

REPORT OF PROCEEDINGS OF THE HOUSE OF KEYS (QUESTIONS)

**Douglas, Tuesday, 11th February 2003
at 10.04 a.m.**

Present:

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

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**Planning Approvals –
Legal Status and Compliance with –
Question by Mr Karran**

Question 1. The hon. member for Onchan (Mr Karran) to ask the Chief Minister:

- (1) *Do you believe that planning approvals granted by the Department of Local Government in respect of a specific planning application have any legal status and should be complied with in full; and*
- (2) *if any such planning approval is ignored by the developer, and a building is erected contrary to the terms of the planning approval granted, how can it be said with credibility or accuracy that such a building enjoys the benefit of prior planning approval?*

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

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

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

Mr Corkill: Thank you, Mr Speaker. Planning approvals are granted by the Department of Local Government and the Environment in accordance with procedures set out in the Isle of Man Planning Scheme (Development Plan) Order 1982 which was made under the Town and Country Planning Acts. Such approvals do therefore have a legal status. In the circumstances set out in the hon. member's question it would be accurate to state that, whereas planning approval had been granted for a particular building, that building had not been sited or constructed in full accordance with that approval. As has been explained previously to the hon. member both by the Director of Planning and Building Control and, indeed, by written answer to a question in this hon. House, it is usual and proper practice for a regularising application to be determined before considering whether in the public interest legal proceedings should be instituted.

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

Mr Karran: Vainstyr Loayreyder, would the Ard-shirveishagh be aware of an article that was in the *Isle of Man Examiner* in 1998 about the issue of a planning laws crackdown and where it was said by a spokesman for his department that this meant that it would no longer be possible to amend plans once they had been submitted to the planning office? Would the Ard-shirveishagh also explain to this hon. House: if this

planning is allowed to be lost, what would happen to the £750,000 worth of public money that is in this development at the present time? Surely that must be a pressure on the planning authorities to safeguard the taxpayers' money, or will it be done without fear or favour?

The Speaker: Chief Minister to reply.

Mr Corkill: Well, Mr Speaker, I cannot remember all the articles in the *Isle of Man Examiner* as far back as 1998 as avid the reader of the paper as I am, but I am aware of the situation at that time where I think people were submitting applications – this is a general comment – for planning approval, perhaps a small development, and then putting in a number of amendments to that original planning on a successive basis and therefore building up to a substantial development without actually having to go back to the beginning of the planning process and applying with a fresh application, because effectively it was planning by stealth. I am aware that there was a lot of change at that time, and indeed that is not the way planning applications are dealt with today.

With regard to the particular instance that the hon. member is questioning me about, can I remind him that the development does have a valid planning approval so I am not sure how he can see that there is pressure on the planning. There is a need for a regularising – a word which I do not particularly care for, but there are aspects of that approval that have not been adhered to and that is the process that the planning department and planning enforcement are dealing with. Can I say, Mr Speaker, planning has an independent rôle from myself and therefore I feel it difficult to comment in any great detail about current applications.

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

Mr Karran: Vainstyr Loayreyder, if the building is all right as far as planning is concerned, then why are we having to have a fresh application put in? Would the Ard-shirveishagh not agree that you do not apply for a driving licence and then apply for another driving licence if you have already got that driving licence? And would the Ard-shirveishagh not agree that this regularisation was something that, it was told to a certain independent body, would not happen in the future as far as regularising within the planning procedures of the government?

The Speaker: Chief Minister to reply.

Mr Corkill: As far as I am aware, Mr Speaker, the situation with regard to an office and a workshop is that these particular items have not been sited as in accordance with the approved plan, but I would wish to reiterate that the vast majority of the application has been approved and does have valid planning approval,

so we are talking about minor issues here in relation to the overall scheme.

**Police – Chief Constable’s Comments
re Crisis –
Question by Mr Houghton**

Question 2. The hon. member for Douglas North (Mr Houghton) to ask the Minister for Home Affairs:

Will you make a statement at this month’s sitting of Tynwald with regard to the comments of the Chief Constable regarding the crisis affecting the Isle of Man Constabulary?

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

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

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

Mr Braidwood: Thank you, Mr Speaker. I do not propose to make a statement at this month’s sitting of Tynwald concerning the Chief Constable’s comments and I do not consider that there is presently a crisis in the constabulary in the Isle of Man.

Comments made by the Chief Constable and representatives of the Police Federation were widely reported in the press recently. As I made clear at the Police Federation annual general meeting, the forum at which some issues were raised, my department remains committed to supporting the police and, wherever possible, to providing them with the resources that they need. I am happy that these sentiments were also endorsed by the Chief Minister at a recent press briefing given by him.

I am keenly aware of the issues that have been discussed lately including that of officers leaving the service to seek posts elsewhere and the concern with regard to the overall number of uniformed officers available to police our streets. New pay arrangements for police officers are in the pipeline and my department will remain conscious of the priorities within policing just as it will continue to have regard to all its areas of responsibility apportioning the resources.

It is gratifying to see the extent, gauged by a recent survey, to which the people of the Isle of Man are satisfied with the police service that they receive. This is greatly to the credit of officers at all levels in the constabulary and, I would contend, these are standards of quality that could not be delivered by a constabulary that was in crisis.

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

Mr Houghton: Thank you, Mr Speaker. Noting the hon. member’s statements there where he says that he is conscious of certain dilemmas faced within the Isle of Man Constabulary, can he explain to this hon. House exactly why things have not been done? Referring to a survey that the public are satisfied is clearly not enough. The matter is much more serious than that and the hon. minister is aware; can he not reassure this House this morning that further action is going to be taking place to bring matters into order, sir?

The Speaker: Minister for Home Affairs to reply.

Mr Braidwood: Mr Speaker, over the last number of years the police force in the Isle of Man has had a considerable increase. Those resources have gone into, you could say, ‘invisible areas’ such as the financial crimes unit, the family protection unit, the alcohol unit, and these are resources which have helped policing in the Isle of Man. As I have already answered, we are looking at the pay of the police officers at the present time. Officers are leaving the force and going into the private sector, but with these new pay proposals which come through and, of course, with the pension arrangements which police officers have, this might only be a short-term arrangement for those officers leaving.

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

Mr Earnshaw: Thank you, Mr Speaker. I for one believe the question the hon. member for North Douglas is asking is perfectly reasonable. I think there are a lot of people in the Isle of Man unhappy with policing in the Island - police and public alike - and I would in the circumstances ask the minister if he would reconsider his answer.

The Speaker: Minister for Home Affairs to reply.

Mr Braidwood: Mr Speaker, I acknowledge that the ratio of civilian staff to police officers is low in the Isle of Man compared to England and Wales, the ration being 1:4.5 for officers and in England and Wales it is 1:2.14, but may I remind hon. members that the proportion or the ratio of police officers to population is very high. It is 3.1 officers to 1,000 in population. It is 2.6 in Guernsey, 2.4 in England and Wales and 2.2 in Jersey, so in actual fact what I would hope, if I have sufficient resources, is to increase civilian staff to release those officers so that there would be more officers on the streets in the Island.

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

Mr Houghton: Thank you, Mr Speaker. The minister goes on about management resources, particularly in the civilian side, and I would agree with him on that, but what about the increase of resources on the street and, if he got increased resources from the Isle of Man Government, would he provide those in a ring-fenced fashion to the street or is he simply alluding to management issues where this is purely a failure in management and, if he agrees with the fact that this is a failure in police management to provide policing to the people on the streets, would he therefore explain why the minister renewed the Chief Constable's contract so prematurely when the force is in such disarray, sir?

The Speaker: Minister for Home Affairs to reply.

Mr Braidwood: Mr Speaker, I do not agree with the comments of the hon. member for North Douglas, Mr Houghton. In the last three years since the appointment of the Chief Constable the number of officers on the street has increased considerably.

Mr Houghton: It has not!

Mr Braidwood: That is the comment of the hon. member for North Douglas, Mr Speaker; it is not mine. It is through the Chief Constable's annual report which shows that the number of officers on street patrols has increased dramatically.

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

Mr Karran: Vainstyr Loayreyder, would the shirveishagh not agree that the problems that we have got with management in the police force are symptomatic to the problems we have of management within the hospital and social services (**Mr Houghton:** Hear, hear.) and many other areas where the issue is lack of accountability? Will he investigate the restating of a proper police authority that represents all sections of the community within the Island to get a police force that is run for the community and not for different power groups within our society?

The Speaker: Minister for Home Affairs to reply.

Mr Braidwood: Mr Speaker, no, I will *not* agree to incorporating a police authority at the present time, but what I will say is that it is only recently that the full senior management team has come into operation since we have had replacements with the Deputy Chief Constable, we have had a replacement with inspectors and also on the personnel side, on the human resources, and it is only now that the senior management team have a full complement.

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

Mr Duggan: Thank you, Mr Speaker. Could I ask the minister: is he not aware - does he speak to the ordinary bobby on the beat? - that morale is very low and is the lowest it has been for years?

The Speaker: Minister for Home Affairs to reply.

Mr Braidwood: Yes, Mr Speaker, I speak to the police on the streets. I go out on a regular basis with the police on a Friday evening. While I am out I have asked them about morale. They are not saying that morale is low. They are very committed to the police force and I feel that the police force is heading in the right direction.

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

Mr Houghton: Thank you, Mr Speaker. In view of the hon. minister's comments this morning, would he agree to join me to meet some real police officers (**Mr Duggan:** Hear, hear.) out on the street for accurate advice? And, further to that, would he welcome a debate in the hon. Court of Tynwald on this matter, sir?

The Speaker: Minister for Home Affairs to reply.

Mr Braidwood: Mr Speaker, I am quite happy to meet any police officer in the Isle of Man Constabulary with or without the guidance of the hon. member for North Douglas, Mr Houghton.

Mr Karran: Or misguidance?

Mr Braidwood: And I am quite happy to have any debate in any chamber, in Tynwald or in the Keys, on any matter so it is a public and open debate.

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

Mr Cannan: Will the minister agree that the police are doing a good and positive job in difficult circumstances? They have made considerable success in drug-related offences, (**A Member:** Hear, hear.) catching them in murder enquiries, and will the minister further agree with me that if there is a morale problem in the police, the morale problem is caused partly by the fact that they are under constant criticism from members of this hon. House and the Court of Tynwald.

Mr Houghton: They are not!

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

Mr Braidwood: I totally agree with the comments by the hon. member for Michael, Mr Cannan, and

endorse particularly his sentiments over the drugs, when you look at Operation Safe and Operation Diamond (**Several Members:** Hear, hear.) which has put so many people behind bars and taken the supplying of drugs off the streets.

The Speaker: A final supplementary in relation to this question. I call on the hon. member for Douglas North, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker. Just to clarify one point: would the hon. minister acknowledge that the support of this hon. House is for the operational police officers, not the way that management wish to hide issues time and time again from the hon. members of this House, sir?

The Speaker: Minister to reply.

Mr Braidwood: Mr Speaker, the management is not hiding any problems from this hon. House. If Mr Houghton has any questions he can come to me. I will make arrangements. I have made previous arrangements last year when Mr Houghton met members of the management team of the constabulary and I am quite happy to invite Mr Houghton once again.

**Nursing – Payments to Students
Training in UK –
Question by Mr Henderson**

Question 3. The hon. member for Douglas North (Mr Henderson) to ask the Member for the Department of Health and Social Security:

What moneys are paid to Manx nursing students who go to the United Kingdom as part of their local nurse training course?

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. I beg leave to ask the question standing in my name.

The Speaker: I call on the hon. member for Glenfaba, Mr Anderson, member for the Department of Health and Social Security.

Mr Anderson: Mr Speaker, I can advise the hon. member that Manx nursing students attending local preregistration nurse-training courses are not required to go to the UK as part of such training. That being so, the question of financial support in such circumstances does not arise. I should point out the first cohort of nurses to start preregistration training will finish their

three-year term in October, and I think we should acknowledge the efforts of those who are instrumental in resurrecting this very important area of training, particularly my predecessor with responsibility for health, Mr Karran.

Mr Cretney: Hear, hear.

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

Mr Henderson: Thank you, Mr Speaker. Would the hon. member for the department agree with me that the hard efforts of the School of Nursing are not in question this morning, far from it, and would he further agree that it would be advantageous for our nursing students on the Island to actually go away from time to time, if they so wished, to experience larger and busier hospitals in the UK? And would he further agree that in such cases financial support should be made available?

The Speaker: Hon. member for Glenfaba, Mr Anderson, to reply.

Mr Anderson: Yes, thank you, Mr Speaker. Nurses do have the opportunity, following their initial training, to go on courses, and of course these are made available depending on the training bursaries in each of the specific areas and, as far as I am aware, that has not been a problem in the past that funding is made available for nurses to go on such courses if they require to do so and to maintain their level of professionalism.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. I thank the hon. member for his further answers, but would he agree with me that bursaries and so on are one thing for courses, which are very welcome, and for nurses to keep their registration up to date, but would he acknowledge that in fact accommodation help is required and expenses help is also required on such courses, which may not be the case currently?

The Speaker: Hon. member for Glenfaba, Mr Anderson, to reply.

Mr Anderson: Mr Speaker, if a nurse applies for and is given approval to attend a training course in the UK, financial support is usually provided to the extent of travel costs and course fees. In addition, subsistence is available based on individual circumstances, taking into account such factors as whether the course has included accommodation and meals, whether the training was for self-development purposes or at the behest of the employer, the length of the course. Long-

term training modules will justify modification of support tailored to the individual areas. In all circumstances the extent of financial support beyond the basics of travel and fees is subject to negotiation with the individual nurse. Approval at all times will be, of course, subject to the availability of training budgets.

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

Mr Karran: Vainstyr Loayreyder, could the member for health confirm that it is still the situation that our training vote within the hospital is the same as what a hospital four or five times as big would be expected to have in the United Kingdom? Could the hon. member for health also explain to this hon. House the difference in the amounts of money involved as far as the bursary in the United Kingdom and the bursary in the Isle of Man is concerned? Would the member for health also take on our appreciation that I believe it has been brought down to a yearly intake, but will he be looking to extend it into the training of children's nurses and into the psychiatric nursing as far as being on the Island as well?

The Speaker: Hon. member for Glenfaba, Mr Anderson, to reply.

Mr Anderson: Thank you, Mr Speaker. I am sure the hon. member will be more aware of the training vote in the hospitals on the Island than I am and I am sure that nothing has changed in the period that I have taken –

Mr Karran: It should be your problem, then.

Mr Anderson: - over responsibility for health.

As far as the differences in the Isle of Man and the UK bursaries are concerned, we do have a top-up mechanism that allows our nurses to receive a substantial top-up from the UK bursary to the salary that they receive at the moment on the Island.

As far as psychiatric nurses are concerned, there is the facility at the moment for nurses to go away for further training, but at the moment on the Island I do not think we have the volume to justify a specific course for them.

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

Mr Quayle: Thank you, Mr Speaker. In terms of attracting nursing staff to the Isle of Man, do I understand that incentives are offered for non-Manx nursing staff to come to the Island but Manx nursing staff coming back to the Isle of Man do not in fact attract the same incentives although faced with the same costs as living on the Island?

The Speaker: Hon. member for Glenfaba, Mr Anderson, to reply.

Mr Anderson: I can confirm the situation is similar to other departments within government, in that when people come back to the Island to work, if they incur substantially higher costs they therefore do qualify for a top-up and the scheme that nurses from outside the Island who have not been on the Island before receive. The Manx nurses, if you would like to term them that, would qualify for that. To do that they would have to show evidence that they are incurring higher costs to where they have come from and that they are not living at home with their parents, in which case they would not be incurring higher costs.

**Douglas Promenade –
Resurfacing of Carriageway –
Question by Mr Earnshaw**

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

Will you please make a statement advising of your department's plans and timetable for the resurfacing of the Douglas promenade carriageway?

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

Mr Earnshaw: Mr Speaker, I beg to ask the question standing in my name.

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

Mr Shimmin: Thank you, Mr Speaker. I can appreciate the concerns of the hon. member about the condition of the carriageway on Douglas promenade. The road construction is now very old and the road surface is becoming well worn and is showing signs of failure. With regard to the surfacing, indications are that a full reconstruction will be needed in the medium term. It is estimated that this will cost in excess of £10 million at today's prices. A project of this size has to be carefully considered in particular having to take into account the requirements of the various statutory authorities who have services under the carriageway. There are also the aspirations of the Douglas development partnership and others for the remodeling of features on the promenade to improve its environment. My department has the subject under consideration at the moment.

At present I do not have the full reconstruction of the promenade in my department's highway capital or revenue programmes. We do have the reconstruction of the Peel Road from the Brown Bobby to Quarterbridge in our programme, which in traffic

terms is of greater strategic value. It should be possible to consider the reconstruction of the promenade after the completion of the Peel Road scheme. However, this is unlikely to be before 2008-9, sir.

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

Mr Earnshaw: Thank you, Mr Speaker. I would like to thank the minister for his reply. I know he always shows a genuine concern for matters affecting his department, but would he agree with me that as Douglas promenade provides the gateway to the Island for visitors arriving by sea and, as a heavily used road by locals, its present uneven surface and patchwork quilt appearance present a shabby picture and a poor image for the Isle of Man?

The Speaker: Minister for Transport to reply.

Mr Shimmin: Indeed, Mr Speaker, we have considered whether it would be possible to do an overlay over the carriageway as a means of tidying up the environment. However, in order to remove the problem of cracking it is generally recommended that a new overlay of 150 millimetres, which is approximately six inches in old money, would need to be provided. This would raise the road level above the level of the existing curbs and thus cause problems for the hotel thresholds. We would also require the horse tramlines to be raised. Therefore the only way of dealing with this would be a full reconstruction and, although the costs involved are approximately £10 million now, it would also take in the region of six to eight years to actually be carrying out the work and having it completed, which would be six to eight years of work on the promenade and the disruption that would cause.

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

Mr Singer: Thank you, Mr Speaker. Could I ask the hon. minister: when he says that there is going to be no work, does he mean there is going to be no work at all until 2008-9 when I should imagine the costs may well double, and does he not think it would be wiser to be doing part of the carriageway every year to come out of his budget rather than hoping, as it appears to be, a large amount to come out in seven or eight years?

The Speaker: Minister for Transport to reply.

Mr Shimmin: Mr Speaker, I do not think any of us would anticipate getting the amount of moneys in one year's budget, therefore we would have to operate along those lines anyway. The work of the department and the moneys that are being expended are in order to try and increase capacity of alternative routes to try

and take some pressure off some of those key areas throughout the Island. The area of the promenade has been excavated in numerous areas over the years, a great many of the reinstatements are failing and it would require a full reconstruction work. We will be doing some remedial works; in particular the pavements between Regent Street and Greensill's Corner are uneven and due for renewal shortly. We will do mechanisms of work in order to try and reduce the problems. However, the problem will not be fully resolved until a full reconstruction can be accommodated within the budget.

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

Mr Earnshaw: Yes, Mr Speaker, I am a little disappointed that the full repair or the full reinstatement is so far away. I would ask the minister, is he aware that the visible repair marks, for instance, between the tram tracks indicate where the stubs for the World War II internment camps stood, and these provide ample evidence to motorists that they are still driving on an original pre-war surface? So this roadway does not really owe us anything, Mr Speaker; it must be at least 75 years old. In the circumstances I would ask the minister if he could perhaps consider moving it up in the files of his department.

The Speaker: Minister for Transport to reply.

Mr Shimmin: Mr Speaker, I can confirm that the reinforced concrete slabs on the promenade have failed. They are no longer acting as one piece and these were in fact constructed round about 1935. My department is fully aware of the concerns; however, having carried out radar work there are large voids in the subbase under the concrete slabs in the areas we have tested and therefore the work involved will not be sufficiently accommodated by patchwork, as has gone on in the past. We need to get on to a reconstruction. We are coming together with certain aspects of the inner link and outer link schemes. After that date we will try and move this as quickly as possible. However, as I have said, the Peel Road area is a higher strategic value and that should be progressed within the next two years.

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

Mr Quine: Would the minister agree that the funding that is available for highways is totally out of step with the rate of development that has been taking place in the last 10 years, and is it not a fact that there is a need for an extraordinary approach to the funding of roads - I am talking about new roads, strategic roads and also road repair and road maintenance, and has this matter been raised with the Council of Ministers, because it is all very well to talk about grandiose government plans but the point remains that if the

funding is not available for these basic requirements then the whole thing falls flat.

The Speaker: Minister for Transport to reply.

Mr Shimmin: Thank you, Mr Speaker. I thank the hon. member for Ayre and the former member for highways for his comments. Certainly, during the whole budgetary process the Council of Ministers have gone through there is an understanding and, I believe, support from the Council of Ministers that the infrastructure of the Island in a number of guises requires investment. We will be arguing our case and I am sure when the moneys are available it will be put forward towards some of the works outlined by the member.

**Traffic Licensing Committee –
Question by Mr Henderson**

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

With respect to the Traffic Licensing Committee:

- (1) what have they achieved since their inception;*
- (2) have they had any complaints, and what have they done about them; and*
- (3) how long has this committee been in being and when will it be due for a performance review?*

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. I beg leave to ask the question standing in my name.

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

Mr Shimmin: Thank you, Mr Speaker. I am grateful for this opportunity to outline a number of issues to do with the RTLC since its inception. The RTLC has been tasked with setting up the licensing and registration of all public passenger vehicles, operators and drivers on the Island having taken over the responsibility from the road traffic commissioners and various local authorities. The committee is now established in its premises at the airport and the members and staff have been fully employed and committed to administering and enforcing the provisions of the Act. The committee's work load demands that they meet regularly to deal with a wide range of issues, and 31 public and private meetings have been held since their inception. It has been an

extremely busy transitional period during which the committee and the PPV industry have dealt with many changes to procedures and practice brought about by new legislation and regulations.

I am pleased to record that much has been achieved in a relatively short period, such as the introduction of operator registration and licensing where operators have to meet quality criteria; the establishment of a central regulatory body to benefit and facilitate all-Island licensing requirements and the needs of the public; the introduction of new operator licence and registration certificates and new PPV driver licences and badges; the setting up of an all-Island ply-for-hire tariff where previously the public were confused by the varying fares throughout the Island and the display of the tariff in ply-for-hire vehicles; the provision of taxi fare meters in all ply-for-hire vehicles on the Island, which much be compliant with specified standards; the calibration of taxi fare meters and road checks on the accuracy of all taxi meters which are undertaken by the PPV inspector; the introduction of new district-specific ply-for-hire plates and operator discs; the provision of standard licensing fees for operators and drivers Island-wide; an improved awareness of licensing requirements through meetings and communications with representatives of the industry; the conversion of all existing licences to the new licensing system; and the issue of new licences, certificates, plates and discs.

To put some figures to those, Mr Speaker, there are now 155 registered operators; 844 PPV driver licences have been issued; 203 ply-for-hire plates and discs have been issued or are available for collection; operator discs for buses and coaches number 120; and there are 69 private hire operator discs issued.

In answer to part (2) of the question, I can report that the committee has received a number of complaints regarding various matters, such as the conduct and suitability of drivers and operators, and the dress, behaviour or knowledge of the Island. The response to this has been that a number of drivers and operators have been invited to meet the committee and, where appropriate, warnings have been issued regarding further conduct or dress et cetera. One driver is currently being checked by the inspector on a weekly basis due to the committee's concerns regarding personal hygiene. One driver has also been required to undertake a knowledge test to satisfy the committee he has sufficient knowledge of the Island. Another complaint has been the operation of PPVs - that is, private hire vehicles acting as ply-for-hire vehicles, and vehicles acting ply-for-hire outside their district. With regard to this, private hire record books have been issued for public passenger vehicles so that all journeys of private hire can be recorded and checked to identify any abuse of regulations. The condition of vehicles has caused some concern and complaint, and the inspector has removed a number of ply-for-hire vehicles from taxi ranks or on the street due to unacceptable standards of cleanliness or

concerns about roadworthiness. In such cases the operator must report back to the inspector or they are referred to the vehicle test centre for examination. One vehicle is currently being assessed weekly to ensure standards of cleanliness are maintained. The suitability of operating centres: operators at times park cars at places other than their designated operating centre. They are ordered to remove the vehicles and return them to their operating centre or to apply for approval for an additional operating centre. Fifthly, the provision of adequate numbers of taxis to meet the needs of the public at certain times.

A meeting is currently planned with the Department of Tourism and Leisure, the Road Transport Licensing Committee, my own department, representatives from the taxi trade and representatives from the business sector to attend and seek ways of improving the service to the public.

Finally, a complaint has been received on the availability of purpose-built wheelchair taxis and this is still subject to consideration.

Mr Speaker, I am advised that the committee has investigated all complaints and taken the appropriate action.

Finally, in response to the third part of the question, the RTLC has been responsible with licensing with effect from 1st April 2002, although they were actually appointed prior to this date. I am not aware of any requirement for a performance review but will consider pursuing such action if that is what is determined. I am grateful, however, for this opportunity to provide a thorough update on the committee's work and achievements to date.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. I too am grateful for this opportunity to ask the minister: is he aware that his Road Traffic Licensing Committee is actually failing miserably, not with the routine operations that he has read out this morning but with the top flight operations such as communication with the trade, liaison with the trade and working closely with the taxi trade? And would he further agree with me that the complaints he has read out are more to do with focusing on members of the public, and why has he not focused on the complaints from the trade to the Road Traffic Licensing Committee which should be addressed as a matter of urgency? Is he aware of the same?

The Speaker: Minister for Transport to reply.

Mr Shimmin: I think, Mr Speaker, anybody who has been in this hon. Court for any length of time will realise that the taxi industry has a number of competing and conflicting aspirations from the operators. Certainly the information I have supplied is factually correct according to the information received

from the RTLC, and it is true to say that I and individual members at times will consider or receive complaints from individual taxi operators or organisations, and thus it has ever been. Certainly my concern is that the RTLC are there to operate for the public of the Isle of Man, not purely for the taxi operators. The balance is difficult to achieve, and in this transition period it was almost inevitable that there would be concerns expressed from the industry. It is my understanding from some members of the industry that they have full access to the committee to air their grievances, listened to by the committee, and views exchanged both ways and, if amendments are necessary, they can be incorporated. What I have urged in the past, and I continue to urge, is that taxi operators and the organisations who respect and reflect taxi operators work with the committee to make this work for the public of the Island rather than to go back into the trenches and try and look after their own interests.

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

Mr Houghton: Thank you, Mr Speaker. Notwithstanding the hon. minister's announcements that he is liaising with this committee, following a brief discussion with certain members of the committee and their secretary not so long ago where they pointed out shortcomings in the effectiveness of their remit, would the hon. minister promise to meet with that committee again, discuss those issues and then bring forward by order to the hon. Court of Tynwald in order to put those issues right, sir?

The Speaker: Minister for Transport to reply.

Mr Shimmin: Mr Speaker, I am aware of a conversation which took place where the hon. member for North Douglas, Mr Houghton, expressed a number of his views on the failings of the committee in a forthright manner; I am regularly in contact, through an officer of my department, with the RTLC. Hon. members may remember that due to the untimely early demise of the consultant, Mr Michael Hicks, the committee has now been supported by an officer within my department. We are in regular contact because we are aware that the industry still has concerns and those are attempting to be dealt with adequately. The meeting which I have called in the next month is not just to represent concerns of the industry but is also to represent the concerns of the hotel industry, of the business sector community, the members of the public, and we are attempting to get everybody to be working to the same end - that is, an improvement in service, a safeguarding of the operation of taxi drivers but also generally to make sure that we work together.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. Would the hon. minister agree with me that in fact the representations made to the Road Traffic Licensing Committee by the trade are ultimately in the best interests of the Isle of Man public (**Mr Houghton:** Hear, hear.) and are not self-interest-motivated, far from it, (**Mr Houghton:** Hear, hear.) and would he further agree that the committee is failing dismally at the minute in their consultative processes with the trade and acting, in effect, as a macho management outfit in certain circumstances?

The Speaker: Minister for Transport to reply.

Mr Shimmin: No, Mr Speaker, I will not accept this. The hon. members whose raised concerns are coming at this from one angle only. The taxi operators are a varied group of individuals and they represent those individuals. However, within that there are large differing professional views of the organisations and the individuals. The operators are listened to. I have had meetings with some of the operators but they do not all sing from the same hymn sheet. The private hire and the ply-for-hire operators have differing aspirations and differing complaints. We are attempting to manage those. I have met with the taxi trade myself, I will be meeting with them and others in the near future and I am attempting to try and make sure that we look at this in the round. The hon. members says that the interests of the taxi operators are in the best interests of the public; I hope that is the case when we meet.

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

Mr Earnshaw: Yes, thank you, Mr Speaker. Would the minister agree with me that the secretary of the licensing committee, Mr Brian Leece, has worked in very hard circumstances to put this committee on its feet and that, as the operation has only been running for a very short period, it is a little premature to be aiming criticism of this nature in this direction?

The Speaker: Minister for Transport to reply.

Mr Shimmin: I thank the hon. member for the recognition of the works that have gone on not only by the secretary but also by the committee. This is a body of people appointed by Tynwald and there are not many bodies of Tynwald which would have met as often as this committee to try and introduce a major transition into the operation across the Island. We all know where we want to go and we are attempting to manage the situation. It is difficult. I appreciate the hon. member's comments and I sure that will be appreciated by the committee and the secretary.

New Hospital – Access to – Question by Mr Quayle

Question 6. The hon. member for Middle (Mr Quayle) to ask the Minister for Transport:

With regard to the impending opening of the new hospital:

- (1) *are you satisfied with the provision of access to and from the hospital, including the periods of road closures relating to TT and Manx Grand Prix Races; and*
- (2) *will your department consider provision of a further access road to alleviate problems?*

The Speaker: I call on the hon. member for Middle, Mr Quayle.

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

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

Mr Shimmin: Thank you, Mr Speaker. I understand that the new Noble's Hospital will open in July and that access to the new hospital will be gained primarily from either the Braddan School road for journeys from central Douglas, the South and the West and from Ballafletcher Road for journeys from Onchan and the North. I am satisfied that satisfactory access will be available to the new hospital on opening. Further improvements to the access will result on completion of planned road schemes at Ballanard Road and Braddan Bridge.

During periods of road closure, the only road access to the new hospital from outside the TT course will be the TT access road. The main delays on the access road are during peak times, and particularly from 6 p.m. to 7 p.m. during the TT and Manx Grand Prix practices. Staff from the new hospital and members of the public visiting patients at the hospital will have to plan their journeys to take these unavoidable delays into account.

A working party involving the emergency services, the DHSS and my department are presently finalising plans for the use of the TT access road by emergency ambulances. The measure planned will be confirmed after the 2003 TT Races for implementation in the Manx Grand Prix, which will be the first road closure in this area following the opening of the hospital.

The current TT access road is sub-standard. My department have undertaken a study and possible further accesses across the TT course, an alternative site has been identified and the department has applied for additional capital funding for this.

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

Mr Quayle: Thank you, Mr Speaker, and may I thank the hon. minister for that reply and the reassurance that an alternative access has been identified. I wonder if he would share with us just when that is likely to be progressed so that we can look forward to the pressure being relieved upon the existing TT access road. In relation to the network of roads leading to the new hospital and the very long period of contemplation concerning traffic calming measures planned for Strang Road, can I ask the hon. minister when these much needed measures will be implemented? And further, will this scheme extend and include provision for a pedestrian crossing at Union Mills post office, something that I have discussed already with the Chief Constable, the commissioners and officers of his department?

The Speaker: Minister for Transport to reply.

Mr Shimmin: In answer to the first part of the supplementary question, sir, the potential location for the new TT access road is under Glencrutchery Road connecting the police access road with Greenfield Road. The scheme is in the department's bid for capital schemes and a £3 million figure has been identified in the year 2007-8. This location will also provide access during closures of the Willaston circuit.

In answer to the second supplementary, I can confirm that traffic calming measures will be in place on Strang Road prior to the opening of the new hospital. Delays to the introduction to these measures have occurred whilst the necessary consultations are taking place, particularly with the DHSS and the Department of Tourism and Leisure for bus access and egress. There are intended to be measures at the junction of Strang Road with Peel Road. However, final determination of that I will have to get advice from my officers.

**Planning Approvals –
Compliance with for Grant Assistance –
Question by Mr Karran**

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

- (1) *Can you inform me whether, when dispensing taxpayers' funds by way of grant-assistance towards the building costs of any structure, it is incumbent on your department to ensure that the terms of any planning approval granted by the Department of Local Government and the Environment have been*

complied with before releasing any financial assistance; and

- (2) *do you agree, based on your experiences as a former chairman of the Planning Committee, that it is wrong and improper for your department to release public funds by way of grant assistance to any project which does not comply with the terms of the planning approval granted by the Department of Local Government and the Environment?*

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

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

The Speaker: I call on the hon. member for Douglas West, Mr Downie, Minister for Trade and Industry.

Mr Downie: Thank you, Mr Speaker. Firstly, I would make it quite clear that it is not incumbent on my department to ensure that the terms of any planning approval have been complied with before releasing financial assistance; in fact, to do so would be entirely impractical. The whole point of the department's financial assistance scheme is to encourage capital investment and the economic diversification and employment opportunities it brings. Building projects are typically carried out over several months and during that time businesses are entitled to submit claims to the department for payment as costs are incurred. Our funds can be an essential element in the cash flowing of projects and claims for payments can be submitted monthly. Given this, the suggestion that the department should seek confirmation of compliance with planning and bye-law requirements every time a claim for payment is submitted is, at this stage, quite impractical. Naturally we do require projects which we support to have the benefits of planning approval and, in the circumstances which the hon. member's question highlights, the action we would take would be to work closely with all the other government departments and parties concerned to find a mutually acceptable solution to any problem.

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

Mr Karran: Vainstyr Loayreyder, will the shirveishagh review the procedures as far as grant assistance is concerned, because at the end of the day this project has had £750,000 or thereabouts, and it does seem rather embarrassing to find out that there is public money gone on a project where we have not got valid planning permission? No matter how hon. members in this hon. House want to twist it, that is the bottom line.

The Speaker: Minister to reply.

Mr Downie: I am not quite sure what the hon. member is working towards here, Mr Speaker. I take it this project that he relates to is a project which at this present time is seeking to clarify the situation regarding its planning approval. I am aware that the project he refers to has the full benefit of planning approval and at this present time they are seeking to address some elements of irregularity which have arisen during the construction process. However, I find it extremely disappointing that the hon. member persists in making allegations about issues such as this and that he seeks to portray himself as some sort of champion trying to stamp on any irregularity he may come across, however small. I am, however, grateful to him for his reference to my time as chairman of the Planning Committee as it has reminded me of a case I was involved in where the work was carried out on a certain property at the Braaid crossroads despite the fact that the planning approval –

The Speaker: Hon. member, please! I hope the answer you are giving is relevant to the question that is on the question paper.

Mr Downie: Mr Speaker, I understand, is about planning approvals and I am making reference to an incident –

The Speaker: I still would ask the hon. member to ensure that the answer he is giving is relevant to the question on the order paper. I leave it to the member to judge but I would make the point: be careful not to stray too far.

Mr Downie: I would query, Mr Speaker, at this stage whether the question that the hon. member put to me has been relevant when in fact we all know in this Court that an application has been made, as far as I am aware, to the Department of Local Government and the Environment to clarify the situation regarding planning procedures down at this establishment in Ramsey.

The Speaker: I can answer the hon. member that the question on the order paper is in full compliance with standing orders. Hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I feel it is only fair that I should be able to ask the hon. member a supplementary: was there £750,000 of public money in my visually obtrusive soil pipe that was supposed to have been –

The Speaker: Hon. member, please! I have asked the hon. member for Douglas West to ensure that the answer is relevant. I would also ask you to ensure that the question (*Interjection by Mr Karran*) you are

asking is relevant. Hon. members, I think we will move on to question 8.

Refuse Collection – Kerbside Weighing – Question by Mr Karran

Question 8. The hon. member for Onchan (Mr Karran) to ask the Minister for Local Government and the Environment:

- (1) *Can you confirm that your department has made available to local authorities an approved list of suppliers of reliable equipment which will enable the kerbside weighing of waste at the point of collection in an efficient and cost-effective manner; and*
- (2) *can you advise the cost of such systems and the financial relief available to local authorities to meet the cost of them?*

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

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

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

Mrs Crowe: Thank you, Mr Speaker. In answer to part (1) of the question, yes, I can confirm that this information has been made available. There are two systems that can enable kerbside weighing of waste at the point of collection, and details of both of these systems have been made available by the department to all local authorities since December 2002. I am pleased to say that several authorities have already investigated these systems since that time. However, during the last six months, all local authorities were invited by the hon. member of Council, Mr Lowey, to nominate a representative for north, south, east and west to visit examples of such systems in operation. A visit took place, sponsored by the department recently, for those representatives to see the systems in operation in Ireland.

To answer the second part of the question, in line with any grant application to my department all local authorities have been advised, should they wish to apply for financial assistance, to purchase any additional equipment to enable them to charge for the cost of waste disposal. They must submit a business case for it to be properly considered. The expected cost of any such system would depend upon what the local authority chose to purchase and would be as per manufacturers' prices. However, I have to say that the department is unlikely to provide financial aid to every collection authority. Instead, we are seeking to

encourage local authorities to combine operations wherever possible in the interests of efficiency and to provide better value for money for their ratepayers.

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

Mr Karran: Vainstyr Loayreyder, would the shirveishagh not agree that we are not looking at like for like when we look at the financial assistance that would be given to local authorities in the United Kingdom for such projects, as it is a fact that most of them have had massive revenue input from the EU on grants? Can the minister also explain what sort of costs would be involved as far as this is concerned?

The Speaker: Minister for Local Government and the Environment to reply.

Mrs Crowe: We have looked at estimated costs: between £20,000 and £40,000 plus the chips which cost £1 per bin but the overall figure, as I say, depends upon the types of vehicle, the size of vehicle, in fact the utilisation of each vehicle, and whilst the department has accepted that on-wagon bin weighing is a very practical method of charging for waste disposal, it is not the only option and it is not for us to force the local authorities into any options they wish to chose. Under the Public Health Act of 1990 local authorities have a duty to collect and deliver waste to the department. The department is responsible for the provision of disposal facilities for the materials collected by local authorities. It is the responsibility of local authorities to ensure that they correctly charge for waste.

The Speaker: Before I call on the next hon. member, can I just caution hon. members that the question is quite specific. It is in relation to local authorities and weighing of waste, and I do not wish it to be broadened out to a whole waste issue. Hon. member for Peel, Mrs Hannan.

Mrs Hannan: Thank you, Vainstyr Loayreyder. Would the minister confirm that, when the local authorities went to view what was happening with weighing bins in vehicles, these authorities that were investigated had not yet charged any of their ratepayers or waste users, and has the minister done any costings in relation to billing of waste should waste be weighed?

The Speaker: Minister for Local Government and the Environment to reply.

Mrs Crowe: No, I would not confirm that the systems visited did not have fully working invoicing systems attached with all the software. Indeed, it seems a very simple system. There were a number of sites visited and some authorities saw an operation which

did not have the invoicing system in place; others saw fully operational systems of a different kind. And as for the costing issue, it is not with the department to suggest to local authorities how they cost or charge for their waste collection service; it is a matter for the local authorities.

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

Mr Singer: Thank you, Mr Speaker. Could I just take that point up with regard to the visit that local authorities made to Ireland: is it a fact that the system that the members were taken to see by Mr Lowey was a weighing system but had not in fact been used for charging, and therefore the representatives did not see a demonstrably successful system for charging - in fact, they do not know that it did work? And if it was not showing them the full gamut of the whole collection service and charging, could she then tell us what was the advantage of going in the first place?

The Speaker: Minister for Local Government and the Environment to reply.

Mrs Crowe: Thank you, Mr Speaker. We wanted to be able to introduce the authorities to a number of different systems in place, and indeed a few local authorities saw a bin weighing system that did not have the invoicing system being charged to ratepayers. Other local authorities went to see systems that had the fully attached invoicing system already in place, and we do expect these local authorities to be talking to one another about the different systems that they have seen.

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

Mr Quayle: Thank you, Mr Speaker. Referring to the previous assurances by the hon. minister to this hon. House and in another place that all local authorities have had full and adequate consultation, does the hon. minister agree with the statement in the letter dated 5th February 2002 received by her from all 24 local authorities in which they state that they are of the view that the current position has been reached without adequate information or consultation and regard to the effect on ratepayers, local authorities and the business community of the Island?

The Speaker: Hon. member, I did say that the question should relate to the issue on the order paper, which is about weighing. On this, as the question has been asked, minister, I call on the minister to reply.

Mrs Crowe: In fact, I have not received a letter from the local authorities; there has been a published open letter from the local authorities. I have been in touch with a number of the local authorities and we

have already arranged meetings with some authorities that said they were at but meeting that wished to speak to me separately.

The Speaker: Hon. member for Rushen, Mr Gill.

Mr Gill: Thank you, Mr Speaker. The minister stated her department's views that the local authorities should co-ordinate and rationalise the waste collection services. To assist in this, can she advise how many waste collection lorries there are presently operating on the Isle of Man, and how many lorries would her department feel could provide the services as efficiently as she envisages?

The Speaker: Minister to reply.

Mrs Crowe: Well, thank you for that question. I think I have already answered that one on a number of occasions. There are presently 39 rent payer-funded bin wagons polluting the atmosphere of the Isle of Man whilst I do believe that between 9 and 12 bin lorries could do the same amount of work.

The Speaker: I have two members left and then I will call an end to this question. Hon. member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the shirveishagh not agree that to find reliable equipment for the weighing of waste is something in the region of over £100,000 per vehicle, and would she also not agree, with the likes of former local authorities that I represented in Santon years ago and other areas like that, that it is near on impossible for them to be able to provide that sort of cost? Would she not agree that if big authorities in the United Kingdom are getting massive amounts of grant aid from the EU for such purposes we are going to have to do something from central government?

The Speaker: Minister for Local Government and the Environment to reply.

Mrs Crowe: I cannot answer the questions on grant aid for the EU, but what I can say is there are a lot of areas in the United Kingdom where commercially funded private collection services provide the collection service for local authorities and indeed I quite agree that small authorities, in the Isle of Man cannot be expected to provide this provision, so they must to talking to one another about joining forces and amalgamating into a waste collection service that is viable and economic and provides best value for money for the ratepayers of the Isle of Man.

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

Mr Cannan: Thank you, Mr Speaker. In view of the general hostility and opposition to kerbside weighing of wheelie bins throughout the Isle of Man, will the minister now reconsider her policy altogether (**Mrs Cannell:** Hear, hear.) and revert to the policy that waste disposal is a general charge on the taxation of the Isle of Man instead of a specific charge on the ratepayers?

Several Members: Hear, hear.

The Speaker: Hon. Minister for Local Government and the Environment to reply.

Mrs Crowe: I would not comment on the tax system in the Isle of Man. What I would say is nothing is being forced on local authorities. The local authorities were all aware that the energy-from-waste facility was coming on stream very shortly. Now, what provisions they have made for reorganising their rounds or weighing of their material is left with the authorities.

Procedural

The Speaker: Hon. members, that concludes questions under our standing orders for oral answer. There are two remaining –

Mrs Cannell: Mr Speaker.

The Speaker: Hon. member for Douglas East.

Mrs Cannell: Mr Speaker, I would like to move the suspension of standing orders so that the remaining questions for answer be put.

Mr Houghton: I beg to second, sir.

The Speaker: Hon. members, the motion is put that standing order 43.2 be suspended to enable oral questions to continue. All those in favour say aye; against, no. The ayes have it. The ayes have it.

Waste Disposal Charges – Estimated Revenue – Question by Mr Karran

Question 9. The hon. member for Onchan (Mr Karran) to ask the Minister for Local Government and the Environment:

What revenue has your department estimated will be generated by the waste charges you propose to introduce in each of the three financial years – 2003-4, 2004-5 and 2005-6?

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

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

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

Mrs Crowe: Thank you, Mr Speaker. The department has estimated that waste charges will generate £3 million for 2003-4 based on 50,000 tonnes of household waste at £10 per tonne and 25,000 tonnes of commercial waste at £100 per tonne. In the subsequent years that the hon. member has asked about, the likely income receipts cannot be estimated as Tynwald will determine the level of rebate to be provided in respect of household waste in the future.

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

Mr Karran: Vainstyr Loayreyder, will the shirveishagh give a written copy of her reply she has given in this hon. House, and will she also give an indication of what implications will happen if she does not get her money from rates increases in future years so that hon. members are aware of what the position is as far as the costs are concerned?

The Speaker: Minister for Local Government and the Environment to reply.

Mrs Crowe: Yes, most certainly I will give a written copy of the answer that I have, and I would say that there will always be a cost for waste disposal in the Isle of Man.

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

Mr Singer: Thank you, Mr Speaker. Would the hon. minister agree that that proposed income is calculated with the full introduction on 1st July and with the agreement of the local authorities and the fact, under the Public Health Act 1990 section 67(6), that that level of charges to be introduced has to be agreed with the local authorities and that, if they do not agree under that section, then the minister cannot introduce them and that calculation will therefore be wrong?

The Speaker: Minister for Local Government and the Environment to reply.

Mrs Crowe: Yes, of course. What the hon. member for Ramsey, Mr Singer, has said is correct, but I think what people do fail to understand is that local authorities already charge for the collection of commercial waste.

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

Mrs Hannan: Thank you, Vainstyr Loayreyder. Could I ask the minister if she would give us the costing without the rebate, whether it is this year, next year or the year after, but could she give us the cost that she would expect to get in without the rebate?

The Speaker: Minister for Local Government and the Environment to reply.

Mrs Crowe: Of course, these costs are all dependent on the amount of recycling and reduction in waste that is carried forward by the local authorities. I know at the present time that three authorities are talking together about introducing 1,000 home composting bins to the Island. Now, that will greatly reduce the amount of waste that will go through the collection system and it is all these initiatives that will determine what costs are borne by the waste disposal board.

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

Mrs Cannell: Thank you, Mr Speaker. Would the hon. minister agree with me that she is misleading the House and anybody who happens to be listening to Question Time when she states that local authorities already charge for the collection of waste? Does she agree with me: yes, they do charge for the collection but *never* have they charged for waste disposal? That is a fact. And further, can she also advise what the waste charges are going to be for going through the incinerator when it is up and running and commissioned and what she can expect to find for the three financial years when that is in operation?

The Speaker: Minister for Local Government and the Environment to reply.

Mrs Crowe: Thank you, Mr Speaker. I do not mislead the House –

Mrs Cannell: You do!

Mrs Crowe: - I said quite clearly that local authorities charge for the collection of commercial waste. This is not passed on to central government, who dispose of the waste for nothing. So what I am saying is that local authorities already impose a charge on businesses on the Isle of Man for the collection of waste. The disposal costs of that waste are met by central government.

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

Mrs Hannan: Could I ask the minister: is it not a fact that the department of local government did not know that the local authorities were charging for commercial waste until this suggestion came about that they should also charge for domestic waste? Could I also ask: the department and government must know what the cost would be for disposing of waste without the rebate; is the minister not in a position to tell us that?

The Speaker: Minister for Local Government and the Environment to reply.

Mrs Crowe: Thank you, Mr Speaker. It is not true to say that the department did not know that there was a collection fee for commercial waste. What the department did not know was how diverse it was throughout the Island, with local authorities charging vastly different commercial collection rates to businesses in their areas. As for the full breakdown of the financial implications for the years 2004-5, 2005-6 I will be pleased to circulate those, Mr Speaker, as soon as possible.

**Waste Disposal Charges –
Rebate for Low-Paid –
Question by Mr Karran**

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

What measures has your department, with approval of the Council of Ministers, in place to allow for a rebate of the cost of waste charged to individuals on low incomes to avoid undue hardship to them?

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

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

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

Mrs Crowe: Thank you, Mr Speaker. One of the prime objectives set by the department in relation to the charging for waste has always been to phase in the charges for household waste over a three- to four-year period to encourage the waste collection authorities - that is the local authorities - to pass on the charges to residential properties in an equitable manner, and this was the reason for my department recommending to the Council of Ministers that a 90 per cent rebate be given for the year 2000-4. The Council of Ministers endorsed the department's recommendation, the result

of which is that only 10 per cent of the cost of disposing of waste will be passed on to householders. I believe this represents an entirely reasonable and sensitive approach in the strategy for improving the way we manage our waste. This charge equates to 20 pence per week to the domestic ratepayer. The department does not have within its remit a responsibility to support those on low incomes; however, as the average waste produced per household each year is roughly one tonne, the charge being passed on equates in round figures to only £10 per year or, as I have just said, approximately 20 pence per week. I do not believe that such a low weekly cost is likely to cause hardship. However, were any person to suffer hardship I am sure that the Department of Health and Social Security will provide the necessary support.

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

Mr Karran: Vainstyr Loayreyder, would the shirveishagh not agree that the waste charges are only part of the government's policy? There is also the IRIS charge to come on, and the existing water charges; would she also not agree that we will be talking in the region of about £1,000 a year per household as far as rate charges on the Island? Will she not - with the minister of the DHSS who I have written to this week - instigate the Council of Ministers to come out with a proper rebate scheme to help the poor, and will she also not instigate a proper review of the rateable values throughout the Island instead of the situation where you have council houses paying more in rateable value than you have Georgian mansions out in the countryside? Will she have a look into this?

The Speaker: Minister for Local Government and the Environment to reply.

Mrs Crowe: Thank you. Yes, indeed, I do take on board the points made by the hon. member for Onchan, but rates are a tax on property, and I do believe that the £10 per week charge for the disposal of domestic waste will not be onerous, although I do know that a number of members of this House have received letters of complaint about the amount of water rate that people are paying on domestic properties, but that was agreed by Tynwald. What I would say is that I do not believe that the disposal rate for waste on the Isle of Man at £10 per year is an onerous tax.

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

Mrs Cannell: Thank you, Mr Speaker. Would the minister agree with me, when she refers to complaints about the water rates, that in fact the water rates were based on a proper business plan (**A Member:** Hear, hear.) of financial planning and renewal of

infrastructure for the water authority, and that all of the rates of charges were actually agreed by Tynwald (**A Member:** Hear, hear.) prior to the imposition being put onto the water ratepayers? And further, can she advise, when she was in discussion with her Council of Ministers regarding the aspect of all of this, did the Council of Ministers not consider the impact upon ratepayers, did they not consider the anomalies within the rateable value systems that she plans to impose her charge upon through the local authorities, and further, is she really satisfied that the figure of 20 pence per week per household or £10 per year per household is what is going to be faced by householders paying rates? Does she not understand that the costs are going to be considerably higher than that because it is not merely the cost of waste disposal imposed by her department but it is the entire infrastructure with local authorities are now going to have to put in place where her department is not going to support financially or otherwise?

The Speaker: Minister for Local Government and the Environment.

Mrs Crowe: As I have stated previously, it is in the hands of the local authorities to decide how they choose to collect their waste. It could be that they decide to have a central waste collection system for the whole of the Isle of Man, but they must make that decision. As for the business case, indeed, we did discuss at great lengths in the Council of Ministers the amount of rate that would be applied, the average being £10 per household per year, and I would say that the only complaints that I have received recently have been about the charges for the water rate. Now, I quite understand that was agreed by Tynwald, but indeed at the present time those are the letters of complaint that I know I and indeed a number of other members of the House are receiving.

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

Mr Karran: Vainstyr Loayreyder, is the shirveishagh aware that even in the 1980s as a member of the DHSS I lobbied for a rate rebate scheme? Is the minister also aware that it is all well and good her being part of the Council of Ministers with a tax strategy as far as getting people out of paying tax but it is not fair to then put services onto a rateable system which is unjust to start off with, is unequitable as far as the poor are concerned. In fact, water rates are one issue but your government now is adding the incinerator and the IRIS is yet to come along. Will she, as a matter of urgency before it really affects the poor in our community, get the Council of Ministers down to sort out the two issues, a re-rate of rateable value of the whole of the properties throughout the Island and a proper rate rebate scheme, so that we are not taxing the poor in order to help the rich?

Mrs Cannell: Hear, hear.

The Speaker: Hon. member for Rushen.

Mrs Crowe: Thank you, Mr Speaker. I can confirm that it has been a matter of discussion in the Council of Ministers and that indeed these issues are being looked at. What I would say what we are doing in relation to waste is that currently every local authority is being asked to provide a breakdown of their rates in order that the department and the local government unit in the department can ensure that the cost of waste disposal is being passed on to the ratepayer in a fair and equitable manner, because I have heard some comments about the raising of rates which I am afraid will have to be retracted.

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

Mr Quayle: Thank you, Mr Speaker, and may I thank you earlier for allowing me to pose the supplementary question which I hope has been recognised as being valid and a thank you to the hon. minister for replying to it as she did.

In terms of the questions that we see brought before us today, and in particular this one now, I think it indicates that too many issues remain unresolved and could I ask the minister, would she agree, in fact, that the timescale announced is unrealistic in the light of all these issues being unresolved and that the introduction of the charges should be deferred until agreement can be reached on the implementation of all the different issues that do remain unresolved as pointed out in the letter that she has received by all 24 authorities? It is something entirely unprecedented, I feel.

The Speaker: Minister for Local Government and the Environment to reply.

Mrs Crowe: Mr Speaker, I invite the hon. member for Middle, Mr Quayle, to join me in a meeting arranged for all the local authorities on the Isle of Man and I am sure, if he is a better man than I am, he can get them all to agree to a common system.

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

Mr Cannan: At the end of this Question Time will the hon. minister finally concede that her policy for charging for waste disposal by kerbside measurement of the wheelie bins is unacceptable to the majority of the people of the Isle of Man, and will she with dignity and grace abandon her policy before she spends more money fighting a lost cause?

Mrs Cannell: Hear, hear.

The Speaker: Minister for Local Government and the Environment to reply.

Mrs Crowe: Mr Speaker, it is not *my* policy that the local authorities should charge for waste by the weighing of bins; it is entirely in the hands of the local authorities as to how they manage their waste collection system to deliver it to the department's area of responsibility which is the disposal of such waste.

The Speaker: Hon. members, that concludes questions for oral answer. The next item on our order paper is questions for written answer. Hon. members have received the written answers; however, there has been an error and therefore members will receive a further circulated set of copies of the answers of written answer, and there are a total of four questions for written answer.

**Ballakinnish Nurseries – Purchase of –
Question by Mr Cannan
for Written Answer**

Question 1. The hon. member for Michael (Mr Cannan) to ask the Chief Minister:

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

- (1) *On what date did the Minister for Trade and Industry inform the Council of Ministers that he was negotiating to purchase Ballakinnish Nurseries; and*
- (2) *Did he receive the concurrence of –*
 - (a) *the Council of Ministers; and*
 - (b) *the Treasury?*

Answer

It is not normal practice for the Council of Ministers to be informed of all negotiations or discussions taking place throughout Government. Such matters are for the relevant Government agency to progress. In this instance the relevant Government Agency is not the Department of Trade and Industry but the Department of Local Government and the Environment, which is responsible for the acquisition of land and property on Government's behalf.

In respect of Part (2)(b) I can advise that Treasury concurrence was received on 31st July 2002.

**Juvenile Justice Unit –
Question by Mr Houghton
for Written Answer**

Question 2. The hon. member for Douglas North (Mr Houghton) to ask the Minister for Home Affairs:

- (1) *Will the Juvenile Justice Unit at the prison continue to be used for its intended purpose following the opening of the Department of Health and Social Security Secure Unit;*
- (2) *If so, for what reason; and*
- (3) *If not, how will it be utilised?*

Answer

The Juvenile Justice Unit at the prison will have a changed remit consequent to the opening of the Department of Health and Social Security Secure Unit.

The five cells involved will be applied to the accommodation of females. Three cells will be utilised as permanent female accommodation, and two cells will be used for a drug testing suite for female prisoners.

**DHSS – Staff Recruitment –
Question by Mr Houghton
for Written Answer**

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

- (1) *What is your department's policy on recruitment;*
- (2) *Has the department recently engaged an employment agency;*
- (3) *If so, why; and*
- (4) *Has the department disclosed any confidential information relating to applicants' personal information to this third party;*
- (5) *If so, why; and*
- (6) *Is this not a breach of the Data Protection Act; and*
- (7) *How long should a typical employment application take to process in your department?*

Answer

- (1) The department's policy on recruitment is aimed at securing the best person for each vacancy regardless of sex, race, religion, or disability.
- (2) I can confirm that the department has engaged an employment agency to assist in the recruitment of additional staff required for the new hospital.
- (3) The decision reflected the significant additional workload beyond normal levels of recruitment activity. It also recognised the need for a first-class integrated professional advertising and recruitment service in attracting skilled staff in a highly competitive employment market.
- (4) The employment agency operates as an integral part of the department's personnel function, and as such, is not a third party. Under the contract, the agency processes applications for posts which contain personal information included in application forms and curriculum vitae. Short-listing, interviewing, and the selection process, remain the sole responsibility of Hospital Management.
- (5) It is the nature of employment agencies that they process personal and confidential information so as to assist prospective employers in the recruitment of suitable candidates within a required timescale.
- (6) Confirmation has been received from the Data Protection Registrar that the procedures being followed do not constitute a breach of the Data Protection Act.
- (7) A typical employment application from placing the advert to taking post, can be up to three months. The use of recruitment agencies has reduced this to around four weeks.

**Propane Gas Prices –
Assistance to Consumers –
Question by Mr Henderson
for Written Answer**

Question 4. The hon. member for Douglas North (Mr Henderson) to ask the Chairman of the Office of Fair Trading:

How is MAC Gas in Cumbria able to charge 19 pence per litre for Propane, the same gas type the Isle of Man uses, which is cheaper and the price guaranteed, when the Manx Gas equivalent is 27.6 pence per litre and will you call an urgent meeting between yourselves and Manx Gas to work out innovative ways of assisting the Manx consumers as we see in Cumbria?

Answer

The Office of Fair Trading has researched the price mentioned in the question and I must point out that the lowest price being charged by MAC Gas in Cumbria is 19.95 pence per litre and this price is only available to new customers paying by direct debit. For new customers paying by any other means the price is 20.95 pence per litre.

This is clearly a loss leader price to attract new customers and the price is guaranteed for two years, after which time the price increases by four pence per litre regardless of the tariff being charged to other customers, which could actually be less. As with any loss leader offer, it can be argued that the entire customer base is paying to make up for those losses and I would have concerns if a similar offer was being made in the Isle of Man.

It must also be pointed out that MAC Gas is part of British Petroleum plc (BP) and as a global producer of oil and gas products it is better placed to maintain such special offers over the long term.

The standard MAC Gas tariff is currently 27.45 pence per litre compared to the Manx Gas price of 27.6 pence per litre and given the significant additional cost of shipping (1.7 pence per litre) such a product to the Island, I am satisfied that Manx Gas are charging a competitive rate.

Furthermore, the tariffs charged by Calor UK, the other major supplier of this product, range from 25.9 pence per litre to 27.9 pence per litre depending on geographic location which again supports the view that Manx Gas charges are competitive.

The Office of Fair Trading meet with Manx Gas at least once each year to review the administrative arrangements we have, such as the supply of

information and forecasts for the year ahead. This meeting usually takes place in January but due to the increase in feedstock prices announced for January we decided to postpone this meeting until after the feedstock prices for February were announced. This meeting is now due to take place on 12th February.

Price movements and initiatives to reduce tariffs will obviously be discussed but I feel it only right to advise all hon. members that feedstock prices have again risen from 1st February and any opportunity to reduce tariffs seems unlikely in the short term. Initiatives such as those mentioned above would not provide any meaningful benefit to the vast majority of gas consumers on the Island and I would much prefer to see overall prices reduced to the benefit of everyone.
