

REPORT OF PROCEEDINGS OF HOUSE OF KEYS (QUESTIONS)

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Douglas, Tuesday, 29th January, 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 Speaker took the prayers.
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Questions for Oral Answer

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|---|-------|
| 1. Road Transport Licensing Committee – Taxi Trade (Mr Henderson) | KQ 22 |
| 2. Department of Education – Designation of New Schools in Ramsey (Mr Singer) | KQ 22 |
| 3. Schools – Criteria for Pupil Expulsions – (Mr Singer) | KQ 24 |
| 4. Police – ‘Operation Safe’ Anti-Drugs Raids – (Mr Singer) | KQ 25 |
| 5. Road Transport Licensing Committee – Continuity of Function – (Mr Henderson) | KQ 26 |
| 6. Buses – Adequate Seating for Schoolchildren - (Mr Henderson) | KQ 28 |
| 7. Onchan – Former Bank Site – Purchase – (Mr Karran) | KQ 31 |

Questions for Written Answer

- | | |
|--|-------|
| 8. Financial Supervision Commission – Membership and Meetings – (Mr Henderson) | KQ 32 |
| 9. New Hospital – Provision of Diabetic Suite – (Mr Houghton) | KQ 32 |
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**Road Transport
Licensing Committee – Taxi Trade –
Question by Mr Henderson**

Question 1. The hon. member for Douglas North, (Mr Henderson) to ask the Chief Minister:

Are you perfectly satisfied that the membership of the new Road Transport Licensing Committee is capable of completely representing the Isle of Man taxi trade, in the spirit of consultation held between the trade and Department of Transport in 2001 and the new Road Transport Act 2001?

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 Onchan, Mr Corkill, the Chief Minister.

Mr Corkill: Mr Speaker, it is not the purpose of the Road Transport Licensing Committee to represent the Isle of Man taxi trade. It is the responsibility of the committee to regulate the taxi trade amongst their other responsibilities. I am confident that the committee can discharge its responsibilities, and Tynwald clearly shares this confidence as this hon. Court approved the membership of the committee earlier this month, sir.

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

Mr Henderson: Thank you, Mr Speaker. Would the Chief Minister not agree with me, though, that, given that there is no representative nominations on this committee from the trade itself along with the criteria of the Act accepted and also that there is no Douglas member on this committee, then the membership of this committee could not discharge its duties in a fair and proper manner?

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

Mr Corkill: I note that the hon. member reiterates his questions from another place, and I do not agree with the view expressed that this committee cannot do its job. I have confidence in the new committee, I know they have already met and are considering the regulations that go with the new primary law and I wish them well with that task. It is a difficult job but we have set the wheels

in motion and I anticipate that the committee will get on with the job that Tynwald has charged them with doing.

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

Mr Henderson: Thank you, Mr Speaker. Will the Chief Minister agree with me that the new committee is mostly formed from members of the old committee, which the Island's trade was fast losing confidence in, especially over the PSV debacle we had last year? And would he further agree that it is now time to actually put back the start date of this new committee and have one more further consultation with the trade to ensure that we actually start on the right track with the confidence of the Isle of Man taxi trade?

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

Mr Corkill: I have nothing to add to what I have said already, Mr Speaker.

**Department of Education – Designation of
New Schools in Ramsey –
Question by Mr Singer**

Question 2. The hon. member for Ramsey, (Mr Singer) to ask the Minister for Education:

Has your department reviewed its policy in regard to the designation of the two new schools in Ramsey?

The Speaker: I call on 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: I call on the hon. member for Garff, Mr Rodan, Minister for Education.

Mr Rodan: Thank you, Mr Speaker. The department's policy for primary schools in Ramsey is to replace the present Auldyn Infants' School with a new school building on that site and also to build a new school on the six-acre Clifton Park site. Both capital schemes are contained within the department's five-year capital programme and, when both schemes are complete, the existing Albert Road premises will be released.

The review referred to in the question relates to the two main options, which are either to have two identical all-through primary schools or to have two schools, one

of which, as now, would be for infants and the other for junior pupils. That review is still in progress, but it might be helpful to the hon. member if I say what the stages of that review are.

Stage one is a reappraisal of the UK and Ireland evidence that underpins the department's long-established policy of providing all-through primary schools instead of providing infant and junior schools. Stage two would be an analysis of the educational progress and standards of achievement by children in the Ramsey schools drawing on evidence provided by, for example, recent external inspections. Stage three is consideration of the social and community factors identified through a process of consultation by the department with school governing bodies and others.

Stage one has now been completed and, drawing on evidence provided by the National Foundation for Educational Research, the general conclusion is that provision of uninterrupted all-through primary schools does lead to better progress and higher standards of achievement in pupils, thereby confirming that the department's general policy is the appropriate one.

The department is now ready to move onto stage two and consider the specific case of the Ramsey schools to see if they are indeed an exception to the general pattern; and then to stage three, to consider the social and community factors. I can give an assurance that all these factors will be properly weighed up and assessed, and I would anticipate that the review will be completed by the end of March this year.

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

Mr Singer: Can I thank the hon. minister for his answer, and can I also take the opportunity to thank him for the way that his department has handled this matter; perhaps he has set an example for other departments. But can I ask him how much credence his department gives to the views of the parents, which are quite specific, as presented to him by the two members of Ramsey, a petition signed by over 300 parents? Can he tell me how important he finds the parents' views to be taken into account when making this final decision, particularly within a relatively small town and the social issues that are specifically involved?

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

Mr Rodan: Yes, Mr Speaker, I acknowledge that I have received a number of letters from parents, a number of which have had very helpful points and observations, and I would also acknowledge the petition which has been presented to me by the hon. member and by his colleague, Mr Bell, member for Ramsey, and which I think reflects the degree of interest in children's

education in Ramsey. I applaud that interest and I can give an assurance that the expressions of opinion, which I hope to explore with a number of those parents over the coming weeks, will be taken full account of in the outcome of this review.

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

Mr Karran: Vainstyr Loayreyder, would the minister, whilst recognising the importance of not allowing our education to end up in a social economic segregational situation, make sure that he does what is best for the children and not what is best for what the parents think within this area? Would he also assure this hon. House that there will not be any backtracking as far as the policy of keeping to two schools in Ramsey as we had in other areas where we had the situation where we had the only open catchment area in the Douglas and Onchan area at the present time because of a previous department's policy to allow social economic segregation within primary education?

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

Mr Rodan: Yes, Mr Speaker, what is important at the end of the day is what is best for the children in the community in which they live, and I would repeat that those social aspects of Ramsey will be taken account of and I can certainly give that assurance. It would appear from what we know that Ramsey, because of its population distribution, does not lend itself easily, as perhaps other areas do, to a clearly defined catchment area for each school. This will be one of the factors, for example, that will be taken account of, but I can give the hon. member no assurances at this stage as to what the outcome will be. All I can say is that the department's mind is open on the matter and we will assess all the factors as objectively as we can.

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

Mrs Hannan: Thank you, Mr Speaker. Could I ask the minister, taking into account his last reply, will he look also when considering this issue, not only to the higher standards in education but also the social and community mix, not only while the children are at school but also in future in the interests of the community as a whole, and where the minister has said there is no clear catchment area, I would have thought that in Ramsey and in my area there could in actual fact be a degree of one school being thought better than the other, one school being richer than the other, and therefore each school would be played off against the other. In a small community that is not in the best interests of children or

the community and therefore there is not just the education standard that needs to be considered, will the minister not agree?

The Speaker: I call the hon. member for Garff, Mr Rodan, Minister for Education.

Mr Rodan: Yes, Mr Speaker, yes, I would agree with the hon. member, which is why I described in some detail the three stages of the review, the first being the general educational policy, the second stage being the local educational aspects and the third being social and community factors. All these factors will be taken into account.

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

Mr Singer: Thank you. Can I finally ask the hon. minister: he has offered to meet the Ramsey Commissioners; in view of the specific view of the parents on the petition, would he be happy to meet a delegation of the parents also to listen to their views before any decision is made? And finally, can I ask him when he expects to announce the final decision?

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

Mr Rodan: Mr Speaker, as well as Ramsey Commissioners with whom the department has recently been in contact, it is intended to consult with the representatives of the governing bodies of the primary schools and indeed Ramsey Grammar School, and I see no reason at all why a representation of concerned parents who have been in touch with the department should not be included in that process. As to the date of a final announcement, I did say that I would expect the review to be completed by the end of March and I would imagine that would be the time frame for any announcement.

Schools – Criteria for Pupil Expulsions – Question by Mr Singer

Question 3. The hon. member for Ramsey, (Mr Singer) to ask the Minister for Education:

What are the criteria applied by government when deciding to suspend or expel a pupil from school for bullying?

The Speaker: I call on 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: I call on the hon. member for Garff, Mr Rodan, Minister for Education.

Mr Rodan: Mr Speaker, the decision to suspend a pupil is taken by the head teacher of a school who, in accordance with paragraph 11.2 of the Articles of Government for the Island's secondary schools, may suspend a pupil for any reason for up to 10 days per term. This period may be extended with the concurrence of the governing body. No criteria are applied by the Department of Education to limit this power as it is considered that it is properly a matter for the head teacher and governing body to assess the seriousness of the individual case. The case of bullying, therefore, may indeed be one of the transgressions resulting in suspension by the head and governing body.

Under section 10 of the Education Act 2001 the department is required to ensure that the Articles of Government for schools shall specify the penalties which may be imposed on a pupil for any misbehaviour and the authority who may administer any penalty. The department will be revising the existing Articles of Government to comply with this new provision and the new articles will come into force at the same time as the new Act.

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

Mr Singer: I thank the hon. minister for his reply. The hon. minister did mention secondary schools. Can he tell me what the policy is within the primary school section, and does the head teacher devise his or her own methods and reasons for suspending or expelling pupils and therefore there may be a vastly different policy from school to school?

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

Mr Rodan: Mr Speaker, as far as primary schools are concerned, the head teacher in conjunction with the governing body of that school, has the ultimate authority for suspending a pupil. I would wish to draw a distinction between suspension and expulsion because, as far as expulsion is concerned, the law is quite clear that it is the department alone which has the authority to expel a person from the school. Our policy is that expulsion does not take place because, as far as I am concerned, it is a contradiction in terms in that the individual still has to have his or her needs properly met educationally and therefore expulsion from the system is not an option. Certainly the place of that individual within a particular school situation is a matter for the department.

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

Mr Duggan: Thank you, Mr Speaker. Can I ask the minister, what is the situation before you expel anyone regarding caning at schools at present?

The Speaker: Hon. member for Garff, Mr Rodan, Minister for Education, although I am sure it is stretching it a bit.

Mr Rodan: Yes, the situation regarding caning in schools, which is stretching the supplementary, I would suggest, Mr Speaker - the law is clear on this and section 10 of the new Education Act specifies that the penalties referred to for misbehaviour should not include corporal punishment. That was the decision of this hon. House last year.

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

Mr Karran: Mr Speaker, would the minister not agree that his present policies of actually rewarding disruptive kids by ending up having to do an hour's teaching each week or two hours' teaching is not a solution? Would he also not agree that the answer should have been to support my amendment in the ill-fated Education Bill, which was recently here, by providing a facility for these disruptive children in secondary education?

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

Mr Rodan: Mr Speaker, I would agree with the hon. member that there is no single perfect solution to the issue of young people's behaviour. The provision of one hour a week tuition by the schools is but part of the overall picture. Obviously other things have to come into play and, no, I do not agree that the single fix that the hon. member seems to believe is the appropriate answer. We need more complex strategies than that to what is a complex problem.

**Police – ‘Operation Safe’
Anti-Drugs Raids –
Question by Mr Singer**

Question 4. The hon. member for Ramsey, (Mr Singer) to ask the Minister for Home Affairs:

(1) *When did the anti drugs raids ‘Operation Safe’ take place; and*

(2) *Why have the cases of 34 of those arrested not yet been to trial?*

The Speaker: Before we move onto question 4, I would just advise members to take care with this question. This matter is potentially still before the courts and we must avoid any influence towards *sub judice*. I call on 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: I call on the hon. member for Douglas East, Mr Braidwood, Minister for Home Affairs.

Mr Braidwood: Thank you, Mr Speaker. ‘Operation Safe’ commenced on Monday, 6th December 1999 and continued throughout that week.

With regard to the second part of that question, this matter is of course *sub judice* and it would not be appropriate for me to make any comment ahead of events in court.

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

Mr Singer: Could I ask the hon. minister, how can you claim *sub judice* when we are not discussing any of the 34 individual cases but I am expressing here concern that we have been waiting for over two years and that the public are entitled to an explanation of the delay, (**Members:** Hear, hear.) not the subject of the cases, but why there has been this delay?

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

Mr Braidwood: Thank you, Mr Speaker. The only comment I can make is that there is no absolute time limit to bring prosecutions of this type to court and any time restraints that might be set are at the discretion of the presiding deemster.

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

Mr Quine: Yes, does the minister appreciate that the *sub judice* rule does not strictly apply to this hon. House? The issue was one that whether or not it be prudent for us to discuss a matter affecting the evidence relating to the case which could be harmful, and that is a matter for the discretion of this House. I would like his response to that.

Secondly, could he explain to me how, in the interests of justice, from both the point of view of the public interest and the interest of those persons who have been under arrest for this extended period, we can

possibly justify a period of this length before these people are brought before the court and terminated? Clearly there is something that is not right - well, metaphorically speaking. (*Laughter*)

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

Mr Braidwood: Thank you, Mr Speaker. There is nothing else I can add to the comments I have already made, and therefore I think the answers that I have already given will be answerable.

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

Mr Karran: Mr Speaker, would the minister not agree that the affair of this case is going to end up costing us several millions of pounds? And would the minister not agree that it would have been better to have seen us getting a drug squad up to a realistic level that we have always ended up with too little too late? And would he agree that the people outside this hon. House would rather have spent this sort of money on getting a drug squad to a reasonable level than what is estimated to be several millions of pounds? We have even heard of figures as much as £10 million by the time this case is finished with legal counsel.

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

Mr Braidwood: Thank you, Mr Speaker. The hon. member for Onchan, Mr Karran, I think has gone off on a tangent. I do not want to make any comment about the drug squad and I do not want to make any more comments until the cases come before this court.

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

Mr Singer: Could I then ask: according to one of your comments that you just made, minister, in one of your replies that it is up to the judiciary to decide whether these cases come to court, is it not a fact that perhaps the police or the prosecution are hoping that the judiciary will turn around and say, 'This has been going on too long and these cases will be thrown out'? And do you therefore recognise the public concern that persons charged with drug dealing are still out on the streets and this causes concern?

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

Mr Braidwood: Mr Speaker, I understand the concerns of the individuals out on the street, but it is up to the judiciary to bring this matter to the court and there is nothing else I can add to the comments that I have already made.

The Speaker: I would refer the hon. member for Ramsey, Mr Singer, to Standing Order 49.4 when he makes a contribution to a question. I move onto the hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, does the minister then agree with us that what we need to see is more of a priority on getting the resources of the drug squad up to a realistic level instead of ending up spending millions of pounds giving it to fat-cat lawyers?

Road Transport Licensing Committee – Continuity of Function – Question by Mr Henderson

Question 5. The hon. member for Douglas North, (Mr Henderson) to ask the Minister for Transport:

In the event of the new Road Transport Licensing Committee not being able to formally commence its duties by April of this year, what interim measures could your department take to ensure the application of the Road Transport Act 2001 commences, or the continuation of existing legislation to ensure the taxi trade is regulated, and there is no period of deregulation in such an occurrence?

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 Douglas West, Mr Shimmin, Minister for Transport.

Mr Shimmin: Thank you, Mr Speaker. Members will be aware that, following the approval of the members of the Road Transport Licensing Committee at the January sitting of Tynwald, it means that I can confirm the committee has already commenced its duties in relation to being consulted by my department on proposed regulations under the Road Transport Act 2001 and is in a position to commence its regulatory duties with effect from 1st April 2002, as provided by the Act. Because the committee now exists there will therefore be no period of deregulation. No interim measures referred to by the hon. member need to be sought by the

department. The department will, however, make and submit a number of sets of regulations to Tynwald as required by the Act. This is necessary in order to implement those provisions which do not themselves automatically have a regulatory effect merely by the virtue of the committee being in existence.

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

Mr Henderson: Thank you, Mr Speaker. I thank the hon. minister for confirming that there will actually be no period of deregulation, but would he agree with me then that there would be no vacuum in the event the new commissioners were delayed for whatever reason in taking up all their duties whilst his department pursues further essential consultations with the Island's taxi trade on the structure of that committee and that the allegation made to the contrary in this month's Tynwald was nothing but a red herring?

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

Mr Shimmin: No, Mr Speaker. I would not agree with that. The issue regarding the appointment of the committee in January Tynwald was in order to do the necessary consultation, which is a part of the Act prior to the regulations coming into force. It is my intention to bring forward a reasonably large number of regulations before February and March Tynwald, and if those were not indeed approved by the Court at those dates, then rather than having a period of deregulation it would become very difficult to find a way in which people could operate buses, taxis, private hire, passenger vehicles within the law, and in theory all buses and taxi services would stop on 1st April because there would be no legislation to cover their continued existence.

The issue of deregulation was a real one up until the appointment of the committee in January. Now that we have overcome that hurdle, we are now in a position where the regulations will come forward and my department is working hard to try to achieve that and, as much as I understand the disappointment of the hon. member, and a long history of mistrust exists in this matter, I would urge the hon. member to use his best efforts to encourage those he represents to see this as a new start and to give my department and the committee a chance to commence the important work which lies ahead. I am aware of all the concerns he has raised, as is the department, and all I can do is offer a guarantee that I will do my best to gain the trust of all people affected by the Road Traffic Act 2001. I do not intend, therefore, to re-examine the issue of the make-up of that committee.

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

Mr Houghton: Thank you, Mr Speaker. Following on from the hon. minister's comments in this matter would he then, as an alternative to appointing an extra member on the committee or a more appropriate independent person on that committee, be willing to recommend to the committee the appointment of an adviser to the committee who would have vast experience in the taxi trade or PSV to advise the committee appropriately on an independent basis, sir?

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

Mr Shimmin: Mr Speaker, within the Act it is a necessary part of that Act that consultation from the committee will take place with all those affected by it. The hon. member seems to be requesting an actual adviser to sit in with the committee and I am not sure whether that is actually allowed under the rules; however, the consultation will take place if the taxi trade have a person who they believe is appropriate. They will get the opportunity to make recommendations to the committee along with all others having the dialogue and the consultation, sir.

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

Mr Henderson: Thank you, Mr Speaker. Would the hon. minister agree, in the pursuance of good working relationships that he seeks in his previous response with the taxi trade of this Island, to review the make-up of this committee from time to time to ensure its effectiveness and that it is meeting the needs of the taxi trade of this Island, and in fact, if such a review showed that that was not the case, would he then be prepared to re-examine the composition and make-up of that committee?

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

Mr Shimmin: Thank you, Mr Speaker. The committee appointed, as my hon. members are aware, has actually been established for a period of five years. However, I am aware of the sensitivity of this whole issue, particularly in regard to the taxi trade but also those others affected by the Road Transport Act. It is my intention to be reviewing the workings of this committee on an ongoing basis. However, I do believe that we need to give them a period of six clear months now to actually get established so that we get through the transitional period. There will be opportunities potentially in the future through illness or resignation where there may be

a restructuring of that committee, however, I would reiterate the committee has been appointed for five years. I will be attempting to review and, if I feel there are any issues that need to be addressed, I will introduce that to the committee, sir.

**Buses – Adequate Seating
for Schoolchildren –
Question by Mr Henderson**

Question 6. The hon. member for Douglas North, (Mr Henderson) to ask the Minister for Tourism and Leisure:

What measures has your department taken since September 2001, when there were not enough buses or seats to cope with pupil numbers on school bus services, causing them to be left at either the school, or at bus stops waiting to go to school?

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 Douglas South, Mr Cretney, the Minister for Tourism and Leisure.

Mr Cretney: Mr Speaker, I take my responsibilities with regard to public transport very seriously. It is essential to properly forward plan because, for example, delivery of new buses has a six-month leading period at least. I am determined that we meet customer demand, whether that be for commuters, retired folk or children, and I accept we still have some way to go. All hon. members must accept the evidence Island-wide of our commitment to service; for example, via our bus shelter programme which we took responsibility for in June 1999, 58 shelters have been put in place Island-wide, and a significant number of shelters are planned for the future. Additionally 24 brand new low-floor low-emission double-decker vehicles have been brought into service with a further 10 being delivered this year. Since the introduction of free public transport schoolchildren to and from school, the number of passengers has increased significantly with extra pupils using the bus service each day, making a total of some 3,500 schoolchildren placing increased demands on our fleet and drivers. I am therefore acutely aware of the difficulties which have been experienced by some schoolchildren since the introduction of the new policy which combines with the large additional intake at secondary school level and a

change in the age profile of the schoolchildren concerned. This has impacted on the number of pupils travelling to and from school over longer distances and has a consequential knock-on effect on service demands.

Hon. members can be assured of my commitment to the public transport requirements of the population of the Island and our visitors, despite often difficult circumstances such as the recent requirement for my department's operation to vacate the Lord Street air terminal site imposed by the long-standing requirements of the Douglas town plan for redevelopment. I wish to see further improvements to lighting, picking up and setting down arrangements and will be making representations to the appropriate authorities to see if waiting room and toilet facilities can be included in any redevelopment of that site for bus-users. We need to be aware also that 3,500 pupils represents only 30 per cent of the school population.

It is very important that liaison between my department and the Department of Education continues in order that accurate figures of projected school population can be made available. An inter-departmental working party has been established for some time now to ensure total co-operation in all aspects of service requirements.

As I have said, we have been working on a number of initiatives to ensure satisfactory arrangements for the conveyance of schoolchildren but specifically since September 2001 measures include the introduction of an additional afternoon school bus journey from Ballakermeen and St Ninian's to Willaston and Hailwood Avenue, Governor's Hill. Because of the difficulties on the return afternoon bus services where short-distance home-going pupils were crowding out pupils wishing to travel further distances, I reluctantly agreed to a temporary introduction of setting-down restrictions near to school. After my representations to the Council of Ministers and the previous Chief Minister, Mr Gelling, approval was granted for the recruitment of six additional drivers, and the harmonisation of the maximum weight limit of public service vehicles in the Isle of Man with that of the United Kingdom to provide additional carrying capacity, and I am grateful to the Department of Transport for their support in this.

The final element since September has been the introduction of a further morning and evening school bus journey to and from Onchan and Willaston and an additional morning journey from Willaston and Hailwood Avenue for Ballakermeen High School and St Ninian's. This allowed the temporary setting down restrictions on Glencrutchery Road to be lifted.

There will continue to be challenges in the provision of public transport services and I am determined that we should be equipped to meet customer requirements. That is why I have decided to continue to personally oversee

the operations and forward plans in this important area of my department's responsibilities.

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

Mr Henderson: Thank you, Mr Speaker. I thank the hon. minister for his detailed and positive answer, especially the piece about Douglas bus station, which can only be said to be an absolute shambles at the minute, but notwithstanding that, does the minister accept that this was a consequence of bad planning on management's behalf and our kids have been made to pay for it? It is unacceptable what has been happening to them and a put-down policy et cetera. And further, can he answer if these measures are enough and that there are now no children being dumped as the poor driver cannot squash any more onto the bus?

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

Mr Cretney: Thank you, Mr Speaker. First of all, I would not agree that the situation at the air terminal site is a complete shambles. I believe there is some work to be done in terms of making sure that we do get all the activities on that site properly addressed in terms of what customers need. That is not only in terms of bus customers but also, I believe, work that needs to be done in terms of those who choose the taxi option.

With regard to bad planning by management, no, I do not agree that it was bad planning by the management of the bus company which has caused this problem. There has been a significant additional intake of pupils at secondary schools in particular, and the numbers which came about, following on from the introduction of free school transport, were significant. That was not a policy which was initiated by my department.

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

Mrs Hannan: Thank you, Vainstyr Loayreyder. Is this not a failure of this policy that all children now can receive free bus travel to school when, within a certain distance, children could walk and in actual fact they would be much healthier? And could I ask the minister if he would refer this to the Council of Ministers for them to reconsider?

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

Mr Cretney: Mr Speaker, I could not agree more. I believe all too often, even for very short journeys not only on buses but also in vehicles, children are conveyed to school. Now, I understand when the weather is

inclement that there is perfectly good reasons for that, but also very often it would do children a lot of good to walk a short distance to school. I personally took my younger daughter to school very often - it is just around the corner - and at the same time we often see parents delivering their to school rather than walking.

I am happy to take this matter to the Council of Ministers for consideration but I feel that having been given something which was not a policy which is initiated by my department in terms of free travel it would be very difficult to then do something about taking that back.

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

Mr Houghton: Thank you, Mr Speaker. Is the hon. minister aware that my hon. colleague and myself actually brokered a deal with the director of public transport at a meeting in late November, only for us to be sent on a wild goose chase? We were further advised that matters would be resolved by the New Year in relation to the picking up of children and those being left behind. So can the hon. minister advise why children are still being left behind, particularly at Park Road and St Ninian's Schools?

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

Mr Cretney: Yes, in terms of brokering any deals, I am the minister for the department and it is me that brokers any deals in the department. So if he is unhappy perhaps he should have come and seen me.

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

Mr Henderson: Thank you, Mr Speaker. Would the hon. minister, in the light of the fact that some of the buses during the working day or certainly at busy times in the mornings and evenings seem not to be full at all - there are empty seats - and some of his buses seem to be the subject of mechanical failure first thing in the morning, especially Monday, to look into the effectiveness of his bus service so that he may well be able to meet the needs of the community in the first place and that the new free bus service, which seems to have caught him so unawares, would in fact not catch him unawares? And further to this, would he agree to keep this unacceptable situation under constant review where his department will be working towards speedy resolutions, and can he also confirm that he is open to any helpful suggestions?

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

Mr Cretney: Yes, thank you, Mr Speaker. In relation to the last point, obviously I do not have a monopoly of good ideas and obviously I am always open to any suggestions any hon. member or any members of the public have in relation to improving the service.

With regard to the bus fleet and breakdowns, I am advised that those are going in the right direction, but unfortunately we still do have an element of the fleet which goes back a considerable period of time. That is why we have set out on this programme of bus replacement, and I am very grateful to the Treasury, government and Tynwald for allowing me, via the budget process, to bring forward and to take forward into the next few years an ongoing process of replacement of vehicles with low-floor, low-emission, properly accessible vehicles so that we do meet the demands of the public. Yes, I accept that there are times during the day when I also see buses going round which are not full of people, and the contrary applies in terms of having to make arrangements for staff. It is very difficult when there are real peaks and the peak in terms of school transport coincides with the peak for commuters. So I hope hon. members do accept that this is not something which can just have a quick fix; it is something which requires dedication from a number of areas, and as I have said previously, government via my department, the Department of Education, the Department of Transport and others are working together to try to make sure that we can provide the service, which we all want to do.

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

Mrs Hannan: Could I ask the minister whether he is concerned about the behaviour of children on buses, and will he look at introducing someone to supervise bus travel? I know there are a lot of parents, - does he realise? - who are very concerned about behaviour on buses.

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

Mr Cretney: Yes, Mr Speaker, I certainly do realise. I get people onto me regularly and there have been occasions where we have had to take sanctions against young people and ban them after consultation with the appropriate headteacher, informing their parents or guardians, and ban them from travelling on buses because of their behaviour, which I find most upsetting, to say the least. I have had conversations with a number of people on the telephone in relation to the behaviour of some schoolchildren.

The question of supervision, though, if it were to be paid-for supervision, we are looking at an extremely large budget implication. One of the things we have looked at and which is happening with some of the new buses which are being delivered this year is in terms of a video link in the buses so that, in conjunction with the road safety officer and others, these tapes will be able to be looked at and sanctions will be able to be taken against pupils, although I accept that that would be after the event.

I think the question of supervision is one which is a little difficult. We have, again, been discussing that for some considerable time with the Department of Education to see if there is a way to co-operate to try to introduce ways to assist in that area.

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

Mr Henderson: Thank you, Mr Speaker. I thank the minister for his further input into this question, but can he advise the hon. House what he intends to do for the immediate short-term for those poor kids that are still being left on the odd occasion? (**Mr Houghton:** Hear, hear.) What does he intend to do for that? Are there any interim things that can be done?

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

Mr Cretney: Thank you, Mr Speaker. I have indicated what I have done since September, which was what the question was on the order paper. If there are any ongoing problems then you can be assured that I will be doing everything I can to address that. My information is that at this present time, particularly since the introduction only this week of the additional bus services, the situation is under control. If that is not the case, then hon. members can be assured that I will be making every effort to combat any problems we have. I do not want schoolchildren left by the side of the road (**Members:** Hear, hear.) and that has been made completely clear from day one, not by hon. members other than me but by me in my role as Minister for Tourism. I do not want young people left by the side of the road, and I have had criticism from other people who say that I have been placing too much emphasis on young people and not enough on commuters. Well, you cannot do everything, and my opinion is that I do not find it acceptable that young people should be left by the side of the road. Once that is addressed, which I believe we are well on our way to doing now, then I hope to try to please commuters as well, but I do not expect I will be able to please them overnight.

**Onchan – Former Bank Site – Purchase –
Question by Mr Karran**

Question 7. The hon. member for Onchan (Mr Karran) to ask the Minister for Local Government and the Environment:

(1) *In view of the housing crisis, has your department investigated the purchase of the empty site abutting the Isle of Man Bank in the middle of Onchan village for a mixed elderly persons complex and units for disabled and over 55s; and*

(2) *if not, why not?*

The Speaker: I call on the hon. member for Onchan, Mr Karran:

Mr Karran: Vainstyr Loayreyder, I beg to ask the question standing in my name.

The Speaker: I call on the hon. member for Rushen, Mrs Crowe, Minister for Local Government and the Environment.

Mrs Crowe: Thank you, Mr Speaker. The empty site referred to in this question is mentioned as the Bounty House site - that is, numbers 28 to 38 Main Road, in the Onchan Local Plan approved by Tynwald on 21st March 2000. Under this plan the site had been zoned as suitable for mixed use - that is, residential and/or office or retail. It is in private ownership, and the owner has within the recent past received planning approval for both offices and a hotel on this site. At the present time there is a planning application being processed, and I do not intend to prejudice my statutory position as minister in the planning process in any way by any comments I make to the hon. House today.

The short answer to the hon. member's question is that my department has not investigated the purchase of this site, nor indeed have they been asked to do so by the Onchan District Commissioners, who are the recognised housing authority for Onchan.

As to the reference of there being a crisis in the provision of sheltered housing in Onchan, this is not borne out by the numbers on the commissioners' current waiting list. Indeed, I understand that the 16 sheltered units currently in the process of construction on land provided by my department at Bemahague will satisfy the current elderly persons waiting list entirely.

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

Mr Karran: Vainstyr Loayreyder, a supplementary. Does the minister not agree that she is suffering from 'shirveishaghitis'? Nobody has mentioned the issue of a sheltered accommodation crisis but a housing crisis. And would the minister not also agree that the issue is, it is a matter of trying to move people on in order to release family units as far as the community is concerned? Would the minister also have her officers investigate the possibilities for such a development on this site with both the local commissioners, maybe also doing the facility with social services to provide a Leonard Cheshire facility as part of any development on that site in the housing complex for the young chronic sick, and would she report back? Can we have an assurance in this hon. House that we will not have ministers keeping on squirming and giving us excuses for not answering legitimate parliamentary questions within this hon. House? We have had *sub judice*, we have the issue planning, Vainstyr Loayreyder.

The Speaker: Hon. member, I would remind you that it is a matter for the minister, or a person responding to a question on behalf of the department, how they respond to that question. It is a matter for members to question them and endeavour to get from them the answers they require. I call on the hon. member for Rushen, Mrs Crowe, Minister for Local Government and the Environment.

Mrs Crowe: Thank you, Mr Speaker. In fact, the question was fully answered. The question that you asked was about an elderly persons' complex or over 55s. Those were the people that I enquired about with the need in the Onchan area at that time. Of course, our idea is to move people out of larger accommodation into small, and that is an ongoing process. I think what the hon. member has lost sight of, and the reason I made mention of my statutory role in the planning process, is that this land is in private ownership and at the present time there is a planning application within the department. It is in private ownership. We do not make a point of going out and compulsorily purchasing other people's land at the present time.

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

Mr Karran: Vainstyr Loayreyder, a supplementary. Would the minister not agree that I am not wanting to go out and compulsorily purchase? All I am wanting is to get a housing officer to discuss the issue of whether this can be used as part of the policy of trying to encourage older people out of care, out of family units, to release them to ease the housing crisis in my constituency, and can I just ask for a simple request? Would the minister look into the possibility of doing this and maybe doing it

as a joint exercise with social services and having a unit for the disabled there? It does not have to be run by my commissioners; she could take the initiative herself in the department.

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

Mrs Crowe: Thank you, Mr Speaker. Indeed, I have already taken the initiative myself and there may well be further plans coming forward for the Onchan area, but what I would say to the hon. member is I answered the question that he had asked. That was what I answered. Now, if there are further issues regarding Onchan, I will gladly discuss them with the constituency member at any time, in fact for any place, but we do have plans, we are working with other departments and yes, indeed, the initiative at the present time taken in the department on housing is mine as I hold the housing remit for the department and I have not passed it to another political member.

The Speaker: Hon. members, that completes the question paper in relation to questions for oral answer. There are two questions for written answer which will be circulated in compliance with standing orders.

**Financial Supervision Commission –
Membership and Meetings –
Question by Mr Henderson
for Written Answer**

Question 8. The hon. member for Douglas North (Mr Henderson) to ask the Minister for the Treasury:

- (1) *How many members are there in total in the Financial Supervision Commission;*
- (2) *how many are non-political members;*
- (3) *what is the non-political members' remuneration;*
- (4) *how many meetings per month do they have to attend, on average;*
- (5) *are any of the membership currently employed elsewhere; and*
- (6) *have any of the membership any declared business interests?*

Answer

- (1) There are nine members of the Financial Supervision Commission.
- (2) there are eight non-political members of the commission;
- (3) as set by the Members of Statutory Boards (Annual Sums) Order 2001, resident members are paid L12,000 and non-resident members are paid L14,000 per annum.
- (4) board meetings are held monthly, however, additional licence application and other ad hoc meetings take place, giving an average of between 2-3 meetings per month.
- (5) Yes.
- (6) relevant interests are declared by members in line with the Commission's Code of Conduct and Procedures for Disclosure of Interests.

**New Hospital –
Provision of Diabetic Suite –
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:

Following a recent resolution of Tynwald –

- (a) *has provision for the diabetic suite been secured for operation concurrent with the opening of the new hospital; and, if so*
- (b) *where is the suite to be located;*
- (c) *how many rooms have been allocated in respect of the diabetic suite; and*
- (d) *how does this compare with the existing provision at Noble's Hospital?*

Answer

The resolution of Tynwald to which the hon. member refers noted the support of the Department of Health and Social Security for the principle of a dedicated Diabetic Centre and welcomed the department's determination to provide such at the new hospital.

In recognition of the wishes of Tynwald in relation to future policy, the department, through the New Hospital Service Planning Group, has embarked upon a consultative exercise involving the relevant clinical staff, to give consideration as to how implementation might be achieved.

In this respect, the department has confirmed that a new build solution could only take place post-contract to the New Hospital Construction Programme and that being the case, other options are being considered.

Turning to the specific questions and noting the consultative exercise referred to above has yet to be completed, I would respond as follows:-

- (a) Work is continuing in conjunction with hospital specialist staff to ensure the clinical needs of diabetic patients will continue to be met concurrent with the opening of the new hospital.
- (b) a final decision regarding the location of accommodation for a diabetic service consistent with the wishes expressed by Tynwald, is yet to be determined.
- (c) the operational policy for a dedicated diabetic suite is currently under discussion. However, the requirements for the service identified by the service team and planned for in the Medical Out-Patients Department within the new hospital, consisted of seven specialised rooms together with shared accommodation.
- (d) the accommodation currently provided at Noble's Hospital also consists of seven specialised rooms together with a waiting area and shared toilets.