

**REPORT OF PROCEEDINGS OF  
LEGISLATIVE COUNCIL**

**Douglas, Tuesday, 23rd April 2002  
at 10.30 a.m.**

Present:

The President (the Hon N Q Cringle), The Lord Bishop (the Rt Rev Noël Debroy Jones), Hon Mrs C M Christian, Messrs E A Crowe, D F K Delaney, J R Kniveton, E G Lowey, Dr E J Mann, Messrs J N Radcliffe and G H Waft, with Mrs M Cullen, Clerk of the Council.

*The Lord Bishop took the prayers.*

**Apologies for Absence**

**The President:** Hon. members, we have apologies from the Attorney who is off the Island on government business.

**Public Sector Houses — Numbers Built — Question by Mr Lowey**

Question 1. The hon. member (Mr Lowey) to ask a member of the Council of Ministers, Mrs Christian.

*Since November 2001 -*

- A. *How many public sector houses have been -*
  - (a) completed and allocated, or*
  - (b) commenced; and*
- B. *how many private sector homes have been -*
  - (a) completed for first-time buyers and for rental,*  
*or*
  - (b) commenced?*

**The President:** I call on the hon. member, Mr Lowey.

**Mr Lowey:** Thank you, Mr President, I beg leave to ask the question standing in my name.

**The President:** A member of the Council of Ministers, Mrs Christian, to reply.

**Mrs Christian:** Mr President, the statistics for completed dwellings and for dwellings under construction are collated on a quarterly basis by the Department of Local Government and the Environment from returns provided by the department's Building Control Section and by the three local authorities responsible for building control in their own areas - they are Douglas Corporation, Peel Town Commissioners and Onchan District Commissioners. So I will aim to give the hon. member the figures from November, but I am sure he would accept the figures from the last quarter of 2001. In the quarter ended 31st December 2001 12 public sector dwellings were completed and allocated. At the end of that period there were 86 public sector units under construction.

With regard to the second part of the hon. member's question, quarterly returns do not identify whether properties are purchased by first-time buyers or are purchased for letting. The figures available for the quarter show that 85 private sector dwellings were completed during the period and 428 were under construction at the end of the period. Included in those figures are 42 of the department's developments at Springfield, Harcroft, which were completed and 13 which were still under construction. The 55 properties on that development are specifically for

the occupation of first-time buyers, and sub-letting is not permitted under the terms of the House Purchase Scheme.

**The President:** Hon. member, Mr Lowey.

**Mr Lowey:** Thank you, Mr President. Would the minister not agree that 12 houses in the last quarter of a year when housing was a high priority is hardly indicative of getting to terms with a serious social problem, which housing obviously is?

**Mrs Christian:** Mr President, I would accept that the figures for the last quarter in terms of completed properties are very modest, but I think the impetus has certainly been given to the housing issue since that time. I think we have to recall that the last quarter of last year was a period when the general election was held and there was a hiatus when the new minister was being appointed, but since that time there has been much more emphasis put on the development of properties in all sectors, and I think that the work that is currently going on is indicative of that.

It might be helpful for the hon. member to know that, in addition to the figures I have given him, there are over 40 sites being considered for development, either through direct purchase or in partnership with developers and that is since the determination of the April budget when the £20 million provision enabled the department to make progress in those directions. So that would provide over 600 more affordable homes built to the department's specification. The figures for 2002-3 show committed projects to include 316 public sector units for rent and 264 first-time buyer units nearing completion, so I think that the quarter which the hon. member focused on is perhaps not the best to look at in terms of the emphasis which is now being put on development of affordable housing.

**The President:** Mr Delaney.

**Mr Delaney:** My question is the same supplementary as the hon. member for Council, Mr Lowey, bearing in mind that I understand the difficulties of developing houses more than most, I think: would the minister bring back to her colleague, the Minister for Local Government, that Douglas Corporation is spending many millions building an extension to the car park in Douglas at the moment and Cambrian Place is a site they own, which was sheltered accommodation for the elderly, and will they consider, as soon as that car park has been completed next year, that they start a phase of development of an elderly persons complex on the Cambrian Place site, right in the middle of Douglas, near the shopping, near the bus station, near the police station, near every service, rather than wait for further consideration? Make the plans now and that will take out the planning time.

**The President:** Mrs Christian.

**Mrs Christian:** Mr President, I will certainly refer the hon. member's views to the minister. As it is a Douglas Corporation matter she may be able to express that view to them, but I am not sure she can dictate to them where they build.

**The President:** Hon. member Mr Waft.

**Mr Waft:** Thank you, Mr President. Would the minister be able to tell us, following the surveys done by the department, what type of accommodation is in most need by those on the housing lists, and has any thought been given by the department with regard to the possibility of joint public and private sector involvement? I am thinking, of course, of the finance sector and the need for specialised key workers, and I am thinking on the lines of in the UK when there was a crisis in the manufacturing industry, for instance, and Rowntrees built their own houses in York and they are still in existence. So has there been any joint involvement in the past and is there any possibility in the future?

**The President:** Mrs Christian, you may not have the reply to that.

**Mrs Christian:** Mr President, I do not have the reply to that. I am not aware of any joint development, but of course the private sector are buying up properties for their staff. Irrespective of whether they are built specifically for them, they are indeed buying properties for their staff as we know, and that indeed raises questions if that property is for rental, but there is a need for a balance between properties in the public sector and properties for rental.

**Mr Waft:** Perhaps the minister might like to take it back for discussion between the Council of Ministers and the minister responsible?

**Mrs Christian:** I will refer it to the ministers.

### **New Prison — Siting — Completion — Review of Penal Policy — Question by Mr Lowey**

Question 2. The hon. member (Mr Lowey) to ask a member of the Council of Ministers, Mrs Christian:

*In respect of the new prison -*

A. *What is the timetable for -*

*(a) reaching a decision on the siting of the prison, and*

*(b) completion of the project; and*

B. *in the meantime, is a review of penal policy to be undertaken?*

**The President:** Again I call on the hon. member, Mr Lowey.

**Mr Lowey:** Thank you, Mr President. I beg leave to ask the question standing in my name.

**The President:** Again the answer is in the hands of Mrs Christian.

**Mrs Christian:** Thank you, Mr President. As the hon. member knows, the Department of Home Affairs, at the request of the recently appointed minister, is revisiting a range of issues in connection with the siting of the proposed new prison. This assessment is continuing, but is likely to be concluded in the relatively near future, at which time the department intends to make a further report to the Council of Ministers.

As regards completion of the project, this will depend on a number of factors yet to be determined, including of course the securing of the planning approval and final decisions on matters of detailed design and procurement methods.

With regard to penal policy, if the hon. member is asking whether a wholesale review of the penal system is planned, the answer is no. This matter was most recently looked at by a law and order select committee of Tynwald in 1996. However, the department has recently reviewed a number of penal issues, the outcome of which are contained within the Criminal Justice Act 2001. Additionally the hon. member may be aware that the committee, under the chairmanship of the Chief Minister, reviewing policy in relation to children and young people will consider some elements of penal policy in this area.

The Department of Home Affairs, through its various divisions is constantly evaluating new ideas and measures used elsewhere in relation to penal policy and, where it is considered appropriate, does incorporate them into the Island's own criminal justice system. If it is felt to be appropriate that such changes should take place, it is believed that they should be incremental in nature and, wherever possible, evidence-based. Thank you, Mr President.

**The President:** Mr Lowey.

**Mr Lowey:** Two queries on the reply the minister gave, Mr President, especially to part B, the review of penal policy. Would the minister not agree that in the light of a two-year span where we were told that the prison was vital and we needed it yesterday, two years have gone by, so it is only six months, and I accept that the new minister would like to revisit, but would she not

agree with me that six months is perhaps a little excessive to review what I would call the facts and the papers that are already before the old department? What new facts can be put in front of the new department that were not there before? Therefore wouldn't it have been wise for the department to at least to have revisited penal policy? In other words, are we putting too many people in prison, especially in the light of a recent appeal court which actually said that a young person who had been convicted of 10, 11 or whatever multiple offences was not exceptional at all and therefore had to be treated on a much more lenient scale? I want a balance, really, and I would have thought that the department and the minister could and should have taken the timescale that elapsed since the first raising of the prison to completely review the penal system.

**The President:** Mrs Christian.

**Mrs Christian:** Mr President, I would accept that approaching six months is a long period of time for the review, and I think that the Council of Ministers and indeed, I am sure, all members are very concerned that we need to replace our existing prison facility.

**Mr Lowey:** Agreed.

**Mrs Christian:** I am advised that the Department of Home Affairs will be coming back to the Council of Ministers in the very near future with their views on the site of the prison.

With regard to the revision of penal policy I would suggest that that would take considerably longer than the six months to which the hon. member has alluded. I think that if we open up that particular book on a clean sheet of paper basis it would take a considerable period of time, but I would reiterate what I said in my answer, Mr President, that there have been incremental changes in recent times, particularly under the Criminal Justice Act, and the chambers have had the opportunity in reviewing that legislation to make a number of changes. I am also aware that there is a juvenile justice conference going to take place shortly which may well deal with the issues of penal policy in relation to juvenile justice.

**The President:** Mr Crowe.

**Mr Crowe:** Thank you, Mr President. Could I ask the hon. minister really about the mechanics of this? When the site is chosen by the Council of Ministers, will it then go to Tynwald for approval or will it go through the normal planning process first and then come to Tynwald?

**Mrs Christian:** Mr President, I understand that it cannot come to Tynwald for approval as such before it is proceeded with through the planning procedures. That is the very thing which caused a hiccup last time around when I think the Home Affairs Department had taken the view that that was the procedure they would like to follow in order to get a view from Tynwald as to whether their thinking was supported or not. However, legal advice was given that that would be seen to be influencing the planning process, and therefore it is not likely, or indeed I am sure it will not happen, that proposals would come to Tynwald for the expression of an opinion as to its suitability.

**The President:** Mr Crowe, do you wish to come back on that?

**Mr Crowe:** Thank you, Mr President. Yes, it was just really the numbers game, really, as to whether there would be a majority in Tynwald for any site. It is a difficult one, minister, and maybe you cannot comment, but -

**Mrs Christian:** I accept, Mr President -

**The President:** Mr Lowey.

**Mr Lowey:** Could I ask the minister, is it not a fact that the prison is not full at the moment and, if that is the case, then why are we building in the proposals that I have seen a third increase - I am using round figures now, ball park figures - from 100 to 150, and if they are not in

use now, then aren't we really inviting fate - in other words, if it is there we will fill it? Again I come back to the penal policy and why the policy should be right before you actually design and build the prison for a size that perhaps may be too big or not appropriate.

**Mrs Christian:** Mr President, I would concur with the hon. member that it would seem sensible to have a design which allows you to expand if necessary in future with, I think, an estimate of potentially a requirement for 150 places. It is my understanding, but I would stand to be corrected on this, that the design would be such that you could expand to that capacity in due course but that you would not necessarily build to that capacity at the beginning.

**The President:** Okay, hon. members. Thank you very much. I think that draws to a conclusion our short public sitting this morning and the Council will now sit in private. Thank you.

*The Council sat in private.*