

REPORT OF PROCEEDINGS OF TYNWALD COURT (QUESTIONS)

**Douglas, Tuesday, 8th April 2003
at 10.36 a.m.**

Present:

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

In the Council: The Lord Bishop (the Rt Revd Noël Debroy Jones), the Attorney-General (Mr W J H Corlett QC), Hon. C M Christian, Mr D F K Delaney, Mr D J Gelling CBE, Mr E G Lowey, Mr G H Waft, Mr L I Singer and Hon. P M Crowe, with Mrs M Cullen, Clerk of the Council.

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

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Control of Employment Act 1975 – Intention to Amend – Question by Mr Delaney

Question 1. The hon. member of the Council (Mr Delaney) to ask the Chief Minister:

When is it intended that s 2(3) of the Control of Employment Act 1975 be amended to ensure that persons who come to the Island for educational purposes do not take up employment outside their stated purpose for gaining entry into the Island?

The President: I call on the hon. member of Council, Mr Delaney.

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

The President: The Chief Minister to reply.

Mr Corkill: Thank you, Mr President. The hon. member's question refers to discussions currently

taking place within the Council of Ministers in connection with the ongoing review of immigration on the Isle of Man. One element of that review has identified that foreign nationals coming to the Island for educational purposes are able to obtain employment subject to a number of restrictions but without acquiring express permission of either the Immigration Office or the Department of Trade and Industry. This has been identified by the Council of Ministers as an anomaly which should be addressed.

In order to address the anomaly it has been proposed that section 2, paragraph (3) of the Control of Employment Act 1975 be amended. This section states that persons who are subject to any condition or restriction relating to employment imposed by the Immigration Act 1971 would be exempt from requiring a work permit under the provisions of the Control of Employment Act 1975. This section would need to be amended if we are to embrace within the Control of Employment Act various categories of foreign nationals, including those entering the Island for educational purposes. There may, however, be alternative means of addressing the anomaly, and various options are currently being considered by the

Immigration Office in conjunction with the Department of Trade and Industry. These options include a more fundamental review of immigration legislation and its provisions for controlling employment matters.

I do regret, though, at this stage that I am unable to give a firm indication as to when any specific legislative change will be made to address the anomaly. However, it is presently hoped that the review of immigration legislation will be completed and implemented by the end of this calendar year. Having said that, we must be conscious that immigration legislation is applied to the Island by order in Council made by the Privy Council in the United Kingdom. We will therefore be reliant to a great extent on the United Kingdom authorities in respect of timing of the legislative process.

The President: Hon. member Mr Delaney.

Mr Delaney: May I thank the Chief Minister for that comprehensive reply and say how delighted I and others will be that something is going to be addressed. As the Chief Minister is not able to give me a date, would he confirm to me then that the issues that he has covered are two-fold, but the initial issue of this should be addressed for the purposes of people coming to the Island and then working on the Island without work permits by us amending our own legislation, which is the work permits Act, of which he has referred to section 2(3), and is it not simplicity itself as this Act was never designed to give those type of people free access without work permits, to delete that group of people from the Act so they have to have work permits to work here? Thank you, Mr President.

The President: Chief Minister.

Mr Corkill: Certainly I understand the hon. member's interest and concern in this particular area, and I am very aware of the detailed work that he has put in, in researching this particular area. I think the hon. member is right to draw attention to what would, at least on the surface, be a simple change to the legislation to deal with an issue of concern, and that is the change in my opening answer to the control of employment legislation. However, I would just err on the side of caution, I think, Mr President, that any change to the control of employment legislation may be quite a complex affair and modifying it does require very detailed and careful consideration. So in those circumstances it is important, I think, that we do look at some alternative options as well. But certainly, as the picture is today, I would concur what the hon. member is suggesting: that there is a straightforward situation with regard to amending the control of employment legislation, but the very fact that it impinges on legislation from another place, I think, is an important matter that we have to carefully consider.

**Douglas Corporation –
Moneys Allocated to –
Question by Mr Delaney**

Question 2. The hon. member of the Council (Mr Delaney) to ask the Chief Minister:

(1) *What is the total amount of money allocated to Douglas Corporation for the years –*

(a) *2001-2002 and*

(b) *2002-2003*

from all departments; and

(2) *can these funds be vired for other purposes without departments' permission?*

The President: The hon. member of Council, Mr Delaney.

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

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

Mr Corkill: Mr President, I am somewhat in a dilemma as to how to answer this particular question. When the hon. member of Council asks what money is allocated to Douglas Corporation I am not totally sure what he means, because a number of departments make payments to Douglas Corporation on the basis of invoices for services rendered. I have chosen not to include any details with regard to these payments in this answer.

I shall concentrate in this answer on two aspects, principally the housing deficiency payments from the Department of Local Government and the Environment and the payments made by the Department of Transport in respect of certain highway services.

Turning first to housing deficiency payments, the Department of Local Government and the Environment allocated the following moneys to Douglas Corporation from revenue: 2001-2, local authority housing deficiency payment of £527,000; 2002-3 the estimate was £996,000; 2001-2, the Douglas elderly persons deficiency - I have no figure at this point to give to the hon. member as that is being researched; 2002-3, Douglas elderly persons deficiency the estimate of £73,000. This revenue funding is to meet the shortfall in housing costs borne by Douglas Corporation. Detailed calculations for the housing deficiency payments are submitted to the department and are checked against estimates before payment.

The public auditors check the calculation of housing deficiencies as part of their audit work and in 2003 carried out a detailed audit of the housing deficiency calculations for Douglas Corporation at the request of the department. They produced a detailed report of the work undertaken, and the report stated that the calculations were correct and the funds received from the Department of Local Government and the Environment were being used for the shortfall on housing costs.

With regard to capital projects, the moneys are petitioned for a specific capital scheme and the progress and completion of the capital schemes are within the control of the local authority concerned.

It is the local authority's responsibility to ensure that capital moneys are used for the purpose laid out in the petition. The local authority does not require the department's permission to vire funds for use on other schemes. However, for housing projects, progress and monitoring of each local authority scheme is carried out by the estates and housing directorate of the Department of Local Government and the Environment, so we do know that these funds are not being used for other purposes.

So far as the service for highways paid by the Department of Transport is concerned, the payments made are as follows: 2001-2, the figure is £645,000, and in the year 2002-3 the estimated figure is £708,000. The department pays on invoice. Officers of the department have access to detailed reports from the corporation accounts which themselves are subject to audit. Talks at officer level are held to establish an agreed level of funding for the specified level of service. There is therefore little opportunity for funds to be vired for any other purpose.

The President: Hon. member of Council.

Mr Delaney: I thank the Chief Minister for that detailed report, virtually, into how the system works. The Chief Minister has agreed with me that there is a situation where they are not detailed at the time of invoicing. Would the Chief Minister be aware, and, if not, would he make himself aware, that certain invoices are being sent to government departments and then returned unpaid and asking for detail? Would the Chief Minister say this is not a satisfactory state of affairs, bearing in mind the amounts of money we are dealing with from the taxpayers and, if he does not know that, would he make himself aware of it? I will give him further details in private if he wishes.

The second thing which is of concern to me and should be to the taxpayers – and are you aware, Chief Minister? - that at this moment in time still, contrary to what is being said, the audited accounts of Douglas Corporation for the year 2002 have not been submitted to your local government department for clarification and rectification and yet the moneys estimated in there have already been paid out?

The President: Chief Minister.

Mr Corkill: Two questions there, Mr President. With regard to invoices I would expect, and understand also, that any invoices submitted to any department of government are obviously checked and verified before payments are made. So if there are queries on any particular invoices then you would expect the department involved, in this case the Department of Local Government and the Environment, (**Mr Delaney:** Hear, hear.) to discuss the issue of the invoice with the sender of the invoice. So I think that perhaps is a straightforward situation in that the department needs to be assured that it is paying for the services received and reflected on that particular invoice.

With regard to the position of Douglas Corporation accounts and the position and the timing of where they are at with regard to the auditing of those accounts, I have no information with me at this stage, Mr President, in relation to that process. Of course I think it should be understood that it is not necessarily a requirement that accounts have to be audited before other payments can be made. I think it would be quite normal business practice for the audit to actually catch up with the financial activity –

Mr Delaney: Two years.

Mr Corkill: - in time to analyse and to verify that things are in good order. So I do not necessarily believe that the auditing has to occur before the payment, but of course, in terms of ourselves and any local authority and in this question the Douglas Corporation, there is a legal responsibility and a need for all these public moneys to be audited, and I am sure that process will happen.

The President: Hon. member of Council, Mr Delaney.

Mr Delaney: Thanking the Chief Minister once again, may I ask the Chief Minister: in his busy schedule which he has, could I ask him to make time to see me so I can have a chat with him in private about some of my concerns on the accounts of Douglas Corporation, together with his local government department minister, please?

The President: I am sure the Chief Minister and the hon. member can get together.

Mr Corkill: That is not a problem, Mr President.

**Legislative Council –
Ministerial Membership –
Question by Mr Cannan**

Question 3. The hon. member for Michael (Mr Cannan) to ask the Chief Minister:

Is it in the best interests of democratic government that the Minister for Local Government and the Environment, the Chairman of the Waste Management Board and the Minister for Health and Social Security should be in the Legislative Council and not accountable to the electorate?

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

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

The President: The Chief Minister to reply.

Mr Corkill: Mr President, the inference of the hon. member's question is that all ministers of government and all chairmen of statutory boards should be members of the House of Keys regardless of inclination, interest, ability, experience or indeed suitability. So having done my sums, Mr President, this means that the 24 members of the Keys would be required to provide one Chief Minister, one Speaker, nine ministers, nine chairmen of statutory boards plus one, two or three members for Treasury, who are then not allowed to be a member of any other department. Clearly, either some members would have to accept very heavy work-loads or he would be, unfairly in my opinion, asking newly elected members to take on onerous and senior duties for which they had only limited experiences.

I believe that it is my duty as Chief Minister to seek to form a government which draws on the experience and expertise available to it, and that includes the expertise available amongst the properly elected members of the Legislative Council. The majority of members of the Legislative Council have been elected by the duly elected representatives of the people of this Island. I think it would be inappropriate to ignore the talent which is available to this government in the Legislative Council, especially when that talent or area of expertise may be the very reason for which members gain their position in the first instance. If I was unable to tap into this experience when forming the government I would feel I was not acting in the best interests of the Isle of Man, and I certainly believe that it is in the best interests of the government and the people of the Isle of Man that I should continue to do so.

The President: Hon. member for Michael.

Mr Cannan: Mr President, will the Chief Minister inform Tynwald how it can be in the best interests of democracy, the people of the Isle of Man, public accountability and the election of a democratic parliament when for him to appoint, for instance, a Minister for Health and Social Security from the Legislative Council who is now responsible for the rapid decline in the provision of health care, in particular during the period 6 p.m. to 8.p.m. on holidays, all weekends, bank holidays when only one doctor will be on duty for the whole of the Isle of Man - ?

The President: Hon. member, question please.

Mr Cannan: I have asked, Mr President, with respect, will the Chief Minister inform Tynwald how it can be in the best interests et cetera, and this is the question, sir - for the whole of the Isle of Man, when a minister is unable to listen to the concerns of the dental profession - headline in today's *Examiner* - unable to reach agreement with the senior medical profession on membership of an advisory committee, and so on, including the decline in services at the Ramsey Cottage Hospital, and will the Chief Minister tell the public of the Isle of Man what redress of grievance they have when the minister does not stand for public election, because - ?

The President: Hon.member, I think we have the supplementary without the full statement.

Mr Cannan: Right, thank you.

The President: Chief Minister.

Mr Corkill: Mr President, I will be guided by yourself as to how detailed I can respond with regard to these particular supplementary questions. I would wish to start off by saying that, with regard to the taxpayers' investment in health in this Island, over the last five to ten years, during which the current Minister for the Department of Health and Social Security, the hon. member for Council, Mrs Christian, has presided, investment in health for the people of this Island has been absolutely tremendous (**Several Members:** Hear, hear.). I do not wish to go into specific details with regard to particular areas because this is not the time or place to do it, but I am more than happy to engage in that dialogue at another time, Mr President. With regard to our investment in health overseen by the minister, Mrs Christian, I think the investment in recent years has been unprecedented in the history of this Island with regard to how we invest in the health of our people. There is a specific question in there about dentists, which, yes, is in the *Examiner* this week, and I do know those negotiations are exceedingly difficult from a number of points of view with regard to the necessary parties participating in that dialogue, but I also know that the minister is

committed to making sure that the National Health Service dental service of this Island is maintained, and that is core to government policy, and the hon. minister is dealing with that.

With regard to whether members of the Legislative Council should be popularly elected or not, I am very aware that there is a view held in certain quarters that that should be the case and I am also aware that in another place, in the House of Keys, there is a Bill before the branches at the moment for consideration. I think it would be wrong for me to comment on the progress of that Bill in this particular forum.

The President: Hon. member for Ayre.

Mr Quine: Thank you, sir. May I ask the Chief Minister, what democratic legitimacy can be claimed by a minister of your government who firstly came third in a three-seat constituency and then only with a handful of votes, and secondly seeks election to the Legislative Council within 15 months of having been elected and secures a seat in the Legislative Council at the second election? Does this demonstrate an acceptance or a belief by the Chief Minister that such a member is essential to his government because he cannot find suitable material in the House of Keys, or is it indicative of blind allegiance and is a reward for that blind allegiance?

The President: Chief Minister.

Mr Corkill: The hon. member for Ayre has been in this House a lot longer than I have, Mr President, so will be much more of an expert on blind allegiance than I am. (**Several Members:** Hear, hear.) But with regard to the comments that he has made if he is being critical of the House of Keys in terms of the way that they select members to the Legislative Council, then that is an opinion that he is free to hold. Certainly as far as I am concerned, and with regard to the parliamentary process in the House of Keys, I am committed to making the constitution work that we have available to us, and I am quite happy to put my weight behind making that situation work, and if others wish to change it and if the democratic process is there to change it, then I will put my weight behind whatever that constitution is, so there are a number of questions in the hon. member's insinuations there that are not down to me. I am elected by this hon. Court to do a job as Chief Minister and, going back to my original answer, I will do the best I can for the people of the Isle of Man with the people who are available to government, and that includes both branches of this hon. Court, Mr President.

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

Mr Karran: Eaghtyrane, would the Ard-shirveishagh not agree that if hon. members want to give the freedom to the Ard-shirveishagh to pick his own team, then they cannot complain when they are not picked? Would he not also agree that the situation is open for hon. members in this hon. Court to change that facility as far as that legislation is concerned?

A Member: Hear, hear.

The President: Chief Minister.

Mr Corkill: Well, we are getting into a real old constitutional situation here, Mr President, and I would totally agree with my colleague from Onchan's comments.

Members: Hear, hear.

A Member: Well done.

Mr Corkill: It is up to us to change systems if we think the systems need changing (**Mr Lowey:** Right.) and it is up to us as individuals, as hon. members, to make that system work, and that is my commitment with the system in place as of today, Mr President.

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

Mrs Cannell: Thank you, Mr President. Can the Chief Minister confirm that originally the intention of the Council of Ministers when it was first set up was that all ministers selected by the Chief Minister came for approval to Tynwald and that it was the former Chief Minister that removed that requirement?

Mr Lowey: Part removed. (*Interjections*)

Mrs Cannell: - That was the original intention. (*Interjections*) And will he further confirm that all such ministers are appointed at his pleasure only and the House of Keys members do not have a say in whether they are happy with his selection or not? Is that democratic in the Isle of Man Government? Further, what sort of democracy does it provide for the people of the Isle of Man, who are charged with removing or supporting their elected representatives once every five years, when such ministers are appointed in a place above the people and removed from public accountability? Where is the democracy in that?

The President: Hon. members, we are not going to widen it out into a full constitutional debate, but I will allow the Chief Minister to reply.

Mr Corkill: Mr President, I will say it again: there is a system in place which is constitutionally correct, because the hon. members of this Court, including myself, have maintained that constitutional

position by democratic process. If it is going to be changed I will do my best to deal with that occurrence if or when it occurs, but the hon. member for East Douglas is quite incorrect in her opening comments (**Members:** Hear, hear.) with regard to how ministerial government came about in this Island. Can I say that neither she nor I were members of this Court at that time.

The President: A final supplementary, hon. member for Michael, or are you passing it up, sir? No? Okay.

Mr Cannan: Mr President, having listened to the Chief Minister, who quite rightly praised the progress of the health service, is he not now aware that the minister, with no accountability to the public, has introduced policies which I outlined and is causing deep concern and unrest the length and breadth of this Island?

The President: I do not think that is a supplementary either, hon. member, but it is a matter of your opinion. Chief Minister, do you wish to add to it?

Mr Corkill: Mr President, I wish to make it clear that the hon. Minister for Health and Social Security, who is a member of the Legislative Council, is responsible to Tynwald Court, is present in Tynwald Court today and is available in terms of accountability quite clearly to any hon. member who wishes to ask questions or wishes to put forward alternatives to the policies that are there within that department.

**Rented Housing –
Possession Orders –
Question by Mr Waft**

Question 4. The hon. member of the Council (Mr Waft) to ask the Chief Minister:

- (1) *How many possession orders have been granted to local authority and private landlords over the past five years; and*
- (2) *will you use your office and the benefits section of the Department of Health and Social Security to draw up a joint statement of practice on preventing and recovering rent arrears to which all private and local authorities should be expected to subscribe prior to their application for possession orders?*

The President: Hon. member of Council, Mr Waft, to ask question 4.

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

The President: Chief Minister.

Mr Corkill: Thank you, Mr President. In order to provide the information requested it would be necessary to check every relevant summary, business High Court file, and that is not a cost-effective use of the General Registry's resources. However, I can say that it is estimated that 80 per cent of all applications include a request for a possession order which may or may not be granted. The estimated figures for applications for possession are as follows: 1998, 127; in the year 1999, 142; in the year 2000, 154; in 2001 there were 156 and in 2002, 159.

The information with regard to public sector housing could be obtained by contacting each individual housing authority, but again I did not consider such an exercise to be cost-effective at this point. However, as stated in the housing policy update report which was placed before the July Tynwald last year, it is the intention of the Department of Local Government and the Environment to introduce a best practice approach to housing management, including dealing with rent arrears and possession, and the work of ascertaining how many possession orders have been granted will be done as part of the research for that project.

In respect of the second part of the hon. member's question, I can see no value in directing my office and the DHSS to carry out work which has already been committed to by the Department of Local Government and the Environment. In the intervening period, best practice statements are issued by the Institute of Housing and are available to the local authorities in the Island. It must be stressed, however, that the prevention and recovery of rent arrears is a matter of policy for the relevant authority or owner, and there is no legal provision that could be used to require any authority or individual to operate to such a statement of best practice. I am led to understand, however, that local authority housing staff are keen to participate with the Department of Local Government and the Environment in the exercise of promulgating best practice throughout the Island.

The President: Hon. member Mr Waft.

Mr Waft: Thank you, Mr President. I particularly know there is no legal reason, but in view of the fact despite the slowing down in the economy house prices are continuing to rise, as can be seen by the figures you have already presented to us, Chief Minister, all I am asking for is that a joint statement of practice be established between local authorities and perhaps the private sector to which they can adhere, so when tenants do have to appear in court it will be following due process and they will understand where they are coming from, and also to be able to have the ability to

get legal aid when necessary. Not everybody can read these forms or understand them, and I would just ask that this area be looked at so that everybody gets a square deal, especially with the case of lots of people who have been decanted from psychiatric hospital into the community, a lot of people in the community at a scale of where these things happen and take place - there are problems there and some of the people appear before court and they are not represented. Thank you, Mr President.

The President: Chief Minister.

Mr Corkill: Well, certainly I would concur with the hon. questioner, Mr President, that we want these people to have a square deal. I think what the hon. questioner is saying is that there needs to be consistency in the system as well with regard to how people are dealt with. The difficulty of that, of course, is that individual circumstances will vary on a case-by-case basis, but certainly a lot of resource can actually be wasted in pursuing something which is perhaps not worthwhile in the event anyway. I think the numbers I have quoted show that the applications, despite the housing situation, are perhaps not rising as rapidly as we might have feared, but nonetheless his comments are well meaning and I would certainly concur with the intent behind them and I will make sure that the Department of Local Government and the Environment, in its dialogue with local authorities and indeed private landlords, is aware that this code of practice will be a sensible way forward. Even though it is not legally binding, we will do our best to encourage people to abide by it.

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

Mr Cretney: Could I ask the Chief Minister: could he confirm that he is aware that there is an inconsistent approach from various local authorities in relation to the collection of rents outstanding and that it would be far more sensible for a consistent approach so that early collection of rents could be achieved by all local authorities to prevent the difficulties which result when people panic, perhaps only receiving a letter when a visit from a representative of the local authority might prevent this sort of thing happening?

The President: Chief Minister.

Mr Corkill: Certainly I think, Mr President, people who are having problems with rent payments need to act early because situations can be averted by early action and by help being given at the appropriate stages. (**Mr Delaney:** Hear, hear.)

With regard to having a level playing field or consistency with each housing authority throughout the Island, I would be tempted to get into a debate about local authority reform, because that is obviously one of

the advantages that would flow from that type of rationalisation of local authorities, but I think that is a much longer-term aim. I do know that in the shorter term the local government department with this code of practice, is going to try and make improvements.

The President: Hon. member for Peel.

Mrs Hannan: Thank you, Eaghtyrane. Would the Chief Minister not agree with me that - this is to do with local authority housing - as all housing is funded by government, government should have a much firmer stance with local authorities (**Mr Delaney:** Hear, hear.) before any case goes to court at the cost of government, not at the cost of the local authority? So would the Chief Minister not agree with me that they are spending money which they are not held accountable for - they take it out of their housing deficiency? Is that not a fact?

The President: Chief Minister.

Mr Corkill: I would not wish to comment on the exact financing of court actions; I do not have that detailed information with me, Mr President. But yes, housing is centrally funded in that way and that is a point of view that I can well understand. On the other hand, housing authorities have an administrative rôle which has a cost in terms of how they operate their housing stock, and I think there is inconsistency between different housing authorities throughout the Island depending on the nature and the political make-up of those housing authorities. That is the way it is at the moment but I take on board exactly what the hon. member is saying.

The President: Hon. member for Onchan.

Mr Karran: Eaghtyrane, is the Ard-shirveishagh aware that the new interpretation in recent years by the deemsters has pushed the balance over to the other side away from the tenant in favour of the landlord as far as possession orders, and will his Council of Ministers review the legislation as far as the possession orders are concerned? And would the Ard-shirveishagh not agree that his reluctance to reply in detail to the hon. member of Council is not because of the issue of resources but more the fact that the present real cancer in our society with the housing crisis's effect on our people is an acute embarrassment to the Council of Ministers and to us all in this hon. House who share the same concerns?

The President: Chief Minister.

Mr Corkill: There is no embarrassment whatsoever, Mr President. I have given an answer as best I can with the information available. As I have said, the Department of Local Government and the Environment is working and this whole area will be

included in the next housing report which is only a month of two away before it will be put before this hon. Court. So all I am trying to say is that to do the exercise twice would not be using government's resources properly.

With regard to individual or particular court judgments, that is a matter for the judiciary to deal with, but historically I would suggest to the hon. member that in my view tenants have generally been given the benefit of the doubt with regard to difficult situations when eviction notices have been served. I cannot comment on the current situation; I have not got that information, but it is certainly something that in conversation I do not have a problem raising with the deemsters that this perhaps is a perception by some hon. members, but it is outwith my control.

The President: Hon. member Mr Waft.

Mr Waft: Thank you, Mr President. It would be a simple matter for somebody to make sure that people who are due for eviction are represented. Could I ask the Chief Minister to make sure that when they are looking into it they take notice of the possession action as a last resort by the Citizens Advice Bureau, which covers all the aspects we have spoken of this morning, and perhaps they could take that on board in their deliberations? Thank you, Mr President.

The President: Chief Minister.

Mr Corkill: In an earlier supplementary the hon. member mentioned mental health patients who are now in the community. Vulnerable people certainly need representation; I understand what the hon. member says.

The President: Mr Speaker.

The Speaker: Thank you, Mr President. Accepting that the vast majority of those who live in public sector houses pay their rent without any problem (**A Member:** Hear, hear.) and regardless of political views or attitudes by the housing authorities, of which I think there are only eight or nine, could the Chief Minister quite straightforwardly, through the Department of Local Government and the Environment, implement a procedure which ensures that before any local housing authority seeks an eviction they invite in any person who has a difficulty with paying their rent to discuss with them what the problem is, because nine times out of ten there are genuine reasons why an individual has got themselves into financial difficulty with their rent and are often embarrassed and a letter, cold, saying, 'You will be taken to court if you do not pay your arrears' (**Mr Cretney:** Hear, hear.) is just not good enough in these days, and we should take a more professional attitude?

The President: Chief Minister.

Mr Corkill: There is a balance to be struck, Mr President, in all these things, and certainly I would expect to, and I am quite happy to, discuss with the Minister for Local Government and the Environment this issue of inviting people in who are struggling in terms of payment of their rent at an early stage. It was mentioned in an earlier supplementary that the earlier these things are looked into and dealt with, the easier the solution comes, so I understand what the hon. member for Castletown, Mr Speaker, is saying and I am quite content to raise this issue with the minister to see, with the housing authorities, that there is this consistency of response. My own experience is that there is inconsistency from the different housing authorities, there is different emphasis, but then there are usually reasons for that, so, yes, I am quite happy to take forward that comment.

The President: A final supplementary. Hon. member for Rushen, Mr Gill.

Mr Gill: Thank you, Eaghtyrane. Just slightly more specific to the previous question, will the Chief Minister ensure that as a reflection of the new-style corporate government, a protocol will be drawn up between the various government departments who offer support in these cases, such as social services, the probation service and the Office of Fair Trading money adviser, and will they discuss with the relevant housing authorities the implementation of such a protocol? And secondly, would he agree that such a protocol would have two joint benefits: that of assisting tenants and also the cost-effective use of public funds?

The President: Chief Minister.

Mr Corkill: Whether it is a code or whether it is a protocol, Mr President, I think we are all after the same thing here, and certainly we need a consistent response, which is what the hon. questioner is asking for and has been backed up by the supplementary from the hon. member Mr Gill. So yes, in terms of corporate government, if we cannot make this one work then it is a sorry indictment, so we will certainly, with the ministers for local government and indeed the DHSS, make sure that these areas work together, but my experience of dealing with constituents is that very often that is the case anyway, but we do come across the odd disaster scenario where things have gone wrong and we need to minimise those numbers.

**Waste Disposal Rate –
Hardship for Pensioners –
Question by Mrs Cannell**

Question 5. The hon. member for Douglas East (Mrs Cannell) to ask the Chief Minister:

- (1) *Are you fully aware of the real hardship facing the Island's pensioners and those persons who are living on a fixed income due to the imposition of the impending refuse rate to be levied onto domestic rates; and*
- (2) *what does your government propose to do to alleviate such impending hardship?*

The President: Hon. member for Douglas East, question 5.

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

The President: Chief Minister.

Mr Corkill: Thank you, Mr President. The government is fully aware of the need to manage the transition to charging for waste disposal in a sensitive manner. That is why the Department of Local Government and the Environment recommended to the Council of Ministers that a 90 per cent rebate should be given to domestic users in 2003-4. The Council of Ministers accepted the department's recommendation and it was subsequently endorsed by this hon. Court. The result of that decision is that only 10 per cent of the actual cost of disposing of waste will be passed on to householders. However, I do recognise that other costs for the method of charging for waste collection have been incorporated into rates charges for this coming financial year by some authorities and that the increase in rates charged by the local authorities is therefore greater than that 10 per cent.

The Department of Health and Social Security bring housing costs into the assessments when making awards in respect of four income related benefits: income support; income-based jobseekers' allowance; family income supplement; and disability working allowance. In practice, it is likely that these four benefits will encompass the vast majority of people on low incomes. The full amount of any increases in housing costs is brought into the assessment of claimants in public sector housing. Therefore the net effect on these people will be nil.

There have been substantial increases with regard to the housing element of the four benefits I have mentioned varying between £10 and £25 per week. These increased benefits, combined with the introduction of the personal allowance credit will, I believe, ensure that no individual suffers undue hardship as a result of the policy of charging for waste disposal.

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

Mrs Cannell: Thank you, Mr President. Is the hon. Chief Minister aware that those in local authority units - sheltered housing, for instance - their rent as of

7th April has risen by 5 per cent, their rates equate in sheltered housing to £8 per week, and their basic pension has only risen by 2.75 per cent? Does he not, in view of that, recognise that there is going to be real hardship faced by some of those people who do not benefit from the benefits system, and what does he propose to do to address that situation?

The President: Chief Minister.

Mr Corkill: In very general terms, Mr President, of course, the benefits system is there to be used by people who need that benefit and, as I have said in my opening answer, the element with regard to housing costs and rates has been updated. The hon. member may well, in her supplementary, be referring to people who are above the threshold with regard to benefits and, yes, government is aware on an ongoing basis with regard to inflation and cost of living increases and these issues are certainly dealt with at budget time on an annual basis and reviewed throughout the period of the whole year so that the cost of living and the burden of taxation on society is bearable.

Can I say that, with regard to charging for services, with regard to taxation in general, it is very easy to show how unfair something is, but at the end of the day government requires certain revenues to provide the services to the whole of the community for the benefit of the whole of the community.

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

Mr Karran: Eaghtyrane, would the Chief Minister not agree that one way of helping the low fixed income in our community to relieve them of the extra burden that has been put onto them with this inverted form of taxation is this new tax credit scheme, and would he not agree that he could then support my amendments to help this section of the community at the next sitting of the Income Tax Bill in order to get his tax credit scheme to a more realistic level in order to help this section of the community?

The President: Chief Minister.

Mr Corkill: I think I have to say no to that at this stage, Mr President, but certainly I think the whole issue of how Treasury, over a number of years now, has been working towards this credit scheme is an example of how government is trying intuitively to find ways to help this particular 'bracket' of people in the community. We are trying to find ways in an ever changing world to help. Now, with regard to the scheme that the hon. member has amendments down to in another place, they will have to be debated in another place but the government policy is quite clear: Treasury has made it quite clear right from the day it was announced at budget time that we wanted to establish this system. There is a certain amount of

money budgeted for it and we want to get it up and running to see how it performs. At future budgets in future years there will be the opportunity to change those figures, but at this stage our whole task and our whole focus is to make sure we get this system implemented, and I would certainly urge the hon. member to support the legislation in another place to make that happen, and I am sure he will do that.

The President: Hon. member of Council, Mr Delaney.

Mr Delaney: Thank you, Mr President. Listening carefully to the Chief Minister and the difficulties we may have as we cannot amend the pension arrangements we have with Britain, would the Chief Minister not agree with me that if we find this burden, which it will be on the people who are not getting supplementary in the main, to adjust the Manx pension supplement to take into account the extra charges that will be levied against those people who are not on benefits and cannot claim it back from our social security system?

The President: Chief Minister.

Mr Corkill: With regard to Manx pension supplement, then we start a whole new debate, Mr President, (*Interjection by Mr Delaney*) and I do not wish to do that this morning because, as we are aware, there are those within the community who receive it and those who do not, and there are reasons why that has come about, but there has also been a policy in recent times of how the Manx pension supplement has effectively been capped with regard to the 50 per cent figure that is now included, because it was seen as the prudent way of setting that figure, so the hon. member's supplementary opens up a real hornet's nest, I would suggest.

Mr Delaney: Good one, isn't it?

Mr Corkill: But can I just say, before resuming my seat, Mr President, that government is aware of the changes to people's cost of living and, in terms of how we raise our revenues, the focus of this government is to provide efficient, high-quality services that benefit every single member of the community.

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

Mrs Cannell: Thank you, Mr President. Is the hon. Chief Minister really saying here this morning that he finds it acceptable that pensioners who live in my constituency in sheltered housing are going to be charged £8 a week in rates? Is he really saying that he is happy with that? And that is taking into account the 90 per cent subsidy initiated by the Department of Local Government and the Environment. And further

can he advise: how is that in terms of the information provided to hon. members by his minister in this department that stated that it was only going to cost £2 per week per household for the families to cover the refuse rate disposal charge? And further, with all of this talk and debate in terms of tax benefits et cetera, is it not just simply a case of robbing Peter to pay Paul when people have to revert and go on to the state benefit system because they have suddenly found themselves in that area where, before his refuse rate initiative, they were quite happy?

The President: Chief Minister.

Mr Corkill: The hon. member is suggesting that people are going into the benefits system because of the introduction of this new charge –

Mrs Cannell: They will be.

Mr Corkill: - and I would wish the hon. member to actually furnish the figures to prove that suggestion because I do not believe that that is the case; I have not got the figures in front of me now but I cannot believe that is the case. There is an issue here with regard to the 10 per cent as to what that actually represents in financial terms. The hon. minister for the local government department has made it quite clear that that is a relatively small amount of money per household per year, but there are other costs where some local authorities - not all, but some – have increased their rates to such a level because they are taking into account costs of setting up a new system of collection. It would have been perhaps better if local authorities had a more consistent approach in that respect (**Mr Delaney:** Hear, hear.) but, having said, the statutory requirement is definitely in their court and they have a requirement to deal with the legislation that applies to them. So not all of these costs are coming about from the actions of the local government department, they are coming about from the actions of the rating authority themselves.

**Douglas Corporation Reserve Fund –
Moneys Invested –
Question by Mr Delaney**

Question 6. The hon. member of the Council (Mr Delaney) to ask the Minister for Local Government and the Environment:

- (1) *What is the amount of moneys in the Douglas Corporation Reserve Fund;*
 - (2) *where is this money invested; and*
 - (3) *can moneys from this fund be withdrawn for purposes not detailed in their estimates?*
-

The President: Hon. member of Council, Mr Delaney.

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

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

Mrs Crowe: Thank you, Mr President. The hon. member of Council is aware that the accounts for the year ending 31st March 2002 have not yet been submitted to the department, therefore the information requested by the hon. member can only be based on the year end figures 31st March 2001.

In regard to part (1) of the hon. member's question, at this date Douglas Corporation had the following reserves: in their general rate account reserve they had £2,882,444; in their provisions reserve account they had £5,432,812. The general rate account reserve has built up over a number of years where rate income exceeds expenditure. The provision reserve is made to meet the replacement costs of specific items. The largest provision within this amount is for plant and vehicle replacement, and it is standard accounting practice to make such provisions so that funds are available to replace obsolete and out-of-date equipment.

With regard to part (2), it is not possible to tell from the audited accounts where the moneys are invested. However, section 43(4) of the Local Government Act 1985 provides that moneys held within a reserve be invested in securities in which trustees are, for the time being, authorised by law to invest trust moneys. Under Section 4 of the Audit Act 1983 part of the general duties of the public auditor is to ensure proper accounting practices have been observed. Therefore, as part of their duties, the public auditors should ensure that investments made by Douglas Corporation are in line with the Local Government Act 1985 requirements.

With regard to part (3) of the question, the moneys held in the provision reserves can only be used for the specific purposes stated, such as vehicle and plant hire replacement and details of the use of these reserves will be shown in the estimates that Douglas Corporation submit to the department. These will be checked by the public auditor to ensure they are properly used.

The estimates will also show how moneys raised from the rates and any reserves accumulate from previous years and what they are planned to be used for by the corporation in the next year. However, these estimates can only be a best guess of the requirements of the corporation for the next 12 months. As we all know, things can change and funds may or may not be required to meet costs known or unknown. Should any large items of expenditure be identified that are not in the estimates, the agreement of the town council should be sought to use the general reserve fund before

the expense is incurred. The public order under Section 4 of the Audit Act 1983 will ensure the general rate reserve is used appropriately. However, their audit work will not include checking all items expended from the fund but concentrating on ensuring all material items are for the appropriate purpose.

The President: Mr Delaney.

Mr Delaney: I thank the minister for the comprehensive reply for which I am grateful, and others will be too. Could the minister please answer the following supplementaries? She mentioned the rates accounts audited. When were they due, the latest up-to-date accounts in your department under the Act, and can the minister tell me, has she seen or has any officer seen where the £7 million that she has referred to is invested? In what bonds, shares, stocks are they invested, and what has happened to them since the ratepayers of Douglas have built these up themselves and are still alive today. As a ratepayer myself I would like to see where these moneys are invested.

The President: Minister for local government.

Mrs Crowe: Thank you, Mr President. The accounts for Douglas Corporation and indeed for any local authority are due in the department in September, so the 2002 accounts should have been in the department last September. We are making sure that we are actively progressing all the accounts from local authorities so they are presented in a timely manner to the department. In answer to the second part of the hon. member's query, I would say that no, certainly I have not seen where the moneys are invested and I do not believe that any of the officers in my department know that.

The President: Mr Delaney.

Mr Delaney: I thank the minister and ask another supplementary. In relation to the £7 million that we are delighted to hear we have in Douglas, as the £26,000 of it - £28,000, sorry, I have miscalculated it somewhere; it must be where it is placed, I cannot find it - could you tell me how much they are allowed to accrue and if there is a cap on how much they can take in from the ratepayers of Douglas before a stop is put? That is in the Act. If it is not there, will the minister give me some sort of undertaking that the ratepayers and the ratepayers of other parts of the Island will have some commitment from him that an Act or an amendment to the Act will come in that they can only have a certain amount of money from their ratepayers in reserve, which could be then used as a slush fund?

The President: Minister for local government.

Mrs Crowe: Thank you, Mr President. I am at the present time having the legislation looked at and

indeed we are hoping, with Treasury, to progress a new audit Act as well, (**Mr Delaney:** Thank you.) but at the present time what I would say is that I do not believe that there is a capping system in place in the legislation.

Mr Delaney: Thank you.

The President: Hon. member for Middle.

Mr Quayle: Thank you, Mr President. With over £8 million standing in the reserves to Douglas Corporation, could I ask if the hon. member of Council, Mrs Crowe, would outline whether or not she could confirm if there was a decrease or an increase in the rates set for Douglas Corporation this year?

Mr Delaney: Ten and a half per cent.

The President: Minister for local government.

Mrs Crowe: There was an increase in the rate that was set this year.

The President: Hon. member for Rushen, Mr Rimington.

Mr Rimington: Thank you, Mr President. Could the hon. minister confirm to me that the accumulation of such a large running reserve for capital replacement is beyond the normal running of public finances, and would not it be better if the Council followed the traditional 'user pays' principle, in that the ratepayers of today pay for the ratepayers' facilities of today and not the ratepayers of yesterday accumulating for (**Mr Delaney:** Hear, hear.) unknown ratepayers of the future?

The President: Minister for local government.

Mrs Crowe: Yes, indeed, we are having ongoing discussions with Douglas Corporation about many aspects within the accounting system, and the deputy chief executive of the department has had meetings and will continue to have meetings, and I am sure we will express the views that we have heard today.

Castletown Local Plan – Question by the Speaker

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

Whereas Tynwald adopted the first Castletown Local Plan on 17th April 1991 and the first revision of the plan was initiated by the publication of a document by your department in February 1996 and

subsequently your department has produced and published four revision documents –

- (a) can you explain why you stopped the progression of public consideration of the final draft Castletown Local Plan scheduled for consideration at public inquiry on 2nd and 3rd July 2002 and why to date it has not been subsequently progressed;*
- (b) can you explain and justify why, after a period of seven years of revision by your department which has involved consulting the people of Castletown on a number of occasions, your department has now abandoned any proposal to provide a new Castletown Local Plan; and*
- (c) as now there is likely, through your department's new policy of implementing four new area plans covering the Island, to be a further period of years of delay before any revision or new planning policies can be introduced directly affecting how the town of Castletown can be safeguarded and how the town can be sensitively developed in the future, how do you expect anyone to have any confidence at all in your department with regard to planning matters and especially in relation to the development and provision of appropriate planning policies?*

The President: Hon. member for Castletown, Mr Speaker.

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

The President: Minister for Local Government and the Environment.

Mrs Crowe: Thank you, Mr President. With regard to part (a) of the hon. member's question, the public inquiry scheduled to consider the 2001 draft Castletown Local Plan had to be cancelled because of the lack of staff resources. It has not been progressed to date because of the priority to maintain progress on other area plans, the draft strategic plan and the complete review of the planning system that was launched last year.

With regard to the second part of the question, my department has not abandoned any proposal to provide a comprehensive area plan coverage for Castletown. It was because of the need to achieve full area plan coverage for the Island at the earliest opportunity that I have recently announced that the department will concentrate its resources on providing four area plans to cover the whole Island. Castletown will be incorporated in the first of these plans, a plan for the south of the Island, which will also include Malew,

Santon, Port Erin, Port St Mary, Rushen and Arbory. I have further recently announced that work will start on this later this year when an issues and options report will be published as the first stage of preparing that plan.

With regard to the third part of the question I do not accept that there will be years of delay before this new plan is prepared. At the same time Castletown will continue to be safeguarded by the range of development control and conservation policies which are currently applied.

As you will recall, when I became minister I said that the need for a complete overhaul of the planning system and review, and I have concentrated widely on making the plan-making process and the development control procedures be in place. We did consult on the question of the length of time being taken to prepare area plans as part of that modernising the planning system consultation, and there were a specific number of area plans and smaller plans being considered at that time. In the consultation process for the new planning system 80 per cent of the respondents supported the suggestion and the level of response suggested to me that the public would welcome changes to be introduced and that the four area plans would be more acceptable. In my opinion the system of plan preparation has evolved over many years and is not working well and indeed it needed to be changed. The process of change may be uncomfortable, but we are convinced of the benefits if we pursue this course, and that is what we have decided to do. Working with members of the Court and the local authorities I feel sure that we can and must take a more strategic long-term view about the future of our Island and the quality of the environment that we all enjoy.

The President: Mr Speaker.

The Speaker: Yes, thank you, Mr President. In accepting partly what the minister has responded to my question, could I ask the minister to confirm, based on her answer, whether or not the issue of now determining to have four area plans has been driven purely by the lack of staffing resources?

Secondly, the minister said that they have not abandoned a Castletown Local Plan. Based on what the minister has just said, they have, and can the minister, if she is saying they have not, confirm how they have not if Castletown is to be included in a larger plan, which is an area plan for the whole of the south of the Island, and therefore how will her department ensure that the historic town of Castletown and the other areas that have value - that their planning policies are clearly identified and concentrated on to ensure we have the right answers?

The President: Minister for Local Government and the Environment.

Mrs Crowe: Thank you, Mr President. The necessity for four area plans was not just a staffing problem; it was the length of time the consultation for each small area and the number of planning officers required to address small areas, whereas doing four area plans we will be able to achieve a much more comprehensive and up-to-date area plan of an area. Mentioning Castletown and its special needs with regards to conservation and sensitive development, that will all be included in the area plan for the South in exactly the same way as we prepare local plans at the present time, but we will be able to prepare one local plan with one set of consultation, one inquiry and hopefully keep these plans more up-to-date in the future.

The President: Hon. member for Middle.

Mr Quayle: Thank you, Mr President. In noting the minister's reply thus far, could I ask her: regarding the four local plans that she is referring to for North, South, East and West, could I ask her how they relate to a strategic plan, where this is all linking together and when that will be introduced?

The President: Minister.

Mrs Crowe: Yes, indeed. The whole idea of four area plans is to link more succinctly into the strategic plan, and indeed the strategic plan at this present time has been through the departmental process and I hope will be starting its public consultation in or around the autumn of this year.

The President: Hon. member for Ayre.

Mr Quine: Thank you, Mr President. Does the concept of amalgamating local plans into larger regional plans not represent a step backwards for what was tried and abandoned in the 1980s early 1980s, and is it not a fact that the progressing of regional plans will greatly complicate and delay the consultative process, drawing in, as it will, numerous local authorities and diverse and competing community interests (**The Speaker:** Hear, hear.) and inevitably cause greater delay? And does the minister accept, does she appreciate, that the prospect of seeking and obtaining Tynwald approval for such regional plans will be much more problematic (**The Speaker:** Hear, hear.) with opposition coming from not just the representatives of one small area but a number of constituencies and sheadings, and the likelihood is that the plan will be sunk for ever and a day, these larger plans, and is it not preferable for her to proceed on the basis of area plans, largely related to established areas, be it town, village, parish, and for such plans to be dictated by the availability of developable land in those areas and the priority for accessing land in those areas?

The President: I think we have your opinion, sir. Maybe the minister will not agree with it; I do not know. (*Laughter*)

Mr Quine: I put a question.

The President: Minister to reply.

Mrs Crowe: I think you might be correct, Mr President, and I do not.

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

Mr Earnshaw: Thank you, Mr President. Would the minister agree with me that up to now, or at present, we have had far too many small and parochial plans which have made the whole system very difficult to work because of the length of time they take to go through, and would the minister also agree with me that to continue a policy which has been found to have shortcomings is counter-productive and, rather than see through such a policy, it is often better to recognise the problem, break into the cycle and adopt a better system?

A Member: Hear, hear.

The President: I think, hon. members, that proves the point of when supplementary questions become a matter of opinion, because (**Mr Downie:** Hear, hear.) whilst the hon. minister might not have agreed with the member for Ayre, I think she may agree with the hon. member for Onchan. (*Interjections*) Minister to reply. (*Laughter*)

Mrs Crowe: Thank you, Mr President. I think the point that the hon. member for Onchan, Mr Earnshaw, has made is quite true. The system at present is unworkable. We have numerous plans that are out of date; we have plans that are looking to be progressed. We need to get these area plans and local plans up to date, and we hope to provide a workable system with timely results and not the piecemeal approach which we have at the present time.

The President: Now, hon. members, I do not think that supplementary questions are the right area to allow this debate to continue on the either/or. Mr Speaker.

The Speaker: Thank you, Mr President. The minister has stated that the present system is unworkable. Could I ask the minister: as Castletown is a very small area and as it has taken seven years to get to the stage where now it has been abandoned, and as we have had four planning documents in that period and a lot of consultation with the people, the local authority and the MHK for the area, can the minister

explain why her department has been able to do everything except make a decision on this plan?

A Member: Hear, hear.

The President: Minister to reply.

Mrs Crowe: As Mr Speaker has just quoted, long before my time this plan was in progression - that is seven years ago. What I would say is he has made a perfect point for how unworkable the system is. After years of delay we have got nothing. We need to progress area plans in a timely manner and we need to keep them up to date.

The President: Hon. member for Peel.

Mrs Hannan: Thank you, Eaghtyrane. Would the minister not agree with me that discussing these plans on a local area, the area plan works in the interest of the developer and not the local people as she was talking about in the best interests of the environment. The best interests of the environment, I would suggest to the minister, have not been served by any of the planning decisions which have been made in recent times. No-one seems to have learnt that developments should not have proceeded as they have and they have not learnt from the past, and what we have is development which is development-led and not interest-led by the Isle of Man.

The President: Minister to reply.

Mrs Crowe: I think, Mr President, once again perhaps there is a solution in the fact that we are viewing all these areas of the Island with a very piecemeal approach - a small area here, a parish there, a town there. We need to have an overall approach to the planning development of the Isle of Man -

Mrs Hannan: No, we do not.

Mrs Crowe: - to protect the environment and not destroy it.

The Speaker: And lose the character.

**Recycling – Responsibility for –
Provision of Bins –
Question by Mrs Hannan**

Question 8. The hon. member for Peel (Mrs Hannan) to ask the Minister for Local Government and the Environment:

- (1) *Does your department have a recycling policy or is recycling to be the responsibility of local authorities; and*
-

(2) *will you ensure that there is an increase in the number of recycling bins provided and in more central areas?*

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

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

The President: Minister for Local Government and the Environment.

Mrs Crowe: Thank you, Mr President. With regard to part (1) of the hon. member's question, recycling is a vital core element in the overall waste strategy for the Isle of Man, and this can be seen in the waste management plan of 2000 and in the more recent work undertaken by the waste management's operation division. The government business plan, recently approved by Tynwald, also sets exacting targets for the department in terms of key performance indicators for recycling. These require demonstration year-on-year improvements in recycling figures across the Island. The responsibility for recycling lies with all the people of the Isle of Man. As such, the government, local authorities, the business community and all other organisations and individuals must be involved and take responsibility for their own areas to ensure the success of the waste strategy.

With regard to part (2) of the question, a wide range of groups were contacted earlier this year by the waste operations division to ascertain the availability of new sites for the bring site recycling bins. These included local authorities, government departments, schools, businesses, commercial premises, charities and existing supporters of the scheme. A programme of increasing, upgrading and replacement of these facilities is under way. The unit has also begun a consultation process with the department's housing and planning directorate to ensure that all new housing projects and public access schemes give consideration to the inclusion of recycling facilities at the design and planning stages. Thank you, Mr President.

The President: Hon. member for Peel.

Mrs Hannan: Yes, thank you, Eaghtyrane. With regard to the recycling, part (1) of the question, who is going to take the lead with regard to recycling in the future - the department who have not put out any information regarding what is going to happen following 1st July and charging for waste or the local authorities, who also put out no information about how to improve recycling? And could I ask on part (2) of the question, were MHKs consulted in regard to the placing of increased numbers of bring recycling bins?

The President: Minister to reply.

Mrs Crowe: Thank you, Mr President. The recycling projects are presently in place, and I think all local authorities are fully aware of their responsibilities, as indeed government are of ours. Now, I would suggest that maybe a letter did not go to all MHKs, asking if they could find sites for Bring Scheme bins, but a letter did go to all government departments, and I think all members of this Court are members of the department so could have had an opportunity to make their voice heard at that time.

The President: Hon. member for Peel.

Mrs Hannan: Yes, can I ask: the minister said that the department and government are aware of recycling and local authorities are aware of recycling; who is going to pass that information on to the general public? And with regard to MHKs, MHKs, I would respectfully suggest to the minister, are elected by the people. They are not elected by the people to government departments, but are elected to the House of Keys by the people and therefore have a responsibility to and from their constituents, and if members of the House of Keys were not consulted, why were they not consulted?

The President: Minister to reply.

Mrs Crowe: Thank you, Mr President. I think all members of this hon. Court are fully aware of the department's programme of recycling and indeed the department's initiatives in trying to increase recycling on the Island. However, I will make sure that a letter is sent to all members of the Court to ask them if they know of new sites or any new initiatives that we can be involved in that will help the people of the Isle of Man take responsibility for recycling. We have already had in excess of 25 new sites identified to us around the Island and indeed we are progressing these at the present time, but of course I have no problem in making sure that a letter goes to all members of the Court to ask them if they have any ideas, any initiatives or indeed can recognise any sites on the Island where recycling bins would be strategically placed, and I would be very pleased to do that.

**Waste Management Policy –
Civic Amenity Sites –
Question by Mrs Hannan**

Question 9. The hon. member for Peel (Mrs Hannan) to ask the Minister for Local Government and the Environment:

In the waste management policy –

(a) *what part does the civic amenity site play;*

(b) *who pays for the disposal of unwanted/waste materials from the site; and*

(c) *will members of the public have to pay for the disposal of items at the site?*

The President: Mrs Hannan.

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

The President: Minister to reply.

Mrs Crowe: Thank you, Mr President. With regard to the first part of the hon. member's question the civic amenity sites are a key part of the overall waste strategy for the Isle of Man, and that is why the two existing sites established by the department in the west and south of the Island and run by local authority boards are in the process of being supplemented by a further two sites, one in the east and one in the north of the Island, to replace the temporary facilities currently in use in these areas. These sites support the initiatives, the recycling, recovering and reuse as laid down as government policy. The sites provide facilities for members of the public to take materials for recycling and to give them a place to deposit bulky household items that the refuse collection services of their individual authorities cannot accommodate in normal collections.

With regard to the second part, at present all waste delivered from the civic amenity sites to the department's landfill site at the Point of Ayre is disposed of without cost to the individual board operating the site, the cost being borne by the department. From 1st July 2003 the boards will pay the rebated cost - that is, £100 per tonne - rebated by 90 per cent, £10 per tonne for disposal at the Point of Ayre landfill site, as the waste is household waste and is eligible for the rebate. Any materials that they recycle to other routes will attract the payments or charges applied by the operator of those outlets. If the civic amenity site boards provide facilities for trade waste, through their sites, or allow trade waste to be placed into household loads, these will be charged at the commercial rate.

With regard to the third part of the question, the civic amenity site boards can introduce charges as they see fit, following consultation with their constituent local authorities. The department has no say in their operation other than as an advisory rôle. At present the civic amenity site boards do not charge members of the public to dispose of items at these sites. One board does make a charge to allow trade waste producers to use their site, and one board is to bring in a permit system for which a charge may be made. Certain items that are difficult to dispose of, such as tyres and fridges, are at the present time being discussed with the department to ensure that a safe removal and recycling takes place of these items. In order that the

government's 'user pays' principle is adhered to, charges may be applied to these types of items.

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

Mrs Cannell: Thank you, Mr President. Am I correct in hearing that the hon. minister stated that those items that are deposited at a civic amenity site will be disposed of by her department to landfill at no cost? If that is correct, can I ask the hon. minister does she not recognise a great commodity of that which is deposited at a civic amenity site is not waste but material, and what are her plans to co-ordinate the collected materials for transport to another place to be properly recycled? Is it just not merely a dumping ground that is managed and not a recycling facility at all?

The President: Minister.

Mrs Crowe: As I have said, statutory joint boards run these civic amenity sites. The department has no rôle in the running of these sites. We act only in an advisory capacity. What we are trying to do is to ensure that recycling is taking place by discussing with experts exactly the way in which these boards should be recycling materials that are deposited at the civic amenity sites, but it is for them to dispose of the materials in a correct manner rather than for the department to dictate the way in which they do it.

The President: Hon. member for Peel.

Mrs Hannan: Thank you, Eaghtyrane. Would the minister not agree with me that the public, the people that we are here to represent, do not know how the civic amenity sites will work in the future, how the department is going to progress recycling and how this whole procedure is going to work, and would the minister also not agree with me that this is a very ill-thought-out policy which has not been got through to even us, let alone the public?

Mrs Cannell: Hear, hear.

The President: Minister.

Mrs Crowe: Thank you, Mr President. As I have just stated, the civic amenity sites are in the control of joint statutory boards on the Island.

Mrs Hannan: They do not know.

Mrs Crowe: They are the collection and disposal agents (*Interjection*) for the waste that they are receiving. We are acting in an advisory rôle. We have pointed out where tyres can be recycled, where refrigerators can be recycled. We have pointed out on a number of occasions different routes, in fact maybe

revenue-earning routes for local authorities to actively engage in rather than, as has been previously stated, using civic and amenity sites as a dumping ground. The civic amenity site must be properly managed and the people that are managing them are the statutory boards. The department has no control over what the statutory boards are doing at civic amenity sites bar being an advisory body to these boards, to whom they can turn for advice and to whom we are advising, almost on a weekly basis, the way in which they can be a full and proper part of our policies of recycling and reusing on the Island.

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

Mr Quayle: Thank you, Mr President. the hon. member of Council, the Minister for Local Government and the Environment, has mentioned her high value of the civic amenity sites. With that in mind and as the eastern civic amenity site, which would serve Douglas, Onchan and Middle, would serve over half the population, who or what has been responsible for the delay in providing a new eastern civic amenity site and when will this new one become operational?

The President: Really that supplementary is not relevant. I will allow the minister to answer, but it is not relevant to the question on the question paper. Minister.

Mrs Crowe: I am disturbed at delays, especially in something as important as the development of a civic amenity site. I do not know to whom the blame can be apportioned for those delays. What I do know is the senior officer in my department met with the statutory board for the East only yesterday and had a very full and informative discussion with them and offered any help that we could offer to bring about a very swift solution for a civic amenity site in the East of the Island, which to me is most important.

A Member: Hear, hear.

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

Mrs Cannell: Thank you, Mr President. Would the hon. minister accept from me that it is her department who has the responsibilities for waste disposal as we speak unless and until a report is accepted or otherwise in June of this year where charges may kick in as at 1st July, and in fact what she is doing today is passing the buck and blaming local authorities for all the ills of her department when in fact it is her inability, having been in office for two years, to manage the waste problem properly?

The President: Minister.

Mrs Crowe: Actually, once again the member for East Douglas has got it completely wrong.

Mrs Cannell: Oh, well, I would, wouldn't I?

Mrs Crowe: In statute the local authorities on the Isle of Man are the collection agents for waste.

Mrs Cannell: Collection agents, not disposal agents. You are!

Mrs Crowe: That is primary legislation on the Isle of Man. If we wish to change that legislation so the department is responsible for not only the disposal of waste but also collection, it is in the hands of the members of this Court, and what I have said was that I have met with all local authorities who do seem to be having some difficulties in fulfilling their statutory function, which is the collection of waste in their areas. If they want us to take a more active part we would, in fact, do so. However, at the present time legislation dictates what my rôle is and dictates also what is the rôle of the local authority.

Mrs Cannell: They have a problem with the minister.

**Hyperbaric Chamber –
Financial Resources –
Question by Mr Houghton**

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

Has the Kevin Gray Memorial Charity been financially resources in order to provide sufficient staffing to the hyperbaric chamber in order to meet health and safety standards?

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

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

The President: Minister for Health and Social Security.

Mrs Christian: Thank you, Mr President. After consideration of a business plan submitted by the charity to the department in June 2002, the department decided to increase the level of its annual grant to the charity from April this year. The major part of the increase was intended to support the recruitment of a second chamber operator, which was specifically recommended by the UK Health and Safety Executive following its inspection of the facility in August 2002.

The recruitment process is, I understand, now underway with a job description prepared by the charity with some input from the department.

The President: Hon. member for Douglas North.

Mr Houghton: Thank you, Mr President, and I thank the minister for her reply this morning. Can she advise how much additional funds and what the total amount of funds are that the department is making to the charity, sir?

The President: If you have that figure, minister.

Mrs Christian: Yes, Mr President, the department is now paying £90,000 per annum to the charity because of the health and safety executive's report. That is an increase from £50,000.

The President: Mr Houghton.

Mr Houghton: Thank you, Mr President. The hon. minister made reference to one of the reports that brought about this additional funding; may I ask if the hon. minister can arrange to have both reports, indeed, the health and safety report and the one from Dundee University made available to the public?

The President: Minister.

Mrs Christian: Mr President, I think the reports were actually carried out by the charity, not by the department. It is therefore for them to distribute the reports at their will.

Strang – Proposed EMI Unit – Question by Mr Henderson

Question 11. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Health and Social Security:

Can you make a public statement on the progress, timescale to build and opening of the proposed new EMI unit on the old Cronk Grianagh site at Strang, Braddan?

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

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

The President: Minister.

Mrs Christian: Mr President, the department intends to develop an EMI facility in a community-based unit for 32 residents currently being cared for in the continuing care beds at Ballamona Hospital. This

follows a policy decision made to transfer residents who are receiving long-term care in Ballamona Hospital to community placements. We have recently gone out to tender for the construction of the unit. Tenders have been received but they are all considerably in excess of the budget available. Discussions are currently taking place to identify an appropriate way forward to enable this scheme to be developed.

The President: Hon. member for Douglas North.

Mr Henderson: Gura mie eu, Eaghtyrane. Could the shirveishagh just clarify that we are specifically talking about the Cronk Grianagh site here for this development and, if so, would she kindly convey this kind of information to all concerned and the management and staff involved because there seems to be great uncertainty in this section of the health services?

The President: Minister.

Mrs Christian: Mr President, we are talking about a development which has been planned for the Cronk Grianagh site because of the issue of us not being able to build that at this time within the budgetary provision. As I have said, a number of avenues are now being explored. I am surprised to hear that staff are not aware of what the proposals are. They have long been referred to as the development at the Cronk Grianagh site, *(Interjection by Mr Henderson)* but I will ensure that staff are made aware of that which was our plan and, if and when these change because of our financial circumstances, they will be made aware, sir.

DHSS – New Gansey Unit for the Elderly – Question by Mr Henderson

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

Will you make a statement with regard to the new care of the elderly Gansey Unit in the south of the Island –

(a) *how near to opening is it; and*

(b) *when are staff and patients likely to move in and any relevant related matters?*

The President: Hon. member for Douglas North.

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

The President: Minister for Health and Social Security.

Mrs Christian: Mr President, it is envisaged that the Gansey Unit, which for members' information is the element of the new Southlands complex designed for the elderly, mentally ill, will open in August this year. Both staff and residents are expected to transfer when the unit opens in that month. Any relatives affected by the transfer have been written to, inviting them to meet and discuss any concerns or queries they may have within the next four to six weeks.

The President: Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane. Again, can the shirveishagh give a reassurance that she, or her officers, will be able to supply an update report on the progress of these particular plans? And can she confirm that what I am seeking as in the previous question is not the overall principle of the situation but it is actually a progress and update report of how things are progressing so that everyone is aware of what stage we are at?

The President: Minister.

Mrs Christian: Mr President, the member in his previous question referred to staff being updated. I am not quite sure whether that is what he is seeking now. (**Mr Henderson:** Yes.) Staff have been in discussion or informed through discussions over a period of a couple of years with respect to the move to Southlands, and discussions have taken place with regard to transfer of staff to Southlands. I am quite sure - it is obvious that staff need to be kept informed as we plan the actual move in August. I have no doubt at all that that will be the case, sir.

DHSS –

**Transfer of Care for the Mentally Ill –
Question by Mr Henderson**

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

Can you make a statement in relation to –

- (a) *Department of Health and Social Security policy changes apparently occurring for patients whose needs are met by the care of the elderly units within the mental health services which, up to now, have always been free of charge;*

(b) *any changes to the position if all these care of the elderly areas transfer over to the social services and any future patients care; and*

(c) *can you confirm or otherwise whether such future care given under the social services umbrella will have to be paid for?*

The President: Hon. member Mr Henderson.

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

The President: Minister.

Mrs Christian: Mr President, any in-patient currently residing in any elderly care unit within the mental health service receives care free of charge. Existing users transferring under the remit of social services shall continue to receive care free of charge upon transfer. In relation to in-patient care, this includes respite care provision. Upon completion of transfer to social services, any new referrals for admission or respite care shall be subject to any existing fee levelled by social services.

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

Mr Henderson: Gura mie eu, Eaghtyrane. Can the shirveishagh confirm that what she has actually said is that in future, for all cases of care of the elderly that used to come under the health services remit and who will now come under social services remit will now not receive this care free any more and it will have to be made under whatever financial arrangements they have and it will eat into any benefits and have a benefit impact?

The President: Minister for Health and Social Security.

Mrs Christian: Mr President, it is the case that if they are not in the mental health service - that is, the hospital service where they will continue in future to get free care - but in the social services arena they will be subject to the same charges and policies as apply to those who need residential or nursing care because of physical disability. It has long been recognised that it is iniquitous that two groups of people who need the same levels of care should be treated unequally, and therefore it is the case that future cases - and there is transitional provision in here - who are going into residential care or nursing care under the auspices of Social Services will be subject to charging structures as exist at the moment for residential care. The hon. member has referred to that impacting on their financial situation. Of course, benefits are available to those whose resources require that they be supported through the benefits structure. That, of course, will

apply to all claimants, whether their residential care condition is driven by a physical or a mental disability.

The President: Hon. member Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane. Would the shirveishagh agree with me that the new proposals now that we have confirmed in public today, where a service is now going to be charged for in the future for the public of this Island, is the only truly inequitable situation here and that in fact this is a retrograde step for social legislation of this Island and that, would she agree, is a complete shambles?

The President: Minister.

Mrs Christian: No, Mr President, I take entirely the opposite view from the hon. member. It will introduce an equity between two groups of people who are currently treated inequitably and unfairly for one particular group. I do not accept what he has said. I believe that it will make a balanced and level playing field for all those who need care or nursing care in our residential facilities.

Radcliffe Villas – Provision of New Unit – Question by Mrs Cannell

Question 14. The hon. member for Douglas East (Mrs Cannell) to ask the Minister for Health and Social Security:

What progress has been made in the provision of a new four bed unit to accommodate persons with a learning disability on land situated at Radcliffe Villas, Douglas?

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

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

The President: Again, the answer is in the hands of the Minister for Health and Social Security.

Mrs Christian: Mr President, the department proposes to develop a new four-bed unit to ease the problems that are currently being experienced within the Thie Ain unit of Radcliffe Villas. The department has gone out to tender on this issue and those tenders received are, again, above the budget available. As a result, the department are looking at these issues involved and seeking alternative ways forward.

The President: Hon. member for Douglas East.

Mrs Cannell: Thank you, Mr President. Can the hon. minister confirm that the moneys for this have

been approved in the budget for the years 2002-3 and that in fact the money has been carried over into this year's estimates for expenditure and further, would she appreciate that parents are very concerned that this new unit is provided as swiftly as possible, bearing in mind that it is to have adaptations to deal with those who are physically handicapped as well as mentally handicapped?

Mr Houghton: Hear, hear.

The President: Minister to reply.

Mrs Christian: Mr President, I recognise the concerns of those parents and I also recognise the wish of the department to produce additional accommodation for this particular group of people. Nevertheless, we do have a budgetary provision, as the hon. member has indicated, which has been set out but we all know that whatever we put in the Pink Book is not necessarily matched by the tenders that come in. Nevertheless, what the budget has approved is what we have to spend, and therefore we are looking at ways of trying to meet our requirement within our budgetary provision. We have to cut our cloth, Mr President, according to our cloth's availability.

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

Mrs Cannell: Thank you, Mr President. Will the hon. minister at least provide us with a progress report in respect of this particular unit, bearing in mind that the existing unit for respite, particularly, is overcrowded and, in fact, the unit that is accommodating those who would go into the new four-bed unit has very, very cramped, unsatisfactory conditions?

The President: Minister.

Mrs Crowe: Mr President, I am giving the Court a progress report today by virtue of this answer. I have to say, and I have said on previous occasions, that we are also in discussion with DoLGE about producing suitable accommodation within their developments, and that is also something which we are trying to progress. It may be that that might come on stream before we can build this, but we will hope to get both eventually. We are very concerned about progressing this development (**Mr Henderson:** Hear, hear.) The hon. member is right that at Radcliffe Villas we have problems which are acknowledged and there is pressure on those families. We are doing what we can to produce alternative accommodation but cannot spend money which we have not got.

The President: Hon. member for Onchan.

Mr Karran: Eaghtyrane, a supplementary. Can the shirveishagh inform this hon. House: are we talking about an extension of the new four-bed unit to Thie Ain? If that is the case, would the shirveishagh not agree that we are talking about the most profoundly disabled section of our community and would she not agree that that issue really does need to be addressed as it has been going on for about five years?

The President: I think, hon. member, had you listened, the answer was given, but minister to reply.

Mrs Christian: Yes, Mr President, the hon. member who had been in the department is aware of the situation there and of our wish to develop a separate unit, not an extension to Thie Ain, so that we could decant some of the people from that unit. We are progressing it. We have moved to the position where it is in our capital programme –

Mr Karran: It was in there years ago!

Mrs Christian: - and we have been given budgetary provision. Mr President, the hon. member protests that it was there years ago. There was no budgetary provision years ago. The hon. member will recall that from his time in the department. The budgetary provision has recently been made, we have gone out to tender - this has all been said; I am reiterating what I said before. We are progressing it.

**New Hospital –
Plans for Opening, Staffing etc. –
Question by Mr Quayle**

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

In relation to the forthcoming opening of the new hospital –

- (a) when is the anticipated opening;*
- (b) is it envisaged that there will be sufficient staff employed to operate it effectively;*
- (c) will any additional staff now required be recruited in time;*
- (d) in order to maximise the opportunity to fulfil any vacancies, will a crèche facility be available within the new hospital; and*
- (e) to what use will the existing Noble's Hospital site be put at Westmoreland Road?*

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

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

The President: Again, the answer is in the hands of the Minister for Health and Social Security.

Mrs Christian: Thank you, Mr President. To take the first part of the question, I can confirm that the target date for the opening of the new hospital is 14th July.

Regarding the additional staffing requirements the department has been pursuing an active recruitment campaign, the results of which have been that more than 75 per cent of the new posts have now been filled. It is envisaged that around 90 per cent of the new posts available will be filled at the time of the move and will enable the hospital to operate effectively.

Moving on to the fourth part of the question concerning crèche facilities, I have to say that evidence taken from staff surveys strongly indicates that a crèche would be of some limited value and in these circumstances no such facility is to be provided. However, the surveys did produce some support for a variety of other childcare arrangements to meet individual family needs, such as holiday or after-school clubs and these are being explored. I have to say, however, that this issue does not appear to be inhibiting recruitment at the present time.

On the final part of the hon. member's question I can advise that in accordance with the previously agreed policy, part of the existing Noble's Hospital site will be retained as a central community health service facility providing a range of community-based services, including amongst other things, breast-screening, therapy services, community nursing, child audiology and so on. In addition, consideration is being given to the development on site of new general practitioner and general dental practitioner surgeries. No final decision has been taken regarding the remainder of the site, although this represents a valuable asset for future development purposes within the gambit of government. I confirm that part of the present pathology laboratory will be taken over for use as the Government Analyst's laboratory.

**Police –
Hire of Hotel and Conference Facilities –
Question by Mr Houghton**

Question 16. The hon. member for Douglas North (Mr Houghton) to ask the Minister for Home Affairs:

Why have you allowed the Isle of Man Constabulary to waste over £35,000 for the hire of hotels and conference facilities when similar

accommodation could have been provided within government?

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

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

The President: I call on the Minister for Home Affairs to reply, Mr Braidwood.

Mr Braidwood: Mr President, there is limited prospect of securing appropriate and readily available government accommodation for police training purposes. On occasions the accommodation is required for periods of up to two weeks. Additionally, government facilities tend not to be conducive to health and safety for such specialised training as the use of batons and handcuffs. In any event a number of government facilities that may be appropriate would themselves attract payment in fee for their use. Training for all members of the constabulary is a major issue and is a clear and unambiguous priority for the Chief Constable. Training in skills, competencies, leadership, problem solving, partnership working and crime reduction has required increased investment. This will remain to be the case. I do not agree that expenditure amounting to approximately £35,000 for the hire of premises for training police officers, civil servants and members of the special constabulary has been a waste.

The President: Hon. member Mr Houghton.

Mr Houghton: Thank you, Mr President. Bearing in mind the only physical aspect of the training of the almost £36,000 budget was some £1,600 over the two years, would he agree that that £35,000 would almost take in an additional two extra police officers and, together with other extravagant provisions such as the sum paid for the photo montage, high quality police reports, would the total savings not provide at least two additional officers and let us have some officers out on the streets for operational duties, sir?

Two Members: Hear, hear.

The President: Minister for Home Affairs.

Mr Braidwood: Mr President, since the appointment of the Chief Constable there has been a great emphasis on police training. Also, in the staff surveys they are saying appropriate training is necessary. Over the last couple of years there have been major incidents. The conference room at police headquarters only accommodates 18 people and that was used for the inquiries. The police training facilities were only for 12. Now, in the last month or so, the police and the constabulary have new police training

headquarters at Winchester Court, which was previously occupied by the Communications Commission.

In answer to the hon. member for North Douglas with additional officers, again, that is a personnel requirement and is controlled by the personnel control mechanism.

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

Mr Lowey: Could the hon. minister explain to the Court how training is enhanced by being accommodated in expensive private facilities such as the four-star hotels within the Isle of Man? Now, there is training and training and no-one objects to the training, but one really does start to question when that training has to take place in such areas as the Hilton Hotel and the Tower block, which is in a central position on the promenade, and perhaps the minister can tell me how it can enhance training by putting it into five-star establishments?

Mr Houghton: Sheer extravagance!

The President: Minister.

Mr Braidwood: Mr President, I have just stated that the police have not got large premises for training which would alleviate the problem of going to other hotels and accommodation, but I am not ruling out the possibility that we might have to use hotel facilities in the future as other departments use hotel facilities for training and for meetings.

Mr Lowey: Didn't answer the question.

Police – Use of CS Gas – Question by Mrs Hannan

Question 17. The hon. member for Peel (Mrs Hannan) to ask the Minister for Home Affairs –

On how many occasions has CS gas been used and is it the intention of the police to continue to use it?

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

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

The President: Again, the answer is in the hands of the Minister for Home Affairs.

Mr Braidwood: Mr President, the Chief Constable authorised the use of CS incapacitation spray for police officers and members of the Special

Constabulary in December 1999. Since that date there are 56 recorded instances of the spray being used. The police continually monitor all developments that impact on the personal safety of officers and members of the Special Constabulary. This has included the introduction of protective body armour introduced in 2000.

At the present time the Chief Constable has no definitive plans to change CS incapacitation spray for local officers. They are trials taking place within the UK Home Office examining other options that include pepper spray. Once the Chief Constable has had a sight of the evaluation report from the Police Development and Scientific Branch of the Home Office he will give further consideration to the matter. In the meantime, the Chief Constable is satisfied that CS spray remains appropriate for the personal protection of officers.

The President: Hon. member for Peel.

Mrs Hannan: Will the minister review the use of CS gas in the way that it is used and in the injuries that it has caused to members of the public? Will he review all the issues involved with the use of it and then discuss the issue with the Chief Constable?

The President: Minister.

Mr Braidwood: Mr President, the use of the spray is strictly monitored and all officers receive training in the use of the spray, but I am quite happy to go back to the Chief Constable and talk to him over the use of the spray.

The President: Member for Peel.

Mrs Hannan: Yes, just another supplementary, Eaghtyrane. Will the minister review all the issues relating to CS gas and then will he discuss it with the Chief Constable? In response to my question on the order paper he has said that the police are happy with it and that they are going to continue using it, so to discuss it with the Chief Constable is more or less saying, 'I will accept what he says.' What I am suggesting is that the minister should review the use and then proceed from that.

The President: Minister.

Mr Braidwood: Mr President, I am quite happy to talk with the Chief Constable and monitor the use of the spray, but can I say that since the introduction of the spray it has assisted officers in calming situations where they might have been injured and it has had its useful purpose.

Mrs Hannan: Could I ask how many injuries have occurred to members of the public in the use of CS gas?

The President: Minister.

Mr Braidwood: Mr President, I do not have those figures available.

Litter – Responsibility for Disposal – Question by Mrs Hannan

Question 18. The hon. member for Peel (Mrs Hannan) to ask the Minister for Transport:

Who is responsible for –

- (a) litter bins in public areas, the placing, emptying and the cost of disposal; and*
- (b) for the disposal and cost of street/road sweepings?*

The President: The hon. member for Peel again, Mrs Hannan.

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

The President: Minister for Transport, hon. member Mr Shimmin.

Mr Shimmin: Thank you, Mr President. My department places, empties and pays for the disposal of the contents of litter bins in public areas on the Island except for Douglas, Onchan, Castletown and Peel town areas whose local authorities act on behalf of my department under agency agreements. The local authorities place and empty the bins using their own staff and sweeper vehicles, and these costs are passed onto my department under the terms of the agency agreements. Port St Mary Commissioners site and service a number of litter bins in Port St Mary which are in addition to my department's litter bins in that area. The commissioners are responsible for these disposal costs.

In answer to part (b), my department disposes of its own road sweepings. It has an agency agreement with Douglas, Onchan, Peel and Castletown local authorities for street-sweeping and these costs from the local authorities are passed onto my department under the terms of the agency agreements.

The President: Hon. member for Peel.

Mrs Hannan: Thank you, Eaghtyrane. Could I ask the minister, with regard to item (b) in the question: who actually decides where these road sweepings will go? And with regard to the disposal, how will the Department of Transport make themselves aware of the extent of the waste that is being disposed of?

The President: Minister.

Mr Shimmin: Yes, Mr President. This is causing a minor problem to the department at the moment which we are investigating, because at the moment the agency agreements do not separate out the street-sweeping and the litter bin collections. We are, indeed, working through all budget headings, as all departments are doing at present, to evaluate value for money, and certainly the headings within these areas cause concern on occasions. We are looking at the particular areas of those that have agency agreements with us because we are responsible for the remainder of the road sweepings on the Island. We are discussing with the Department of Local Government and the Environment about the ongoing costs of disposal of road sweepings. Therefore the agency agreements which are together - road sweepings and litter bin collections - need to be identified, the disposal route and the costs which may actually increase to my department. The whole area causes a great deal of concern at present with regard to whether our old agency agreements are sufficiently robust to ensure that we are getting value for money but I am optimistic that we are making progress in this area.

The President: Hon. member of Council, Mr Delaney.

Mr Delaney: Thank you, Mr President. Can I ask the minister: he is aware of the answers I was given in relation to the Douglas rates fund and its purpose of which is established; could the minister, bearing those answers in mind, today from his colleague, the local government minister, report back to me possibly and to other members about where the anomaly seems to appear and who is responsible for the vehicles in the possession of Douglas Corporation for the purposes as stated?

The President: Minister.

Mr Shimmin: I would dispute the word 'anomalies.' I think that the issue is one from my own internal department to ensure that we have a clarity of identification of the costs involved. Certainly at the moment we expend substantial amounts of money on the equipment that is servicing the Island both under my department and under the agency agreements. We are looking at those. I am sure that there are efficiencies to be made, and certainly at the moment it is true to say that the taxpayer is responsible for picking up the bill throughout the Island for all litter bin collections and street-sweepings.

Mr Delaney: Thank you, minister.

Pulrose Power Station – Costs – Question by Mr Karran

Question 19. The hon. member for Onchan (Mr Karran) to ask the Minister for Trade and Industry –

- (1) *Can you please confirm that the Pulrose power station is estimated to cost at least £30 million, or 70 per cent more than its equivalent in the United Kingdom;*
- (2) *can you also confirm that of that £30 million, £22 million can be attributed to the requirements of the Planning Department;*
- (3) *if this is the case, can you please advise what exactly the planning requirements were that resulted in additional costs of £13 million for architectural work and additional costs of £9 million for electrical work (presumably lighting); and*
- (4) *if this is not the case, can you advise why the architectural costs for the Pulrose power station are nearly nine times that of an equivalent power station in the United Kingdom and any electrical costs are 4.5 times the cost of an equivalent power station in the United Kingdom?*

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

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

The President: Minister for Trade and Industry to reply, hon. member Mr Downie.

Mr Downie: Thank you, Mr President. In addressing the first part of the hon. member's question, is the hon. member requesting that I confirm that the Pulrose power station is estimated to cost at least £30 million? If this is so, then I can confirm that the station will cost at least £30 million. With regard to this allegedly being 70 per cent greater than the cost of an equivalent power station in the United Kingdom, I should like to ask the hon. member where his information came from, as I know of nowhere in the United Kingdom where it would be possible to build an equivalent power station for £9 million. After all, hon. members, the gas turbines, steam turbines, boilers and cooling plant alone cost £22 million to purchase and install in our station in Pulrose.

In answer to the second part of the question, I cannot confirm that of the £30 million £22 million can be attributed to the requirements of the Planning

Department and I must, therefore, pass directly to the final part of the question.

The hon. member wishes me to advise why the architectural costs for the Pulrose power station are nearly nine times and the electrical costs four-and-a-half times that of an equivalent power station in the United Kingdom. I cannot advise the hon. member as to why the architectural costs are nearly nine times and the electrical costs four-and-a-half times that of an equivalent station in the United Kingdom because I do not know what the cost of an equivalent station in the United Kingdom would be. If I may, would the hon. member for Onchan, Mr Karran, please provide this House with some indication of how much the architectural and electrical costs for an equivalent power station in the United Kingdom would be? And would the hon. member please also advise from where he obtained this information and is this information widely available?

Would the hon. member also, please, like to explain what he means by 'equivalent' when he refers to power stations in the United Kingdom? To me 'equivalent' means equal in value, quantity or significance. I would like to suggest that it would be extremely difficult for the hon. member to find an equivalent power station in the United Kingdom. Yes, there are combined cycle gas turbine stations of equivalent generation capacity. However, can the hon. member indicate a single combined cycle gas turbine station in the United Kingdom that shares as prominent a site as the Pulrose power station, that is next to a national sports venue and is located in what is predominantly a residential area with the environmental concerns that that brings? I will admit that a power station normally built on a brown or greenfield site need not be as aesthetically pleasing or contain as much sound damping insulation as the Pulrose station and could therefore be less costly. However, I would enquire of the hon. member how much he thinks the equivalent station would cost if it were to be built next to the Millennium Stadium in Cardiff, at Twickenham, in Lansdown Road, or any other national venue in a residential area? Might the hon. member have the figures that show this?

I should once again like to ask the hon. member to provide evidence to substantiate the figures he quotes in his question and to acquaint the House with the calculations he has applied with regard to the Isle of Man factor for an equivalent power station in the United Kingdom. If the House has the figures we can all evaluate them and gain a better understanding of the cost of construction of a power station.

Mr President, for the assistance of the Court I would like to propose that the Chief Executive Officer of the MEA and his senior staff delivers a presentation on the power station (**Several Members:** Hear, hear) project and status to date and the financial aspects to all members of this House at a convenient time and date. Should this be agreed, I will undertake to advise members when this has been arranged and then we can

all acquaint ourselves with the figures and the hon. member will have the opportunity to question the people who have been involved in the day-to-day negotiations and all the work in connection with the developing of this extremely fine and very prominent project.

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

Mr Karran: Eaghtyrane, would the shirveishagh not agree that his reply is trying to play the 'dumb blonde' (*Laughter*) to this hon. House talking about £30 million? Would he not agree that the question says it is £30 million more than what it would be expected to be in the adjacent island? Would the shirveishagh not also agree that the figures that I am referring to are from correspondence from his Chief Executive from the MEA and that the information about the United Kingdom has come from the professional journals in the adjacent island? Would the shirveishagh also not agree that it would be better than his change from when he was not a minister when he wanted to have an inquiry into the this power station that it does look rather inconsistent with what was reported in the newspaper some time ago, and would he welcome the Public Accounts, if it ever gets the resources to do the job right, to investigate the real issue of, once again, the taxpayer being ripped off?

The President: Do you wish to reply, minister?

Mr Downie: I do, Mr President, just to state that I cannot agree with any of the statements made by the hon. member. I have indicated to the Court this morning that I am more than willing to arrange a presentation and that presentation will be the opportunity for all members to put their questions forward to the MEA executive and get to the bottom of what really is a very complicated and complex issue and, in my opinion, not one that should be dealt with in Question Time in the House.

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

Mr Duggan: Thank you, Mr President. Would the minister confirm to the Court that the MEA has nothing to hide and the policy of the MEA has always been an open-door policy for any members with any queries, including Mr Karran?

The President: Minister.

Mr Downie: Yes, I must thank the hon. member for South Douglas for his question. I believe that in the MEA and under the guidance and leadership of Mr Profitt as its Chief Executive, we have an excellent body; (**Several Members:** Hear, hear.) the board are really go-ahead.

Mr Delaney: We all need a profit!

Mr Downie: They have done a tremendous job and let us face it, hon. members, the whole project was fraught with difficulties in the first week when Enron got into trouble in America and, in fairness to the board, they have rallied to the challenge, they have overcome that, the scheme is back on time and on target, and I think it would be a good opportunity for members to be brought right up to date (**Mr Duggan:** Hear, hear.) with what is happening with the MEA. There is no reason, in my opinion, for this to go off to Public Accounts or anywhere else. We are already wasting millions of pounds chasing moonbeams (**Several Members:** Hear, hear.) and allegations that the hon. member seems to make. This is a very serious issue, and I am sure that it is one that, given the proper dialogue, members can be brought right up to date on and fully understand the complexities.

The President: Hon. member of Council, Mrs Crowe.

Mrs Crowe: Thank you, Mr President. My eye is drawn to the second part of this question from the member for Onchan, Mr Karran. Could the minister confirm that no onerous planning conditions were placed upon the planning permission that was received for the power station?

The President: Minister.

Mr Downie: Yes, I am pleased to confirm – I just refer to my notes here that I made; I want to be absolutely accurate about this - I am pleased to confirm that no specific or special planning conditions were applied to this power station. There was a considerable amount of dialogue with the MEA, with the people in the surrounding area both in West and South Douglas. There were a number of presentations that took place. As a member for Douglas West I wrote to the MEA board on a number of occasions and I asked for certain things to be taken into consideration when progressing their planning application, this was duly done and I am also pleased to say that the architects' costs are not the millions and millions of pounds as indicated in the hon. member for Onchan, Mr Karran's question; the architects' costs are actually £540,000 and represent a discount of £20,000 on other government-agreed rates, so I think what we have seen within the board and the workings of the MEA has been value for money and a commitment to produce a really good scheme.

The President: Hon. member of Council, Mr Delaney.

Mr Delaney: Thank you, Mr President. Very quickly - the minister referred to the public meetings which I attended, and a lot of people from South

Douglas and your own constituency, sir, attended that meeting two years ago at the Golf Club in Pulrose. Could the minister tell me: the confirmation was given to us at that meeting that the two chimneys at the power station were reduced to one. Could you give us some idea if that is going to be the outcome of this development and when it is going to happen?

Mr Downie: Yes, the hon. member of Council, Mr Delaney, is quite correct. When the scheme is completed that redundant chimney at Pulrose power station will be removed. (**A Member:** Hear, hear.) I am hoping that, as the work to finish the encapsulation of the plant continues, in the next few months we will see a package coming forward to reduce that second chimney and the whole site cleared up. I understand that there is possibly to be an opening of the new power station some time in July, but that has yet to be confirmed.

Mr Delaney: You are no dumb blonde!

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

Mr Karran: Eaghtyrane, would the minister not agree to do a double act as far the old 'blonde routine' (*Laughter*) with the Minister for Local Government and the Environment as far as the issue of the requirements of the Planning Department? This was an issue which the Chief Executive of the MEA actually used as an excuse for the costs. Would the shirveishagh not also agree that we are not talking about just the cost of the planning as far as the design work is concerned, we are talking about the £100,000 or so spike on top of the power station, the special glass, the special lighting system -

Mr Delaney: The satellite aerial.

Mr Karran: Would he not agree that, instead of trying to hide and make a fool out of this hon. House – not this hon. member – he would be better tackling the issue of coming up and telling this hon. House where the real costs were that justified the extra costs that were involved as far as this power station is concerned? Would he not also agree with the remarks from the hon. member for South Douglas that it is all well and good to do a good job when you can throw money at the project and have an open-cheque policy which will mean at the end of 30 years our grandchildren will be paying that £185 million debt?

Mrs Hannan: Hear, hear.

The President: Minister.

Mr Downie: Yes, Mr President, I hear the hon. member's rantings. I have no intention to get involved in the situation regarding the bond. It is a very

complicated issue. We could quite easily, at the MEA, establish a sinking fund but that is immediately going to put between 20 and possibly 25 per cent cost on electricity.

Mr Karran: No, it is not! You said you had a £6 million profit. It's rubbish! Mickey Mouse accountancy!

Mr Downie: The bond route that the MEA have decided to go down is the most cost-effective as far as they are concerned. It does have the concurrence of Treasury and, as I stated earlier, we have no problem putting a presentation on for all hon. members. I am sure it is a very, very interesting topic and the hon. member for Onchan will then be able to come along with his figures and he will have an opportunity to put all the questions he wishes to members for the MEA and the Chief Executive himself, and I am sure other hon. members can base their findings on what the outcome of that questioning is.

The President: Now, hon. members, that brings to conclusion the oral part of our question paper. The remaining questions are for written answer and they are now ready for circulation. I would just point out, in relation to the question asked by the hon. member for Malew and Santon, Capt. Douglas, when you get your written replies, hon. members, you will notice that time has ruled that in effect the Department of Local Government and the Environment have not been able to get all the response from the local authorities in relation to that timescale and therefore they are suggesting that it be deferred to the May sitting, hon. members. And in relation to the hon. member for Michael's questions 24, 30, 31, 41, 42, 43, 45, 46 and 47 they are all the same but to each separate department. The answers have been consolidated at question 30 but some are also answered separately by way of duplication, hon. members. So if you would just be aware of that when you get your written answers we will all be up to speed. That, hon. members, brings us then to the conclusion of the question paper.

**Planning Applications –
Consideration of Local Plans –
Question by the Speaker
for Written Answer**

Question 20. The hon. member for Castletown (Mr Speaker) to ask HM Attorney-General:

(1) In relation to a planning application, can you confirm whether, when considering such an application -

(a) the Planning Committee;

(b) the independent Planning Inspector; and

(c) the minister

must take into account any emerging draft local or area plan which has been published when making their decision; and

(2) if 'yes', do you believe it to be reasonable and acceptable with regard to fairness to both applicants and objectors to an application for a series of planning documents or draft plans to have been published over a period of years affecting an area without a final determination being made?

Answer

(1) In my opinion a planning authority, be it the Planning Committee, the independent Planning Inspector or the minister must take into account the existence of a draft area plan when considering a planning application, although there is no requirement for such planning authority to implement the proposals in the plan. What the planning authority must not do is to allow a development which conflicts with the proposals in a draft plan to proceed so as to prejudice the implementation of the plan. For example, if a draft plan indicates that road widening should take place on certain land it would be wrong to allow building to take place on that land so as to frustrate the road-widening scheme. In that case the proper course would be to refuse the application for building on the grounds that such application was 'premature'.

(2) In my opinion, on the face of it, it is not reasonable that draft plans are not finally adopted and approved by Tynwald as required by the Town and Country Planning Act 1999. An unreasonably long delay in the adoption and approval of an area plan in turn creates an unreasonably long period of uncertainty about whether and what development can or cannot take place. The object of the development plan process is to provide a clear and well defined framework within which the development of land can take place, not to perpetuate uncertainty.

However, the absence of an area plan or relevant proposals in an area plan or indeed the fact that an area plan is in the offing is not, in itself, a reason for refusing planning permission, and the planning process can still operate. An area plan, or proposals for the alteration or replacement of an area plan, may be taken into account as a material consideration for development control purposes – the weight to be accorded to such a plan or proposals will increase as the various stages in the statutory process are reached. Equally, an

approved plan's importance will diminish as time passes and circumstances change.

It is possible that there may be good reasons why a series of planning documents or draft plans have been published over a period of years affecting an area without a final determination being made; the particular circumstances would have to be scrutinised and in relation to any particular application for planning approval for the development of land the existing plans would have to be interpreted in accordance with the principle referred to above.

**Local/Area Plans –
Period for Coming into Force –
Question by the Speaker
for Written Answer**

Question 21. The hon. member for Castletown (Mr Speaker) to ask HM Attorney-General:

Would you advise what you believe to be a reasonable period, under the Town and Country Planning Act, for providing a new local or area plan from it first being published to it being presented to Tynwald for approval?

Answer

For the purposes of this answer it is assumed that 'the Town and Country Planning Act' referred to in the question is the Town and Country Planning Act 1999, Part 1 of which (dealing with development plans) came into force on the 1st April 2000.

Section 2 of the 1999 Act requires the Department of Local Government and the Environment to prepare and from time to time revise, *inter alia*, one or more area plans and provides that such plans shall not have effect unless they are adopted by the department by order and the order is approved by Tynwald.

Schedule 1 of the 1999 Act sets out the procedure to be followed in preparing and adopting, *inter alia*, area plans.

Schedule 1 to the 1999 Act is silent as to any time limit within which the department shall consider whether to adopt a draft area plan, with or without modifications, nor is there any indication of a time limit within which the department must bring to Tynwald, for approval, any area plan which it has adopted by order.

It is not possible to stipulate what would be 'a reasonable period' in every case since much will depend on the relevant circumstances and in particular the number and complexity of the planning considerations in issue, including the number of objections, if any, to the plan. I consider that the department should act 'as soon as practicable' taking into account all the circumstances.

**Government Funds and Accounts –
Book and Market Value –
Question by Mr Cannan
for Written Answer**

Question 22. The hon. member for Michael (Mr Cannan) to ask the Minister for the Treasury:

What were the book value and market value respectively as at 31st March 2003 of the following reserve funds -

- (a) *Manx National Insurance Account;*
- (b) *Reserve Fund;*
- (c) *Hospital Estate Development Fund;*
- (d) *Manx Currency Account;*
- (e) *Public Service Employees' Pension Reserve;*
and
- (f) *General Development Reserve?*

Answer

As at 31 st March 2003	Book cost	Market value
	£ millions	£ millions
Manx National Insurance Account	349.5	286.0
Reserve Fund	223.3	192.4
Hospital Estate Development Fund	78.7	81.2
Manx Currency Account	48.6	48.8
Public Service Employees' Pension Reserve	63.2	48.5
General Development Reserve	12.2	12.9

The above results are provisional, as at 3rd April, and are subject to final audit and exclude financial year-end intra fund transfers.

**St George's Court and Rose House –
Annual Rents – Leases –
Question by Mrs Hannan
for Written Answer**

Question 23. The hon. member for Peel (Mrs Hannan) to ask the Minister for Local Government and the Environment:

- (1) *What rents are paid annually for -*
- (a) *St Georges Court - Department of Education; and*
 - (b) *Rose House, Circular Road - Department of Agriculture, Fisheries and Forestry; and*
- (2) *what are the lengths of the leases?*

Answer

The information requested by the hon. member for Peel is as follows:

- (1) Current rents paid annually for:
- (a) St George's Court (occupants being the Department of Education) are £326,192 per annum (i.e. £18.50 per sq.ft.) plus £28,900 for car parking (i.e. £850 per space)
 - (b) Rose House, Circular Road (occupants being the Department of Agriculture, Fisheries and Forestry) are £138,047 per annum (i.e. £18.50 per sq. ft.) plus £12,750 for car parking (i.e. £850 per space)
- (2) The lengths of the leases are:
- (a) St George's Court – 21 years from 13th October 2001
 - (b) Rose House – 21 years from 12th May 2002

**Treasury –
Government Purchased Land 2001-2003 –
Question by Mr Cannan
for Written Answer**

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

For the period 1st April 2001 to 31st March 2003 will you provide the following details of all purchases of real estate (land and property) by your department at a price in excess of £250,000 -

- (a) *location of land or property;*
- (b) *details of purchase and proposed use;*
- (c) *price paid; and*
- (d) *date of completion of purchase?*

Answer

The Treasury as a department has not purchased any land or property at a price in excess of £250,000 during the period in question.

**Local Authorities – Costs of Legal Advice,
Staffing and Administration –
Question by Capt. Douglas
for Written Answer**

Question 25. The hon. member for Malew and Santon (Captain Douglas) to ask the Minister for Local Government and the Environment:

Can you advise on -

- (a) *the occasions and costs incurred by all local authorities in obtaining legal advice against government departments in the period 1st January 2000 to date; and*
- (b) *an analysis of all local authority staffing and administration costs in the period 1st January 2000 to date?*

Answer

As the information requested by the hon. member requires detailed research by local authorities, it has not been possible for this information to be provided in the timescale available.

In the circumstances, I propose that this question be deferred to the May sitting of this hon. Court. I also propose that, with regard to parts (a) and (b) of the question, the date referred to be amended to 31st

March 2000. This will enable the information to be produced on a financial year basis, which will assist local authorities in conducting the required research.

**Island Area Plans – Introduction –
Question by the Speaker
for Written Answer**

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

Why has your department determined to abandon the individual local town and village plans in favour of the introduction of four Island area plans?

Answer

Following the introduction of the Town and Country Planning Act 1999, the current Development Plan [the Isle of Man Planning Scheme (Development Plan) Order 1982] is to be replaced with a new development plan comprising an all-Island strategic plan and a number of area plans. The strategic plan will set out the overall land use strategy and policies for the Island. The area plans will set out site-specific proposals for land for particular purposes, such as industry, new housing and jobs and measures to protect the environment.

At present there are some 13 local or area plans covering various towns and villages across the Island. Many of these are due for replacing. Other areas are covered by the land use zones on the 1982 Development Plan. A number of other area plans are in the course of preparation.

The current programme will take several years to complete and the department has taken the opportunity to review it. As part of the ‘Modernising the Planning System’ consultation last year, people were asked for comments on the proposal to prepare a smaller number of area plans covering wider areas. Some 80 per cent of respondents supported the suggestion.

Under the new programme, four new area plans will be prepared by the department covering the following local authority areas:

NORTH	Ramsey, Lezayre, Maughold, Jurby, Andreas, Ballaugh and Bride
WEST	Peel, Michael, German and Patrick
SOUTH	Castletown, Port Erin, Port St Mary, Rushen, Arbory, Malew and Santon
EAST	Douglas, Onchan, Braddan, Laxey, Lonan and Marown

Work on the first of these, for the south of the Island, will start later in the year when an Issues and

Options Report will be published as the first stage of preparing the plan. Public consultation will take place at each stage.

As a consequence of the new programme, the draft area plans for Port St Mary and Castletown will not be progressed any further but the proposals in each of these draft plans will now be incorporated into the area plan for the South.

The other two area plans currently in course of preparation, for Laxey and Lonan and Braddan, will be progressed through their remaining stages to adoption by the department and subsequent submission to Tynwald for approval.

In preparing the department’s business plan for 2003-6, I took the opportunity to look at how we prepare area plans. If we are to secure full Island coverage of area plans at the earliest opportunity, we need to prepare a smaller number covering wider areas and keep them up to date. This new programme will enable us to meet the target I have set of approval of the strategic plan early in 2004 and a comprehensive range of area plans by 2006.

This target has now been included as one of the government’s key performance indicators in the Isle of Man Government Plan 2003-6.

Preparing fewer area plans covering a wider area will enable us to take a more strategic long term view about the future of the Island and the quality of the environment we all enjoy. People will still be able to put forward their thoughts and ideas for their own area.

**Town and Country Planning Act 1999 –
Full Implementation –
Question by the Speaker
for Written Answer**

Question 27. The hon. member for Castletown (Mr Speaker) to ask the Minister for Local Government and the Environment:

What parts of the Town and Country Planning Act 1999 have not yet been implemented, what are the reasons for the delay and what is the timescale for the full implementation of the Act, including any related regulations?

Answer

Parts 2-5 of the Town and Country Planning Act 1999 have yet to be implemented. The hon. Mr Speaker will recall that when I was appointed minister I gave a commitment to undertake a thorough review of the planning process. We consulted on this in the autumn of last year. The results of that consultation have been analysed and the department is preparing draft regulations and orders to enable the remaining parts of the Act to be implemented.

I anticipate we shall be consulting on those draft regulations and orders by the end of April 2003 with a view to submission to Tynwald immediately before, or immediately after, the summer recess.

**All-Island Strategic Plan – Approval of –
Delays in Introducing –
Question by the Speaker
for Written Answer**

Question 28. The hon. member for Castletown (Mr Speaker) to ask the Minister for Local Government and the Environment:

When does your department intend to seek Tynwald approval for the all-Island strategic plan and what have been the reasons for the delay in its introduction?

Answer

Since my appointment as minister, I am pleased to say that considerable progress has been made in seeking to finalise the draft documentation.

The department intends to seek Tynwald approval for the all-Island strategic plan in 2004 following a public inquiry to be held in the autumn of this year.

The production of the plan has been delayed but I believe it is most important to bring the plan to this hon. Court for formal adoption at the earliest possible date, following the public inquiry to which I have referred.

**Local Plans Adopted –
Question by the Speaker
for Written Answer**

Question 29. The hon. member for Castletown (Mr Speaker) to ask the Minister for Local Government and the Environment:

With regards to the issuing of local plans under the Town and Country Planning Act, will you advise since 1986 which towns, villages and parishes have had a local plan adopted, and, on what dates were the individual local plan for each town, village and parish adopted by Tynwald?

Answer

At present the following local plans are in operation.

Area	Date Approved
Laxey	19th April 1989
Peel	19th April 1989
Port Erin	12th December 1990
Braddan	10th July 1991
Castletown	17th April 1991
Kirk Michael	15th November 1994
Douglas	15th December 1998
Ramsey	17th November 1998
Arbory and East Rushen	20th April 1999
Foxdale	18th May 1999
St John's	14th July 1999
Sulby	17th February 1999
Onchan	21st March 2000

**DoLGE –
Government Purchased Land 2001-2003 –
Question by Mr Cannan
for Written Answer**

Question 30. The hon. member for Michael (Mr Cannan) to ask the Minister for Local Government and the Environment:

For the period 1st April 2001 to 31st March 2003 will you provide the following details of all purchases of real estate (land and property) by your department at a price in excess of £250,000 -

- (a) location of land or property;
- (b) details of purchase and proposed use;
- (c) price paid; and
- (d) date of completion of purchase?

Answer

[See Table 1 on page TQ 282 for answer]

**DHSS –
Government Purchased Land 2001-2003 –
Question by Mr Cannan
for Written Answer**

Question 31. The hon. member for Michael (Mr Cannan) to ask the Minister for Health and Social Security:

For the period 1st April 2001 to 31st March 2003 will you provide the following details of all purchases of real estate (land and property) by your department at a price in excess of £250,000 -

- (a) location of land or property;*
- (b) details of purchase and proposed use;*
- (c) price paid; and*
- (d) date of completion of purchase?*

Answer:

[See Table 2 on page TQ 283 for answer]

**DHSS – Care Staff –
Management Support –
Question by Mr Henderson
for Written Answer**

Question 32. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Health and Social Security:

What management support is available to any care staff facing the current and future huge changes within the Department of Health and Social Security?

Answer

It is assumed that this question refers to the changes that are taking place in mental health services. Over the previous 18 months, with the impending merger between the mental health service and Social Services, many forums have been implemented specifically geared to both imparting information through direct line management and affording staff the opportunity to meet and discuss in person any queries or concerns they may have.

**Mental Health Care Staff –
Overtime Payments –
Question by Mr Henderson
for Written Answer**

Question 33. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Health and Social Security:

How much overtime payments have been paid in the last 12 months and 24 months to all grades of care staff within the care of the elderly units in the Mental Health Services section of your department?

Answer

Year ending 2001-2

Admission Ward, Grianagh Court
Baldwin Ward, Grianagh Court
Cronk Coar Ward
Gardner House, Ramsey and District Cottage Hospital

TOTAL: £63,238.21

Year ending 2002-3

TOTAL: £106,597.16

**DHSS – Use of Agency Staff –
Question by Mr Henderson
for Written Answer**

Question 34. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Health and Social Security:

- (1) How many hours of agency staff work have been booked for, if any; and*
- (2) what is the cost of agency staff to your department for:*
 - (a) the care of the elderly units; and*
 - (b) mental health services?*

Answer

- (1) Social Services care of elderly units have spent £1450 in 2002-3.
 - (2) There is no cost of agency staff associated with the mental health services as a whole in 2002-3.
-

**Mental Health Care of Elderly –
Staff Resignations –
Question by Mr Henderson
for Written Answer**

Question 35. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Health and Social Security:

How many staff have left the care of the elderly units within mental health services of the Department of Health and Social Security in each of the last 12, 24 and 48 months?

Answer

Year	Number
1999	13
2000	17
2001	13
2002	17
2003	02

**Gansey Unit for the Elderly –
Operational Policies and Procedures –
Question by Mr Henderson
for Written Answer**

Question 36. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Health and Social Security:

How far are operational policies and procedures progressed for the new care of the elderly southern unit - Gansey Unit - and are they notified for opening?

Answer

Current operational policies have been agreed between mental health services and Social Services for the operation of the new Southlands complex, including the Gansey unit.

**Gansey Unit for the Elderly –
General Practitioner Cover –
Question by Mr Henderson
for Written Answer**

Question 37. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Health and Social Security:

Has general practitioner cover been arranged for the new southern care of the elderly unit - Gansey Unit?

Answer

The medical care of the residents of community based residential and nursing units is generally provided through local general practitioner services.

Whilst this has been the situation at Southlands Residential Home, consideration is being given to the level of care necessary for the new southern care unit. Whilst discussions are taking place with the local GP group, no decisions have yet been taken.

**Gansey Unit for the Elderly –
Line Management Responsibility –
Question by Mr Henderson
for Written Answer**

Question 38. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Health and Social Security:

Who has overall line management responsibility for the new southern care of the elderly unit - Gansey Unit?

Answer

Management responsibility for the new Southlands Resource Centre, of which the unit referred to is part, rests with the Social Services Division of the department. The senior officer of that division is the director who reports to the department's chief executive.

**DHSS – Study Leave for Carers –
Question by Mr Henderson
for Written Answer**

Question 39. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Health and Social Security:

With regard to study leave for any grade of carer, can you make a statement in relation to your department's current policy on -

- (1) *what study leave for any grade of carer it will undertake to sponsor and pay for;*
- (2) *what study leave it will not pay for; and*
- (3) *does this policy include allowing staff to meet PREP requirements;*

- (4) *the Department of Health and Social Security disciplinary procedures; and*
- (5) *when they were last updated?*

Answer

- (1) In general the department will if certain conditions are met agree to staff undertaking and will sponsor study leave in relation to the further education of any member of staff irrespective of grade. The following principles are considered when granting study leave and secondment for education purposes:
- (i) The subject is relevant to the clinical area.
 - (ii) The educational needs are as identified in the individual performance review.
 - (iii) Attendance must be of benefit to professional development and linked to the needs of the clinical area.
 - (iv) The exigencies of the service with regard to staffing levels will obviously be a factor in allocating study leave.
 - (v) The availability of relevant funding.
- (2) All study leave applications are processed in line with the principles set out above.
- (3) Each nurse on the Nursing and Midwifery Council Register has a statutory responsibility to maintain and improve their professional knowledge and competence. In order to meet this legal requirement as embodied in the 'post-registration education and practice', each practitioner must fulfil a minimum of five days continuing education within a three-year period. Therefore, study education and clinical practice are inextricably linked and all requests for study leave must reflect this.
- (4) It is not clear what is meant by this part of the question. The department does have disciplinary procedures that have been updated in April 2003.
- (5) See item (4) above.

**Police –
Complaints against Senior Officers –
Question by Mr Henderson
for Written Answer**

Question 40. The hon. member for Douglas North (Mr Houghton) to ask the Minister for Home Affairs:

- (1) *What is the procedure when a police officer initiates a formal complaint against a senior officer;*
- (2) *how many such complaints have been made in the last 12 months;*
- (3) *are you satisfied that such a complaint will be dealt with in a fair and equitable manner; and*
- (4) *does the complainant have a right of appeal and, if so, to whom?*

Answer

If a serving police officer makes a formal complaint against a (more) senior officer then there are essentially two options available.

First, officers have recourse to the established grievance procedure. This is intended to be an informal but speedy way of resolving an issue. It may not take on the necessity for an *investigation* and it may be resolved to the mutual satisfaction of all interested parties by way of such things as an explanation or an apology. There is no 'finding' or issue of guilt or punishment within the terms of the grievance procedure, albeit words of advice may be appropriate in certain cases.

Secondly, officers can make complaints against other officers whether they are more senior or not. Seniority is not a factor. If the issue at stake cannot be resolved by way of grievance procedure then another officer, of not less rank than inspector and not less rank than the officer subject of the complaint, is formally appointed by the Deputy Chief Constable to investigate the matter.

There are occasions when there is an imperative to appoint an investigating officer from the United Kingdom. For example, any internal complaint made against either the Deputy Chief Constable or Chief Constable would have to go to the UK for investigation. In fact, if a member of the public made a formal complaint against police in respect of either of these two officers, then legislation demands this to be the case.

Any officer against whom an allegation has been made, whether of a criminal nature or breach of police discipline, is served with a written notice outlining the allegations.

Since April 2002, within the Isle of Man Constabulary, there have been two formal grievance

procedures lodged against more senior officers. In one case a constable lodged a grievance against an inspector and in the second a sergeant lodged a grievance again there have been two formal complaints made against more senior officers. In one case there is a complaint against a Chief Inspector made by a sergeant and in the second, there is a complaint from another sergeant against an inspector. Both cases are *live* at this time and I am unable to comment further.

In appropriate cases the investigations are brought to the attention of the police complaints commissioner who may agree to supervise the investigations. Also, in appropriate cases, the papers are forwarded to the chambers of HM Attorney-General for professional advice and guidance on the question of disposal and the consideration of either criminal and/or disciplinary action. The police are open and deliberate in their desire for scrutiny in such cases and this is satisfactorily achieved by inviting the independent and valued contributions from the Police Complaints Commissioner and HM Attorney-General. I, too, remain satisfied with this arrangement.

Whereas there is no right of appeal in these proceedings, matters are investigated fully and transparently.

**Home Affairs –
Government Purchased Land 2001-2003 –
Question by Mr Cannan
for Written Answer**

Question 41. The hon. member for Michael (Mr Cannan) to ask the Minister for Home Affairs:

For the period 1st April 2001 to 31st March 2003 will you provide the following details of all purchases of real estate (land and property) by your department at a price in excess of £250,000 -

- (a) *location of land or property;*
- (b) *details of purchase and proposed use;*
- (c) *price paid; and*
- (d) *date of completion of purchase?*

Answer

[See Table 3 on page TQ 283 for answer]

**DoT –
Government Purchased Land 2001-2003 –
Question by Mr Cannan
for Written Answer**

Question 42. The hon. member for Michael (Mr Cannan) to ask the Minister for Transport:

For the period 1st April 2001 to 31st March 2003 will you provide the following details of all purchases of real estate (land and property) by your department at a price in excess of £250,000 -

- (a) *location of land or property;*
- (b) *details of purchase and proposed use;*
- (c) *price paid; and*
- (d) *date of completion of purchase?*

Answer

[See Table 4 on page TQ 284 for answer]

**DTI –
Government Purchased Land 2001-2003 –
Question by Mr Cannan
for Written Answer**

Question 43. The hon. member for Michael (Mr Cannan) to ask the Minister for Trade and Industry:

For the period 1st April 2001 to 31st March 2003 will you provide the following details of all purchases of real estate (land and property) by your department at a price in excess of £250,000 -

- (a) *location of land or property;*
- (b) *details of purchase and proposed use;*
- (c) *price paid; and*
- (d) *date of completion of purchase?*

Answer

[See Table 5 on page TQ 284 for answer]

**Silverdale – New Car Park –
Question by Capt. Douglas
for Written Answer**

Question 44. The hon. member for Malew and Santon (Capt. Douglas) to ask the Minister for Agriculture, Fisheries and Forestry:

Can you -

- (a) *confirm that it is your department's policy to proceed with the Council of Ministers' recommendation regarding a new car park at Silverdale, coupled with the independent planning inspector's findings and the deemster's decision that any such car park must be supported by a viable traffic management scheme;*
- (b) *provide details of all expenditure with regard to any legal proceedings incurred by your department, the Attorney-General's Chambers and Malew Parish Commissioners in relation to land purchase, the car park scheme and any planning applications, reviews and appeals; and*
- (c) *advise what is the current situation regarding the scheme and are there any consultation procedures required or planned in progressing this matter to its conclusion?*

Answer

- (a) I can confirm that it is the department's policy to proceed according to the recommendations of the Council of Ministers' report, the independent planning inspector's findings and the deemster's decision regarding the requirement for a traffic management scheme.
- (b) The department has not incurred any expenditure on legal proceedings. The Attorney-General's Chambers' legal costs have been restricted to providing the usual advice to the department and to carrying out the land conveyance. The department is not in a position to provide details of expenditure incurred by Malew Parish Commissioners.
- (c) The scheme has progressed to the point where the Planning Committee are due to receive the final details of the proposed traffic management scheme from the Department of Transport. If this scheme is approved by the committee, the department would be in a position to progress with preparing contract tender documents. There are no further consultation procedures required of, or

planned by, the department at the present time.

**DAFF –
Government Purchased Land 2001-2003 –
Question by Mr Cannan
for Written Answer**

Question 45. The hon. member for Michael (Mr Cannan) to ask the Minister for Agriculture, Fisheries and Forestry:

For the period 1st April 2001 to 31st March 2003 will you provide the following details of all purchases of real estate (land and property) by your department at a price in excess of £250,000 -

- (a) *location of land or property;*
- (b) *details of purchase and proposed use;*
- (c) *price paid; and*
- (d) *date of completion of purchase?*

Answer

[See Table 6 on page TQ 285 for answer]

**DoE –
Government Purchased Land 2001-2003 –
Question by Mr Cannan
for Written Answer**

Question 46. The hon. member for Michael (Mr Cannan) to ask the Minister for Education:

For the period 1st April 2001 to 31st March 2003 will you provide the following details of all purchases of real estate (land and property) by your department at a price in excess of £250,000 -

- (a) *location of land or property;*
- (b) *details of purchase and proposed use;*
- (c) *price paid; and*
- (d) *date of completion of purchase?*

Answer

[See Table 7 on page TQ 285 for answer]

**DTL –
Government Purchased Land 2001-2003 –
Question by Mr Cannan
for Written Answer**

Question 47. The hon. member for Michael (Mr Cannan) to ask the Minister for Tourism and Leisure:

For the period 1st April 2001 to 31st March 2003 will you provide the following details of all purchases of real estate (land and property) by your department at a price in excess of £250,000 -

- (a) location of land or property;
(b) details of purchase and proposed use;
(c) price paid; and
(d) date of completion of purchase?

Answer

I can confirm that my department has not purchased any real estate during the period 1st April 2001 to 31st March 2003 at a price in excess of £250,000.

Table 1

In so far as the Department of Local Government and the Environment is concerned, the information requested is as follows:

Location of Land or Property	Details of Purchase and Proposed Use	Price Paid	Date of Completion of Purchase
1. Croftonville Bridge End Road, Andreas	Purchased from Mr E E Callow for residential purposes	£350,000	24th August 2001
2. Land at Middle Farm, Richmond Hill, Braddan	Purchased from Carnane Farms Ltd for Energy from Waste Plant and associated uses	£1,000,000	12th September 2001
3. Approximately 4.5 acres at Red Gap Castletown	Purchased from Royal Sun Alliance International Financial Services Ltd for residential purposes	£1,814,000	12th November 2001
4. Former Marown Engineering Ltd Factory at Union Mills Industrial Estate	Purchased from the Department of Trade And Industry for storage purposes	£399,000	15th May 2002
5. Former Coach and Horses Public House, Laxey	Purchased from Grammia Ltd for New Laxey Doctors' Surgery	£325,000	17th May 2002
6. Sangsters Field at The Nunnery, Douglas	Purchased from Isle of Man International Business School for landbanking for future educational purposes	£1.2 million	31st January 2003

Table 2

In so far as the Department of Health and Social Security is concerned the information requested is as follows:

Location of Land or Property	Details of Purchase and Proposed Use	Price Paid	Date of Completion of Purchase
Glenroyd, Lezayre Road, Ramsey	Stephenson Real Estate for residential purposes	£300,000	7th December 2001
Braaid Farmhouse, The Braaid, Marown	Mr & Mrs Bradley for residential purposes	£550,000	11th October 2002

Table 3

In so far as the Department of Home Affairs is concerned the information requested is as follows:

Location of Land or Property	Details of Purchase and Proposed Use	Price Paid	Date of Completion and Purchase
None	None	None	None

Table 4

Insofar as the Department of Transport is concerned the information requested is as follows:-

Location of Land or Property	Details of Purchase and Proposed use	Price Paid	Date of Completion of Purchase
1. The Kew Switchback Road, German	Purchased from Mrs B F Brant House grounds and field purchased for purposes associated with the future development of Poortown Quarry	£650,000	6th November 2001
2. Waterfall House Vicarage Road, Braddan	Purchased from Mr L J Duggua. House and grounds, incorporation of part of the ground into the highway (property will be resold)	£310,000	26th April 2002
3. Land adjoining runway 08 at the Airport	Purchased from King Williams College. Approximately 8 acres of land to improve the Runway End Safety Area provision in line with revised International Civil Aviation recommendations. To protect the Public Safety Zone and to site new instrument landing system for runway 08.	£450,845	13th March 2003

Table 5

In so far as the Department of Trade and Industry is concerned the information requested is as follows:

Location of Land or Property	Details of Purchase and Proposed Use	Price Paid	Date of Completion and Purchase
None	None	None	None

Table 6

Insofar as the Department of Agriculture, Fisheries and Forestry is concerned the information requested is as follows:-

Location of Land or Property	Details of Purchase and Proposed Use	Price Paid	Date of Completion of Purchase
Former fish factory premises at Mill Road Year, Peel	Purchased from Mr J A Curtis for use in connection with the fishing industry	£425,000	18th December 2001

Table 7

In so far as the Department of Education is concerned the information requested is as follows:

Location of Land Or Property	Details of Purchase and Proposed Use	Price Paid	Date of Completion and Purchase
None	None	None	None

CORRIGENDUM

Tynwald Court (Questions), Tuesday, 10th December 2002, page TQ 109, column 1, line 36, for 'deception' please read 'perception.'
