

REPORT OF PROCEEDINGS OF TYNWALD COURT (QUESTIONS)

Douglas, Tuesday, 19th March 2002
at 5.05 p.m.

Present on this day:

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

In the Council: The Lord Bishop (the Rt Rev Noel Debroy Jones), the Attorney-General (Mr W J H Corlett QC), Hon Mrs C M Christian, Messrs E A Crowe, J R Kniveton, E G Lowey, Dr E J Mann, Messrs J N Radcliffe and G H Waft, with Mrs M Cullen, Clerk of the Council.

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 and Mrs B J Cannell (Douglas East); Hon A F Downie and Hon J P Shimmin (Douglas West); Mr D J Gelling (Malew and Santon); Hon J Rimington, Mr Q B Gill and Hon. Mrs P M Crowe (Rushen); with Mr M Cornwell-Kelly, Clerk of Tynwald.

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**Pedlars and Street Traders Act –
Procedures for Off-Street Licensing**

Question by Mr Henderson

Question 1. The hon. member for Douglas North (Mr Henderson) to ask HM Attorney-General:

What are the criteria and procedures which have to be met and followed for a local authority, e.g. a borough council, wishing to designate an area within their boundaries to come under the remit of the Pedlars and Street Traders Act 1906, as amended, and cause any trading off the highway within that area to have a valid licence in pursuance of the requirements of this Act?

The President: I call upon the hon. member for Douglas North, to ask the question standing in his name.

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

The President: Mr Attorney to reply.

The Attorney-General: Yes, thank you, Mr President. The short answer to the question from the hon. member is that the local authority must follow the criteria and procedures stipulated by the Pedlars and Street Traders Act 1906, which was substantially amended by the Street Traders (Amendment) Act 1998. The legislation requires that no person shall trade in a street within the meaning of the Act unless he is licensed by the local authority. Before the licensing requirements can apply, the local authority must consult with such persons as appear to the local authority to be likely to be substantially affected and obtain the consent of the Department for Trade and Industry. The order must be approved by Tynwald before it can come into operation. After the order is made and approved by Tynwald the local authority must, as soon as is practicable after the date on which the order comes into operation, give public notice in one local newspaper and by a printed notice displayed in each designated street for a period of seven days.

The President: Hon. member for Douglas North.

Mr Henderson: Thank you, Mr President. I thank the learned Attorney for his straightforward answer on this issue. Would he agree with me that this is a relatively simple process to put in place if a local authority was so minded to do so, and could he confirm that to do the noticing process that he has just indicated and the consultation process is not an expensive or complicated procedure but fairly straightforward to carry out?

The President: Mr Attorney.

The Attorney-General: Mr President, I hope always that my answers are straightforward and I really cannot add anything to what I have said before, sir.

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

Mr Henderson: Thank you, Mr President. In that case I would further ask the learned Attorney: if an area was so demeaned by various activities, would it be incumbent on a local authority, in his opinion, to actually make application for that area to come under the Pedlars and Street Traders Act?

The President: Mr Attorney.

The Attorney-General: I am sorry, Mr President, I did not quite catch the first part. If a local authority were to be . . . was it demeaned?

Mr Henderson: No, Mr President, if an area which was under a local authority's responsibility was so demeaned by an activity of street trading who were unlicensed, would it be incumbent upon them then to make application?

The President: Mr Attorney.

The Attorney-General: Yes, indeed, Mr President; in fact, there could well be an offence under the Act of carrying out unlicensed activity.

**Residential and Nursing Homes –
Income Support for Residents –
Question by Mr Houghton**

Question 2. The hon. member for Douglas North (Mr Houghton) to ask the Minister for Health and Social Security:

Is your department willing to adjust the formula of £1 per week for each £250 of capital in excess of £10,000 when calculating a claim for income support for persons residing in residential or nursing homes by revising the capital sum of £1 per week for each £1,250 in excess of £10,000 which would represent an acceptable comparison with today's interest rates?

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

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

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

Mrs Christian: Mr President, the department keeps under regular review all aspects of the social security system. I confirm, however, it has no plans for modifying this particular element.

The President: Hon. member for Douglas North.

Mr Houghton: Thank you, Mr President, and I thank the hon. minister for circulating papers explaining the situation, which of course we can all read and study in our time. However, may I ask that careful consideration is indeed given to this matter in view of today's diminishing interest rates and that the formula used by the department to calculate this method of capital allowance in order to assess a pensioner for income support is seriously deficient? Does she agree with my contention and, if so, would she please consider reviewing the formula accordingly, sir?

The President: Minister to reply.

Mrs Christian: Mr President, I have had circulated to hon. members a briefing note on this issue because it is a complex matter dealing with a considerable amount of numbers, and it is probably easier, therefore, for members to review the paper in their own time. However, what I would do is perhaps highlight to hon. members the essence of the paper, and that is that in terms of income support the principle is that claimants for income support are entitled to retain an element of non-housing capital, but where they have capital above that figure, indeed people with high capital holdings, they are expected gradually to use up their capital to support their costs in residential care. Now, the hon. member has proposed in his question a change which would mean that a person with non-housing capital of up to £423,000 would still qualify for income support. I hope hon. members will take the time to read the paper and appreciate that point. It is not my belief that it would be the will of this Court that a person with such a substantial amount of capital should be the recipient of income support, the fundamental purpose of which is to support people on low incomes and with modest capital holdings. I therefore do not propose, Mr President, that we should change the structure that we currently and for some time have been applying.

The President: Hon. member, Douglas North.

Mr Houghton: Thank you, Mr President. My only comment in the form of a question in light of the hon. minister's comments on that is that there would simply be a ceiling of an upper value of capital and therefore that would deal with the issue. Does the hon. minister not agree with that and therefore does that not give good credence and reason for reviewing this whole situation, sir?

The President: Minister to reply.

Mrs Christian: Mr President, if it was the hon. member's intention to propose that we increase the amount of capital which is disregarded, perhaps he could have formulated his question to ask that question. He did not ask that; he proposed that we changed the

formula for attributing income to the capital which a person holds, which is a completely different matter. If the hon. member is suggesting that we look at the exempt capital I will be happy to take a review of that position, Mr President.

Health Services – Overspend on Nursing Staff – Question by Mr Houghton

Question 3. The hon. member for Douglas North (Mr Houghton) to ask the Minister for Health and Social Security:

What is the current amount of overspend by the Health Services Division regarding the provision of hospitals' nursing staff in this financial year?

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

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

The President: Again it is for the Minister for Health and Social Security to reply.

Mrs Christian: Mr President, I can confirm that currently the expenditure on nursing salaries in the hospital service is within the approved budget. However, current projections are indicating that at the end of this financial year nursing salaries will be overspent by approximately £800,000, which equates to 4.1 per cent of the overall nursing vote.

The President: Hon. member Mr Houghton.

Mr Houghton: Thank you, Mr President. May I ask the hon. minister, how much of the stated projected overspend is attributable to the employment of agency nurses, sir? And does she agree that charges by agencies in respect of provision of agency nurses are indeed excessive, and can she inform this hon. Court the value of the administration charges on an hourly rate and what action does she propose to take to reduce the excessive use of agencies in the provision of nursing services by employing direct labour as a consequence, sir?

The President: Now, minister.

Mrs Christian: Mr President, I will endeavour to answer the question. It would be the case that the majority of this overspend would be attributed to agency nursing because there was no budget originally specifically for agency nursing. The hon. member expresses the view that the department should be taking steps and be, indeed, concerned about using agency nurses, and the hospital management are giving consideration to the ways in which they can better manage the use of agency staff, but I think we should be careful not to oversimplify this issue, Mr President.

One significant factor in using agency nurses is that there is a more readily available market in terms of recruiting agency personnel to hard-to-fill posts. In other words, individuals who are particularly specialised and have specialist skills in a market where there is a shortage of those skill, are offering their services, not as individuals responding to adverts, but through agencies.

Now, in previous years, we perhaps recruited directly. These people are now available much more through agency facilities and indeed we use them to fill hard-to-fill posts and covering areas such as maternity leave. In previous years, where we have not recruited in this way it has often led to beds being closed and on occasions elected appointments being delayed. We have to choose whether we want to continue to run the service, in which case we will require to employ agency nurses and if we choose not to use them then it has an impact on services.

So far as the department is concerned, the other concern is that staff who are employed by the department have in some areas elected to offer their services for overtime, not as overtime work under their contract with us but as agency staff. That is a matter of concern and indeed adds to costs, but they are free agents and that is a matter for them to decide how they offer their services to us.

Insofar as the use of agency staffing is concerned, it is not unusual in terms of the NHS. In fact I would suggest that it is much more prevalent in the United Kingdom than it is here. Our overall costs in respect of nursing agencies use is 5 per cent of the overall nursing budget, which we do not consider to be excessive, bearing in mind that we want to keep our services running.

The President: Hon. member for Douglas North.

Mr Houghton: Thank you, Mr President. The hon. minister makes reference to the fact that there was no budget for agency services. Can she therefore advise this hon. Court, how many years have agencies been used by Noble's Hospital? And does she further not agree that the use of agency nurses, who pay a higher rate than nurses directly employed, is having a serious and detrimental effect on staff morale, sir?

The President: Minister.

Mrs Christian: Mr President, the fact is that nursing salaries come under the nursing salaries budget. It is not subdivided in respect of agency nurses, so where we have used agency nurses the payment for them has come out of the nursing salaries budget. The hon. member has indicated that there is concern about the use of agency staff, and I have said that indeed management and the department are concerned about the cost of agency staffing, which is at a premium over the normal salaries. However, we have to balance that against providing care in specialist areas, and I feel quite sure that if the hon. member were given the option either not to provide the service or to buy a

skilled specialist in, albeit through an agency, I would hope that he would opt for the latter option.

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

Mr Singer: Can I ask the minister: while she says it is not unusual for the use of agency nurses and she has told us, however, there was no budget, can she tell me, as she looks forward to the next few years, the future, and going into the new hospital, is there going to be a future budget for agency nurses, because of the terms that she said they like to be employed because they will get more money?

The President: Minister to reply.

Mrs Christian: Mr President, I am not aware that the hospital management have determined to split their nursing bid as between bank and agency. I think it is more sensible simply to continue with a nursing budget and to make efforts to use that to the optimum advantage of the service.

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

Mr Henderson: Thank you, Mr President. Could the minister confirm that the concern here is not about balancing books against care, it is about inefficient management and their appropriate use of funding?

Mr Houghton: Hear, hear.

The President: Minister.

Mrs Christian: Mr President, I do not accept the comment of the hon. member, which is fairly predictable, I do not accept that it is inefficient management and I would refute any suggestion that that is the case. The situation is, as the hon. member well knows, that there are some skills areas where there is a shortage - worldwide, if you like - of particular skills and, if we want them in the Island, then there is a premium to be paid. We would clearly prefer not to have to pay it and indeed it concerns me the approach that has been taken by some members of staff in only doing overtime through an agency. Perhaps the hon. member would care to reflect his views on that situation, but the fact is that we want to keep the services operational, Mr President.

Rehabilitation Services – DHSS Review – Question by Mrs Cannell

Question 4. The hon. member for Douglas East (Mrs Cannell) to ask the Minister for Health and Social Security:

- (1) *When will the department's comprehensive review of rehabilitation services be completed; and*
- (2) *when can members of Tynwald be informed of the findings?*

The President: The hon. member for Douglas East, Mrs Cannell.

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

The President: Again I ask the Minister for Health and Social Security, Mrs Christian, to reply.

Mrs Christian: Yes, Mr President, the rehabilitation services review to which the hon. member refers was presented to a recent meeting of the department's Health Services Policy Group. The review is internal to the department, its purpose being to inform service developments within the National Health Service in accordance with the business planning approach for the development of rehabilitation services over the next five years. Proposals for the future development of services as part of the department's budgetary process will be submitted in accordance with the overall strategy objectives, although as always - and I make no apology for repeating this straight after the budget, Mr President - progress is dependent upon priority assessments being undertaken, having regard to the competing demands within the health service and the resources available.

The President: Hon. member for Douglas East.

Mrs Cannell: Thank you, Mr President. Can the hon. minister therefore give some reassurance today as to whether or not the internal document to which she has just referred has considered enhancing support for stroke victims and their families, as was indicated might be the case in answer to a question in another place by a member of her department?

The President: Minister to reply.

Mrs Christian: The question, Mr President, of those specific posts obviously has been considered along with many other areas of rehabilitation and their requirements, and that is clearly a multi-disciplinary area. The review does not specifically recommend the appointments that the hon. member has asked about on previous occasions and again today; it makes proposals in relation to a medium-term development involving a consultant physician in rehabilitation medicine and a rehabilitation service co-ordinator. There is no specific recommendation concerning the appointment of any other posts. Suffice it to say, though, that we need to continue the work which has been started and has seen much improvement over recent times of multi-disciplinary working to produce the most effective outcomes that we are able to do

with the various teams who are involved in rehabilitation.

The President: Hon. member for Douglas East.

Mrs Cannell: Thank you, Mr President. Would the hon. minister accept from me that there will be great disappointment with her response in respect of this issue today, and can she further advise, given that she met with the Stroke Foundation people in the United Kingdom when they were present here in the Isle of Man along with the local group some two years ago, how she hopes to fulfil the obligation which they felt they had received from your goodself in terms of providing enhanced facilities and services for them? They were promised two years ago, minister, they provided you with a report and they are still waiting. How are you going to satisfy their need?

The President: Minister to reply.

Mrs Christian: Mr President, I am not unsympathetic to the arguments put forward by that group. I have learned from experience that I do not make promises which cannot be fulfilled and no commitment has ever been given in respect of those posts. I have certainly expressed sympathy for their wish to have a development of this kind; indeed, I would support the provision of such services. What I have referred to today, Mr President, is the fact that we have had a review, and I have told the hon. member what the review has said. That is not to say that there is not a very considerable report saying how we can or should seek to develop this service over a five-year period.

I could bring a pile of documents this high from every service area which has produced a five-year plan. I can tell you now, straight after the budget, that in terms of the millions which the hon. Treasury minister has not had at his disposal, many of them were claims from my department for the improvement of services. If we have not got the money and we have not got the posts it cannot be done and we have to prioritise. That is not to say we should not be positive and that we do not want to improve these things but, as I said earlier today, we have got to start getting real about how fast we can expand on all these fronts.

**DHSS – Handicapped –
Provision of Core-and-Cluster
Accommodation –
Question by Mrs Cannell**

Question 5. The hon. member for Douglas East (Mrs Cannell) to ask the Minister for Health and Social Security:

Has the department considered incorporating 'core-and-cluster' accommodation for the handicapped community into the overall policy of provision as recommended in the Select Committee on the Petition

for Redress of Grievance of Jill Dugdale report approved at the October 2001 sitting of Tynwald?

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

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

The President: Again the Minister for Health and Social Security to reply,

Mrs Christian: Mr President, the department's current policy flows from the policy endorsed by Tynwald in its adoption in June 1991 of the document 'Strategy for Health and Community Services in the Isle of Man'. The policy was that people with learning disabilities would be housed in the community in ordinary houses in ordinary streets. The department did accept the recommendations of the Select Committee on the Petition for Redress of Grievance of Jill Dugdale. Recommendation 3 suggests that the department investigate methods of providing a 'core and cluster' which would include a few residential units, together with a workshop, meeting place facility. This is currently under active consideration.

The President: Hon. member for Douglas East.

Mrs Cannell: Thank you, Mr President, and I welcome the minister's response to that particular question today. Could I just merely ask her, would she please have the courtesy of keeping me informed as and when the investigation is being considered and what the outcome is likely to be?

The President: Minister.

Mrs Christian: Mr President, I can inform the hon. member now that the way in which the department is seeking to progress involves discussions with DoLGE to see if the building development which they are proposing and moving ahead with at Cronk Grianagh in that development can enable our department to have some of the units which they are building, which would then sit alongside the two bungalows which we currently have up there, along with a proposal from Manx Mencap that they would wish to develop a building on land which we may be able to facilitate them obtaining, but that depends partly on Mencap making a proposal to us and their agreement with other charities as to what is the best decision to make in that particular area.

The President: Hon. member for Rushen.

Mr Gill: Thank you, Eaghtyrane. Will the hon. minister please confirm that her department accepts the principle of treating members of our community with a learning disability according to individual need and this consideration would presume against a policy

which lumps such individuals together, when such an action would be contrary to such assessed needs?

The President: Minister.

Mrs Christian: Mr President, I am happy to endorse the comments of the hon. member. What I think we see here is something of a compromise between the department's stance in that we wish to see people treated as individuals and assessed on their needs and integrated fully into our community. At the same time there are a group of people who wish to see that there are homes within reasonable distance of one another. It is not the department's view that we wish to have an enclave which is somehow fenced off or isolated from the rest of the community, and I think the proposals that we are following at the moment - that we have two bungalows there that we might be able to obtain and a small number of bungalows in the Cronk Grianagh development which is near there - it would be within the part of the general community, not in any sense isolated - would at least give the people in those homes the opportunity to communicate with each other easily and perhaps make use of the community facility which Mencap is seeking to develop.

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

Mr Houghton: Thank you, Mr President. I welcome the hon. minister's assertions today for construction of a core-and-cluster development close to those two bungalows at Cronk Grianagh, but does she not indeed own that land that those two bungalows are on and own the rest of the field which was in the past the Mannin Infirmary building, which of course was demolished many years ago? Does her department not own that land and would that not be the ideal place to put such a development, sir?

The President: Minister.

Mrs Christian: Mr President, indeed the department does own that land but, as I have told this hon. Court at an earlier sitting, that is dedicated for the purpose of building an EMI Unit and those plans are in today's budget, sir.

The President: A final supplementary - hon. member for Douglas East, Mrs Cannell.

Mrs Cannell: Thank you, Mr President, in order to be helpful for the hon. minister and new members of this hon. place, would the minister not agree with me that although at the moment the present situation is that each individual handicapped person is provided with accommodation and it is based on needs assessment, the select committee report introduced a greater measure of choice, affording a greater choice in terms of a wider choice of available accommodation and that a core and cluster is an attempt to create that extra choice and that that is

what the select committee report was all about, minister?

The President: Minister to reply.

Mrs Christian: Mr President, my understanding of the select committee report was that indeed what we are seeking to do now is what the report sought - that is, to have small numbers of houses perhaps within easy access of one another. Indeed that already had been the case with a number of our other houses. What perhaps we disagreed on with the original proposal was that many of these houses would be put together along with the workshops and community facilities, which were isolated from the rest of the community. I think the select committee's report represented a meeting of the ways between the two views and I do believe that we are pursuing what the select committee required of us to do.

**Ballamona – Day Centre Patients –
Transportation –
Question by Mrs Cannell**

Question 6. The hon. member for Douglas East (Mrs Cannell) to ask the Minister for Health and Social Security:

How are patients who attend the day centre at Ballamona accommodated in terms of transportation to and from the centre?

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

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

The President: Mrs Christian to reply.

Mrs Christian: Mr President, the elderly day care services for mental health employ a flexible needs led approach to transportation. On referral to the day care services a registered nurse discusses with the client and carers the safest, most convenient method of transport to and from the facilities. The day care services do have a minibus available for the transportation of clients who have been assessed as safe to get on and off with minimal assistance. The safety assessment is in line with the safe movement and handling practices and is conducted on all clients who wish to use the minibus. The safety assessment is reviewed at regular intervals.

The President: Hon. member for Douglas East.

Mrs Cannell: Thank you, Mr President. I welcome the response from the minister, but would she not agree with me that in terms of the daytime provision at the former Ballamona Hospital site there is no such minibus that will accommodate patients who have a mobility problem, e.g. who have to arrive

and depart in a wheelchair, and as a consequence to that, it is placing a terrible financial burden on families having to hire specialist taxis to accommodate their relative to and from a day centre possibly two or three times a week, and would she please look at it in terms of the correct vehicle being available to accommodate those very needy cases?

The President: Minister to reply.

Mrs Christian: Mr President, I accept that not everybody who goes to the day centre can safely be accommodated in the minibus. There are a number of other options: people drive themselves there; they use their carer's car; indeed, some of them come in a disabled taxi. I think the point that the hon. member is raising is that in some cases there is a financial burden involved. I will certainly take up with staff that situation, to establish where they feel that this may be impinging on anybody's attendance at the centre, but I have not had that raised as an issue with me to date.

The President: Hon. member for Douglas East.

Mrs Cannell: Thank you, Mr President. I am most appreciative for the response from the minister but, in order again to be helpful, will the minister please take on board that I have a particular case where a person was having to travel from Onchan to Ballamona at a cost of £30 per day by specialist taxi that can accommodate her wheelchair, and will the minister acknowledge that the incapacity component paid in such cases or any other benefit that is provided by her department in no way covers such expenditure for vehicles to take them to and from a day centre, which is necessary for their well-being?

The President: Straying into an individual case, minister. It is entirely up to you how you wish to answer.

Mrs Christian: Mr President, I would be concerned at that level of expenditure being charged for such a journey. However, I will certainly take that into account.

**Bereavement Allowances –
Age Criteria –
Question by Mr Henderson**

Question 7. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Health and Social Security:

Will you consider lowering the age criteria for bereavement allowances in certain circumstances?

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

Mrs Christian: Mr President, bereavement allowances are a reciprocal benefit with the United Kingdom under which persons resident in one country may qualify for the allowance on the basis of contributions paid in the other, and persons in receipt of the allowance may transfer residency to the other country and continue to receive it without the necessity to reapply for it. There are financial adjustments between the two countries to ensure that the country which has received the national insurance contributions that give title to bereavement allowance bears the cost of that allowance. In order for these financial adjustments to operate it is essential that the rules relating to and rates of bereavement allowance are identical. The department, therefore, is not prepared to vary the age criterion.

The President: Hon. member Mr Henderson.

Mr Henderson: Thank you, Mr President. I thank the minister for that response, but would she not agree to undertake a review of the current system and perhaps implement a local agreement so that in certain deserving cases folk under 45 would be able to be in receipt of some sort of local payment in deserving circumstances and especially given that the deceased spouse may well have been paying contributions towards this particular benefit?

Mr Houghton: Hear, hear.

The President: Minister.

Mrs Christian: Mr President, all bereaved persons are entitled to the £2,000 lump sum payment. I take it that the hon. member is not referring to that but to the on-going benefit structure. Of course, that is subject to an age scale in any case. The hon. member seems to indicate that he has knowledge of some circumstances which leave someone in a difficulty. It would be helpful if the hon. member could inform the department of those circumstances so that, if they are to look at this issue, we would understand both the age limit that the hon. member would seek to see and indeed what kind of circumstances he is talking about so that they may be considered. However, it is not easy - well, it is not impossible, but I think we would have to give serious consideration to the justification for adding a parallel scheme which would have to be the case rather than breach the reciprocal arrangements, as indeed there was a parallel scheme in respect of widowers at an earlier date.

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

Mr Houghton: Thank you, Mr President. Does the minister not agree that the withdrawal of widow's benefit and replacement of a lump sum payment is simply swindling those beneficiaries at a time when they need to be adequately supported and, if she does, would she make the appropriate arrangements for those beneficiaries, past and present, to be granted their benefit by weekly order, sir?

The President: Now, hon. members, really that is widening the question too far away from what is on the order paper. Hon. member, Mr Henderson.

Mr Henderson: Thank you, Mr President. I would confirm to the minister that I am not wishing to breach the parallel system for what I am seeking here, but would the minister not agree with me that perhaps this is something that could be looked at in general terms? I can give plenty of specific cases but I am searching in general terms here to some sort of a scheme that would be helpful, especially considering at the last time I asked a question on this there were only 26 individuals involved so it would not be to monetarily onerous on the DHSS to help some needy folk out.

The President: Minister to reply.

Mrs Christian: Mr President, I would suggest that in respect of people who may be in difficulty there are alternative benefits available, and I think that we have got to be careful not to complicate our structures even further by adding on new schemes and structures to what is already a fairly complex matter. The hon. member says that the numbers are low in terms of recipients. The numbers, therefore, who are in extreme difficulty, I would suggest, may be even lower, but I would suggest that they should not be in that kind of difficulty; they should approach the department to see if there are any other benefit structures available to assist if they are in financial difficulties.

Hospitals – Cost Containment Programme – Question by Mr Henderson

Question 8. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Health and Social Security:

Can you confirm that the hospitals manager has initiated a cost containment programme across the board throughout the Island's hospitals, and that spending on:

- (a) *agency staff;*
- (b) *clinical supplies; and*
- (c) *new study leave*

needs to be arrested?

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: Mr President, I can confirm that projected expenditure on hospital services in the current financial year identified a potential overspend situation against budget. Areas where above-budgetary spending has occurred include nursing salaries, clinical supplies and expenditure on training and associated travel costs. In this respect and in accordance with good financial practice, hospital managers have taken steps to address the situation with the purpose of bringing expenditure back into balance, subject as always to ensuring patient care is not compromised.

The President: Mr Henderson.

Mr Henderson: Thank you, Mr President. Taking cognisance of the minister's response, can she confirm that the Island's hospitals manager has initiated a cost containment programme and this is under implementation now, and could she also respond if there are any other cost containment programmes about to be superimposed on top of our health care system?

The President: Minister, I think you did reply, but you are welcome to reply again.

Mrs Christian: Mr President, every department has a budget which is formulated every year and we have moneys voted to us. We are all obliged under financial regulations to try and manage within those budgets. It is a part of the department's process to review its expenditure on a regular basis to see if in any areas we are going far astray from the budgetary provision. The hospitals manager, quite properly, has indicated that there are areas of concern here and that if they are not brought into control in some way, at the end of the year we could potentially exceed the hospital's budget. That is not to say that it is not possible to have virements from areas in which there is an underspend. In fact, that would be the first area in which most of us would look to put this matter right. Indeed, I am quite sure that that is what they are doing. Ultimately there would be a virement possibility as between divisions in the department, but it is, I think, wrong to suggest that it is inappropriate for management to draw attention to service providers in respect of potential overspend. It is our function to manage within our budgets, otherwise there is no point in having budgets.

Specsavers (Douglas) Limited – Appeal – Question by Mr Singer

Question 9. The hon. member for Ramsey (Mr Singer) to ask the Minister for Health and Social Security:

In relation to Specsavers (Douglas) Limited's appeal against the list committee decision to refuse their application, what new evidence was produced that resulted in the appeal being allowed?

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: I call upon the Minister for Health and Social Security to reply.

Mrs Christian: Mr President, the question relates to an appeal lodged by Specsavers 2001 Limited against a decision of the Ophthalmic List Committee to refuse their application for entry onto the ophthalmic list in respect of their premises at 13 Strand Street, Douglas, the refusal being on the basis that the ophthalmic services in Douglas were already adequate.

Under the statutory appeals procedure the appellant is required to submit a notice of appeal containing a concise statement of the grounds of appeal. The department, in considering the appeal, reviewed the overall position in relation to ophthalmic services including evidence submitted by Specsavers in their submission of the high number of patients who had requested a sight test during their initial period of business. The department reached a decision that there was sufficient evidence to show that refusal to allow the inclusion of Specsavers on the ophthalmic list would result in inconvenience to the public of the Island as a whole.

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

Mr Singer: I thank the hon. minister for her answer but as the original refusal, as she says, was on the grounds that the service in the area concerned was already adequate (**Mr Houghton:** Hear, hear.) and in relation to the Appeal Committee decision that the refusal to grant Specsavers a licence would result in inconvenience to the public, how could that be so with six optical practices serving Douglas and Boots Opticians only a few steps from Specsavers premises? Where was this inconvenience?

Mr Houghton: Hear, hear.

A Member: Give them a choice.

The President: Minister to reply.

Mrs Christian: Mr President, it is the right of the appeals body to consider the evidence which has been submitted before it, and that includes the ability to consider whether the service on the Island as a whole is adequate. In terms of the submission by Specsavers concerning the number of people who went to their practice before they were on the list and requested sight tests for which they were willing to pay, it indicated that clearly there was a problem in relation to the service being provided under the NHS within the general provision of services in the Island.

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

Mr Singer: In the light of allowing the Specsavers appeal, why was Miss Sznepka refused permission to open an optical practice in Douglas on the grounds that the service in the area concerned was already adequate, and why was she also refused permission to open in Castletown on the same grounds when there is not even an optical practice in Castletown?

Mr Houghton: Hear, hear.

The President: Minister to reply.

Mrs Christian: Mr President, I think that the application of Miss Sznepka came before the Specsavers consideration. I have not got the information as to why her request was refused except that the hon. member has indicated it was given on the grounds that the services in Douglas were adequate. I cannot say why the list committee did not admit her to the list in respect of Castletown. I do not know whether the applicant appealed. If the applicant did appeal, then I do not have the information about that particular case as the question relates simply to Specsavers. I would simply say that in the circumstances in which her application was considered it was probably not considered by the same appeal body who have evidence provided them on a specific case and it is up to them to make their assessment of that in determining the appeal.

The President: Hon. member for Ramsey.

Mr Singer: Could I, with respect, point out the answer to a question in another place from your department which says that both Miss Sznepka and Specsavers were refused on the grounds that the service in the area concerned was already adequate, and that was from your department's views. But can I also ask the minister, has your department asked that Specsavers' conduct, diabetic screening, glaucoma follow-up and domiciliary visits, as do the present opticians, are without remuneration from your department and if not, are you not concerned that they may intend to cream off the profitable parts of the service to the detriment (**Mr Houghton:** Hear, hear.) of other opticians, reducing those practices' viability and therefore the service to

people island-wide, and do you not believe that in retrospect that the appeal was allowed incorrectly?

The President: I do not think we should get down the road of widening out into an opticians debate. Minister.

Mrs Christian: Mr President, I cannot say whether the conditions which apply to Specsavers cover the areas that the hon. member has identified in relation, I think he said, to glaucoma, diabetes and home visits; I would expect the conditions applied to them would be the same as for everybody else on the list. It is not for me to comment on the determination of the appeal. The appeal procedures were gone through properly, were heard and a decision made. Appeals, like everything else, are a matter based on fact and judgements and a judgement has been made, Mr President.

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

Mr Cannan: Is the minister aware I have been to Specsavers and they provide a first-class service. Thank you.

The President: We take the point. (*Laughter*)

Mrs Christian: I trust the hon. member can now see the light. (*Laughter*)

Myalgic Encephalomyelitis – Adoption of UK Recommendations – Question by Mr Houghton

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

- (1) *Will your department formally adopt the recommendations of the UK Chief Medical Officers' Working Group into ME; and*
- (2) *If so, when and how will it be disseminated to all areas of the NHS?*

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

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

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

Mrs Christian: Mr President, the report to which the hon. member refers was published in January of this year. The department is aware that the working group's deliberations were not without controversy, with several members having resigned from it over

their disagreement with some of the recommendations. Furthermore, the conclusions reached have been the subject of criticism in the medical press over a failure by the group to take account of recent major systematic reviews into ME. The report does however, highlight some relevant issues on diagnosis, treatment régimes and future research in relation to ME. In this respect the department has noted the United Kingdom's Department of Health's endorsement of the view of the working group that there should be no doubt that ME is a chronic illness and that health and social care professionals should recognise it as such.

In conclusion then, Mr President, I can advise that the department does accept that we should accept that ME exists but the department is against accepting the report in its present form for the reasons I have indicated, but it does contain relevant advice on certain aspects of ME and these will be brought to the attention of department professionals and staff who will continue to work with the patient group and fellow professionals who provide care to ensure that the Manx patients with ME receive the best care and support that we can give them.

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

Mr Houghton: Thank you, Mr President. I thank the hon. minister for her comprehensive reply. Can she also confirm that this information will be disseminated right down to the general practitioners, sir?

The President: Minister to reply.

Mrs Christian: Mr President, I have already answered that and said that it will be brought to the department's professional staff and those who work with the patient group - all the professionals who are involved in providing care for that group.

Mr Houghton: Thank you.

**Education –
Proposed Ramsey Primary Schools –
Consultation Procedure –
Question by Mr Singer**

Question 11. The hon. member for Ramsey (Mr Singer) to ask the Minister for Education:

- (1) *Have you completed your consultation procedure in regard to the two proposed Ramsey primary schools; and*
- (2) *With whom did you consult and what were their views in regard to both schools (a) catering for 5 to 11-year-old pupils and (b) one school as infant and the other as junior?*

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: I call on the Minister for Education, the hon. member for Garff, Mr Rodan, to reply.

Mr Rodan: Thank you, Mr President. I can confirm that the consultation process is now complete. The decision-making process is not, but further consideration will be given by the department at its meeting on 25th March.

In addition to having correspondence with various individuals, I have held meetings and consulted with Auldyn Infant School's governors, Albert Road School's governors, a group of parents and Ramsey Town Commissioners. With one or two exceptions, the majority favoured the retention of the present system of separate infant and junior schools rather than two all-through primary schools for 5 to 11-year-olds.

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

Mr Singer: I thank the minister for his answer. As he stated to a previous question in another place that his first consideration that the department was going to make was on educational grounds, can I ask him: how do you determine on educational grounds what type of schools are the most suitable? Have you made any decision on those grounds?

The President: Minister to reply.

Mr Rodan: Mr President, as I have previously advised the hon. member in another place, the department's general policy is to provide all-through primary schools. This is based on national and, indeed, international education research which suggests that generally all-through primary schools are better because the fewer interruptions there are to a child's education, the better the child's progress is likely to be. However, research also shows that separate infant and junior schools can be successful in providing this continuity and it is these considerations which will be considered, as I say, by the department, as it assesses the overall picture as to what is appropriate in education and social terms for the town of Ramsey.

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

Mr Karran: Eaghtyrane, can the Minister for Education give us an assurance that we will not allow the situation that is increasingly concerning many in education, and that we will not allow through this process as far as change in the positions over these schools in Ramsey, because we will end up with more social economic segregation in education? And will the minister assure us that that issue will be addressed as far as this issue that is raised on the question paper, that we must not allow a situation where we have local authority housing estate schools and private sector

housing estate schools and that issue must be part of the equation in any deliberations over this subject?

Mrs Hannan: Hear, hear.

The President: I doubt, in fact, if it is attached to the question on the order paper, but minister, you may reply if you wish, sir.

Mr Rodan: Yes, Mr President, it is certainly not the wish or the intention or the likelihood that social and economic segregation will be the outcome whatever the decision reached in Ramsey. Whatever decision is made, that will not be the outcome and I am pleased to give that assurance.

**Clagh Vane, Ballasalla –
DoLGE Home Improvements –
Question by Mr Lowey**

Question 12. The hon. member of the Council (Mr Lowey) to ask the Minister for Local Government and the Environment:

What plans (and timescales) has your department to install central heating and/or modern insulation and/or double-glazing into housing, especially for elderly people, in the Clagh Vane, Ballasalla estate?

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

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

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

Mrs Crowe: Thank you, Mr President. I am aware that much of the Island's public sector housing stock requires substantial investment to bring it up to modern-day standards. There is already a major programme of work currently in place for local authority dwellings which includes the installation of central heating, replacement of windows and kitchens, major repairs to the external fabric of properties and improvement to the environment on estates. Where problems are very severe, we have had funding provided for demolition and total rebuild. Examples of this are Lower Pulrose, the Lezayre Road estate in Ramsey and at Janet's Corner in Castletown.

My department has received in the budget funding for major repairs and improvements to its own estates. It has also recently approved a five-year draft programme for improvements to properties which include new windows, heating systems, kitchens et cetera at the Clagh Vane estate in Ballasalla, and as I have written to the hon. member for Malew and Santon, Mr Gelling, only this week, I will be accelerating as many of these improvements as possible.

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

Mr Lowey: Can I ask a supplementary? Would the minister not agree that houses that were built in the late 1940s - the only repairs that have been done to those houses from the refurbishment programme, as set out by the minister, is in fact that some have had doors and windows? There has been nothing internally done to those. A lot of elderly people are actually suffering at this moment in time from the cold. Would she not agree?

The President: Minister to reply.

Mrs Crowe: Yes indeed, Mr President, I would totally agree and in fact, when appointed minister of DoLGE, I was amazed at the condition of the public sector housing stock on this Island (**Members:** Hear, hear.) and I shall be doing my best to improve it as swiftly as I possibly can.

The President: Hon. member for Malew and Santon, Mr Gelling.

Mr Gelling: Yes, I am quite sure my hon. colleague will not mind me coming in on the back of the question, but could the minister be perhaps a little bit more explicit in what is going to happen there? Certainly the problem that I would put to her is not what is going to happen, but are any more going to be demolished? There are people who want to spend money on them - they have seen a terrace disappear and they are now worried that theirs is going to be next and they are worrying about their own investment in their own homes and I would think if they could make that clear it would also be very beneficial.

The President: Minister.

Mrs Crowe: Thank you, Mr President. Yes indeed, I too am concerned at the lack of information given to all tenants of public sector housing, and in fact we are trying to institute a newsletter to all our tenants; in fact, the Clagh Vane newsletter is on its way to the residents at this time. I think it is most important that people are fully informed about what is likely or what may not happen to their homes.

**Villa Marina – Compensation Talks –
Question by Mr Lowey**

Question 13. The hon. member of the Council (Mr Lowey) to ask the Minister for Local Government and the Environment:

- (1) *When will the outcome of the Villa Marina compensation talks be finally resolved; and*
- (2) *Why has it taken nearly two years to complete them?*

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

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

The President: Again, it is for the Minister of Local Government and the Environment to reply.

Mrs Crowe: Thank you, Mr President. I am most grateful to the hon. member for Council, Mr Lowey, for putting this question down for answer today because it gives me an opportunity to provide this hon. Court with an update of the present position and an indication of the efforts being made by my department to progress this matter. If I may, I will take the second part of the question first, because that will lead me naturally to answer the first part.

As hon. members will recall, the attempts by my department and the Department of Tourism and Leisure to progress a scheme jointly with the Douglas Corporation for the refurbishment of the Villa Marina complex was continuously frustrated, and in the end it had to be abandoned. This then led to this hon. Court directing my department to promote legislation to bring the Villa Marina complex into government ownership. This occurred when the Villa Marina Act 1999 came into effect on 14th March 2000. Section 1(4) of the Villa Marina Act provides that the appointed day order would be not later than three months after the passing of the Act.

The transfer of ownership to the Department of Tourism and Leisure took place on 14th March 2000. Section 3 of the Villa Marina Act 1999 provides that the level of compensation to be paid to the corporation is to be determined in accordance with part 3 of the Land Acquisition Act of 1984 and it is to be paid into the borough fund. Unfortunately there has been a delay in obtaining from Douglas Corporation an agreed inventory for valuation purposes partly because some of the equipment at the Villa Marina was loaned by third parties and not owned by Douglas Corporation. Discussions took place which resulted in agreement as to precisely what was to be included for the purpose of assessing compensation.

This matter was not finally resolved until January 2001. The surveyors acting for government then arranged to meet with the corporation's agents and I understand that the meeting took place on 18th February 2001. At that meeting the corporation's agents raised a legal point which required resolution before the two parties could begin to arrive at a figure upon which an agreement for compensation might be reached.

I have to say that it would be far preferable if my department, which was given responsibility for dealing with the compensation issue, and Douglas Corporation could agree on a realistic and fair figure rather than having to go to arbitration hearing, but there is little optimism that this will be achieved, even though such an outcome would represent savings in costs and expenses to both.

The Attorney-General provided most helpful and detailed legal opinion on 19th February 2001 setting out the basis upon which the compensation should be assessed in accordance with the Villa Marina Act. He also agreed that this opinion could be supplied to the corporation's advisers by the department and it was so provided.

Since that time little, if any, progress has been made in spite of pressure exerted by my department on a number of occasions to expedite this matter. On 14th December 2001 the learned Attorney-General had a 'without prejudice' meeting with the legal adviser acting for Douglas Corporation when they reached agreement that two parties should invite their respective chartered surveyors to produce three valuations based on three common sets of criteria in the hope that conceivably this might lead to compensation being agreed. Having said that, the two legal opinions were still not at one even at that stage. I very much regret to advise hon. members that, almost immediately following this agreement between the legal advisers as to the way forward, Douglas Town Corporation issued a public statement indicating that it had not agreed to the proposed way forward.

There unfortunately the matter appears to rest. However, I can report that earlier this month the learned Attorney-General was asked by my department to contact the corporation's legal adviser in the hope that the matter could be progressed without any further delays.

For completeness I should remind hon. members that an independent arbitrator was appointed by his Excellency on 5th December 2000 but, as is normal practice, the arbitrator has been waiting in the hope that the two parties might agree a figure for compensation without the need for him to convene a hearing on the Island.

I do apologise for the length of my reply, but I would wish to assure hon. members that the reasons for the delay do not rest at the door of government but elsewhere. I would be delighted if the compensation matter could finally be resolved and the moneys paid over to the corporation, but there is really nothing more that can be done by the department to bring matters to an early conclusion. It is the people of Douglas who are suffering at the moment because the borough fund will not benefit until compensation has been fixed and paid over.

This leads me to the first part of the hon. member's question, and from what I have said I think it will be quite clear that it is very difficult indeed to give any indication as to how long this matter will take to be resolved. I wish that I could be more optimistic about the situation, and I hope that Douglas Corporation will now deal with this matter with a degree of urgency.

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

Mr Lowey: Could I thank the hon. minister for her reply. Would the minister not agree that what she has spelt out is indicative of the history of the Villa

Marina? But would she also not agree that if councillors then make public statements that the government is delaying settlement of this, perhaps the department should respond in a positive vein? And also, to get the correct story out onto the street, is it not a fact that the legal costs on both sides must now be equating to the value of the Villa Marina? And is there not a case here where the department, as the overseer of local government - there must come a time when they must question the amount of legal costs being incurred in the pursuit of what I would call a common goal, which is common justice to the ratepayers of Douglas getting a fair assessment of the property which we acquired in the national interest?

The President: Minister.

Mr Crowe: Thank you, Mr President. The history of the Villa Marina goes way back, long before my time in office as minister. I am picking up the threads of what has gone on. I did not wish to make a statement regarding the Villa Marina that may well have antagonised any further co-operation between the two parties in reaching an agreement so indeed I did not respond to the statements that had been made.

Regarding the question of legal costs, I am sure that legal costs for all these things mount up on a daily basis and I am not aware at the present time of what those costs are, but certainly I will look into information within the Local Government Act and see if there is perhaps something more that can be done that way, which would be unfortunate.

The President: Perhaps, hon. members, I could invite the Attorney-General - it may be helpful - with a few comments.

Mrs Crowe: Please.

The Attorney-General: Mr President, thank you very much. I very much agree with the summary which has been given by the hon. minister and, unbeknown to her, yesterday I did in fact receive a letter from the advocates acting for the Douglas Corporation. I ought to have informed the hon. minister of that development. Suffice to say that the advocates have now put forward an alternative set of questions which I will undertake to deal with as quickly as I possibly can, and I do hope that the matter can be progressed. Mr President, I am grateful to you for allowing me to bring the hon. Court up to date.

The President: Now perhaps, members, it may be best if we leave it at that, but nevertheless, (*Interjections*) hon. member for Douglas West.

Mr Downie: Yes, thank you, Mr President. I would just like to ask the hon. Minister of the Department of Local Government and the Environment: has, at any time during this ongoing saga, the corporation actually petitioned the department, as is required under Local Government Act, for expenses for fees, and is she aware that one of the

concerns that residents of Douglas and Douglas ratepayers have is that huge amounts of legal costs have been involved in all this and there is no accountability whatsoever down at the council? I am grateful for the statement that she has made today, and will she look further into this matter that we may see some transparency into the background involvement - ?

The President: I think, hon. member, the point has been made and we take that point entirely on board. I do not think it is necessary for the minister to reply. Hon. member for Onchan.

Mr Karran: Eaghtyrane, a supplementary. Could the minister make available to members of this House and outside the legal costs for this affair up to now? I believe that this hon. Court should know that. Also, the differences between what the government and the corporation see the value of the complex is and the rationale for such statements? Could she also say what has happened as far as the savings that should have been accrued to the ratepayers of Douglas after the taxpayers have taken over this facility and will she make that available to the public and circulate that information to all members of this hon. Court, as I think that that is the sort of information that hon. members need and people outside this hon. House need to see as far as this affair is concerned? he sooner we see this transparency the sooner maybe we can embarrass and get some common sense to prevail?

The President: Now, hon. members, I take the point which again is made by the hon. member for Onchan. Nevertheless, I do think the responsible way is to have listened to the comment made by the Attorney-General, and can I suggest that if, in the light of the question and the supplementary questions which have been added, the hon. minister feels there is anything beneficial in circulating to members she will therefore do so.

**Clagh Vane, Ballasalla –
Proposed Flats –
Question by Mr Lowey**

Question 14. The hon. member of the Council (Mr Lowey) to ask the Minister for Local Government and the Environment -

- (1) *When will the flats, proposed to be built at Clagh Vane, Ballasalla, be built; and*
- (2) *when do you propose to build on the land acquired from the Crossag/Glashen estates?*

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

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

The President: Minister for Local Government and the Environment, Mrs Crowe.

Mrs Crowe: Thank you, Mr President. Once again I am afraid the hon. member for Malew and Santon, Mr Gelling, has been pressing me on this matter, so I am pleased and, like in the last question, maybe more grateful than I thought for a progression in these matters. However, on this particular matter I am pleased to inform the hon. member of Council, Mr Lowey that the contractor will start on site in August at Clagh Vane, and the eight flats should be completed and occupied within 12 months.

The President: Mr Lowey.

Mr Lowey: Hon. minister, could she answer part 2: 'when do you propose to build on the land acquired from the Crossag/Glashen estates'?

The President: Minister.

Mrs Crowe: I was so pleased with the expedition of the last question to what nearly became a result. Thank you. Sorry, Mr President. With regard to Crossag Farm, Ballasalla, the department is currently working out plans for the site with a view to making a planning application and then commencing the first phase of 30 first-time buyer houses. This will be followed by a second phase of a substantial number of public sector houses for rent. In total, the site will accommodate a mixed tenure of over 150 dwellings. The completion of the first property, however, will have to coincide with the completion of the IRIS scheme coming down into Ballasalla.

The President: Mr Lowey.

Mr Lowey: I am most grateful to the hon. minister for the time and effort put in to the answers. Thank you.

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

Mr Karran: Can the minister inform this hon. House what the time period is then as, would she not agree, this land has been blighted for several years now over the IRIS programme, and when do we hope to see the laws of nature change so that we will see sewage flowing up mountains? And will she give us a date for roughly when they hope to have this development ongoing regarding the first-time buyers and the public housing as well? What effect does it have as far as IRIS is concerned?

The President: Minister to reply.

Mrs Crowe: Thank you, Mr President. Picking up on something the Treasury minister said to us earlier on about publicising the good things about the Isle of Man, I really do get a little tired about hearing sewage flowing up mountains. We will actually be

having clean beaches (**Several Members:** Hear, hear.) and an island to be proud of -

Mr Karran: If it works.

Mrs Crowe: when the IRIS system is completed. It will never work while there is such negativity. What I would say is that we hope to be able to coincide the building of the properties with the coming online of the IRIS Scheme, so we will be building properties as the scheme is progressing. We will be working with the Department of Transport.

Mr Karran: We have a date . . .

Mrs Crowe: At the present time I do not have a date for the completion of the IRIS system. I daresay that I could get the date for you and will circulate it to you.

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

Mr Quine: Yes, very quickly, sir: can the hon. minister confirm that this development at Crossag and Glashen is to be named 'Gelling Park'? (*Laughter and interjections*)

The President: Minister to reply.

Mrs Crowe: I think it might be appropriate to be the Gelling/Lowey Park after the number of letters I have had from both parties!

Victoria Pier - Fishing Permits – Question by Mrs Hannan

Question 15. The Hon. member for Peel (Mrs Hannan) to ask the Minister for Transport -

Will your department give consideration to issuing passes to members of fishing organisations/clubs to fish off Victoria Pier?

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: I call on the Minister for Transport, hon. member for Douglas West, to reply.

Mr Shimmin: Thank you, Mr President. I am grateful to the hon. member for the opportunity to publicise the position in regard to fishing off Victoria Pier, a matter which has recently been raised by my Council colleagues Mr Cretney and Mr Downie, and also Mr Houghton, member for Douglas North.

My department is in discussion with the Isle of Man Angling Federation regarding how we can accommodate angling events organised by the various

angling clubs on the Victoria Pier. A meeting was held on 13th March with federation representatives and the matter is ongoing. The angling clubs are now looking at dates for the recommencement of fishing in this area. However, it is intended that initially only organised competitions will be permitted. Dependent upon the success of this arrangement we will be prepared to discuss the matter of passes or permits, bearing in mind the operational requirements of my department.

The President: Hon. member for Peel.

Mrs Hannan: I thank the minister for his reply. When does he envisage that he will be able to reconsider the issue of passes, and does he realise that this particular area is important especially for local Douglas children fishing off the pier?

The President: Mr Shimmin.

Mr Shimmin: Yes, Mr President, it was only a matter of two-and-a-half or three weeks ago when the security level was reduced following the incidence on 11th September. The security level is still at a higher level than it was prior to that date. However, we do have some flexibility. We would be looking towards working with the angling clubs. They are the ones who initially will have responsibility to supervise the behaviour of people. However, we do know that historically many people have enjoyed this facility and we will be working towards achieving that, sir.

A Member: Hear, hear.

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

Mr Houghton: I thank you, Mr President. May I ask if the hon. minister could also make an allowance for the typical schoolboy, sir, who may simply turn up with his fishing rod at the Victoria Pier –

Mr Cretney: Or schoolgirl.

Mr Houghton: Or schoolgirl – and that once it has been established that he or she does not intend to hijack the *Ben my Chree* in order to ram a police vehicle, (*Laughter*) may he be permitted onto the pier in order to do some fishing, sir?

The President: I think, hon. minister, you can make a reply to the first part of that question.

Mr Shimmin: Yes, Mr President. We do have a slight difficulty in as much that the area is a security zone. In most other areas it is one where the public are not permitted. We are aware of the historic rights the people have enjoyed in that area. However, in these days of greater security it does involve the fact that we will have to sweep the whole zone prior to the arrival of a passenger vessel. It is that issue for which we will be looking for resources. The area is covered by CCTV and there is staff permanently available. However, their duties would not be fully covered under this new

arrangement. So we will look at the operational issues but that is a medium-term goal, sir.

Mr Houghton: Thank you.

The President: Hon. member, Mr Karran.

Mr Karran: Eaghtyrane, would the minister consider that maybe we would be far better looking at other security issues such as the X-raying of baggage coming into the Island? I appreciate that the legislation, the international law, says you only look after the baggage going out. And would the minister not agree that if we were really looking at priorities in security, instead about worrying about these sort of issues they would be far better looking at the issues of X-raying baggage coming into the Island regarding security and the law and order situation on the Island than throwing fishermen and the traditional pastime out of the window because of overkill?

The President: Minister to reply.

Mr Shimmin: I do find it somewhat surprising that the hon. member considers that we are putting this as a priority. It is an issue that was outside of our control initially; it is not one in which we are deliberately trying to be provocative or awkward. Obviously, the issues that he raises I will look at. It is one where I understand the motives for that question. However, the rubbishing of existing security operations round the harbour I find unhelpful and unnecessary.

Peel – Future Access to West Quay and Breakwater – Question by Mrs Hannan

Question 16. The hon. member for Peel (Mrs Hannan) to ask the Minister for Transport –

Does your department intend to restrict public access to West Quay and the breakwater once the bridge is constructed across Peel Harbour?

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 Minister for Transport, Mr Shimmin.

Mr Shimmin: Mr President, quite simply the answer is no, my department does not intend to restrict access to the West Quay or the breakwater after construction of the proposed jetty and footbridge. My hon friend in the Legislative Council, Mr Kniveton, recently answered a question in another place where he referred to the fact that the scheme will reduce the need for non-commercial vehicles to use these areas as pedestrian access will once again be available to

residents of and visitors to Peel by walking across the harbour. However, this does not and should not imply that my department has any plans to restrict public access to these areas.

Mr Cretney: A public place.

The President: Hon. member for Peel.

Mrs Hannan: Yes, if the matter was quoted, could I ask the minister if he was aware of the response that was given by Mr Kniveton with regard to when this particular bridge was built across the harbour, and would he recognise that because of the response it has caused concern for some people, again people wishing access to the breakwater?

The President: Minister to reply.

Mr Shimmin: Yes, Mr President. From the local newspaper there is the comment which says, and I quote: 'He' - being Mr Kniveton - 'said the footbridge would provide pedestrian access across the East Quay to the West Quay which would be beneficial to the town as a whole. The scheme would reduce the need for non-commercial vehicles to use the West Quay and breakwater'. In *Hansard*, the sentence relevant says: 'It will also reduce the need for non-commercial vehicles to use the West Quay and breakwater', and that is the only reference I can find in *Hansard* to any measures. I therefore think that the reporting of it may have inadvertently caused concern when there was none intended.

The President: Hon. member, Mrs Hannan.

Mrs Hannan: Could I ask the minister if he will ensure that the breakwater is available for people to park and also that the car park at Fenella Beach is also continued to be used for people to park?

The President: Minister to reply.

Mr Shimmin: As I have tried to say, Mr President, I do not believe that there is anything on our agenda. I would say that there have been occasional complaints by the Isle of Man Fishermen's Association and the scallop processors regarding traffic congestion on the breakwater at times when the fishing vessels were unloading. In the planning application submitted by the department, it was suggested that a benefit would be that a proportion of the public may choose to walk to and from the breakwater in future as opposed to using vehicles as at present. This would have the effect of easing congestion at peak periods. However, the Harbours Division may only wish to see parking restrictions imposed in some harbour areas including Peel breakwater in order to reduce congestion, but that is one which is intended to help the fishing people in that area. I am quite happy taking this up further with the member for Peel and make sure that we can accommodate a satisfactory outcome.

The President: Mrs Hannan.

Mrs Hannan: Yes, could I ask about Fenella Beach car park: is it proposed, when the bridge is across the harbour, that the Fenella Beach car park will still be able to be used by the public?

The President: Minister.

A Member: Get the rubbish off it as well.

Mr Shimmin: Until this afternoon, sir, I was not aware that there was any threat on Fenella Beach, therefore I will check to make sure my details are correct. However, I do not think that is our intention at all but I will confirm for the member.

The President: Now, hon. members, that brings to conclusion the oral part of the question paper, 17, 18, 19 and 20 being for written responses which I understand have been circulated.

**Government Ministers –
Legal Support in Court Actions –
Question by Mr Cannan
for Written Answer**

Question 17. The hon member for Michael (Mr Cannan) to ask the Chief Minister:-

Will you confirm unequivocally that members of Tynwald who hold a warrant of appointment as minister or acting minister do receive full legal support when a properly constituted decision by the minister or acting minister is challenged in the law courts?

Answer

I am advised that where a member of Tynwald has been duly appointed with the authority to take a decision as part of the Government of the Isle of Man, he will not be personally liable in respect of any act done by him or decision made by him in the performance or purported performance of his functions if he acted reasonably and in the honest belief that his duty required or empowered him to do it.

I am further advised that if the member is party to any legal proceedings challenging any act or decision of the member then, provided that the member has acted in compliance with the above standard, he will be entitled to be indemnified out of public funds in respect of the cost of his legal representation.

I find it difficult to imagine that any member of this hon. Court, whilst exercising responsibilities as part of the government, would conduct themselves so unreasonably that it would be inappropriate for them to have full legal support from government for their actions.

**Nursing Organisation Subscriptions –
Tax Relief –
Question by Mr Henderson
for Written Answer**

Question 18. The hon. member for Douglas North (Mr Henderson) to ask the Minister for the Treasury:-

Can you confirm that some nursing staff-side organisations' subscriptions can be eligible for a tax rebate, and other nursing staff-side organisations, and other unions who represent nurses subscriptions are not eligible, and can you indicate which organisations subscriptions are eligible for such tax relief, and why others are not eligible?

Answer

Mr President, staff subscriptions fall to be relieved under Sections 31 and 31B of the Income Tax Act 1970. In effect they enable employees to claim an expense in respect of subscriptions which are laid out and expended wholly, exclusively and necessarily in the performance of their duties.

In general this will include subscriptions paid to professional societies which meet the following conditions: -

- where being a member of a society or organisation is a condition of the employment;
- for the advancing or spreading of knowledge;
- for maintaining or improving professional conduct and competence;
- for indemnifying or protecting professional persons against claims incurred in exercising their profession;

Examples of professional subscriptions that are allowable for income tax purposes include -

- The Council of Professions Supplementary to Medicine
- The Royal College of Nursing
- Central Council for Nursing, Midwifery and Health Visiting
- The Association of Physiotherapists
- The British Orthoptic Society
- The College of Radiographers
- The Society of Remedial Gymnasts
- The British Dietetic Association
- The Institution of Medical Laboratory Sciences

This list is not exhaustive but does cover the main professional bodies to which the hon. member has referred. Of course not all bodies meet the required

conditions and therefore fees or subscriptions paid to them will not be allowable for income tax purposes.

To ensure consistency within the profession, the Income Tax Division will allow any payments that the Inland Revenue has negotiated as allowable with the relevant nursing organisations in the UK, the tax relief provisions in both jurisdictions being very similar. This does not prevent an individual in the Isle of Man making a claim for a different amount provided it qualifies under Isle of Man legislation.

If the hon. member will state the staff organisations that he has in mind I will be able to confirm whether they qualify for relief and if they do not the reason why.

**Dentists - 'Core Services' - Question
by the Speaker for Written Answer**

Question 19. The hon. member for Castletown (Mr Brown) to ask the Minister for Health and Social Security:-

- (1) *What were the 'core services' available to adults as provided by dentists under the Manx National Health Service for the financial years -
(a) 1999/2000;
(b) 2000/2001; and
(c) 2001/2002?*
- (2) *What was the total cost of each financial year to the Manx National Health Service for providing those 'core services' in the following years -
(a) 1999/2000; and
(b) 2000/2001?*
- (3) *What is the estimated total cost to the Manx National Health Service for providing the 'core services' during the financial year 2001/2002?*

Answer

- (1) Dental services under the National Health Service are set out in the Statement of Dental Remuneration. The statement contains over 400 individual treatments ranging from dental examination, scale and polish, and different types of fillings, to more complex treatments such as provision of bridges, crowns and dentures.

There has been little change in the available treatment under the NHS since 1992 when the existing contract was implemented.

		Year	Overall Cost of General Dental Services*	Adult Treatments Cost*	Patient Contributions
(2)	(a)	1999/ 2000	£2,273,155	£1,824,525	£642,637
	(b)	2000/ 2001	£2,303,479	£1,836,839	£617,844
(3)		2001/ 2002 (estimate)	£2,558,300	£1,983,500	£630,000

* Above figures exclude patient contributions

**Earnings Survey 2001 –
Projected Estimates –
Question by Mr Henderson
for Written Answer**

Question 20. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Trade and Industry:-

- (1) *Based on the Treasury answer to my question in the February 2001 sitting of Tynwald on Isle of Man earnings, do you agree that, although the 2001 Earnings Survey represented only 4 per cent of total employees, this could be projected as a figure for the total population?*
- (2) *What would the estimated figures be for the total population in respect of numbers of those -*
 - (a) *earning less than the national average;*
 - (b) *earning less than £5; and*
 - (c) *possible numbers (given the change in law) earning less than £4.10 per hour?*

Answer

- (1) We are advised by the Treasury that the sample for the Earnings Survey is drawn at random and returns are compulsory, so inferences can be drawn from the sample to the whole population.
- (2) (a) From the information supplied in the Treasury's Earnings Survey, it can be identified that an estimated 66.5 per cent (or 22,000) of full and part-time employees were paid below the average hourly earnings figure in June 2001.
 - (b) The Earnings Survey Report states that an estimated 9.7 per cent (or 3,200 full or part-time employees) earned less than £5.00 per hour in June 2001.

- (c) It is not possible to quantify the present number of persons earning below £4.10 per hour given data from the 2001 Earnings Survey. It would however be expected to be below the estimated figure of 900 employees given in both the Earnings Survey Report and the answer given by the Treasury minister in last month's Tynwald question, recognising the subsequent introduction of the Minimum Wage Act.

CORRIGENDUM

Tynwald Court (Questions), 19th February 2002, p. TQ2, line 9, for '(Mr Cannan)' please read '(Mr Quayle)'; and p.TQ29, column 2, for the heading on lines 36-38 please read: **Budget – Provision for the Less Prosperous – Question by Mr Quayle for Written Answer**