

REPORT OF PROCEEDINGS OF TYNWALD COURT (QUESTIONS)

Douglas, Tuesday, 19th February 2002
at 10.30 a.m.

Present:

The President of Tynwald (the Hon. N Q Cringle).

In the Council: The Attorney-General (Mr W J H Corlett QC), Hon. Mrs C M Christian, Messrs E A Crowe, J R Kniveton, E G Lowey and G H Waft, with Mrs M Cullen, Clerk of Council.

In the Keys: 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); Mr P Karran, 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); Hon. D C Cretney and Mr A C Duggan (Douglas South); Hon. R P Braidwood (Douglas East); 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, Clerk of Tynwald.

The Chaplain of the House of Keys took the prayers.

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Deputy Deemster Post – Advertising – Qualifications – Question by Mrs Hannan

Question 1. The hon. member for Peel (Mrs Hannan) to ask the Chief Minister:

- (1) *Will the post of Deputy Deemster be advertised; and*
- (2) *What are the qualifications for the post?*

The President: I call on the hon. member for Peel, Mrs Hannan.

Mrs Hannan: Eaghtyrane, I beg leave to ask the question standing in my name.

The President: The Chief Minister to reply.

Mr Corkill: Thank you, Mr President. I can confirm in answer to part (1) of the question that the post of Deputy Deemster will be advertised in the local press.

In response to part (2) of the question, Mr President, any prospective applicant must be a qualified advocate, barrister or solicitor of at least 10 years' standing. In addition, candidates must have a comprehensive knowledge and understanding of Manx law, a comprehensive knowledge of the Rules of the High Court of Justice of the Isle of Man and of court practice and procedures, also a high level of professional achievement in the areas of law in which they have been engaged.

The President: Hon. member for Peel.

Mrs Hannan: Thank you, Eaghtyrane. Could I ask the Chief Minister: when looking at the qualifications for this particular post, how would someone have understanding and comprehensive knowledge of the Rules of the High Court of Justice of the Isle of Man and practice and procedure if they were not a Manx advocate? Does the Chief Minister accept

that it could be someone who has never appeared at the bar of a Manx court?

The President: Chief Minister.

Mr Corkill: I understand the hon. member's point in respect of that, but can I reiterate the qualifications and experience required? In addition to being a qualified advocate, barrister or solicitor with the 10 years' standing, there is a need for a comprehensive knowledge and understanding of Manx law, of the High Court of Justice, the court practice and procedures, and a high level of professional achievements in the areas of law in which they have been engaged. So I understand the hon. member's question, but in fact the qualifications and experience which will be part of the advertising process will be quite clearly laid down.

The President: Hon. member for Peel.

Mrs Hannan: I wonder, too, could I ask the Chief Minister: the appointment is to take effect from 1st April; I wonder how someone, if they were in legal practice, could be available for 1st April? Could I also ask, with regard to human rights: there is a convention, it appears, that someone that has been a civil servant should then not become a judge; is that the same in the Isle of Man as in other places?

The President: Chief Minister.

Mr Corkill: I am not sure on the latter point, Mr President, but the recruitment timetable - can I say that it is intended to advertise the post early in March 2002 and interview for the post during the third week in April. Obviously the commencement date of the new post-holder will very much depend upon the circumstances of the successful candidate and how much notice they will be required to serve in respect of their existing position. So that is a flexible timetable depending on the successful candidate's circumstances, Mr President.

The President: Hon. member for Michael.

Mr Cannan: Is the Chief Minister aware that past practice and custom has been that deemsters have always been appointed from those who have been members of the Manx Bar?

The President: Chief Minister.

Mr Corkill: Mr President, the appointment is the Lieutenant-Governor's duty and I understand what the hon. member has just said about the Manx Bar, but the final appointment is in the name of His Excellency, the Lieutenant-Governor.

The President: A final supplementary. Hon. member for Peel, Mrs Hannan.

Mrs Hannan: Yes, could I ask the Chief Minister if the interview will be carried out on an equal opportunity footing so that anyone can have a reasonable interview?

The President: Chief Minister.

Mr Corkill: Mr President, the recruitment process will be managed on behalf of the Lieutenant-Governor by the Crown Division of the Chief Secretary's Office and will involve the post being advertised, as I have said. All applications will be considered by an Advisory Appointments Committee comprising the First Deemster, the Second Deemster and Chief Secretary. The Advisory Appointments Committee will interview all short-listed candidates and will make any recommendations for appointment to His Excellency the Lieutenant-Governor, so the point that the hon. member makes is that I would expect that equal process to take place.

**Passports –
Change of Country Designation –
Question by Mrs Hannan**

Question 2. The Hon. member for Peel (Mrs Hannan) to ask the Chief Minister:

- (1) *Why have our passports changed to British/European Union passports as opposed to British Islands/European Union passports; and*
- (2) *Will you investigate ways in which we could have Manx passports?*

The President: I call on the hon. member for Peel.

Mrs Hannan: Eaghtyrane, I beg leave to ask the question standing in my name.

The President: Again I call on the Chief Minister to reply.

Mr Corkill: Thank you, Mr President. In answer to part 1 of the hon. member's question I can confirm that passports issued on the Isle of Man bear the title 'European Union - British Islands - Isle of Man.' This has been the case for a number of years and there are no proposals for this to change.

With regard to the issue of Manx passports, if the hon. member is referring to references to the Isle of Man being included on the passport, then, as I have stated, this is already the case. If, on the other hand, it relates to the issue of passports conferring Manx nationality, then this is a much wider issue in practical terms: it would require the Isle of Man to gain the status of an independent sovereign state. As hon. members will be aware, Tynwald approved in November 2000 a Council of Ministers report on the implications of independence which recommended that there is insufficient advantage for the Isle of Man to seek independence at present. That report included an investigation into the question of Manx nationality and passports. As that issue has been debated and decided quite recently, I would not propose to reopen that issue at the present time, sir.

The President: Hon. member for Peel.

Mrs Hannan: Could the Chief Minister agree with me that the application form has changed in recent times and could the Chief Minister also agree that the photograph appearing on the passport is actually overprinted with 'United Kingdom' not British, but United Kingdom?

The President: The Chief Minister.

Mr Corkill: The hon. member refers to the application form and, as I understand it, the application form refers to British passports and does not make reference to the Isle of Man as the hon. member has said, but it also does not make mention of the European Union either. The application form talks about 'British' so, in terms of the application form, it is under the heading of British. I accept that it does not have reference to the Isle of Man on the application form, but that is understandable because the Passport Office here in the Isle of Man is issuing passports in the same way as the United Kingdom issues its passports.

**Douglas Corporation –
Payments Owed to Employees –
Question by Mr Delaney**

Question 3. The hon. member of the Council (Mr Delaney) to ask the Chief Minister:

- (1) *Are you aware of the circumstances surrounding the refusal of Douglas Corporation to pay outstanding moneys owed to past employees now employed by government; and*

- (2) *Will you ensure that, before and if government pays the Douglas Corporation financial settlements, moneys owed by the corporation to staff formerly employed at the Villa Marina are retained for direct payment to those staff?*

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

Mr Waft: Thank you, Mr President. I beg leave to ask the question standing in Mr Delaney's name.

The President: Chief Minister to reply.

Mr Corkill: Thank you, Mr President. I do know enough about the circumstances referred to in the question to know that this is a private matter between the individuals concerned and the Douglas Corporation, and that it is not a matter on which I can properly comment.

I can say to part (2) of the question, however, that it would be grossly improper and, I strongly suspect, unlawful, for government to withhold moneys in the way suggested in that part of the question, sir.

The President: Mr Waft.

Mr Waft: Mr President, in the past I believe the Minister for DoLGE made a statement that there would not be any detriment to staff formerly employed by the corporation at the Villa Marina due to the changes that were made at our behest. Could the Chief Minister acknowledge that no-one should suffer because of that changeover and use his good offices to examine and expedite the situation before it becomes an embarrassing legal situation?

The President: Chief Minister.

Mr Corkill: Thank you, Mr President. From what I understand, two individuals were employed by Douglas Corporation at the Villa Marina and, prior to the transfer of ownership to government of the Villa Marina, had accumulated a number of additional hours over and above their normal working hours which had not been taken at the time of transfer of ownership. Subsequent to the transfer of ownership of the Villa to government, under the terms of the Villa Marina Act 1999, there was a dispute as to which employer was liable for the payment of certain moneys in respect of time off in lieu which had been accrued during the period when the corporation was their employer. This was the subject of a petition of doleance submitted by one of the individuals affected, dated 23rd February 2001, for a declaration pursuant to order 40, rule 2 of the Rules of the High Court of Justice with regard to construction of the Villa Marina Act and its effect on the terms of his contract of employment with the mayor, aldermen and burgesses of Douglas. His Honour the Deemster Cain delivered his judgment on 12th September to the effect that the Act did not

impose on the Department of Tourism and Leisure any obligation to provide the individual concerned with time off in lieu in relation to the overtime hours which he had worked whilst employed by the corporation. Any such obligation remained with the corporation at all times. Deemster Cain further confirmed that the dispute related to the terms of contract and employment between the corporation and the individual concerned and, as such, he concluded that this is not a case where the court should intervene on a petition of doleance. I understand, Mr President, that the other individual is pursuing the matter through the Employment Tribunal. The resolution of this particular dispute is one which must be pursued by the individuals in question as a matter of private law. It is a private matter between the corporation and the individuals concerned; it is not something on which the government should comment.

I reiterate, with regard to the second part of the question, it would be grossly improper for government to withhold moneys due to the corporation in the way suggested.

Mount Murray Development – Public Inquiry – Question by Mr Karran

Question 4. The hon. member for Onchan (Mr Karran) to ask the Chief Minister:

Do you have any specific objections to there being a public inquiry?

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

Mr Karran: Eaghtyrane, I beg leave to ask the question standing in my name.

The President: Again it is for the Chief Minister to reply.

Mr Corkill: Thank you, Mr President. The only objection I would have at this stage to a public inquiry on the Mount Murray development is that I have heard no sufficient case to justify such an inquiry. We have had an external independent inquiry and that has been published. I am not yet persuaded of the need for a further inquiry but I will listen with interest to what the hon. member has to say on item 26 later on this order paper. Can I make the point, Mr President, that a public inquiry should not be held just because there is no objection to it but because there is some worthwhile purpose to be served by it.

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

Mr Karran: Eaghtyrane, would the Chief Minister, if we can prove the case, which seems to be quite transparent outside this hon. Court, use his considerable influence on other ministers and other

members from his side of the House to support a motion for a public inquiry so that there can be no cover-up regarding this situation and that those outside this hon. House see that there is a political scandal?

The President: Chief Minister.

Mr Corkill: The hon. member refers to a cover-up and political scandal; I think the Crow Report is independent and has dealt with the examination of those particular issues, and I do not believe there is any scandal or cover-up. The hon. member says, 'Prove the case.' I do not know what case it is he is wishing to prove at this stage, Mr President.

Crow Report – Thoroughness of – Question by Mr Karran

Question: 5. The hon. member for Onchan (Mr Karran) to ask the Chief Minister:

Do you agree that the Crow report cannot be described as a thorough report, when Professor Crow interviewed no director or representative from the original planning application?

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

Mr Karran: Eaghtryane, I beg leave to ask the question standing in my name.

The President: Chief Minister.

Mr Corkill: Mr President, the conduct of the inquiry was a matter for Professor Crow. He interviewed those who he felt he needed to interview and he corresponded with those with whom he needed to correspond. Only he was in a position to judge who he should speak to and what was necessary.

As regards the applicant for planning permission, Professor Crow did speak to Mr Willis on more than one occasion, and whilst the corporate structure of the applicant and the hotel operator is a little confusing, it is clear that Mr Willis was in a position to speak for the developer.

It would not, in my view, be correct today to say that Professor Crow did not speak with a representative of the developer and it would not be correct to say that the Crow report was not thorough.

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

Mr Karran: Eaghtryane, does the Chief Minister agree that Mr Peter Willis from Conrad Homes Limited, who was interviewed under protest by Professor Crow, was not involved in any way with the original planning application by the company called Conrad Homes (Isle of Man) Limited and after changing the name firstly to Radcon Village Resorts

Limited, the name of the planning application was finally changed to Mount Murray Country Club Limited? Would he therefore agree that it is manifestly true to say that Professor Crow interviewed no-one from the company named on the planning application Radcon Village Resorts Limited, and also that such a person as Paul Moore, a director of the company who was available, was not interviewed?

The President: Chief Minister.

Mr Corkill: As I reiterate, the way Professor Crow was to conduct his inquiry was a matter for him; it was an independent inquiry. Now, the hon. member has perhaps seen some gaps in the number of people that have been asked to give evidence to him. I think the fact that, as the hon. questioner has said, Mr Willis under protest gave evidence to Professor Crow shows perhaps the difficult job that Professor Crow was dealing with at the time. There were a number of planning applications lodged on the Mount Murray site and that fact is contained in detail in Professor Crow's report, but I would say again there is a definite connection with Mr Willis and the developer.

The President: Hon. member for Ayre.

Mr Quine: Thank you, Mr President. Does the Chief Minister find the comments in paragraph 1.41 of the report acceptable to him - that is, that allegations of corruption were made but Professor Crow found no evidence of corruption? Does he find that acceptable? Is it not a fact that Professor Crow neither had the authority nor the resources to carry out an investigation of that nature and, quite clearly, just on that matter alone there is an issue that needs to be carried forward?

The President: Chief Minister to reply.

Mr Corkill: Can I simply say, if the hon. member has evidence of corruption, then why have they not come forward with that and volunteered it to Professor Crow during the independent report? No evidence has surfaced to that effect. It is a serious allegation which has to be substantiated, I would suggest, Mr President. Whatever people or members might think, you can only support those allegations with fact.

The President: Hon. member for Ayre.

Mr Quine: I thank the Chief Minister for that trite response. Is it not a fact that it is wholly unacceptable and it is wholly unreasonable to expect Professor Crow, as a planning specialist, to carry out a comprehensive investigation into this matter, and it is no answer whatsoever to suggest that the alternative is for members of this hon. Court to carry out individual investigations? If the Chief Minister would kindly stand up now and support a select committee, then I think he would be meeting me half way.

The President: Chief Minister.

Mr Corkill: Mr President, a select committee has now been mentioned.

Mr Cretney: That is the last thing you want.

Mr Quine: You want us to investigate it.

Mr Corkill: Now, if that is the will of this Court, then obviously a select committee will be formed.

Mr Quine: Thank you.

Mr Corkill: Now, the point is, we are dealing with the Crow Report and the detail of the Crow report and how government has responded to that report. There is a motion later in this agenda, Mr President, which will give every member the opportunity to contribute to that. If there is a suggestion of a select committee during that debate, then that is fine. It is difficult to respond to such a supplementary question at this stage on the question paper, because if I said 'yes' it would actually prevent members having a debate about it, so there are two sides to a select committee being set up, and I suggest that that is a matter for debate later on in the agenda paper. Can I say that this question says, 'Do you agree that the Crow report cannot be described as a thorough report, when Professor Crow interviewed no director or representative from the original planning applicant?' It will be a matter of members' opinion as to whether they think the report was thorough. I think it was thorough and I have said that there was a representative connected to the original applicant.

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

Mr Karran: Eaghtyrane, would the Chief Minister not agree that there are none so blind as those that do not want to look? And would the Chief Minister also agree, as I said in my original question, that no-one from the original name planning application was interviewed as far as the Professor Crow report is concerned? Can the Chief Minister say why such a glaring omission in the failure to interview Mr Paul Moore took place?

The President: Chief Minister, and I think we need to be careful that we do not stray into further questions which are in the order paper.

Mr Corkill: Mr President, I am more than happy to ask Professor Crow why he did not speak to Mr Paul Moore if that satisfies the hon. questioner but the question talks of whether anyone connected to the original applicant was interviewed and the answer to that is yes, there was.

The President: A final supplementary then, hon. member.

Mr Karran: Eaghtyrane, would the Chief Minister go back to his researchers and find out when Conrad Homes Limited came into the equation as far as the Mount Murray development? I think you will find that they did not come in as far as the planning application which gives the power for this development to go ahead. That is the bottom line; that is what we want to know from the Chief Minister. The fact of the matter is, the hon. member is mistaken in his reply to this hon. House.

The President: I think, hon. member, that was largely a statement rather than a question.

Planning Policy - Departmental Contravention - Question by Mr Karran

Question 6. The hon. member for Onchan (Mr Karran) to ask the Chief Minister:

Do you agree that the Department of Local Government and the Environment and the Department of Tourism and Leisure were, by the facts presented in the Crow report, in May 1991 engaged in acts which were in direct contravention of approved planning policy outside the officials' delegated powers?

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

Mr Karran: I beg leave to ask the question standing in my name, Eaghtyrane.

The President: Chief Minister.

Mr Corkill: Mr President, in answer to the last supplementary question, yes, I am quite happy to go back to the researchers who have given me the information today and I will query their advice if the hon. member so asks, and he has done. In answer to this question, there are criticisms in the Crow report of the Department of Local Government and the Environment rather than the Department of Tourism and Leisure. The purpose of the Crow inquiry was, of course, to identify whether there has been any deficiencies so that we could learn from the experience. The Crow report has done its job and has made recommendations which government has acted upon. The recommendations, which are intended to prevent a recurrence, are directed at practical and procedural matters in relation to the handling of planning applications; they do not relate to policy matters or delegation of powers.

The President: Hon. member for Onchan.

Mr Karran: Eaghtyrane, a supplementary. Would the Chief Minister not agree that on page 3, paragraph 1.18 of the Crow report it states, 'What was said was not only manifestly untrue but it contravened

a proved planning policy as to put the actions of saying it was outside the official's delegated power. It had no authority?' Does the Chief Minister agree that Professor Crow's conclusions, if so, do not agree with the facts alone sufficiently seriously to warrant a setting up of a public inquiry just on this page alone as regards 1.18 of this report?

The President: Chief Minister.

Mr Corkill: Mr President, if we want a debate on whether there should be a public inquiry or not, there is an item on the agenda placed by the hon. member which will satisfy that issue. I have to say I do not think I am prepared to discuss it at Question Time because it is impossible to have a proper debate, just two people questioning each other.

Mr Karran: Eaghtyrane . . .

The President: A supplementary.

Mr Karran: Would the Chief Minister not agree that what this Question Time is about is ascertaining the facts of the issue so that a clear and fully informed debate can take place at a later date, and would he not agree that, allowing for reading the report and his researches, there was no authority for the officials to do what they did on page 3, paragraph 1.18 of the Crow report, and that should be sufficiently serious to warrant a public inquiry where people can be forced to turn up to find out the truth?

The President: And I think the Chief Minister has responded that the question of a public inquiry will be heard later on.

Crow Report – Conduct of Ministers – Question by Mr Karran

Question 7. The hon. member for Onchan (Mr Karran) to ask the Chief Minister:

Do you agree that the description of the conduct of ministers in the Crow report is so outrageous that, in the interests of natural justice, they should be given an opportunity at a public inquiry to refute the examples of reckless incompetence documented in that report?

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

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

The President: Chief Minister.

Mr Corkill: Mr President, I do not see anything in the Crow report which meets the description in the question and nothing that would require a public inquiry. Indeed, could I invite the hon. member to

identify and even quote the descriptions of outrageous conduct of ministers to which he refers? I cannot recollect having read them in the report.

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

Mr Karran: Eaghtyrane, would the Chief Minister agree that the example shown in the Crow report on page 5, paragraphs 1.12, 1.16, 1.17, 1.18, 1.19 would be sufficient to support a public inquiry so that ministers and officials involved in the Mount Murray development plan approval can have questions concerning the probity and the legal basis for the actions that were taken might appropriately be examined so that the public can get this taste out of their mouths over this whole affair.

The President: Chief Minister.

Mr Corkill: I think the criticisms - I have already said in a previous question, Mr President, that there were some criticisms of government - of particular departments which came out of the Crow report show that it was quite correct for the Council of Ministers of the day to actually initiate that independent report and, subsequent to that government has acted on the recommendations of that report, so in that respect to some extent I agree with the hon. member.

With regard to a public inquiry I am not sure at this stage - and I am willing to listen to the arguments in the debate later - as to whether a public inquiry will best serve the interests of the Isle of Man; will it add anything or find out anything that we do not already know? I have not concluded an opinion at this time that that is actually the case.

The President: Hon. member for Ayre.

Mr Quine: Can the Chief Minister just reiterate for us, as he advised us a moment ago, that the objective of the report as he has stated to us this morning, was to identify any deficiencies, so that was the objective of this report? And can he explain: if that was the sole objective of this report, how can this report be considered to be a comprehensive report?

The President: Chief Minister.

Mr Corkill: I believe Professor Crow did a thorough job. We are all aware that there is an appendix 5 which has not been made public at Professor Crow's request in compiling the report because it deals with staff matters in confidence. Now, that appendix 5 - we have been as Council of Ministers, as government, true to Professor Crow's letter which went along with the report to say that that would be dealt with in the normal civil service fashion so that in fact it would be acted upon but not in the public eye. That is what has happened. I have read appendix 5, all the Council of Ministers have read appendix 5. There are no big surprises in there, but it

deals with staff matters in confidence. I suggest that we debate that issue at a later date, at a later time in this motion that is later to see whether members want to know more about appendix 5, because that perhaps can be arranged.

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

Mr Karran: Eaghtyrane, would the Chief Minister not agree, with his conversations recently with the previous Chief Minister, that the reason why Professor Crow's report was implemented was as a sop to keep the former member for Middle quiet regarding this affair a couple of years ago, and would he also not agree that the fact is that we have not seen the full facts in this report opened up to the public as regards this affair?

The President: Chief Minister.

Mr Corkill: This affair, as the hon. member puts it, seems to revolve around planning decisions that have not gone the way that people expected.

Mr Quine: Malpractice.

Mr Corkill: There have been problems with the planning process; that is all covered in the Crow report. It states quite clearly where the failings have been. Therefore, I have not learnt anything new from the hon. member's question except that he wants a public inquiry.

**Mount Murray Development –
Refusal to Answer Questions –
Question by Mr Karran**

Question 8. The hon. member for Onchan (Mr Karran) to ask the Chief Minister:

Professor Crow states in his report that his recommendations for further action and/or changes or improvements to administration are not part of his formal brief. Can you explain why Professor Crow's informal recommendations have been used as an excuse to refuse answers to questions about the Mount Murray development?

The President: I call upon the hon. member for Onchan, Mr Karran.

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

The President: Chief Minister.

Mr Corkill: I will read this question, Mr President: 'Professor Crow states in his report that his recommendations for further action and/or changes or improvements to administration are not part of his formal brief. Can you explain why Professor Crow's informal recommendations have been used as an excuse

to refuse answers to questions about the Mount Murray development?' I have not refused to answer questions about Mount Murray, nor have other ministers, but I regret that I really do not understand this question. However, perhaps a supplementary question might throw some light on it.

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

Mr Karran: Eaghtyrane, does the Chief Minister agree that Professor Crow states in his report under chapter 5, headed 'Recommendations', that although not part of my formal brief, the Chief Minister and others have spoken to me to suggest that it would be useful if I would make recommendations for further actions for changes and improvements to the administration systems? Can I also refer the Chief Minister, since he has forgotten, to the report of the proceedings of the House of Keys on 3rd April 2001? Would the Chief Minister agree with me that Professor Crow's report cannot be called full when fundamental evidence was not sought or taken from individuals who should have been interviewed over key facts to establish the facts which were very much in the public interest and have not been published, and would he not agree that this is the reason why this question is down on the agenda paper today?

The President: I am sure he may agree that is the reason! Chief Minister.

Mr Corkill: I have not anything else to add, Mr President, at this stage but we will have a debate, as I have said, and everybody can have their expression of interest recorded in the normal way of a debate. I would be very happy to put across in a public forum what I know about the situation at Mount Murray, but fundamentally I believe that the planning system failed, I think the Crow report shows that, and I think recommendations following his report have been acted upon. Let us hope we never have such a planning disaster as Mount Murray ever again on the Island, because that is what it is. I think we all think that, but what we do after that is the core of this debate.

The President: A further supplementary.

Mr Karran: Eaghtyrane, would the Chief Minister not agree that that is understating the position? Primary law, planning regulations were just thrown out of the window as far as this whole affair is concerned. What were the reasons for this? We will never find out until we have a public inquiry. Would the Chief Minister not agree with the glaring omissions of the fact that the original applicants - no-one was invited to be interviewed over that? Would the Chief Minister not also agree, how does he explain that on the original planning application they are talking about a company that did not exist until two years after the planning application had gone through the procedures?

The President: I think, hon. members, we have already dealt with those supplementaries in previous questions.

**Planning Appeal – Designation by
Acting Minister – Question by Mr
Quine**

Question 9. The hon. member for Ayre (Mr Quine) to ask H M Attorney-General:

In relation to Planning Appeal No. AP 1621 (Application No: 00/0619) –

- (a) are you satisfied as to the validity of the appointment of the hon. member for Douglas North, Mr J R Houghton, as acting minister to deal with this matter;*
- (b) is it within the legal competence of the acting minister to determine the application to be of ‘national importance’ on the basis that a housing task force has been established; and*
- (c) is the determination of this application by the acting minister as being a matter of ‘national importance’ as indicated in (b) sufficient reason to override planning legislation and practice applicable to this application?*

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

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

The President: I call on the Attorney-General to reply.

The Attorney-General: Thank you, Mr President. In answer to part (a) of the question from the hon. member, I confirm that I am satisfied that the hon. member for Douglas North, Mr Houghton, was validly appointed as acting minister to deal with planning application 00/0619 on appeal.

In relation to parts (b) and (c) of the question, I regret that I must decline to answer these points since they raise issues which are *sub judice*, a petition of dolence having been brought in the Chancery Division of the High Court which will have a direct bearing on the subject matter of the hon. members’ questions.

The President: Hon. member for Ayre.

Mr Quine: Yes, leaving aside the individual case, what legal authority can the Attorney provide for us as to the definition of national importance in his application and his determination of planning matters?

Can he give us a legal authority? Let us not worry at the moment about the specifics.

The President: Mr Attorney.

The Attorney-General: Well, Mr President, in fairness I have not come to the hon. Court to answer that specific question about national importance. Of course, the concept of national importance is dealt with in the planning legislation and has been, I think, for some little time. I suggest that really each case has to be dealt with on its merits and, with the greatest respect, I do not wish to be drawn into generalisations which, of course, could be used in a specific case.

The President: Hon. member for Ayre.

Mr Quine: Well then, in the context of a planning application, would the learned Attorney agree that land use is the primary consideration by which planning applications are to be determined and that, having regard to that, leaving aside the definition, in what circumstance then can national importance enter into consideration of that issue and does it take primacy over the matter of land use?

The President: Mr Attorney.

The Attorney-General: Mr President, again I repeat the comments I have made, but I would suggest that the issues of national importance will be encapsulated in the general plans which guide our planning policy and as set out in the Town and Country Planning Act of 1999. Hon. members will, of course, be aware that it is those aspects of national importance, i.e. those which are set forth in the plans, which are of primary guidance to planning inspectors and indeed to the planning committee. Beyond that I really feel that I do not wish to venture.

**Identity – Proof of –
Question by Mrs Hannan**

Question 10. The hon. member for Peel (Mrs Hannan) to ask H M Attorney-General:

What can someone do to prove who they are if they do not have a passport or a driving licence?

The President: I call upon the hon. member for Peel, Mrs Hannan.

Mrs Hannan: Thank you, Eaghtyrane. I beg leave to ask the question standing in my name.

The President: Again, I ask Her Majesty’s Attorney-General to reply.

The Attorney-General: Yes, thank you, Mr President. In answer to the question raised by the hon. member for Peel, I would suggest that from a practical point of view the best form of evidence of

identity is an identification document which bears a photograph and a signature. That is why a passport or a driving licence is usually relied upon. If such an identification document is not available, a person may well have difficulty in establishing proof of identity, but it must be remembered that there is no general rule of law in the Isle of Man which requires a person to be able to prove his or her identity. As a general rule in the British Isles, an individual does not derive his or her identity from the state and does not have to produce a state-endorsed proof of identity.

In court proceedings, a party or witness must commence his or her testimony by making an oath or a solemn declaration or an affirmation as to identity stating his or her full name, address and occupation. In the absence of proof to the contrary, the court will be satisfied as to identity.

It may be that the hon. member is concerned about the requirement to produce evidence of identity when applying to open a bank account, and in that context whilst recognising that the 'know your customer' regulations can cause concern and inconvenience to would-be customers, I should say that the anti-money laundering code requires that an applicant must produce, and I quote, 'satisfactory evidence' of his or her identity. It is up to each licensed institution to determine the evidence which will be satisfactory, bearing in mind that the guidance notes issued by the Financial Supervision Commission state that, and I again quote, 'licence holders should apply sufficient flexibility to deliver customer service without compromising sufficiently rigorous anti-money laundering procedures.' Thank you, Mr President.

The President: Hon. member for Peel.

Mrs Hannan: Thank you, Eaghtryane. Could I ask the learned Attorney: in a case such as he states about flexibility, if someone went to a commissioner for oaths and swore that they were that person, would that be sufficient for a bank account? And if an establishment used either for borrowing or for placing money into their coffers were wanting more than that, what could someone offer without a driving licence and a passport?

The Attorney-General: Yes, Mr President, I do understand the concern. I would suggest that actually there could not be any better evidence than a sworn affidavit provided that the affidavit confirmed identity by a photograph and a signature, and indeed that way of proving identity is accepted in the courts, so if you have to prove that Mr X is who he says he is or was identified as such, then an affidavit with a photograph is probably the best evidence you could produce.

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

Mr Singer: Thank you, Mr President. Does the Attorney-General not believe that at present the interpretation of the 'know your customer', by the banks in particular, is draconian? Does he not think, in

one particular case I have, that a lady who has been a customer of a bank for 60 years but is 85 and has given up her passport and her driving licence, has had difficulty in controlling her finances - in fact, the control has been taken away from her because she does not have those documents - and is he aware that she was advised that the only thing she could do was to write and get one of Mrs Crowe's proof-of-age cards, to which she said 'I am not going to do that, I am old enough to buy a drink'? Is this not getting too ridiculous and could not some advice be given to the financial institutions that perhaps they should be a little more flexible particularly when they actually know and their employees of the bank know who their customer is?

The President: I think somewhere in there there was a question. Mr Attorney.

The Attorney-General: Thank you, Mr President. I am sure that all hon. members can quote examples where there has been hardship caused to applicants for banking facilities and so on. However, could I just reiterate the extract which I referred to from the guidance notes and which actually recommends that licence-holders should apply flexibility to deliver customer services. We must, of course, remember that the reason why these tough regulations are in place is to prevent money laundering. I would suggest that if there is perhaps an elderly customer of a bank who has used the bank for many years and is known to the staff of the bank it would be overegging the case, if I could put it that way, if the bank were to insist on the full panoply of regulations which would be properly applicable to a new applicant who wanted to lodge a lot of money. Again, Mr President, I think each case has to be dealt with on its merits.

**Police – 'Operation Safe' –
Trial for Persons Arrested –
Question by Mr Singer**

Question 11. The hon. member for Ramsey (Mr Singer) to ask H M Attorney General:

In relation to the 34 persons arrested in the anti-drugs 'Operation Safe', but not yet brought to trial, will you confirm that any discussion on:

- (a) the reason why these persons have not been brought to trial; and*
- (b) the timescale within which it is envisaged that they should be brought to trial;*

are matters which are not sub judice?

The President: I call upon the hon. member for Ramsey, Mr Singer.

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

The President: Again, I ask Her Majesty's Attorney-General to reply.

The Attorney-General: Yes, thank you, Mr President. In answer to the question raised by the hon. member for Ramsey, I regret that I can give no such confirmation. It is my understanding that the sub judge rule requires that matters awaiting or under adjudication in a criminal court may not be referred to in a question. That rule is referred to in rules 3, 4, and 10 of our standing orders of Tynwald and is explained in Erskine May's *Parliamentary Practice*.

The President: Hon. member Mr Singer.

Mr Singer: I thank the learned Attorney for his non-reply! Could he explain to me in more detail perhaps, though, and going away from this particular trial, how divulging matters on the time coming to trial et cetera and the reasons why it has not come to trial and not actually discussing the case itself, or the matters appertaining to the case, is actually *sub judice* and how it actually affects the trial?

The President: Mr Attorney.

The Attorney-General: Well, Mr President, I must be very careful as to how I answer this question and I do not wish in any way to refer to the 'Operation Safe' which is referred to in question 11. However, can I say that if there were to be delay in a hypothetical case, that issue would be seized upon by counsel for the defendants at the very first instance they could do so, and of course one can readily appreciate that in a serious matter such as that, it is most important that the *sub judice* rule is applied with rigour.

DHSS – Patients Treated in UK – Audit of Waiting Lists – Question by Mr Henderson

Question 12. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Health and Social Security:

- (1) *In the January sitting of Tynwald you gave an undertaking to have an audit of the waiting lists of Island residents currently awaiting assessment and/or treatment at the Cardiothoracic Centre, Broad Green, Liverpool. Can you confirm when this is to be undertaken and will you circulate the results to members of Tynwald; and*
- (2) *Further to that, will you extend this survey to include all clinical specialities to assess the current overall waiting list situation generally for the Isle of Man?*

The President: I call upon the hon. member of Douglas North, Mr Henderson.

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

The President: I call on the hon. member for Council, Minister for Health and Social Security, Mrs Christian, to reply.

Mrs Christian: Thank you, Mr President. Hon. members will recall that this issue arose out of concerns that had been raised regarding the length of waiting times being experienced by some Isle of Man patients waiting for appointments at the Cardiothoracic Centre at Broad Green. I can confirm that the hospital's clinical audit department have agreed to undertake an audit so as to determine the position in relation specifically to whether waiting times posed a clinical risk to patients. Subject to the audit findings, the department will consider what actions, if any, may be necessary.

For medical/legal reasons it would not be appropriate to circulate the audit findings as suggested by the hon. member. However, there would be no difficulty in advising of future actions that may be taken as a result of those findings.

Turning to the second part of the question, the clinical audit department follows an audit programme determined by clinical considerations. It is not my intention to seek to influence the audit group to undertake audits that may be of limited value at the expense of more relevant work.

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

Mr Henderson: Thank you, Mr President. I thank the minister for her answer, but would she not agree with me that in fact these clinical specialities that she refers to in relation to the audit are not complicated issues, can easily be undertaken and that there is no reason whatsoever, without giving patient confidentiality away et cetera, that we could have some sort of overview from the audit? And would she further agree that audits are very useful things and would be usefully extended to other disciplines within the Isle of Man Health Service, and would she agree that in fact that is best practice?

The President: Mrs Christian to reply.

Mrs Christian: Mr President, I do agree that audit is best practice; this is why we have a clinical audit department dealing with clinical audit through the health service. The question of which matters need to be dealt with first is a matter of determining the most serious areas for audit consideration. What I have said to the hon. member is that we are undertaking an audit in respect of the delays in relation to patients being referred to Broad Green to the Cardiothoracic Centre. The hon. member has asked if we could carry out audit on all clinical areas and I presume he means in the same context - i.e. of referral to the United Kingdom.

I think that we need to bear in mind whether or not there is any concern in other areas. There are certainly

hospitals where there is no waiting list and therefore it would not be particularly beneficial to embark on an audit where there is not perceived to be a problem. Where there are perceived to be problems they will clearly be taken into consideration.

With regard to producing the results of the clinical audit, I have said we have no difficulty in indicating what actions we would take as a result of them. If the hon. member simply wants numbers, they can be disclosed, but it is not simply about numbers, it is about clinical condition of patients and the potential for deterioration in that condition in a waiting period. So these clinical audits are not simply a matter of collecting numbers.

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

Mr Karran: Eaghtyrane, would the minister not agree that the issue of audits is not the real issue that we need to address here? It is whether we should be looking at doing something as an initiative as far as our reciprocal agreement. Would the minister also not agree that, with the fact that we have a new hospital, the opportunity should be investigated to having the facility to work up a cardiothoracic centre with Broad Green in Liverpool, and would the minister direct the Health Division and the officials to look to set up a working party to make a report? This would be far more beneficial in order to help these sections of the community that have this problem.

The President: Minister for Health and Social Security to reply.

Mrs Christian: Mr President, the hon. member has, I think, raised this issue before and I think that we have answered before, in the sense that the hon. member seeks to establish a centre of excellence, as I understand it, in the Isle of Man in relation to cardiothoracic care. What we do have to recognise is that these centres are few and far between even in a country of the size of the United Kingdom.

The hon. member may feel that it is a practical issue to set up such a centre here and then bring in patients from outside the Island from, for example, the United Kingdom in terms of the reciprocal agreement. What I would point out is that we are struggling here to provide all the resources that we need here to provide the care that this Court is constantly seeking, and to extend that service further would pose us with even greater financial difficulties. Added to that would be the issues of the professional bodies' determination of the expertise of doctors who can or cannot practice in the Isle of Man in relation to the requirement for particular throughput in order to keep up professional skills and standards. So I am not sure that that represents a starter in terms of development of the service.

The President: Hon. member Mr Henderson.

Mr Henderson: Thank you, Mr President. Now given that the Minister for Health and Social Security

has admitted that in this particular area of cardiothoracic care the department is coming undone at the seams, will she now give this audit the sense of priority that it needs and would she also agree with me that there should be no waiting lists for cardiothoracic care in an island like this, and it is time to do some comparison league tables with the UK to see what we can do.

The President: Minister.

Mrs Christian: Mr President, the hon. member is unduly simplistic in his approach to these issues. The question of whether or not the department is 'coming apart at the seams', as he describes it, is not the issue; the question is whether or not the United Kingdom's system is coming apart at the seams and is therefore creating a delay which impinges on the health of our patients who are referred. I have said to the hon. member that we are carrying out a clinical audit to establish those facts. Anecdote is fine. What we need is factual information, the basis of which will advise future action. The hon. member is a professional in this area and, I hope, will accept that a proper analysis of the situation needs to be obtained, and hopefully those who are concerned about this issue within the professional area will assist in providing the necessary evidence so that the audit can be carried out in due course in reasonable time and then give us an opportunity to consider how we may address any issues which come out of that audit.

DHSS – Isle of Man Waiting Lists – Measurement of – Question by Mr Henderson

Question 13. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Health and Social Security:

Following a recent European Court ruling which clarified that patients should not have excessive waiting times for hospital treatment, causing UK NHS patients to be treated in Europe for the first time, what is your department doing in order to measure the length of waiting lists in the Isle of Man, and has your department worked out criteria which would indicate if a waiting list was excessive or not, and has the department examined what criteria are being used in the UK to establish waiting times, which would determine treatment away from the UK or, in our case, possible treatment in the UK?

The President: I call upon the hon. member for Douglas North, Mr Henderson.

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

The President: Minister for Health and Social Security, Mrs Christian, to reply.

Mrs Christian: Mr President, the hon. member should be aware that the department submits an annual report to Tynwald on hospital activity and waiting lists. That report sets out in detail the number of patients waiting and the average waiting time for both hospital outpatient and inpatient appointments on the Island. The determination as to whether a patient is able to wait for an appointment or treatment is based on clinical considerations and assessment by the relevant physicians, with those patients needing urgent attention being seen without delay.

Within its strategic framework proposals the department has established targets under which patients should expect to wait no more than 13 weeks for an initial outpatient consultation and should be guaranteed admission for treatment by a specific date no later than 13 weeks from the date on which the consultant places them on an in-patient waiting list. However, as the hon. member will appreciate, the achievement of these targets is entirely dependent upon the availability of adequate specialist staffing and hospital facilities. By way of example, the existing limited capacity with regard to the theatre provision is a significant factor. So far as the United Kingdom is concerned, the National Health Service plan, which is a 10-year initiative in the United Kingdom, contains proposals to cut hospital waiting times to three months for out-patients, as is the Isle of Man target and six months for in-patients, twice the Isle of Man target, by the year 2005. Whilst it is understood that these targets are being met in some parts of the United Kingdom in relation to particular specialties, there is a wide disparity between health authorities, and it is known that at least one pilot has been arranged where a small number of patients have been offered the opportunity of treatment outside the United Kingdom involving joint replacement surgery where the criterion appears to be exceptionally long waiting times.

The department here continues to monitor the waiting lists and, where appropriate, arranges waiting list initiatives both on and off the Island in the interests of patient care.

The President: Hon. member for Douglas North.

Mr Henderson: Thank you, Mr President. I thank the minister for her answer and some of the positive aspects, but I have to ask the minister, would she not agree that some of these targets are in fact in tatters and that some of these waiting lists are far in excess of what the department set for itself, and would she agree that they are unrealistic and, in fact, in some clinical areas the patients are suffering because of the length of these? And would it not be prudent to buy in extra treatment in the UK, either private-wise or otherwise, and for the Republic of Ireland to be utilised if the UK system is so stretched, or indeed by specialist services in to work from the Isle of Man for en bloc treatments?

The President: Minister to reply.

Mrs Christian: Mr President, the targets are extremely demanding and, as I have indicated, depend on the resources and the skilled people available to us. I look forward to the hon. member's support in terms of budget provision for the health service. There is nothing that cannot be done if you have got the resources, but all of these things have to be taken into consideration in relation to the Island's economy and the demands for other departments.

With regard to the waiting list initiatives, the department does have waiting list initiatives, as the hon. member is aware. The department's budget for this year on waiting list initiatives is fully committed to try and address the backlog in certain areas. As I have indicated, if we get to the new hospital with greater theatre capacity and have the resource provided for us to staff that all up, then clearly a further indent can be made into waiting lists in any particular area.

It is also the case that the United Kingdom waiting lists are not being met in many areas. It is down to resources. The department does continue to monitor, and what also ought to be borne in mind is that, notwithstanding long waiting lists, what is just as important is throughput. Our staff are seeing, year on year, many more people and treating them, and that has to be weighed and balanced against waiting lists.

The President: Hon. member for Onchan.

Mr Karran: Eaghtyrane, would the minister not agree that a tremendous amount of work has been done to try and get some sort of accountability with the consultants, but would she also not agree that until we get some sort of controls over the fact that some consultants are doing almost 40 per cent of their time on private work in National Health Service operating theatres, we are still never going to get this issue sorted, and would the minister not agree that this is one of the core issues that need to be brought out into the public domain in order that people know what the real problems are with the health services and we have to have the political will to address it?

The President: Now, I do not want to widen the question too far. Minister, in your reply, be careful, please.

Mrs Christian: Yes, Mr President, the hon. member refers to the balance between private and NHS work. The department is making efforts to further analyse the distribution of NHS and private work as carried out by particular consultants. The hon. member is conscious of that, and that work is ongoing. What has to be recognised is that most of the consultants in the Isle of Man do accept contractual arrangements only which allow them to do private work, as the hon. member is aware. They contract to do a particular number of sessions for the NHS, after which there are constraints on how much work they can do or earn by way of private practice, and those issues are under review.

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

Mr Singer: Thank you. Could I refer, minister, to your question on the waiting list initiatives both on and off the Island? Would you not agree that any initiatives off the Island are not worth their salt if the waiting lists across, as we know, are so long? The Isle of Man patients will still have to be part of that long delay, so the initiative is neither here nor there, and in fact the only initiative to get early treatment is for those people who can either afford private or are covered by some health plan, and that is the only way that they are going to get any initiative any earlier up the ladder if they can afford it. Is that not wrong?

The President: Minister to reply.

Mrs Christian: Mr President, I would entirely agree that it is the wish of the department to reduce, as far as possible, waiting lists. I do not want anybody to feel that they have to go for private health care in order to have their medical concerns dealt with.

With regard to the hon. member's comment about off-Island initiatives not being worth their salt, I do not agree with him. He should ask any patient who has benefited from an off-Island initiative. As far as the patient is concerned, I am sure it does not matter whether they have been off-Island or on-Island so long as they have been treated.

The hon. member is wrong when he assumes that in certain specialties we cannot get these done by NHS trusts. In some cases the initiatives are done by negotiation with NHS trusts in the United Kingdom. Do not ask me how they deal with their waiting lists; that is not my concern. If they are doing the work for us I am happy to have that arrangement.

Mr President, so far as the other initiatives are concerned, some of them are done through private avenues. Where we have the resources we will use them.

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

Mr Henderson: Thank you, Mr President. Could the minister answer how some European countries, and indeed, as she has now given way today, some UK hospitals, do not have waiting lists, and what is her department doing to assess how that is successfully managed? Would she agree that it should be her primary interest to see how they are successfully managed, and does she not agree that a small island such as ours should not be suffering from the UK syndrome of ever-increasing waiting lists and that we should not have any waiting lists here?

The President: Minister.

Mrs Christian: Mr President, I go back to budgets. We would not need a waiting list if you gave us the millions that it would require to get rid of them.

With regard to the hon. member's comment about Europe, let us get this question of Europe into perspective. It is my understanding that about five

patients from the United Kingdom have gone to Europe. I do not think that is going to make much of an indent into their waiting list. So far as the hon. member saying: 'Oh, I have admitted the UK haven't got waiting lists in some hospitals,' I said that I do not know how they managed their waiting lists, but if they are prepared to take our patients, that is their problem, not ours. So whether they have waiting lists or not is not for me to say. Whether they are willing to take our patients on an initiative is a matter which we have negotiated with them.

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

Mr Quine: Yes, going back 10 years now, there were two initiatives strung together, where some 40 Manx people went to a private hospital for orthopaedic treatment. How many similar initiatives have taken place during your tenure as Minister for Health and Social Security?

The President: Minister to reply.

Mrs Christian: Mr President, I have not got details on how many initiatives there have been; all I will say is that we have had budgets every year which have been used for initiatives. Some of them have been outside of the Island and some of them have been on Island, but every year there have been initiatives. I hope that answers the hon. minister's concerns.

The President: The final supplementary. Hon. member for Douglas North.

Mr Henderson: Thank you, Mr President. Would the minister not agree with me that if there are hospitals in the UK or elsewhere that are successfully managing patient waiting lists, that would be something to have a look into, to see how on earth they are managing to do it and how effectively they are managing their resources? It should be her top priority. And would she also agree that patronising the Manx public with such responses as previously is just not on.

Mr Singer: Hear, hear.

The President: I think you have answered the first part of that question. Minister to reply.

Mrs Christian: Mr President, I am not patronising anybody, I am giving you some straight facts, and I am fed up with the hon. member referring to the newspapers with these glib, off-the-cuff comments which imply innuendo in relation to my replies. There is nothing patronising about what I have said. I have made it quite clear what the situation is.

Mr President, the waiting lists in the United Kingdom are much longer than in the Isle of Man taken overall, and if he thinks that we can learn something from over there, we are very happy to do so, but I think that the areas where that can be illustrated in the United Kingdom will be areas with adequate resource is provided.

**Radioactive Pollution – Survey of
Teeth – Plutonium Releases –
Question by Mr Singer**

Question 15. The hon. member for Ramsey (Mr Singer) to ask the Minister for Health and Social Security:

- (1) *Are you aware of the study carried out on adolescent children's teeth by the British Department of Health which discerned that the levels of plutonium in the teeth was directly dependent on the distance the children lived from Sellafield;*
- (2) *has the department any quantitative information on the amount of plutonium being released to the sea and air from Sellafield, and have any tests been undertaken on the teeth of Isle of Man children; and*
- (3) *are you aware of any studies to determine the environmental impact of the MOX reprocessing plant?*

The President: I call on the hon. member for Ramsey, Mr Singer.

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

The President: Minister for Health and Social Security, Mrs Christian, to reply.

Mrs Christian: Mr President, I am assuming that the hon. member is referring to a study undertaken in 1997 by the Department of Experimental Physics at the University College of Dublin of which the department is aware. The authors abstract of the results state that the concentrations of plutonium, but not strontium-90 or total alpha-emitters, decreased with increasing distance from the Sellafield Nuclear Fuel Reprocessing Plant. However, the study also revealed that the measured absolute concentrations of plutonium were so low that they were considered to present an insignificant radiological hazard.

Turning to part (2) of the question, records of discharges of all radio active elements from Sellafield are held by the government laboratory. We have no knowledge of Manx children's teeth being the subject of that or any other study.

Finally, as regards the final part of the question, I would direct the hon. member to the government laboratory who will be able to advise on BNFL and United Kingdom Government environmental impact studies on the MOX plant.

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

Mr Singer: Thank you. The report for the information did include plutonium strontium-90 and

total alpha-emitters, and it was conducted over 3,300 children but in fact it did show that the amount of plutonium reduced as you got further away from Sellafield. Would the minister understand my concern that, with us only being perhaps 40 miles from Sellafield, the amount of plutonium in children's teeth is important because it has to be filtered first of all through the whole of the body – through the bones and the teeth and possibly the liver? Is the minister also aware that a radioactive body contamination of the 1950s and 1960s led to the test ban treaty, and does she not agree, therefore, to be absolutely sure, because plutonium has a life of thousands and thousands of years, that we should be aware at any stage of the amount of plutonium and similar compounds in our children's teeth to give us some guide as to, at any one time, what is being emitted from Sellafield and what may well be emitted in the future due to the MOX plant coming into operation?

The President: Minister to reply.

Mrs Christian: Thank you, Mr President. Yes, I am aware that the study also considered strontium-90 and total alpha-emitters. What I did say in the answer was that the analysis of the report did not refer to the effects in relation to those particular contaminants; it referred only to the suggestion that regression analyses indicated that plutonium decreased within increasing distance from Sellafield. I am conscious that it carried out an analysis on the others but there is no reference to them in the report in so far as we have only been able to get hold of extracts.

The hon. member is right: indeed, we should be concerned about measuring levels of emissions from Sellafield, and that is carried out by DoLGE through the government laboratory. So far as the analysis of the results of plutonium in teeth are concerned, I have reiterated, Mr President, and I will reiterate again, that the levels were so low that they present no significant risk to health. Indeed, the levels of radioactivity relating to plutonium were 1,000 times less than other radioactive substances present in teeth from natural sources. This puts into perspective the risk relating to the plutonium in that analysis, and to that extent it is important that we keep a balanced view on the issue of the effects of plutonium in teeth for our children. That is not to minimise any concerns that might be investigated or should be followed up in relation to our position going forward, but primarily that is monitored by the Department of Local Government and the Environment and I would suggest in terms of the emissions that they do monitor those and they would certainly advise our department if there were any concerns about the levels of those emissions which are published on a fairly wide basis and are accessible to the public.

**New Hospital - Medical Staff
Committee – Comments re Deficiencies
Question by Mr Singer**

Question 17. The hon. member for Ramsey (Mr Singer) to ask the Minister for Health and Social Security:

- (1) *Are the comments made by the Medical Staff Committee in relation to the deficiencies of the new hospital valid;*
- (2) *if not, why not; and*
- (3) *if yes, what are your department's proposals to rectify the serious omissions?*

The President: Again I call on the hon. member for Ramsey, Mr Singer.

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

The President: Minister for Health and Social Security, Mrs Christian.

Mrs Christian: Mr President, the hon. member's question alludes to a recent letter to the department signed by one of the consultant physicians for the Medical Staff Committee. The letter, which was intended to be an internal document, contains numerous issues concerning both the planning process and service provision associated with the new hospital. I have written to medical staff responding in some detail to their concerns and have arranged for copies of my reply to be placed on members' desks.

I do not accept the contention in part (3) of the question that there are major omissions in the planning in relation to the new hospital.

In conclusion, Mr President, I can advise the hon. member that the medical staff committee has expressed concern that this letter found its way into the public domain and that both the committee and the department have agreed that matters such as this should be managed through a process of internal dialogue.

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

Mr Singer: I thank the minister for her answer. So is the minister, then, saying that the criticism of the Medical Staff Committee - well, Dr Harrison and backed up unanimously by the Medical Staff Committee - are not valid?

The President: Minister to reply.

Mrs Christian: In effect, Mr President, their concerns - and he says unanimously backed up by the Medical Staff Committee, by those who were present at the Medical Staff Committee meeting - the letter which was sent to me was not the same letter but it was similar in content. If members read the letter

which is on their desks, they will see that I have addressed the matters raised by the consultant; they will see that there has been considerable input through many years by the Medical Staff Committee into the planning for the new hospital by all areas of staffing in the hospital; they will see that there is an acknowledgement both on their part and the part of the department that, notwithstanding the original plans, there have been movements in health provisions which take place all the time and which the department has been endeavouring to address in conjunction with those members of staff; they will see that, notwithstanding the date on the letter that was sent to me, there were issues which had previously been resolved, as this Court knows, for example, in relation to accommodation. We have dealt with that issue in this hon. Court. They will know that the department is working on the instruction from this hon. Court in relation to diabetes, for example, and that matter is well on the way to being resolved.

Most of the issues in this are issues which have been drawn to the department's attention seeking some change in the element of the new hospital. The department is not unwilling to consider those issues, but we have at the same time to bear in mind that we are on a construction programme where you cannot be changing things willy-nilly and with impunity and we have budgets to observe. I do accept and I have said in my letter, as you will see, that the concerns are genuinely held, but there is a way and a manner in which these matters can be resolved and I have indicated that both the Medical Staff Committee and the department feel that this should be done through internal dialogue.

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

Mrs Hannan: Thank you, Eaghtyrane. Could I ask the minister, is it not a fact that this same group objected to the work on the Noble's site when the Noble's site was going to be developed into a new hospital?

The President: Minister to reply.

Mrs Christian: I accept the comment from the hon. member. I personally was not here at that time - I do not think so - so I cannot say whether that is right or wrong, but I accept what the hon. member has said.

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

Mr Singer: Can I ask the hon. minister: the fact is that the letter now is public whether they wanted it to be or not, but if, as she says, there has been this full and continuing consultation with the Medical Staff Committee, why does she think at this late stage that these matters should be brought forward as worries by the Medical Staff Committee so much so that at this stage they would feel that the hospital should not be opened because it will not be able to provide the

service that one would want it to provide and that they have asked, therefore, for it to be delayed for these matters to be rectified? Why does she think, if there has been a full consultation, that there should be these problems being raised at this time?

The President: Minister to reply.

Mrs Christian: Mr President, that is a question the hon. member needs to address to the consultant. (**Mrs Crowe:** Yes.) In so far as I am concerned, the Medical Staff Committee have a representative on the service planning group. If the hon. member cares to read the letter which I have tabled he will be aware that there are members of staff who have expressed different views to me in relation to those expressed by the Medical Staff Committee, and I do believe, and indeed, the Medical Staff Committee have said subsequently – the chairman has said in a letter to me – that there remains adequate time for these matters to be addressed, thereby permitting the move to the hospital to proceed on schedule.

It is a matter of us working together. We are striving all the time to work together, and if people will all pull in the same direction and support the efforts to move us into this valuable new facility for Manx healthcare, we will achieve what we are setting out to do.

Several Members: Hear, hear.

New Hospital – Diabetics Centre – Question by Mr Houghton

Question 18. The hon. member for Douglas North (Mr Houghton) to ask the Minister for Health and Social Security:

In view of the alleged lack of facilities at the new hospital as compared with those provided at Noble's, as indicated by Dr Harrison and supported by his colleagues –

- (a) *will this have any effect on the accommodation of a dedicated diabetics centre at the new hospital; and*
- (b) *when will the diabetic suite be brought into operation at the new site?*

The President: I call on the hon. member for Douglas North, Mr Henderson, to ask his colleague's question.

Mr Henderson: Thank you, Mr President. I beg leave to ask the question standing in the name of Mr Houghton in his absence, sir.

The President: Minister for Health and Social Security.

Mrs Christian: Mr President, I have already commented on the letter from the consultant in relation to the earlier question from the hon. member for Ramsey, but to follow on with regard specifically to the issue of the dedicated diabetic centre that the hon. member was asking about, all hon. members are aware that the service planning group for the hospital has, in conjunction with the clinical staff, been looking at options. We have told the hon. Court that before.

I am pleased to be able to advise that progress has been made and the department is hopeful that a dedicated unit will be provided in accordance with the wishes of Tynwald. I am hopeful that this will be possible within a timescale to coincide with the opening of the new hospital subject to budgetary and other approvals. It is the intention that the Greeba Ward on the hospital site will become the dedicated diabetic centre.

The President: Hon. member for Douglas North.

Mr Henderson: Thank you, Mr President. I am very pleased at the minister's positive comments that we are indeed going to have a dedicated diabetic centre and can she confirm that this information that she speaks of will be conveyed to the Isle of Man Diabetic Society?

The President: Minister to reply.

Mrs Christian: Mr President, the Isle of Man Diabetic group met with me last week and they are aware of these developments.

Kirk Michael – Provision of Doctors' Surgeries – Question by Mr Cannan

Question 19. The hon. member for Michael (Mr Cannan) to ask the Minister for Health and Social Security:

What immediate action are you taking to ensure the continuing provision of doctors' surgeries for the people of Kirk Michael, Ballaugh and surrounding area, at Kirk Michael?

The President: I call on the hon. member for Michael, Mr Cannan.

Mr Cannan: Mr President, I beg leave to answer the question standing in my name.

The President: Again I call on Mrs Christian to reply.

Mrs Christian: Mr President, as the hon. member is aware, GP clinics are currently held in Kirk Michael on a branch surgery basis, both by Ramsey and Peel group practices. I can, however, confirm that

notification has been received from the Peel group practice of its intention, after 31st March 2002, to discontinue the two morning clinics currently held at the branch surgery. However, the practice has confirmed that it will continue to provide medical cover for patients registered with them and living in the Kirk Michael and surrounding areas at and from the main practice in Peel. The situation with regard to the closure of the Peel branch surgery is due to be considered at an early meeting of the Medical and Dental Services Committee of the department.

The President: Hon. member for Michael, Mr Cannan.

Mr Cannan: I thank the minister for the reply and that she has arranged an early meeting of the medical and services department. Can she inform me when this urgent meeting will take place, as the residents of Kirk Michael consider this an urgent matter that needs to be resolved?

The President: Minister to reply.

Mrs Christian: Mr President, I believe that the meeting is to take place in about a week's time. I understand the hon. member's concern about the withdrawal of those two clinics, but it is for the Medical and Dental Services Committee to carry out an analysis of the impact of that particular withdrawal in considering the matter at their meeting.

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

Mr Singer: Thank you. Could I ask the hon. member what powers the department has if the doctors choose to close these surgeries? Does it have any powers at all to ask them to reopen it or ensure that a service is still provided in that area for those people who, for whatever reason, cannot get to Peel?

The President: Minister to reply.

Mrs Christian: Mr President, the department has no powers to make any group practice operate a branch surgery. The department can negotiate with group practices to see if they may be willing to operate branch surgeries; indeed, they may do these things off their own initiative. As regards people not being able to get to surgeries, I think that we have to recognise that, whilst indeed it is certainly a help for residents to have a surgery on their doorstep, there are many people who do have to travel a number of miles to get to a surgery. What the Medical and Dental Services Committee will be doing is to look at the impact of such closure and, as I have said before in this hon. Court, I would suggest they will probably be reviewing the wider perspective in relation to the Kirk Michael and Ballaugh area possibly at this time to consider, if there is a total withdrawal of services in

Kirk Michael, whether or not a different service provision should be considered.

The President: Hon. member for Ramsey.

Mr Singer: If I could ask the hon. minister: because there is always a possibility, of course, that the Ramsey branch surgery could choose to close in Peel and that would leave Kirk Michael with no medical service at all, would it not be wise to be looking around for a medical practitioner and encourage a medical practitioner, in fact, to open a surgery in the Kirk Michael area itself to cater for all the people of Kirk Michael and the surrounding area so that those people who have gone to live in that area to be near a surgery will at least have a surgery to go to? Whatever the minister says, and however often it may be said that other people, have to travel to a surgery, some people because of either age or other reasons, cannot travel to a surgery and need a surgery near their homes.

The President: Minister to reply.

Mrs Christian: Yes, thank you, Mr President. The hon. member has indicated that the Ramsey group practice, which also functions in the same building in Kirk Michael and offers three surgeries a week, may withdraw. Now, the indications at the moment are that I have no knowledge, I have no indication indeed - I do not think the Ramsey practice have indicated at all - their intention to withdraw from Kirk Michael -

Mr Singer: May I say in personal explanation, I did not say that at all; I said that at some time they may decide to.

Mrs Christian: Right. Mr President, it is, of course, within their powers to withdraw at any time. Indeed, the accommodation that they are in may not be available and, as I have already indicated, it is possible that the Medical and Dental Services Committee will be reviewing their overall position in relation to that area if, in fact, branch surgery facilities are not available in Kirk Michael, but I would refute the suggestion that that means there is no service available to the patients in Kirk Michael. The services continue to be available in the Peel and Ramsey group practices. Now, the hon. member indicates that some people may have moved to Michael to be near a surgery. That is a matter of assessment. I would be very surprised if most people decide where to live on the basis of whether there is a surgery there or not.

The difficulty which may be faced by the Medical and Dental Staff Committee in coming to some determination is the issue of perhaps a new service, but numbers may relate to a single-handed practice which is, in today's environment, not a desirable feature. However, they no doubt will be exploring all avenues. One thing that they will be considering, I suggest, is the number of people who attend at those clinics, and no doubt the department will be seeking to establish what that kind of attendance is. The last survey, which I have to agree was some while ago, indicated an

average attendance of six people per session, and that is something that would have to be considered as well in terms of whether or not this impinges in a significant way on the service to the people in that area.

Mr Cannan: Mr President, could I have a final supplementary, sir?

The President: Mr Cannan.

Mr Cannan: Would the minister agree that the matter is best left to the meeting of the Medical and Dental Services Committee next week, and would she guarantee that the proprietor of the pharmacy in Kirk Michael is invited to attend that meeting to put the professional medical view of the community and also myself to put the lay view as representative of the community in Kirk Michael?

The President: Minister to reply.

Mrs Christian: Mr President, that is a matter which is delegated to the member for health. However, if I am expressing an opinion to give guidance to that member, I would say that there is no difficulty, in my view, in the hon. member attending to express a point of view, nor indeed is there any difficulty with the pharmacist in that area attending to express a point of view.

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

Mr Quayle: Thank you, Mr President. Could I ask the Minister for Health and Social Security to briefly outline how she arrives at the provision of doctors' surgeries for the future? I am well aware that in my constituency of Middle there are 3,221 voters plus the children and that, with them not having any facilities at all for doctors' surgeries or dentists, I think it would be highly desirable, and I would ask her, would she agree that certainly the provision of dentists' and doctors' facilities in the sheading of Middle would be highly desirable for the vast amount of people that are living in that central area?

The President: Whilst I appreciate the hon. member's question, we are not going around the various constituencies, hon. members.

Homeless – Obligation to House – Question by Mr Waft

Question 23. The hon. member of the Council (Mr Waft) to ask the Minister for Health and Social Security:

Having regard to our reciprocal arrangements in other matters, what is the reason the Isle of Man Government does not have any statutory obligation to

house any of our Island residents who, for whatever reason, find themselves homeless?

The President: I call on the hon. member for Council, Mr Waft.

Mr Waft: Mr President, I beg leave to ask the question standing in my name.

The President: On this occasion, hon. members, I call on the Chief Minister to reply.

Mr Corkill: Mr President, firstly let me address the hon. member's enquiry regarding reciprocal arrangements as in the question written. The reciprocal arrangements with regard to benefits currently in force with the United Kingdom Government are in relation to contributory benefits only. There are no reciprocal arrangements in place for non-contributory benefits, nor would it be, in my opinion, appropriate for there to be so.

The current arrangements, as we know, allow for people to move to or from the Island and have their paid contributions transferred. It is not designed to provide mutual benefits for the relief of homelessness or poverty.

As regards the issue of homelessness, the Department of Local Government and the Environment's Housing Policy Review Report of 1999 refers to the report on homelessness issued in May 1999 by the DHSS, and it stated, 'Although the Department of Health and Social Security has no statutory responsibility for homelessness, the department has established a contact with the Manx Community Housing Trust, who handled all problems of homelessness that are referred to in the department. They have a number of houses and flats which are rented to people with problems of homelessness, provided they meet the residential qualifications for housing on the Island. The Trust will also work with local authorities on the Island to ensure that those qualified are placed on waiting lists and are rehoused at the appropriate time.' The 1999 report concluded that there appeared to be little actual homelessness on the Island, more a problem of people who were living in accommodation which does not meet their needs, and to that end the department is continuing to develop a range of residential services which meets with the accommodation needs of people who fall within the remit of the National Assistance Act.

With regard to homelessness resulting from an emergency situation, such as a fire or flooding, it is already departmental policy - that is, the Department of Local Government and the Environment - and also local housing authority policy, to provide emergency housing for as long as is required in those circumstances.

Now, the hon. member for Council, Mr Waft, has provided me with a copy of the current UK Homelessness Bill, which is an attempt by the UK Government to facilitate an integrated policy on homelessness requiring local authorities to take a more strategic multi-agency approach to the prevention of

homelessness and the rehousing of homeless households. Fortunately the Isle of Man does not suffer from anywhere near the same degree of homelessness that the United Kingdom has to deal with, but I acknowledge that the reports that I have just referred to are from three years ago and so I feel it would be a useful exercise for the Department of Local Government and the Environment to be invited to consider the UK Bill and its proposals and perhaps to report to the Council of Ministers on its findings. I will certainly keep the hon. member informed as to the desirability in Island terms of this particular piece of UK legislation.

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

Mr Waft: Thank you, Mr President. I was not asking that this Bill be thought about in its entirety, but where it does apply to the Isle of Man, where we can gain some benefit from it, I would have thought that would be an exercise well thought out. At the moment, as the Chief Minister probably knows from his time in the Onchan Commissioners, from time to time there are emergency situations and families can be referred to perhaps initially from the police and then perhaps the DHSS, the social services, DLGE, local authorities and even the Department of Education where there is children involved. So there is a situation there from time to time and, as has been said by the Chief Minister, the DHSS has no statutory duty, and statutory duty is hard to find in those circumstances. I am grateful to the Chief Minister that he will refer it. Thank you, Mr President.

The President: I do not think there was a question in that statement, sir. Hon. member for Onchan, Mr Karran.

Mr Karran: Eaghtyrane, would the Chief Minister not agree that the issue of why we have so little homelessness at the present time is because we have a situation where many cannot state their objections to overpriced, substandard rental accommodation in the property market because we have allowed ourselves to be party to a Rackman's charter by hiding the real issue? Would the Chief Minister not agree that the issue of the Manx Community Housing Trust that he said to this hon. Court is not strictly correct, as they are feeling impotent in that they cannot cope with the amount of people who are genuinely homeless or living in substandard accommodation and cannot say anything to Rackman landlords because of the present situation which has come about over the last five years?

The President: Now, in reply, sir, I do not expect you to go down the road of a housing debate. Stick strictly to the question relating to the housing trust and the requirement for them to deal with the homeless on the Island.

Mr Corkill: Thank you, Mr President. I am more than happy to answer questions rather than have debate. The hon. member referred to the Manx Community Housing trust and the reference I made was a quotation from the 1999 report, so I actually read that verbatim and I am very much aware that they, like other areas, because of the shortage of affordable housing, are feeling very frustrated at the moment. That is why I said that these reports are from 1999 and time has moved on. I think we used to say there was absolutely no homelessness in the Isle of Man and I know, as I am sure other members know from their constituency work, that there is an element of that perhaps in our society now.

The hon. questioner, Mr Waft, who put down the initial question on the order paper - his comments relate to emergency housing under certain circumstances, such as a fire or where tenants, through no fault of their own, find themselves homeless literally overnight, and I think his direction is really to make sure that the agencies of government and non-government agencies are properly co-ordinated. That is what this UK Bill is all about and it may well be we can extract the parts that are beneficial to the Island, and I certainly undertake that that review of that legislation will happen.

**Conrad Hotels (IOM) Limited –
Owners – Directors –
Question by Mr Karran**

Question 24. The hon. member for Onchan (Mr Karran) to ask the Minister for the Treasury:

In relation to Conrad Hotels (IOM) Limited, incorporated on 24th August 1990, company number 50730 –

- (a) who are the beneficial owners of the company;*
- (b) was Mr Paul Moore appointed a director of the company on 21st September 1990; and*
- (c) was Mr Paul Moore, on the date of the annual return on 12th May 2001, on the public record as a director of the company?*

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

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

The President: I call on the Minister for the Treasury, hon. member for Ramsey, Mr Bell, to reply.

Mr Bell: Mr President, regarding the first part of the hon. member's question I am informed that under section 102 of the Companies Act of 1931 an Isle of Man incorporated company is prohibited from giving notice of any trust on its share register. A companies

register of members therefore shows the legal ownership of shares and is prohibited from recording beneficial ownership. The public record held by the Companies Registry also shows the companies legal ownership only. Any beneficial interest in those shares is a private matter between the legal owner and the beneficial owner, if any. I am therefore unable to answer this part of the question.

Turning now to part (2) of the question, I am informed that the public record held in the Companies Registry shows that Paul Moore was appointed a director of the company on 21st September 1990. Turning to the final part of the hon. member's question, I am also informed by the Companies Registry that the annual return submitted on 24th May 2001 does show that Mr Paul Moore is still a director of that company.

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

Mr Karran: Eaghtyrane, so it is a matter of public record, would the Minister for the Treasury agree that Mr Paul Moore is a director of all the main companies involved directly and indirectly with the Mount Murray development with the exception of J G Kelly's Homes Limited right from the first planning application made by Radcon Villas Resorts Limited and that Mr Moore is still listed on the public record of being the beneficial owner of the shares that are controlled by the companies directly involved with the Mount Murray development, prior to and during the planning application? As it is the case that he is acting as a nominee director of the shareholders of this company, does he not feel that where there have been moneys involved and issues involved as far as the public's interest is concerned, we should know who Mr Moore is acting for if we want transparency within the finance industry?

The President: Minister to reply.

Mr Bell: Mr President, I was asked the question as to whether a Mr Paul Moore was a director of Conrad Hotels (IOM) Limited. I have answered that question to the best of my knowledge and I do not intend to extend my observations any further because I do not have access to that information.

**Mount Murray Development –
Planning Application –
Company Named –
Question by Mr Karran**

Question 25. The hon. member for Onchan, (Mr Karran) to ask the Minister for Local Government and the Environment:

- (1) *Are you aware that the company used to support the planning application at the Mount Murray development referred to in Professor*

Crow's report was a shell company and was struck off the Companies Register on 11th March 1993 under s 273(5) of the Companies Act 1931;

- (2) *was it correct to describe Mr Gary Spence as the applicant's agent on planning application PA90/1842, when Mr Spence was a director of the company at the time the application was being made; and*
- (3) *was the beneficial owner of the company named in planning application PA90/1842 in 1991 a Mr Gubay, and was Mr Gary Spence an employee of his?*

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

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

The President: I call on the Minister for Local Government and the Environment, hon. member Mrs Crowe to reply.

Mrs Crowe: Thank you, Mr President. In response to the hon. member for Onchan I can advise that the planning applications to which Professor Crow refers in his December inquiry were made by a Mr Gary Spence on behalf of Radcon Village Resorts Limited. A recent check of the Companies Registry indicates that this company was incorporated in August 1990 and that in June 1993 it changed its name to Mount Murray Country Club Limited. Mr Gary Spence was a director of the company from December 1990 to March 1997. Now, it is neither unusual nor improper for a director of an applicant company to act as its agent and submit the application.

I have not been able to discover whether the beneficial owner of the company was Mr Gubay or whether Mr Spence was an employee of his. However, planning permissions attach to the land; they are not personal to the applicant. Indeed, the nature and identity of the applicant and his agent are usually irrelevant except for the purpose of communicating the decision.

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

Mr Karran: Eaghtyrane, can the minister say who were the directors and shareholders of Villas of the World Limited at the time a fax letter was sent by the company to Mr Mitchell at the Department for Tourism on 23rd May 1991?

The President: Hon. member.

Mrs Crowe: No, indeed I cannot. The matter refers to planning applications. Planning applications attach to the land. It is irrelevant who submitted them or who . . . the only reason we need to know who

submitted them is by way of who to communicate the decision to. The planning permission is attached to the land; they are not personal.

The President: Hon. member Mr Karran.

Mr Karran: Eaghtyrane, a further supplementary. Can the minister say, was Mr Gary Spence, the director of Radcon Villas Resorts Limited, the planning applicant or was he acting as Vice-president of Mount Murray Country Club over this question in front of us? Would the minister not also agree that in the Crow report, page 5, paragraph 1.2, Professor Crow says that the department did not know who was backing the planning application made by Mr Gary Spence in the name of Radcon Villas Resorts Limited? Can she say, what part did the two Russian nationals of the directors of Summerhill Limited have regard as far as Mount Murray Development is concerned?

The President: Hon. member for Rushen, *(Laughter)* Mrs Crowe.

Mrs Crowe: Like the hon. professor who dealt with the inquiry, the name is spelt differently, Mr President. The hon. member for Onchan seems to be attaching an importance to the person or persons or companies or non-directors or agents that submitted the planning application. I have stated quite clearly on a number of occasions the planning application attaches to the land; it is not necessary for it to be a set person to submit that application. We need to know who to send the decision to, so someone is named as an applicant and you full well know, hon. member, that we had a planning application for the bus station site in Douglas - immaterial that no-one owned it or the person who submitted the application did not own it; someone can put in planning for any area. The planning application attaches to the land and not to the persons who put in the application.

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

Mr Karran: Eaghtyrane, would the minister not agree that we have another case of those are not so blind as those that do not want to look? Would the minister also tell me that on 10th October 1991 a letter was sent, this is part of your inquiry - through the DLGE, claiming that an Albert Gubay was making a fool out of the department and further documentation was enclosed asserting that Mr Gary Spence was at the time employed by Mr Albert Gubay? Can the minister tell me what actions were taken by her department to establish whether this was true or not true, allowing for the fact that we were being told that this development was a multi-million pound development for tourism and that would make a big difference between whether it was Mr Gubay or whether it was a genuine development from a hotel from the United States?

The President: Minister to reply.

Mrs Crowe: Far from not being able to see, I think we have in some cases perhaps a slightly vivid imagination at the present time from some hon. members, and I must reiterate this is not my inquiry. The name Crow is attached to it. It is spelt without an 'e' (*Mr Karran interjecting*) and it is not a professor within my family. However, what I would say to you is, once again the inquiry has made in full and investigated in full the comments that the hon. member made. I note that the hon. member gave evidence to the inquiry. If the hon. member had such concerns, why did he not make them known at this time to the person who was conducting the inquiry?

The President: Hon. member for Onchan, a final supplementary, I think, on this question, sir.

Mr Karran: Eaghtyrane, would the minister not agree that many people did not have the resources to do the investigation? Obviously, if Professor Crow could not get to the truth, there was very little chance of ordinary working members of this hon. Court finding out what the truth is without getting people in who were professionally trained to do so.

The President: Do you wish to respond, minister?

Mrs Crowe: No, sir.

Crow Report – Allegations against DoLGE – Question by Mr Karran

Question 26. The hon. member for Onchan (Mr Karran) to ask the Minister for Local Government and the Environment:

Would you agree that the Crow report, paragraphs 1.17 and 1.18, identified manifest untruthfulness and contravention of approved planning policy and unauthorised acts by officials in the Department of Local Government and the Environment, demonstrating the absence of planning approval and failure to meet planning conditions?

The President: I call on the hon. member Mr Karran.

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

The President: Again I call on the Minister for Local Government and the Environment, Mrs Crowe, to reply.

Mrs Crowe: Once again I assume that the hon. member is referring to the inquiry and the report of December 2000 by Professor Crow into Planning and Development and Other Matters at Mount Murray. This report was commissioned by the Council of Ministers and was circulated to hon. members and

published in July 2001, over 12 months ago. Its contents are there, a matter of public record, including paragraphs 1.17 and 1.18 in which Professor Crow does indeed describe the contents of a particular letter of May 1991 as manifestly untrue, contravening approved planning policy and outside the official's delegated powers. It is a matter of public record that at the time of that letter, May 1991, a planning approval in principle had been granted, but that the development had not been commenced. There had thus, at that time, been no failure to meet planning conditions.

The President: We turn then to question 27 –

Mr Karran: Eaghtyrane, I have got supplementaries, please.

The President: A supplementary. The hon. member Mr Karran.

Mr Karran: Can the minister say if the Buyer's Guide held on file at the planning office is the original copy provided by the applicant Radcon Village Resorts Limited, described under section 12, subsection (8) of the Application of Planning Approval dated 16th January 1991 as the Buyer's Guide relating to the Villa rental agreement? Can the minister explain how is it possible for this copy of the Buyer's Guide, provided to me by the Planning Committee, was published under the name of Mount Murray Country Club Limited, a company that did not exist at the time of the planning application in 1991? Can the minister explain why a company that did not exist is part of a planning application?

The President: Minister to reply.

Mrs Crowe: No, I cannot, Mr President. I would suggest that someone has been spending a great deal of time in the General Registry, but it has little to do with the planning matters in hand. It is a matter of company registration and should be perhaps dealt with by another member.

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

Mr Karran: Can the minister explain how it was that a planning application in the name of Radcon Villas Resorts Limited had within its substantial documentation the name of another company, Mount Murray Country Club Limited, did not exist at the time of a planning application, yet it was entirely upon the basis of this documentation that this development took place? Does the minister agree that the Buyer's Guide should have been accepted with the planning application's name on it or should it have been refused in its entirety with the fact that it is a company that did not exist at the time of the original planning application?

The President: Minister to reply.

Mrs Crowe: Presumably - and I speak without the knowledge because it was a previous administration - the Buyer's Guide was submitted with an application as an indication of what was likely to be. It does not need to be there to support a planning application. It would be sent in as indeed other items are sent in to support an application made as this was a new way forward for the Isle of Man and so a Buyer's Guide perhaps was sent to support what the proposal was and may or may not have been taken into consideration when the planning matters were decided.

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

Mrs Hannan: Thank you, Eaghtyrane. Is the minister not aware that the planning approval actually hung on this Buyer's Guide? (**A Member:** Hear, hear.) It was the basis for the approval –

Mrs Crowe: Well, it was not the basis.

Mrs Hannan: - and surely the investigation should be carried out as to why this was allowed to happen?

Mr Lowey: Yes, that is a point.

The President: Minister to reply.

Mrs Crowe: It is not my understanding that the planning permission hung on the Buyer's Guide. It may have been taken into consideration, and the fact that it may or may not have been in one or other names I do not think was relevant to the planning decision made at that time.

The President: Hon. member for Onchan.

Mr Karran: Eaghtyrane, would the minister not agree that she needs to review her planning law as far as this issue is concerned? (*Interjection*) Would she also not agree that on the planning application of 16th January 1991, under section 12, subsection 8, the Buyer's Guide was part of the agreement, and would she also not agree that this glaring admission that the original documentation has gone missing highlights why we need a public inquiry on this issue?

The President: Minister to reply.

Mrs Crowe: Well, no, I would not necessarily agree with any of the comments that have been made. A public inquiry was held –

Mr Karran: No, it was not.

Mrs Crowe: - an inquiry into Planning and Development and Other Matters at Mount Murray - all of the things that the hon. member has mentioned throughout the questioning this morning have been looked at by Professor Crow. So whether or not there needs to be another investigation will be considered

later on during the day when the motion comes forward.

The President: Hon. member for Ayre.

Mr Quine: Is it not a fact that the Buyer's Guide was an integral part of a condition of the approval (**Mr Karran:** Hear, hear.) and consequently is a vitally important aspect of this planning approval, (**Mrs Hannan:** Hear, hear.) and would she not also agree that that is the basis of much of the problem that evolved afterwards - that that Buyer's Guide should not have been accepted?

Mr Corkill: We all know that.

The President: Minister to reply.

Mrs Crowe: Yes, I would say that the hon. member for Ayre, who was either the minister –

Mr Quine: No, he was not!

Mrs Crowe: No? Oh, right.

Mr Quine: No, five years before me.

Mrs Crowe: Oh, I am sorry about that, but certainly has greater knowledge –

Mr Quine: I accept that! (*Laughter*)

Mrs Crowe: - of these matters in the department, as they would have been discussed in his time as a member there so I am sure that he would have that knowledge, I myself do not and I would suggest that if this is coming on later in the day as a motion to be brought forward, maybe the full discussions will take place then. But, as I say, this business of companies and the attachment to the land is irrelevant in planning issues. The Buyer's Guide may or may not have been very influential. There were other notes and reports attached to the planning application.

The President: A final supplementary, I think. Hon. member for Onchan, Mr Karran.

Mr Karran: Eaghtyrane, would the minister then not agree that people outside this hon. Court will find it scandalous that a major part of the original planning application, which is stated in the planning application, has gone missing or was under the wrong documentation for a company that did not exist when the planning application was put in? And would she not agree that in any other democracy that would cause sufficient concern for a public inquiry to take place, because the original documentation for the planning application for this development does not exist? Can she tell me how many other planning applications there are where the original documentation has walked out of the Department of Local Government's Office in its planning section?

The President: Minister to reply.

Mrs Crowe: Well, I hope no documentation will walk out of the department whilst I am there as minister. However, I do not know that this Buyer's Guide has walked out of the department. I feel certain that I can make enquiries during our recess and see what information I can gather, as once again the hon. questioner is putting forward the fact that there is another company named on this documentation.

Mr Karran: That did not exist.

Mrs Crowe: The planning application attaches to the land and not the company.

Mr Karran: It did not exist.

Mrs Crowe: It does not matter.

Local Authority Homes – Sale to Tenants – Question by Mr Duggan

Question 27. The hon. member for Douglas South (Mr Duggan) to ask the Minister for Local Government and the Environment:

Will your department consider the sale of local authority homes to sitting tenants?

The President: I call upon the hon. member for Douglas South, Mr Duggan.

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

The President: Again I call on the Minister for Local Government and the Environment, Mrs Crowe, to respond.

Mrs Crowe: Thank you, Mr President. The current policy of the Department of Local Government and the Environment in respect of housing is to offer appropriate incentives to encourage the extension of home ownership and also to ensure the provision of much needed public sector housing for rent for those who cannot afford the private sector costs. The Housing Policy Review Report 1999 identified issues which required to be addressed and set out a series of recommendations which are now being actively pursued to provide housing in identified areas of need.

In keeping with the recommendations in that report, the department has initiated a programme to provide an average of 400 new homes each year over a five-year period, which includes 80 first-time buyer units and 80 new or replacement public sector units per year, and indeed my department are endeavouring to accelerate this programme. New affordable homes have been developed at Harcroft Meadows, Lonan, Andreas and the Strang in partnership with private developers, together with new private public sector homes which are being constructed at Lower Pulrose, St. John's,

Port St Mary, Castletown, Snugborough and Onchan. Our programme is well under way. My policy will be to continue the encouragement of home ownership to reduce the demand for public sector housing and to provide incentives for existing public sector tenants to move into property ownership and so free up homes for rent. The provision of additional public sector accommodation for senior citizens will also help free up larger properties for families requiring homes for rent.

Mr President, the department's capital programme is now well under way and is aimed at meeting the policy that I have just briefly explained. The department therefore has no plans at this time to consider the sale of local authority homes to sitting tenants, as this would counter the overall policy strategy. I do believe that there are some benefits of promoting home ownership in public sector estates, but in view of the current demand for affordable housing and the need to improve many of our public sector estates, I believe any advantages at the moment would be far outweighed by the disadvantages.

The President: Hon. member, Mr Duggan.

Mr Duggan: A supplementary, Mr President. I thank the minister for her reply, but could the minister assure the Court that she will look into the United Kingdom's scheme where there is a system there where people can buy their own council homes or local authority houses? There again, as I say, I think it is a good thing to have that option, sir, and I think that should be looked into by the department and I think it is only the rights of people that they should have that opportunity if possible.

The President: Minister to reply.

Mrs Crowe: Thank you, Mr President. Indeed, I have been looking into the United Kingdom's experiences and some of them have been successful; unfortunately some of them have been far from successful but I will continue to look into that.

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

Mr Cretney: Yes, thank you, Mr President. Could I ask the minister, would she be prepared to consider a scheme whereby persons who currently live in local authority houses and who may wish to purchase a home but whose age militates against a traditional mortgage thereby possibly freeing up local authority houses for the many people on housing waiting lists? Could I indicate to the hon. minister that this is something that was included in the housing report when the hon. member Mr Brown was the Minister for Local Government and the Environment and nothing has happened about it since.

A Member: Hear, hear.

The President: Minister to reply.

Mrs Crowe: Yes, I am pleased to be able to say that we are looking at a number of different schemes to help people into home ownership, and those may well be long-standing public sector tenants whose age now militates against getting a mortgage. We are also looking at different schemes to encourage other sectors to get into home ownership if at all possible.

Two Members: Hear, hear.

Footpaths – Action to Clear – Question by Mr Delaney

Question 28. The hon. member of the Council (Mr Delaney) to ask the Minister for Transport:

As you will be aware, because of lack of use due to the foot-and-mouth problems, our footpaths and rights of way are overgrown; what action will be taken to ensure their good repair and condition for ramblers and walkers for spring and summer 2002?

The President: I call upon the hon. member for Council, Mr Waft.

Mr Waft: Thank you, Mr President. I beg to ask the question standing in Mr Delaney's name.

The President: I call on the Minister for Transport to reply, Mr Shimmin.

Mr Shimmin: Thank you, Mr President. My department was unable, for the reason members will readily appreciate, to maintain the rural rights of way during the summer of 2001 to the higher standard of maintenance which had been adopted the year previously. Since the removal of the foot-and-mouth access restrictions, my department has utilised both its own workforce and employed a number of private contractors to clear the backlog. This work will continue as a priority until all public rights of way are clear for public use.

Due to the absence of the hon. mover of the question and in the hope he may be well enough to be listening elsewhere, I would add some further supplementary information which may be of assistance. There have been two Department of Transport work gangs and four contractors' gangs engaged since the lifting of the foot-and-mouth restrictions. I am advised that the Millennium Way, the coastal footpath and the disused railway lines have all been cleared. The clearance work will continue to run into this season's maintenance work on all rights of way and, despite the low expenditure on rights of way maintenance in the early months of the 2001-2002 financial year, the current expenditure to 24th January has been £148,000 out of a normal budget of £210,000. In January we have expended £37,000. I would also ask all hon. members that if there are any specific problem areas, if these can be reported to the

department's right of way officer, then they will receive priority treatment, sir.

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

Mr Waft: I thank the minister for answering the question.

**Road Traffic Commissioners –
Last Annual Report –
Question by Mr Cannan**

Question 29. The hon. member for Michael (Mr Cannan) to ask the Minister for Transport:

On what date was the last annual report of the Road Traffic Commissioners presented to Tynwald in accordance with section 25 of the Road Traffic (Public Services Vehicles) Act 1964?

The President: I call upon the hon. member for Michael, Mr Cannan.

Mr Cannan: Mr President, I beg to ask the question standing in my name, sir.

The President: I call upon the Minister for Transport, Mr Shimmin, to reply.

Mr Shimmin: Mr President, section 25 states 'The Commissioners shall make an annual report to Tynwald on their proceedings containing particulars with respect to such matters as Tynwald may direct.' I am most grateful to the hon. member for drawing to our attention the fact that this procedure has not been complied with for a number of years. Following investigation by my department, I can confirm that the last annual report of the Road Traffic Commissioners was presented to Tynwald and was the report in respect of the year ending 31st March 1991, which was presented at the May 1992 sitting of Tynwald. I can only apologise for this omission and I shall be drawing the Road Traffic Commissioners' attention to the fact that a large number of their annual reports are outstanding, and I will be requesting them to investigate and report the reasons for this oversight.

The President: Hon. member for Michael, Mr Cannan.

Mr Cannan: Would the minister agree that part of the problems associated with the road transport and public services vehicles that we have had in recent years can be that there has been no proper report to Tynwald and thence to the public to determine their policy?

The President: Minister to reply.

Mr Shimmin: Although this has got a long history, Mr President, I am not fully aware of all of the problems and the causes of those problems. However, I do have the report I referred to in 1992; it is a fairly flimsy document and I believe that the information contained within it is really just a report of the six meetings held during that year. I think the information that is contained there would be insufficient to satisfy some of the concerns raised on other matters, sir.

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

Mr Henderson: Thank you, Mr President. Would the hon. minister not agree with me that a commission acting without any apparent accountability is an absolute shambles and that that points to many of the problems we have been experiencing lately with minibuses acting illegally, or apparently illegally, within the Douglas area, and would he further concur with me that many of those commissioners are now going to form the new commission, and will he agree to relook at the situation of the membership of this commission?

The President: Minister to reply.

Mr Shimmin: Mr President, as the hon. member is well aware, Tynwald has now approved the new committee to be established and take up its post; in fact, it has already taken up its post. The shambles that the hon. member continually refers to in this issue underlines that there have been difficulties over many years and the Road Traffic Act and this new committee is intended to try and make some semblance of order out of what he considers to have been an unsatisfactory position. It is true that the chair and the vice-chair of the new committee were at least for some stage on the previous committee. It is one whereby I would urge the hon. member to realise that we are moving forward, not backwards, and any of those issues he continues to refer to are historic and I would like to think that he would assist me in moving the issue forward to everybody's satisfaction.

**Police – 'Operation Safe' – Costs –
English QCs –
Question by Mr Singer**

Question 30. The hon. member for Ramsey (Mr Singer) to ask the Minister for Home Affairs:

In relation to 'Operation Safe':

- (a) *are English QCs involved; if so*
- (b) *what are their fees;*
- (c) *how much has so far been expended on QCs' fees and what is their anticipated final bill; and*

(d) *what costs have so far been expended in relation to 'Operation Safe' and what is the anticipated final cost?*

The President: I call upon the hon. member for Ramsey, Mr Singer.

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

The President: Minister for Home Affairs, Mr Braidwood, to reply.

Mr Braidwood: Thank you, Mr President. In relation to 'Operation Safe', I have been advised that English QCs have been employed by the Attorney-General's Chambers to act as leading counsel for the prosecution with the General Registry employing English counsel, not QCs, for the defence under the auspices of legal aid. The employment of either of these counsels however, is not the responsibility of my department but the relevant individuals being employed, as mentioned previously, by either the Attorney-General's Chambers or the General Registry. The constabulary have had some involvement with the QCs employed by the Attorney-General's chambers in relation to the case for the prosecution.

The information the hon. member for Ramsey, Mr Singer, has requested in parts (b) and (c) of his question do not fall within my area of responsibility. The financial information he is looking for belongs outside of my budget, and I therefore have no visibility of either the fees or the costs being incurred.

In relation to the final part of the question, I can confirm that the costs incurred by the constabulary to date on 'Operation Safe' are as follows: for the period 1999-2000, £145,142; for the period 2000-2001, £20,330; for the period 2001-2002, £10,162, the total cost to date being £175,634. As mentioned previously, it is not possible at this time to estimate the further costs that could be incurred by the constabulary in bringing these cases to a conclusion due to the nature and timing of each. However, I believe that any further costs incurred would not make a substantial difference to the figure I have just provided.

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

Mr Singer: Can I thank the hon. minister first of all for not claiming *sub judice* and secondly for dodging the question. Did he make any enquiries at all about the cost of QCs or is he saying that he does know them but he is not prepared to tell me?

The President: Now, in actual fact, hon. member, I do not think the minister in any way dodged the question. He gave a straightforward answer but minister, you may reply.

Mr Braidwood: Thank you, Mr President. As I have already intimated, it does not fall under the remit

of my department. However, I can inform the hon. member that 17 English counsels have been employed.

The President: Hon. member for Ramsey.

Mr Singer: Can I thank him for that information and I will redirect the question, on finding the cost of these QCs, to the necessary department and I thank him for that.

The President: Hon. member for Onchan.

Mr Karran: Eaghtyrane, would the minister not agree that it is an indictment on this whole House over the need for the 'Operation Safe'? Would he also not agree that the issue of getting a staffed drug squad to the levels to stop the drug culture in this Island would be a far better way of spending the money that is going to have to be spent in the pursuance of this case to stop the drugs getting into the Island? And basic issues such as having a regular drugs dog at the central post office sorting office would be one of the small ways which could help to stop the culture that is on this Island and that it would be better spending it on the resources of policemen than on fat cat English QCs?

The President: Whilst I appreciate where the hon. member is coming from, that is not really a supplementary in relation to the question on the order paper.

Police – 'Operation Safe' – Persons Arrested etc. – Question by Mr Singer

Question 31. The hon. member for Ramsey (Mr Singer) to ask the Minister for Home Affairs:

(1) *How many of those arrested during the 'Operation Safe' initiative have since been imprisoned on drug charges; and*

(2) *in relation to 'Operation Safe', who advised you that discussions on the length of time it has taken cases to come to court is sub judice?*

The President: I call upon the hon. member, Mr Singer.

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

The President: I call upon the Minister for Home Affairs, Mr Braidwood.

Mr Braidwood: Thank you, Mr President. Out of the 46 defendants who were identified within 'Operation Safe', subsequently 45 were charged with drug offences. Three have pleaded guilty in the lower court for 'Operation Safe' and all received custodial sentences, one of which was suspended; three have

pleaded guilty at the Court of General Gaol and received custodial sentences; two defendants had their charges withdrawn; one defendant was acquitted at court; one has pleaded guilty and is currently on remand at the Isle of Man Prison awaiting sentence; and one defendant has since died of a drug overdose.

To answer the second part of the question, I received my advice from the constabulary. The police have access to legal advice from Her Majesty's Attorney-General's chambers and the Queen's Counsel representing the prosecution. Extreme care has to be taken by the prosecution, and indeed all other parties involved, not to jeopardise the defendants' right to a fair trial. Of major concern here is the release of any information that may influence a jury. Such debates, even here in Tynwald, should therefore be avoided. There will be opportunities post-trial to fully debate the issues.

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

Mr Singer: Mr President, can I say to the hon. minister, I have quite specifically not asked for any names, but is it a fact that of those people who were put out on bail and have been waiting these two years or so for trial, some of them have since been gaoled for committing further drug offences or a drug offence out on the streets since that time of 'Operation Safe'?

The President: Minister.

Mr Braidwood: Thank you, Mr President. I think the learned Attorney-General, in answer to his question this morning, intimated you have to walk a very fine line, and I do not want to make any comments which could jeopardise the case.

Post Office – Isle of Man's Designation – Question by Mrs Hannan

Question 32. The hon. member for Peel (Mrs Hannan) to ask the Chairman of the Isle of Man Post Office:

When did the Isle of Man become a 'town' in England?

The President: I call upon the hon. member for Peel, Mrs Hannan.

Mrs Hannan: Eaghtyrane, I beg leave to ask the question standing in my name.

The President: I call upon the Chairman of the Isle of Man Post Office to reply, the hon. member Mr Quine.

Mr Quine: Thank you, Mr President. I assume the hon. member's question relates to the inclusion of the Isle of Man in the United Kingdom postcode

database, more commonly referred to as the postal address file, which is a computerised system. The postal address file is owned and operated and maintained by Consignia, formerly titled the United Kingdom Post Office. Access to the United Kingdom domestic postal network is essential for the movement of some 75 per cent of the Island's mail.

This database is structured to include the minimum information required to efficiently route and deliver an item of mail. Until two years ago the primary entries in this database were postal code, county, town and street. At that time the Isle of Man was coded as a county. In the year 2000, the county classification was removed from the database, being surplus to the United Kingdom requirements. The Isle of Man was offered the alternatives of retaining the nine-town classification only or designating the Isle of Man as a post town. Rather than have all reference to the Isle of Man deleted from the postal address file, the Isle of Man Post Office opted for the latter course of action - I might add that Jersey and Guernsey did likewise. It is essential that the Isle of Man addresses be included in the postal address file, given that some 45 million items of mail are exchanged with Consignia annually. Without the use of the postal codes the handling of Island mail could be slower and would be much less certain.

The President: Hon. member for Peel.

Mrs Hannan: Could I ask the Chair of the Isle of Man Post Office if this area of change was passed to the Council of Ministers for their consideration prior to decisions being taken or was the decision taken primarily by the Post Office?

The President: Hon. member for Ayre to reply.

Mr Quine: I am not aware if there was a reference to the Council of Ministers, sir.

The President: Hon. member for Peel.

Mrs Hannan: Could I ask another supplementary, Eaghtyrane? Is the Post Office satisfied that these changes have been in the Isle of Man's interests seeing that we are now classed as just part of England? And also could I ask the Chair of the Post Office, if there is to be a change of postcode in the future for the whole of Man?

The President: Hon. member for Ayre.

Mr Quine: Yes, well first of all, as I intimated in my initial answer, it is vitally important that the Isle of Man be included in the United Kingdom database because of the volume of mail - as I say, 45 million items annually. I can understand the undesirability of having the Isle of Man classified in this fashion, but if we wish to be part and parcel of Consignia's system and to use that network and have the advantage of using their computerised system, then this is the position in which we must be. The hon. member is correct in saying that there is some fine

tuning of the system being looked at at the moment. It does not go to the fundamentals of the hon. member's question but it could, for example, remove such matters as a postal address where we have a parish classified, or subsequently classified, by way of a town postal area. It is that sort of fine tuning so, for example, you could have a current address which is 'Maughold, Ramsey' and this fine tuning would hope to address that so the reference to Ramsey would be removed and it would simply be a Maughold address. That sort of fine tuning is being addressed, but it does not go to the fundamental issue which is raised in the hon. member's question.

The President: Hon. member for Peel.

Mrs Hannan: Thank you, Eaghtyrane. Could I ask the Chair of the Post Office if he is satisfied that this is yet another erosion of the independence of the Isle of Man and it was done without reference to the Council of Ministers, without reference to anyone, it would seem, the Post Office taking an arbitrary decision to do this, and is there any action that either the Council of Ministers or anyone can take to bring back our independence in relation to our postal service?

The President: Hon. member for Ayre.

Mr Quine: Well, first of all I did not say that it had not been referred to the Council of Ministers; I said I did not know whether it had been referred to the Council of Ministers. I share in some ways the dislike of this situation which had been voiced by the hon. member, but if you had the alternative of using this system and you have a choice between having a reference to the Isle of Man included in the file or no reference at all to the Isle of Man in that file, then I think at this point in time the option which the Post Office has exercised is the correct one - not a happy situation but if we wish to use the facilities of Consignia's file, that is the position which we are in.

The President: Hon. members, the following questions on the question paper 33 to 37, inclusive, I understand are for written answer and the answers have been circulated to you on your desks.

Earnings Survey 2001 - Question by Mr Henderson for Written Answer

Question 33. The Hon Member for Douglas North (Mr Henderson) to ask the Minister for the Treasury -

Following the publication of the earnings survey 2001 in January of this year, would you clarify the figures and give estimated numbers on the following -

- (a) *how many employers were targeted and what percentage of all Isle of Man employers did that represent;*

- (b) *what is the estimated number of economically active adults on the Island and what percentage of this number does this survey represent;*
- (c) *how many people are estimated to be earning less than the average figures quoted;*
- (d) *how many are paid less than £5.00 per hour; and*
- (e) *were there any persons paid less than the Isle of Man £4.10 per hour minimum wage?*

Answer

- (a) As stated in the report on the Earnings Survey 2001, 490 employers were contacted in the private sector and 28 employers were contacted in the public sector making a total of 518 employers. This is approaching 20% of all employers in the Isle of Man.
- (b) The Provisional Report of the 2001 Census shows there to have been 39,701 economically active persons in the Island of whom 33,340 were employees. The report on the Earnings Survey 2001 states that 1,326 forms were sent out so the Survey covered 4% of total employees.
- (c) As stated in the report on the Earnings Survey 2001, 57.5% of full-time employees on adult rates earned less than the average weekly pay.
- (d) Including overtime hours and pay, the report shows 8.7% of full-time and part-time earned less than £5.00 per hour. So around 2,900 employees earned less than £5.00 per hour in June 2001.
- (e) As stated in the report, in June 2001 around 900 employees in the Isle of Man were paid less than £4.10 per hour which is the adult rate of National Minimum Wage introduced in January 2002.
-

Budget - Provision for the Less Prosperous Question by Mr Cannan for Written Answer

Question 34. The Hon Member for Middle (Mr Quayle) to ask the Minister for the Treasury:

Will you make provision in your forthcoming budget for those many people, especially the ones on low incomes, who have not shared sufficiently in the Island's undoubted economic prosperity, in order to avoid social division and disharmony?

Answer

In line with previous practice, I do not propose to make any specific comment in advance of the Budget; it would be inappropriate of me to do so.

However, I am well aware of the issues raised by the question and I am in broad sympathy with the sentiments underpinning the question.

It is an issue that my predecessors have sought to address within the context of the Budget, as part of Government's wider responses to the issue and I will seek to use my time as Treasury Minister to make further progress.

**Road Traffic Commissioners -
Presentation of Accounts to Treasury
Question by Mr Cannan
for Written Answer**

Question 35. The Hon Member for Michael (Mr Cannan) to ask the Minister for the Treasury:

In what financial year was the last annual statement of accounts of the Road Traffic Commissioners presented to the Treasury in accordance with section 24 of the Road Traffic Public Services Vehicles Act 1964?

Answer

Section 24 of the Road Traffic Public Services Vehicles Act 1964 states that:

"The commissioners shall cause proper accounts and other records to be kept, and shall prepare an annual statement of accounts in such form, and containing such particulars as may be required by the Treasury."

The Treasury requires the Road Traffic Commissioners to present their accounts as a single line entry in the Accounts of the Department of Transport. These are presented to Members of Tynwald annually in the document entitled "Detailed Government Accounts" and are subsequently laid before Tynwald in the summarised form of the "Isle of Man Government Accounts".

Therefore the last accounts of the Road Traffic Commissioners to be presented to Members of Tynwald by the Treasury related to the financial year to 31st March 2001 and were presented to Members of Tynwald in May 2001.

**NHS - Hip/Knee Replacements -
Question by Mrs Cannell
for Written Answer**

Question 36. The Hon. Member for Douglas East (Mrs Cannell) to ask the Minister for Health and Social Security:

How many knee and/or hip replacements were carried out on the N.H.S. in each of the following months:-

- | | |
|--------------------|--------------------|
| (a) December 2000; | (h) July 2001 |
| (b) January 2001; | (i) August 2001 |
| (c) February 2001; | (j) September 2001 |
| (d) March 2001; | (k) October 2001 |
| (e) April 2001; | (l) November 2001 |
| (f) May 2001; | (m) December 2001 |
| (g) June 2001; | (n) January 2002? |

Answer

The number of knee and/or hip replacements carried out on the National Health Service in each of the months specified is as follows:-

December 2000	07
January 2001	12
February 2001	09
March 2001	03
April 2001	05
May 2001	06
June 2001	04
July 2001	06
August 2001	08
September 2001	11
October 2001	18
November 2001	12
December 2001	08
January 2002	09

**Agriculture - Foot and Mouth
Restrictions - Compensation -
Question by Mr Cannan
for Written Answer**

Question 37. The Hon. Member for Michael (Mr Cannan) to ask the Minister for Agriculture, Fisheries and Forestry:

Has your Department made a decision to recommend to the Council of Ministers that persons/businesses in the agricultural services industry who can prove severe and lasting damage as a result of the foot-and-mouth restrictions, be provided with financial assistance on the same basis as it has applied to the Tourist industry; and, if so -

- (a) *has the Council of Ministers agreed your recommendation; and, if so*
- (b) *when will the regulations be brought to Tynwald for approval; and*
- (c) *if approved, the date which the regulations will take effect?*

Answer

- (a) The Council of Ministers has reviewed the scope of the Tourism and Leisure Support Scheme approved by Tynwald on 12th July, 2001, and has agreed that a further scheme should be prepared by the Treasury to provide for equivalent financial assistance to small

businesses which can prove severe and lasting damage sufficient to threaten the future viability of the business, as a result restrictions imposed to protect livestock in the Isle of Man from foot and mouth disease. It is the intention that this scheme should apply to businesses in other industries than tourism and leisure, which would include agriculture and agricultural related industries.

- (b) It is my understanding that the target is to bring a new scheme to Tynwald for approval at the March sitting.
 - (c) I understand the scheme would come into effect on, or shortly after the date on which Tynwald approves the scheme.
-