

REPORT OF PROCEEDINGS OF TYNWALD COURT

Douglas, Thursday, 22nd February 2001
at 10.30 a.m.

Present:

The President of Tynwald (Hon N Q Cringle). In the Council: The Lord Bishop (the Rt Rev No'1 Debroy Jones), the Attorney-General (Mr W J H Corlett QC), Hon Mrs C M Christian, Messrs E A Crowe, D F K Delaney, J R Kniveton, Dr E J Mann, Messrs J N Radcliffe and G H Waft, with Mr T A Bawden, Clerk of the Council.

In the Keys: The Speaker (Hon J D Q Cannan) (Michael); Mr L I Singer and Hon A R Bell (Ramsey); Mr R E Quine OBE (Ayre); Mrs H Hannan (Peel); Hon W A Gilbey (Glenfaba); Hon S C Rodan (Garff); Hon D North (Middle); Mr P Karran, Hon R K Corkill and Mr G T Cannell (Onchan); Messrs J R Houghton and R W Henderson (Douglas North); Hon D C Cretney (Douglas South); Mr R P Braidwood and Mrs B J Cannell (Douglas East); Mr J P Shimmin and Hon A F Downie (Douglas West); Hon J A Brown (Castletown); Hon D J Gelling (Malew and Santon); Mrs P M Crowe and Mr J Rimington (Rushen); with Prof T StJ N Bates, Clerk of Tynwald.

The Lord Bishop took the prayers.

Apologies for Absence

The President: Hon. members, we have an addition to our apologies this morning: the hon. member for Council, Mr Lowey, who is off the Island on Department of Tourism business.

New Police Station — Lower Douglas — Expenditure Approved

The President: Hon. members, we had completed the order paper up to item 12, and therefore I call on the Minister for Home Affairs to move item 13 on the order paper.

Mr Bell: Thank you Mr President, I beg to move:

That Tynwald approves the expenditure of a sum not exceeding £1,007,000 in relation to the customisation and fitting out of the building to be constructed at 6, Lord Street, Douglas, in developing it as a fully operational police station.

Mr President, it is the Isle of Man Police Constabulary's policy, endorsed by the Department of Home Affairs, that Douglas uniformed officers should be located at a site in lower Douglas within close proximity to the business, town centre shopping and entertainment areas. This will provide a fully operational police station with public enquiry facilities without the general public having to travel to Glencrutchery Road, assist in relieving the present overcrowded conditions which exist at headquarters and allow for the establishment of the constabulary to be changed in future years, as demands change, without the need for additional premises in the near future.

The space released at headquarters will enable the provision of a dedicated training section, a dedicated incident room and private offices as opposed to general offices, and will also enable the proper storage of records and exhibits for prosecutions. The provision of additional custody within Douglas will provide suitable overflow facilities to headquarters, be located near to the courts and would help to eliminate excessive travelling between non-Douglas stations by officers and advocates.

Discussions have taken place with DoLGE to identify suitable sites, and the one that best meets both operational requirements and timescales has been identified as the new development by Fort Street Investments Ltd on the old bonded warehouse site, 6 Lord Street.

Detailed planning approval has been obtained by the developer for an office development and it is anticipated that alterations to meet the specific needs of the police can be accommodated within the proposed building, with occupation possible within 12 to 15 months from the projected start date in May. Planning approval has already been given to allow the change of use for the building.

The property is available on a long lease of 21 years, with an option for the department to purchase after the first three years' rental review. Secure parking for seven police vehicles will be available within the ground floor area of the building, with another nine parking spaces within walking distance. Additionally, DoLGE have identified a further five parking places for police use.

The preferred solution offering best value for money and realisation of the operational and financial benefits is that, in return for the department agreeing to enter a 21-year lease with an annual rent of £173,000 for the whole building, the developer will carry out the specialist requirements of the department - that is, an additional staircase and passenger lift, provision for four cells on the first floor and additional height for police vehicles at ground floor level - and seek reimbursement from the department as an outright payment. In addition, the department would need to fund such fitting-out items as data telecoms cabling, security locks and general security systems for the new facility, kitchen, catering facilities, et cetera. The estimated cost of this, plus the employment of a quantity surveyor who will have responsibility for ensuring that the interests of the Isle of Man Government and the Department of Home Affairs are safeguarded in relation to obtaining best value for money, is £1,007,000.

The developer has indicated he is prepared to enter into an agreement, and additionally, in relation to the work associated with the building modifications, to convert it into a bespoke police station. The developer has agreed that any savings resulting from costs being lower than anticipated will be passed on to the department. The building agreement will also contain an option whereby the department can purchase the freehold interest after the third year rent review.

The Department of Home Affairs wishes to recommend the above proposal on the grounds that, subject to the availability of funds, this would provide a building in the shortest period of time, thereby easing the current shortage of accommodation in police headquarters. Additionally, it is difficult to foresee when another suitable site will become available, given that the majority of sites in lower Douglas have now been, or are in the process of being, redeveloped.

Mr President, the recommendation of the business case was that Treasury concurrence and the approval of this hon. Court should be sought for the funding required to customise and fit out the building to allow it to operate as a police station. As I have said, this cost currently stands at just over £1,000,000. The establishment of a new police station in this location will set the future for enhanced policing in central Douglas, and I beg to move.

The President: Hon. member for Onchan, Mr Cannell.

Mr Cannell: I beg to second, Mr President, and reserve my remarks.

The President: Hon. member for Douglas West, Mr Shimmin.

Mr Shimmin: Thank you, Mr President. Obviously as a Douglas member I am very supportive of this and, as a previous member of Home Affairs, I am absolutely delighted that the minister and the department have managed to come forward with such a beneficial scheme. Whilst I was in the department we were looking, but I am astonished to see this coming forward so quickly with a completion date possibly so imminent, and I give the minister congratulations and wish him the best of luck with this project, sir.

The President: Hon. member for Douglas North, Mr Houghton.

Mr Houghton: Yes, thank you, Mr President. I also welcome the re-establishment of a substantial police station in the heart of Douglas town centre after a hiatus of some 22 years.

The nucleus of police operations in town will have a great effect towards public confidence and reassurance and, hopefully, a reduction in crime, especially disorderly behaviour et cetera. When I remember, as a young special constable, I would turn out from the old Douglas police station in Church Street with a section of men to patrol the streets on foot, in addition to two mobile patrols at that time, covering the north and the south of Douglas, I recall about seven regular constables lining up in the parade room for pre-duty inspection before going onto the streets, supervised by a section sergeant. The force has virtually doubled in manpower today and I would therefore expect to see a substantial level of uniform manpower lining up for duty at the new police station in Douglas, and not like the new police station in Port Erin, where there are numerous complaints regarding the unavailability of officers on many occasions. In fact when the station is closed to the public, telephone calls, of course, have to be redirected to police headquarters in Douglas.

Therefore, Mr President, I would expect this new police station to be operational for 24 hours a day without fail. This is otherwise a worthwhile investment for the busiest town in the Island and I wish the constabulary well. I congratulate the Minister for Home Affairs with this new and worthwhile asset for Douglas, sir. Thank you.

The President: Hon. member for Douglas East, Mr Braidwood.

Mr Braidwood: Thank you, Mr President. Mr President, I am also supportive of this motion, but I was a little bit concerned initially because the project had mushroomed from a cop shop in the proposed new development on Lord Street bus station to a fully manned police station with cells, and I appreciate that now the police headquarters is having considerable problems, it is bulging at the seams, particularly with increase in the police establishment. I think the police headquarters was only designed for 107 police officers; I think it has got over 200 now, and particularly because of the evidence which has to be retained on the premises and is not allowed to go to a contingency site. I think the site is probably in the best location, particularly in lower Douglas, in that area which has had in the past a lot of problems with disturbance, and I am sure that where it is situated the police will be able to respond quickly to any problems in that area. Thank you, Mr President.

The President: Hon. member for Douglas South, Mr Cretney.

Mr Cretney: Yes, Mr President, just to ensure that all areas of Douglas are covered in their support of this resolution before Tynwald today, I would, on behalf of the residents of South Douglas, wish to also offer my support. I do not remember patrols lining up or whatever in the old police station. However, I am old enough and am long enough a citizen of Douglas to remember the convenience that was available to the people of Douglas (**Mr Houghton:** Hear, hear.) at that time. It was then reduced substantially subsequently when the police presence was altered and the new station was opened. I think it has been a matter of regret to a number of people for some time that we have not had a substantial presence. So therefore, I very much support the resolution which is before the hon. Court today. I think it is something that will be welcomed widely.

The President: Hon. member for Rushen, Mrs Crowe.

Mrs Crowe: Just to give the new police station all-Island support, Mr President. I too do support this move for the Douglas constabulary, but I would like to ask the minister if he does consider that seven parking spaces plus, I know you mentioned, an additional five are sufficient for the number of staff that will be working in the building and presumably any visitors that may wish to call upon it. Thank you. (*Mr Downie interjecting*) (*Laughter*)

The President: Hon. member for Onchan, Mr Karran.

Mr Karran: I think, Eaghtyrane, before we get ourselves wrapped up into a frenzy on the law and order issue, I think we need to know what sort of costs are involved as far as the purchase of this property.

Mr Houghton: It has been done.

Mr Karran: No, it has not been done. No, I am afraid, Eaghtyrane, he has not done that. We have been told that we have got a three-year lease and then we have got to negotiate, with the greatest respect. I think that we need to know what sorts of costs are going to be involved in buying the freehold of this development.

I am a little bit concerned that we have seen in this hon. Court it was one of the buzz words, 'financial development area', and we are putting a police station in a part of that financial development area. You know, this was going to be a City of London alternative to the United Kingdom and now we see we are filling part of this area that we have designated for this development area for a police station.

We were told that the courthouse. . . and the police station there was not needed. As a former member of the Home Affairs Department, I battled hard about this idea of getting rid of police stations out of the centre of the community. I can remember battling with the then minister about selling off Port Erin police station for £50,000 and saying, 'Let's hold on to it.' Oh no, our new idea was we were going to go off and have this super-duper place built off the Four Roads and we did not need a police station. Then we find that we have now got to spend a £1 million plus on getting a police station back in Port Erin.

I just am concerned that this proposal is yet another on-the-hoof, knee-jerk reaction. We do not know what is going down in that area at the present time, hopefully we have finally got the DLGE to agree to some sheltered accommodation and some disabled housing going in that area but at the present time we have got about four residents within about a quarter of a mile, I suppose, if you take King Street and James Street in that area. What I am concerned about is that we all want to extend our houses or put a swimming pool on it or whatever, but when it comes down to the reality and the economics of the day, if we had the money, would we spend it? I am just concerned that here we are, we are more likely talking of a substantial amount of millions to put this police station in part of the financial zone in Douglas. I find it amazing, Eaghtyrane, when I hear of mobile phones, fax machines. . . I was talking only a matter of four days ago to a former sergeant when they used to have canes as a way of knocking. . . Here I am told that we are building a police station in a prime site that was supposed to be for the alternative City of London development, and it concerns me greatly, and I just feel that yes, we have got plenty of money and we can spend it how we want and I would rather it be spent on bricks and mortars than maybe lost on some exchange in some far flung land, but at the end of the day I have to ask the question, are we getting good value for money? Is it going in the right place? As a former member of the Home Affairs Department - *(Mr Downie interjecting)* Pardon?

Mr Delaney: He said, 'You've been everywhere else!' *(Laughter)*

Mr Downie: You've been everywhere; you should know!

The President: Hon. members! Continue, Mr Karran.

Mr Karran: As a former member we heard about how we were having new ideas and how we did not need them in Douglas, and what I am concerned about is, I believe that what we need to know is the real financial cost of this development. I believe the question has to be asked, have

we got it in the right location? Are we getting value for money, or is it a matter of there being more money, just throw money here at the problem and not look at the real issues?

Eaghtyrane, I do feel that this House should know the full financial consequences of this proposed development. I think it is important that we do know it, because it will be a great mistake if we just agree this like an open cheque, which is good PR. It does amaze me that when I get told now, 'We've got to have this down here' when we had a situation where we were told that we had got all this modern technology, and I am just concerned about the location of this and that we are putting another long-term commitment onto the taxpayers with this facility.

The President: Hon. member for Castletown, Mr Brown.

Mr Brown: Yes, thank you, Mr President. I am, I have to say, a bit surprised at the comments from the hon. member who has just resumed his seat. Really, some of the points he has made just surprise me. I, for one, am a great supporter and am pleased that we have actually started to reverse what has been a totally disastrous policy for the Isle of Man, which was the policy of centralisation of the police force into Douglas. That is what was going on; that is what has been drifting for 20 years and now we have started to reverse that. The first big battle on that was, of course, the battle to retain a police station in Castletown when the police wanted to go out into an industrial estate. I believe that Tynwald gave its view at that stage that that was not what it wanted. For years members of this hon. Court have stated quite clearly that they want the police where the communities are, not where the communities are not. When the hon. member for Onchan, Mr Karran, says, 'Is it in the right place?' and 'It's a prime site,' I would answer him quite straightforwardly: if you want the police in the right place, they will always be in a prime site, because a prime site is in the centre of your town where the community is, where it works and where it lives. I believe that this development is certainly going to put it as near the best place in the centre of Douglas as it can.

Quite clearly, we have individual communities throughout the Island. They have individual needs, they have their own business centres and all the things that Douglas has, and the police should be policing from within those communities and, as other countries do, you have your regional police force and you have your central back-up which comes from the centre as and when it is necessary to bring those in.

So I support this fully. I congratulate the minister for going forward. I believe that the location is about the best you would get in Douglas because of the way Douglas has developed over the years, and the point that it may well be in the heart of part of the business sector - to me, that is not a bad thing. It is going to be right near where the bus station is, where the vast majority of people are going to be getting on and off the buses. It is going to be (*Interjection and laughter*) near the area of the Sea Terminal and it is certainly going to be in a place where people are commuting on a regular basis. In fact, wherever you are in Douglas, it will be easy to get to if you are in downtown Douglas.

I am welcoming this; I think it is a tremendous way forward. I look forward to other areas being developed. I would just say that I hope, when this is developed, that access to the community and how it is manned will be important, the times the office is open is important, and I would encourage the minister to take it up with the Chief Constable a situation I saw in Edinburgh, which I thought was very good, where they had the police station, which also provided information on a general basis to the public, but the other thing was that the personnel working there were actually in uniform, not a police officer's uniform, but they all had a similar uniform, so that it was quite clear that the person they were dealing with behind the counter was police personnel. I hope that we could adopt something like that so it is quite clear we are dealing with police personnel, albeit they are civil servants, and I think that in itself gives comfort to the public who are dealing

with them. As I say, I believe this is the best site you will find in Douglas and I congratulate the department for doing it.

The President: Hon. member, Douglas North, Mr Henderson.

Mr Henderson: Thank you, Mr President. This is an excellent scheme and it is putting something back into the heart of Douglas at some considerable cost. As illustrated by my hon. colleague earlier, Mr Houghton, the value of having Church Street police station was greatly missed, and this is going back to where we should be at - policing right where it matters and giving the community confidence, and I fully support that. What I cannot understand is the diatribe that has come from opposite me again, another attempt to smother a very good and smashing initiative for the community. It is absolutely unbelievable, and I think in all honesty, the hon. member for Onchan should keep out of Douglas business really and just stick to his own patch. *(Interjections)* This project needs to go ahead and it is welcomed by all other members. It is very useful and I find it is just shocking, the scorn and scuff that is poured over it again here this morning; it is just incredible. This project should be supported. It is excellent, the policing is going back the way we want it and it is something that Douglas does need, and I can speak for many, many hundreds of people when I say that. Douglas does need this project and we fully support it.

The President: Hon. member for Onchan, Mr Cannell.

Mr Cannell: Thank you, Mr President. It is said that you know you are getting old when the policemen start looking young. I know I am getting old when I hear about the third debate on police stations for Douglas, because when I sat on the hon. press bench, I remember all the arguments about this great move out to the country. It was the same with the fire station at Peel Road: it was going to be that the public would not be in touch with anything. Well, the main reason for establishing this is because there has been a complete culture change again in Douglas. I can remember the days of Houghton of Dock Green lining his sergeants up down in Church Street, as well with the coal fire.

Mr Delaney: You had your collar felt, did you?

Mr Cannell: It was very cosy, but they were days that have gone long ago. They were days when, as someone said, the communication was via metal-tipped canes that could be heard ringing along the Douglas promenade and policemen were summoned by switching coloured lights on around the area. But that is not what we are dealing with here now; what we are dealing with here now is a very sophisticated town centre, quite akin with the problems it poses to those of any other major town centre. You might argue that in fact the heart of Douglas has been ripped out by the finance sector development, but it still remains a fact that there are many hundreds of people, thousands of people, working in Douglas during the day and similarly inhabiting it at night for social purposes, particularly at weekends.

So the opportunity to re-establish this - I have to say there is a certain amount of a twinkle in my eye as I do it despite being a member of the Home Affairs Department, because prior to that, of course, when we used to say about re-opening the district police stations, I was accused of policing by nostalgia, but we need not fight that out now. The principle has been re-established. We have a new Chief Constable who is more than happy to take this back out to regionalisation and on into the districts individually. We have been very pleased to see two or three of the police stations which had been closed being re-opened (**Mr Houghton:** Hear, hear.) and with great success too.

But that is not what we are talking about here; what we are talking about here is re-establishing a presence, and it is not just because no-one can be bothered going to Glencrutchery Road, the great distance up to the grandstand. In actual fact the place is bursting at

the seams up there, and it is quite an old building and it is not suitable for modern policing needs. People are working in corridors up there, trying to do a proper job of policing the Isle of Man, sitting at card tables in corridors. Some of the refurbishment which is needed up there cannot be done because the decorators cannot actually get to do it because the people are sitting underneath the walls. So we are talking, not of the days of Heartbeat and Francis Barmouth's being the way of communicating around the Isle of Man, we are talking about a modern police station to take on the challenges which it faces, and I regret to say will probably never again revert to those days of the '50s that we all recall so much and wish to return to. (*Interjections*) We are talking about establishing a presence in area, because although it looks a bit bombed out now, in actual fact that area with the developments which are proposed for the Steam Packet's area, the warehouses, the housing development which is planned for the former bus station on Lord Street - and only last night I looked around it, and pretty awful it looks too - and all the other parts which should come together in that area will be a very important area of Douglas, and if the police can set off from there and the public can communicate from there, that gets shut of all the interim periods we have had.

It all turned round, when in fact it was recognised that the police had to be down in the town, but that was not they had ignored it before; that was because the people came back to town when the culture of inhabiting Douglas at nights, with the better entertainment, and when late night public house licensing and club licensing became possible. The matter had to be addressed. It started off with an establishment in the Villa Marina Arcade, the 'Cop Shop'. That was the start of the come back. There was one other place - I forget where it was, a similar downtown provision. But they were only stop-gaps; they were really information centres and somewhere for one or two people to work from.

This will be a proper lower Douglas police establishment. All right, you can knock it and say we are back where we started, it is not far round the corner from Church Street, but in fact what we are going to have here now is taking the pressure off Glencrutchery Road. Glencrutchery Road will not be going and that in itself is a bit of a hotchpotch when you look at all the bits that are up there. I was on a tour up there the other day with the Social Services. There are buildings just plonked everywhere. No-one ever had a combined scheme. You have got Radcliffe Villas, the St John Ambulance Brigade, the grandstand, the police station, but there is absolutely no co-ordination between the whole thing.

So we will be able to have the police, who matter for policing lower Douglas, in lower Douglas. We will be able to have a proper building and we should improve the service wholesale. Take the pressure off Glencrutchery Road. There will still be people up there who will run the main establishment part of it, but let us get on with it, let us commend this scheme to hon. members and give the police some encouragement, because they have had a pretty awful set of conditions up at Glencrutchery Road and elsewhere for a while, and now we see Port Erin, we see other stations opening. There has been a great culture change in the minister's own area of Ramsey as well; he will tell you about that as well. Probably some more work and money required up there to bring Ramsey into the scheme as well, because in fact Ramsey is also a place that has been running on virtually a sort of gaslight era provision up there as well. I am afraid modern working conditions are not like that, and if we expect the police to give us the return they are giving - and the figures are there for all to see, the crime has been addressed by the police, and they are doing better - they need the encouragement and this is one way. This Court can show that its national parliament wants the police to be accommodated properly so they can serve our public better.

The President: Hon. member for Ayre, Mr Quine.

Mr Quine: Thank you, Mr President. Notwithstanding the historical discourses I am certainly happy to support this particular item. I do so, though, more persuaded by the fact that the existing facility up at Glencrutchery Road is overcrowded and inadequate rather than by the principle that if we pop police stations around in numbers, somehow we are going to produce good policing and going to be more effective in fighting crime. (**Mr Karran:** Hear, hear.) If you look at the number of police stations that we have in relation to population, it is probably quite excessive, and if you relate it to an area in the UK, I am sure, on a population base, we are doing pretty well in terms of the coverage per population.

But that is only part of it. What I have really got on my feet just to caution against is this idea which seems to be abroad, that if we produce police stations that is going to be the answer to the fighting the crime problem. In fact, if you analyse it, you will find it is the other way around: if you produce police stations without good cause - and there is a good cause here, because I have explained that - you are going to have more policemen sitting inside, and they are not going to fight crime sitting inside; you want the policemen out on the street and I believe that in the modern world, with the communications that we have got available to us, we should look critically at any expansion in the number of police stations on this Island. If we are paying rent, you can take that rent and you can say, 'Right, how much per annum for that rent and how many policemen would that put on the street?'

So although my friend, the hon. member for Onchan, has run a little bit wide with his assertions and contributions, I think within what he says there is a very genuine and important point, and that is, as I say, that police stations per se do not produce a full answer to fighting crime. If you are going to fight crime, you want policemen where it matters, not sitting in police stations pushing bits of paper around, not in police stations taking shelter because it is inclement weather; you want them out on the streets committed to fighting crime, and police stations are not going to achieve that for you. Yes, they have got to have a proper base; yes, they have got to have proper facilities, but this idea that we are doing a wonderful job because we are putting police stations or, as some people would suggest, we should pop police stations here, there and everywhere, is not going to make a comparable or equal contribution to fighting crime. If you have got the money, get the men, give the Chief Constable the policemen, and let him get on with fighting crime.

The President: Hon. member for Council, Mr Delaney.

Mr Delaney: Just briefly, Mr President, I suppose of all the members in here I can say that less than 100 yards away from this is proposed I was brought up and spent happy times playing around the Customs House. Whether I would do that now I do not think I would, but the fact of it is that putting a police station back - though it has been said it will not solve crime, what it will do - and this is where my colleague, my friend, Mr Quine, and I would disagree - the police will be seen in the right area. (**Mr Houghton:** Hear, hear.) That is what is important on this side. I give this more than 100 per cent, if it was possible, in political support because it is the right thing to do at the right time. The one thing that I will say at this moment in time: fighting crime is correct; communications nowadays are so different from what they were, instant communication, but what we still need is the one old-fashioned thing which nobody seems to want to address.

Mr Cretney: Common sense.

Mr Delaney: It is the way we treat our policemen, the community and their police. We have gone far too much down the road of what has happened in Britain - 'them and us.' (**Two Members:** Hear, hear.) If we do not have the police as part of our community, us, and we treat them as something different they will be something different, and they will be perceived by the young people coming up as something different, not as their friends but as their enemies, and if

you look across the water the names they are giving them - the 'pigs' and everything else - that is where the problem came in - 'them and us.'

As far as Mr Brown's idea is concerned, the 'policia localius', the local police, the situation is they are our local police. We are too small to have two types of force. We have got to have a situation where we are with them and we look after them because they look after us, and let us get that message out in PR terms to the Manx people and maybe we will not make the mistakes that they made across the water, because that is where they fell down in Britain, once the blue light brigade went and they became these strangers in uniforms that caused nothing but trouble to the community. Look at any TV programme, you see it: *The Bill* and all this; it is the wrong image for the police, and the coming-up young people are frightened of the police and see them more as an enemy than a friend, and it is we, the older generation, who caused that problem. Until we cure that problem on this Island we will follow Britain down the road to 'them and us' and I think that is bad for law and order generally. Thank you, Mr President.

The President: I call upon the minister to reply to the debate.

Mr Bell: Thank you, Mr President. Some interesting comments. The general tone, though, I think, is one of support and I thank all hon. members sincerely for that. Briefly, I would just like to generally answer a couple of points, and that is that the decision today which we are putting to hon. members is not something that has been made on the hoof, it is not something that has just been thought up as a political gimmick for election year or all the other silly comments which have been made to that end. The Isle of Man police service has undergone a thorough review over the last two or three years. It has embarked on a radical rethinking of its policies, its direction, its attitude to the community, and the modernisation process which we introduced some two years ago is now starting to bear fruit. In the midst of that we have had a new Chief Constable who has brought his own perspective on policing in the Isle of Man, and that has jelled perfectly with the desire of the Department of Home Affairs to radically redirect and restructure the police service on the Isle of Man to return to community policing and to respond not only to the comments and concerns which have been expressed by members of this hon. chamber over the years but also to the genuine desire, I think, from the community at large that it wants to re-engage with the police service, it wants it brought back into the community again, and this is what we intend to do.

As hon. members are aware, we have embarked on a number of high profile exercises over the last couple of years to try and regain the trust and confidence of the people in the community. The closer working links in various parts of the Island now are starting to bear fruit, and the review of the service provision that we provide to the Island now has gone into a further stage which includes a review of the provision of police stations.

Now, hon. members are aware that we have, in the last year, 18 months, built a new police station in Port Erin. That, in spite of the comments which have been made, has largely, I think, been well received in the south of the Island (**Member:** Hear, hear.). We have had some very positive comments back from it. There may well be an occasional problem down there but that would happen in any case. Sadly, unlike some individuals we cannot be perfect, and pressure from time to time does cause some problems but by and large the Port Erin police station has been well received and not only by the public but by the police themselves, who at last have better working conditions to operate from.

The consideration which we have given to this particular exercise today, though, has been going on, as my hon. colleague from West Douglas said, for probably the last three years. We have reviewed the provision in Douglas from the point of view of not only providing a better service to Central Douglas but also taken the pressure of police headquarters itself. As the hon. member Mr Braidwood commented, I understand in 1979 the provision within the new police headquarters

at the time was for 107 officers. That now has more than doubled in that stage and so any members who have taken the time to visit the police station over the last year or two will be able to see just how intolerable the working conditions have become in there and indeed are now providing a health and safety problem quite apart from an operational management problem. As members have said, we have reached the impossible situation where officers are having to work in corridors on very major operational issues quite simply because we physically do not have the space in the building any more to operate in any other way.

So the proposal to develop in the centre of town now is twofold: it is to take the pressure off headquarters, which, as I say, is bursting at the seams, and it follows on the limited provision that we have restored to central Douglas over the last four years, firstly in Lord Street Bus Station and latterly in the 'Cop Shop'. Neither of those, hon. members, were intended to be full-blown police facilities, they were really the restoration of a presence in the town centre. This provision which I am putting forward today, though, will restore and indeed enhance the provision and service which was lost with the closure of the Church Street police station some years ago.

Mr Shimmin, hon. member for West Douglas, I thank for his support. He was involved in the early days with the working up of this particular scheme so he is well aware of the amount of work and thought that has gone into it. As he says, it really is a step towards enhancing community policing.

Mr Houghton, hon. member for North Douglas, I thank for his support. He reflects on his experiences within the Special Constabulary and the way the officers were used at that particular time. I would say that, to put it in perspective, the number of police officers who will be working out of the new facility will actually be 77 - that is, the whole of the Douglas operational unit will be moved out of police headquarters and into the new facility in Lord Street, so that in itself will enhance considerably the visible presence of police in the centre of town (**Mr Houghton:** Hear, hear.) at the most crucial time.

The hon. member for East Douglas, Mr Braidwood - again I thank him for his support. He says the project has mushroomed. It has not mushroomed; it has evolved, as I say, from the small presence, which was really no more than an information centre in the Lord Street Bus Station, to the 'Cop Shop' which was really then only a very limited facility for officers on duty in that immediate area. We now, though, as he knows himself being a member of Treasury, feel that this is the best way forward because the alternative of not doing this is first of all to deny the centre of Douglas of an enhanced police presence, but it will also ensure in the next two or three years the department having to come back with a major scheme for an extension on police headquarters as the only way we can contain the increased numbers of officers working there and to secure their efficiency, so if we do not go for this scheme there will have to be another scheme coming along shortly to compensate for that. We have increased, in the last four years, the police establishment by nearly 15 per cent, and that is the biggest sustained increase in police numbers on the Isle of Man, as I understand it, since their original establishment, so I think those who in any way suspect that we are slipping on the law and order front ought to reflect on those figures. The number of officers we now have to house throughout the Island has increased by some 15 per cent and, as a result of these increases and the changes in policy which we have adopted in the last 10 months since April of last year, the number of recorded crimes on the Isle of Man has in fact dropped by over 17 per cent, and that figure compares at the top end of any improvements right throughout the United Kingdom, so the Isle of Man is performing very well as a result of the extra officers available.

Again, Mr Cretney, the hon. member for South Douglas - I thank him for his support, and the hon. member for Rushen, Mrs Crowe, I know has been supportive, particularly of the Port Erin

establishment. She makes comment about seven parking spaces being enough; that was not what I said, actually. There are seven on-site, there are nine close by which have been allocated to us and DoLGE have identified another five which we can utilise, so we actually have 21 parking spaces associated with this development.

The comment I am sure she is making is that there are 21 parking spaces but 77 officers working out of the facility. I have to say that these 77 officers work on a 24-hour-a-day, seven-day-a-week shift basis, and therefore the maximum number of officers likely to be in the building at any one time will be roughly around the 20-21 figure, so the parking spaces will be adequate for the service as we see it. We have had extensive discussions both with the planners and with the Department of Transport to come to this agreement and now all parties are satisfied that there is adequate provision there for that, so I hope that answers the hon. member's question.

Mr Brown, hon. member for Castletown - again I thank him for his support. I know his long-held views on the need for police stations to be centred where the population want them, which is in the heart of their community, and I am aware of his battle to prevent the Castletown station being moved out. I hope now that situation has been resolved. We do have the new facility in Port Erin but we have, as I promised the hon. member, upgraded the Castletown police station and we will be watching and looking for other ways to enhance the visibility of police in that area.

The issue that he raises about uniforms for civilian staff is a good one. It is not something I am aware of we have considered yet but it is something I am more than happy to take back to the office and see whether in fact there is some mileage in that.

He does, though, make the point and has made on a number of occasions, and I think it has been supported by other members, that this is now a change away from the former policy of overly centralising the services. Now, it really is not for me to comment on what has gone on in the past, I can only comment on what I have tried to achieve in responding to members' concerns over the last four years, and that is matched, I think, by the general opinion throughout our community that we want to see the police brought back into the community again, (**Mr Delaney:** Hear, hear.) to have accessible police stations, accessible facilities in the community so that the public can re-engage as perhaps they have done many years ago. This is just one more step towards achieving that, and I think with the modernisation of the force and the change of culture now which is progressively being introduced into the service, we will see even more steps in the time ahead to decentralise the service provision on the Island and get back into the communities again. We have, as hon. members are aware, broken up the divisional areas, we have broken up a number of the specialist units in police headquarters and put them out to the regions. That has been well received and will bear fruit, I am absolutely sure, over the next year or two.

The hon. member for North Douglas again, Mr Henderson - I thank him for his support, and the member for Onchan, Mr Cannell, likewise. I should regret ever making the comment about policing by nostalgia because I get it thrown back at me every time we have this debate, but I think it is important that policing has to be appropriate for the time that we live in; that was the point I was making. It is all very well harking back to the old days when there was a friendly copper on every corner and he knew everyone in the community. We have to recognise that Manx society has changed radically over the last 20 years and will continue to do so if the economic growth within the Island continues. We have to have a police service and a pattern of service which is appropriate to the Isle of Man today, not what was appropriate 20 years ago or 40 years ago. We have major structural changes now, we have major criminal changes with the advent of drugs et cetera and we have to have a policing service which is appropriate to that. That was really what I was saying, but nevertheless I thank him for his support.

The hon. member for Ayre is absolutely right and I agree wholeheartedly with him that simply producing police stations will not answer the question of reducing crime or enhancing a police presence on the street. There has to be a combination of them. I would suspect that with this development now - and we are currently working on plans to modernise and extend both Peel police station and Ramsey police station and we have money in the estimates for that over the next year or so - that probably will be the end of the reorganisation of the police buildings on the Island, and we would be moving on from that but we have had a lot of catching up to do, there has been limited investment in these facilities now for a number of years and we are doing our best to give the police officers themselves acceptable working conditions because we cannot expect them to perform day after day in all sorts of hazardous conditions whilst giving them substandard working arrangements in terms of poor quality office space.

Mr Delaney - again I thank him for his support and his comments. I would challenge him on the assertion he is making that young people on the Isle of Man are frightened of the police force. I do not believe that is the case at all, and if the hon. member has evidence where the police officers are overstepping the mark and intimidating young people -

Mr Delaney: They are not overstepping the mark, it is the communication.

Mr Bell: - I will be pleased to look into it for him.

Now the only other comment which I should touch on is the contribution once again from Mr Karran, the hon. member for Onchan. I find it hard to fathom sometimes the approach of the hon. member. It seems we cannot do right for doing wrong. No matter what we bring forward it is criticised and it is rejected, and I find that a very negative and unconstructive way of developing government policy on the Island. It is very easy to sit here and vote against everything that comes along and rubbish everything that comes along; we can all do that and we can hold our hands up afterwards and say, 'Oh well, I didn't support that' if anything did happen. I think that is a very negative approach to the development of government policy as a whole, not just this particular issue. I did spell out quite clearly, I thought, what the financial arrangements are. We will be taking a 21-year lease on this building. This building currently has planning approval as an office development. The building will be converted from offices to a purpose-built police facility being included in it. We will be paying £173,000 a year for the rent and we have an option at the end of three years to negotiate a purchase price.

Mr Karran: But we do not know what it is.

Mr Bell: We do not know whether we will want to do it.

Mr Karran: Fair enough. Throw away a million quid.

Mr Bell: Mr President, I really will not get into the details of Mr Karran's point. (**Mr Henderson:** Hear, hear.) He once again stands out with his argument, 'Well, it's in the wrong place' we have not given enough thought to it, his usual comment of 'on the hoof, knee-jerk reaction'. Now, this is an on-the-hoof, knee-jerk reaction which has actually taken three years to digest, so I cannot see where that comes in. 'It's in the wrong place'. Well, where else can you put a police station but right in the heart of the community? If we are trying to have a lower Douglas police station which is there in the heart of the business community to reassure the business community that it is a safe place for them to operate from, if it is close to the shopping centre there are major office and housing developments due in that area over the next five to ten years, but we are looking to the future, not what happens today. Of course if you look at the site today, it is a derelict site but if the hon. member kept up to speed he would know there are a number of very major developments projected for that area over the next 10 years which will totally change the heart of Douglas, and if we do not secure a foothold in that area now before these developments get under way then we

will have absolutely no chance whatsoever of restoring a central Douglas police station ever again, because this area will be taken up by highly expensive office developments which of course hopefully, as a result of the budget this week, will be coming in in greater numbers. So I cannot for a moment agree with a word that the hon. member has said and I cannot understand the logic of his arguments at all. I would just say that all the negotiations which have taken place on this and of our proposal for the future have been supported by Treasury, Treasury have been involved very carefully and very closely all the way along the line on this. They know the problems we have, and this has been considered not only an acceptable financial model for us to follow but it is also the quickest way we can achieve a police presence in the centre of Douglas rather than having to go through the whole process of buying a site ourselves, building a facility ourselves, this will give what the people of Douglas and certainly what the members for Douglas want, which is a presence in the centre of town as quickly as possible, and that is what we have tried to achieve. If the hon. member for Onchan is unhappy with that, then I am very sorry but that is what the policy of my department is and certainly is what will remain whilst I stay on as minister. I very much hope in fact I am sure from the comments which have been made that that is the sentiment of the majority of people in this hon. Court. (**Several Members:** Hear, hear.)

So, Mr President, I think this is a very positive move for Douglas. It will continue the upgrading of the Isle of Man police service, it will continue the modernisation of the police service, it will be one more step in bringing the police service back in touch with the community whilst at the same time enhancing the quality of the work environment for our hard pressed officers who do such a wonderful job in securing the safety of the people of this Island, so I would go no further, Mr President, other than to recommend this resolution to the Court.

The President: Hon. members, the motion before us is printed at 13 on your order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

A division was called for and voting resulted as follows:

In the Keys -

For: Messrs Gilbey, Quine, Rodan, North, Mrs Crowe, Messrs Rimington, Brown, Houghton, Henderson, Cretney, Braidwood, Mrs Cannell, Messrs Shimmin, Downie, Singer, Bell, Corkill, Cannell, Gelling and the Speaker - 20

Against: Mr Karran - 1

The Speaker: Mr President, the motion carries in the House of Keys 20 votes in favour and 1 vote against.

In the Council -

For: The Lord Bishop, Mr Waft, Dr Mann, Messrs Kniveton, Radcliffe, Mrs Christian and Mr Crowe - 7

Against: None

The President: Seven votes cast for in the Council, hon. members; the motion therefore carries.

Customs and Excise Acts (Application) Order 2001 — Approved

The President: We turn our attention now to item 14 on the order paper and I call on the Minister for Treasury to move.

Mr Corkill: Thank you, Mr President. I beg to move:

That the Customs and Excise Acts (Application) Order 2001 [SD No 22/01] be approved.

The purpose of this order is to apply in Island law sections 18 and 19 of the United Kingdom Finance Act 2000 concerned with air passenger duty. It also makes a minor amendment to section 9 of the Finance Act 1994, which is also applied in Island law.

Following criticism of the air passenger duty regime by the European Commission, which said that the return leg exemption was incompatible with EC law, the opportunity was taken to review the overall duty structure. The intention is that the new structure will be fairer by being more in line with the cost of air travel. Section 18 of the Act modifies section 30 of the Finance Act 1994, which Act introduced and generally governs application of the duty.

The net effect of the changes is to replace the present two-tier duty structure with the following: firstly duty at £5 per leg of a journey where the destination is in the UK or the EEA and standard class travel is used. Duty at £10 per leg of a journey where the destination is in the UK or EEA and standard class travel is not used. Duty at £20 for travel by standard class travel to a non-EEA destination, and fourthly duty at £40 for travel by other than the standard class of travel to a non-EEA destination. Section 18 also makes consequential amendments to section 39 of the 1994 Act. Section 19 amends section 31 of the Finance Act 1994, the net effect of the changes is to remove the return leg exemption, which has been ruled incompatible with European law.

Despite the revocation of the return leg exemption provisions, Island travellers on flights to the UK or EEA destinations should generally pay the same amount of duty. As all or nearly all flights to and from the Island are likely to be classed as standard class travel, the total duty due will remain as now at £10. Standard class travel is defined in section 18 as being either: (1) where there is only class of travel available on the aircraft of that class; or (2) where there is more than one class available, the lowest class of travel available.

The effect for the Treasury will be minimal. Whereas it now receives £10 per passenger leaving the Island who is not on a return leg of a journey, in future it will receive £5 for each chargeable passenger regardless of whether it is a return leg or not. For Island travellers who go via the UK to non-EEA destinations by a higher class of travel there will be an increase in the amount of duty due. The new £40 rate will apply in such cases. However, other travellers will continue to pay the standard rate of £20. I beg to move, Mr President.

Mr Radcliffe: I beg to second, sir.

The President: Hon. member, Mr Singer.

Mr Singer: Thank you. Could I ask the hon. minister for a small amount of interpretation of this? Certainly the term 'class of travel' - can he tell me what actually defines a different class other than the airlines' own interpretation of what is a class, because I am slightly worried that going from the Island the airlines will produce a low price ticket for a certain number of seats and, after those seats have gone, then you are paying sometimes a much higher fare. Can I have an assurance from him that that will not be interpreted as a different class of travel?

The President: Hon. member for Onchan, Mr Cannell.

Mr Cannell: Thank you, Mr President. I am afraid I regard the imposition of this taxation as a racket. I am not suggesting for a moment that it is the hon. Treasury minister who is perpetrating it nor indeed the mandarins elsewhere, but the fact remains that this was just something looking to have a tax slapped upon it. There was no reason to do it. It was just something that, because people have to use this type of service in the world, someone had the bright idea, 'Let's tax it. If it moves let's tax it.' It is an imposition and I am afraid that although I did not actually refer to it during the response to the hon. Treasury minister's budget speech I did have it marked and it slipped my attention on my cross-references. He said, 'Hon. members will see from the budget documentation that I am proposing the continuation of air passenger duty. The reasons for this

are that having introduced and received Tynwald's almost unanimous support for the tax strategy with the prospect of direct taxation reductions I consider it prudent to retain it as a source of taxation.' And then, somewhat astoundingly, 'I do not consider that it has had or will have any material impact on people's travel habits.'

Well, that is the problem. Most people who go via air travel have chosen to go for a purpose, holidaying, business et cetera. Very few just go for the ride, so they have no alternative, and I cannot possibly subscribe to the hon. Treasury minister's assertion that it has had or will have material impact on people's travel habits. In one regard that is. In actual fact his observation on that is probably correct, because people have just shrugged their shoulders and said, 'What can we do? We've got to pay it.' And that is what happens with this type of taxation: it is slapped on, the airline has rapidly got so much stick that they actually began to show it as a separate item on the ticketing, but now we are hearing of the fees creeping up to £40 on other legs, and the hon. member for Ramsey has said about the allocation of seats for a certain class; you also have a position where on some flights they drag a piece of old curtaining across and call the first six seats first class because they give you a free gin and tonic, so does that mean that all the rest then are going to be in a separate class?

Now, tomorrow I shall have the dubious privilege of flying to Liverpool and I shall return hopefully - or maybe you do not think so but I do - on Saturday morning, and I shall be relieved of £110 for the privilege and that will incur this taxation and I do not care to pay it. I am already paying plenty for my taxation on this Island and elsewhere. There is taxation on the duty for the fuel to fly them, there is taxation on the airport, there is taxation on just about everything else.

I think, rather than saying that aircraft taxation duty, or air passenger duty as it is called, in actual fact cannot be resisted, everything we should throw at whoever tells us we have got to do this should be made, because I think it is an imposition, and I think it is an imposition mainly on the people who are having cheap flights on Farecrackers and things trying to get to the United Kingdom to perform their business duties, social pleasures, holidays et cetera. I think it is something that is not needed; certainly we have been told that we have plenty of money so why do we need this as well? I know some of it is imposed upon us; that does not stop us making representations for it to be resisted with the strongest possible verve and, all in all, I think it is a liberty, I think it is a shame, I also think it deters to a small extent - only a small extent, but when you are sitting there deciding where to go for tourism purposes it is another stack on the cost of getting to and from the Isle of Man, and that must deter people from a tourism point of view. It is all stacked up against the consumer. As regards class of travel, of course, only those who have had the pleasure of coming in on the south-east wind over Mylchreest Motors onto the secondary runway at Ronaldsway on a Banderanti will know what standard class travel really is, but I think those days have gone. But I have been on this bandwagon for quite some time, and I do not mean it to be a personal attack on my hon. colleague from Onchan, the Treasury minister, but I think we as an hon. Court should say, 'Look, we don't care for this and we want every effort indeed to be thrown at it to try to not only get it reduced but to get it removed altogether.' We are a special case. Much of the flying to and from this Island is of necessity and much of the travel which is made by sea is also of necessity. Okay, people did not do it in the old days but now it is nothing less than you can expect to have to commute occasionally to the United Kingdom and onwards onto European destinations for holidays. We are being ripped off by this taxation and I call on the hon. Treasury minister to say that when he comes to readdress the matter at a future date or indeed even now he will throw the might of his department against trying to get this tax actually stripped from us.

The President: The hon. member for Rushen, Mrs Crowe.

Mrs Crowe: Thank you, Mr President. Although I do agree in some part with the previous speaker I think that is perhaps a little unrealistic, but in order to be helpful to a question that the hon. member for Ramsey, Mr Singer, posed, the air traffic duty does have to be clearly determined on the ticket. No matter what the price is paid for that ticket, it has to be clearly shown. We have already had confusion from consumers about the differential between the inward and the outward flights for the ticketing and I would like to ask Treasury and the Department of Transport if they will make sure that these taxes are clearly shown either on posters at the airport or within the travel agents so that the consumers do realise that this is an imposition of taxable duty that has to be paid as part of their ticket. Thank you, Mr President.

The President: The hon. member for Douglas West, Mr Downie.

Mr Downie: Yes, thank you, Mr President. I am sure all taxes are things which a lot of us feel very hard of paying, but I wonder, when the Treasury minister is replying, could he advise the Court today that if the Isle of Man Government does not charge this tax the UK Government will charge the tax and we will actually lose out? Is that not the case? And the other issue I would like to raise with him: there was some discussion in the UK where parts of the western islands of Scotland, the Outer Hebrides, and possibly Orkney and Shetland, were going to be looked at as areas where perhaps this sort of tax regime is not going to apply. I wonder if any ground has been made in the UK with regard to that particular issue.

As far as I am concerned, if this tax is being charged and if we do not decide in this Court to operate it here, someone else is going to get the benefit of it and, to be quite honest with you, my view is that we should try and get the benefit ourselves and then it is up to us in here what we decide to do with the revenue. Although it may seem quite onerous and quite an unfair type of tax, at least we will be getting something back and this Court will be able to determine, hopefully, where it might be spent to the betterment of other members of our society. Thank you, Mr President.

The President: I call on the minister to reply.

Mr Corkill: Thank you, Mr President. I appreciate the comments that have been made. I think it is a great shame that this perhaps was not discussed during the appropriate debate, which was the budget debate. Now, notwithstanding that, obviously the hon. member Mr Cannell, my colleague from Onchan, has explained the reason why, but can I say that during the preparation of the budget at the members' briefing and during the debate, it was quite clearly made - it was actually highlighted in the Pink Book, and I specifically made reference to it in the speech - that the decision of Treasury and the government was to retain air passenger duty equivalent to what exists today. This order before us today is really acknowledging the fact that the way that the UK implemented the tax has been deemed illegal by the European Commission because it was a one-off departure tax, and what the European Commission has said to the UK a year ago - because this is all a year ago this happened - and what will be happening in the UK budget is that they will be implementing the required changes that they have to make in this coming budget in the UK to make sure that they do not transgress the rules of the European Commission, and what has been determined is that to make it fair - and the hon. member, Mr Downie said nobody likes paying taxes, and in that respect perhaps everyone has a view as to whether they are fair or not - they will have to charge this per leg. That way it is seen as much fairer, that there are also other bands of tax for different classes of travel and for longer distance flights, effectively.

Now, if I can just deal with the point that the hon. member for Ramsey, Mr Singer, raised to start with and that is the class of travel, I will refer back to my brief where I could just, to make things clear, restate what I said, and that is 'Where there is more than one class available, the lowest class of travel available will be the one that determines the rate of duty.' In other words, if

the cabin does have a curtain put across and you do get your gin and tonic at the front seats, the standard will be the lowest. So I hope that takes away the fear from the hon. member for Ramsey that by manipulating first and second-class scenarios this rate of duty can be increased. That is not the intent behind it.

Now, I understand what the hon. member Mr Cannell is saying. If we look at the history of air passenger duty it was a tax that arrived out of the blue. It was a budget that Mr Clarke raised when he was the Conservative Chancellor of the last government a very blunt tax; it applied to children, it applied to adults; it was a departure tax effectively and it did not matter whether you had a single ticket or a return ticket, it was a set amount of money, and at that time the Island negotiated successfully, because of our Customs and Excise Agreement, the ability to get our end of that tax back, as we do in so many other areas, and that has been quite useful. Can I say, it is so useful that we have got to the point where it brings in £2 million a year in revenue to the Treasury, to the Isle of Man Government, and yet at the same time the numbers of people passing through our airport and using the service of airlines has been an exponential growth. There has been no impact, and so I disagree with my hon. colleague from Onchan when he says it has had an impact on the travelling public. Well, it has had an impact on their pockets, I agree, because it is tax, but it has not determined whether people travel or not.

There is also the issue in the back of my mind as to whether, if this tax was not applied, it would actually be reflected in the price of the ticket charged to the consumer. I think that question has to be asked, and that is not being specific to any one airline but to all airlines. Would that reduction be passed on to the consumer? I leave that question for members to make their own mind up about. I have my own view.

Now, regarding a number of other points that have been raised - and I think it is a serious issue that we need to resolve in this Court - with regard to the cost to airlines of operating in and out of the airport I know that the Department of Transport is undertaking a major review of this position and that this will most likely result in an easing of charges to those airline operators to acknowledge a number of factors and hopefully to the point where travel will come cheaper per passenger and that the volume of seats available through Ronaldsway will increase. I do not want to say too much about that at the moment, but I think that should be put on the floor because it has to be balanced against the decision to retain air passenger duty, which I have not hidden, so I hope it is not seen that we are trying to pass this through the Court without any debate. It was highlighted in the budget.

The issue I would also reiterate is that after this order hopefully goes through, the present level of air passenger duty that people have been paying for some time now is not going to change. Instead of a £10 one-off it is a £5 each way. Now, we do have the ability - and I make this quite clear to hon. members - to do away with our end of it, but the UK will keep its end and so we do not have the ability to remove £10 of tax; we only have the ability to remove £5.

The hon. member for Douglas West, Mr Downie, mentioned the Scottish islands, and what has been arranged there is that there will be no duty from the islands to the Scottish mainland or to the UK mainland. They have come to that agreement, but there will be passenger duty flying to Shetland or wherever, and so they have taken that decision within the United Kingdom to only apply the tax on one leg as opposed to both legs and it is a special dispensation to those islands. I would suggest that those islands have very limited air services and very limited access and perhaps not as comprehensive, in fact nowhere near as comprehensive, a service as we have through our airport. It is a duty on travel, but can I say we have had it in place for a number of years now; this is not new. We have come to live with it and can I say with the Treasury minister's hat on that it is £2 million of revenue which, because we have seen all these wonderful figures with the

budget this week, we could say we could do away with. Well, I think that would be imprudent to do that and in the calculation of the overall budget there was a view taken that it would be best to retain it.

I think that actually covers the points that have been raised. As I have said, it brings in £2 million of revenue. It has not affected the travelling public in numbers because we have seen, ever since it has been introduced, a growth.

Mr Cannell: I might have been even more.

Mr Corkill: There is the argument that perhaps the growth could have been even more, that is true, and really I do not know that I have got anything else to say except that I would hope to allay the hon. member for Ramsey Mr Singer's concern that this is just the beginning of a ratcheting up by manipulation of the classes of travel or standard of travel. That is not the case and that is quite clear in the regulations. So I beg to move, Mr President.

The President: Hon. members, the motion before you is that the Customs and Excise Acts (Application) Order 2001 be approved. Will those in favour please say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

In the Keys -

For: Messrs Gilbey, Quine, North, Rimington, Brown, Houghton, Henderson, Cretney, Braidwood, Mrs Cannell, Messrs Shimmin, Downie, Bell, Corkill, Gelling and the Speaker - 16

Against: Messrs Singer and Cannell - 2

The Speaker: Mr President, the motion carries in the House of Keys, 16 votes in favour and 2 votes against.

In the Council -

For: The Lord Bishop, Mr Waft, Dr Mann, Messrs Kniveton, Radcliffe, Mrs Christian and Mr Crowe - 7

Against: None

The President: With 7 votes in Council cast for, hon. members, the motion therefore carries.

Statistics of Trade (Customs and Excise) (Amendment) Regulations 2000 (Application) Order 2001 — Approved

The President: We turn then to item 15 on your order paper and again I call on the Minister for the Treasury to move.

Mr Corkill: Mr President, I beg to move:

That the Statistics of Trade (Customs and Excise) (Amendment) Regulations 2000 (Application) Order 2001 [SD No 20/01] be approved.

The purpose of this order is to apply in Island law regulations which make amendments to the Statistics of Trade (Customs and Excise) Regulations of 1992 and I beg to move, sir.

The President: Mr Radcliffe.

Mr Radcliffe: I beg to second, sir.

The President: Hon. members, the motion before us is printed at 15 on the order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Animal and Animal Products (Import and Export) Order 2001 — Approved

The President: Item 16, the Minister for Agriculture, Fisheries and Forestry to move:

Mr Downie: Thank you, Mr President. I beg to move:

That the Animal and Animal Products (Import and Export) Order 2001 [SD No 43/01] be approved.

As part of the Island's commitment under protocol 3, the entry of animal and animal products that are freely traded within the European Union must be permitted. This order brings together all of the EU trade directives as they apply to the import and export of farm livestock, traded animals, primates, zoo animals, semen, ova and embryos.

Local farmers have been able to directly purchase animals from continental Europe - that is, the EU only - and have been doing so on an increasing basis, thereby improving the standard and diversity of stock on the Island. Such trade, though welcome, brings with it its own particular problems and has to be regulated for both positive and negative reasons. The importation of animals without the correct certification or in contravention of trade rules is made an offence and forms part of our more modern defence against the importation of disease. Should illegally imported consignments be found powers are available to detain, re-export or, if the situation so requires, destroy animals or products that are a danger to human or animal health. Primarily the requirements for certification ensure our buyers receive the correct animals of the correct health status, and reciprocal arrangements are provided for the export of animals from the Island.

The order prohibits the direct importation of animals and their products from outside the EU; list (a) diseases such as foot-and-mouth are still prevalent in countries that border the EU. The department has neither the resources nor the wish to establish an EU border inspection post - that is, a quarantine station - which would permit the landing of animals in the Island from outside of the European Union that carry a small but significant risk of incubating or carrying serious diseases. Such procedures will continue to be carried out where required on the adjacent isle.

The order rescinds current import controls, notably the Import of Animals 1988 and therefore ensures that animals imported from outside the UK are dealt with under the new order. The Importation of Carriers of Rabies Order 1977 is also withdrawn under this order as far as it applies to traded animals. The importation of animals that are in a rabies-free area and have been born, raised and kept on the same premises from which they are exported is permissible. Such entry provisions are not available for the high risk group - for example, carnivores and bats. The import and export of pets is covered by a separate department order, and members will be aware that for travelling in the UK and some countries in Europe a pet passport scheme is now available.

Previous provisions relating solely to trade with the EU and our trade with the UK will continue on its current basis with two exceptions: provision has been made to apply trade rules for fish and other aquaculture products which formalises the position that currently applies, and the importation of untreated animal waste is prohibited.

The order is by necessity complex, relying as it does on the European Union's definition of traded goods, which are covered in the numerical directives detailed in the schedules to the order. The order mirrors equivalent United Kingdom legislation as far as trade is concerned as well as protecting the Island from imports which do not meet the required health standards. It also stops the Island being used as a back door into the UK, which the Island's special trade status with the UK could permit if this order was not in existence.

The current tragic situation involving the outbreak of foot-and-mouth disease in the United Kingdom only this week should bring home to us all the importance of this order and the

devastating results which could be brought into being if we did not have adequate and effective controls in place.

Mr President, I beg to move the motion standing in my name.

The President: The hon. member for Ramsey, Mr Singer.

Mr Singer: Mr President, I beg to second. In doing so I wish to reiterate what the minister has just said about how important this sort of order is as has been demonstrated at this particular time this week, and I would also like to take the opportunity, I am sure, to praise the swift actions of the staff and the veterinary staff within the department for the action that they have taken to ensure that we keep this Island totally disease-free and I also welcome today the support, the wholehearted support from the National Farmers Union of the department in backing everything that they have done and will do to ensure that we do remain with this disease-free status. So I hope that members will unanimously back this order. Thank you, Mr President.

The President: Minister, do you wish to reply, sir?

Mr Downie: I would just like to thank the hon. member for Ramsey, Mr Singer, for seconding the motion and I would like very much to be associated with the comments he made.

The President: Hon. members, the motion before you, therefore, is printed at 16 on your order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Water Pollution (Code of Good Agricultural Practice for the Protection of Water) Order 2001 — Approved

The President: We turn then to 17, Water Pollution Act 1993, again the Minister for Agriculture, Fisheries and Forestry to move.

Mr Downie: Mr President, hon. members, I beg to move:

Water Pollution (Code of Good Agricultural Practice for the Protection of Water) Order 2001 [SD No 52/01] be approved.

The code provides farmers with practical advice on how to minimise pollution of the environment. It is based upon the UK model, but it has been carefully adapted to suit Manx agricultural practices. It has been drawn up by a working party representing the Department of Agriculture, Fisheries and Forestry, the Department of Local Government and the Environment and the Isle of Man Water Authority. Amongst them the three bodies enforce a variety of legislation such as the Water Act 1991, the Water Pollution Act 1993 and the Public Health Act 1990, sections of which relate to the quality of drinking water and the prevention of pollution. Under such legislation farmers, growers, contractors and others involved in agricultural activities have a statutory obligation to avoid polluting underground and surface water courses.

The loss of one of the Island's reservoirs or water intakes to a pollution incident, even for a few days, could have serious consequences for the Island's water supplies. This is why over the years the Water Authority has had a very strict catchment protection policy in place for the land that is in its ownership. The pollution of rivers can have a disastrous effect on fish and aquatic life and the overall water ecology. The code will help farmers and others to take appropriate action on their properties and in their operations to protect the environment and comply with the legislation.

Most Manx farmers either do or will have very little difficulty in complying with this code. Most pollution incidents are due to the escape from poorly designed, maintained or operated silos of effluent, which can rapidly deplete a river oxygen supply and kill large numbers of fish and invertebrates. The code gives clear and concise advice on the practices which should be followed to protect water courses from pollution, not only by silage effluent but also from livestock slurries

and manures, agricultural fuel installations, pesticides and fertilisers and spillages from dairy premises and milking operations.

Within this code farmers will find specific information on the design, siting, construction and maintenance of silos, animal waste handling systems and storage facilities. In addition there is advice on the storage and use of fertilisers and pesticides including sheep dip, and on the disposal of animal carcasses and other waste such as packaging. In some instances the code also requires farmers to prepare waste management plans, fertiliser management plans and, in the case of dairy farmers, water management plans to demonstrate their awareness of potential pollution problems and pollution control measures so that they are prepared should a leak occur.

The code in draft form went through an extensive consultative process and several drafts before it was eventually released. The bodies consulted on the formulation included, amongst others, the Manx National Farmers Union and the Friends of the Earth who support its introduction. Mr President, I beg to move.

The President: The hon. member for Douglas North, Mr Henderson.

Mr Henderson: I beg to second, sir, and reserve my remarks.

The President: The motion, hon. members, before you is printed at 17 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Dairy Cow Financial Assistance Scheme 2001 — Approved

The President: Item 18, the Minister for Agriculture, Fisheries and Forestry.

Mr Downie: Thank you, Mr President. I beg to move:

That the Dairy Cow Financial Assistance Scheme 2001 [GC No 8/01] be approved.

Members will be aware of the importance the department attaches to the dairy industry on the Island. At the April 2000 sitting of this Court I requested permission to make emergency payments to dairy cow producers of £58 per cow. Such request was prompted by the precipitous fall in the returns to dairy farmers which was reflected in the average producer price received for milk over the past six years. Since January 1996 the producer price for milk has fallen from 22.2 pence per litre to a low in 1999 of 17.76 p and a price of 18 pence in the year 2000. The effect on an average herd of 70 cows is a reduction in returns of over £15,000 per annum.

No business can sustain losses of such magnitude over too long a period. Milk is being produced now and has been over the last four years at a loss. There were over 100 dairy producers in 1996 and now we have 85, symptomatic of the pressures this industry is in, but the industry itself contributes significantly to the Island's economy. The creamery has a turnover of over £12 million per year and employs over 100 people. The dairy industry creates its own infrastructure through merchants, suppliers, hauliers and auctioneers.

I have previously cited the reasons for low producer prices, notably the volume of milk that is required to be processed into cheese and the low returns received for the sale of such cheese by the Isle of Man Creamery. The average price of cheese sold by the creamery has fallen from £2,450 per tonne in 1997 to £1,920 per tonne currently. The creamery can only pay producers on the basis of what it receives in income itself. Its role, therefore, is critical to the future of this industry.

That is why the department welcomes the recent appointment of a new chief executive of the creamery whose past experience is strongly market-orientated. He, along with the producers, fully acknowledge that the industry can no longer compete with its relatively low-value commodity

cheese production. The future is with low-volume, high-value cheese which is branded, identifiable and targeted at the high quality sector of the markets.

To receive these objectives products and markets have to be developed. The department believes that a reasonable time span to make sufficient progress would be around five years. This scheme has therefore been prepared time-limited to five years, which would guarantee producers financial support in any calendar year starting from 2000 when the average price received for milk produced is below the 20 pence per litre which we have identified as the cost for production.

A mechanism has been devised which will link any payment to producers on the average sale price of cheese sold by the creamery in any year and the average price necessary for producers to have received an average price of 20 pence per litre. This will clearly identify to the department the progress that is being made by the creamery in increasing the sale values. In any year where income from cheese sales fall below that necessary for the creamery to pay an average price of 20 pence per litre, support is triggered. A maximum make-up of 2 pence per litre has been determined on the maximum annual volume of milk of 40 million litres. These figures, therefore, cap the support to a maximum of £,800,000 in any one year.

The department earnestly believes that producer prices will increase under the creamery's new management and that the full budget would not necessarily be expended within the lifetime of the scheme. Mr President, I beg to move.

The President: The hon. member for Ramsey.

Mr Singer: I beg to second, Mr President, and reserve my remarks.

The President: The hon. Mr Speaker.

The Speaker: Mr President, I very much welcome this support to the dairy industry. I am sure that it is the wish of the whole of this Court that there is a sustainable agricultural industry, because without this we cannot have a maintenance of the countryside about which we all eulogise, which we all present in our tourist brochures and which we show to our friends and our visitors who come to this shore.

At this present time the farming industry, not only in the United Kingdom but here in the Isle of Man, is going through difficult times. If it was not, there would not be this need for this support and without support to the agricultural industry then there is no maintenance of the countryside, and it is very important that we support all aspects of our community life. We have supported the finance industry on Tuesday through various aspects of taxation; we support the manufacturing industry through grants; we support the tourist industry and it is necessary also to support the agricultural industry. The agricultural industry, as the minister has explained, is just not only farmers, but it is all those people associated with it, whether it is in the creamery or the meat plant or in other aspects of agricultural supply. It is a net earner for the Island in its exports from the creamery and the meat plant, and what this Court needs to do and I hope it will do is to give unanimous support to this section of the agricultural industry which, it has been clearly explained by the minister, is going through a very difficult time. We need to keep not only the dairy cows and the farmers in the dairy industry, but that in turn supports all those working down in the creamery and other associated industries.

So, hon. members, I would ask you to give this unanimous support and align ourselves with the difficulties that the farmers are facing at this present time.

The President: The hon. member for Rushen, Mr Rimington.

Mr Rimington: Thank you, Mr President. I rise to support the motion and the principles of the subsidies behind it. I spoke briefly on agricultural subsidies in the budget debate and I with hindsight feel that my comments may have been open to misinterpretation. Therefore, I wish to make my position crystal clear.

My foremost concern is for the land and those who farm it. In our society of material prosperity, electronic baubles and a surfeit of consumer goods, we are in danger of overlooking the value and importance of our land. The land is our most fundamental and basic resource. Except for some protein from the sea, the land is our source of food and much more besides. The land should be used productively, to an optimum sustainable level. As a society, we are only stewards of the land. It is ours to manage and leave wholesome for future generations. For those who work on the land, that responsibility of stewardship is even stronger.

In terms of today's politics, the financial support of the state is necessary to keep some semblance of an industry, to maintain our countryside and keep alive those necessary farming skills. Therefore, I commend fully the proactive support by the department. I congratulate the minister on his leadership in recent years.

However, I think hon. members, the department and the agricultural industry will all agree that our present position is most unhealthy. We are enmeshed in the European common agricultural policy and there are few bright stars on the horizon. It is unhealthy that our farmers struggle to make a living, even with sizeable quantities of government subsidies. It is not good for the public purse and it is not good for farmers who, I am sure, would much prefer to be properly rewarded by the market place for their hard work.

There is also an increasing public discomfort with the highly intensive farming methods which farmers have little choice but to follow in order to survive. There is a suspicion, especially amongst the general public, that such methods have devalued the quality of the food we eat. Indeed, it is widely assumed that the BSE crisis stemmed from the abuse of high protein feedstuffs, an intensive farming technique developed in my adulthood.

Therefore, I suggest that we must look beyond today's agricultural problems. Does the money we pay in financial support help to resolve the depression in agriculture and take the industry to a rosier future? Or does it serve merely to keep the wolf from the door when we have no knowledge that the wolf is either going to go away or be joined by the pack, to overrun the house and eat the occupants? Does the money we pay encourage the land to be used productively to an optimum sustainable level? Does the money we pay encourage the long-term stewardship of the land? These are just a few of the questions for the wider consideration of our agricultural policy. I do not believe that there are simple and easy steps just waiting to be taken, but it is right to look beyond the sorry state of affairs which our present industry is in.

Are there other income streams for agriculture which we should start exploring? Could we encourage farmers to grow bio-mass crops to supply community-based power plants to provide non-fossil fuel electricity and hot water for space heating? Could we encourage pilot schemes of different crops as we did unsuccessfully in the early 1900s? Is there potential for a small cottage industry from growing the non-narcotic form of hemp? Is it not worth encouraging such diversity, knowing that there will be more losers than winners, but just a few winners can provide some salvation? Can we detach ourselves either in part or wholly from the European common agricultural policy? Have we the will to do so? Have we not a legitimate case as a small island outside of Europe to protect our industry and increase our derogations? Have we not the right to control our own future and to build an industry with reputation for guaranteed high quality products? Have we the courage in election year to explain to our citizens that if you want to live in a

greener, pleasant, land and consume good quality, home-produced food, then you may need to pay a higher price for that food?

Mrs Crowe: We do it all the time.

Mr Rimington: I believe that the future of our farming industry is directly linked to the long-term health of our nation, the stability of our communities, the retention of the Manx culture and the preservation of our countryside. History has brought us to this sorry juncture and there is little value in attacking that process of history. Let us look searchingly at our present and not sit back and wait for history to deliver us, because it will not. Let us look for opportunities to create and shape our own history.

The President: Hon. member for Ayre, Mr Quine.

Mr Quine: Thank you, Mr President. Unquestionably, the agricultural industry is an embattled industry and not least, of course, the dairy industry to which we are addressing ourselves today. Without any question I support this order and I thank the minister for his initiative in bringing it forward, as he has done with a number of initiatives previously during his reign as minister, and I thank him for that.

As with any scheme, of course, it is virtually impossible to ensure a truly equitable treatment for those within the industry as a whole or indeed on the narrower basis of the beneficiaries of any particular scheme. I think that is a reality of life. Rarely do we start with a blank sheet of paper. Invariably, we are left, as we are in this case, of course, to blistering something onto a basic framework which is already in place. As I say, so it is in this case. It is in that context that I get up really, just to put down a couple of markers because I am doing so, having had representations from some of the dairy industry who have been very happy with the support they are getting, to point out that from this narrower point of view of equity, the equitable treatment, there is and may at a later stage be, an opportunity to address one or two of these items.

Essentially two points have been drawn to my attention - or two questions have been put to me; that is probably the best way to put it: firstly to what extent does this scheme ensure that dairy cow producers and suckler cow producers are treated equally? To expand on that point, dairy cow producers essentially produce milk which ends up, in the main, in cheese; suckler cows produce milk and end up in beef - it is fairly obvious, I think. Taking a basic line of comparison, what they are asking is - how would the bottom line in terms of headage payments equate between the dairy cow and the suckler cow? How would they compare?

The suggestion that has been made is that because of the way that the support has evolved in the first instance for the suckler cow, perhaps, and then following on to this later scheme with the dairy cow, there has been some loss of balance between the treatment afforded to the suckler vis-à-vis the dairy cow. They pointed out to me that dairy farmers in relation to the creamery, accepting that they got the standard industrial grants towards it, have funded the creamery and paid for that themselves, subject to the grants which they got through the DTI, whereas with the meat plant that was a capital project funded by government, and even to this day there is support going into that in terms of the rental aspect. So I think that demonstrates what they are getting at through this question. They are saying 'Great, we are getting the support, we are very appreciative of this support,' and there is no question of them not putting their full weight behind this scheme, but they are saying 'Look, put down a marker. Have we got this balance right? Are we being fair in our treatment of the dairy farmer vis-à-vis the meat producer coming generally through the suckler cow?' So that was the first point that they made to me.

The second point that they have made is, does payment on a headage basis ensure equal treatment between the large and small dairy farmer and take account of efficiency in terms of the

unit production? I think, inherent in the use of headage as a payment base - and I can see how the department has arrived at that - I am afraid there is this built-in bias towards the larger dairy farm producer because he has obviously got the greatest headage. But the point they are making is that it does not follow that equates to the actual support for current production, because the production of some of the smaller dairy farmers in relation to their unit production indeed could, and is in some cases, much higher, so they are consequentially not getting equal treatment in that sense.

So those are just two points that they made, a couple of markers which they have asked me to put down, but the bottom line that is coming through with those with whom I have spoken is that it is an excellent scheme, they are very supportive of this scheme. They are most grateful to the minister for his initiative in bringing it forward and to the department who is supporting him, but these are a couple of items which perhaps the minister might wish to take the opportunity to comment upon, if for no other reason than for the record. Thank you.

The President: Hon. member for Douglas West, Mr Shimmin.

Mr Shimmin: Thank you, Mr President. When I joined this House I was fortunate to be placed within the Department of Agriculture, Fisheries and Forestry, an area where, living in Douglas or off-Island all my life, I had no knowledge of the agricultural world, and it was a good training ground to actually realise the diversity and complexity of the variety of issues that we call agriculture.

I can remember a foggy, cold night going up to the previous Speaker's area, up in Sulby, to listen to and talk with the Northern Farmers Union and I was asked as the new boy what my thoughts were regarding the levels of support for subsidy given by government to the agricultural industry. At that time I honestly explained to them that I was amazed by the level of support which government continued to give out, and this was shortly after a debate prior to the last general election whether there should be equitable support compared to the United Kingdom. My concerns were that there was a culture of looking towards government for support and subsidy which was not sustainable based on the world economics and the European and UK economics of agriculture and that the solution appeared to be greater production and therefore, greater maximisation of any government supports available.

During the happy 2¹/₂ years I had in agriculture they educated me a great deal more about the intricacies of this, but also about the need to actually underpin at a level where agriculture was sustainable. It became clear that year on year, a variety of farms, that people were moving out of agriculture and children were not being tempted nor encouraged by parents to face the uncertain future of agriculture. It is often said that teaching and nursing are vocations, but I believe that the agricultural world is a vocation, it is almost inbred into the culture of the minds of the people of that area of our community, and to see the level of depression and frustration and almost despair of the agricultural groups that came into see the department, it became apparent that there was a need to do more than just the same, but to actually address changes within agriculture. But change can only be achieved if we still had enough support going in to allow those agricultural organisations to continue.

The main benefit of this level of support proposed today, which I would reiterate is a calculation based on the cost of production - we are not talking about enhancing the incomes of these people, we are merely getting at a level which will sustain the existing production - is the period of time over which it is guaranteed. It means that those people within the agricultural world have a degree of surety that they can then try and build on and develop their own business.

The hon. member for Rushen referred to alternatives, and certainly in the time I was in the department, and possibly more so subsequently, the seed change for diversity within the industry, or consolidation in particular areas, was a clear and obvious recognition by the farming community that change was necessary for survival. I believe that the relationship between the NFU and the department from my indications is one where there is co-operation, collaboration, working together to try and resolve the long-term, indeed the medium-term future of agriculture. There are three options: one is to withdraw support to allow market forces to take care of it and we will then see importation of foodstuffs which may be in the short term cheaper but would be very detrimental to the Island. Secondly, we could, as we are doing today, continue subsidies to maintain a level at which the farming community will just bounce along and will never grow or develop. Thirdly, which I believe is the department's view, we could underpin a safety net but then to develop alternatives.

I believe the department is timely in coming forward with this. It does give a period of surety for a sector of the agricultural community. I commend the department and I also commend the NFU for the openness in dialogue, and I hope that this is merely a platform for greater co-operation and diversity and consolidation where necessary, but that only can be done if this Court supports sufficiently what we have in existence today, sir.

The President: Hon. member for Middle, Mr North.

Mr North: Thank you, Mr President. I think it is fair to say that the Council of Ministers has given the Minister for Agriculture every encouragement to bring forward these schemes, certainly over the last two years. I would like to just extend this slightly, bearing in mind the involvement of the Department of Trade and Industry, very much so in the creamery. I think I am right in saying it was the largest investment that government has ever made on that scheme that went into the creamery, and that is a manufacturing process. Certainly the Minister for Agriculture and I over the last couple of years have had discussions, because I believe that the dairy on a farm is part of that manufacturing process. That is where the whole process starts.

Now, if you have not got a viable industry with the dairy industry producing milk, then the whole industry including the creamery has a problem, and I believe that this hon. Court should ensure, which it is doing now, that not only the dairy farmer. . . and they are subsisting at the moment; that is a fact, and the hon. minister is well aware, far more than we are, as to what problems exist within the dairy farming community. I have got two major dairy producers in my constituency who are going out of milk. They cannot survive and yet we should make absolutely certain over the next few years, until it does come right, that the dairy farmer can survive and make a profit, not just subsist. They cannot go on year in year out for 10 years breaking even. They will lose heart. They have to see money coming through for investment, and I think one of the best investments this hon. Court can make in the island is in the farming industry, not just the dairy industry.

We have to make sure there is tremendous change happening throughout Europe, throughout the world. We need to help them and make sure that they get through these next few years so that we can come out and do things like the hon. member for Rushen was talking about. It does not happen overnight to add value. They have now, and certainly the minister has been encouraging. We have to do their marketing, and once they get the marketing right. . . and I have to say over last few years it has been the one critical factor that has been wrong: the marketing. They have not addressed it properly. They are doing so now. They have a good marketing plan, but again you just cannot suddenly change it and produce a business plan so that suddenly overnight cheese is suddenly profitable! That is the big problem. It takes three to five years, and I believe that they have got a business plan that we, certainly, in the DTI are watching very carefully,

encouraging it and I believe they will come out the other end where the value of the cheese is not sold as sort of subsidised product, which it is at the moment - 75 per cent to 80 per cent of the production goes into cheese. They have got to add the value. For many years that cheese was just sold at ridiculous prices. They are trying to get that up. It is a world commodity, I am afraid, Cheddar cheese. If you add the value to that cheese, which is what they are doing, it will transform the industry and that will spread down to the farmer, but we need to make sure that we put the money in now into where the original product comes from to make sure that when it does come and they get the marketing right, we will have the basic product.

Personally I am very much against the idea of introducing quotas on the Isle of Man in the dairy industry. We will rue the day that we introduced that on the Isle of Man. We have a milk facility down there. I think, from memory, it can handle 60 million litres. I think it is doing something like 40 million litres, or less perhaps. We have to make sure that it is fully utilized, that you get the economy of scale through and that is why I fully support the minister - and I know he agrees with this. I think that we have to make sure that we keep that basic number of producers viable until we do get the marketing right, Mr President.

The President: Hon. member for Douglas South, Mr Cretney.

Mr Cretney: It will be very brief, Mr President. I was brought to my feet a little by the remarks of the hon. Speaker when he spoke on this debate about those involved in agriculture being custodians of land, the caretakers of our land which we all value and we all love so much, and he is so right in that. We do take the opportunity in our advertising brochures, I think, more and more for those people who come to the Isle of Man that the Isle of Man is about so much more than just a promenade or a beach holiday; the Isle of Man is about the countryside and it is on that basis that I would just like to have a few words, because I do not feel particularly well qualified at all to comment on agricultural matters.

But what I have heard before so often, and it was repeated again today by the hon. Minister for Trade and Industry, is about cheese production and how we have got to get added value, and we have heard this and heard it and we need to transform the talk into action, really, because we have heard it for a long time.

Mr North: Absolutely.

A Member: For years.

Mr Cretney: Unfortunately, as the hon. Minister for Agriculture, who I think has been very honest today, has made it quite clear that there has been a reduction of those involved in dairy production, and I think sadly that was inevitable. If you look further afield, the same situation exists: they were encouraged to over-produce and we have got the difficulties and the situation that has arisen from there. So what we have to do is support them, and I am fully in support of what is before us today. We have to support them in the short term and we have to also look for ways to diversify, and all I would like to say is that I hope that via my department in conjunction with Local Government and Agriculture we can do something to try and encourage more one of the real growth areas, which has been tourism in the countryside. Over the last couple of years, those who have themselves made the decision to get involved in that area of tourism have seen the rewards, and I think, if we can co-operatively work with those in the industry to encourage them to diversify in that way, it will help in the longer term.

The President: Hon. member for Onchan, Mr Karran.

Mr Karran: Mr President, I just would like to say I am glad to hear the Minister of Trade and Industry get up in that it is about joined-up government. I have got no problem with supporting this proposal in front of us today. I think the first responsibility of any government is to have the facility

to feed its people, and I think we all accept that. I have no problem with putting money from a booming economy into trying to revitalize a traditional industry like agriculture. I have got no problem with that at all, but I am concerned about, once again, joined-up government.

We keep on hearing about this new millennium as far as our agricultural industry is going to come along and we are going to get it straight. All I would like to say is that we have got the DTI and we have got agriculture, and what I want to see is as much commitment from the DTI, from an industrial basis, to try and get this product used for something that is valued and not just dumped in the adjacent isle. That is the problem at the present time, because we are not doing any good to the industry if we cannot start getting the marketing, the packaging and everything else right as far as the milk is concerned and turn it into the sort of cheese that people want. I am afraid to say that unfortunately today it could be as beautiful as the purest of cheese, but if it is not in the right packaging, it just does not sell, and I do feel that is something which has to be addressed. I have no problem today, but I would like to see a bit more action from the DTI to get this industry producing what the consumers want. In my constituency now of Onchan, I think I am down to two milk producers left in my constituency. Even when I look at my old constituency of Middle, it has been decimated and I have got no problem with trying to keep the flickering light going as far as the agricultural industry, but I want it to burn brightly and I do not think at the present time we are seeing the commitment that is going. In the debates the other day of the budget - big meat plant, very small marketing office. We need to get the expertise in to support this industry.

I am happy to support the subsidy today, but I do feel that we have got something that we can shout about as far as our agricultural products on the Island, but I do not believe that there is that commitment and that joined-up government to help this industry, because if I had a youngster, I would not be recommending them going into agriculture at the present time. Whilst Agriculture and Fisheries can support the industry by throwing money at it, we need to get the marketing sorted out, in my opinion. I will support the proposal; I am down to maybe two producers in my constituency, but it is getting it into a saleable item. Once it leaves the farmyard is the important thing, and that is the goal that we never seem to be able to get to. That is what I think the hon. member for South Douglas is on about and that is the thing that I am worried about.

The President: Hon. member of Council, Mr Waft.

Mr Waft: Thank you, Mr President. I would just like to thank those involved in the invitation to members to visit the farming community and different farms throughout the district over the past couple of years. I did take advantage of it and I am more aware of the situation than I was before. There obviously is a need for this legislation to go through and I would also like to compliment the minister on taking this forward and providing a safety net.

But I think that it should be more than a safety net. We have heard about added value since I have been a member of this hon. Court. We need to get that in place and make sure that it is effective. I think that somebody should mention actually the cost to the housewife who purchases the milk at the end of the day, because they are reaching a limit to which they can be pushed. There is a supply and a demand and a cost consequence of everything that everybody does, so I think that we are reaching it. At that end of the market we are reaching the peak where people are going to go away from that situation. I would compliment the minister on the initiative. Thank you, Mr President.

Mr Brown: Cheaper than water!

The President: Hon. member for Glenfaba, Mr Gilbey.

Mr Gilbey: I must arise because of what the last hon. member said about the price of milk to the housewife. Frankly, milk is one of the cheapest products you can buy, particularly in account of

the value it has in nutrients for people, et cetera. When you compare it with bottled water or beer, you only have to see how cheap it is.

A Member: Hear, hear. (*Mr Brown interjecting*)

The President: I call upon the minister to reply.

Mr Downie: Thank you, Mr President, hon. members. I am very pleased today to have had so much input into the debate. It has been very useful, and quite often some of the agricultural matters that come before the Court are perhaps not as clear cut as this - like the previous item, the Animal Health Act, a very, very complicated area, not one that promotes much debate, but I think it has been most welcoming to find that members are at least taking an active interest; particularly the town members are taking an interest in what is going on in the countryside and some of the efforts that government and the department are trying to do alleviate their hardships at this particular time.

Now, Mr Speaker was first on his feet. I welcome his support. As hon. members know, and he often reminds us, he represents the breadbasket of the Island.

The Speaker: Quite right.

Mr Brown: Where's that?

Mr Downie: He is very in tune with what is going on in the agricultural community and he said, quite rightly in my opinion, we need to be able to develop a sustainable agricultural industry. This money will be injected straight into the rural economy and will be a net earner and be beneficial for the Island.

Now, Mr Rimington's remarks - I am grateful for his support. He said he had concern for the land and those who farmed it. Then he went on to comment about the Isle of Man being immersed in the CAP. Well, whether we like it or not, the organisation that we belong to within agriculture, the CAP, has a tremendous bearing on the Isle of Man and in fact this Court is committed to a similar level of support to that which exists in the United Kingdom. What I have tried to do in my time in the department is adhere to the principles of that, but try and apply those principles in Isle of Man terms, so we have got the flexibility and I can tell members that there is not a similar scheme in the UK to the milk scheme that is being proposed today. Their farmers are hanging around outside dairies picketing, trying to get more money and waiting for the UK executive to bring in parts of Agenda 2000, which might be 2004, 2005, which have some support for their milk industry. So we are ahead of the game, really, and I am sure that when news of this goes out today, there will be some envious eyes looking at us, particularly from Cumberland and Westmoreland, who have been very severely hit by the deterioration in milk prices.

The hon. member for Rushen, Mr Rimington, went on to express concern, or discomfort, at highly intensive farming methods. I am glad to say we do not have highly intensive farming methods on the Isle of Man. Our methods of agriculture are not so removed as they were a few years ago. There are certain advantages with breeding and production that have gone in now, but basically we are not dissimilar from the traditional lines of farming, and I suppose we are as near to organic I would think in some areas without being accredited. We are using traditional farming methods; we do maintain a vibrant countryside; we do have our hedgerows; we do have our wildlife, and that is another bonus to the way that the land is managed and operated by the farming community.

Mr Rimington also said that we need to be developing other areas of income for those in agriculture, new ideas. Well, I made reference in the budget speech that I want to try and bring a scheme to this House at some time, with Treasury's concurrence which allow for people who are

working part time or 50 per cent of their time in agriculture to qualify for certain schemes and in fact for certain loans to enable them to buy farms and to be able to maintain their links with agriculture itself. In fact, on Friday afternoon of this week, we have a meeting of an organisation which I was pleased to set up called the Agriculture Advisory Committee, where we invite a number of those from the industry to come along, the movers and shakers, as it were, the people with the good ideas, the fresh ideas, plus Mr Macleod from the creamery and Mr Martin from the meat plant, and thrash out new thoughts and ways in which we can progress agricultural matters.

Just as a by, Mr Rimington also mentioned the value of agriculture, and I indicated in my speech that milk production is worth somewhere in the region of £12 million in exports. The total value of exports in agriculture will be somewhere between £25 million and £26 million in a year. Now, when you look what goes in at the bottom end and what the farmers actually produce from this support mechanism, it is very creditable, and I am sure a good tax consultant or accountant would give you very good reasons why we should support and sustain the rural economy. There is no doubt about it in my opinion, any economist could tell you that it does provide excellent value for money and we should not just look at it as subsidising an industry. It would be a sad day, in my opinion, if a nation could not provide enough food to support its own population or come fairly close to doing that, particularly in our basic commodities.

Mr Quine was next on his feet. He thanked the department for its initiative and I am sure all of those working in the department, Mr Gaffney and the field officers and Mr Peck, appreciate those comments. Then he went onto ask a question about equitable treatment: to what extent does the scheme treat dairy farmers and those in the suckler cow. Well, at the moment they really do not compare because the mechanisms for paying those in the suckler cow industry are different. We have had to make clear distinctions between the two methods of operation. Now, we could well be discussing the future for those in the beef industry and those involved in suckler herds. It is a very, very complicated area as the member knows; some of the cows producing beef live at altitude and others do not, and all of those different things are to be taken into perspective. We are, as I say, looking at the beef industry and we made some improvements, I think, last year when we withdrew support for P grades, and we took the money that we saved there and passed it back up the line; that was then put into to the various other grades, which have proven more beneficial when we come to market our meat, because nobody wants meat at the lower grade, everybody wants the top quality cuts, and that can be seen when you go into the supermarkets now and see the specialist product that has been developed by the industry itself in the last couple of years, where we have now got right into the supermarket, Manx produce and it is there for us all to see.

Mr Brown: And the butchers.

Mr Downie: And the butchers, yes, not forgetting the butchers. He also asked, does payment on the headage basis take account of large and small dairy farmers? Well, the answer to that is no, we had to put in a level playing field and the scheme was the fairest way that we could find, bearing in mind that if a large producer may be able to produce milk cheaper - that we have to accept - but he has additional staff to pay, he has more feed to put into the animals, he has larger costs, so on balance we have had to try and come up with a scheme which does provide this safety net or this umbrella for the industry at this difficult time, but we have had to apply it, as it were, right down the middle, so the same level of payment to each particular cow.

I move on now to the comment made by my hon. colleague for West Douglas, Mr Shimmin. I am glad and pleased at his remarks. He did say the new scheme will not provide a cure. This is quite right, it is only an umbrella, and I am sure when he was in the department he got to understand the farming community as well as I have and, in fairness to them, they would not be seeking support from government unless there was a necessity. There is a dire need at certain

times to put some money in to prime the pump and help people over what is a very, very difficult period.

My hon. colleague, Mr North, stressed the importance of the creamery and keeping going. There is a lot of investment in that creamery, and I am sure under the new management of Mr Finlay Macleod, who is very, very highly regarded in the cream world and the cheese world, we will be doing our utmost to improve the quality, going for specialist markets and looking for this added value. There are a lot of jobs out at the creamery, as hon. members know, and it is very important that this long-term investment is given a chance to get off its feet and get out there and establish its market. So I am grateful for his support.

Mr Cretney - we often have talks about ways in which we can diversify the agricultural industry and encourage more tourism in the countryside, and I know his department is currently seeking to establish more accommodation, particularly on farms, and members will know the department's view is to open up more areas and, if we are fortunate enough to bring forward our schemes for national parks and national heritage areas, there is another very good way in which tourism and agriculture can get together, and also the farmers who live on the periphery of these national parks will be able to qualify for some agri-environmental money. The farming methods can be supported, as they are in Scotland in other ways, by this environmental vote that they get.

Mr Karran, I am pleased to say, indicated he was supporting the proposal. I can assure him that there is this commitment to go out there and get some proper marketing done. In fact, you will not get a better marketeer than Mr Martin at the meat plant. He never ceases to amaze me. He is continually pushing Manx produce all the time, and that is very obvious when you visit Marks and Spencer, Shoprite, Tesco and all the other stores in the Isle of Man who now carry perhaps a wider range of Manx produce than they have ever carried, and I think that is a great credit to all those who are in the agricultural industry.

Mr Waft referred to his farm visits, and I am pleased that members have taken the opportunity to accept the invitation that was given out by the NFU and visit the farms. I must put on record that as far as I am concerned a pint of milk at 41p delivered to your door has to be one of the cheapest items (**Members:** Hear, hear.) that you could possibly have. There has been no price increase for a number of years. In fact, I had the option early on this year to go for a price increase, and if I could have been absolutely certain it would have been passed on to the farmer, I would have considered it. But, as far as I was concerned, I did not want to do that, because I felt we would be sending the wrong signal out. But when you compare a pint of milk at 41p to a bottle of water at 88p, there is no comparison at all.

I am grateful for the remarks made by my hon. colleague, Mr Gilbey, who also is very in touch with matters agricultural, and, Mr President, I beg to move.

The President: Hon. members, the motion before you is printed at 18 on your order paper: that the Dairy Cow Financial Assistance Scheme 2001 be approved. Those in favour please say aye; against no. The ayes have it. The ayes have it.

Hon. members, I make it an appropriate time at which to adjourn, and we will recommence at 2.30 at item 19.

The Court adjourned at 1.00 p.m.

Social Security Legislation (Application) Order 200 — Approved

The President: Hon. members, having completed item 18 we recommence at 19 and I call on the Minister for Health and Social Security to move.

Mrs Christian: Thank you, Mr President. I beg to move:

That the Social Security Legislation (Application) Order 2001 [SD No 40/01] be approved.

The Social Security Legislation (Application) Order 2001 applies to the Island UK legislation relating to the introduction of a new scheme of bereavement benefits to replace the current widows benefit. The changes are consequential upon the application to the Island at the sitting of Tynwald in October last of the Welfare Reform and Pensions Act 1999. Full details of the new benefits were outlined to members at a presentation and are also contained in the memorandum which has been circulated to hon. members. I beg to move the item standing in my name.

Mr Henderson: Thank you, Mr President, I beg to second, sir, and reserve my remarks.

The President: Hon. members, the motion before us is printed at 19 on your order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Mr Quine: Are you all right, Bill?

Mrs Crowe: He's moving to the DHSS!

Social Security Legislation (Application) (No. 2) Order 2001 — Approved

The President: Item 20, the Minister for Health and Social Security.

Mrs Christian: Mr President, I beg to move:

That the Social Security Legislation (Application) (No. 2) Order 2001 [SD No 41/01] be approved.

This order applies to the Island three items of subsidiary legislation of Parliament which provide for certain couples to claim income-based jobseekers allowance jointly. I beg to move.

Mrs Crowe: Come on, Bill.

Mr Rimington: I beg to second, sir, and reserve my remarks.

The President: The motion, hon. members, is printed at 20 on your order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Income Support (General) (Isle of Man) (Amendment) Regulations 2001 — Approved

The President: Item 21.

Mrs Christian: Mr President, I beg to move:

That the Income Support (General) (Isle of Man) (Amendment) Regulations 2001 [SD No 42/01] be approved.

The regulations contained at this item on the agenda are consequent upon the application to the Island of those provisions of the Welfare and Reform Pensions Act of 1999 which relate to the introduction of the new scheme of bereavement benefits to replace the current widows benefits. They deal with the amount of disregard in respect of widowed parents allowance and they do provide for a transitional protection for men and women aged over 55 at the start of the new arrangements. I beg to move.

The President: Mr Rimington.

Mr Rimington: I beg to second, sir, and reserve my remarks.

The President: The motion, hon. members, is that at 21 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

Drinking in Public Places (Designated Place) (Onchan) Order 2001 — Approved

The President: Item 22, the Licensing Act. I call on the Minister for Home Affairs to move.

Mr Bell: Mr President. I beg to move:

That the Drinking in Public Places (Designated Place) (Onchan) Order 2001 [SD No 28/01] be approved.

This order is made under powers provided under section 76 of the Licensing Act 1995. It designates the area comprising the Springfield Court elderly persons' complex in the district of Onchan as being a place where drinking liquor in public will be an offence once the individual concerned has been requested by a police officer not to do so. The request for this area to be designated has come from the Onchan District Commissioners working with the police to address a problem that is causing some concern within that area. I would stress, however, that the order only covers the area designated by the order that is open to the public and excludes any buildings within that designated area. Mr President, I beg to move.

The President: The hon. member for Onchan, Mr Cannell.

Mr Cannell: Yes, Mr President I beg to second and have great pleasure in seeing this through to fruition. The order, which contains mainly provisions regarding Springfield Court elderly persons' complex, is an area which has been troubled by problems to the residents, and I can cite an example here from the father of one of the persons who was there which has been written to me and to the other hon. members for Onchan - I am not trying to claim the credit for it whatever, just suffice to say that it is a nice complex, but ruined altogether by the presence of people who are described in this letter as 'young people loitering, urinating, being noisy, swearing, being abusive and throwing litter on the premises and this has become a source of great concern to the persons affected. The actions the youths commit add to the gradual increase of pressure that is leading to distress, and at 89 my mother does not wish to be repeatedly told in swearing language by young girls where to go and from tirades following her boyfriend. Mother's generation have a dignity that may never be seen again.'

To sum up, Mr President, what has been happening is a gang have been loitering there making a nuisance of themselves, even to the point of cycling through the middle of the complex. Now, the commissioners are addressing that as well by putting some better doors on the premises and in general tightening up the security of the premises. This will be aided by this order which again might be said, of course, on behalf of our Department of Home Affairs, to be moving the problem in the way that the disc parking does: as soon as you create a disc parking zone they all just move the cars round to somewhere where there is not. That is the case and the department is looking at rather more widespread measures in this regard which will come forth at a later date, but I am very content to support this and on behalf of my other colleagues from Onchan.

The President: The hon. member for Onchan, Mr Corkill.

Mr Corkill: Yes, I too will be supporting this measure, Mr President, and I am aware of all the circumstances my hon. colleague has described. I do hope the minister will, in his winding up, make clear the actual powers that this order actually provides for, because certainly the problem that we have just heard described has been a matter of youthful hooliganism, really, and totally unacceptable behaviour and disturbing people. I think these designated areas - we must be aware of what powers they actually give the police and the fact that the police can actually ask individuals who are drinking to cease drinking and, if they do not, then they commit an offence from that point on. I am not so sure that that is actually targeting the youth under age and the

hooliganism problem, but I am sure it is a useful tool in the pursuit of law and order in particular areas, and there are a number of these areas now round the Island.

I have a feeling that perhaps the police do not always use the powers that they already possess (**Mr Brown:** Hear, hear.) because they do have, in terms of alcohol, which is what this order is talking about, the ability and the powers to remove alcohol from a young person who is drinking that alcohol out on the street or in a public place and I am not so sure that they actually do that often enough. Now, I know it is very difficult and young legs run quicker than old legs sometimes and it is a difficult situation for the police to catch up with, but I think there is some ignorance abroad generally throughout the public that the police do have these powers to intervene with under-age drinking out on the street and to remove the product away from the individual. To my mind it is that application of that power which will help with the type of situation that my hon. colleague has described even more so than this designated order, sir.

The President: The hon. member for Castletown.

Mr Brown: Thank you, Mr President. I was going to just comment, similar to the hon. member for Onchan, Mr Corkill, where he has made the point about the concern I have: the police already have quite considerable powers to deal with nuisance, to deal with public disorder, to deal with young ones under the age of 18 who just carry alcohol with them, never mind opening it, and I have to say that the experience is that they are not utilising the powers they already have and, whilst the members for Onchan are content to have this order in place in a specific area and based on the contribution made by the hon. member for Onchan, Mr Cannell, this order will do nothing to help the problems that he portrayed from his constituent because the police already have those powers, and I have a concern generally that the legislators in the Isle of Man are encouraged time and time again to introduce more and more restrictive laws on our people when we live in a free society, whereas I would prefer them to use the laws they have which are already there and concentrate on the few who abuse that and deal with the offenders and leave the majority of people alone. So I am quite content to support because it is what the area wants, but I have to say I think that the impression is being given that without these orders the police have no powers, and I think it is time we said 'Yes, they have, they just do not seem to exercise them.'

The President: The hon. member Mr Shimmin.

Mr Shimmin: Thank you, Mr President. I was just brought to my feet by the two previous speakers. Maybe I have been fortunate on the occasions when I have been out with the police service on Friday and Saturday nights; I have been there as police officers have attempted to do exactly what the two previous speakers have been talking about. The difficulty is, firstly, where, particularly if a police vehicle attends a scene, by the time they have got out of the vehicle the alcohol which may be referred to has already been discarded; secondly, the opportunity of dealing in a realistic way with these young people is hampered by the fact that there are numbers of them, and the police officer on arriving at a scene has to determine what course of action is going to be most beneficial. I do believe that the police officers, every single one of them, would prefer to do exactly what the two previous ministers have mentioned, which is to resolve these issues for the benefit of the public of the Isle of Man. I did feel some surprise and concern that there is almost an indication that this was a deliberate policy of the police not to do exactly that. I dispute that; I believe the police do what they can and this order, which has been designed for some years to try and reflect the member for Castletown's comments that we are not trying to be draconian, it is one where it gives people an opportunity, and particularly those over 18, of being asked to stop drinking and, if they refuse, then they can be dealt with. This is not designed for young people because the law already states the opportunity of withdrawing that, but it should be seen as a discouragement and an identification of an area which will discourage.

I do take on board the comments of the member for Onchan, Mr Cannell, that like disc zones it can just move the problem elsewhere, but that is one where, if an identified area has a problem, then it is incumbent upon us to help the police and try and resolve those issues, sir.

The President: The hon. member for Onchan, Mr Karran.

Mr Karran: Eaghtyrane, all I would like to say is that the two previous speakers for Castletown and Onchan are quite right: this deals with adults. We fought a hard battle to get this piece of legislation in another place many years ago when I moved amendments to a Bill. All I would like to say is that I do not think anybody thinks that this is a solve-all situation. I am happy to support this proposal by the minister. I think that the police do do a good job up there. I appreciate the work that they have done as far as the drop-in café in the area and the Department of Education for giving me a youth leader on a Saturday night. I hope we can see that grow and I think that it is about putting rungs on the ladder. This will not just solve the problem by bringing this in; we need to look at other issues, and I think that the minister is in a hard position because he is being forced to do this. We have seen the problems with our own constituents around this place, but I do have some sympathy in the fact that the police have got the powers to take any alcohol off any child in any public place and take the alcohol away, and they have got the legal powers to do so.

So I do not know whether the argument is that there are adults aiding and abetting around this area to resolve this issue, but I think that this hon. Court would be mistaken if it thinks that this is going to solve the problem. We are the second biggest conurbation in the Island and we do not have a full-time youth officer in Onchan yet. That is the sort of thing we need, the rungs on the ladder.

I welcome the minister's idea, but I think it is wrong for any of us to criticise. They are at the front end and they do do their best; I know in Onchan they have been very supportive to the likes of our project as far as the drop-in café for the kids. So I would just say, as far as I am concerned, if this order is to stop the adults who are aiding and abetting the kids from drinking around the sheltered complex then this is very good, but I do feel that there are powers there. We have fought long and hard to get the amendments in when the hon. member Dr Orme was over there fighting against it on civil liberty grounds, but I support the order and I do think the police are in a no-win situation as far as this is concerned.

The President: The hon. member Mr Henderson.

Mr Henderson: Thank you, Mr President. I am fully supportive of the order and it is a sad reflection of our society, but it is something that needs doing. There are the few out there who this order is aimed at. It is not aimed at the majority and it is aimed at helping our police to try and come to terms with an increasing situation that has become all too obvious, especially on Friday and Saturday nights. It is an attempt to try and make the management of the situations far easier and more constructive to cope with. The officers have a hard enough job as it is trying to apply what laws and legislation they have to these difficult areas and I would just point out that we can have youth clubs on every corner of the Island, which would be nice, and two youth leaders to each one, but the point is there is a hard core few who will not and have no wish to avail themselves of any facilities in particular, and they have got a different way of enjoying themselves to mainstream society. Their way is to do alternative things which unfortunately spoil our civil liberties and I think that needs to be borne in mind as well, because although it has been pointed out that perhaps these orders are restrictive, yes, they may appear so, but in reality they make the place that little bit safer for us, a little bit more reassuring and certainly I do not feel restricted by them; I feel, albeit reluctantly, pleased that something has been done to address it, even if it is ever so slightly, Mr President.

The President: I call on the minister to reply.

Mr Bell: Thank you, Mr President. I do think that there is a misunderstanding at times as to precisely what this legislation entails. It does not ban drinking in any particular areas, it simply gives the police a power, once an individual has been asked to stop drinking, to move the individuals on. It is a limited power, it is certainly no panacea and it is, in effect, targeted at over-18s.

As previous speakers have said, there is already ample legislation in being for under-aged drinkers and that is applied wherever possible, so this really is dealing with a fairly narrow problem which does crop up from time to time, albeit that there are occasions when the police find it useful because it is only triggered in fairly low level incidents. If the problem does get serious, then obviously there is other legislation there relating to public disorder which can be triggered in response, but the benefit of this is it can frequently nip potential problems in the bud before it does get to an unpleasant state of affairs. The police, I think, have really gone out of their way not to make arrests under this; it is simply to move them on. It is a cautionary provision which we have and I think, albeit perhaps within limitations, it has had some impact in those areas, but it is not targeted at under-age drinkers because there is already a provision in law and one which is used from time to time by the police.

It certainly, just touching on the first speaker, only applies to alcohol. All these other issues which have been mentioned, although they are obviously a matter of concern and the police do follow these problems up, are not in any way covered by this order. Hooliganism, rowdyism, whichever description you want to put on it, is a separate issue altogether and will not in any way be affected by this legislation.

I would like to refute, though, one other impression, perhaps, that has been given that the police are doing absolutely nothing about this and we just let behaviour carry on regardless, even within these areas, particularly with young people. It is a very difficult judgement at times that the police have to take. My colleague, the hon. member for West Douglas, is absolutely right when he describes the difficulties that the police are faced with sometimes, where you might have 20 or 30 or 40 youngsters, all boisterous, all kicking off at the same time and the dilemma then that the police themselves are faced with is how they respond to them. But there is a wider issue still and this is the most fundamental issue of all, and that is parental responsibility in these areas when we are talking about young people under-age drinking. The police have quoted to me no end of occasions where they have picked up youngsters for drinking on the streets, drinking illegally, but it is always the intention - and the police try very valiantly in this end - not to criminalise youngsters. Their first aim has been for protection, to get them off the streets, take the drink off them and take them home to their parents (**Mr Brown:** Hear, hear.) and that is the way it should be. Certainly whilst I remain as Minister of Home Affairs that will be the way that the police will handle this situation.

We are not out to criminalise youngsters. Under-age drinking is not something that has just happened in the 1990s; it has been with us for generations, but what we do want to do is try and protect the youngsters from themselves in some respect, to take the drink off them, to take them home, inform their parents what the youngsters have been doing and hope that the parents then would act responsibly in chastising the children and really warning them as to what the dangers are, but I have to say, there have been a good number of occasions where this has happened, the police have taken youngsters home in good faith and they have had a lot of abuse at the doorstep from parents for daring to interfere with their children's social life.

Now frankly, when we get into that situation, it is absolutely wrong to turn round and blame the police for not doing their job. They are doing the job exactly as they are instructed to do as I

think we would all, as caring individuals, want them to do with youngsters, but we are finding that that goodwill is not being reciprocated by the families. I am not saying in all cases, but there are instances where this does happen and obviously that is very demoralising and obviously makes it extremely difficult for the police to act effectively to stamp out this problem, but nevertheless the police do persevere and I can give all hon. members the assurance that they are not shirking in this area at all, but they are trying to apply a light touch to the issue without damaging the youngsters in the process.

But on the issue itself, this request has come from Onchan Commissioners. The police have had meetings with the Onchan Commissioners on it and we are pleased to comply with the request of the local authority, but it is not a panacea, it is only to be applied in limited circumstances and most certainly only applies to drinking on the street and does not apply to hooliganism, vandalism or all the other anti-social activities which go on; they will be dealt with under other legislation.

So I thank members for their comments and the support, Mr President and I beg to move.

The President: The motion, hon. members, is that printed at 22 on the order paper. Will those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Laxey Village Commissioners (Alteration of Number of Members) Scheme Order 2001 —
Approved**

The President: We turn then to item 23 and I call on the Minister for Local Government and the Environment to move.

Mr Gilbey: Mr President, I beg to move:

That the Laxey Village Commissioners (Alteration of number of members) Scheme Order 2001 [SD No 50/01] be approved.

This order will have the effect of eventually reducing by May 2002 the numbers of commissioners in Laxey Village District from nine to seven. Following consultation with the Department of Local Government and the Environment the commissioners determined that it would be desirable to implement procedures to reduce the numbers of their elected members. Under the provisions of section 9.5 of the Local Government Act 1985 the department was obliged to hold a public inquiry which was chaired by His Honour Deemster Corrin.

His Honour's report highlighted the main reasons for propounding the scheme. Firstly that having regard to the population of the village and the limited functions remaining with the commissioners, the reduction in the number of commissioners was both realistic and desirable. His Honour's report concluded that the scheme proposed by the commissioners for the reduction in numbers was, and I quote 'an eminently sensible proposition having regard to the village population and the extent of the commissioners' statutory functions.'

His Honour summed up his report by recommending that the department should make the necessary order which is now before this hon. Court. therefore, Mr President, I beg to move.

Mr Quine: I beg to second and reserve my remarks, sir.

The President: The hon. member for Garff, Mr Rodan.

Mr Rodan: Thank you, Mr President. Just a word, really, in support of this motion on the order paper and perhaps to commend the Laxey Village Commissioners for their initiative. In reading the reasons for the measure one might imagine that the problem was peculiar to Laxey. Certainly while they may have been experiencing difficulties in attracting candidates for election I do not think that is any more the case in Laxey than anywhere else, and certainly the people there are no

less publicly spirited than anywhere else, but having been on the Laxey Village Commissioners some years ago when this issue was first mooted, I can add that there has been a feeling that a responsible local authority who resisted imposed structural change under the 'Time for Change' proposals as were at that time really ought to be responsible, not just to sit back but to come forward with alternatives, and this local authority is doing just that. It is saying 'Here we are, demonstrating a willingness to undertake reform of ourselves, by ourselves, in the interests of greater internal efficiency. One of the arguments for 'Time for Change' on structural change advanced by the Department of Local Government has been the numbers of local authority members on the Island for a population of our size; the 160 or whatever it was for the 20-plus local authorities was arguably very high, and this was one of the reasons for 'Time for Change.' Well, this particular local authority has said 'Well, yes, given the size of our area, if that is the case and if we are experiencing difficulties, let us show that we are prepared to do something to reform ourselves rather than just wait for reform to come along, and I hope this example will be taken on board by other local authorities. The rural ones who have resisted most strongly, perhaps, the arguments for structural reform and similarly show that, if appropriate, they are prepared to reform themselves.

Mr Cretney: And they lived happily ever after.

The President: The hon. member for Onchan, Mr Karran.

Mr Karran: Could the minister explain the rationale between every third year we have three vacancies and two vacancies the other years? If we had STV then, fair enough, it would not make much difference, but when you could have a situation that you have got different amounts of candidates, you can have a situation where, if you get yourself out of the pace, you could end up voting for three in the two-year election. I know it sounds petty, but why did we go for seven and not six and what was the rationale behind that? Surely for good continuity when the elections come up, to have in every three-year period two years where you return two people and the third year a third person - I just would like to know why you did not go for six and then you have got the continuity as far as the three-year term is concerned?

The President: I call on the minister to reply.

Mr Gilbey: Thank you, Mr President. In reply to the points made by the hon. member for Garff, Mr Rodan, as he says, the problem is not confined to Laxey, and indeed he used the almost identical words to those used by the hon. Deemster Corrin who pointed out, and I quote, 'This is not a problem exclusive to Laxey.'

Regarding the point made by the hon. member for Onchan, Mr Karran, there is an extremely realistic reason why the commissioners went for seven, not six. The point is if you have six people altogether the chairman could need a casting vote, but if there is only seven people or if there are five people you do not normally need a casting vote, and they felt that five was too few and that therefore seven was the right number. I think they were entirely right in this and the department certainly supports the commissioners in their request for this order, which I hope this hon. Court will unanimously support.

The President: Hon. members, the motion before us is printed at 23 on the order paper, that the Laxey Village Commissioners (Alteration of Numbers of Members) Scheme Order 2001 be approved. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

**Weights and Measures (Working Standards and Testing Equipment) Regulations 2001 —
Approved**

The President: Item 24, the Chairman of the Isle of Man Office of Fair Trading to move.

Mrs Crowe: Thank you, Mr President. I beg to move:

That the Weights and Measures (Working Standards and Testing Equipment) Regulations 2001 [SD No 36/01] be approved.

Another part of the complete review of our legislation. These regulations are made under sections 3, 62 and 68 of the Weights and Measures Act 1989 which enable the Office of Fair Trading to make by regulation provisions for testing of working standards and testing equipment used by inspectors of weights and measures. These regulations are of a technical nature whose main purpose is to prescribe the method of testing and adjusting the working standard weights and measures and testing equipment used by trading standards officers in their function as inspectors of weights and measures. These regulations also prescribe the limits of permissible error in the equipment.

The regulations revoke and replace regulations of a similar title which were introduced some 29 years ago. In general they recognise advances in weighing, measuring and all the ancillary technology, and the professional expertise of today's inspectors increases the intervals between testing of certain equipment and allowing an inspector to use his own judgement in the choice of equipment.

They introduce testing requirements and limits of equipment which have recently been introduced into the inspector's inventory, reflecting the broader demands of inspectors today.

The Isle of Man Office of Fair Trading holds the Manx national standards for measurement, and if anyone would like further explanation of these regulations I would be pleased to show them around our metrology laboratory where the national standards are kept and our working standards are used daily. Thank you, Mr President.

Mr Waft: I beg to second, Mr President, and reserve my remarks.

The President: Hon. members, the motion before us then is printed at 24 on your order paper. Those in favour please say aye; against, no. The ayes have it. The ayes have it.

Clerk Assistant of Tynwald — Appointment — Amended Motion Carried

The President: We turn then to item 25 and I call on the Chairman of the Tynwald Management Committee, Mr Speaker, to move.

The Speaker: Mr President, I beg to move:

That in accordance with the provisions of standing order 9.3, Mrs Marilyn Cullen be appointed Clerk Assistant of Tynwald (Deputy Clerk of Tynwald) with effect from 1st March 2001, the appointment to continue during pleasure.

Mrs Cullen's appointment has been widely discussed and debated both privately and publicly and I do not intend at this moment to add any further comment. However, I will answer any questions that hon. members may have. Mrs Cullen's appointment is for ratification by this Court and I move the motion standing in my name.

The President: I call on the hon. member of Council, Mr Kniveton.

Mr Kniveton: Yes, sir, I rise to second this motion. I believe that this matter and other related matters have gone on long enough, whether rightly or wrongly - and I do emphasise, *whether rightly or wrongly*. Until now I have not joined in, but as I have looked over the garden wall, what I have heard and seen has saddened me and I am not going to criticise anybody today - no criticism of anybody.

The lady in question was offered the position as set out on the order paper. I understand she has accepted, since when the lady's name has been bandied around, if that is the expression, either in the press, on the radio or in conversation. I believe it is unfair to her now to carry on further debates. I believe she has done well to preserve her composure. (**Members:** Hear, hear.) She has acted immaculately (**Mr Gilbey:** Hear, hear.).

Whereas hon. members always have the right of debate - of course they do, and that is what this hon. Court is all about - I hope that today will see the end of this. . . I do not know what to call it - sometimes, I believe, 'bitter furore', and that we will start anew today and get on with the job of managing our own internal affairs. I would like to hope that this subject is now truly finished and that we will readily accept the motion before us and confirm Mrs Cullen's appointment as Clerk Assistant of Tynwald, Deputy Clerk of Tynwald. I have every confidence in her. The motion concerns just one appointment, that of Mrs Cullen, and I hope that we will not be waylaid by other appointments whether advertised, offered or whatever. Thank you.

The President: Hon. member, Douglas East, Mr Braidwood.

Mr Braidwood: Thank you, Mr President. I will be supporting the motion in front of us today. However, it would be remiss of me not to express my bitter disappointment with the Tynwald Management Committee (**Two Members:** Hear, hear.) and how they have handled this whole procedure.

They discriminated against local people who may have applied for the position but did not because they did not meet the criteria, but adversely it culminated in the loss of the services of the Clerk of Tynwald, Professor StJohn Bates, who is also Secretary to the House of Keys and Counsel to the Speaker. I believe the Tynwald Management Committee did not enter into the spirit of the amendment moved by the hon. member for Malew and Santon in another place on 24th January to enter into discussions with the Clerk with a view to retaining his services; it was not adhered to. The intention as far as the majority of the members of this hon. Court were concerned was to reinstate Professor Bates on his existing terms and conditions, a position expressed by the Chairman of the Tynwald Management Committee, Mr Speaker, at their meeting on 2nd February 2001.

The committee, however, in their letter of 5th February 2001 offered Professor Bates a new appointment that stated there was no provision for academic or other private work during the normal working hours. This stipulation was naturally untenable to the professor as he had stated quite categorically in his revised extract of the minutes of a meeting of the Tynwald Management Committee held on 30th January 2001, at the suggestion of Mrs Hannan that he would not be permitted to undertake private work in the office were his services to be retained, that undertaking academic work had been a carefully worded part of his letter of appointment and approved by Tynwald Court, and if the committee were to propose to Tynwald that the existing conditions of his appointment were that his permitted academic work were removed it would not be possible to retain his services. The committee were fully aware of the consequences in offering less favourable terms and conditions, and without doubt the committee's intransigence has resulted in the loss of a world renowned constitutional lawyer who has advised European countries on their constitutions and who was instrumental in the setting up of the standing orders of the Scottish Parliament.

The President: Now, hon. member, if you would, please, I would like you to come back a little closer to the motion which is on the order paper.

A Member: Hear, hear.

Mr Braidwood: Yes, sir, I am just finishing now. Our loss will be somebody's gain one which, with the undoubted future pressures which we have exerted on the Isle of Man from external sources, we could do without. I know a majority of members of this hon. Court want to retain the services of Professor StJohn Bates (**Several Members:** Hear, hear.) and that they believe it is only the posturing of the Tynwald Management Committee that has led to us not being able to do so. Thank you, Mr President.

The President: Hon. member for Douglas West, Mr Shimmin.

Mr Shimmin: Thank you, Mr President. I would concur with many of the comments of the member of Council, Mr Kniveton. I have nothing but admiration and respect for the manner in which Mrs Cullen has conducted herself and I will, of course, support gladly the motion standing before us today. The final thing that comes upon me I wish to say is that StJohn knows my feelings on his last Tynwald with us. I wish him and his family health, happiness and success wherever his career takes him, sir.

A Member: Hear, hear.

The President: Hon. member for Ramsey, Mr Singer.

Mr Singer: Thank you, Mr President. I would like to say first of all that I will certainly be supporting the appointment of Mrs Cullen and she will have my support at all times whenever we are together and we are conducting Tynwald business together. But I believe that there is a great dissatisfaction in the way that the Tynwald Management Committee have conducted this and associated matters from the start to date. The consultation with members was only taken under the pressure of the obvious dissatisfaction of the members and then basically ignored. There may well have been dissenting voices within the Tynwald Management Committee on the various decisions they have made, but they do have a collective role of responsibility and certainly the members did not disagree sufficiently to resign from that committee so their view has to be taken as the view of the full committee.

But the Tynwald Management Committee did set their own rules initially and then they ignored them, therefore the overall handling of the continuing situation since the appointment of Mrs Cullen has been abysmal, and further discussions such as the choice of the appointment of an Acting Clerk of Tynwald do not, I believe, have the majority support. I believe that the Tynwald Management Committee have lost the confidence of members of this Court (**Two Members:** Hear, hear.) and Mrs Cullen has been caused embarrassment by the actions and methods of the Tynwald Management Committee. It is their fault that this embarrassment has been caused and that embarrassment has been felt by many hon. members in this Court. The question I would ask this hon. Court is whether the Tynwald Management Committee can regain the confidence of this hon. Court, and I myself doubt it.

The President: Hon. member of Council, Mrs Christian.

Mrs Christian: Mr President, I certainly rise to support the resolution on the order paper and hope that the matter relating to Mrs Cullen will be put to rest today and that we will all welcome her to undertake her role. (**A Member:** Hear, hear.) I do, however, have to say that there are statements being made in this Court which certainly have not been tested in this Court about its view. As a Member of the Legislative Council I can say that the whole issue has been very much one as has been dictated by the House of Keys, it is not one which the Legislative Council has expressed a view on but I believe it fair to say that there are many in the Legislative Council who would support the Tynwald Management Committee in the way they have handled it. I do believe that some of the criticisms that have been made of that committee are not justified and one might

go back a step earlier than the actual appointments to selection of the names which went forward for consideration, and that is the point at which perhaps other views might have been expressed.

So I take note of your comment that we do not want this debate to divert too far from what is on the order paper, but I do feel that it is wrong for Tynwald members to allude to the majority view of this Court when it has not been tested in this place. They may take a view on what the view of one branch is and consider that to be a majority view of the Court on numerical terms, but it simply has not been tested in this Court.

The President: Hon. member for Douglas East, Mrs Cannell.

Mrs Cannell: Thank you, Mr President. In view of the comments made by the previous speaker perhaps I can assist in providing a situation whereby the feelings, views and votes and opinions of this Court can now be tested.

I do not have a problem in supporting the recommendation to appoint Mrs Cullen. In fact, the good lady has serviced many a parliamentary select committee and has done her job very well indeed, and I feel sure that she will rise to the job and she will serve members of the Legislative Council, Tynwald Court and members as well as she possibly can; there is no doubt about that. I am pleased that a woman is in fact being elevated to such a position -

Mrs Crowe: Well supported.

Mrs Cannell: - and it is probably the first female ever to occupy such a position within this parliamentary setting in the Isle of Man, and so any kind of promotion and elevation of the fairer sex I would support. However -

A Member: Miaow! (*Laughter*)

Mrs Cannell: - do we have a cat in here? I do not think we do, Mr President.

I am going to be very short; I would like to amend the resolution as printed at item 25 on the agenda:

After "That" insert "(1)"

After "pleasure" add -

"; and

(2) this hon Court records its dissatisfaction with the manner in which the Tynwald Management Committee has carried out the recruitment exercise for this post and expresses regret at any embarrassment caused to Mrs Cullen as a consequence."

Now, I believe that this will reflect the view of at least the majority of the Members of the Keys here present and perhaps may well be supported by the majority of the members of the Legislative Council. That can now be tested.

I believe that there has been embarrassment caused because of the way in which the whole situation has been handled from day one, and we have heard the arguments for and against and we have heard the explanations and we have heard the excuses, and we have even heard and accepted a resolution in another place to try and resolve the situation, but unfortunately we arrive here today faced with the motion before us, which had to come to us at some stage, and of course with the unenviable position that we now find ourselves in where we are going to lose the services which we were very proud to have in place - of course those of Professor StJohn Bates.

Now, I both appreciate the position he has taken, I more than appreciate the position that Mrs Cullen has taken, and indeed she has coped exceedingly well in view of what has been discussed in this place and other places in the public arena and in the media, and today we will

take the decision and today the situation will be finally done and dusted, but I think it would certainly be remiss of us hon. members who reside in the Keys to allow the situation to go unchecked. We have a view, we still hold that view and we hope sincerely that the Members of the Legislative Council, who were themselves predominantly members of the Keys, will support us in this amendment.

I understand that the amendment will now be circulated. It merely states our view and of course it also puts down on record that it is also Tynwald's view that they express regret at any embarrassment caused. I beg to move the amendment, Mr President, and I hope it is supported.

Mr Henderson: I beg to second, sir, and reserve my remarks.

The President: You cannot, sir.

The Speaker: You cannot.

Mr Cretney: Read your standing orders.

Mr Henderson: Thank you, Mr Cretney. Mr President, in seconding this I cannot express my views any more eloquently or constructively placed by the hon. member for East Douglas, Mrs Cannell, and I certainly align my views with that expressed by Mr Braidwood, hon. member for Douglas East. I would just like to say that this amendment has emanated from members of the Keys and that it should be seen as such and it has not been driven from any other direction but from concerned members within the House of Keys.

Having said that, I must say I too will be supportive of the substantive motion as made earlier by the hon. Speaker. That I have no quarrel with whatsoever and never have had, but I am dismayed at the services that we are about to lose and feel it is a loss to our parliament. (**A Member:** Hear, hear.) I appreciate that the management committee has entered into discussions and has tried, but it is my opinion that perhaps we should have tried that bit harder because I feel the services that we are losing will not be replaced and that certainly is a sad day for our parliament. Thank you, Mr President.

The President: Hon. member for Ayre, Mr Quine.

Mr Quine: Mr President, it is past time that a line was drawn under it and I am pleased to support both the motion and the amendment to achieve that end. There is nothing new going to come out of today's discussion on what has happened in the past. I, along with certainly a good number of members, are left with a distinctly sour taste in my mouth and with a very strong feeling that we have suffered an unnecessary and substantial loss as a consequence of what has happened.

I certainly respect the manner of Mrs Cullen's reaction to all of this; she has conducted herself in an admirable fashion, and I think all we need to do to bring this to an end now is to take a vote on the substantive motion and the amendment. The substantive motion I do not think there is going to be any problem with whatsoever. That is a fait accompli and the good lady, I am sure, will measure up to what she has to do within her best abilities, which are very considerable.

In terms of the amendment, well, it is a very simple matter. Members who have spoken in the past now have an opportunity to either in effect say, 'Yes, we have been beaten down by the Tynwald Management Committee and therefore we're going to climb off' or they can put their name to this amendment and signify their position in relation to this matter.

Messrs Houghton and Henderson: Hear, hear.

The President: Hon. member Mrs Christian.

Mrs Christian: Mr President, I would like just to comment on the amendment that is proposed. I think it is very regrettable that any such amendment should be attached to the resolution relating to the appointment of Mrs Cullen. (**Mr Cretney and Another Member:** Hear, hear.)

Mrs Crowe: Yes.

Mrs Christian: I think it diminishes that particular resolution in its own right and I think it is crafted in a way which presents you with two matters in one particular item, one expressing dissatisfaction with the Tynwald Management Committee and the other one expressing regret for embarrassment caused to that lady. I feel everybody in the Court would support that expression of regret but I cannot help feeling that the embarrassment has been enhanced, endorsed, (**Mrs Crowe:** Hear, hear.) multiplied by the actions of certain members of this Court (**Several Members:** Hear, hear.) by pursuing it in the manner in which they did pursue it instead of dealing with it in a more subtle and appropriate manner. So I certainly am not able to support the amendment. I certainly personally would express, and have expressed, regret to Mrs Cullen about the way in which her particular appointment has been exposed in the way that it has, and I regret very much that there should be an amendment such as this at this time and would seek support from members to reject it.

The President: Hon. member Mr Brown.

Mr Brown: Could I just seek a ruling from you, Mr President, that this amendment is in compliance with standing order 3.15(2) please, sir?

The President: Yes, I did have a look at that earlier, and whilst I am conscious of the fact that the motion on the order paper refers directly to 9.3 and is therefore directly attributable to a standing order, I did feel that the wording of this amendment did not materially affect the substantive motion on the order paper and therefore, sir, it would have to stand.

Mr Corkill: It is irrelevant to it.

The President: Hon. member Mr Kniveton.

Mr Kniveton: Yes, speaking to the amendment, sir, I am sure hon. members will appreciate that I did try very hard to create a calmer atmosphere here on the subject.

I would say I cannot support the amendment. I have tried hard not to go on one side or the other. I think the amendment spoils the occasion of the appointment of Mrs Cullen and I would respectfully suggest to hon. members that what they are trying to do in this amendment is really not for today. (**A Member:** Hear, hear.) (**Mrs Crowe:** No.) I would suggest, hon. members, that you vote for the motion, and if you are still unhappy then come back again with another motion (**A Member:** Hear, hear.) regarding the second part. Whether you want to get rid of the Tynwald Management Committee or whatever, then come back again, but do not vote today on the amendment. Stick to the motion on the paper. Thank you.

The President: Hon. member for Rushen, Mrs Crowe.

Mrs Crowe: Thank you, Mr President. I fully support the sentiments of the two previous speakers. I support the appointment of Mrs Cullen and always have done. That is not to say that I do not regret the situation we may have found ourselves in. The situation of the resignation of the present Clerk of Tynwald was entirely within his own hands. Our learned Clerk is a man whose whole professional career has been to make considered decisions and he made his decision and I do regret that that has happened, but what I say is that that decision was not one that any members of this hon. Court should have interfered with, and that is the problem that we are faced

with now. It is the interference in the decision that had previously been made. I fully support the motion before us and I will not support the amendment.

The President: I call on Mr Speaker to reply.

The Speaker: Mr President, I have listened carefully to what has been said and I believe in the circumstances it would not be appropriate, as I said at the beginning, other than to answer any particular questions, and it appears to me that there have been no particular questions; there have been mainly expressions of regret at what has happened, regret at the embarrassment to Mrs Cullen who has withstood a battering both in the press and on the radio and elsewhere. The appointment has been made; if it is ratified today it will stand and the best thing that this Court can do is to accept that the appointment has been made, to wish Mrs Cullen well and to support her in her new appointment. There would be nothing other than that that can be done and should be done.

It is not for me to comment upon the amendment; that is for members to decide themselves whether they have confidence in what the Tynwald Management Committee did, but I will be the first to say that there were errors of judgement throughout; from the beginning there were certain errors of judgement, but to start from the beginning I do not think is appropriate. It began with the advertisement in the newspaper, but I am not going to go through all what has happened since that advertisement was placed last October. The best thing that this Court can do this afternoon is to support the appointment of Mrs Cullen.

The President: Hon. members, the motion before us is printed at 25 on your order paper. To that we have the amendment moved by Mrs Cannell and circulated to all members on the white paper. Those in favour of the amendment please say aye; against, no. The noes have it.

A division was called for and voting resulted as follows:

In the Keys -

For: Messrs Quine, Rodan, Houghton, Henderson, Braidwood, Mrs Cannell, Messrs Shimmin, Downie, Singer, Bell, Karran and Cannell - 12

Against: Messrs Gilbey, North, Mrs Crowe, Messrs Rimington, Brown, Cretney, Corkill, Gelling and the Speaker - 9

The Speaker: Mr President, the amendment carries in the House of Keys, 12 votes in favour and 9 votes against.

In the Council -

For: The Lord Bishop, Mr Waft, Dr Mann and Mr Crowe - 4

Against: Messrs Kniveton, Radcliffe and Mrs Christian - 3

The President: Four votes cast in favour in the Council, three votes against, it therefore carries, hon. members.

I put the motion as amended. Those in favour please say aye, against no. The ayes have it. The ayes have it.

A division was called for and voting was resulted as follows:

In the Keys -

For: Messrs Gilbey, Quine, Rodan, North, Mrs Crowe, Messrs Rimington, Brown, Houghton, Henderson, Cretney, Braidwood, Mrs Cannell, Messrs Shimmin, Downie, Singer, Bell, Karran, Corkill, Cannell, Gelling and the Speaker - 21

Against: None

The Speaker: Mr President, the amended motion has the support of the House of Keys, 21 votes in favour and no votes against.

In the Council -

For: Mr Waft, Dr Mann, Messrs Kniveton, Radcliffe, Mrs Christian, Messrs Delaney and Crowe - 7

Against: None

The President: Unanimity again in the Council, hon. members, the motion therefore carries.

Petition for Redress of Grievance of Joan Mann — Motion Lost

The President: We turn now to item 26 on the order paper and I call on the hon. member Dr Mann to move.

Dr Mann: Thank you, Mr President. I beg to move:

That a select committee of three members be appointed to consider and report on the petition for redress of grievance of Joan Mann presented at Tynwald assembled at St John's on 5th July 2000.

I little thought at the time I placed this resolution on the agenda paper in October that it would be four months before I would be physically able to move it in Tynwald Court, but we are never sure of tomorrow.

I must explain, first of all, why I personally am moving the resolution on this occasion. The content of this petition is very focused and limited to the interaction of the regulations that emanate from two statutes operated by two different government departments, the Department of Agriculture, Fisheries and Forestry and the Department of Local Government and the Environment. This makes an understanding of the petition difficult unless there is a particular interest on the part of an individual member. I have inevitably become aware of the recurrent correspondence that has taken place over the last two years with each department.

As a previous Chairman of the Board of Agriculture, I do have a specific understanding of the difficulties involved. I must establish now that the acceptance of this resolution, if that is the wish of the Court, does not mean the automatic acceptance of its contents, but it does involve a consideration, in detail, by the committee of the matter involved in the petition and subsequent report.

The delay of the four months has reduced the time that is available before the life of this House expires, but in view of the limited and focused content of the petition, I think it could be resolved in the time available.

I must make it clear that the resolution is not an attack on any minister or department. The Minister of Agriculture has taken his responsibilities seriously and, since the matters were raised way back, two years ago, has himself ensured that there has been a new installation of equipment at least in one main location, financially supported by his department, and he has, in addition, in place a new code of practice with the agreement of other producers within the sector, so some progress has been made. The Minister of DoLGE, although I understand is prepared to look, has been too busy with other larger issues within his department to allow detailed consideration.

Although this petition is quite obviously motivated by animal welfare considerations, I think there also other aspects of potentially enlarging production and, in so doing, safeguarding food hygiene in the future.

So in spite of all that has been done - and, I say, things have been done - the concern indicated by the petitioner remains and this petition has been accepted as being in order. At this time there is no other course laid down by standing orders except to bring a resolution of this nature before this Court this afternoon. So I wish to move the resolution standing in my name.

Mrs Cannell: Mr President, I am very happy to second and reserve my remarks, sir.

The President: Hon. member for Douglas West.

Mr Downie: Thank you, Mr President. I was trying to see if anyone else would be willing to speak. I listened with some interest to my hon. colleague and esteemed friend, Dr Mann. I know that he has the very best interest of animal welfare at heart and I know that this is a particular issue that both himself and his good lady have been campaigning for a number of years.

With the indulgence of the Court, I would just like to read out the contents of the petition - it is not a very long document. 'Showeth that the welfare of livestock regulations 1996 made by the Department of Agriculture, Fisheries and Forestry under the Welfare of Animals Act 1981 failed to control the methods of slaughter of poultry, its supervision or location. This failure allows indiscriminate cruelty in locations that are remote from the public gaze and methods which are questionable and become more so as the numbers involved increase. There is further confusion in the interpretation of the food hygiene regulations of the Department of Local Government and the Environment in the supervision of the slaughter of poultry for food purposes. The supervision in this case is related to food contamination during slaughter rather than any consideration of animal welfare.' And the petition further says, 'There is a pressing need to bring together the regulatory control of poultry slaughter currently exercised by the two departments. These should contain the same elements as those that apply to the present meat plant, for example veterinary supervision and central location.'

So members will need to bear in mind that we have a very, very tiny poultry industry in the Isle of Man, but I what the petitioner is trying to do is make a case to have a central area where poultry can be slaughtered with OVS presence, as we have at the present meat plant.

Now, I think we need to consider very carefully the need for the systems or regulations sought by the petitioner. It seems to me that the petitioner has not appreciated the difference between welfare and cruelty in terms of animal husbandry. The difference is between causing distress to animals, which is a welfare problem, and out-and-out suffering, which is cruelty.

There also appears to be a failure on the part of the petitioner to appreciate the distinction between the slaughter of animals for food and humane destruction for other reasons on the farm. Primary legislation for dealing with the slaughter of food is contained in the Food Act, which embodies powers for both the control and methods of slaughter for food or in a knackery. These powers are within the remit of the Department of Local Government and the Environment. By the same token, welfare regulations will not control cruelty, as this falls within the powers bestowed for the Cruelty to Animals Act 1997.

The net result of all this is that slaughter for human consumption remains within the remit of the Department of Local Government and the Environment and welfare on the farm during transport remains within the Department of Agriculture.

There are good and sufficient reasons for divorcing the protection of food production from the process of assisting farmers. This has recently been highlighted in the BSE inquiry lately published in the United Kingdom. This is the reason: the Welfare of Livestock Regulations 1996, referred to in the petition, have not failed to control the methods of slaughter of poultry. This is not their intention and new regulations scheduled for 2001 will not do so either. What I am trying to say is that the areas of concerns are well regulated and placing extra layers of legislative

requirements on the agricultural industry at a time when it is experiencing the greatest difficulty in living memory is, in my view, both unreasonable and in this instance, unnecessary.

As regards the killing of poultry on farm, as I have already indicated, cruelty falls to be dealt with under the Cruelty to Animals Act, and to cause unnecessary suffering is already an offence. I have to say no evidence of such cruelty has ever been found in the general destruction of poultry on farms. Welfare, as I have said, is covered under part 3 of the Animal Health Act 1996, whereby to cause or permit unnecessary pain or distress is currently a serious offence. It is the responsibility of my department to enforce this legislation. The primary offence covers all acts that cause unnecessary distress. In this respect, I would confirm that moving the site of slaughter, which is suggested in the petition, to a central location would not be a positive step, as anyone knows who understands anything about poultry, to make birds travel and have the weight for slaughter are major sources of stress and the suggested solution appears to the department to be more likely to compromise welfare than the practices which currently exist. In these circumstances I would query the need for further powers and consider the appointment of a select committee to investigate this issue as unnecessary. I would just reiterate to members: causing or permitting unnecessary suffering - that falls under the heading of cruelty - is already an offence under the Cruelty to Animals Act 1997; causing or permitting unnecessary pain or distress - that is a welfare problem and that is already an offence under part 3 of the Animal Health Act of 1996. Allegations of indiscriminate and increasing cruelty outlined in the petition are without foundation or justification.

The Island's poultry farmers are subject to welfare inspections by the Department of Agriculture officers on a regular basis, and they are also subject to regular inspections by DoLGE officers.

Treating a central poultry slaughterhouse, particularly to address the problem that has never been established, is unnecessary given the scale of the Manx industry. I would even suggest that it could be counter-productive and, given the very small and fragile nature of the Manx poultry industry, it could be detrimental to that particular industry's future.

The President: Hon. member Mr Rimington.

Mr Rimington: Thank you, Mr President. For once, without any qualification whatsoever, I would like to support the comments of the previous speaker. I believe you are in danger of reducing what is rightly described as a tiny industry to a virtually non-existent one (**Mr Gilbey:** Hear, hear.) and that is not what we want in this current climate. I think, with all due respect to the motives of the petitioner, which I accept are fully sincere, that in this case it is a step far too far and could be over-pernickity in terms of regulations and, quite honestly, the comment was made by the previous speaker that if we were to have a central slaughtering house for such few birds that do need to be slaughtered, then you would create more stress by the very movement of those birds to that central location. I accept that there is a greater need or greater awareness, possibly, generally for animal welfare, but this is just completely over the top and we would end up not being able to do anything. I should imagine we would probably end up prosecuting people who drive over the long-tails on the road at this rate if this carries on. What do we do? Are we going to make regulations outlawing all forms of hunting, of shooting? Is that in the mind? Is that the next thing? Then shall we move onto fishing?

Mr Brown: Cutting flowers.

Mr Rimington: Cutting flowers indeed. Yes, some people speak to them - luckily I am not one of them! (*Laughter*)

Honestly, Mr President, although I accept the motives of the petitioner and of the mover, I really think that we would be taking the situation far too far and endangering what little bit of industry and enterprise there is in our agricultural sector in this part. Thank you.

The President: Hon. member for Ayre.

Mr Quine: Yes, what I have to say will be very short and sharp, sir. I think we are getting ahead of ourselves. What we have is a petition for redress of grievance and we have been asked to allow a certain matter to be looked into. The Minister for Agriculture has given a very detailed and, indeed, very understandable statement as to what the position is, but that is not really not the issue at this stage. The issue is whether this matter, as would not always but would normally follow a petition for redress of grievance should be investigated. I think we are in danger of getting ahead of ourselves in trying to anticipate what could be an outcome of this investigation. So I would ask hon. members to bear that in mind. It is whether or not we are in favour of it being investigated, not what the merits of the case are.

The President: Hon. member Mr Gilbey.

Mr Gilbey: I am afraid I cannot agree with my hon. colleague in the Department of Local Government in what he has just said. It is, of course, perfectly true that the request is for the matter to be looked at, but that is true of every petition of grievance and I should say three quarters of them are not even picked up by a member of this hon. Court, so they are not all looked at. What is more, not all those that are picked up are approved for consideration, and we have to consider whether there is a justifiable case that has been made for the consideration of this petition of redress. With respect to the hon. member for Council, Dr Mann, I do not think he has made any case at all. Indeed, I would go further: he did not even tell us what the petition was about. It was left to the hon. Minister for Agriculture to explain to us all what it was about, for which I am most grateful to him, and I think he did this very clearly and eloquently and made it perfectly clear that there was no reason or justification for members of this House and supporting officer and others to spend time on this matter for the very good reasons that he explained. I am sure he is absolutely right and I agree with every word that the hon. Minister for Agriculture has said.

The President: I call upon the hon. member for Council to reply.

Dr Mann: Thank you, Mr President. I think the contribution from the hon. Minister for Agriculture, Fisheries and Forestry underlines the difficulties that we have in this petition. I think just the list of matters that he set out underlines the difficulties that are being raised within this petition. I repeat: acceptance of this resolution, does not mean an automatic acceptance of what is in the petition; it is a consideration of the statement made within the petition which, as the hon. minister has said, one could question, and he did question. The function of the committee would be to look at these various arguments and come to a conclusion. That conclusion may be completely opposite to what is in the petition. It could be that it is premature, or it is impractical.

It is true, I could have gone into the sequence of correspondence that has taken place over the last two years with the two different departments. I did not consider that the function of moving this resolution. If we had progressed further, and I could have done with what was raised by the hon. minister, we would have been doing the function of the committee. Whether or not a petition is taken off the table, as we might say, remains something that is, in my view, a matter that Tynwald has never itself resolved, and I do not want to start an argument on that, but this remains the only course of action that is available to a petitioner whose petition has been ruled to be in order.

I have to leave it with you, hon. members, to decide whether we continue with this practice or we do not. All I am asking on behalf of the petitioner in this particular case is that the matter to be looked at and that a report emanate from a committee. I beg to move.

The President: Hon. members, the motion before us then is that printed at 26 on your order paper. Those in favour please say aye; against no. The noes have it.

A division was called for and voting was resulted as follows:

In the Keys -

For: Messrs Quine, Houghton, Henderson, Braidwood, Mrs Cannell, Messrs Singer, Karran and the Speaker - 8

Against: Messrs Gilbey, North, Mrs Crowe, Messrs Rimington, Brown, Cretney, Shimmin, Downie, Bell, Corkill, Cannell and Gelling - 12

The Speaker: Mr President, the motion fails to carry in the House of Keys, 8 votes in favour and 12 votes against.

In the Council -

For: Dr Mann - 1

Against: The Lord Bishop, Messrs Waft, Kniveton, Radcliffe, Mrs Christian, Mr Crowe - 6

The President: Hon. members, one vote for in the Council, the motion therefore fails.

Clerk of Tynwald — Resignation — Expression of Appreciation

The President: That draws to a conclusion our order paper for today. Hon. members, you are aware that this is the last sitting of Tynwald to be clerked by Professor Bates, and I know that members will wish to place on record our appreciation of his service to us over the past 13¹/₂ years within this Court. We all, including the members of the Tynwald Management Committee, regret the manner of his departure, but would not wish to cloud the valuable contribution he has made in increasing the level and the standard of support available to members. (**Members:** Hear, hear.) We all sincerely thank Professor Bates for all his efforts on our behalf and we wish him very well for the future. (**Members:** Hear, hear.) Hon. members, the Council will now withdraw -

The Clerk: Thank you, Mr President, for as Clerk of Tynwald I have no voice here. First, we all leave here eventually - (*Laughter*)

A Member: Speak for yourself!

The Clerk: - some by act of God, some by the will of the electorate and some by choice. As has been observed today, I have made my choice last November and, despite the way described in the intervening distractions, members will not, I trust, lose sight of why. The choice was unlooked for, it was not taken lightly and it most assuredly was not easy.

Secondly, there are those with whom I have worked - members, of course, and I have enjoyed working with members. On this occasion I also refer to my colleagues, the officers of Tynwald. Over the past 13¹/₂ years the officers of Tynwald, past and present, have without exception served me well. More importantly, they have served you well. I would like once more to offer them my public thanks. They have long known that they have my private thanks.

Finally, there is Tynwald itself. Hon. members, in these changing times the competence of Tynwald is the bedrock of our constitution. Indeed, one can fairly say that it is our constitution. It is my prayer, Mr President, that Tynwald will not be weakened by the foolish but strengthened by the wise.

Members: Hear, hear. (*Applause*)

The President: Hon. members, the Council will now withdraw and leave the House of Keys to transact such business as Mr Speaker may wish to place before them. Thank you, hon. members.

The Council withdrew.

House of Keys

The Speaker: Hon. members, this House stands adjourned to a sitting in its own chamber on Tuesday next, 27th February 2001 at 10 a.m. Thank you, hon. members.

Members: Thank you, Mr Speaker.

The House adjourned at 4.00 p.m.