

REPORT OF PROCEEDINGS OF HOUSE OF KEYS (QUESTIONS)

Douglas, Tuesday, 22nd January 2002
at 10.00 a.m.

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.

The Speaker took the prayers.

Questions for Oral Answer

- | | |
|---|-------|
| 1. Long-Wave Radio Station - Planning - Environmental Impact (Mr Quine) | KQ 2 |
| 2. Broadcasting Licences - Requirements re Issue (Mr Quine) | KQ 4 |
| 3. Sellafield - Safety Measures - Assurances (Mr Henderson) | KQ 5 |
| 4. Income Tax - Co-Habiting Couples' Option (Mr Houghton) | KQ 6 |
| 5. Buzz Bus - Withdrawal from Service in Douglas (Mr Houghton) | KQ 7 |
| 6. Police - Ramsey-Douglas Transfer of Officers (Mr Singer) | KQ 7 |
| 7. Isle of Man International Broadcasting plc - Application for Radio Broadcasting Licence (Mr Quine) | KQ 8 |
| 8. Long-Wave Radio Station - Fresh Licence Applications (Mr Quine) | KQ 9 |
| 9. Ballure - Inspection of the Sea Wall (Mr Singer) | KQ 11 |
| 10. Local Authority Housing - Increase of Maintenance Allowance (Mr Singer) | KQ 11 |
| 11. Waste Disposal - Pilot Kerbside Collection Scheme (Mrs Cannell) | KQ 13 |

Questions for Written Answer

- | | |
|---|-------|
| 12. Isle of Man International Broadcasting plc - Licence Conditions and Requirements (Mr Quine) | KQ 14 |
| 13. Northern Amenity Centre - Site (Mr Cannan) | KQ 15 |
| 14. Isle of Man International Broadcasting plc - Environmental Assessment etc. (Mr Quine) | KQ 15 |
| 15. Long-Wave Radio Station - Construction, Use and Safety (Mr Quine) | KQ 16 |
| 16. E-Habitant Limited - Mortgage/Debenture (Mr Karran) | KQ 17 |
| 17. Lough House Group (Mr Karran) | KQ 17 |
| 18. Invisimail IOM Limited - Directors (Mr Karran) | KQ 17 |
| 19. Foot-and-Mouth Disease - Compensation for Agricultural Sector (Mr Cannan) | KQ 18 |
| 20. Noble's Hospital - Prosthetics Clinic - Facilities (Mr Henderson) | KQ 18 |
-

**Long-Wave Broadcasting Station –
Planning – Environmental Impact –
Question by Mr Quine**

Question 1. The hon. member for Ayre, Mr Quine, to ask the Chief Minister:

- (1) *Can you confirm that the proposed siting of a long-wave radio broadcasting station in Isle of Man territorial waters does not give rise to the Town and Country Planning Act procedures;*
- (2) *if this is the case, what procedures are applicable to the proposed development at (1) and what provision is made for assessing any -*
 - (a) *visual intrusion;*
 - (b) *noise;*
 - (c) *effect on wildlife;*
 - (d) *other environmental impacts; and*
 - (e) *electrical and telecommunications interference;*
- (3) *what provision is made for input by the general public into the application process and more specifically the issues referred to at (2);*
- (4) *have any assessments referred to in (2) been carried out;*
- (5) *if so, by whom; and*
- (6) *will the results be made available to the general public and, if so, when?*

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 Onchan, The Chief Minister, Mr Corkill.

Mr Corkill: Thank you, Mr Speaker. Permission under the Town and Country Planning Acts is not required for a development within the Island's territorial seas. The seabed below the territorial sea is vested in the Department of Transport, and any development within the territorial sea therefore requires that department's approval as landowner. In addition, the department has a statutory responsibility to satisfy itself that navigational safety is not prejudiced, but its principle role is as landowner.

As the relevant authority, it is for the department to satisfy itself on whatever aspects of any proposal it considers appropriate. In discharging that responsibility it takes advice from the Territorial Sea Committee, which is an interdepartmental team of government officers. This process has applied in relation to other

developments in the territorial sea such as cables, pipelines and developments in exploratory drilling.

There is no requirement for input by the general public into the consideration of an application. It will be unusual for there to be public participation in any application process to government for approval or permission where the issue of planning permission does not arise.

I am aware that as part of their investigations into the proposal referred to in the question, the department required the submission of an environmental statement, and that was provided by a firm of consulting engineers and scientists called Waterman Environmental. I am not aware of the contents of that environmental statement or whether it will be published. I assume it is the property of the applicants, and whether or not it is published by the applicants, or by the department with the approval of the applicants, is a matter for the department and the applicants to consider.

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

Mr Quine: Yes, thank you, sir. Is the Chief Minister aware that the proposed platform would, amongst other things, house electric generating plant sufficient to service or meet the needs of Peel, secondly that it would provide storage for 150,000 litres of diesel oil, and that thirdly it would have a radio transmitter of such strength as to give rise to serious public health and environmental concerns? And would the Chief Minister not agree that any or all of these matters could be to the detriment of safety of navigation?

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

Mr Corkill: Mr Speaker, I have information from the Department of Transport regarding the environmental assessment, and they advise that the assessment stated, amongst other things, issues to do with visual intrusion, noise, effects on wildlife and electrical and telecommunications interference. Where these matters were considered to have an impact, remedial measures were proposed and accepted.

The department made its own enquiries of the Northern Lighthouse Board to satisfy itself that radio navigation systems would not be affected by the proposal. I can also say that the environmental assessment and the Department of Transport findings were then distributed to the Territorial Sea Committee members in order that they and their departments could assess the information available to them in so far as was required by their statutory responsibilities.

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

Mr Houghton: Thank you, Mr Speaker. Given that planning development procedures do not apply in

this particular situation, what independent assessment has been made in regard to safety, electrical and communication interference, effect on wildlife, noise and visual intrusion? And are these matters not of such importance as to warrant a full and open investigation with provision for public input, sir?

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

Mr Corkill: The hon. member for Douglas North, Mr Houghton, quite rightly states about the planning situation, and I referred to that in my original reply. The Town and Country Planning Act of 1999, which had its appointed day order in March 2000, defines the extent of the area covered by the Act itself, and I quote, 'The Town and Country Planning Act 1999 extends to the whole of the Island,' but it also states that 'This Act shall not extend to the territorial seas of the Island except to such extent and subject to such exceptions and modifications as may be prescribed.' There are no specific regulations intended to be introduced by the department and so it stands as it is. I think I have already stated that an environmental assessment has been produced, dealing with the issues of concern that the hon. member for Douglas North has raised in his supplementary question.

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

Mr Quine: Yes, thank you, sir. Given the role of the Territorial Sea Committee is effectively that of the Planning Committee and that under the conventional planning process all the documentation relevant to the inquiry and the reasons for the decisions taken in that inquiry are made public, why should the same openness of approach not be taken in relation to this matter? What is there to hide? Why should there be this difference?

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

Mr Corkill: Mr Speaker, the hon. member is saying there is something to hide; I am not aware that there is anything to hide, but the hon. member in his question also challenges the validity of the planning Act as to whether we should have a planning process similar to on land for the territorial sea area. Can I say that there are reasons why the Act was cast the way it was, and that is that the ownership of the territorial sea vests in the government; there is therefore an absolute control over what can be constructed. Government is able to safeguard the Island's interests and can undertake whatever investigations or consultations it considers to be desirable. Therefore that was the reasoning why there is no necessity to introduce planning controls for this area, sir.

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

Mr Quine: The Chief Minister's last response does not address the question of why the public should be excluded from this process. Why do we not have the same openness? There is a public interest in this matter, which is within the territorial waters, just as it is in relation to a matter on land even if that land is government-owned. Why should this distinction be drawn? That is the point I am trying to make. Could the Chief Minister explain that to me, please?

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

Mr Corkill: Mr Speaker, it was not I that took the town and country planning legislation through this hon. place, but there is nothing to actually stop the public commenting if they wish; in fact, I would suggest that process is happening at the moment. But responsibility rests with government and they exercise the responsibility in the public interest.

Now, there seems to be concern about safeguards and there are various safeguards which are built in to the broadcasting licence and the lease of easement. These do protect the environment, shipping, the quality of the broadcasting and so on. They also relate to restitution in the event of commercial failure. Mr Speaker, I have got confidence in the Department of Transport and the Communications Commission to put in place the necessary safeguards. They have a statutory duty to do that, sir.

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

Mrs Hannan: Thank you, Vainstyr Loayreyder. Could I ask the Chief Minister if this information will be made public and whether the public can comment on this information such as getting this huge amount of fuel, referred to by the member for Ayre, to this radio mast? Will there be people on board the whole of the time or will it just be controlled by telemetry or whatever? How are people to know that the environment is being safeguarded from these issues and also the radio emissions that are given out by this mast?

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

Mr Corkill: I think it would be useful to say that the Territorial Sea Committee is comprised of officers the Department of Transport, Trade and Industry, the Department of Local Government and the Environment, the Department of Agriculture, Fisheries and Forestry, from Treasury, from the Chief Secretary's office and the Attorney-General's Chambers, so there is a breadth of governmental input into that committee. I do not want to get into the specifics of the controls that the statutory authorities will be applying, the Communications Commission and the Department of Transport, as I said in my previous answer, but in terms of the amount of fuel stored for the purpose, I would suggest that there are a number of shipping

routes going quite close to the Island where fuel for the powering of those vessels goes past our shores on a regular basis.

I understand the concerns which are being raised by hon. members, Mr Speaker. What I am trying to say in my answer is that the authorities are different from planning, the process is different and there are reasons for that. Quite simply, for instance, in terms of how planning law might be applied to the territorial sea area, on land, of course, people have rights under the Act because they are a party to the planning. They are neighbours or they are affected by the proposal adjacent to them. This is not the situation with the territorial sea, as I have said. Government has total control over the area because it has ownership of the seabed and the territorial sea area. Therefore the process is going to be different. With regard to how public the information in the environmental assessment might be, that is a matter for the provider of that information and the Department of Transport who have assessed that information, and I cannot give an undertaking one way of the other in my answer this morning, Mr Speaker, about that decision.

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

Mr Quine: Thank you, Mr Speaker. I am sure the Chief Minister will accept that these processes must not only be fair but be seen to be fair. Is it therefore not most unfortunate that he should see fit to make partisan, if not supportive, comments in respect of this application to the media when this matter is under consideration - not only under consideration but under consideration by, as he has intimated, a committee of civil servants? Does the Chief Minister agree, albeit with hindsight, that those comments should not have been made?

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

Mr Corkill: The hon. member refers to media comment by myself which was in response to questions asked by the media, when it was clear that in fact the Territorial Seas Committee had given approval. The press asked me for a comment on that, and I made it quite clear in my comment that a planning process at a previous situation had been clearly decided upon by the planning inspector and agreed by the Council of Ministers that an on-land installation - we all know the outcome of that, it was refused. I think in my comments to the press I was stating the obvious, that this was a different way of going about a commercial venture, and that is all I commented on at the time in response to questions from journalists, Mr Speaker.

Question 2. The hon. member for Ayre, Mr Quine, to ask the Chief Minister:

- (1) *Can you confirm that by virtue of the Broadcasting Act there is an obligation on the Communication Commission to ensure the issue of a broadcasting licence is made only to a 'fit and proper person'; and*
- (2) *can you also confirm that in meeting the requirement at (1), the investigation would embrace -*
 - (a) *office bearers and shareholders;*
 - (b) *company solvency; and*
 - (c) *viability of the company business plan?*

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

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

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

Mr Corkill: Mr Speaker, the answer to the first part of the question is, 'yes.' Section 24(a) of the Broadcasting Act 1993 requires that the Communications Commission shall not grant a licence to any person unless it is satisfied that he is a fit and proper person to hold it. The requirement for the person to be fit and proper is continuous and not just relevant to the point at which a licence is granted. 'Fit and proper' is not defined in the Act and is something of a catch-all which allows the Communications Commission to take into account all matters which appear to be relevant and related to the applicant in any particular case.

Mr Speaker, obviously, in granting the provisional licence in 1999, the Communications Commission found nothing to the detriment of the applicant which caused a concern in relation to the 'fit and proper' test. As the test is continuous, if circumstances were shown to have changed since 1999, the Communications Commission would, no doubt, re-evaluate their position, sir.

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

Mr Quine: Yes, can the Chief Minister, in relation to the earlier application, advise us who carried out these checks as to whether or not the applicant was a fit and proper person? And furthermore, can he give us an assurance that the matters identified in two of my questions were specifically addressed and, if they were not specifically addressed, why were they not specifically addressed?

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

**Broadcasting Licences –
Requirements re Issue –
Question by Mr Quine**

Mr Corkill: I think I must say, Mr Speaker, that as a general point the evaluation of an applicant as being fit and proper, or not as the case may be, is statutorily a matter for the Communications Commission, which is a statutory board of Tynwald, of government, and it is not for the Chief Minister to comment or determine the Communications Commission to do with matters which they have or should have taken into account. I cannot start getting into the detail that the hon. questioner is asking me this morning in terms of how the 'fit and proper' test was applied. That is a matter for the commission to deal with, sir.

The Speaker: Hon member for Ayre, Mr Quine.

Mr Quine: Yes, with regard to the current offshore application, in particular the grant of this provision siting licence, again, at this point in relation to that specific application, what examination has been carried out to ascertain whether or not the applicant, if we are talking about the same being continued, remains a fit and proper person? Who has carried that out. Has it been carried out in relation to the present position?

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

Mr Corkill: I would suggest, Mr Speaker, that the question has to be addressed to the Chairman of the Communications Commission. It is not the Chief Minister's role.

Sellafield – Safety Measures – Assurances – Question by Mr Henderson

Question 3. The hon. member for Douglas North, Mr Henderson, to ask the Chief Minister:

In a written reply to my question in the December sitting of Tynwald Court, in relation to safety measures, the UK Government have taken in protecting Sellafield, following the events of 11th September, you indicated that: 'there are concerns about the very limited information that has been made available to the Isle of Man Government in relation to measures being taken.' Could you confirm what you are doing in order to expand on this limited information, accepting some security measures have to be secret, in pursuing reassurances from the UK Government in respect of the Island's external safety for which they are responsible, in the event Sellafield might be threatened, and the potentially devastating effects this would have for the Isle of Man?

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

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

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

Mr Corkill: Thank you, Mr Speaker. The Isle of Man Government wrote on 10th December last, asking the United Kingdom Government, through the Lord Chancellor's department, for clear assurances regarding the adequacy of the security measures being taken to protect the Sellafield site and other similar installations in Britain. We have received an interim response from the Lord Chancellor's department saying that our letter has been sent to the relevant UK Government department for reply. As yet we have received no substantive reply to our concerns.

Whilst there will be some limits on what details of security measures we might reasonably receive, we are obviously keen to secure as much reassurance as possible. We are therefore pressing the United Kingdom Government on the issue. We are also kept up to date with any security developments which are within the remit of BNFL, and Tynwald has already been informed that the Department of Local Government and the Environment was represented at a Community security briefing on 19th October 2001 and the department received an update on this on 10th January last, sir.

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

Mr Henderson: Thank you, Mr Speaker. Does the Chief Minister not think that to be put on an interim response is nothing but a fob-off (**Mr Houghton:** Hear, hear.) and is he aware of the information given to the House of Commons Defence Committee recently which indicated that in the event of Sellafield being attacked, sabotaged or otherwise, it could potentially threaten the whole of the north of England, including parts of Scotland and Ireland, and that we need to be pressing a lot harder than currently?

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

Mr Corkill: Can I assure the hon. member that I am not going to be fobbed off and it has been raised at the highest level that we expect a response. Obviously there are security details which should not and cannot be made public.

With regard to the risk of terrorism attack on Sellafield I thank the hon. member for pointing out that in fact the north of England in particular, Ireland and the Isle of Man. All have a joint interest in making sure that the whole establishment is as safe as it can be. Government policy, of course, in an Isle of Man context is to promote the closure of the establishment, the complete closure of it, but certainly the question alludes to the problems facing the world to do with terrorism and that is what we are pressing for, a reply, and I expect to have one sooner rather than later.

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

Mr Singer: Mr Speaker, has your government in the meantime planned for the emergency situation of a serious incident occurring at Sellafield, for example the protection of our children attending schools, hospital evacuations and informing the public in general, in the Isle of Man, what protective measures they must take if a serious incident does occur?

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

Mr Corkill: All I can say this morning, Mr Speaker, is that there is an emergency plan for the Island which covers a number of large disaster scenarios and which is a document throughout government so that there is a co-ordinated response to a serious emergency on the Island. That is in place and has been for some time through the Department of Home Affairs' Emergency Planning Division. I would not like to talk the issue up this morning, Mr Speaker, I am just seeking the assurances from the United Kingdom Government that that risk is kept to an absolute minimum.

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

Mr Henderson: Thank you, Mr Speaker. I thank the hon. Chief Minister for his assurances so far but would he not agree with me that the collective or joint working parties and initiatives that he has mentioned so far do not proportionately address the seriousness of this problem by a long stretch and it needs more input, especially given that some of the buildings at Sellafield date back to the 1950s where storage tanks contain Caesium-137, similar to the Chernobyl contamination, and that this radioactive soup cannot be processed as there is a backlog and presents itself as the perfect radiological weapon for the terrorist?

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

Mr Corkill: I do not wish to actually get into a debate about this, Mr Speaker, but to say to the hon. member that some of the questions we have asked, we have asked about counter-measures, envisaged beyond a 25-mile radius in the event of a breach of high level waste storage tanks at Sellafield, we have asked about possible structural enhancement of liquid high-level waste storage facilities and we have also asked if there is to be a review of the counter-measures surrounding a number of nuclear power stations, because it is perhaps not just Sellafield, although obviously that is of high interest to us being right on our doorstep.

I wish to perhaps have a final comment that this is being discussed at the highest level; I do expect to have answers from the relevant departments in the United Kingdom Government, the questioners are very valid in putting forward their concerns about the establishment

and I will seek to get answers to those questions. I do not have them this morning, Mr Speaker, but we are pushing and I hope hon. members will accept that that is what happening.

Income Tax – Co-Habiting Couples' Option – Question by Mr Houghton

Question 4. The hon. member for Douglas North, Mr Houghton, to ask the Minister for the Treasury:

Would you be willing to include in your next Income Tax Bill an option for co-habiting couples to be able to transfer their personal allowances between each other?

The Speaker: The hon. member for Douglas North, Mr Houghton.

Mr Houghton: 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 Ramsey, Mr Bell, Minister for Treasury.

Mr Bell: Mr Speaker, hon. members will be aware that a married couple living together as man and wife are entitled to transfer any unutilised personal allowance and lower rate band between either spouse.

The issue that has been raised from time to time is whether this should be extended to unmarried couples. The Treasury policy has been that two people who decide to live together and not be married are exercising their right to remain single, in which case they should be taxed accordingly. Individuals do move in and out of relationships on a regular basis and it takes little imagination to appreciate how difficult it would be to administer such a proposal.

In recent years the Treasury has sought to level out the playing field for families. This has been achieved by extending the additional personal allowance to co-habiting couples with children. To extend the transferability of personal allowances to simply two persons living together may well be a costly and complex change.

Mr Speaker, for the present, Treasury policy remains unchanged in this area, but I can assure the hon. member that I shall be reviewing it when the Income Tax Bill, to which hon. member has referred, comes before Treasury for more detailed consideration.

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

Mr Houghton: Yes, thank you, Mr Speaker. I welcome the hon. member's reply that he is going to look into it and I would ask him to think again in the modern-day times and bearing in mind the human rights of those people (**Several Members:** Hear, hear.) especially those who have lived together for, say, five years or longer.

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

Mr Bell: Yes, I note the comments of the questioner.

**Buzz Bus –
Withdrawal from Service in Douglas –
Question by Mr Houghton**

Question 5. The hon. member for Douglas North, Mr Houghton, to ask the Minister for Education:

Why has the Buzz Bus been withdrawn from service in Douglas on Friday evenings?

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

Mr Houghton: 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 Garff, Mr Rodan, Minister for Education.

Mr Rodan: Thank you, Mr Speaker. The Buzz Bus, which is the department's mobile youth project, has operated in a number of locations since it was introduced. These have included Peel, Marown and Union Mills. The vehicle is currently, today, in use in Port Erin, Laxey and Anagh Coar. The project has operated on Douglas promenade since it was first introduced, but it was withdrawn towards the end of 2001, last year, following a request from the police, who had received complaints from nearby residents.

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

Mr Houghton: Yes, thank you, Mr Speaker. Can the hon. minister not promise this hon. House to review his department's decision and even make provision for this very popular attraction to be situated elsewhere on Douglas promenade or, for that matter, elsewhere in Douglas, such as Willaston or Noble's Park areas, where it will be very much welcomed, sir?

The Speaker: Hon. member for Garff, Mr Rodan, Minister for Education.

Mr Rodan: Mr Speaker, yes, I am happy to give that confirmation because I would wish to emphasise, firstly, that while the Buzz Bus is not currently the focal point for work by detached youth workers with the young people who regularly congregate on the promenade on a Friday evening, the youth workers who were employed on that bus have continued to work on the promenade, working alongside the existing detached youth worker team. Discussions have been taking place as to the possibility of siting this bus either elsewhere on the promenade or indeed, as the hon. member has

suggests, other parts of Douglas, and those discussions are currently ongoing, because I think we should recognise that the bus has usefully served as a base for that team of detached youth workers and also provides a place of safety for some of the young people who regularly congregate in specific areas and for those youngsters who, I am sorry to say, have been involved in issues such as underage drinking and drug abuse. It is therefore an important place where the youth workers can very much get involved with those young people. Thank you very much.

**Police – Ramsey-Douglas
Transfer of Officers –
Question by Mr Singer**

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

Will you give an assurance that there is no intention to permanently transfer police officers from Ramsey to Douglas?

The Speaker: Question 6. The hon. member for Ramsey, Mr Singer.

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

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

Mr Braidwood: Thank you, Mr Speaker. The Isle of Man Constabulary is committed to visible community policing. This is the main basis upon which all policing activity takes place. The force is striving to increase its links with all communities on the Island and improve the level of service that it provides. Consequently the constabulary is currently reviewing how and where it deploys its resources. The most recent report by Her Majesty's Inspector of Constabulary formerly recommended that the distribution of existing staff according to demand should be reviewed. This reinforces the Chief Constable's intentions to make the most effective and efficient use of resources through the deployment of its officers. The review recommended by Her Majesty's Inspector of Constabulary will be completed during February and will of course, take full account of the needs and expectations across all the communities throughout the Island. The hon. member will be aware of the commitment that my department has to policing in Ramsey through our development of improved facilities at the Ramsey police station, being one of the department's existing capital project schemes.

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

Mr Singer: Thank you. I thank the hon. minister for his reply. Does he not realise that I am not particularly happy with his answer, in that particularly

by improving the facilities at the police station in Ramsey that does not mean we are going to keep the same number of policemen there? And from his answer do I take it that he is not giving any assurance that police officers will be removed permanently from Ramsey, particularly in the light of the complaints that have come through this hon. House and elsewhere about the problems in Douglas, where there are said to be insufficient police? So am I correct in saying, therefore, that there is a great possibility that to correct the shortage in Douglas, there may well be an intention to remove police officers from Ramsey?

The Speaker: I would remind the hon. members that the object of questions is to ask a question and not make a statement. Hon. member for Douglas East, Mr Braidwood.

Mr Braidwood: Thank you, Mr Speaker. I think it would be rather inappropriate and premature of me to give a commitment until the review of the police in Ramsey and throughout the Island is taken. Therefore I would rather wait until that review is undertaken and then I can come back to the hon. member on the problems, as he has already said, which might be associated in Ramsey.

The Speaker: Hon. member for Douglas South, Mr Duggan.

Mr Duggan: Thank you, Mr Speaker. Could I ask the minister, could the review be held speedily? This is a matter I raised on the Department of Home Affairs with Mr Cannell on several occasions because there is a shortage of police officers (**Mr Houghton:** Hear, hear.) especially at weekends, and they have got no back-up. (**Mr Houghton:** Hear, hear.) They get couple of road traffic accidents and maybe a child absconding -

The Speaker: Hon. member, could I remind you of what I said just previously? Hon. minister.

Mr Braidwood: Thank you, Mr Speaker. As I said in answer to the question by the hon. member for Ramsey, Mr Singer, the review will be completed in February and then we will look at the deployment of all officers throughout the Island.

Isle of Man International Broadcasting plc – Application for Radio Broadcasting Licence – Question by Mr Quine

Question 7. The hon. member for Ayre (Mr Quine) to ask the Minister for Home Affairs:

- (1) *With regard to the application by Isle of Man International Broadcasting plc for a long-wave radio broadcasting licence, are you satisfied that your predecessor's statements and*

commitments to Tynwald Court on 21st April 1999 remain valid;

- (2) *further to (1), will you confirm your predecessor's commitment that constraints would be placed on the holder of any substantive licence to ensure it is not used for a speculative financial venture;*
- (3) *is the issue of any substantive licence to be subject to the Communication Commission being satisfied that the cross-field antenna technology will work;*
- (4) *if this is the case, how and by whom will this technology be examined and certified; and*
- (5) *if it is proposed to issue a substantive broadcasting licence to this company, will you first seek the approval of Tynwald Court?*

The Speaker: 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, Mr Braidwood, Minister for Home Affairs.

Mr Braidwood: Mr Speaker, I am answering this question in my capacity as Chairman of the Communications Commission, which has the statutory responsibility for broadcasting matters.

In answer to the first part of the question, yes.

In answer to the second part of the question, yes, the substantive licence will not be transferable without the prior consent in writing of the commission, and there will be additional detailed provisions contained in it concerning changes of ownership.

In answer to the third part of the question, cross-field antenna technology is new technology and, as my predecessor stated to Tynwald in 1999, I really do not think there are any further guarantees which either myself as minister, or indeed the commission, could actually give to hon. members to guarantee that nothing unexpected will crop up at some stage in the future, particularly when we are dealing with new technology. On balance we believe there is a good chance that this technology will work. The substantive licence will contain provisions ensuring that, should the technology fail to deliver, the licence will be revoked. The commission is already satisfied with the technical effects and capabilities of the type of aerial proposed.

In answer to the penultimate part of the question, the final proof of the technology will be demonstrated by its ability to deliver its service area, particularly in London and the south-eastern counties. In addition, once it is transmitting, the licensee will be required to take field strength measurements and provide them to the commission. Evidence has already been received by the commission from a subsidiary of BAE systems of the technical effects and capabilities of cross-field antennas.

In answer to the final part of the question, Tynwald has already, on the 21st April 1999, approved

that the provisional licence for the operation of the long-wave sound broadcasting station on the Isle of Man should be awarded to the Isle of Man International Broadcasting Company plc. As my predecessor explained during that debate, once the necessary planning consents and satisfaction of the planners and the commission as to the technical effects and capabilities of the type of aerial proposed have been achieved, the substantive licence will be granted under the Broadcasting Act 1993, which is the legislation passed by Tynwald concerning how broadcast licensing is to be conducted. That legislation does not require the commission to keep coming back to Tynwald every step of the way. The commission, as a statutory board, will fulfil its duties as is required by the law passed by Tynwald.

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

Mr Quine: Thank you, Mr Speaker. Will the minister not agree that the current application is materially different from what was placed before, debated by and endorsed in principle by Tynwald? And not only that, the current application gives rise to considerations which did not and were not inherent in the earlier application; is it therefore not only logical but sensible and prudent that Tynwald should be afforded an opportunity to consider this matter further before the Communications Commission on their own accord issue this licence? The authority may be invested in them, but that takes nothing away from the right of this hon. Court to discuss this matter prior to them issuing that licence.

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

Mr Braidwood: Thank you, Mr Speaker. The hon. member for Ayre knows fine well that there was no implication in the invitation to apply for a long-wave licence, or the application document, or guidance notes, that only a land-based antenna would be acceptable. It was for applicants to submit their proposals and then for the successful party to undertake any environmental impact assessment and obtain the necessary planning permissions. Therefore the provisional licence was granted to the Isle of Man International Broadcasting plc for a provisional licence. It did not matter if it was land-based or sea-based.

**Long-Wave Radio Station –
Fresh Licence Applications –
Question by Mr Quine**

Question 8. The hon. member for Ayre (Mr Quine) to ask the Minister for Home Affairs:

Will you give urgent consideration to inviting fresh proposals from parties interest in establishing a long-wave radio broadcasting station, given –

- (a) *the recommendation made that the Isle of Man International Broadcasting plc be granted the provisional licence related to a land-based facility;*
- (b) *that Isle of Man International Broadcasting plc were unsuccessful in their planning application to establish a long-wave radio broadcasting station on land; and*
- (c) *that at least one of the unsuccessful applicants indicated a willingness to site the radio broadcasting station in Isle of Man territorial waters?*

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

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

The Speaker: Member for Douglas East, Mr Braidwood, Minister for Home Affairs.

Mr Braidwood: Thank you, Mr Speaker. Again I am answering this in my capacity as Chairman of the Communications Commission. In answer, no. The Isle of Man has been internationally allocated only one long-wave frequency. That frequency has been awarded to the Isle of Man International Broadcasting plc. Unless and until that award is revoked there is no further frequency to allocate. I think I have covered (a) and (b) in my previous answer on a land-based facility, and I would also like to draw to the attention of the hon. member that in answer to (c) Radio 279 advised the commission that it would be willing to locate the transmitter in Manx territorial waters and that was after the licence had been awarded to Isle of Man International Broadcasting plc.

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

Mr Quine: Can the minister, in relation to the record of *Hansard* for the 21st April, point to any aspect, any part of that debate where your predecessor made a reference to the invitations being open to a site at sea? Can you refer me to any place where that is referred to in the Tynwald debate other than its reference to the exclusion of one of the applicants because it related to a site at sea? Will he also confirm that your predecessor, in addressing Tynwald, not only made no reference to it being at sea, that being embraced by the invitation to tender, but he stressed, and I quote, that 'this cross-field antenna would offer the opportunity for it to be located in a hollow in the ground'? I am afraid we are getting into half truths in this situation somewhere along the line, but if you will refer me to

the Tynwald debate where there is a reference to it being open to applications at sea and if you could address that first?

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

Mr Braidwood: Thank you, Mr Speaker. As I have previously said, in the invitation to apply for the long-wave licence and the application document or the guidance notes, it did not say that it would be land-based or sea-based. Also, as the hon. member for Ayre has mentioned, my predecessor in that Tynwald debate of 21st April said the cross-field antenna, as it is known, would ideally be located in a hollow in the ground - that is, in a valley rather than on a hilltop and its visibility would be reduced to an absolutely minimum as a result.

One of the companies who applied for the licence wanted to locate the station off the coast of Holland. Unfortunately the Radio Communications Agency of the UK made it clear that the licence of the operation of a transmitting station in such a location would be outside their statutory power, and if the Isle of Man did not wish to use the frequency on the Island, they may have to give consideration to a withdrawal of the allocation altogether. The licence was given to the International Broadcasting Company because they came up with the best proposal for the licence and for broadcasting from the Isle of Man, and it was only after that licence had been allocated that the previous company, Radio 279, came back with a view to locating the transmitter in Manx territorial waters.

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

Mr Houghton: Thank you, Mr Speaker. May I ask the hon. minister, is it not therefore unfair to other interested parties to permit IMIB to pursue an off-Island site for a long-wave broadcasting station without inviting fresh expression of interest, sir?

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

Mr Braidwood: Mr Speaker, the planning application at Cranstal was refused. The provisional licence is still awarded to the International Broadcasting PLC. They have come up with a further proposal to site the transmitter four kilometres off the coast of the Isle of Man. There was nothing in the application to tender to say that it would be land-based or sea-based.

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

Mr Quine: Will the minister not agree with me that the reason that you are not prepared to reopen the applications is very simple, and that is that the provisional licence which you issued to this company is defective? Just to give you one example, it does not even have a termination date, an expiry date, and the

reason you are taking this line is because you are on a hook and it is the only way you can get off this hook and that is the truth of the matter. And secondly, would you advise this hon. House, when did the members of the hon. House receive these documents to which you refer? They have not been made available to this hon. House or another place, and I would suggest that at least that should be corrected post haste if you are going to rely upon that as the basis for refuting the information I have put to you.

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

Mr Braidwood: Thank you, Mr Speaker. I think in one of the written answers that members have that there is also an answer to that. Yes, there was unfortunately in the provisional licence no requirement for any date set, and I think there is the answer on that written question.

On the other part of the question, the information, I do not know what the hon. member for Ayre is referring to.

Mr Quine: The provisional licence.

Mr Braidwood: On the provisional licence, if the hon. member would like to see the terms of the provisional licence, I have no problem in having that issued to all members of this hon. Court.

Mr Houghton: Hear, hear.

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

Mr Quine: Can the minister explain the apparent indecent haste by the Communications Commission in seeking to issue a substantive broadcasting licence to this company? The reason I ask that question is that I am aware that the Director of Communications indicated on the 25th December 2001 that a decision to grant a licence had not been taken, whereas I am also aware from correspondence in my possession that the IMIB plc, on the 28th December 2001, advised their shareholders that they had a draft licence. Can you explain the obvious contradiction between these two positions?

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

Mr Braidwood: Thank you, Mr Speaker. I cannot make any comment for, as far as I am concerned, a provisional licence has been issued to the International Broadcasting plc and not a substantive licence.

Mr Quine: Not a full licence.

**Ballure – Inspection of the Sea Wall –
Question by Mr Singer**

Question 9. The hon member for Ramsey (Mr Singer) to ask the member for Tourism and Leisure:

Have there been any recent inspections of the sea wall and cliff erosion at Ballure to monitor the safety of the railway track?

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

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

The Speaker: Hon. member for Middle, Mr Quayle.

Mr Quayle: Thank you, Mr Speaker. Staff from the Public Transport Division of my department carry out a visual inspection of the sea wall and cliff face at Ballure on a monthly basis to ensure that the Manx Electric railway track remains safe.

The findings of the inspection undertaken earlier this month confirm that although the recent poor weather conditions may have increased marginally, the level of erosion noted, there was nothing to cause immediate concern. I am also aware that the Department of Agriculture, Fisheries and Forestry has commissioned a preliminary report on the area from the consulting engineers, Posford Duvivier, which took note of previous reports and remedial work undertaken under the direction of the Department of Transport in the 1980s.

I am advised that the initial findings indicate that whilst there is not thought to be an immediate danger, it is recommended that further work be carried out in the area to ascertain an updated view as to the exact extent and cause of the problem and to identify possible remedies.

This preliminary report also recommends that consideration should be given to the development of aims and objectives for a management strategy for the area based on the preliminary findings and also, in the light of further evidence, I can advise you, Mr Speaker, and this House, that staff of the Public Transport Division of my department are now in contact with the Forestry, Amenity and Lands Division of the Department of Agriculture, Fisheries and Forestry in order to establish a way forward on this matter.

It is likely that the Department of Transport who, as I have mentioned, have had a previous interest in the area, and the Department of Local Government and the Environment, who are scheduled to assume certain statutory responsibilities for coastal erosion issues in the future, will also be invited to contribute to these discussions. Thank you.

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

Mr Singer: Thank you. May I thank the hon. member for his detailed reply and congratulate the department on its efforts. A simple question is, could you possibly ask the department to keep myself and

my colleague informed if there is at any time cause for concern due to erosion at this site?

The Speaker: Hon. member for Middle, Mr Quayle, member for Tourism and Leisure.

Mr Quayle: Thank you, Mr Speaker. As a follow-up to the hon. member for Ramsey, I would just say that the information that I can give as to what will happen next - George Lawson, the railway engineer of the Public Transport Division is in contact with Robin Pollard, head of Forestry, Amenity and Lands Division at the Department of Agriculture, Fisheries and Forestry at St John's to take the matter forward. It is for them to agree any further investigation that is required which would satisfy the needs of both parties and to attempt to agree a strategy for the management of the area.

It is likely that a joint working party will need to be established. Indeed, you will note from the summary of recommendations from the recent Posford Duvivier preliminary report that a 'do minimum' policy should be the starting point, but a more long-term sustainable policy eradicating all risk, particularly in the section of cliff adjoining the Manx Electric Railway, may be more suited to eventual needs. Detailed assessment of stability and costings would be required for each scheme, and these would be derived from the additional investigations and studies. Mr Lawson has confirmed that he has been in contact with Mr Pollard and they are making arrangements for a site visit as soon as weather and tidal conditions permit, and I can assure everybody in this hon. House that any information that is required can be given by the departments I have mentioned at any time. Thank you.

Local Authority Housing – Increase of Maintenance Allowance – Question by Mr Singer

Question 10. The hon. member for Ramsey (Mr Singer) to ask the Minister for Local Government and the Environment:

Do you intend to increase the housing maintenance allowance for housing authorities so that programmed maintenance can be undertaken to maintain the fabric of their housing stock?

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

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

The Speaker: Hon. member for Rushen, Mrs Crowe, Minister for Local Government and the Environment.

Mrs Crowe: Thank you, Mr Speaker. By way of background, I should explain that the Department of Local Government and the Environment, with the

approval of Tynwald, provides funds amounting to the deficiencies incurred by each local housing authority for the provision of public sector housing.

Under the deficiency arrangements, the department carries out an annual review in consultation with all local housing authorities. The level of maintenance allowance for the current financial year is 30 per cent of the rents collectable.

During the summer of 2001, the department commissioned a stock condition survey to form the basis of a 30-year programme of repair, refurbishment and replacement. A draft report has now been completed and circulated to the relevant housing authorities for comment. Additional funding is being sought through the capital programme to address major issues identified by the report. (**Mr Houghton:** Hear, hear.)

With regard to the hon. member's particular question, the purpose of the maintenance allowance is to address such items as responsive and emergency repairs, servicing, painting and other cyclical works, whilst major repairs et cetera are carried on through the capital programme. The department recognises that there are certain areas where general maintenance is sadly lacking. (**Members:** Hear, hear.)

Looking at the proposals for a review of rent and allowances for the next financial year, the department has taken into account the importance of ensuring that each authority has sufficient funds for maintenance and responsive repairs. The department is also conscious that those authorities employing direct labour force have been affected by a 10 per cent increase because of pay increases (**Mr Henderson:** Hear, hear.) and that the level of maintenance allowance is relative to the increase in the level of rent. Having considered the views of local authorities, the department intends to recommend to the Council of Ministers that the level of rent be increased and that the percentages of maintenance allowances is also increased to provide additional funding for each local housing authority.

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

Mr Singer: Thank you. I thank the minister for her answer, but I notice that she did not actually tell us how much the recommendation was to the rent increase and, taking into account that only 30 per cent of that goes to maintenance, would she not agree with me that it is likely to be only a small increase going towards housing maintenance? Would she not further agree that at present, with the level of maintenance allowance, the housing authorities actually have little choice other than just to react to problems that have arisen, and should they not also have adequate funding to tackle emergencies and to introduce planned maintenance so that they can maintain the fabric of all their properties and not be scraping and taking from Peter to pay Paul?

The Speaker: Hon. member for Rushen, Mrs Crowe, Minister for Local Government and the Environment.

Mrs Crowe: I would indeed agree with the hon. member for Ramsey that local housing authorities do indeed need adequate funding for the maintenance of their properties. As I did say, planned maintenance schemes where a great deal of work is involved will come as part of the capital programme and I would not wish to pre-empt the Council of Ministers' decision. However, I would say that the increase that I will be proposing would be less than the cost of a packet of cigarettes, perhaps around the price of a gallon of petrol, but that would provide a five per cent increase for local housing authorities, which is in line with the request that they have made in our summary and the draft report that they have all been consulted on.

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

Mr Singer: Could I ask, as a final supplementary, would you not agree that if we are to get proper maintenance of our houses, at least 50 per cent of the rent should be ploughed back to the housing authorities in order to maintain their properties because whatever percentage it is, 30, 40 or 50, the majority of that actually goes on the wages of the people doing it and does not actually go into the fabric of the houses, and therefore the extra money would at least go towards materials and the fabric of the houses rather than only being enough to pay for the work that the men are doing? So perhaps the minister could give some indication that 50 per cent would perhaps be a better figure than the 30 per cent.

The Speaker: Hon. member for Rushen, Mrs Crowe, Minister for Local Government and the Environment.

Mrs Crowe: That may be so, Mr Speaker, and I thank the hon. member for his comments, but that would directly related to a rent increase of that size and I do not think that would be possible. However, what I would say is that the condition of the housing stock throughout the whole of the Isle of Man has now been reviewed and that the Department of Local Government is making quite sure that maintenance is carried out regularly and providing perhaps some help and advice in the best way forward for local authorities to address this problem, because some authorities, I am afraid, have been sadly lacking in planned maintenance, which has led to a very poor condition of our housing stock.

The Speaker: Hon. member for Douglas South, Mr Duggan.

Mr Duggan: Could I ask the minister regarding empty houses in Douglas? There are 2,000 corporation houses, sir, and sometimes they lie empty for months on end and there is the loss in rent, so the member's department has to pick up the tab at the end of the day. I do not know how it is - what percentage of money is spent by the Local Government Board on their houses? They seem to keep theirs in better condition than the corporation and they have a quick turn-around on relet.

The Speaker: Hon. member for Rushen, Mrs Crowe, Minister for Local Government and the Environment.

Mrs Crowe: Well, I think those were distinct questions that may have needed a little more research than on the floor of this House at the present time. What I would say is that we are aware that some authorities have a better planned maintenance scheme than others and we will be encouraging local authorities to make sure that the allowance for housing maintenance is spent and in an effective manner.

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

Mrs Hannan: Yes, thank you, Vainstyr Loayreyder. Peel only has a few local authority houses, but could the minister confirm that action will be taken with regard to department of government local authority houses as well as local authority houses? (**A Member:** Hear, hear.) Is the minister aware of the grave concern there is over the state of her department's houses and the way that maintenance is provided there?

The Speaker: Hon. member for Rushen, Mrs Crowe, Minister for Local Government and the Environment.

Mrs Crowe: Yes, I thank the hon. member for Peel for that question, because indeed I am most concerned about the condition of public sector housing stock on the Isle of Man. (**Members:** Hear, hear.) There is a great number of units that need to be replaced; whether that is due to a lack of maintenance or whether it is due to the fabric of the buildings when they were originally built I do not know, but I am fully aware and most concerned about some of the condition of housing stock on the Isle of Man.

**Waste Disposal –
Pilot Kerbside Collection Scheme –
Question by Mrs Cannell**

Question 11. The hon. member for Douglas East, Mrs Cannell, to ask the Minister for Local Government and the Environment:

What progress has been made in respect of a pilot kerbside collection of waste scheme, as proposed by your predecessor in the July 2001 sitting of Tynwald Court?

The Speaker: I call on the hon. member for Douglas East, Mrs Cannell.

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

The Speaker: Hon. member for Rushen, Mrs Crowe, Minister for Local Government and the Environment.

Mrs Crowe: Thank you, Mr Speaker. I believe the hon. member for Douglas East is referring to the recycling study report dated September 2001 that Tynwald Court resolved to receive at its October 2001 sitting. That report concluded, and here I quote, 'The role of civic amenity sites and community bring schemes is significant in facilitating effective waste recovery and recycling.' The report went on to say that kerbside recycling techniques can also be effective and recommended, and here again I quote, 'that consideration be given to introducing a trial over the next 12 to 18 months.'

Now, several communities have discussed a possible trial scheme with my department's waste operation staff but, as yet, a decision has not been made which of these communities would give the best representative sample. The pilot will be more manageable if it is a relatively small community, and the department is continuing to consider how best to proceed. Incidentally, I would like to make hon. members aware that, based on experience elsewhere, the projected cost of carrying out this pilot exercise will be in the region of at least £100 per tonne.

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

Mrs Cannell: Thank you, Mr Speaker. Can I ask the minister then, is there an intention by her department to actually assist local authorities, whatever one is selected at the end of the process, with such a scheme both from a financial and relevant expertise perspective?

The Speaker: Hon. member for Rushen, Mrs Crowe, Minister for Local Government and the Environment.

Mrs Crowe: Yes, indeed there is, and I would say that I am totally committed to cost-effective recycling and we would help in any way, whichever community was selected. We are just having a little difficulty at the moment. We have had communities that have offered to take part in this pilot scheme but we need to plan exactly how this is going to take place because, as I say, there is a cost involved with the new lorries that will be needed for collection and indeed the method of kerbside collection itself and we have estimated that cost at the present moment is at least £100 per tonne, which is quite a sizeable amount.

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

Mrs Hannan: Could I ask, Vainstyr Loayreyder, by the comments the minister has made, is she and her department not committed to government policy of 'reduce, reuse, recycle'? Maybe by the comments that

she has made this morning she is not committed to that policy.

The Speaker: Hon. member for Rushen, Mrs Crowe, Minister for Local Government and the Environment.

Mrs Crowe: In reply to the hon. member for Peel, I am totally committed to the policy of 'reduce, reuse and recycle' and always have been. I would say, and I pointed out in my first comment, the role of civic amenity sites and community bring schemes is significant in the promotion of that policy. What I am identifying is the fact that kerbside collection and the introduction of the pilot scheme is progressing but at the present time we are identifying costs which are rather more significant than we may have first envisaged.

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

Mrs Cannell: Thank you, Mr Speaker. Is the minister aware of those local authorities that have indicated a willingness to undertake the pilot scheme, that Onchan Commissioners were meeting with officers of her department in providing and showing their eagerness to comply with Tynwald policy on the pilot scheme and, when asked for finance to help them to undertake the initiative, were told by her officers, 'There is not money in the coffers for this. If you want to do it, by all means do it, but you pay for it yourself'? Is she aware of that? And if she is not, could she please investigate, because this is not a way of encouraging recycling in the Isle of Man.

The Speaker: Hon. member for Rushen, Mrs Crowe, Minister for Local Government and the Environment.

Mrs Crowe: Yes, indeed, I would investigate any comments made like that by an officer of the department to the Onchan Commissioners. I did identify that we had had many offers and we are of a mind to think that a smaller community would be more useful, but I do not like to hear comments like that made about any officers within the department being less than helpful to anyone. What I would say is it does cause us a problem in the department when, in many cases, policy comes before budget arrangements are put in place, and this is most probably true for many departments.

The Speaker: Hon. members, that completes the oral questions. We now have questions 12 through to 20 inclusive for written answer and they will be circulated in compliance with standing orders.

Isle of Man International Broadcasting plc – Licence Conditions and

Requirements – Question by Mr Quine for Written Answer

Question 12. The hon. member for Ayre (Mr Quine) to ask the Minister for Home Affairs:

(1) *With regard to the proposed siting by Isle of Man International Broadcasting plc of a long-wave radio broadcasting station in Isle of Man territorial waters -*

- (a) *what conditions and requirements were specified in the provisional broadcasting licence issued to this company;*
- (b) *have they been met;*
- (c) *what impact would non-compliance with such conditions and requirements have on the possible issue of a substantive broadcasting licence to this company; and*

(2) *was the provisional broadcasting licence issued to this company subject to a time limitation, and if not, why not?*

Answer

(1)(a) The provisional licence issued to Isle of Man International Broadcasting in May 1999 required that the company obtained the necessary planning approvals for any works which it wishes to undertake (and requires such approvals) in establishing a sound broadcasting station.

Although not a condition of the licence, during the provisional licence period the commission also required the company 'to provide it with certain technical information relating to signal strength, sky-wave propagation, induction field effects and other issues.'

- (b) The commission has not yet considered whether the condition in the provisional licence has been met.
- (c) Should the requirements of the provisional licence not be met then the commission will not grant the substantive licence without re-opening the tender process to other applicants.

(2) No current member of the commission's staff was employed by the commission in May 1999, so other than from paper records it is not possible to establish why the particular

format for the provisional licence was used. As the hon. member has already been informed in response to the identical enquiry he made by letter on 14th September 2001 to the then Chief Minister and, as the Chief Minister then replied, 'it is not now possible to establish from the Communications Commission file why the provisional licence awarded to IOMBC did not contain any expiry date. The Commission is very conscious of the lacuna. 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.'

**Northern Amenity Centre – Site –
Question by Mr Cannan
for Written Answer**

Question 13. The hon. member for Michael (Mr Cannan) to ask the Minister for Local Government and the Environment:

- (1) *Has a site been chosen for the northern amenity centre; and, if not,*
- (2) *why the delay, as Jurby Parish Commissioners with the support of the northern parishes and Ramsey Town Commissioners have agreed the civic amenity centre be sited at Jurby?*

Answer

Before addressing the specific questions in the name of the hon. member for Michael it may be helpful to explain that the department is seeking to identify a new location for the civic amenity site serving the north of the Island to replace the existing civic amenity site at the Point of Ayre. This new site will need to be in place before the end of 2003, when the existing site must close in compliance with the terms of the planning consent. The current site is in a very poor location, requiring users to drive considerable distances on narrow roads and through the village of Bride in order to reach the facility. It is important that we do not repeat this situation.

When planning and constructing the new site, we need to locate it nearer to the main centres of population, taking into account both the geography and safe access requirements. The waste operations management unit of my department is urgently researching locations in the north that might meet the criteria for the new site but it is not true to say that agreement has been reached. This work is being undertaken in collaboration with the northern authorities and I would hope that a decision might be made before too long.

**Isle of Man International Broadcasting
plc – Environmental Assessment etc.
Question by Mr Quine for Written
Answer**

Question 14. The hon. member for Ayre (Mr Quine) to ask the Minister for Transport:

- (1) *With regard to the grant of a provisional siting licence to the Isle of Man International Broadcasting plc for the construction of an offshore platform to 'house' a long-wave radio broadcasting station:*
 - (a) *have you received an environmental assessment from the Isle of Man International Broadcasting plc;*
 - (b) *will you make the environmental findings and validation document available to the general public;*
- (2) *do you intend to hold a public inquiry as provided for under section 15 of the Harbours Act;*
- (3) *if it is proposed to issue a substantive siting licence to the Isle of Man International Broadcasting plc, will you first report on this matter to Tynwald Court; and*
- (4) *should a substantive siting licence be issued to the Isle of Man International Broadcasting plc, what provision will be made to ensure its early removal should it be abandoned or cease to operate?*

Answer

- (1)(a) I would confirm that my department has received an environmental assessment from Isle of Man International Broadcasting plc in respect of their proposal to site a long-wave radio aerial on an offshore platform in Manx territorial waters.
- (b) Although there is presently no statutory requirement to make available to the general public the contents of the environmental assessment or the various approvals that would apply, my department conscientiously administers its responsibilities and would ensure that information supplied to it in respect of a particular project and the approvals that may then follow are brought to the attention of those parties that the department considers would have a relevant interest.

- (2) Section 15 of the Harbours Act only requires my department to consider whether any works in the territorial sea would be detrimental to the safety of navigation. Therefore, any distribution of information, or seeking of views, or holding of a public inquiry is confined to that specific matter. Under section 15 my department has powers to consider what information must be supplied to it to assess if there is any danger to navigation and what would be an appropriate manner to obtain the views of those persons on this specific matter. This was achieved by the consultation process that led to the environmental assessment and in discussions undertaken by officers of the Harbours Division.

I would confirm my department considers that it is not necessary to hold a public inquiry, within the terms of section 15 of the Harbours Act.

- (3) The approval granted by my department to Isle of Man International Broadcasting in respect of their application for an offshore aerial platform is conditional on the company being granted a full broadcast licence. In addition, the company also have to obtain from my department a lease for the area of seabed that they propose to occupy. At this stage, therefore, my department must maintain an open mind as to any future decisions regarding a full siting approval. Once my department has come to a final decision regarding this matter and in the knowledge that there is no statutory requirement to do so, I will consider whether or not it is appropriate to inform Tynwald.
- (4) All of the leases granted to the various projects that have been approved by my department for installation in the territorial waters contain clauses that deal with abandonment or removal following cessation of operation. Any lease obtained by Isle of Man International Broadcasting would contain similar clauses.

**Long-Wave Radio Station –
Construction, Use and Safety –
Question by Mr Quine
for Written Answer**

Question 15. The hon. member for Ayre (Mr Quine) to ask the Minister for Transport:

With regard to the proposed siting of a long-wave radio broadcasting station on a platform in the Isle of Man territorial waters:

- (1) *what legislation exists in relation to the construction, use and safety at such a facility; and*

- (2) *in the absence of specific legislation what standards will be applied in relation to construction, use and safety?*

Answer

- (1) There are several aspects regarding the legislation that applies to the construction, use and safety of the proposed offshore aerial platform. Construction, use and operation of the platform would fall under the responsibility of the Department of Trade and Industry's marine administration. I am aware that where there is any lack of specific Manx legislation, then it is customary to adopt and apply equivalent UK legislation. I would therefore expect the full range of Manx and/or UK offshore platform regulations to apply.

Those aspects of the construction, use and safety of the broadcast equipment and aerial would be governed by the broadcast licence and administered by the Radio Communications Agency and Communications Commission.

Ownership of the seabed upon which the proposed platform would be sited is vested in my department and therefore, as landlord, my department would impose conditions on the installation and use of the platform that would be designed to protect the marine environment and avoid the platform being a danger to navigation.

The legislation for which my department is responsible and that would apply to the proposed offshore aerial platform is:

- (i) Harbours Act 1961
- (ii) Water Pollution Act 1993 (insofar as it applies to deposits in the sea)

- (2) As I have indicated above, where there is a lack of specific Manx legislation, my department would adopt the standards contained in appropriate UK, European and international legislation. My department has a record of administering a variety of projects within the territorial sea and has always sought to impose appropriate national or international standards.
-

**E-Habitant Limited –
Mortgage/Debenture – Question by
Mr Karran for Written Answer**

Question 16. The hon. member for Onchan (Mr Karran) to ask the Minister for Trade and Industry:

On 2nd July 2001 a mortgage debenture was created by your department for £1 million. The company named on the mortgage registered at the Companies Registry is E-Habitant Limited, company number 101408C.

- (1) *Will you provide details of such property used as security in this mortgage;*
- (2) *will you say what the £1 million provided to the company was used for; and*
- (3) *who are the beneficial owners of the two companies listed as the share holders of E-Habitant Limited?*

Answer

- (1) The mortgage debenture creates a first fixed and floating charge on all assets of the company, including those currently held and any which may be acquired in the future.
- (2) The debenture was created to provide security for a conditional guarantee offered to the company. This offer has not yet been activated, and so no funds have been provided.
- (3) It is understood that the two companies referred to in the question as being the shareholders of E-Habitant Limited transferred their shares to Invisimail (IOM) Limited on 25th January 2001 and are no longer shareholders of E-Habitant Limited.

Lough House Group – Question by Mr Karran for Written Answer

Question 17. The hon. member for Onchan (Mr Karran) to ask the Minister for Trade & Industry:

- (1) *Will you provide copies of all yearly accounts of the companies in or connected to the Lough House Group Limited;*
- (2) *have all the companies in the Lough House Group fulfilled their obligations with regard to statutory filings at Companies Registry;*
- (3) *have any of the companies in the Lough House Group been fined for VAT offences;*
- (4) *if so, what, if any, fines were imposed; and*
- (5) *will you provide full details of all public moneys provided to companies in the Lough House Group, particularly, Lough House Animation Limited and Island Studio Limited?*

Answer

- (1) The department does not have access to the accounts of all companies in or connected to the Lough House Group Limited. The department holds copies of the accounts of Island Studios Limited as this company has received an offer of financial assistance under the department's financial assistance scheme for the development of industry. Accounts have always been provided to the department by applicants for financial assistance on a private and confidential basis and are not made public.
- (2) It is a matter of public record that Island Studios Limited is late in filing its annual return, although steps are in hand to deal with this situation. The department does not hold information relating to all other companies in the Lough House Group and is not in a position to be able to respond to the rest of this part of the question.
- (3) and (4) The department does not have access to information to enable answers to be given to these parts of the question.
- (5) Regarding the final part of the question, it is not the policy of the department to disclose details of offers of financial assistance made to individual businesses as this is considered to be of a commercially sensitive nature. Any change to this policy could act as a deterrent to some applicants and thus to investment in the Island.

In this specific case, the owner of Island Studios Limited publicly acknowledged an offer of financial assistance made by the department in respect of the company's proposed new film studio in the north of the Island some time ago. As disclosed by the company in the local press in February 2001 that offer was to a maximum of £700,000.

Invisimail IOM Limited – Directors – Question by Mr Karran for Written Answer

Question 18. The hon. member for Onchan (Mr Karran) to ask the Minister for Trade and Industry:

At the Companies Registry the file for Invisimail (IOM) Limited lists the names and addresses of the directors of the company, one of the named directors of this company is on the public record as a vice-president of a corporation in the USA that had been convicted of credit card/advance fee fraud:

- (1) *what concerns do you have regarding this; and*

(2) *what action will you take about it?*

Answer

The department has examined the circumstances relating to the information contained in the question and on the basis of the information known to it:

- (1) has no concern about those circumstances; and
- (2) is of the opinion that no action is necessary.

**Foot-and-Mouth Disease –
Compensation for Agricultural Sector
Question by Mr Cannan
for Written Answer**

Question 19. The hon. member for Michael (Mr Cannan) to ask the Minister for Agriculture, Fisheries and Forestry:

Is your department recommending to the Treasury for payment to be made to persons/businesses in the agricultural services industry for consequential losses incurred due to the foot-and-mouth disease restrictions, on a basis similar to the payments made to persons/businesses in the tourism and leisure industry?

Answer

The Tourism and Leisure Support Scheme which was approved by Tynwald on 12th July, 2001 does NOT make payments to businesses in the tourism and leisure industry for *consequential losses*. It provides limited financial assistance to small businesses which can prove *severe and lasting damage* as a result of the cancellation of the 2001 TT races or as a result of direct restrictions imposed upon them to protect livestock in the Isle of Man from foot-and-mouth disease.

The Council of Ministers is currently reviewing the scope of the scheme to see if it would be right to extend its application to businesses in other industries which can prove *severe and lasting damage*.

If it is concluded that the scheme should be extended, I would anticipate that it would apply to the agricultural industry on the same basis as it has applied to the tourist industry.

**Noble’s Hospital – Prosthetics Clinic
– Facilities – Question by Mr
Henderson for Written Answer**

Question 20. The hon. member for Douglas North (Mr Henderson) to ask the Member for Health and Social Security:

Could you outline the current facilities which the prosthetics clinic at Noble’s hospital offers to members of the community by way of:

- (1) *clinic space;*
- (2) *waiting areas available;*
- (3) *staff consultation availability;*
- (4) *clinic times;*
- (5) *is there an on-site fitting service of artificial limbs and can these be adjusted on-site at that consultation;*
- (6) *have there been any changes to this service in the last 36 months; and if so,*
- (7) *what are they?*

Answer

(1) **CLINIC AREA**
This is situated in part of the refurbished old ward block and consists of a clinic area with screening for privacy, an administrative area, and a separate workshop.

(2) **WAITING AREAS**
There is a waiting room, common to all services within the unit, plus additional chairs immediately outside the clinic.

(3) Prosthetic staff are available during each clinic. Arrangements can be made for patients to speak to the prosthetist at other times, subject to their other contractual commitments.

Physiotherapy staff can be contacted during the core hours of the service (08.30 – 16.30, Monday to Friday).

(4) **CLINIC TIMES**
The clinic takes place every third week. The times are as follows:

Tuesday	first appointment	10.00
	last appointment	17.00
Wednesday	first appointment	08.00
	last appointment	17.00
Thursday	first appointment	08.00
	last appointment	15.30

(5) **FITTING SERVICE**
There is an on-site fitting service available during clinics and adjustments can be made at that consultation.

(6) There have been changes in the last 36 months.

- (7) (a) In 2000 the contract for the limb fitting service was awarded following a competitive tendering process to I.O.S. Limited. assessment, fitting, gait training and workshop activities were all carried out.
- (b) The financial aspects of the new contract have been negotiated to comply with recommendations contained in an audit commission report relating to prosthetic services. (d) Disabled parking is now provided outside the clinic.
- (c) Clinic facilities have improved significantly with the move to the present site. The previous accommodation consisted of a 16 foot square room in which (e) The range and specification of prostheses available to patients has increased. This includes the supply of different types of liners, knee joints, high activity feet and silicone cosmeses.