

REPORT OF PROCEEDINGS OF THE HOUSE OF KEYS (QUESTIONS)

**Douglas, Tuesday, 24th June 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 Mrs A V Craine (Ramsey); Mr J D Q Cannan (Michael); Mrs H Hannan (Peel); 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 Mr P A Gawne (Rushen); with Mr M Cornwell-Kelly, Secretary of the House.

Questions for Oral Answer

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**UK – Lord Chancellor’s Department –
Changes Affecting the Island –
Question by Mr Quayle**

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

In relation to the recent changes announced by the British Government, involving the Lord Chancellor’s Department, to what extent will this affect the Isle of Man’s relationship with the United Kingdom?

The Speaker: Hon. members, we move on to our questions for oral answer and I call on the hon. member for Middle, Mr Quayle. Question 1.

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 Onchan, Mr Corkill, the Chief Minister to reply.

Mr Corkill: Thank you, Mr Speaker. The recent changes announced by the British Government involving the Lord Chancellor’s Department will have an immediate effect on the Isle of Man’s relationship with the United Kingdom only to the extent that individual holders of office have changed. The Lord Chancellor is now Lord Falconer of Thoroton QC, who is also the Secretary of State for Constitutional Affairs. The parliamentary under-secretary with responsibility for the Crown dependencies is now David Lammy MP.

However, it is possible that specific elements in the relationship may change in the future depending upon the outcome of the reforms proposed by the United Kingdom Prime Minister to the legal and judicial systems. Such changes will, of course, be subject to extensive consultation and I would expect the Island to be consulted if it was to be affected by such changes.

Mr Speaker, in any event, I shall ensure that the Island’s position is made clear to the United Kingdom if, or when, any changes affecting the Island are identified.

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

Mr Quayle: Thank you, Mr Speaker. As a self-governing dependency of the British Crown and not part of the United Kingdom, would the Chief Minister consider taking the earliest opportunity to ensure that the British Government and British Crown is made aware that the Manx people are content with our relationship as it now exists and would not in any way wish to see this undermined or eroded and may in fact wish to see its self-governance strengthened?

The Speaker: Chief Minister to reply.

Mr Corkill: It is a broad subject, Mr Speaker. Firstly can I say that it is continuing government and Tynwald policy to retain the link with the Crown. But can I say, secondly, that our constitutional relationship with the United Kingdom continues to evolve and has evolved even in recent times and so I would hope and expect that some of that evolution would continue.

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

Mr Gill: Thank you, Vainstyr Loayreyder. Does the Chief Minister agree that with the widespread cross-party concerns in Westminster this has been a shambles reshuffle? And would he also agree that one thing that has come out of this sorry saga is the need for the Isle of Man Government to have a facility to independently promote our interests to the wider political community?

The Speaker: Chief Minister to reply.

Mr Corkill: Certainly I am aware of the comment ‘cross-party’, as the hon. questioner says, about the way that the United Kingdom Prime Minister recently had his reshuffle. I think the media made the most of one or two things, but of course uncertainty is something that we always try to avoid and I think there was a certain amount of uncertainty for a day or two as to individuals’ positions within the United Kingdom Government.

In relation to the Island exerting influence, we seek to do that in a number of forums and there are a number of forums available to us and I think it is up to each and every hon. member to make the most of those forums to lobby and create effect on behalf of the people of the Isle of Man. I think we do quite well in that, bearing in mind how small an island we are, and I think we have to do more of that.

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

Mr Cannan: In view of the changes for the department of the United Kingdom Government attending to the affairs of the Isle of Man, has the Council of Ministers given consideration that it might be in the Island’s better interest to have the Foreign and Commonwealth Office be responsible for the Island’s foreign affairs and defence portfolio rather than the new department proposed in the United Kingdom?

The Speaker: Chief Minister to reply.

Mr Corkill: That is something that is mentioned from time to time, Mr Speaker. I certainly have the view that that would not be in the interests of the Isle of Man, and I think sometimes we have to be aware that the grass might be greener on the other side and that the reality is that in dialogue with some of the United Kingdom dependent territories they feel very uncomfortable, extremely uncomfortable in certain

circumstances, with the Foreign and Commonwealth Department of the United Kingdom Government in as much as they tend to have somewhat of a colonial attitude towards those islands and constitutionally have quite a great power in certain areas over those islands. I believe we have a greater level of autonomy as a Crown dependency. The constitution is different for the Isle of Man and the Channel Islands, and as islands we are quite keen to keep that differential between ourselves and the United Kingdom dependent territories. We are a Crown dependent territory and there is a difference.

So I take on board what the hon. member is saying and I think we have to keep a close eye on changes that are being promoted within the United Kingdom. I think it is interesting to see that the devolved areas of Scotland and Wales in the United Kingdom have also, it has been suggested, found a home in this particular new constitutional affairs department, but I am led to believe that, in terms of our point of contact, that will be completely separate from those devolved areas. I have been on public record already in the light of these changes to make it quite clear that we are not a devolved part of the United Kingdom, we have never been part of the United Kingdom and we do not intend to become part of the United Kingdom, so a devolved area of the United Kingdom is not something that is relevant to our islands – the Channel Islands and the Isle of Man – and I think it is quite important that we keep our constitutional aspect to the fore and promoted within the United Kingdom Government to make sure that authorities there do realise what our status is.

The Speaker: Hon. member for Ramsey, Mrs Craine.

Mrs Craine: Thank you, Mr Speaker. Would the Chief Minister agree that we can no longer rely on our international interests being looked after by the British Government and that the time has come for us to establish and formalise a ministry for external affairs ourselves that can have direct contact with Europe through Brussels and the Commonwealth and United Nations?

The Speaker: Chief Minister to reply.

Mr Corkill: Mr Speaker, we are always looking to seek to influence, particularly in the areas of commerce and business, to plough our own furrow to ensure that the Isle of Man's economy is seen as important, that in fact we develop business relationships with other jurisdictions and there are a number of ways that we can do that. Can I say that to date the United Kingdom authorities, through a number of their agencies, are very helpful to the Isle of Man in terms of developing these situations with other countries, and I think if we look at the economy of the Island today compared to 25 years ago, there are a number of international commercial ventures established here which have come about by the hard work of people on the Island, but also with the help of

the United Kingdom authorities. So I think we have to be aware that in the global world that we live in these days it is important to have large friends in influential places, and the United Kingdom most of the time in Brussels, for example, is just that.

There are occasions, of course, when we differ, when the British interest is different from our own interest and they tend to attract the headlines, but by and large we have a lot of support from the United Kingdom in promoting our external interests, but there is more than one way. I agree with the hon. member, there are several ways that perhaps we can improve in that situation.

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

Mr Quayle: Thank you, Mr Speaker. In view of the forthcoming Tynwald Day ceremony to be held on July 7th at St John's, would the Chief Minister consider it appropriate to extend an invitation then to the new Lord Chancellor and the new MP David Lammy to attend our special day in order that they can see at first hand our ancient rights, traditions, freedoms and make themselves aware of that special unique occasion that it is?

The Speaker: Chief Minister to reply.

Mr Corkill: Thank you, Mr Speaker. As I understand it, despite the short notice and the changes that have occurred, the new Lord Chancellor and his wife, I understand, are attending Tynwald on the 7th, and I am very pleased that they are able to fit that in, bearing in mind diaries are always difficult. The previous Lord Chancellor, of course, had made that commitment and so I think it is encouraging that Lord Falconer is following through on that commitment, and it will be an opportunity, perhaps, on the sidelines, to talk about one or two of these issues. Obviously, it is always the intention of the Channel Islands and the Isle of Man to ensure that the Lord Chancellor – or it used to be the Home Secretary – would get to visit the islands and so I think the timing is good in that respect that Tynwald Day and the changes that have occurred have, as they have panned out, allowed the Lord Chancellor to come at such short notice; I am very pleased about that.

Of course, the new member with responsibility in the department, David Lammy MP, is someone I do not know and I think it is important that we take the opportunity to invite him also to the Isle of Man to see for himself what the constitutional issues are in the Isle of Man, and I look forward to being able to extend that invitation and hope that we can also see him on the Island shortly.

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. Would the Chief Minister give a

commitment and use this new position and relationship with the UK to the benefit of the Island whereby he will progress issues to close loopholes that allowed things such as the Edwards Review and the grounding of the Manx Airlines fleet due to insurance issues where the Isle of Man was not consulted directly? Would he give a commitment that he will work towards progressing that those loopholes will be shut in future?

The Speaker: Chief Minister to reply.

Mr Corkill: One or two issues there, Mr Speaker. In relation to the insurance issues in the post September 11th situation when insurance was removed and airlines found great difficulty, can I say that Mrs Winterton's predecessor, Mr Wills, was extremely helpful to the then Chief Minister in unravelling that situation. It was very important that we achieved insurance cover for Manx Airlines, as it was known then, and there was a certain amount of delay but by the intervention of the political representatives within the Lord Chancellor's Department, things were actually resolved to our satisfaction and I think that was an example of where we really did need some help.

With regard to the general comment about loopholes, I would have to have more specific issues from the hon. questioner about what he meant by 'loopholes'.

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

Mrs Cannell: Thank you, Mr Speaker. Would the hon. Chief Minister like to tell us how he came about being aware of these changes? Was he, or was the Council of Ministers, or the Chief Secretary, consulted in respect of the impending changes that the United Kingdom have made, and if they were not consulted were you at least given an early warning that changes were coming in or impending? And if you were given an early warning, which of your large friends gave you your early warning? And my final supplementary: is the Chief Minister happy with the change and with the current situation and if he is not, has he expressed his unhappiness in the right quarters and has he been heard?

The Speaker: Chief Minister to reply.

Mr Corkill: I think just for the sake of clarity, Mr Speaker, I can make it quite clear that I was not consulted in any way in relation to the Prime Minister of the United Kingdom's reshuffle. I just want to make that quite clear in case I was to end up having some of the responsibility for the changes; that is not the case. My office was informed by the Lord Chancellor's Department when the names were confirmed. I think it was unfortunate that one or two names were being floated publicly in the media and I was unable to comment because we had not had those names

confirmed by the Lord Chancellor's Department to my office. That confirmation did arrive, and as soon as that was known then obviously we can set the wheels in motion in relation to setting up what I hope will be successful relationships between the Isle of Man, David Lammy MP and the new Lord Chancellor, Lord Falconer.

So I think we ought to get it in context. There was the media debate about the reshuffle which seemed to be protracted; that was an issue for the United Kingdom. Out of that we have new people to deal with and that is not a new occurrence, it has happened before and no doubt it will happen again, Mr Speaker, and I look forward to developing these relationships.

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

Mr Bell: Thank you, Mr Speaker. In relation to the Island's foreign affairs, would the Chief Minister agree that the exchange of information agreement, which was signed with the United States last year broke new ground for the Isle of Man in so far as it was the first time we as an Island have been able to negotiate our own bilateral international treaty and sign it in our own right? And would he also agree that if and when the savings directive is finally confirmed with the European Union, the Island will be in a position where it has to negotiate in the first instance 15 bilateral agreements with all the European Union countries and later on a further 10 in its own right, on its own terms and will be signing those agreements when those negotiations are completed? And would the hon. Chief Minister agree that whilst the circumstances which got us into this position in the first instance are less than satisfactory, they do now give the Isle of Man a chance for the very first time to start making its own impact on the international stage by furthering these negotiations?

The Speaker: Chief Minister to reply.

Mr Corkill: Yes, Mr Speaker, I think the Island over the years has matured politically and in administrative terms to the point where we can take on more of our external responsibilities on a direct one-to-one basis, and certainly in terms of what is in the interests of the Isle of Man, the Council of Ministers firmly believes that if we can negotiate bilateral agreements with individual countries that suit them and suit us, that are jointly beneficial, then that is the way forward and it is encouraging that the United Kingdom authorities, who in the past would have wanted to have control over these types of external affairs because they are international issues, have entrusted the Isle of Man and the Channel Islands to negotiate these bilateral agreements on a one-to-one basis and I think perhaps for many years the Island was pushing on a closed door in relation to being able to negotiate things externally and that door has come ajar slightly so that we are able to deal with these issues. With that, Mr Speaker, comes a great responsibility in terms of the Island being able to deliver on the

international stage and being seen as mature and able to act sensibly and properly on the international stage and I have every confidence that the Isle of Man can do that.

Mining, Quarrying etc. – Details of Leases Question by Mr Cannan

Question 2. The hon. member for Michael (Mr Cannan) to ask the Minister for Trade and Industry:

Will your department prepare a comprehensive policy document for presentation to the October 2003 Tynwald detailing:

- (a) existing terms and conditions of leases; and*
- (b) terms and conditions for the issue of new leases*

in respect of mining, quarrying, mineral and aggregate extraction etc?

The Speaker: Question 2. I call on the hon. member for Michael, Mr Cannan.

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

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

Mr Downie: Thank you, Mr Speaker. As hon. members will be aware, ownership of minerals in the Isle of Man is vested in the Department of Trade and Industry under the Minerals Act 1986, and the department issues leases to quarry operators to permit extraction of minerals. Mining leases are negotiated with each individual operator and, as with all business agreements, the terms and conditions of the mining leases are considered by the department to be confidential between the parties concerned. Therefore it would not be appropriate for the department to produce a document detailing terms and conditions in the manner requested by the hon. member.

In negotiating leases the department is mindful of its responsibility regarding sound stewardship of the Island's minerals and takes into account representations from the local authorities, government bodies and owners and occupiers of the land affected in addition to good practice in relation to the quarrying industry. The department is also mindful of its obligation to ensure that a fair return on the mineral is received by government as a contribution to revenue which ultimately benefits the people of the Isle of Man. Quarrying operations require considerable investment on the part of the operators and it is usual

for mining leases to be in place for up to 10 to 20 years.

When negotiating new leases the department updates terms and conditions as appropriate to reflect current quarrying and environmental practice. Hon. members will see, therefore, that the terms and conditions of mining leases are variable and must be tailored to individual circumstances. To detail existing terms and conditions would require disclosure of entire leases which would be in appropriate from a confidentiality point of view.

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

Mr Cannan: The minister states that each licence is negotiated separately. Will the minister agree, therefore, that there is no transparency in government policy; that it leaves those who are in negotiation for leases at the whim of the department and having no idea on what the basis for which the agreements are made; and will the minister agree that this leads to a certain amount of discontent when no-one knows the ground rules on which these leases are based? And would the minister agree, for example, that when people apply for a banking licence they know the terms and conditions, no confidentiality is disclosed but the ground rules are there, that when a person applies for a heavy goods vehicle licence the ground rules are known and the cost of the licence? Why therefore are there no ground rules for the granting of leases in the various aspects of mining, quarrying and aggregate extraction?

The Speaker: The Minister for Trade and Industry to reply.

Mr Downie: I am pleased to advise the hon. member for Michael that there are ground rules available. Before leases are entered into there are a whole range of negotiations which take place involving Wardell Armstrong, who are the consultants employed by the department on behalf of government to make sure that we are getting value for money. Until fairly recently the taxpayers of the Isle of Man were not getting value for money because the rent for some of these places in some situations was only £81.47 per year and the money that the department was getting in did not even meet the administration costs. Now over the last two years there has been a total review carried out of the mineral leases. To my knowledge there is only one party who feels aggrieved at this present time. I am more than willing to sit down with this party myself and try and assist in the negotiations and if the party is not then happy with the proposed amounts of money, there is an opportunity to go to an independent person for arbitration to determine the rent or royalties payable for the relevant period under review and that person is appointed either by agreement by the two parties or, in the absence of an agreement, of someone from the council of the Isle of Man Law Society. So as well as that there is an opportunity to have all these

negotiations examined by internal audit, external audit and Treasury as well but it would not be in anyone's interest to have all of these figures and negotiations in the public domain.

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

Mr Karran: Vainstyr Loayreyder, would the shirveishagh not agree that his original response to the hon. member's question for Michael means that basically there is a greater danger because of the secrecy and the fact of the old adage that used to be a big problem in the Island that it was not what you knew, it was who you knew as to how you got on? And would he not agree that with this secrecy as far as mineral extractions are concerned there should be clear guidelines of how much people are entitled to, who they are and what they are? And could the shirveishagh inform this hon. House of who does the terms and conditions of these leases? Is it delegated out of the civil service, and if it is delegated out of the civil service, what do we pay for that service?

The Speaker: Minister for Trade and Industry to reply.

Mr Downie: Well, off the top of my head, Mr Speaker, I cannot advise what we do pay for the service, but the advice given on mines and minerals is provided by a well-known United Kingdom company called Wardell Armstrong. They are very highly regarded in the UK and all of the pricing structure that has recently been introduced is more or less based on royalty rates as a percentage of selling prices in the United Kingdom. An average royalty rate as a percentage of the selling price for each product was determined and applied to the selling prices in the Isle of Man, so they do use that as a basis.

Now obviously, some of the mining operations on the Isle of Man are much smaller than they are in the United Kingdom and in some of the recent negotiations the department has taken cognisance of this fact and actually reduced the amount of royalty in some areas to get the balance but the public do not have access to these figures; they are available through various departments in government, to audit and everyone else. It is rather similar to the tender process. The man in the street is not privy to all the tendering arrangements which go on within the government system and I think that is quite healthy.

As I said to the hon. member for Michael when he was questioning me, there is an opportunity to go to arbitration and that is always open if someone is not content with the pricing structure that is before us.

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

Mr Cannan: Through you, Mr Speaker, will the minister answer the question and the question was: 'will your department prepare a comprehensive policy

document for presentation to the October Tynwald detailing . . . ?' Will the minister also agree that I am not asking for individual cases, although he is trying to bring into it individual cases that a certain party is dissatisfied? Will the minister present to all members of Tynwald a public document detailing the ground rules on which these licences are issued? And will the minister agree that members in Tynwald are entitled to know the ground rules, the playing field on which people make applications for quarrying licences?

The Speaker: Minister for Trade and Industry to reply.

Mr Downie: Yes, Mr Speaker. It would be very difficult to produce a comprehensive document because a lot of these leases take on board the various circumstances and I said earlier on, some of these quarries are very small, others are huge mining operations which provide the Island's aggregate for the construction industry. Each one has its own different characteristics. What I am prepared to do, however, is to arrange for the department's mines and minerals consultants to do a presentation to members of Tynwald and bring them up to date with what is going on within the department, how these negotiations take place and how these sums and royalties are arrived at. But to put it into a comprehensive document for members of Tynwald would be very time-consuming and I doubt, given the complexity of the issue, it would really be justified in officers' time.

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

Mr Cannan: If it is your wish that you get your consultants to make a presentation to Tynwald as to how they arrive at all these matters, surely it is not difficult to have the content of the presentation in printed form as a public document so that those who apply for licences are aware of how licences, the costs, royalties and rents are arrived at.

The Speaker: Minister for Trade and Industry to reply.

Mr Downie: I understand within the department there are a number of documents that are available for people who are applying for licences, which also cover prospecting licences. There are more than enough members of staff available to give advice and, as far as I am aware, everyone in the department with the exception of one party is happy with the present arrangements. We have been through a whole process of reviewing our policy on mines and minerals, renewing leases, in some cases where there have been difficulties in the past where quarries have been operating without the benefit of planning permission and to the detriment of the environment, we have put that area in order.

But I would stress again it would be extremely difficult to produce a comprehensive document to

show to hon. members how all these various quarries and operations work. As I said, I am more than willing to try and put together a proper discussion and a presentation so members will be fully aware of what the department is involved in with its mines and minerals and how the pricing structure and the royalties structure is worked out.

The Speaker: Question 3 and I call on the hon. member for Onchan –

Mr Cannan: A final supplementary, with respect, Mr Speaker –

The Speaker: Hon. member, I think the question has been fully answered.

**Operation ‘Centurion’ –
Progress and Success of –
Question by Mr Earnshaw**

Question 3. The hon. member for Onchan (Mr Earnshaw) to ask the Minister for Home Affairs:

Would you make a statement to the House regarding the progress and success so far achieved by operation ‘Centurion’?

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

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

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

Mr Braidwood: Thank you, Mr Speaker. Project Centurion was launched in January this year by the Chief Constable. The aims of the project largely focus on reducing crime, disorder and antisocial behaviour and improving feelings of safety in areas on or near to Douglas promenade. The project is jointly managed by the Isle of Man Constabulary and Douglas Development Partnership with the management steering group comprising of representatives at ministerial and chief officer level from government and representatives from Douglas Corporation. The project also enjoys the benefits of consultancy in the form of an individual who has extensive knowledge and experience in such ventures.

The project is being managed and co-ordinated in strict accordance with the principles of community-orientated problem solving and partnership working which underpin the policing philosophy of the Isle of Man Constabulary. There are four phases to this particular methodology, namely scanning, analysis, response and assessment. Each phase of the methodology is rigorous and the initial scanning and analysis phases are of crucial importance.

The project is being run to predetermined timescales. The scanning and analysis phases are due to be completed in the summer of 2003. The response phase will formally commence immediately thereafter. The scanning and analysis phases have identified three main thrusts of work and these relate to transport, alcohol abuse and young people. Extensive work has been undertaken in each area with a considerable amount of multi-agency collaboration taking place. This collaboration is vital and the project will not achieve all its ambition without full partnership working.

Although the response phase is yet to commence, a number of initiatives directly associated with the project have started this year. Examples include: discussions with taxi operators and bus companies in an effort to improve the scope of public transport at weekends to speed up the dispersal of late night revellers; increases in the number of localised neighbourhood watch schemes; a comprehensive crime and reduction audit and analysis to improve the environment in and around the drives area; and changes to rules governing the entry into licensed premises.

This project presents the largest single challenge that the Isle of Man Constabulary has ever faced and the context of finding lasting and permanent solutions to crime, disorder and quality of life issues. It is being managed in a businesslike way and, whilst it is still in relative infancy, presents exciting prospects for the future.

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

Mr Earnshaw: Thank you, Mr Speaker. From the answer it would seem that very little progress or success has been achieved so far because we are waiting for the response phase to commence, but I would like to ask the minister – I have got two parts to this supplementary: does the minister share with me my disappointment and concern that during the promenade’s highest profile event this year, the TT, a visitor was robbed at the Regent Street cash machine and that over the Mad Sunday weekend, out of a total of 66 arrests made by the police, 51 were local residents? And would he furthermore agree that as a concern has been expressed over the falling numbers of visitors at this year’s TT behaviour of the sort that underpins this does little to help our visiting statistics?

The Speaker: Minister for Home Affairs to reply.

Mr Braidwood: Thank you, Mr Speaker. Of course I was disappointed with the number of arrests and the 51 out of the 66 being local people. In actual fact, during the two-week festival 190 people were arrested and only 28 were from the UK.

Mr Cretney: Hear, hear. It is appalling.

Mr Braidwood: The problem on the promenade is that there is association with young people. In actual fact, out of the figures, 29 arrests were under the age of 18 and nine of those arrests were attributed to two individuals who had five and four arrests each. Since the beginning of the year those two individuals have accumulated 40 arrests during the year.

Mr Speaker, Mr Earnshaw's mention does not say enough for the law or much for the law. They are doing their best. They can only work within the legislation which is available to them. This is why they are doing this analysis and hopefully the survey and then the response. Initiatives have been brought forward by the police and, in actual fact, they have to be congratulated because during the TT they organised on taxi ranks the dispersal of passengers waiting and the taxi drivers felt a lot safer when there was a police presence there. If people were travelling to Onchan, they organised the people in the queue who were going to Onchan and managed to fill the taxi and disperse the people away.

So, yes, they police are trying to achieve things but it takes time. You cannot just start running straight away. Everybody has to learn to crawl, then walk and then run and this is the way forward.

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

Mr Houghton: Thank you, Mr Speaker. The minister, in his initial answer, explained that they are going through four stages; scanning, analysis, response and assessment, and they are now at the response stage. After finding out from the previous two that the three problems are transport, alcohol abuse and young people. Can the hon. minister explain why it has taken six months to decide on that, when every single person in Douglas knew that (**Mr Cretney:** Hear, hear.) and if the police did not know that, can he explain why? And also, with his community-orientated policing scenario, can he explain that in this, where they are working now with nightclubs, taxi drivers and this, that and the other, is this is not a veiled attempt to blame someone else for the lack of police cover on the promenade?

The Speaker: Minister for Home Affairs to reply.

Mr Braidwood: Mr Speaker, the alcohol unit of the Isle of Man Constabulary have been working with the licence holders on the on-licence and off-licence. They have been working with the nightclub licensees. We have been looking at projects which have been implemented in Warrington for late night transport and buses where the security officers of the nightclub will go on the buses and see that the bus driver then takes the passengers away from that area. We are looking at this. We are taking time. The hon. member for North Douglas says, 'The police should have realised this.' We did realise this.

Mr Houghton: Six months – time-wasting.

Mr Braidwood: We did realise there was a problem on transport. We have realised there is a problem with young people and we do realise there is a problem on the promenade with alcohol abuse. We have seen it in the papers over the last few years. What we are trying to do is rectify that problem, Mr Speaker.

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

Mrs Hannan: Thank you, Vainstyr Loayreyder. Could I ask the minister why the police put out a statement prior to the TT about crime? Do the police see that the visiting public during TT are related to crime or in what way was this statement put out? It was put out in quite a powerful way, almost inviting crime.

The Speaker: Minister for Home Affairs to reply.

Mr Braidwood: Well, Mr Speaker, I do not think it was the visiting public who were going to increase the crime in the Isle of Man. As I said in my initial response it was only 28 people out of 190 who were from off-Island. I think the police were trying to make people aware that during TT there are problems with so many people and, on the promenade, with young people going down and drinking – there could be problems and that was the only reason why.

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

Mr Earnshaw: Thank you, Mr Speaker. Would the minister consider that as alcohol-related offences seem to be the main problem, a review of licensing hours for promenade establishments or making the promenade an alcohol-free zone or perhaps both are moves worthy of consideration to overcome this problem, and would he furthermore agree that a more robust approach to drinking-related offences by way of prosecutions and penalties would be a move in the right direction? I support the aims and objectives of Operation Centurion, Mr Speaker, but we are missing the mark.

A Member: Hear, hear.

The Speaker: Minister for Home Affairs to reply.

Mr Braidwood: Mr Speaker, I believe the relaxation of licensing laws have been a great benefit (**Mr Cretney:** Hear, hear.) on the Isle of Man.

A Member: I have not seen it in the figures.

Mr Braidwood: What has happened is that we do not have the last minute rush and everybody coming out of the pubs at 11 o' clock. People now drink up in their own time and disperse in their own time. If they want to go on to nightclubs, that is fine. I cannot see the problem that way. There is a problem on the

promenade in the legislation which is in force at present, where at the moment an officer, if he sees somebody carrying alcohol, can warn them that if he sees it again he will then dispose of the alcohol which the person is carrying. Yes, we are looking at legislation. We are looking to see if we can look at a total ban of alcohol on the promenade. This is the whole point of this analysis and working together with the police.

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

Mr Karran: Vainstyr Loayreyder, would the shirveishagh recognise, whilst the police may be partly to blame – to his previous response – the issue of what we have done regarding liberalising the licensing laws in this very House, the issue that we have seen one of the first cutbacks when we saw the likes of Secondary Glen for disruptive kids to be cut back, as far as the money for that is concerned, so that we have children who – under the last Education Act, where some of us tried to put alternatives in, it was all thrown out – are walking around the streets with an hour a week's tuition and the rest of the time making a nuisance of themselves? Would the shirveishagh not also agree that this House has to take some blame and would he recognise that often we have to produce legislation to protect the weak and when we have such things as rows of alcohol there for people in supermarkets to have to go through when they have a drink problem? Would he not also recognise that we are a contributory factor within this House with our lack of legislative vision as far as what legislation we produce and the effects which are happening in society outside this hon. House?

A Member: Hear, hear.

The Speaker: Minister for Home Affairs to reply.

Mr Braidwood: Mr Speaker, first of all I am not an expert on education but I understand the problem when people are suspended from school that there is only one hour's tuition each day. (*Interjection by Mr Karran*) The other point of alcohol being sold on off-licensed premises, I cannot change the law on that; my view is that if it was not there to sell then it would be available to obtain it from somewhere else, and as the hon. member for Onchan knows, alcohol cannot be purchased by anybody under 18. We do know that there is a problem where people over 18 are purchasing alcohol for under-18-year-olds and the police are monitoring that, but it is very, very hard to find and to convict those individuals. When they go back to their own premises they can pass the alcohol on to the children under 18 or they drink in the house. We have no way that the police can go into that house. We can only prosecute the individual if he is seen handing over the alcohol to people under 18.

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

Mr Corkill: Thank you, Mr Speaker. The hon. minister has already answered part of my supplementary, but can I ask the minister to confirm that as recently as yesterday at the Drug and Alcohol Strategy Committee meeting that the Alcohol Unit of the police force did report to that committee, which is a cross departmental committee, with the report about events on Douglas promenade over the TT period, because the committee had requested that report? And will the minister confirm that one of the issues that the police are very aware of is that, because of changes in the licensing law a number of publicans, licensees are actually acting in a very much more responsible way these days because they have a lot more to lose under the new rules, but as a consequence of that there are an increasing number of adults who are legally purchasing alcohol from off-licence establishments and then supplying that as a business to young people; that if that occurs within people's private homes then that is not an offence; and that the police are looking at the legislation in relation to that, because they have evidence that there are a number of people illicitly supplying alcohol on this basis? They are creating this marketplace and that is something that was reported to the committee yesterday.

The Speaker: Minister for Home Affairs to reply.

Mr Braidwood: Yes, Mr Speaker, I totally agree with the sentiments which are being expressed by the Chief Minister and may I also add that there were some off-licence premises during TT week who closed early to prevent people purchasing alcohol from off-licence premises and causing problems on the promenade.

The Speaker: A final supplementary, I return to the questioner, hon. member for Onchan, Mr Earnshaw.

Mr Earnshaw: Yes, Mr Speaker. Returning to the original topic, I am frankly appalled that out of 190 arrests 162 were local people and I would like to ask the minister would he advise that of the 162 arrests of local people, to which he has referred, how many have been or will be prosecuted and, if he does not have that information to hand, would he provide it in due course for the benefit of members and for the benefit of the public?

The Speaker: Minister for Home Affairs to reply.

Mr Braidwood: Mr Speaker, the hon. member for Onchan was quite correct, I have not received that information, but I am quite happy to supply each member of this hon. House with that.

**Air Navigation – Enforcement of Orders –
Question by Mr Henderson**

Question 4. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Transport:

How does your department propose to police and enforce, or in conjunction with other jurisdictions, the recently laid before Tynwald 'Air Navigation Orders' which were not subject to debate?

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

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. Ta mee shirrey kied yn eysht y chur ta fo my ennym.

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

Mr Shimmin: Thank you, Mr Speaker. This question refers to the areas of restricted or closed airspace that have been created recently on a temporary basis to protect the areas used by the Red Arrows display team, also the airspace around the Tynwald Ceremony and the Manx Festival of Aviation at Jurby.

There are very well established aviation procedures for this purpose and after an order has been approved, the details of the restricted airspace will be published by the United Kingdom National Air Traffic Services (NATS) for all areas of the British Isles. The publication is called a 'notice to airmen' and is very widely promulgated.

The primary purpose of a notice to airmen is to assist in maintaining flight safety and it is part of any pilot's comprehensive training to take account of any relevant notams in preparing a flight plan in order to avoid hazards or restricted airspace. An area of restricted airspace is managed by the air traffic control unit responsible for that area. In our case this will be the air traffic control unit at the Isle of Man airport, an airport which is, incidentally, protected by a permanent control zone or area of restricted airspace.

Our air traffic controllers provide flight information or instructions to aircraft so that they can avoid areas of temporary restricted airspace. If an aircraft were to inadvertently or deliberately enter any area of restricted airspace, our air traffic controllers would endeavour to re-route the aircraft or in the example of the Red Arrows, would advise the display team of the hazard so that they can take avoiding action.

If an infringement did occur, then a mandatory occurrence report (MOR) – would be filed by air traffic control and this report would go to the UK Civil Aviation Authority who would investigate and take evidence from witnesses. If the matter justified it, the

CAA would prepare papers for a prosecution to take place.

In the Isle of Man, any such prosecution would be initiated by our Attorney-General based on the evidence supplied by the CAA investigation team and using the Isle of Man Air Navigation Order which is a mirror of the United Kingdom's.

In recent years there have been some successful prosecutions brought under the Isle of Man Air Navigation Orders and these have included infringements of controlled airspace around the Isle of Man Airport. So it can be seen, Mr Speaker, that orders made under our air navigation orders are properly promulgated in the interests of flight safety, are policed via our air traffic control unit and enforced in conjunction with United Kingdom's CAA.

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

Mr Henderson: Gura mi eu, Vainstyr Loayreyder. I thank the shirveishagh for his comprehensive answer on something that I think the Isle of Man public should be aware of, but could he just confirm for clarity that, in fact, areas of restricted airspace generate a notice to airmen that this notice to airmen is actually automatic and it is not just incumbent on a pilot to check his mailbox, as such, but the air traffic authorities will make sure that pilots are notified as part of their responsibilities as well thus ensuring that the whole system is as tight as it can be?

The Speaker: Minister for Transport to reply.

Mr Shimmin: Mr Speaker, we do have a permanent controlled restricted airspace around the airport of the Isle of Man which covers the southern part on a line south of a line from Peel to Laxey extending up to 6,500 feet in height that is permanently in control, as in many parts of the United Kingdom.

As regards the notification, it is a fundamental responsibility and part of the training and, indeed, the ability to be licensed as a pilot to ensure that before any journey is commenced, that the notice to airmen is consulted by the pilots. The system operates very well and successfully and has done for some years and certainly I am satisfied from my investigations that everything operates in accordance with safety for the travelling public. Certainly, if the hon. member wishes to have any further discussion on that I am quite happy but I am satisfied from my enquiries that everything does take place to ensure safety.

The Speaker: Hon. members, that concludes questions for oral answer on our order paper.