

# REPORT OF PROCEEDINGS OF HOUSE OF KEYS (QUESTIONS)

Douglas, Tuesday, 12th February 2002  
at 10.00 a.m.

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Present:

The Speaker (the Hon J A Brown) (Castletown); Mr D M Anderson (Glenfaba); Hon A R Bell and Mr L I Singer (Ramsey); Mr R E Quine OBE (Ayre); Mr J D Q Cannan (Michael); Mrs H Hannan (Peel); Hon S C Rodan (Garff); Hon R K Corkill and Mr A J Earnshaw (Onchan); Mr G M Quayle (Middle); Messrs J R Houghton and R W Henderson (Douglas North) and Mr A C Duggan (Douglas South); Hon R P Braidwood and Mrs B J Cannell (Douglas East); Hon A F Downie and Hon J P Shimmin (Douglas West); Mr D J Gelling (Malew and Santon); Hon J Rimington, Mr Q B Gill and Hon Mrs P M Crowe (Rushen); with Mr M Cornwell-Kelly, Secretary of the House.

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*The Chaplain took the prayers.*

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**Buses – Adequate Capacity in Douglas –  
Question by Mr Henderson**

Question 1. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Tourism and Leisure:

*What has your department done in answer to public concern that bus service routes do not have enough seats available to meet the demand of people wishing to travel to and from work, especially in the Douglas area?*

**The Speaker:** I call on the hon. member for Douglas North, Mr Henderson.

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

**The Speaker:** I call on the member for Douglas South, Mr Cretney, the Minister for Tourism and Leisure.

**Mr Cretney:** Thank you, Mr Speaker. On a number of occasions I have given both this hon. House and our travelling public my personal commitment to deliver a public transport service which meets customer demand. This is a responsibility I take very seriously, although I have stated we have some way to go. However, the improvements in services are around for all to see. They include the installation of 58 new bus shelters since June 1999, the purchase of 24 low-floor, low-emission, double-deck vehicles with a further 10 being delivered this year.

The introduction of free public transport for schoolchildren to and from school has had a consequential knock-on effect on service demands. This means that at peak times on school days the priority allocation for buses is to ensure that school runs have double-deck buses where necessary, given the volume of passengers carried. This means that at these peak times a number of Douglas area journeys on ordinary bus routes have had to be operated by single-deck buses which carry 37 seated passengers and 19 standing passengers. Whilst this is usually sufficient accommodation, some passengers have had to stand during their journey. I apologise to them for any inconvenience this has caused in the short term and can assure them that my policy of introducing brand new double-deck, low-floor, low-emission vehicles will see significant peak time improvements as we take delivery of a further 10 vehicles this year.

I would wish to assure hon. members that through our Public Transport Division my department aims to provide a quality bus service which is capable of meeting the needs of the Manx public and, through its ongoing bus replacement and maintenance programmes, will meet future demands. Our proactive approach to reducing the age profile of the fleet combined with providing additional peak time

capacity, will once again demonstrate my personal commitment to our public services.

**The Speaker:** Hon. member for Douglas North, Mr Henderson.

**Mr Henderson:** Thank you, Mr Speaker. I thank the minister for his positive response to my enquiries, but is he aware of the Governor's Hill bus, which has people packed in like sardines on a single-decker in the mornings and in fact should be a double-decker bus and that this has been going on for at least a year; that some other services throughout the Island are similarly suffering, and that there are more than 19 people on occasions standing in this bus, and what can be done for the immediate future, rather than waiting for the long term of the delivery of the long overdue buses that he has announced this morning?

**The Speaker:** Hon. member for Douglas South, Mr Cretney, Minister for Tourism and Leisure.

**Mr Cretney:** Mr Speaker, I take offence at the hon. member suggesting that buses are long overdue. This is a programme which commenced only a couple of years ago, thanks to the Treasury and Tynwald. We have a further 10 vehicles coming this year. I am well aware of the Governor's Hill situation and I have taken the opportunity this morning to apologise to those customers who have been inconvenienced, which I accept, but there is no suggestion of this dragging on or any gauntlets being thrown down or any fights commencing. Let us work together to get the best service for the people.

**The Speaker:** Hon. member for Douglas North, Mr Henderson.

**Mr Henderson:** Thank you, Mr Speaker. Again I appreciate the comments by the hon. minister, who is in charge of our Island bus network but, even so, would he agree that there are still problems that could be solved for the intermediate period while we are waiting for the buses, which we are grateful for - there is no question of that - and certainly for the likes of the Ramsey to Douglas routes in the morning on the coast road which seem to be half empty and one or two other bus routes in Douglas? Would he agree to initiate a review of the effectiveness and appropriateness of the various buses and which buses on what routes so that we can get the most effective use out of the transport fleet at the minute?

**The Speaker:** Hon. member for Douglas South, Mr Cretney, Minister for Tourism and Leisure.

**Mr Cretney:** Yes, thank you, Mr Speaker. The first of the 10 new buses which are due this year would have been here last week only because of the *Ballard*; there was a difficulty in terms of the vehicle getting

onto the boat. As soon as the vehicle is here it will be applied to relieving the problem which the hon. member has rightly identified.

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**Buses – Serviceability after Weekends –  
Question by Mr Henderson**

Question 2. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Tourism and Leisure:

*What measures does your public transport section take to ensure that buses parked up over the weekend are fully serviceable for the start of the school and working week on Monday to meet the needs of the Island's community?*

**The Speaker:** I call on the hon. member for Douglas North, Mr Henderson.

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

**The Speaker:** I call on the hon. member for South Douglas, Mr Cretney, Minister for Tourism and Leisure.

**Mr Cretney:** Thank you, Mr Speaker. The majority of buses parked at bus headquarters over the weekend are the oldest in the fleet, primarily because our school service is not required and it makes sense to use our newer vehicles at these times. Whilst our bus engineers do not work over the weekend, two or three engineering staff at bus headquarters do commence work at seven o'clock in the morning on Mondays to Fridays to prepare for school peak times. Port Erin, Peel and Ramsey garages also have equipment to start buses if necessary. The Ramsey service is further supplemented by a spare bus in the mornings to ensure peak requirements are met.

As I informed hon. members on 29th January, I do take my responsibilities with regard to public transport very seriously and I reiterate my commitment to do all that I can to meet customer demand. The division's bus replacement programme has already improved and will continue to improve the reliability and age profile of the fleet. Twenty-four low-floor, low-emission, double-deck vehicles have been brought into service with a further 10 ordered for delivery this year. I am therefore hopeful that the current efforts being made and the considerable investment in infrastructure will lead to continuous improvement in both the quality and reliability of our service.

**The Speaker:** Hon. member for Douglas North, Mr Henderson.

**Mr Henderson:** Thank you, Mr Speaker. Again I am grateful to the minister for his positive response in matching the strategic need of the community of this Island, but in the meantime would he agree with me that there are issues of effectiveness and efficiency that can be attacked by his staff and which will cause a much better service? In particular, is he aware that it is still being reported by his senior management that buses parked up over the weekend are still having starting problems on Monday mornings, and is he also aware that in the bus yard itself where these machines are parked there is no actual power points facilities out in the yard which could be used to jump start some of the buses a lot more quickly than at present?

**The Speaker:** Hon. member for Douglas South, Mr Cretney, Minister for Tourism and Leisure to reply.

**Mr Cretney:** I will look into the matters which the hon. member has raised, Mr Speaker. In relation to the latter point I do not know the answer. In relation to the previous one I have already answered in the previous question what the situation is with regard to the older buses, which are used for the school service and which from time to time, although it is getting less, I am pleased to say, do break down and do cause problems. That is why we have embarked on the programme of replacement of these vehicles.

**The Speaker:** Hon. member for Douglas North, Mr Henderson.

**Mr Henderson:** Thank you, Mr Speaker. Will the hon. minister not agree, though, that in the meantime we should be tackling these intermediate problems, and will he initiate a review of the effectiveness of current procedures so that we can maximise the use of the Isle of Man Passenger Transport fleet, alleviate the problems of the public at the minute whilst we wait for the new buses, which we do appreciate take some time to put in place?

**The Speaker:** Hon. member for Douglas South, Mr Cretney, Minister for Tourism and Leisure.

**Mr Cretney:** Thank you, Mr Speaker. In response to the last question I said this is not a medium-term problem. There are 10 buses due this year. They will be here by May. There is one due which was supposed to be here last week and which will alleviate the problem the hon. member illustrated in the last question. We are making significant progress in terms of the age profile of the fleet. This is something which will have to continue for a number of years because it is something which was neglected in the past.

**Isle of Man International Broadcasting  
PLC – Provisional Licence –  
Question by Mr Quine**

Question 3. The hon. member for Ayre (Mr Quine) to ask the Minister for Home Affairs:

- (1) *What, if any, legal advice was obtained on the form and content of the provisional broadcasting licence issued to IMIB plc prior to its issue; and*
- (2) *to what period of time does the reference in this licence to ‘During this provisional licence period’ relate?*

**The Speaker:** I call on the hon. member for Ayre, Mr Quine.

**Mr Quine:** Thank you, Mr Speaker. I beg leave to ask the question standing in my name, sir.

**The Speaker:** I call on the hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Thank you, Mr Speaker. I will be answering the following four questions in my capacity as Chairman of the Communications Commission and not as Minister for Home Affairs.

So far as can be established from the written records and as the hon. member is already aware, no current member of the commission’s staff were employed by the commission at that time, so only written records are available. No specific written legal advice on the form and content of the provisional licence was obtained prior to its issue. Advice is sought if there is a question of law to be resolved. Matters within the commission’s competence, in this case under the Broadcasting Act of 1993, are for it to determine, seeking legal advice if, in its absolute discretion, it so decides. If however, advice had been sought, it would have remained the commission’s right to accept or reject it. No legal advice removes from the commission the necessity to act in accordance with its duties under the law.

In answer to the second part, the phrase which the hon. member quotes refers to the period between the grant of the provisional licence - that is, 5th May 1999 - and its replacement by a substantive licence, which will contain all the detailed conditions applicable to a licence under the Broadcasting Act. As the hon. member is fully aware, this is an indeterminate period. I quote from a letter to him from the then Chief Minister in September last year: ‘It is not possible to establish from the Communications Commission file why the provisional licence awarded to the Isle of Man International Broadcasting plc did not contain an expiry date. The commission is very conscious of the

omission. It is therefore proposed to move as rapidly as possible to a substantive licence with clear expiry and ‘use it or lose it’ clauses. The substantive licence will supersede the provisional one and would enable revocation to be more readily effected when breached.

**The Speaker:** Hon. member for Ayre, Mr Quine.

**Mr Quine:** Yes, I thank the minister for that advice, or confirmation of that advice. Can the minister confirm that in the absence of the specified period of validity for the provisional broadcasting licence, the licensee, because of the omission or the error in the drafting of this licence, effectively retains the rights vested under the provisional licence for an indefinite period, as you have said, subject to either a negotiated revocation between government and the licensee, at obviously considerable expense to government, or alternatively determination before the courts, again at considerable expense to the public purse? Is that not the situation in which the commission now finds itself?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Thank you, Mr Speaker. I think the hon. member for Ayre is quite correct in that with the omission, there would be no expiry for the provisional licence; it will be extended until a substantive licence is in place and it would be up to the commission and the licensee to negotiate if there is going to be an expiry or the licence to be cancelled.

**The Speaker:** Hon. member for Onchan, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, would the Minister for Home Affairs not agree that if an ordinary working man had allowed such a mistake to happen he would be sacked; and would he also not agree that the problem we have got over this is the total lack of transparency, like we have on so many other things that are done by the ministerial blessing? A third supplementary: would the minister also not agree that this is something that just highlights the need for us to look at the Canadian legislation when it comes to external affairs when people retire and what benefits they get?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Thank you, Mr Speaker. I cannot comment on the Canadian aspect of licensing; what I can say is that the commission is well aware of the lacuna, the omission of the expiry date, and this is why they want to now to give a substantive licence so that there will be ‘use it or lose it’ clauses.

**The Speaker:** Hon. member for Ayre, Mr Quine.

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**Mr Quine:** Thank you, sir. Does the disadvantageous position in which the commission now finds itself in relation to this provisional broadcasting licence, in which in effect the commission is over a barrel, does that not underline the need, because of the pressure and the perceptions that arise, for the determination of this issue in relation to the substantive licence to be done in an open fashion so that the members of the public can see that this is a decision to be taken on objective grounds and not to get themselves off the hook?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Thank you, Mr Speaker. No, I do not agree with the hon. member for Ayre. The commission's responsibility is to issue the licence when all the conditions have been met -

**Mr Quine:** Alternative.

**Mr Braidwood:** - and that will come in front of the commission in the foreseeable future.

**The Speaker:** Hon. member for Douglas North, Mr Houghton.

**Mr Houghton:** Thank you, Mr Speaker. With regard to the circumstance where the IMIB responded, sir, to criticisms from Mr Cussons and chose to circulate that information from the commission's behalf, can I ask the hon. member if he would make comment on this and whether the commission sought legal advice before they did this and as to the circumstances as to whether this was indeed an independent way of responding to such enquiries, sir?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Thank you, Mr Speaker. I think this is outside of the question, but, in response to the hon. member for North Douglas, Mr Houghton, when Mr Cussons supplied his brochure, which was marked 'Private and Confidential,' it was felt by the commission that a response should be from Mr Rusling to all the queries of Mr Cussons. That was felt was the proper way and the response then was circulated privately and confidentially for members.

**The Speaker:** Hon. member for Onchan, Mr Karran.

**Mr Karran:** Eaghtyrane, would the minister not agree that if we had had more transparency in his commission, these shortfalls would have come to light and stopped us being in this embarrassing situation? Would the minister also not agree that it is wrong, and I hope he will make sure that directorships or pseudo-

redundancy schemes for ex-civil servants and family connections will be looked into as far as this whole granting of this licence is concerned?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs, to reply.

**Mr Braidwood:** Thank you, Mr Speaker. I cannot comment on the previous members of the commission, but what I can say is that there was one member of the commission who was an ex-deemster with legal background, and may I add that he was highly respected and his presence meant that external legal advice was rarely needed. The records show that all the members of the commission considered the draft provisional licence text prior to its finalisation.

**The Speaker:** Hon. member for Ayre, Mr Quine.

**Mr Quine:** Having regard to the position again that the minister has outlined to us in respect of the validity of this provisional broadcasting licence and the premise that he is now proceeding on that there has been no breach of condition in relation to this licence, can he confirm that in May 2001 the commission took a decision that there was no breach of condition without reference to the Attorney-General's Chambers?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Mr Speaker, yes, I can confirm that.

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### **Radio Station in Territorial Waters – Responsibility for Operation – Legal Jurisdiction – Question by Mr Quine**

Question 4. The hon. member for Ayre (Mr Quine) to ask the Minister for Home Affairs:

*With regard to the proposed siting of a long-wave broadcasting station in Isle of Man territorial waters –*

- (1) can you confirm that the Radio Communications Agency of the United Kingdom Department of Trade and Industry would be responsible for ensuring that the station operated within the technical parameters and standards specified in the licence; and*
- (2) can you confirm that as the broadcasting station would be operating under a licence subject to United Kingdom legislation, an Island resident pursuing a legal action relating to the licensing parameters and*

*standards would have to seek redress in the United Kingdom courts?*

**The Speaker:** I call on the hon. member for Ayre, Mr Quine.

**Mr Quine:** Thank you, Mr Speaker, I beg leave to ask the question standing in my name, sir.

**The Speaker:** Hon. member for Douglas East, the Minister for Home Affairs, Mr Braidwood.

**Mr Braidwood:** Thank you, Mr Speaker. The Radio Communications Agency, an executive agency of the United Kingdom Department of Trade and Industry, is responsible for ensuring compliance with the terms of any licence granted under Wireless Telegraphy Acts. These Acts are applicable in the Isle of Man. Wireless telegraphy licences include terms relating to such matters as location, aerial height, power levels, frequency, modulation and polarity. Such licences are applicable to all forms of transmission in the electro-magnetic spectrum. In addition, certain technical performance parameters are proposed to be included in the licence to be granted under the Broadcasting Act 1993 of Tynwald, including the field strength to be achieved in the principal market areas of the south-east of England.

In response to the second part of the question, this could perhaps have been more properly put to the Attorney-General, who is the proper authority with respect to jurisdictional matters. However, the Attorney-General's Chambers advise us that as the Wireless Telegraphy Acts are extended by order to the Isle of Man, they are in effect an integral part of Manx law. As such, it is the courts of this Island which have jurisdiction both in the Island and in its territorial seas, not the courts of the adjacent Island.

**The Speaker:** The hon. member for Ayre, Mr Quine.

**Mr Quine:** Is the minister aware that in Tynwald Court on 11th July 2000 the Attorney-General stated that it was the UK Radio Communications Agency that had the powers and authority to deal with any complaints of interference with electrical and communications equipment or electrical devices? Is he aware that that is an opinion expressed by the Attorney-General in Tynwald Court on that date, which seems to run contrary to what he is telling us this morning?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Yes, Mr Speaker, I can confirm that.

**The Speaker:** Hon. member for Ayre, Mr Quine.

**Mr Quine:** Just following on from that, again, is it not a fact that the Attorney-General on that date, in Tynwald Court, expressed doubt - and this is the Attorney-General's words - that 'the UK Radio Communications Agency is susceptible to judicial review' and is it not a fact that he also suggested that any action against the agency, if action should be possible, would lie through the UK courts, which effectively for the man in the street on the Island, denies them of legal redress?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Mr Speaker, I cannot answer that. All I can answer is the advice that the Communications Commission has received in response to this question from the Attorney-General's Chambers.

**The Speaker:** Hon. member for Ramsey, Mr Singer.

**Mr Singer:** Thank you, Mr Speaker. Can I ask the hon. minister on the question of the aerial working within technical parameters? Will the full licence be issued after the aerial has commenced broadcasting or will the Communications Commission have to be positive that it will work within the technical parameters, as has been mentioned working down in the south of England, before that licence is granted?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Thank you, Mr Speaker. The substantive licence will be issued by the Communications Commission. If the crossfield antenna does not reach the areas it is supposed to, then the licence can be revoked.

**The Speaker:** Hon. member for Ramsey, Mr Singer.

**Mr Singer:** Could I just follow on to that, Mr Speaker? In that case should it not be the fact that you, the Communications Commission, should be convinced that that licence is going to work by doing all the necessary investigations? Otherwise you are going to allow the aerial to be built and then you find it is not going to work. Surely it should be the other way around: you should be convinced that the aerial will work before you grant the licence?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Thank you, Mr Speaker. From all the technical data which the Communications Commission has received from various sources, it has

been proved that the crossfield antenna will reach those parts of south-east England.

**The Speaker:** Hon. member for Ayre, Mr Quine.

**Mr Quine:** If the minister will accept that the advice given to us by the Attorney-General on 11th July 2000 is correct - and we have no reason to doubt that, it is a matter of record in *Hansard* - how does the minister propose to secure the rights of Island residents in the event that they suffer from electrical interference either to their appliances or to communications devices? How are you going to secure the rights of Island residents or are you going to hold forth the supposition that they should follow their grievances through the UK courts with all the incumbent costs attached to that?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Mr Speaker, I can only repeat the advice which we have received from the Attorney-General's Chambers. I presume that legal opinion, even in the Attorney-General's Chambers, can change if it is from 11th July and we have just received it in the last week of February.

**Mr Quine:** Very convenient!

**The Speaker:** Hon. member for Onchan, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, would the Minister for Home Affairs not agree that if we issue the licence we will have the liability if there are serious effects on the environment or other issues? What assurances is he going to give to us, for obviously the incompetence at best of his department as far as that the taxpayer cannot end up with long-term financial loss because it is the authority that has issued this licence when there have been major questions asked about the effects it can have on marine life and the likes of other things as far as this licence is concerned?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Thank you, Mr Speaker. There is going to be no financial liability on the Isle of Man Government. The territorial seas - there has been an environmental assessment impact study and there will even be a bond in place, so I do not know why the hon. member for Onchan, Mr Karran . . . his reasoning is fundamentally flawed.

**The Speaker:** Hon. member for Ramsey, Mr Bell.

**Mr Bell:** Mr Speaker, could the hon. minister confirm that the Communications Commission did not

issue this licence in isolation and it was presented to Tynwald, and the licence was only issued after a fairly lengthy Tynwald debate on the matter with Tynwald being fully informed of all aspects of the licence content?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Yes, Mr Speaker, I can confirm that there was a Tynwald debate on 21st April 1999 and Tynwald endorsed the provisional licence and this was issued on 5th May.

**The Speaker:** Hon. member for Onchan, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, would the minister not agree that this House has got concerns? If you cannot get the contract right, what hope have we got of you getting the environmental assessment right, and what liabilities that that could have for the Island of yet another hidden financial cost to the Island if we issue a licence and we do not know what the environmental consequences are?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Thank you, Mr Speaker. The environmental assessment was submitted to the Department of Transport as they have the responsibility for the territorial seas, and it is not the responsibility of the Communications Commission.

**The Speaker:** Hon. member for Ayre, Mr Quine.

**Mr Quine:** In relation to the Tynwald debate in this matter, can the minister confirm that the situation which we are now debating is substantially different? We are now debating the proposition of a platform and a broadcasting station at sea, and there was no reference to that in the proposition in the Tynwald debate. And secondly, can he also confirm that, as a consequence of earlier questions in this place, it has been established that a number of the facts, so called, outlined to this hon. House have in fact changed?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Mr Speaker, when the provisional licence was issued on 5th May 1999, apart from the omission of any expiry dates, it did not stipulate if it was going to be a land-based or a sea-based facility. The initial application was for land-based. They have now gone when that was refused at Cranstal, to a sea-based facility.

**The Speaker:** Hon. member for Onchan, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, would the minister not agree, or could he inform this hon. House - in his reply he talks of the Department of Transport's environmental assessment; is it being made available for the general public and interested parties and, if it is not being made available, would he support that it should be made available to reassure people, and is it not again that this is another classic case of where there has been a total lack of transparency by the Council of Ministers?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** No, I would not agree, Mr Speaker. The environmental impact assessment was carried out by the Isle of Man International Broadcasting and submitted to the Department of Transport as part of the territorial seas commitment if they would give a licence for the sea-based facility. It has also been mentioned by, I think, the Isle of Man International Broadcasting that if anybody wanted to look at the environmental impact assessment they could, but a contribution would be required.

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**Isle of Man International Broadcasting plc  
Financial Viability – Revenue Return –  
Question by Mr Quine**

Question 5. The hon. member for Ayre (Mr Quine) to ask the Minister for Home Affairs:

*With regard to the provisional broadcasting licence issued to IMIB plc, what are the implications of the proposed siting of this broadcasting station at sea on the –*

- (1) financial viability of the company as advised to Tynwald by your predecessor; and*
- (2) projected revenue return to the Isle of Man Government?*

**The Speaker:** I call on the hon. member for Ayre, Mr Quine.

**Mr Quine:** I beg leave to ask the question standing in my name, sir.

**The Speaker:** I call on the hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Thank you, Mr Speaker. As my predecessor explained to Tynwald in April 1999 the

commission's decision and recommendation were based on a range of criteria, not only the financial viability of each of the applicant groups but also the content and type of programming, the promotion of the Isle of Man, the creation of employment opportunities, the financial payments to the Treasury and other benefits including the impact on the environment. The proposed siting of this broadcasting station at sea has no direct impact on the financial viability of the company, since it is for shareholders to raise the necessary finance for its construction, which would be the case wherever the facility were to be sited. Should they not be able to do so, the licence will fall under its 'use it or lose it' condition. I am informed, however, that the total costs for the provision of a sea-based transmission facility are of the same order of magnitude as the development of a land site and may in fact come in at a marginally lower figure because of certain savings made in land acquisition, site preparation and so on.

In answer to section (2), although returns from the various forms of taxation cannot be guaranteed particularly, over a 10-year licence period with fluctuations in both the state of the economy in general and in the radio advertising market, the expert technical advice is that broadcasting from a sea site will in fact enhance the coverage to be achieved at the power levels permitted and hence maximize revenue opportunities. As a direct benefit to the Treasury in the form of licence fees is linked to advertising revenue rather than to profits, this should also be enhanced. Nevertheless, it is certainly true that of greater impact in the improvement in coverage achieved by the sea location will be the general economic climate over the next decade, which will impact on this licensee as it would have done on any other. None of them had known in 1998, for example, of the forthcoming events of 11th September or other economic factors with which all businesses are having to cope. Commercial radio continues its long-term audience growth year on, adding one million adult listeners in the UK while increasing listening hours by two per cent. With particularly strong growth amongst young listeners, radio's performance as recorded by the RAJAR, the industry audience research body, is in direct contest with that of television, where audiences and hence advertising revenue have fallen. The Isle of Man International Broadcasting is particularly well-placed to take advantage of these changes. Since the beginning of 1999, when the licence award was first made, listening to commercial radio has increased by 11 per cent and on weekday evenings by 18 per cent, more than compensating for any changed start-up costs.

**The Speaker:** Hon. member for Ayre, Mr Quine.

**Mr Quine:** Yes, I thank the minister for not answering that question! Could I ask the minister though, on what information is he now holding out to this hon. House that in fact a sea-based station would

be, if anything, cheaper than a land-based station? His predecessor, in arguing the case in Tynwald for the allocation of the provisional licence to this company, stated that the proposition of a broadcasting station at sea would, and I quote, 'be prohibitively expensive' and more recently his new director, in a letter, has said exactly the same thing, that the creation of a broadcasting station at sea would be prohibitively expensive. Now, can you explain why today, in the face of this question, there has suddenly been a mass reduction in the cost of this facility?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Thank you, Mr Speaker. Quite simply.

**Mr Quine:** Good.

**Mr Braidwood:** And I can quote from Tynwald of April 1999, and this was Radio 279, which advised that the commission had been willing to locate the transmitter in Manx territorial waters even though at an interview Radio 279 agreed that such a structure would be likely to be prohibitively expensive. We are talking about different antennae. It is a crossfield antenna, which only has a height of 25 to 30 metres. The antenna that Radio 279 were talking about was 260 metres, a completely significant difference and it would take other lines to hold it in place, so therefore the cost will come down when you have a smaller aerial to be constructed in territorial seas.

**The Speaker:** Hon. member for Ayre, Mr Quine.

**Mr Quine:** Will the minister now explain, then, which antenna was the director referring to in his letter where he used the same phrase, and it was not this antenna? Will you refer to the letter, sir?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Mr Speaker, I have not got the letter from the director of the Communications Commission in front of me. Therefore I cannot answer the question.

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**Isle of Man International Broadcasting plc  
Terms of Licence etc –  
Question by Mr Quine**

Question 6. The hon. member for Ayre (Mr Quine) to ask the Minister for Home Affairs:

*With regard to the provisional broadcasting licence issued to IMIB plc -*

- (1) what is the meaning of the term 'serious and continued breach of licence' proposed for inclusion in the substantive licence; and*
- (2) what is the amount of the financial bond to be required from the company as a condition of any substantive licence which may be issued?*

**The Speaker:** I call on the hon. member for Ayre, Mr Quine.

**Mr Quine:** I beg leave to ask the question standing in my name, sir.

**The Speaker:** I call on the Minister for Home Affairs, Mr Braidwood.

**Mr Braidwood:** Thank you, Mr Speaker. The Broadcasting Act 1993 of Tynwald permits the Communications Commission to change the period of a licence only with the consent of the licensee. The proposed licence condition which the hon. member quotes reads in full: 'there will be powers within the licence for the Commission to vary the licence conditions, but the period of the licence may only be changed with the consent of the Isle of Man International Broadcasting unless the licensee is in serious and continued breach of the licence.' This refers to circumstances where the commission may revoke the licence, thus shortening its period.

In answer to the second part, the proposed condition to which the hon. member refers reads in full: 'The Isle of Man International Broadcasting will be required to lodge a financial bond to the satisfaction of Treasury sufficient to restore the transmitter site to its former state when broadcasting ceases.' As the proposed site is now offshore, this proposed condition is redundant. I understand that relevant, equivalent conditions are to be included in the lease of easement which will be granted by the Department of Transport. It is therefore no longer intended to include reference to a bond for site restitution in the Broadcasting Act licence as that would, of course, constitute double jeopardy.

**The Speaker:** Hon. member for Ayre, Mr Quine.

**Mr Quine:** Yes, indeed, sir. First of all, addressing part one of the question, does this question relate to a single serious breach by whatever definition plus the possibility of revocation for a series of breaches of a minor nature, or does it refer to revocation based on a number of serious breaches? What does this term mean? If you could just identify which of those?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Thank you, Mr Speaker. With the indulgence of this hon. House, I will try to explain, and it might be a lengthy answer.

The proposed grounds for revocation are as follows: (1) If the commission is satisfied that the licensee is failing to comply with any condition of the licence or with any direction given by the commission such that, if that failure were not remedied, it would justify the revocation of the licence; (2) if the licensee agrees in writing with the commission that the licence should be revoked; (3) if the licensee becomes a disqualified person in relation to the licensee by virtue of schedule 1 to the Act or otherwise fails to comply with any requirement imposed on or in relation to the holders of programme service licence by or under the schedule; (4) if the commission is satisfied that the licensee, in purporting to comply with any of the conditions of the licence, has provided information which is false in a material particular or has withheld any material information with the intention of causing the commission to be misled or, in connection with his application for the licence, whether in the application or otherwise provided the commission with information which was false in a material particular or withheld any material information with the intention of causing the commission to be misled; (5) if where the licensee as a body a change affecting the nature or characteristics of the licensee or any change in the persons having control over or entrance in the licensee or any other change giving rise to a failure to comply with any requirement imposed by or under schedule 1 to the Act takes place, which changes such that if it fell to the commission to determine whether to award the licence to the licensee, in the new circumstances of the case it would be induced by the change to refrain from awarding the licence to the licensee; (6) if the commission ceases to be satisfied that the licensee is a fit and proper person to hold the licence; (7) if the licensee fails to comply with any requirement to hold a licence under the Wireless Telegraphy Acts 1949 and 1998 of Parliament as amended as they apply in the Isle of Man and/or the Telecommunications Act 1984 of Tynwald or any re-enactment thereof or other Act of Tynwald or of Parliament relating to broadcasting in the Isle of Man; (8) if the licensee fails to provide the licence service for continuous period of 28 days or for two or more periods which, taken together, amount to 28 days during the licence period and the commission consider that it is necessary in the public interest to revoke the licence; and the commission shall, before serving the notice revoking the licence, notify the licensee of the matters complained of and give the licensee a reasonable opportunity to make representations to it about the matters complained of.

**The Speaker:** Hon. member for Ayre, Mr Quine.

**Mr Quine:** Yes, sir, what would be the implication of the revocation of the substantive licence issued under the Broadcasting Act 1993, which of course is the Tynwald Act on the licence issued under the Wireless Telegraphy Act of Parliament, the bottom line being of course that if the licence under our Broadcasting Act fall, what is the position in regard to the licensees retention or inability to retain the UK licence? Does he automatically lose that licence?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Thank you, Mr Speaker. The Communications Commission, in issuing the substantive licence, will be for broadcasting on the 279 frequency. The radio communications agency, under the Broadcasting Act of Parliament, is for the technical matters of the licence. Therefore, if they did not have the licence of 279, they would lose the licence from the UK.

**The Speaker:** Hon. member for Onchan, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, would the minister not agree that with the track record of the provisional licence, what confidence can this House and individuals outside that you can write a new licence that will have realistic causes of breaches being able to stop this company from broadcasting, and would the minister not also agree that the situation is, that his department and his commission are seriously flawed because of the initial licence and what assurances can he have that we are not being blackmailed into supporting this licence and this development due to either stupidity, or so-called stupidity, as far as this whole affair is concerned?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Thank you, Mr Speaker. Yes, I have to agree with the hon. member for Onchan that the provisional licence which was issued on 5th May was flawed and that is why a substantive licence needs to be issued - because it will have different conditions. I can give an assurance the hon. member for Onchan, Mr Karran, that this has been drawn up by the director of the Communications Commissions, whose expertise is well known in the UK having been in charge of local televisions and has drawn up, I believe, over 400 licences in the UK.

**The Speaker:** Hon. member for Ayre, Mr Quine.

**Mr Quine:** Is it not apparent from what has been said in the exchange of questions this morning, certainly the last question, that you are now in a situation where you are effectively abandoning

provisions of the provisional licence, the immediate example being this question of the bond? You are immediately abandoning that for the simple reason that you have moved onto a scenario which the provisional licence was not intended to provide for, and you are still in the situation of having to jump to the tune of the applicant of this licence, and what needs to be done, and what should have been done, and what still requires to be done, is to go back to square one and have this matter rectified properly, accepting that you have got yourself into an impossible situation legally?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Mr Speaker, I have also mentioned previously on the financial bond that it would cause double jeopardy. This application now is for a sea-based and a financial bond will be in place before the lease of easement is given by the Department of Transport.

**The Speaker:** Hon. member for Peel, Mrs Hannan.

**Mrs Hannan:** Thank you, Vainstyr Loayreyder. Could I ask the minister: I am not absolutely sure - he stated there would be no financial bond for site restitution because it is at sea. Could he explain why, because if a mast is built at sea I would have thought that it would have to be anchored in some way; is it just going to set on the seabed and removed when it is finished? What is the reason for not having a financial bond for site reinstatement?

**The Speaker:** Hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

**Mr Braidwood:** Mr Speaker, I think I said in my answer that the relevant equivalent conditions will be included in a lease of easement which will be granted by the Department of Transport when the financial bond is in place. So in actual fact it is equivalent from this land-based one for the restoration of the site to that of the sea-based one. The bond is only changing over to the Department of Transport and not the Communications Commission.

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### **Douglas - 1st February Flooding - Question by Mr Henderson**

Question 7. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Transport:

*Will you make a statement concerning the events surrounding the flooding of the Tongue, North Quay, regarding -*

(1) *damage to Douglas promenade caused by an exceptionally high tide, and winds on 1st February 2002;*

(2) *the emergency plans for such occasions;*

(3) *what action was taken; and*

(4) *will these plans be reviewed in the light of these events?*

**The Speaker:** I call on the member for Douglas North, Mr Henderson.

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

**The Speaker:** I call on the hon. member for Douglas West, Mr Shimmin, Minister for Transport.

**Mr Shimmin:** Thank you, Mr Speaker. I am grateful to the questioner for giving me an opportunity to make the following statement regarding the issues surrounding the flooding on 1st February.

The high tide which occurred at 13.45 on Friday, 1st February, was predicted to reach 7.32 metres, which was slightly less than the value of 7.36 metres that was given for Thursday, the day before. The Meteorological Office had been predicting gales for some days beforehand and warnings had been given over Manx Radio of the possibility of some coastal flooding. The Meteorological Office had also identified the potential of surges which are common in winter months. A surge is a phenomenon that occurs when a combination of high winds with a long fetch build up a swell which adds to height of the tide. Low pressure can further increase the height of this tide. The combination of winds gusting to 70 miles per hour from a south-west direction and a low pressure created the tidal surge experienced in the Irish Sea on Friday lunchtime. Combined with the spring tide, this resulted in the extensive flooding that took place all around the Irish Sea coastlines that day. The actual height of water was measured at 8.4 metres. This was 60 centimetres higher than that measured on 7th February 1997 and 90 centimetres higher than that measured in 1961, these being the two previously highest measured events.

A study carried out on my behalf of faxes received and recordings of telephone conversations between the Met. Office, the Works Division and the Harbours Division of the Department of Transport shows that a detailed forecast was circulated to the Works Division and the emergency services at 9.30 on Friday morning. This report identified that at 13.45 high tide the rough seas were likely to break over the windward promenades and coastal roads and that a tidal surge might also cause some problems in the inner harbour areas with a risk of flooding. The report concluded that

there was likely to be further splash-over on the following high tide that evening.

On receipt of this report the department's Works Division activated the department's marine flood contingency plan. A flood alert status was declared and supervisors and workmen alerted. Designated crews, equipment and sand bags were mobilised to the known high-risk areas. Shortly before lunchtime 12 o' clock, the duty harbour master observed that the sea level had reached 7.3 metres, which was in fact the predicted maximum, and at this stage contacted the Meteorological Office. With this information it was possible to make a more accurate prediction which, at this point, estimated that the level was likely to be a metre above the predicted level. Again, this information was distributed to Works Division staff and the emergency services shortly after midday.

The speed and scale of the flooding that followed was greater than has previously been seen by staff of the department. The sea overtopped Douglas promenade which, along with other roads around the Island, had to be closed. Cars were damaged and business premises flooded. On the North Quay business premises were flooded, and on the Tongue cars were damaged and surges caused some to float into one another, causing more damage. Whilst some flooding of the Tongue has occurred in the past, it has not been of a depth to cause anything like the significant damage to vehicles experienced in this event. Hon. members will have seen in the press that flooding and damage also occurred in Laxey, Ramsey, Peel, Port St Mary and Castletown, causing distress to householders, businesses and the general public. The department's staff and resources were stretched to the limit in an effort to provide assistance to the affected areas and I would like to put on record my appreciation of the efforts of my staff and the staff of the Civil Defence Division of the Department of Home Affairs and the emergency services (**Several Members:** Hear, hear.) and also to express my sympathy to the individuals and businesses who suffered damage during this event.

Officers of my department will be reviewing the actions taken on Friday 1st with a view to determining any possible improvement which could be made for the future. In particular, I have asked that they investigate the possibility of obtaining more accurate flood prediction systems in order that we have earlier identification of the possible extent of such events. Thank you, sir.

**The Speaker:** Hon. member for Douglas North, Mr Henderson.

**Mr Henderson:** Thank you, Mr Speaker. I thank the hon. minister for his detailed response there, but can he confirm that his department is the lead department in organising emergency measures when it comes to sea defences and that indeed on the day of 1st February, that his department, as the minister has

stated, was warned well in advance by the Met. Office, possibly as early as 7.00 am in the morning when the first weather forecast warning was put out, that there was all likelihood of an extremely high tide at lunchtime? And further to that, Mr Speaker, why did it take so long to close the North Quay and can he confirm that the flooding was so serious that in the end a member of the public used his truck to shut off one section of the North Quay and that a member of Tynwald, Mr Delaney, had to use one of the shops on the North Quay to phone up to ask for help and have the North Quay shut?

**The Speaker:** Hon. member for Douglas West, Mr Shimmin, Minister for Transport.

**Mr Shimmin:** Yes, Mr Speaker. Certainly in hindsight we have evaluated the mechanisms we have in the department. We are the lead department in sea defences and the damage which occurred in most areas was unpreventable. I am not aware of any involvement of Mr Delaney, although on the day in question I did see him and he was concerned regarding the potential damage in the Tongue area. The warnings which came in - and I have had a substantial meteorological lesson over the last two weeks - imply that, yes, the prediction of surges and the prediction of gales gave us sufficient warning that there was a serious event to take place. At that stage all mechanisms were put into place, which is the normal procedure. The difficulty was the prediction of the full scale of that extent. We have warnings of serious flood potential on a regular basis throughout the winter; however, as the original question answered, this exceeded by 60 centimetres the incidents occurring in February 1997.

The warnings at seven o' clock in the morning and at 9.30 were not able to predict the full scale of the damage to be caused and the height of the surge that would be following. We are aware that as soon as we made attempts to get to the Tongue and to see the potential damage in that area, we were hampered by an unfortunate motorist who was attempting to rescue his vehicle. That vehicle was hit by a surge of water, which then blocked the carriageway for any further access for our vehicles or anybody else to remove theirs. At that stage, which was sometime before half-past twelve, we were in a position where the Tongue was at risk to the elements; we could do no further because it was too dangerous for our staff to go in and attempt to minimize the damage. Those of us who witnessed it taking place saw the carnage that ensued, and it is one where the sheer power of the elements contrived against us. The warnings that have been made, as everybody will be aware, are an imprecise science.

I do believe that there are improvements which will be costly but, due to the ever-increasing extremes of climate conditions that the world is experiencing, we are constantly having to re-evaluate our procedures. We effected an operation which put into place all those

we knew that previously had been high-risk areas. We now have to re-evaluate that, and those that were previously protected or safe now become vulnerable. In hindsight, it would have been preferable to avoid the cars parking in those areas affected by this tide, but our previous experience and the predicted conditions did not justify the closing of the Tongue or the car park or the promenade. However, if these conditions recurred that would be a consideration. Our mechanisms and dialogue with the contracted car park users will be reviewed as a result of this event, but no-one can predict the probability of a repeat occurrence. However, I am advised that the culmination of factors on that day was exceptional, sir.

**The Speaker:** Hon. member for Douglas North, Mr Houghton.

**Mr Houghton:** Thank you, Mr Speaker. Will the minister confirm that a company situated near the Tongue holds a contract with this department for parking for a number of vehicles on the Tongue area? If so, can he confirm whether any of this staff on the Harbours Division bothered to contact the company's office in order to have the vehicles removed before the small boats began to float amongst those vehicles, causing unnecessary damage? Was that matter ever considered on that day, sir, and if not, what means or measures are now being considered to compensate those vehicle owners?

**The Speaker:** Hon. member for Douglas West, Mr Shimmin, Minister for Transport.

**Mr Shimmin:** Yes, Mr Speaker, it is an area where the department has been extremely active in attempting to identify what happened on that day. The reality is that when the first warning came in of the severity of the flood, you can imagine that action stations followed. It was not the Harbours Division's responsibility, quite rightly, that they should be responsible for the car park and people in that area; that was another responsibility within the department. By the time that any attempt to communicate with the companies involved . . . it was not just one company that we have a contract with; there are 48 parking spaces, and a number of those are multiple occupants from individual companies. The dialog which we need to take place now is one that will ensure that, in further circumstances like this, a warning is given as soon as we are aware of it. Once that is given, the individuals would have to make the decision as to whether they were to take a risk, which in the past has not caused any problems, or to remove their vehicles to attempt to find another car parking space somewhere in the Douglas region. It is no comfort to those involved that the application for car parking space does identify the responsibility for the damage and, as one would assume within government procedures, it is at the owner's risk.

**The Speaker:** Hon. member for Ramsey, Mr Bell.

**Mr Bell:** Thank you, Mr Speaker. I am sure we all appreciate the extreme weather conditions on that day and the unusual circumstances surrounding them and at the same time have considerable sympathy with those people in the Tongue area who have been affected by it, but could I ask the hon. minister: whilst carrying out his investigations into what happened in Douglas, would he extend that inquiry into the failure, in many respects, of his department to provide adequate protection to the people of Ramsey, particularly in the Ramsey quay and market place area, where there was a very late notification or apparent unawareness of the threat which existed in Ramsey? There was a very clear inadequacy in the number of sandbags which were available for premises, not only in immediate threat but those who in the past have been periodically flooded as well when the harbour has overflowed. And could he also inquire as to why during the daytime, when the threat was at its height and when severe flooding did take place in many premises, there were very few officers of his department available, whilst at the next high tide, which was in the early hours of the morning and which was far less threatening, Ramsey was overrun with your officers?

**The Speaker:** Hon. member for Douglas West, Mr Shimmin, Minister for Transport.

**Mr Shimmin:** I do take considerable exception from the final comments of the member for Ramsey. As most reasonable people will imagine, the severity of the conditions meant that we were stretched to the limit (**A Member:** Hear, hear.) and on the Friday lunchtime at the height of the problems, we had a maximum number of people in the Ramsey area. Those people were not just servicing the harbour area, but all of the various associated places of risk and we, as a department, frequently place sandbags out which are never utilised. It goes with the territory that when there are warnings we put them out and if they are not used, we then take them back.

In such exceptional circumstances that occurred on this day, there is no conceivable way in which we could have prevented the damage which was caused. Part of the problem in Ramsey was not just the fact that the sandbags were not able to withhold the water coming over the harbour wall, but indeed that the manholes and the gullies were actually introducing the water at the rear of the sandbags and therefore a pincer movement took place which then put at risk a lot of areas that were not previously vulnerable. We would have been damned had we not had sufficient crews of people out on the Friday night in case there had been a subsequent similar occurrence. That did not take place; however, it was prudent to actually have four crews totalling 10 men in the Ramsey area at that time as opposed to the six crews, 21 men, two sweepers and

approximately 2,000 sandbags used in the Ramsey area.

It is one where I think we are beginning to be unrealistic if we consider that the Department of Transport or the emergency services can indeed prevent or restrict in totality the damage caused by such events. We see it on the television, frequently during the winters these days, and it does mean that government will have to consider its preventative measures in the future but I can offer my assurance that all those areas, which included Peel, which was almost a forgotten area . . . I attended Peel on the Monday and attempted to go for a lunch in Peel, and the public house there had been flooded, (*laughter and interjections*) the damage caused in the south of the Island was possibly more extreme in a variety of ways and we will do what we can but I would urge hon. members and the public to be realistic about what can be achieved.

**The Speaker:** Hon. member for Douglas North, Mr Henderson.

**Mr Henderson:** Thank you, Mr Speaker. Could the hon. minister confirm for this House and the people of this Island that in fact the warning that his department received was of such an exception that his response earlier to my supplementaries does not count in as much that you cannot be on stand-by for everything. Can he confirm that this warning was an extreme warning from the Met. Office which should have alerted him and his senior managers to put in place measures a lot sooner? And also, could he confirm or deny that on the said day many of the men of the Department of Transport who should have been out making preparatory works were actually held up for some reason between the hours of 10 a.m. and 12 p.m. at Hills Meadow depôt and Ellerslie depôt? And could he confirm or deny further that the reason that the men were held up could possibly have been a visit by himself and that he may have been advised to cancel that visit in the light of the experienced foremen giving information that they should have been elsewhere?

**The Speaker:** Hon. member for Douglas West, Mr Shimmin, Minister for Transport.

**Mr Shimmin:** Mr Speaker, I am disappointed that we are getting into cheap shots which have no validity (**A Member:** Hear, hear.) and no relevance to the circumstances of the damage that was caused throughout the Island, in order to score cheap political points. The visits that I had on the morning did not in any way interfere with the operational side. Indeed, the three superintendents that I saw at that time had already made provision and had left well in advance before any of the flooding that took place anywhere on the Island. I am concerned as to the nature of the information that the hon. member has been given,

because it is either problems within my department or himself as to why he chooses to raise such a spurious allegation.

With regard to the warnings, I would confirm that the Met. Office frequently give similar sorts of flood warnings and that the timing of the final evaluation was not until around midday of the day involved - that it, less than an hour before the peak of the high tide. Yes, we can do things better; yes, we now have more information as to the severity that is possible, but I would confirm that the warnings that were given on the Friday morning were warnings which are not infrequent within the Department of Transport and the Met. Office. We took what we considered at that time to be prudent measures. In hindsight, that was not satisfactory because of the scale. If it is a witch hunt that somebody is after, then yes, we can, as every government department, always do things better. However, we learn from experience, sir.

**The Speaker:** Hon. member for Peel, Mrs Hannan.

**Mrs Hannan:** Thank you, Vainstyr Loayreyder. Notwithstanding the comments made regarding the Ramsey area by the member for Ramsey, will the Department of Transport make representations to Treasury for more resources (**A Member:** Hear, hear.), both personnel and finances, to cope with the difficulties that we have had on, not only with this flooding, but also flooding on roads and the damage to roads caused by the tremendous differences in weather in recent times?

**The Speaker:** Hon. member for Douglas West, Mr Shimmin, Minister for Transport.

**Mr Shimmin:** Certainly I thank the hon. member for her comments. It is one where we have experienced in recent years flooding caused by rainfall and also now by tides. It is an area where we are increasing coming under pressure, and it is my department's responsibility to try and manage those pressures and prioritise resources made available by Treasury. Certainly it is an issue that will cause considerable difficulties to my department were we not to have any greater financial support for the damage caused because, as members will appreciate, not only were individual car owners and businesses affected but also the damage to the infrastructure of the Island is considerable, there will be an expectation for that to be repaired and we need to have some way of ensuring that a similar likelihood does not occur on a regular basis, sir.

**The Speaker:** Hon. member for Rushen, Mrs Crowe.

**Mrs Crowe:** Thank you, Mr Speaker. Would the minister agree that he has received letters of thanks

from the south of the Island for the way in which his department responded to the devastating damage to people's homes in that area? I do not know how many members have seen the damage that has occurred in the Gansey area but it is tremendous, and the department has been congratulated not only in the timely way they have dealt with that damage but the speed at which they got the main access road to the south open and functioning again.

**The Speaker:** Hon. member for Douglas West, Mr Shimmin, Minister for Transport.

**Mr Shimmin:** Mr Speaker, I would like to confirm that yes, we have received a number of thanks from above members and members of the public in the south of the Island as well as the rest of the Island. I think it is fair to say that everybody realises that we have some excellent emergency services (**A Member:** Hear, hear.) whether that is the fire service, the police, coastguards, the Civil Defence, which is often an unsung hero in such circumstances (**Members:** Hear, hear.) but also the Department of Transport, I believe, have a good reputation for doing what they can in difficult circumstances. The issue will often come back to resources. I can only give the assurance to the public and the House that in times of warnings we extend all of our resources to try and minimise any future damage, but I am grateful to the member for her comments.

**The Speaker:** Hon. member for Douglas North, Mr Henderson.

**Mr Henderson:** Thank you, Mr Speaker. I thank the minister for his further comments and it is acknowledged, of course, that the department did an exceptional job but, having said that, (*Laughter*) can the minister confirm that high tides are further predicted at the end of this month, at the end of March, and the highest tide of the year is being predicted for October, and could he advise this House as to what proactive measures may be put in place in the light of lessons learnt this time around?

**The Speaker:** Hon. member for Douglas West, Mr Shimmin, Minister for Transport.

**Mr Shimmin:** Thank you, Mr Speaker. One of the few measures which would be a consideration for my department would be, in such circumstances, closure of a range of areas that were affected on 1st February. The practicality of that is going to be evaluated. However, it is one where I would return to my comment that we have to be realistic about what can be done. We are obviously learning from the experiences of only a couple of weeks ago (**A Member:** Hear, hear.) it is something that I would be quite happy taking up with the individual member himself or others if they have recommendations and guidance that they

can put forward to the department. We know that things on that day were exceptional. It is unlikely that the factors will conspire together in the same way as they did, but that now has to be a consideration and, as I stated in my original answer, some form of a more accurate flood prediction system would be an opportunity for us to look at that, sir.

**The Speaker:** Hon. member for Rushen, Mr Rimington.

**Mr Rimington:** Would the hon. minister agree with me that, in the present situation where we are getting a higher frequency of extreme climatic events, besides looking to resolve the issue on the ground, perhaps it would be more prudent that the Isle of Man should take its part in trying to resolve the cause of the problem and turn our attention to reducing our profligate use of fossil fuels.

**A Member:** Hear, hear.

**The Speaker:** Hon. member for Douglas West, Mr Shimmin, Minister for Transport.

**Mr Shimmin:** I thank the member for his statement and I am not surprised at all that he expresses those views. I am sure that that will be looked at in another place, sir.

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**Public Transport –  
Purchase of New Buses –  
Question by Mr Henderson  
for Written Answer**

Question 8. The Hon. Member for Douglas North (Mr. Henderson) to ask the Minister for Tourism and Leisure:

*Regarding the purchase of new buses for the public transport section of your department:*

- (1) *How many new double-decker and single-decker buses have been purchased in the last 12 months;*
- (2) *how many are due to be purchased in the next 12 months;*
- (3) *what are the make and cost of each different model;*
- (4) *what is the engine/power plant for each unit and the engine capacity/power output;*
- (5) *is the battery in these modern and presumably expensive units capable of keeping its charge over the weekend period; and*

- (6) *are there facilities in place at the new multi-million pound bus depôt to ensure if there is a starting failure the equipment and staff are on hand to effect a starting procedure?*

**Answer**

- (1) My department has purchased 10 new double deck low floor buses in 2001-2002. It is not my department's current policy to purchase new single-deck buses, and none have been purchased in the last 12 months. This is on the basis of increased bus usage, in particular at times of peak demand. Obviously this is the most sensible use of our staff resources.
- (2) My department has 10 new double-deck low floor buses on order for 2002-3. One will be delivered early (this week) and the remaining nine during April and May 2002.
- (3) Both batches of these buses are DAF BD250RS/LF chassis with cast Lancs Mylennium Bodywork.

This year's buses are priced at £134,917 each excluding VAT. Last year's were £180,965 each excluding VAT.

- (4) The buses delivered in 2001-2002 had DAF RS160 8.65 litre turbocharged intercooled engines with maximum power of 218 bhp at 2300 rpm to EURO2 emissions. These were coupled to Voith D851.3 3 speed automatic gearboxes.

Buses purchased this year have DAF PE183C 9.2 litre turbocharged intercooled engines with maximum power of 249 bhp at 2200 rpm to EURO 3 emissions. These are coupled to Voith D851.3 3 speed automatic gearboxes.

- (5) These new buses will retain battery charge for a weekend. They are used at weekends for service operation.
- (6) There are facilities and staff in place to give a battery boost to buses which will not start at peak times.

**Kevin Gray Memorial Charity –  
Membership of Committee –  
Question by Mr Houghton  
for Written Answer**

Question 9. The Hon Member for Douglas North (Mr Houghton) to ask the Minister for Health and Social Security:

- (1) *Who are the department's representatives on the committee of the Kevin Gray Memorial Charity; and*
- (2) *has the former member for the Department of Health and Social Security been replaced by you on this committee?*

**Answer**

- (1) The Kevin Gray Memorial Charity Limited is a company limited by guarantee not having a share capital. The company's principal activity is the operation of a hyperbaric chamber. None of the directors of the company are appointed by the department. The Director of Public Health attends meetings of the directors in the capacity of "observer" at the discretion of the directors.
- (2) The department has no power to appoint or replace directors of the company. It is understood that Mr P Karran, MHK was invited by the company to become a director.

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**Office of Public Health –  
Appointment of Recent Staff –  
Question by Mr Houghton  
for Written Answer**

Question 10. The Hon. Member for Douglas North (Mr Houghton) to ask the member for Health and Social Security:

- (1) *How many recent appointments have been made within the Office of Public Health;*
- (2) *what are their rôles and why are they required;*
- (3) *has there been any additional clerical and administrative support to the Chief Administrative Medical Officer during the last 12 months; and, if so*
- (4) *what was the reason for this additional support?*
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**Answer**

- (1) & (2) During the last 12 months, the following senior appointments have been made within the Directorate of Public Health:-  
**PUBLIC HEALTH CONSULTANTS**

Following the retirement of the former Deputy Director of Public Health, two new consultants in public health medicine have taken up post to support the department's Public Health Directorate.

One of the appointees will have responsibility for communicable disease control and acute services, the other taking responsibility for community health and primary care services.

**PUBLIC HEALTH SPECIALIST**

A specialist in public health was appointed to take forward a number of new public health initiatives. These will include partnership working in community development and needs assessment, clinical governance, health information and strategic advice in both health planning and health promotion.

**HEALTH PROMOTION**

A senior health promotion officer has been appointed as a result of the Chief Minister's Drug and Alcohol Strategy, to initiate and promote inter-agency projects in the areas of drugs, alcohol, and tobacco.

**CANCER LEAD**

A specialist in cancer services has recently been appointed for an 18 month period to lead the development of a comprehensive cancer strategy, concentrating particularly on breast, lung, and colo-rectal cancer, and palliative care.

This appointment has been introduced in collaboration with the Council of Cancer Charities.

- (3) & (4) Given the additional professional staff joining the directorate in the last year, the level of internal clerical support has received attention. An additional secretary has been recruited and a vacancy for another secretary is shortly to be advertised.

A research assistant has also been recruited for six months to assist in the fieldwork and analysis of the health behaviour survey of schoolchildren.

**Chief Administrative Medical Officer –  
Details of Post –  
Question by Mr Houghton  
for Written Answer**

Question 11. The Hon. Member for Douglas North (Mr Houghton) to ask the member for Health and Social Security:

- (1) *What is the job description of the Chief Administrative Medical Officer;*
- (2) *what is the amount of annual salary and expenses paid to the post holder;*
- (3) *how many hours per week is the post holder required to undertake; and*
- (4) *what is the annual leave entitlement?*

**Answer**

- (1) The job description for the post of Chief Administrative Medical Officer (CAMO) includes the following responsibilities:

- To lead the Island's public health function;
- to assess the health status and health care needs of the population, and to plan services at a strategic level to meet those needs;
- as the Island's senior medical professional, to maintain high standards of professional practice and conduct;
- to provide professional advice to DHSS;
- the post also includes responsibilities to Government similar to that of the chief medical officers of England and its devolved jurisdictions. This rôle requires the holder, amongst other tasks, to comment upon the health impact of the policies of Government. In this and other respects, the post holder is free to comment without restriction.
- The post holder is accountable professionally to the Minister for Health and Social Security, and managerially to the Chief Executive of DHSS.

- (2) The CAMO's post currently attracts a salary at the minimum point of band D on the scale applicable to doctors in community (public health) medicine - £68,945 per annum. In

addition, the post holder is in receipt of three discretionary points (£10,580 per annum) in recognition of his previous experience.

- (3) The terms and conditions of service stipulate a working week of 38 hours, although the post carries with it a significant out of hours commitment.
- (4) All consultant posts have an annual leave entitlement of six weeks.

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### Procedural

**The Speaker:** Hon. members, that completes the questions that are laid down on the order paper. However, I have received a request to put a question under standing order 43(4). I have accepted that that question shall be put. I do not believe that it is part of the ordinary question paper and therefore does not require a suspension of standing orders. I therefore will be calling in a minute on the hon. member for Douglas North, Mr Houghton, who is to ask the question, but I would ask hon. members, and the hon. member himself, to act with considerable care (**Members:** Hear, hear.) when dealing with this important matter which is currently the subject of police investigations. Also I would remind hon. members, this is not a debate, it is questions.

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### Murders in Braddan – Care for Young Persons – Question by Mr Houghton

Question 12. The hon. member for Douglas North (Mr Houghton) to ask the Chief Minister:

- (1) *Will you make a statement on matters leading up to the double murders in the vicinity of Leece Lodge Cottages, Braddan; and*
- (2) *will you launch a full public inquiry into all aspects of care for young persons, funded by the Department of Health and Social Security, and report?*

**The Speaker:** I call on the hon. member for Douglas North, Mr Houghton.

**Mr Houghton:** Thank you, Mr Speaker. I am very grateful to you, sir, for allowing such a question to be put in order for a statement to be made and in this circumstance of national importance, sir. I beg leave to ask the question standing in my name.

**The Speaker:** I call on the hon. member for Onchan, the Chief Minister, Mr Corkill.

**Mr Corkill:** Thank you, Mr Speaker. As you have already intimated, I think both I and the House must be very careful about what is said here today and later about the events in and around Leece Lodge Cottage, Braddan, over the weekend. Clearly the issues are *sub judice*. Enquiries are ongoing and we must anticipate that at some point criminal proceedings are likely to be instituted. It would compound the tragedies of the weekend if any of us were to say something which prejudiced the ongoing enquiries and/or any subsequent prosecution.

As regards the events themselves, this is a police inquiry and I do not have the full particulars available to me, but clearly the events were tragic, horrific and I share in the revulsion no doubt felt by all hon. members here and the public at the loss of two young lives. I and my colleagues on the Council of Ministers extend sympathy to the families of the young people involved, because their grief is going to be a heavy burden.

We within the government at political and official level will do all we can to assist the police with their investigations, and we are endeavouring to safeguard and reassure those young people of whom we are aware who are associates of those who have died and who may feel their positions to be insecure. It is my earnest hope that whoever has been responsible for these terrible acts can be brought swiftly to justice.

As regards a public inquiry, whilst we are obviously keen to reassure ourselves that our care arrangements are sufficient and to learn any lessons which may flow from these events, it is too early today to say whether a public inquiry in the terms set out in the question would be appropriate. The Department of Health and Social Security are requesting a report from Nugent Care, the agency responsible for managing Leece Lodge, and there will thereafter need to be a case-specific report on what has happened. The issue of a wider ranging public inquiry will obviously be considered but the time for that consideration will be when we are in receipt of the case-specific report. We can then judge whether or not there are wider-ranging issues to be considered.

We have as a government shown a considerable commitment to developing childcare strategies. We have had two substantial public inquiries in the last 10 years, the McManus inquiry and the Leslie inquiry. We have been implementing the recommendations from those inquiries progressively and this has meant new legislation, new policies and very substantial investments of capital, staff and revenue funding. We have more recently established a Children and Young People's Strategy Group on which all the relevant departments of government are represented, and the group's task is to develop a cross-departmental strategy for dealing with children with difficulties. This is therefore an area which has already seen much attention and considerable public scrutiny. And that is my statement for today, Mr Speaker.

**The Speaker:** Hon. member for Douglas North, Mr Houghton.

**Mr Houghton:** Thank you, Mr Speaker. I would like to say that I appreciate, on behalf of all members of this House, the statement made by the hon. Chief Minister this morning. May I ask, though: he has alluded to the fact that there may be a public inquiry in the future and could I draw his attention to one or two circumstances, such as whether he would take cognisance of the coroner for inquests when he makes his future report, or would he be referred to the recent Children and Young Persons Act that passed through this hon. House, as to whether that Act indeed alludes or makes recommendation in circumstances such as this for an automatic public inquiry or indeed would he - and I would hope he would not - just simply await for matters to stack up and be forced upon him by a motion in the hon. Court of Tynwald (*Interjections*) as to seek a public inquiry, sir?

**The Speaker:** Hon. member for Onchan, Chief Minister, Mr Corkill.

**Mr Corkill:** Right, Mr Speaker, I have not in reality got much to say, as I tried to intimate, on top of the statement. Can I point out to the hon. member for North Douglas, Mr Houghton, that as things stand at the moment the Children and Young Persons Act in some way has not received its appointed day order as we sit here today, but that is irrelevant really because if there is a need for a public inquiry, the Government of the Isle of Man will instigate one. What I have said today is that it is premature to make a statement at this time.

The hon. member talks of a motion in Tynwald and, as a member of the House of Keys, it is his right to put motions down on the order paper if they comply with standing orders and, if that is what he wishes to do, that is a matter for the hon. member to consider. I would say it was not necessary at this point for the reasons I have already made in the statement put to this hon. House this morning.

**The Speaker:** Hon. members, I think that concludes the questions. On the rest of our order paper we have questions for written answer. They have been, or will be circulated in order with our standing orders. Hon. members that concludes the business of the House. The House will now stand adjourned until Tuesday, 19th February at 10.30 a.m. in Tynwald Court.

*The House adjourned at 11.24 a.m.*