

**REPORT OF PROCEEDINGS OF
LEGISLATIVE COUNCIL**

**Douglas, Tuesday, 23rd March 1999
at 10.30 a.m.**

Present:

The President (the Hon Sir Charles Kerruish OBE LLD (hc) CP), the Lord Bishop (the Rt Rev Noël Debroy Jones), the Attorney-General (Mr W J H Corlett), Hon C M Christian, Messrs E A Crowe, D F K Delaney J R Kniveton, E G Lowey, Hon E J Mann, Messrs J N Radcliffe and G H Waft, with Mr T A Bawden, Clerk of the Council.

The Lord Bishop took the prayers.

Chief Officers Group – Meetings – Legislative Programme – Question by Mr Lowey

The President: Now, hon. members, turning to the agenda paper, we have one item for consideration this morning and that is questions and I call upon Mr Lowey, the hon. member, to ask the question standing in his name at item 1.(1).

Mr Lowey: Thank you, Mr President. I beg leave to ask a member of the Council of Ministers:

- (a) *How many meetings of the Chief Officers Group have taken place during the last 12 months;*
- (b) *who receives copies of the agendas and minutes of the meetings; and*
- (c) *how often has the group discussed the government's legislative programme and to what effect?*

The President: The hon. Mrs Christian to reply.

Mrs Christian: Mr President, during the last 12 months the Chief Officers Group met on 10 occasions. As is the practice with committees inside and outside of government, following on from the conclusion of each meeting a copy of the minutes was circulated to those who are normally represented on the group.

During the period in question the Chief Officers Group discussed government's legislative programme on four separate occasions. On each occasion the progress of the legislative programme was discussed, as were the reasons for delays in its progression.

The President: A supplementary, sir.

Mr Lowey: Would the minister not agree in response to her answer, sir, that notwithstanding they discussed it on four occasions, to finish up like we have at the moment, something is seriously wrong with the government programme or those who actually implement it. Can I liken the thing to a factory floor. If -

The President: Hon. member, a supplementary question, please.

Mr Lowey: Yes, indeed. A supplementary question, Mr President, is if the Chief Secretary was a progress chaser, would his position be in jeopardy?

Mrs Christian: Mr President, the hon. member's question relates, I presume, to the legislative programme in particular.

Mr Lowey: Indeed.

Mrs Christian: The response to that, Mr President, is that the Chief Secretary does not have sole responsibility in the sense of it being in the hands of civil servants. Politicians and other people are also involved in the progression of the legislative programme and I think that to lay it at the civil servants' door entirely is somewhat unfair.

Mr Lowey: Could I ask a further supplementary then?

The President: Yes, sir.

Mr Lowey: Are the minutes of these meetings where this is discussed given to the politicians? In other words were the actions taken by the civil servants then relayed to the politicians? If there is a partnership, which the minister is implying, then I presume these minutes are given to politicians as well.

Mrs Christian: Mr President, the Chief Minister peruses the minutes of the chief officers' meeting. I am not aware that they are circulated to any other politicians, but notwithstanding the circulation of any minutes, I think that so far as departments are concerned, the view of the Chief Minister has been to express concern about the legislative programme, and all the politicians involved are aware of that concern and are invited to take what steps they can within their own departments with regard to the Bills which the department seek to bring forward to do what they can to accelerate that.

Mr Delaney: My question deals with part (b) of this and follows on from Mr Lowey's question. When can Members of the House of Keys and this hon. assembly read or peruse copies of these minutes of meetings of officers of the government, the government which we are charged by the public to make sure runs for the benefit of them? Where can we peruse these minutes?

Mrs Christian: I am not aware, Mr President, as I indicated before, that those minutes are circulated or available to all members. The Chief Minister does peruse them and is content with the minutes. I presume he would raise the matter politically with other people.

Mr Delaney: Mr President, may I ask then, is the minister aware that the Chief Minister is appointed by Tynwald and the fact is we also make up the government in small part as it may be and have a right as elected representatives of the people to read all minutes dealing with government policy? That is our function.

Mrs Christian: Mr President, I will raise the hon. member's concern with the Council of Ministers to consider whether or not it is felt appropriate that these minutes should have a wider circulation.

Mr Kniveton: Mr President, I would like to ask the hon. minister when did the meetings of the Chief Officers Group first commence and who was the instigator of these meetings?

Mrs Christian: Mr President, I do not think that the group has been in operation for very long. It has been running certainly since 1966, possibly a little earlier than that.

The function, I think, primarily of that group is to make sure that departments understand what is going on across government, and part of the criticism of government has been that there is not enough interdepartmental understanding. Part of the function of this group is to make sure, at least at civil servant level, that the right hand knows what the left hand is doing, and to that extent I think it is a very useful forum.

Mr Lowey: Would the minister not agree that halfway through this parliamentary session the amount of government legislation being produced to the branches is hardly satisfactory?

Mrs Christian: Mr President, certainly in terms of the timetable which has been set out for the progression of legislation it has to be measured as unsatisfactory. On the other hand it is down to individual departments to progress that legislation as they see appropriate and one can only assume that if they are not bringing legislation forward it is because they have not reached a point in developing that legislation which the department considers to be satisfactory. Now, there may be a lot of underlying reasons for that. There may be a consultative process that needs to be fulfilled. There may be difficulties in relation to getting sufficient input from other people or in consultation with the legislative draftsmen and so on. I am quite sure that the legislative draftsmen have a very full programme. So there are reasons and it is down to the departments to progress their legislation as they see fit.

Mr Delaney: My question -

The President: Sorry, sir, the hon. Mr Crowe.

Mr Crowe: Thank you, Mr President. Would the minister agree that there seems to have been a fundamental change in the passage of legislation through the branches in that it now seems to be coming to the branches in almost final form rather than in, shall we say, a raw state which would be debated and amended through debate in the branches?

Mrs Christian: Yes, Mr President, I think that has to be recognised, that perhaps the refinement of the legislation is taking place in the departments before it comes to the branches. I think that might be evidenced by the fact that we rarely see amendments or not to the extent that we used to, and there certainly appears to be much less debate in another place on legislation than perhaps there used to be.

Mr Delaney: Can I ask the hon. member, who has been kind enough to say she will take my concerns about the public and representative input into this, if she will also take back my concern that as far as we know at the moment, there could very well be a different agenda from the heads of departments' policy and the Chief Minister's than there is from all the representatives of the public represented in Tynwald and until that reassurance is given the public will not be satisfied?

The President: Are you making a statement, sir?

Mr Delaney: I am asking will she take that back, Mr President.

The President: Certainly.

Mrs Christian: Mr President, I will express that view to the Council of Ministers as it has been expressed by the hon. member. Whether or not there is any underlying evidence for what he says -

Mr Delaney: We do not know: we cannot get the minutes.

Mrs Christian: Well, Mr President, the policy of the government is to be driven by the government. If it is felt that it is not being moved along it is for government to deal with the Chief Officers Group to progress that, but the question of an alternative policy being progressed, which does not lie comfortably with government's policy is what the hon. member has implied, and I am not quite sure that there is any evidence to back up that statement.

Mr Delaney: We cannot get the evidence.

The President: Hon. member.

Mrs Christian: Well, we ought to be able to see it in the policy that is being pursued.

Mr Lowey: Could I have one final supplementary, Mr President?

The President: You can, sir.

Mr Lowey: What is the role of the Chief Secretary in all of this, minister?

Mrs Christian: Mr President, the Chief Secretary chairs the Chief Officers Group and they act under terms of reference which provide, if I may reiterate what the Chief Minister has told members before in answer to a previous question, a forum for chief officers to raise issues of policy, management and common interest and to report on matters from their departments, to consider issues emanating from decisions of the Council of Ministers which have a bearing on the work of the department and the managerial implications thereof, to sit as a consultative and advisory forum upon specific issues that are referred for consideration by for example, the Council of Ministers, the Treasury, the Civil Service Commission and to develop something of a think-tank for the overall direction of government, and to generate initiatives that are not covered by the remit of other groups or committees.

Mr Lowey: - Could I just say that that is the role of the Chief Secretary in this committee, but what is the role of the Chief Secretary? Is it not to get the government business through?

Mrs Christian: Indeed, Mr President, that is part of his function.

Mr Lowey: He is obviously failing.

The President: Hon. member, we are getting to a stage now where the questions are becoming, I think, increasingly ridiculous and I think we have to pose questions in relation to the major question without entering into what I would call a form of debate and this is what we are getting to right now.

Mr Lowey: I take your point, sir.

Patient's Charter – Introduction – Question by Mr Lowey

The President: Now, we are getting on to question 2, and I call the hon. Mr Lowey.

Mr Lowey: I beg leave to ask the Minister for Health and Social Security:

When does your department intend to introduce a Patient's Charter?

The President: The Minister for Health and Social Security to reply.

Mrs Christian: Mr President, in referring to a Patient's Charter I presume that the hon. member is speaking about something on the lines of the United Kingdom Patient's Charter which was introduced in April 1992. According to the UK Department of Health it was

introduced with the aim of improving the quality of care delivered to patients by recognising the importance of identifying and being responsive to patients' needs.

That the UK Patient's Charter has not been the success hoped for is evidenced by the fact that in June 1997 the Secretary of State for Health asked Mr Greg Dyke to develop proposals for the content, style and format of a new NHS charter to replace the current Patient's Charter. That exercise was completed in November last year and the report was published by the UK Department of Health in December. In announcing the publication the department announced that the government believes Mr Dyke's report is a helpful starting point from which to develop a new charter programme and proposes to consult widely on such a programme in the New Year.

As part of the Dyke review the King's Fund undertook extensive research amongst NHS staff, carers and patients to discover whether they believed the charter had been effective and had contributed to an improvement in the quality of the service delivered by the NHS to the patient. Dyke reports that the results of the research are pretty conclusive: the Patient's Charter failed. According to the King's Fund Report on their research 'the overwhelming view of the Charter amongst those who had experienced it was of limited usefulness.'

It is clear, therefore, that whilst a Patient's Charter remains in existence in the UK, it has been severely compromised and is likely to be replaced by a quite different approach to achieve its original aims. These aims, improving the quality of care delivered to patients by recognising the importance of identifying and being responsive to patients' needs, are of course equally valid in the Island and I am more than happy to confirm that they are central to our thinking in the department, both at political and service management levels.

Both government centrally and the department in particular have aims and objectives which reflect those principles. Indeed one of the department's key objectives as set out in the policy document is to develop the quality of services to the public, and I would refer the hon. member to paragraph 15.6.6 of the policy document for examples of initiatives being taken to give effect to that objective.

The President: A supplementary.

Mr Lowey: I thank the minister for her reply. Would the minister not agree - and I am pleased with her reply, sir - that consultation is the order of the day? Will she give an undertaking that she will consult with patients in the Isle of Man in pursuit of her policy?

Mrs Christian: Mr President, the policy group first of all accept that Patient's Charters are a good idea and are working on provisions in individual areas to develop good practice documents. Certainly it is the objective of the department to consult with patients. In fact very shortly I expect that we will be asking patients to comment when they have been subject to hospital treatment. We have documentation ready to do that and it will be going out very shortly, I expect.

Mr Lowey: I thank the hon. minister for her reply, sir.

Mr Waft: Mr President, would the minister agree with me that there are already designated staff establishing quality assurance throughout the service and would she agree that she is satisfied with the service provided?

Mrs Christian: Mr President, I think none of us would be complacent enough to say that we are satisfied with the service provided. One can always strive to improve upon it. However, I would acknowledge and agree with the hon. member that we do have people who are designated in different areas to look after the quality issues in delivery of our service. Individual areas do publish and develop their own good practice documents as they see appropriate to their individual areas.

Clearly setting standards in some areas can be very difficult because of manpower capping, waiting-lists, theatre availabilities and so on, but we do think it is appropriate to set out what should be best practice in those areas and indeed have been doing and are furthering developing that, and we believe that staff at all levels should be involved in developing such good practice documents.

Mr Waft: Mr President, would the minister like to clarify the implementation of the need for Praxis to come to the Island, which is a voluntary health group for that sector of the community? Perhaps that needs to be addressed? Would she agree with me that there is a need to check that those staff are vetted by the DHSS rather than the firm itself?

Mrs Christian: Mr President, in terms of the contractual arrangements with Praxis which the department will be entering into, I will undertake to check whether or not the department is likely to be checking on staff.

I cannot make a categorical statement at this point as to what the arrangement will be, but I will note his comments and examine and investigate what the arrangement will be with Praxis.

Casino Licence – Question by Mr Lowey

The President: Question 3, hon. members, the hon. Mr Lowey.

Mr Lowey: Mr President, I beg leave to ask a member of the Council of Ministers:

In the event of a takeover of the holder of a casino licence proving successful, is the new owner required to apply for a fresh licence?

The President: The hon. Dr Mann.

Dr Mann: Mr President, the short answer is if a body corporate is the holder of a casino licence and if a takeover does not affect the body corporate, then the new owner is not required to apply for a fresh licence.

To clarify that a little further in anticipation of the supplementary question, the licensee is, in this case, the Stakis Hotel and Casino (Isle of Man) Limited and I am informed that the takeover by the Hilton Group has not affected the share capital of the licensee and therefore there is no need under the conditions of the casino licence to apply for a fresh licence.

The President: A supplementary, sir?

Mr Lowey: Would the minister not agree that if the casino is in effect taken over by another body - I am not into the intricacies of capital transfers and all the rest of it - if in effect there is a change of ownership, then surely the licence should be in the hands, and I am quite happy that the new owners will be people who are experienced in running casinos? My question is, if there is a changeover, then it should be subject to the local scrutiny that we

require of the original licence holder, because I do not believe it should be allowed to fall into hands that we would not approve of?

Dr Mann: The Gaming Control Commissioners of course have a responsibility first of all to see that the casino licence is in the hands of people of integrity. The licensee also has a responsibility to inform the Gaming Control Commissioners of any change of beneficial ownership, but the Gaming Control Commissioners have the responsibility to ensure that the 'new owners', in fact the new beneficial owners, are people of integrity. That is the position. The Gaming Control Commissioners of course have the ultimate reserve power to review the casino licence if they feel there is that need.

The President: A further supplementary, sir.

Mr Lowey: What is the cost of the annual licence and will the new beneficial owners have to pay a new licence fee or is it just transferring the old licence over?

Dr Mann: It is not a matter of transferring the old licence. The old licence is in existence. The licence is in existence to the Manx company that hold it. They do pay a minimum sum of £174,570 plus any variations in the retail price index each year and that is at the point of renewal of the licence each year.

Mr Crowe: Could the hon. minister tell us when the present licence comes up for renewal and also does the government have the power to issue more than one licence?

Dr Mann: I understand, if I recall and I must say this is from memory, there is an ability to issue a second licence by government. A second licence has not been issued and historically has not been issued.

Mr Lowey: One final supplementary: would there be a separate provision for the casino licence, for example, Ladbrooks rather than Hilton Hotels?

Dr Mann: I can only repeat, Mr President, that the licence is held by the Stakis Hotel and Casino (Isle of Man) Limited and not by Hilton.

Mr Lowey: Okay.

The President: Well, hon. members, that concludes our scrutiny of item 1 and the only item on the agenda paper this morning for public scrutiny. The Council will now sit in private, hon. members.

The Council sat in private.