There are just a few recent events since Mr Guard’s Petition. They do not show that DEFA is continuing to encourage good stewardship of the environment, let alone encouraging Government to look after its own buildings. DEFA may say they have appointed a part-time officer since the Petition was lodged, but the matter is still current. My constituent, Mrs Patricia Newton, updated some of these issues in her Petition presented earlier this month at St John’s. I would suggest the content of both hers and Mr Guard’s Petition should be considered by a select committee and they and others invited to give evidence. They are the champions of our heritage buildings.

We need a select committee to examine why Government is not only not supporting registration of buildings but is seemingly actively acting against it. Registration is a Government Planning Division duty: Government ‘shall continue to maintain’ – they are the words used in the Town and Country Planning Act 1990. This does not mean ‘we have a register, so we will sit on it’. ‘Shall’ and ‘maintain’ is an ongoing commitment, a duty to see that other buildings that are worthy of such status are added to the list. There is constant blocking of the statutory process within DEFA and its predecessors. Why? Only a select committee may start to get answers.

Turning to finance, the answer, when one is mooted or given, partly revolves around maintenance, restriction of ability to alter, modernise or convert. None of these need necessarily be the case. There is a large proportion of pre-1920 housing stock in particular on the Island. There are many other buildings, such as farm buildings and mills, which are also old but characterful. The buildings tend to have a few aspects in common: built of stone, sometimes rendered, slate roofs, timber windows and doors. When taking on such a building, owners are aware of the needs of their maintenance. Such characteristics are also features of registered buildings. In many cases it will be the prime maintenance cost, therefore no more than taking on any other old buildings. However, the owners appear to balk at not being able to use UPVC, which is perceived as being cheaper. If we want to encourage sympathetic reuse or conversion of registered buildings, if we want to encourage owners to see the desirability of ensuring that buildings are maintained appropriately in the future, we must encourage them to see registration in a positive light. That could be done through financial incentives, attractive to anybody or a company. VAT is 5% on repairs, in terms of the person carrying them out buying goods. No great benefit to the historic homeowner there. Generally, renovation does not get the VAT benefit that new-build does.

The Island has so many advantages over the UK for businesses and residents, there should be no assumption that they would balk at acquiring an architecturally and historically registered building for work or residence. Government should be considering ways in which money could be raised through tax incentives to encourage them to do so and to provide more grants, not running away from registration. A select committee should be looking at the way tax incentives could be used to promote positive thinking with regard to the registered buildings.
Finally, the Castle Mona. From being the home of the Island’s ruler it has become the capital’s disgrace. This would not have happened had Government positively encouraged the use and maintenance of its architecturally important and historically significant buildings. The fact that its auction has been stopped should give us hope that a good future for the Castle Mona will be secured, but I am not optimistic. We are all aware of the additional status given to the Island by its designation as a UNESCO Biosphere Reserve. DEFA in particular was the instigator, but Government as a whole now has pledged to ‘support and promote our cultural heritage, develop our economy in a sustainable way, make our environmental impact positive wherever possible, engage with the local community and promote our outstanding living landscape and seascape through active involvement with UNESCO Biosphere Isle of Man’.

DEFA has traditionally worked very closely with volunteer organisations involved in natural history, such as the Manx Wildlife Trust and the Manx Bat Group, to promote the natural history of the Isle of Man. The Biosphere status pledges to encompass our cultural heritage in towns and in villages, as well as the countryside. DEFA and the Government need to be made to work with volunteer organisations to care for the built cultural environment. Until now, Government has simply set up regeneration committees specifically to be made up of local commissioners and local business people but without the remit of coming up with schemes in the historic and architecturally important town and village centres. The result has been little short of disastrous in terms of the design of schemes around these and the public support for them, let alone the effect on some of the businesses. Why were the wider community at large and volunteer organisations concerned with the built environment not involved in these schemes at the design stage? The approach has been totally unbalanced. A balanced approach needs to be established for our historic buildings, as identified in clause 40 of the Town and Country Planning Act 1990. A select committee should examine the issue.

In November 2014 the Isle of Man Natural History and Antiquarian Society, in response to registration requests for two buildings, were told that they should initiate producing reports for registration themselves. This has moved away from being summaries to full reports. Reports have been produced by individuals and organisations, but what happens to them? They take many hours of research to produce. In effect, volunteers are being told to do Government’s job, but their time and expertise is then just wasted. This is totally unacceptable.

The Island’s situation in respect of historically important buildings needs assessing and recommendations for a workable future should come before Tynwald. I expect everyone in this Hon. Court would say they support the fair and transparent registration of our historic buildings, that they support preservation of our historic buildings. A comprehensive review is required, and that is something only a select committee can deliver.

I urge Members to support Mr Cretney’s motion before us today. Any good work DEFA has undertaken can be reported to and considered by the committee, but a select committee can take a wider view and report with recommendations on what this Island needs in order to protect its built environment, its historic buildings, for future generations.

Thank you, Mr President.

The President: Now, Hon. Members, it is 10 o’clock. (A Member: Hooray!) Just one moment! (Laughter) People are always very quick to get on their feet, I notice, when there is a prospect of extending. Would that be the … [Inaudible] Mr Malarkey?

Mr Malarkey: Yes, it could possibly be, Mr President!

The President: Yes, I take it as the Court’s wish that we complete the business tonight. (Several Members: Agreed.) Agreed.
Hon. Member for Glenfaba and Peel, Mr Boot.
The Minister for Environment, Food and Agriculture (Mr Boot): Thank you, Mr President. As you might anticipate, I have something to say about the motion and also the seconder’s comments. It is not my intention to speak for such a long time, but I will cover the salient points as best I can.

First of all, I am not going to talk about the individual cases raised. I think a lot of those are in the past and I think it will not serve this Court to discuss individual cases on the floor here. The point I would make is that most of those cases are in the past and what is important is what is going to happen in the future. My Department is responsible for operational planning and the Programme for Government has brought pressure on the Department to deal with the unacceptable backlog of registrations, and in fact imposes national indicators in connection with reducing that backlog. When I took over as Minister I was well aware that there was a backlog and that there was pressure from outside as well as within the Department to take action, and in fact during my time as a Department Member I was concerned that action had not been taken, and I was very keen that there were some Programme for Government indicators brought in when we were preparing the Programme for Government. So I am well signed up to that. And I have just lost my speech – excuse me! (Laughter)

It came as somewhat of a surprise to me that the Hon. Member of Council, Mr Cretney, had brought this motion. He refers to the fact that I was well aware of it, and in fact my recollection is ... in fact, there is no recollection that at some time over the past two or three months this was mentioned at a Department meeting and the planning officer commented on it. I can only say that I have no recollection of a direct approach or the fact that this may well be the outcome. It also became more of a surprise to me that Mr Cretney had sat through over an hour’s presentation by my Director of Planning and the new conservation officer just six days ago when we looked at the whole situation and a comprehensive plan was proposed and supported by the Department’s political Members to address the issues that are effectively raised in the Petition.

We are committed to reducing the backlog of registration and we have also got a plan that looks forward to identifying buildings as candidates for registration, as well as establishing a hierarchy for registration. That is something that is missing. There is no certainty for people who have buildings that are registered. If we look at the old registrations, they lack detail and there are definitely defects within that system, and we are committed to addressing that.

We are also committed, and the Hon. Member did refer to this, to looking at reintroducing historic building investment grants and working with Manx National Heritage to ensure we work together in the future and ensure that we can respect and cherish our built environment, and of course from DEFA’s perspective our natural heritage as well.

To be fair to the Hon. Member Mr Cretney, he was not previously aware of the workstream (Mr Cretney: Hear, hear.) but is now fully conversant with it. However, that is the reason for policy and strategy meetings, and your directorate is separate from the planning directorate, so until it comes to Department meeting or policy and strategy there is obviously no requirement for you to be aware of the workstreams that are taking place – but you would have been aware of the Department’s commitment within the Programme for Government.

However, the Hon. Member is persisting with the motion, based on a Petition that is over two years old addressed to a Department that no longer has responsibility for planning, and reiterates that there is no relevant officer whereas there is now a conservation officer in post, as he alluded to, and we have another part post available, which we intend deploying to address the issues in question.

Mr President, things have moved on significantly since the earlier Department events, or non-action. We have an entirely new administration and a forward-looking Programme for Government with explicit heritage building commitments. The work has already commenced, so I believe very strongly that setting up a select committee at this stage will at best duplicate the workstream that has already started and at worst leave my officers to conclude that they should cease their present endeavours and use valuable resource elsewhere until the committee has reported. Now, we all know about select committees: six, nine months of talking – I have sat on
select committees – then it goes through the Council of Ministers process. So I think if a select
committee is set up it will be this time next year before we have a report that will have
recommendations that the Department will presumably wish to act on. To me, that is not the
right way forward. It would be foolish for the Department and officers to do a lot of work in the
meantime if they feel that a select committee is going to unravel some of that or make
recommendations contrary to the workstreams that we have already started.

We also have a report very shortly coming, I expect to Tynwald in the longer term, on our
vision for planning, and within that vision for planning – this is ‘Planning for the Future’ – I can
assure Members, having been involved in that process, that there is a substantial section
referring to our historic buildings and heritage. For reassurance, the 275 buildings referred to
that are pending registration are now being reviewed from this week – or last week – with
officers already starting to work through the list to identify the highest priorities and equally to
consider those which are of lowest importance – or, in some cases, I suspect, probably no longer
exist. But they cannot do everything at once, so please let them keep working, without
distraction, on the matter in hand. I am confident that the list will be substantially dealt with
during the term of this Parliament and new worthy buildings brought within the registration
process. At the same time, as well as being committed to review the present list of buildings to
ensure that they are properly registered, we really want to expand as soon as possible into a
hierarchy system so that there is, as there is in the UK, a system where buildings are grade 1, 2
or 3, so owners know what responsibilities they will have going into the future.

Consequently, I would ask Members not to support this motion. I think it has the capacity to
distract or halt work already in process. There is no reason whatsoever ... if the Hon. Member
feels we are not making proper progress then he can bring the motion back to Tynwald, as
indeed the hon. seconder can with her motion. It has, after all, taken two years to get here.
Please consider whether we could perhaps wait another few months to determine whether or
not we are making progress. We will also shortly review the Programme for Government, a living
document, and if Members feel that additions or further drivers are required within that review,
then that possibility is available to them.

With regard to consultative bodies, we already have a number of organisations, such as the
Conservation Forum, which I understand has been doing excellent work and they are about to
report imminently, from what I understand. Manx National Heritage are there and I welcome
their engagement. It is a stated aim of mine that we should, if possible, try and contract out or
engage with third-party organisations with expertise to enable them to carry out the primary
screening of properties and make recommendations, but I think at the end of the day
Government should take advice but be the final arbiters when it comes to the decision whether
to register a building or not register a building. I will just explain my rationale behind that.
Organisations that offer advice, their membership can change and their objectives can change,
and I would cite the RSPCA, which has gone from a very benign organisation to an organisation
that has policy objectives that sit outside of its membership’s real core objectives. I am not
saying that the Conservation Forum or Manx National Heritage will go down that path, but at
the end of the day we need to have safeguards.

Mr President, at Department level we do not want to just talk about doing things. My ethos
and my Department’s ethos is that we will do things and deliver in accordance with the
Programme for Government. Consequently, Members, please give us time to make that
difference and carry through the workstream that we have already set in motion. Do not
support this motion to set up a select committee that is simply going to divert attention from
the main aims of my Department at the moment.

Thank you very much.

A Member: Hear, hear.

The President: Hon. Member for Douglas East, Mr Robertshaw.
The Deputy Speaker: Thank you, Mr President.

Contrary to the general theme of this debate, I will make my comments short, succinct and to the point.

I have listened very carefully to both the mover and the seconder in their passionate arguments, but I am also persuaded by the drive, commitment and energy the Minister has shown in his determination to pursue these very important matters, and I think DEFA should now be given the opportunity to make their points and to come forward and show that they are sincere in their determination to pursue this.

What I really want to say, though, is to comment on a remark made by the Member for Garff with regard to the Regeneration Committees. For all those who have worked in recent years to bring forward regeneration programmes wherever they are around the Island, I would like to thank all those people and commend them for all the work they have done – and I cannot associate myself with her derogatory and dismissive remarks in that regard.

Thank you, Mr President.

The President: Hon. Member for Ayre and Michael, Mr Baker.

Mr Baker: Thank you, Mr President.

In principle, I fully support the spirit behind Mr Cretney’s motion and I totally understand why it is in front of us today. In other circumstances I would be giving it my wholehearted support.

Protection of historic buildings has been sadly lacking under the previous administration and for the first few months of this administration, leaving us with a queue of 275 buildings awaiting consideration. This is an issue which resonates with the public, who feel we must do better – and they are right.

The key priority is for that backlog to be addressed and the Department has recognised that and started to take action. As the Hon. Minister of the Department has stated, an outline plan has been developed and further work is now in train and it was specifically covered in good depth at the Department meeting this week.

My concern is that approval of this motion will actually further delay achievement of what the motion is actually trying to achieve. Scarce resources will be diverted away from the core job, which is to protect these buildings which are undoubtedly a valuable part of our heritage, and that would be truly an unintended consequence.

The Department can and should and is willing to be held to account on this matter, and this will take place through the ongoing monitoring associated with the Programme for Government, where this is a key indicator, and clearly by this Hon. Court. In my view, the best interests of those who have a heart for our historical buildings is served by letting the Department focus directly on addressing this backlog for now. If it fails to deliver over the coming months, then a further Tynwald motion could be brought forward to address it, but for now I would ask for your support for the Department to have the benefit of the doubt.

Thank you.

The President: Hon. Member, Mr Harmer.

Mr Harmer: Thank you. I will just be, again, very brief.

I wish to rise to support very much the spirit of the motion in the sense of the Petition that happened two years ago. I believe that heritage is vitally important. However, I do actually think that timing is everything and I think bringing it at this time is a distraction, will take away what the Department are trying to do and will actually make things … and not achieve the outcomes that we all want.

At the end of the day, we need to support the Minister, we need to support what the Department are doing, and as the Hon. Member Mr Baker said, if in the coming months we do
not have that delivery then by all means question and move forward that way, but I do think timing is everything and this is bad timing.

Thank you.

8080

**The President:** Mr Cretney to reply.

8085

**Mr Cretney:** Thank you, Mr President.

Just to clarify for any Hon. Members, the presentation which we had at the Department meeting which has been referred to by several Members ... in fact, the suggestion was that I sat through the meeting. This resolution was down on the Tynwald agenda well in advance of that Department meeting and I made it clear that if officials or the Minister wished me to leave the meeting, if they felt I was conflicted, I would certainly do so. I was not taken up on that. So I just want Members to realise that I was not just sitting through a meeting playing games or anything; I did raise several points.

I understand the commitment that Mr Boot has demonstrated and I am very supportive of that. As I said earlier, I do believe that both workstreams in tandem could benefit what we are talking about here.

I would like to thank the Hon. Member for Garff, Mrs Caine, for seconding and for her well thought out comments.

I acknowledge that Mr Boot says that he is interested in what is going to happen in the future. I certainly am interested in what is going to happen in the future. The Programme for Government has imposed measures on the Department which it will have to adhere to. It will have to make progress. I acknowledge all of that.

8100

The resolution, the Petition, was down in advance of the meeting and there was no advance knowledge that that meeting was coming up. I am sure it is not a coincidence.

Mr Robertshaw – DEFA should be given the opportunity. Mr Baker – the backlog to be addressed. Mr Harmer – bringing it at this time is a distraction. I acknowledge all of those points. This Petition has been down for such a long time. I wanted to move it in 2015. I was persuaded not to. That was the wrong decision; I should have moved it then. There has been good work which has gone on in terms of the Building Conservation Council and the Isle of Architecture. There has been lots of good stuff going on, but we are so far behind. That is why the Petition is here today.

I ask Hon. Members to acknowledge that both workstreams could happen in tandem, and I beg to move.

8110

**The President:** Hon. Members, the motion is at Item 40 and it is in the name of the Hon. Member of Council, Mr Cretney. Those in favour of the motion, please say aye; against, no. The noes have it.

8115

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

*In the Keys – Ayes 5, Noes 18*

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Mr Harmer  
Mr Hooper  
Mr Malarkey  
Mr Moorhouse  
Mr Perkins  
Mr Quayle  
Mr Shimmins  
Mr Skelly

The Deputy Speaker: Mr President, in the Keys, 5 for and 18 against.

In the Council – Ayes 2, Noes 6

FOR  
Mr Coleman  
Mr Cretney

AGAINST  
Mr Anderson  
Mr Corkish  
Mr Crookall  
Mr Henderson  
Mrs Poole-Wilson  
Mr Turner

The President: And in the Council, 2 for and 6 against. Therefore, the motion fails to carry.

Announcement of Royal Assent

The President: Hon. Members, I am very pleased to announce that Royal Assent has been given this evening to the Bills of Exchange (Amendment) Act 2017, the Equality Act 2017, the Fraud Act 2017, the Income Tax Legislation (Amendment) Act 2017, the Insurance (Amendment) Act 2017, the Police Detention and Bail Act 2017 and also to the Safeguarding and Clergy Discipline Measure (Isle of Man) 2017.

You will be pleased that Royal Assent was given this evening and came before tomorrow.

Supplementary Order Paper

Papers laid before the Court

The President: Hon. Members, the Report of the Standing Orders Committee on this year’s Tynwald Day Petitions is on the Supplementary Order Paper in the usual way. There is also an Appointed Day Order made under powers which have just been granted by the Equality Act 2017. Do I have the Court’s consent that these items be laid before Tynwald? (Members: Agreed.)

I call on the Clerk to lay papers.

The Clerk: Ta mee cur roish y Whaiyl ny pabyrn enmyssit ayns aynr nane jeh’n Chlaare Obbyr Arbyllagh.

I lay before the Court the papers listed at Item 1 of the Supplementary Order Paper.
Documents subject to no procedure

Appointed Day Order

8135 The Equality Act 2017 (Appointed Day)(No. 1) Order 2017 [SD No 2017/0221] [MEMO]

(subject to Royal Assent to the Equality Act 2017 being announced)

Report

Standing Orders Committee of Tynwald Third Report for the Session 2016-17: Petitions for Redress [PP No 2017/0100]

(Standing Order 10.9(2) permits the time limit for the circulation of a paper to be varied by the President with the consent of the Court.)

The President: Hon. Members, that concludes the Order Paper. Remarkably, and perhaps unbelievably, we reach the end this evening in anticipation that a late end tonight would mean we would end tomorrow, but by good discipline on your part we have thoroughly considered the Order Paper and completed it, which means that the House and the Council now suspend their work for the summer.

Contrary to belief in some quarters, Tynwald and Government does not go into a state of suspended animation or hibernation for three months. Parliamentary and Government activity continue, and your work, Hon. Members, continues to be carried out until we next meet in October, and I think that point should always be emphasised. (Two Members: Hear, hear.)

I have been asked to announce by the Minister for Policy and Reform that the Tynwald Members’ breakfast meeting scheduled for 8.45 tomorrow on the subject of the single resident record will now take place at 11 a.m. and brunch will be served, I am advised, instead of breakfast – venue to be confirmed.

Hon. Members, the Council will now withdraw and leave the House of Keys to transact such business as the Deputy Speaker may place before it.

The Council withdrew.

House of Keys

The Deputy Speaker: Hon. Members, as there is no further business before us, this House now stands adjourned until its next meeting on Tuesday, 17th October in Tynwald Court.

For those of you with continuing heavy workloads, I do hope you find ample opportunity for a proper break and may the sun shine on you all.

Members: Thank you.

The House adjourned at 10.24 p.m.