

REPORT OF PROCEEDINGS OF TYNWALD COURT (QUESTIONS)

**Douglas, Tuesday, 20th May 2003
at 10.41 a.m.**

Present:

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

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

In the Keys: The Speaker (the Hon. J A Brown) (Castletown); Mr D M Anderson (Glenfaba); Hon. A R Bell and Mrs V A Craine (Ramsey); Mr R E Quine OBE (Ayre); Mr J D Q Cannan (Michael); Mrs H Hannan (Peel); Hon. S C Rodan (Garff); Mr P Karran, Hon. R K Corkill and Mr A J Earnshaw (Onchan); Mr G M Quayle (Middle); Mr J R Houghton and Mr R W Henderson (Douglas North); Hon. D C Cretney and Mr A C Duggan (Douglas South); Hon. R P Braidwood and Mrs B J Cannell (Douglas East); Hon. A F Downie and Hon. J P Shimmin (Douglas West); Capt. A C Douglas (Malew and Santon); Hon. J Rimington, Mr Q B Gill and Mr P A Gawne (Rushen); with Mr M Cornwell-Kelly, Clerk of Tynwald.

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Ramsey Cottage Hospital – 24-hour Doctor Service – Question by Mr Cannan

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

At the protest march and public meeting in Ramsey on Saturday, 3rd May 2003, the motion 'this meeting calls upon the Chief Minister to direct the Minister for Health and Social Security to take immediate action to employ the doctors necessary to provide a 24-hour doctor service at Ramsey Cottage Hospital' received unanimous support; has the Chief Minister so directed the Minister for Health and Social Security?

The President: We turn then, hon. members, to our question paper and I call upon the hon. member for Michael, Mr Cannan, to ask the question standing in his name.

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

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

Mr Corkill: Thank you, Mr President. Item 4 on this Tynwald agenda paper is a statement from the Minister for Health and Social Security on the subject of primary healthcare. I am reluctant to duplicate that statement in giving an answer to this question, sir. What I am prepared to say, however, is that Tynwald *is* the forum for debate, discussion and decision with regard to policies for health and for any other matter. I acknowledge the strength of feeling in Ramsey with regard to the primary healthcare situation, but we are here to provide the best facilities we can for the whole of the Island, so it would be foolish, I think, for us to allow policies to be dictated by protest meetings. Next week we could have the same motion repeated somewhere else.

I would add one more point: the Minister for Health and Social Security did not withdraw doctor cover from Ramsey Cottage Hospital; the doctors did, a point which we should remind ourselves of. Mr President, I have issued no instruction to the minister and she has my complete confidence.

The President: Hon. member for Michael.

Mr Cannan: Mr President, the Chief Minister's reply gives no encouragement to the people throughout the Isle of Man. Is the Chief Minister aware that it is not only in Ramsey and the North but throughout the Island as evidenced in the newspapers, on 'Mannin Line' and from members of the public speaking to members that they are wholly dissatisfied with the provision of primary care at this present time? Therefore, will the Chief Minister show the political leadership necessary to give confidence to the people of the Isle of Man that in a democracy the will of the people will prevail and they require a proper, 24-hour primary healthcare?

The President: Chief Minister.

Mr Corkill: First of all, Mr President, can I say I fully support the hon. member for Michael's position with regard to democracy. It is certainly a stance I would share. The original question relates to services in Ramsey and relates to the public meeting that was held in Ramsey, but I note in the supplementary that the hon. member is questioning primary care provision throughout the whole Island. Can I say that this is the very responsibility that the minister has in delivering primary healthcare for all the citizens of this Island; that is the task that she has and that is the task that I have confidence in her being able to deliver, and I would suggest that we allow the minister to make her statement rather than through my questions. I am obviously happy to try and facilitate the full strength of feeling that was there in Ramsey that I experienced. I was at the meeting and can I say, Mr President, we have heard the strength of feeling in this area.

The President: Hon. member for Ayre.

Mr Quine: Is it acceptable to the Chief Minister that a person living in Andreas, recently discharged from hospital, suffering from violent pain and nausea and requiring a visit from Manndoc or a doctor from the Manndoc system should be asked to make their way by private transport to Noble's Hospital? Further, is it acceptable to the Chief Minister that such a person, when dialing 999 for an ambulance, should have to depend on a service that takes virtually an hour to get that person to hospital to see a qualified doctor?

The President: Hon. members, we must be careful that we are not going to widen this question and I will see to it that we do not. On this occasion, Chief Minister, you can answer that if you wish.

Mr Corkill: Mr President, I do not think it would be wise or correct for me to comment on this particular case, but obviously what the member has described is of concern to families and to any person who has care for individual wellbeing. Certainly I would wish to know more about the circumstances of what the hon. member has described.

Can I say also though, Mr President, that with regard to diagnosis and care, that is a job for medical professional opinion, and we also have to take note of what that medical professional opinion is. They have an obligation for each and every patient in making that judgement.

The President: Hon. member for Michael.

Mr Cannan: The Chief Minister in his response said he supported the actions of the health minister. I asked the Chief Minister: did he not hear at the public meeting and the protest march that the public did not have confidence in the health minister and that the motion received unanimous support and sustained applause, and so I am asking the Chief Minister how many more protest marches or public meetings are necessary before he, the Chief Minister, understands that it is the will of the people of the north of the Island that 24-hour doctor cover is provided at the Ramsey Cottage Hospital?

The President: Hon. members, we are in danger of spreading this question wide into a debate on other matters. Chief Minister.

Mr Corkill: Mr President, I was aware of the strength of public feeling in the north of the Island, which is why I attended the protest meeting, and I heard the hon. member for Michael move his motion from the floor and, yes, I heard the response

from the public who were present. Can I also say that I was also concerned at that meeting at how frightened people had become over certain issues and that is something that we all have a responsibility, I would suggest, to manage, because people's fear is a very real thing and certainly that is the comment that I received from a number of phone calls afterwards: that people were fearful of the situation. Therefore, there needs to be understanding. I think the meeting was useful to express that opinion. I think the minister put across her views very well on the day in very difficult circumstances and I would congratulate her for being able to be there and put that information across.

The issue is complicated, Mr President, and I would say again that I think we should wait for the minister's statement, which is far more detailed and more relevant than any answer I can make to a supplementary.

Post Office – Incorporation of – Guarantees for Workforce – Question by Mr Houghton

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

Do you intend to recommend to Tynwald that the Post Office changes its fundamental status to that of incorporation in the near future, and, if so –

*(a) how will such a corporate body operate;
and*

(b) can you guarantee existing jobs and performance-related salaries across its direct and indirect workforce?

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

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

The President: Again, the answer is in the hands of the Chief Minister.

Mr Corkill: Mr President, the Council of Ministers has been holding a series of meetings and discussions with the Chairman of the Post Office Authority with regard to the future direction of Isle of Man Post. Included in those discussions is a recommendation from Isle of Man Post that Isle of Man Post become a wholly-owned government company. However, at this time Council has requested further information and intends to hold

further discussions. Therefore, as no decision has yet been taken, such questions are, I believe, premature and so I am unable to respond at this stage. However, Mr President, I will give an assurance that any future preferred strategy for Isle of Man Post will be brought before Tynwald for debate and hon. members will be offered an opportunity for briefings in the lead up to any such debate.

The President: Hon. member for Douglas North.

Mr Houghton: Thank you, Mr President. I am very grateful to the hon. Chief Minister for giving that undertaking that he will bring the matter to the Court for debate, and I would ask of the hon. Chief Minister if he would do this well before these plans are finalised. May I ask the hon. Chief Minister this: does he support privatisation by the back door? Does he support that? And could he also let this Court know if he would support a principle that the government would be prepared to subsidise community post offices in order to keep them afloat, should matters take place in the future?

The President: Chief Minister.

Mr Corkill: Mr President, we have gone into the meat of some of the issues that Isle of Man Post are bringing to the Council of Ministers for discussion. Can I reiterate that all members will be briefed fully in time for such a debate; I would wish to reiterate that and I know the Chairman of the Post Office Authority, Mr Quine, is most keen to keep members of Tynwald informed, and we have had discussions about how to do that.

With regard to the comment, 'is this privatisation by the back door?', I would categorically say 'Absolutely not.' It is not. What we have to recognise, though, Mr President, is that the postal services throughout the world, particularly in relation to those that Isle of Man Post interfaces with, are changing and it is becoming increasingly difficult for Isle of Man Post to do business with these other changing entities. Therefore the situation does need review, because the economic outlook for Isle of Man Post some years ahead is not a healthy one and therefore the board of Isle of Man Post, is quite keen to take remedial action sooner rather than later rather than to let things degenerate into a situation as we see in the adjacent islands with the problems that Royal Mail is now having to interface. But the impact of change elsewhere is bearing down on the Island, we have to be aware of that and we have to make considered decisions. Can I reiterate, those decisions are not made; they will be made in Tynwald Court.

The President: Mr Speaker.

Mr Speaker: Thank you, Mr President. Can I ask the Chief Minister: is he not aware that privatisation of the Post Office in the United Kingdom or virtual privatisation has been a disaster (**Mr Houghton and Mr Cretney:** Hear, hear.), and therefore can he also accept that there is no need to privatise to make something effective? It is resources that do that.

Can I also ask the Chief Minister the second question: would he, if it is in the mind of anyone, including the Post Office, to privatise, first to come here to debate the principle before too much work is done and too much time is wasted, because I suspect Tynwald will not approve privatisation? Thirdly, Chief Minister, can you advise me with regard to – you are talking about premature questions – why the Isle of Man Post Office is calling itself, as you have today, sir, used the term, 'Isle of Man Post' and could the Chief Minister, in answering that, advise me under what legal basis the Isle of Man Post Office is using this title (**Mr Houghton:** Hear, hear.) because under the Isle of Man Post Office Act 1993, section 1 and it states and I quote, 'The Isle of Man Post Office Authority shall continue to be a statutory board and shall henceforth be named the Isle of Man Post Office.' That is the law of the Isle of Man passed by Tynwald and therefore I would suggest to the Chief Minister the use of the term Isle of Man Post is illegal.

The President: Now, Chief Minister, the reference to the UK Post Office is irrelevant to the question. You can respond in relation to the privatisation matter and in relation to the use of the 'Isle of Man Post.'

Mr Corkill: Thank you, Mr President. In relation to whether the term 'Isle of Man Post' is legal or not I will have to come back to members. I have no briefings one way or the other. I take note of the Speaker's serious concerns and will investigate that, and I make no further comments at the moment.

Can I just say, Mr President, that the Post Office and government are fully aware of the statutory situation whereby the Post Office Authority operates. We are very aware of that. We are also aware that that legislation, which is protective to the substance of Isle of Man Post, if I can carry on using that term, is beginning to have less effect. It is not having the effect that it is meant to have, and therefore it is being looked at because we, like it or not, do have mails going to other shores and mails coming here, and it is increasingly difficult for the Isle of Man Post Office to know what their terms and conditions are in relation to

these other post offices or other carriers which, as the Speaker says, are becoming privatised. The reality is that that is having an impact on the Isle of Man. We do operate in a global economy.

Can I reiterate that this discussion is not about privatisation; it is about how to preserve jobs in the Isle of Man Post Office; it is about how to keep them vibrant and economically buoyant and, with regard to the previous question about sub-post offices, I believe they are already being subsidised in reality by the system within Isle of Man Post, and that is a secondary issue, really, in relation to the overall strategy of how we want the Post Office to be. These are discussions. They are no more than that and hon. members will be kept informed, so I do not want any hares running that this is some backdoor privatisation; it is not. This is a process of trying to make sure that the Isle of Man Post Office, which has contributed revenues to Treasury for many, many years, continues to do that. The projection in two or three years' time is that they will not be doing that, and this is as a result of changes outside of this Island.

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

Mr Houghton: I thank you, Mr President. In order to set policy, you need to set a principle. May I ask the Chief Minister once again, albeit that it is acknowledged there are problems with business levels in the Post Office, can he reiterate this principle that the government would be prepared to continue to subsidise those smaller community post offices and not shut them like it is therefore currently intended?

The President: Chief Minister.

Mr Corkill: The hon. questioner has made an assumption that there is a plan to shut post offices. Can I say, in relation to the other issue about sub-post offices, which is a part of the whole business of Isle of Man Post, any changes there will also be with Tynwald approval, so the whole package of change for the Post Office which is being forced upon us and has been coming to us for several years, will be a decision of this Court and, at this point, there is no principle determined and therefore the hon. minister is to some extent premature, but I have heard about his concerns. The hon. member would obviously wish to see sub-post offices continue in the community and subsidised if that is required and certainly I would say also we certainly do need a proper geographical distribution of post offices for the Island's service. (A Member: Hear, hear.) That is very essential and, if that has to be subsidised in some way, then no doubt that will happen (Mr Houghton: Hear,

hear.) but that is a small beer in terms of finances compared to the major financial situation that Isle of Man Post could be heading into if we do not take action. We have to remember, Mr President, that the Isle of Man Post is operating in a global market and there are others out there who are privatised, who are commercial and who are willing to come in here and take their customers away, and we have to find a way to fight that.

The President: Before we deal with question 3, hon. members, can I remind hon. members that it is very close to the first question and we should not get into the subject of debate.

Ramsey Cottage Hospital – Chief Minister's Views on Key Issues – Question by Mr Singer

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

Have you formulated any views to convey to your Minister of Health and Social Security after attending the public meeting in Ramsey discussing the changes to the 24-hour doctor cover and the closure of the John Clucas Ward?

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

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

The President: Chief Minister.

Mr Corkill: Thank you, Mr President. As stated in question 1, item 4 on this Tynwald agenda is a statement from the minister and I am reluctant to duplicate what is in that statement in giving an answer to this question. However, I would like to emphasise that the John Clucas Ward has not been closed; it has been the subject of a change of use. Prior to this change of use it was most definitely an under-utilised resource which is not being more effectively used for the benefit of the people of Ramsey and the North. My government, Mr President, in contrast with the United Kingdom's, is overtly endeavouring to ensure National Health Service dental treatment remains available to everyone. My views, which I freely discussed with the minister, are that I have confidence in her judgement, that the proper place for debate on services to be provided is the floor of this hon. House and that a balance needs to be struck between the provision of services in total and the provision of services for individual communities.

The President: Hon. member Mr Singer.

Mr Singer: I thank the Chief Minister for his answer. Could I ask the Chief Minister because I was seeking your overall impression at the meeting: was it your impression that the persons present at the meeting were not satisfied with the answers to their questions and were not convinced by the hon. health minister to change their views, as previously referred to by the unanimous, maybe informal show of hands? And, if so, do you not believe as a popularly elected member of parliament that the views of over 2,000 people who marched in Ramsey and the thousands who for some reason could not march must have their views accommodated within policy so as to remove that fear of the situation that you referred to earlier and to give the people a service to which they are entitled?

The President: Chief Minister.

Mr Corkill: Mr President, as someone who grew up in Ramsey in my formative years I have every respect for the points of view expressed by the people of Ramsey and indeed everywhere else throughout the Island. Yes, I am aware of the strength of feeling that was conveyed at that public meeting and I am also aware that on the day it was difficult to get across facts for people to accept. That was partly because of the heat of the meeting and that is what public meetings do. I have attended many public meetings over the years and that is a feature of them. Because the meeting has focused attention, I think in the interim period a number of issues have surfaced with regard to the situation at Ramsey Cottage Hospital and, indeed, I think one of the areas that I have had phone calls about in relation to this question which relates to the John Clucas Ward – and I am also aware of how that John Clucas Ward was provided and where the funding came from is that the aspect of providing National Health Service dental treatment, which had become extinct in Ramsey because of circumstances, is a worthwhile thing and a number of people have phoned me to say that they have no problem with it being located in the hospital. So I think that is a success for all of us in my view, but I understand what the hon. questioner is saying about the strength of feeling in Ramsey. That is apparent and that is well understood.

With regard to translating those views into policy, I would suggest that takes a little while longer and it is for the floor of this House to actually engineer that.

The President: Mr Singer.

Mr Singer: I thank the Chief Minister for his answer. He referred to the fact that he grew up in

Ramsey; would he not agree with me that he felt the safety of the Ramsey Cottage Hospital in that it was there when he was in Ramsey and the people who are growing up in Ramsey do not have that safety now? And would the Chief Minister also acknowledge that, having conceded at the meeting in his speech that the mood of the people on the loss of the John Clucas wing had been – I think his terms were – either misread or underestimated by the department, does he not believe that the DHSS must not make the same mistake over the demise of the 24-hour cover at the hospital, and would the Chief Minister perhaps, if the DHSS does not return to the status quo, accept an invitation to join the next march?

The President: Chief Minister.

Mr Corkill: Can I say that at the public meeting I expressed a view that I thought government had underestimated the sensitivity of the change of use of the John Clucas Ward. The people I have come across, having had it explained as to how the dental provision under National Health Service terms is to be provided for the people of the north of the Island, are now more relaxed about that change and also the fact that the resource was little utilised, and in fact prior to the reorganisation the John Clucas Ward was only used once a fortnight on a Friday for up to a maximum of five patients. Can I assure people that these patients are now being accommodated in an alternative area within the hospital, so there has been no change of service to people who are expected to use that ward.

With regard to the hon. member's invitation to join the next march, I wonder why the hon. member feels that there is a need for another march.

Mrs Crowe: Exactly.

**Legal Aid Inquiry –
Report on Findings –
Question by Mr Houghton**

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

When will the Legal Services Commission report on its inquiry into legal aid?

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

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

The President: Chief Minister.

Mr Corkill: Mr President, the Legal Services Commission is currently finalising the report on its inquiry into legal aid and hopes to report to the Council of Ministers in the very near future.

The President: Mr Houghton.

Mr Houghton: Thank you, Mr President. May I ask the hon. Chief Minister: why the delay? Yet another report, yet another delay – why, sir?

The President: Chief Minister.

Mr Corkill: Mr President, due to previously agreed commitments the chairman was unable to commence the work of the commission until Easter 2002. The report date of the end of 2002 was identified initially, but I believe it is more important to produce a useful report rather than one that has perhaps met an artificial deadline. The report, I expect, will come to Tynwald in due course. It has been done in an independent fashion by a QC from the UK and it is not for me to actually drill the timetable with regard to how that report is finalised, but it is, as I said, coming soon.

**Mount Murray –
Further Building Proposals –
Question by Mrs Cannell**

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

- (1) *Are you aware that Mount Murray Country Club Limited are proposing a further 284 dwellings, a new primary school and related small-scale shopping and/or additional community provision on land at Mount Murray presently utilised as a golf course; and*
- (2) *what impact will this proposal have, bearing in mind the commission of inquiry have not yet concluded certain investigations into previous developments?*

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

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

The President: Chief Minister.

Mr Corkill: Mr President, I am aware from reports I have heard in the media that there are

proposals for a submission to be made along the lines outlined in the hon. member's question. In fact, what has happened is that there has been an objection submitted to the draft Braddan Local Plan. That is what has happened. It is clearly the right of anyone to make submissions in respect of any local plan and become part of the due process, and I can see nothing wrong in that.

With regard to what impact this proposal will have, I cannot say until due process has been followed what the outcome is likely to be. I would like to say that the outcome of investigations into previous developments will have no connection with new submissions going forward, which have proceeded under due process.

The President: Hon. member Mrs Cannell.

Mrs Cannell: Thank you, Mr President. Will the hon. Chief Minister agree with me that this particular area, lying to the south of the Island, is covered by the water infrastructure that is provided by the old plant situated at Glencrutchery Road and, as such, will he support the Isle of Man Water Authority's contention that they are unable to supply clean, wholesome drinking water complying with EU standards to this development and any other development which may flow in these particular areas?

The President: With respect, hon. members, it has nothing to do with the question on the order paper.

Mr Karran: A point of order, Mr President. There are a number of people wanting to ask supplementaries on this important question that the hon. member for East Douglas has asked.

The President: Hon. member, I understand exactly where we are, but in fact we have had a debate on health and the hon. member is referring to the water situation in relation to the Water Authority's ability to supply water. I find no reference to that within question 5. If you wish to return to question 5, hon. members, I call upon the hon. member, Mr Lowey.

Mr Lowey: Thank you, Mr President. This has nothing to do with water, but would the Chief Minister not agree that he stretches credibility and he is in danger of being called naïve if he believes that these very late proposals to the Braddan plan cannot be viewed as anything other than a robust Harvey Smith gesture to everything that this Island holds dear? He must have a view on that. I would suggest that his leadership is very much in doubt if he does not give a lead on that.

The President: Chief Minister.

Mr Corkill: Mr President, a number of supplementaries to what is a very straightforward planning consideration. The Braddan plan is under consideration. It is up to everyone in that area that has interests one way or the other to make submissions to that process, which is then an independent process which the hon. questioner, Mr Lowey, is saying I should give some steer on. I do not think the manner in the way it was announced to us was particularly clever. I think it was aggressive, (**Mr Houghton:** Hear, hear.) and that is fairly clear from the headlines.

Mr Lowey: Thank you very much.

Mr Corkill: I am sure that the Braddan plan and the people involved in the mechanics of that process will take into account that it is a very late in the day submission. But, nonetheless, when a local plan is being prepared, it is an opportunity in public dialogue for everyone to have their say as to the land use, regardless of ownership, that suits that area and, of course, eventually these plans come to this hon. Court and we vote yea or nay as to whether we think that package of measures is appropriate in terms of land use.

With regard to the previous supplementary regarding water supply, I am aware that the Water Authority has embarked on a campaign of objecting to planning applications in relation to water supply and I would remind the chairman of the Water Authority of the statutory obligations that are there within the Act, notwithstanding the difficulties that have been there with regard to obtaining planning permission and the failure to do so with the water treatment works at Glencrutchery, and I have already said that I am more than willing, and have already taken action, to facilitate the Water Authority in achieving their objectives in the provision of a new modern water treatment plant which we are all expecting and all waiting for.

The President: Hon. member for Middle.

Mr Quayle: Thank you, Mr President. Could I ask the hon. Chief Minister if he is aware that if people share my view that it is unacceptable to develop –

The Speaker: A point of order, Mr President.

Mr Delaney: Yes, a point of order, too, Mr President.

The President: Mr Speaker.

The Speaker: Mr President, can I seek legal advice of Mr Attorney-General over what is happening here this morning in a statutory process that is in being which this Court will have to judge? It is being prejudged by members before the evidence has been given. (**Mr Delaney:** That's right.) Could I seek the advice of the Attorney, sir?

The President: Hon. members, this Court decided that it would return back to question 5. I tried to move on. Mr Attorney, do you wish to pass any comment?

The Attorney-General: Mr President, only that I think the Chief Minister is trying very hard to steer away from the *sub judice* implications of the continued questioning which I suspect, Mr President, you will have also spotted.

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

Mr Quayle: Thank you, Mr President. Could I ask if the Chief Minister is aware that if people share my view that it is unacceptable to develop over the golf course at Mount Murray, could he . . .

The President: You are going down the same line, Mr Quayle.

Mr Quayle: If in fact by 23rd May people can write in – is he aware of that?

The President: 'Can you write in before 23rd May?' is the question. Chief Minister.

Mr Corkill: I was not aware of the date. I thank the hon. member. Can I say, Mr President, that I have faith as a parliamentarian in the planning process. It is there for all to be used. (*Interjection by Mr Karran*) There are certain decisions that have to be made at certain times and, in regard to any local plan, the final decision as to the way in which land is zoned and becomes available for development is a matter for this hon. Court. With regard to the determination of all those factors there are public inquiries and public input which I await the result of and will not be judged in any way.

The President: Hon. member Mr Karran.

Mr Karran: Eaghtyrane, a supplementary. Would the Ard-shirveishagh not agree that, in view of the fact that there is an ongoing commission of inquiry into Mount Murray, it is not appropriate for any reference to Mount Murray to be included into the Braddan plan, and should such references of any relate to planning submissions be considered

by an independent inspector at the Braddan plan inquiry in June?

The President: Hon. members, a matter of opinion and totally irrelevant.

Mr Karran: No, it is not. It is a contempt of this commission.

The President: Not so. Mrs Cannell.

Mrs Cannell: Thank you, Mr President. Would the Chief Minister accept from me that I appreciate the difficulty he is in in facing questions on this particular matter but, in so doing, would he agree with me that at the end of the day it would have been more appropriate for the Braddan commissioners to have withheld submission of their Braddan plan, particularly in view of the fact that they were fully aware of the concerns in respect of providing the essential infrastructure to develop the Braddan plan; and further, that had they have taken seriously the situation that the Water Authority faces they would not have put it in, therefore a complaint or a submission attended to that would not have been submitted and we would not find ourselves in this ridiculous situation that we are in?

The President: Chief Minister.

Mr Corkill: Mr President, we are very much in danger of prejudging the outcome –

Mr Delaney: That is right, that is exactly it!

Mr Corkill: These issues are very important; the submissions to the planning process are made from a statutory authority, from private individuals, from Braddan Commissioners, and are all very, very important inputs which go in to the make-up of a local plan which then eventually, via the Department of Local Government and the Environment, comes to this hon. House, and I will not prejudge any of that determination because there is a great deal of planning expertise to be put into that process before it is brought to us.

With regard to my hon. colleague for Onchan stating that this is some contempt of an inquiry that is going on at the moment, I would disagree with him totally, Mr President. This is a planning issue. The inquiry is looking at historical facts and we await the report, and I make no comment on that report. I await whether in fact the inquiry has found any allegations of corruption or not.

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

Mr Delaney: Chief Minister, may I ask a supplementary of you? Did it not occur to anybody in your office or anybody else other than myself that the announcement of 284 new houses on an already disputed planning area was put into the public arena to cause exactly the problem which we have in the first half to cause a legal case where we will finish up going around chasing our tails on a planning issue which has proved somewhat detrimental to the image of government?

Mr Cannan: Hear, hear.

The President: Chief Minister.

Mr Corkill: I have said in this House before, Mr President, that the validity of any planning approvals that are in that area at the moment are not in doubt with the inquiry or whatever, but I await the response of the inquiry. The inquiry is looking at other aspects to do with the development of that land –

Mr Delaney: That is right.

Mr Corkill: – from my understanding, based on a motion from this hon. Court. I await that response but I have given assurance before on the floor at Question Time that people who own properties in that area have valid permission and that is not the subject under debate, so I worry about the –

Mr Delaney: Yes, you want to!

Mr Corkill: – impact of such statements by the hon. questioner.

**SARS –
Measures against Possible Outbreaks –
Question by Mr Gill**

Question 6. The hon. member for Rushen (Mr Gill) to ask the Minister for Health and Social Security:

What measures are in place, or being introduced shortly, to deal with an outbreak of SARS on the Isle of Man?

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

Mr Gill: Ta mee shirrey kied yn eysht y chur ta fo my ennym.

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

Mrs Christian: Thank you, Mr President. I can confirm that the situation concerning the widely reported outbreak of SARS in a number of countries outside of the United Kingdom is being closely monitored by the department's public health directorate. In this respect a number of measures have been taken locally to deal with the possibility of the disease affecting the Isle of Man. Such measures are in line with the advice from the World Health Organisation and include regular updates to general practitioners and hospital doctors on how to diagnose the condition, what precautions to take to prevent spread and how to deal with such a case. A policy for dealing with suspected SARS cases in hospital will ensure that the risk of spreading the infection is minimised and a high cost drug is being held in stock to treat without undue delay any case discovered on the Island. There are regular updates in the media regarding the situation worldwide as well as advice for travellers. There is advice to individuals, employers and travel agencies, for example, from the public health directorate on any issue relating to SARS but especially travel advice dealing with travellers returning from affected areas. There are posters and leaflets in the local airport and sea terminals informing travellers of the symptoms of SARS and advising them to seek medical attention if they develop any of those symptoms. There is close liaison between the Chief Medical Officer of Motorsport Medical Services and the public health consultant responsible for communicable disease control to ensure that the issues regarding SARS are handled appropriately during the TT Festival and other race periods. There is an inter-departmental SARS working group to oversee the arrangements for dealing with SARS and plans by the public health directorate to improve the detection of unusual illnesses, cluster cases et cetera.

The President: Hon. member for Rushen.

Mr Gill: Gura mie eu, Eaghtyrane. Thank you for the answer, but could I ask the minister if she would agree with me that the UK has seen SARS spread from person to person locally, and in the Republic of Ireland SARS has been reported but happily there has not yet been any local spread? Further to that, given this, will the minister agree that the Isle of Man is at risk of a SARS outbreak potentially and that the people of the Isle of Man deserve and should be given specific and full advice about the measures and resources in place to deal with this scenario further to those that she has already described earlier, sir?

The President: Minister.

Mrs Christian: Thank you, Mr President. There has been, I think, a lot of information around about SARS. There have been four probable cases of SARS in the whole of the United Kingdom. It was initially felt that there were six; two were shown to be other conditions. There has been a considerable amount of information in the local media with regular press releases from the Public Health Directorate of the department and I feel sure that, given the situation I have just outlined in the answer to my question, that directorate will continue to monitor and inform the public about SARS. We are prepared for the identification of any SARS cases in the Island and have in place appropriate provision to deal with it to prevent further spread.

There is some misinformation in the public arena about the requirement for quarantine and, indeed, about the way in which SARS can spread. It can only be spread by close contact with someone who actually exhibits the symptoms of SARS. There is no evidence to suggest that anyone can contract SARS during the incubation period. We are continuing to monitor this, Mr President, and I hope that the continued public information will satisfy the hon. member.

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

Mr Karran: Eaghtyrane, would the Shirveishagh son Slaynt as Shickyrys y Theay of tell this hon. House what facilities we have got as far as isolation is concerned? If we did have an outbreak, what facilities have we got at the present time? I know that there were two rooms in Newlands but has anything else been made available, like isolation units for this or any other infectious disease?

The President: Minister.

Mrs Christian: Mr President, the Isle of Man hospitals have a very rigorous protocol in respect of infectious diseases and very well established procedures for dealing with infectious diseases whether or not they are SARS or some other condition. They have been well briefed and brought up to date on what steps we shall take in the event of someone being identified with SARS in the Island. There are mechanisms in place to contact those who may have been in close contact with a person who develops SARS. We have well established procedures which have been developed in the hospital in relation to MRSA, for example, which is a very pertinent issue in relation to the control of conditions which are brought into the Island or develop here, and I think that we are well

prepared to deal with any development of SARS within the Island.

**Health Services Consultative
Committee –
Question by Mr Cannan**

Question 7. The hon. member for Michael (Mr Cannan) to ask the Minister for Health and Social Security:

Is the Health Services Consultative Committee functioning and, if so –

- (a) what was the date of its last meeting;*
- (b) did the members discuss the provision of primary health care to island residents other than between the hours of 8.00 a.m. to 6.00 p.m. on weekdays; and*
- (c) who were the members present at the meeting?*

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

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

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

Mrs Christian: Thank you, Mr President. The first meeting of the Health Services Consultative Committee took place on 20th March this year and the committee has been carrying out its duties in accordance with the constitution since that date. The date of the last meeting of the committee was 1st May, and it is understood that the members did discuss the provision of primary healthcare between the hours of 6.00 p.m. and 8.00 a.m. Monday to Friday and on bank holidays.

The members of the Health Services Consultative Committee are: appointees by the Council of Ministers, Dr Linda Cottier, chairman, Mrs Lynda Ramsey, Dr Gordon Taylor and Mrs Mary Emery – they are all lay members; and, appointed by the department, Dr Danha and Dr Chan nominated by the Isle of Man Medical Society, Miss E Kewley, nominated by the Royal College of Nursing, Mr C Partington, nominated by the Isle of Man Dental Association, Mr P Curphey, nominated by the Isle of Man Pharmacy Contractors Association, and finally Mr I Hodgson, nominated by the Isle of Man Association of Optometrists and registered opticians.

At the meeting held on 1st May it is understood that all members were present except for Mr Hodgson whose deputy, Mr Summers, was present.

The President: Mr Cannan.

Mr Cannan: A supplementary. What was the conclusions of the Health Services Consultative Committee when they discussed the matter of the primary healthcare at their last meeting on 1st May, and did they convey an opinion to the minister?

The President: Minister.

Mrs Christian: Mr President, the minutes of the meeting held on 1st May are not available and I understand the chairman is currently off the Island; therefore, the views of the committee on that issue have not at this point been conveyed to the department.

The President: Mr Cannan.

Mr Cannan: A further supplementary. Would the minister not consider it important, if she has established a Health Services Consultative Committee, that she wishes to consult them and in particular, on this matter of primary healthcare, would she not consider it important that she obtained from the secretary of that committee the comments and views and opinions of the health services committee?

The President: Minister.

Mrs Christian: Indeed, Mr President, but this is an independent consultative committee. I am not there to issue commands to the chairman or the secretary or anyone else on that body. They have been invited by the department to review the consultative document in relation to Ramsey Cottage Hospital. They know what the date is by which we would require submissions. It is for them to convey their views in the manner they see fit.

Mr Cannan: Arrogance!

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

Mr Karran: Eaghtyrane, would the shirveishagh not agree that the fact that here is a body that is supposed to be of lay input, they had a meeting 19 days ago and she still has not bothered to find out what was at that meeting shows contempt for the lay input and the whole farce of the present system as regards the structure of the

DHSS in that it really was put up there as a sham to start off with?

The President: Minister.

Mrs Christian: Mr President, I consider that remark to be both insulting to me and to the lay people (**Mrs Crowe:** Absolutely.) (**Mr Cretney:** Hear, hear.) who are participating on the consultative body. They are independent-minded people who have gone into this task with a free and open mind, and I think it is inappropriate, to put it mildly, for the hon. member to –

Mr Karran: Nineteen days after the meeting and you have not bothered to find out what is going on at your meeting!

Mrs Crowe: It is not the minister's meeting!

Mrs Christian: It is not my meeting, Mr President; it is for them to refer matters and report back to the department in a manner which they see fit. I have no idea if they have even reached a conclusion on the matters they have been discussing. (*Interjections*) I am presuming that when they do they will write. Mr President, I do not accept the comments made by the hon. member.

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

Mr Singer: Thank you, Mr President. Could I ask the hon. minister: because of the importance and the consultation procedure that is going on, would the minister ask her officers if they could obtain the minutes and the comments on the consultation procedure so that she will have those matters to consider when she comes to any decision and reports back to Tynwald next month?

The President: Minister.

Mrs Christian: Mr President, when this question was tabled, we contacted the consultative committee to see if they had anything to report from their last meeting. The answer was that at this point they have nothing to give us; there are no minutes to be circulated to us. They know that we are interested in what is happening.

**Pensioners –
Receipt of Personal Allowance –
Question by Mr Henderson**

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

Will you initiate an inquiry into the personal allowance amount due to a pensioner staying in a residential or nursing home, and how it is occurring that many pensioners who are eligible for the £23.15 personal allowance are not, in fact, receiving this full amount and what your department intends to do to rectify this situation?

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 for Health and Social Security.

Mrs Christian: Thank you, Mr President. All pensioners resident in nursing or residential care homes who are entitled to income support will have an allowance of £23.15 per week for personal expenses built into the income support calculation. However, income support is essentially a balance to make up a shortfall in a person's income against amounts prescribed in regulations. What the hon. member is enquiring about, therefore, I believe, is not information on the numbers eligible for personal expense allowances of £23.15 but information on the total income of nursing and residential home residents on income support and what income is left for personal expenses after residency fees have been paid. I am therefore arranging for an analysis of income support payments to persons in private and residential nursing homes to be undertaken in line with the hon. member's request.

The President: Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane. I thank the minister for that positive turn of events into my very grave concerns for the pensioners. Would she concur with me that if pensioners in residential and nursing homes are trying to survive on £10 or £7 or £8 per week, that is a very grave situation and needs very careful consideration?

The President: Minister.

Mrs Christian: Mr President, the department is concerned with the amounts of income support

that we provide for persons in residential and nursing homes. The department does every year review the amount it allows against income support in respect of those personal allowances and, indeed, the amount which it will pay in respect of nursing home and residential home fees. Now, currently these stand at £476.42 per week in nursing homes and the nursing homes are now charging £546. In addition to the allowance for the nursing home fees all people in nursing homes would be entitled to attendance allowance at the higher rate plus their allowance for personal expenses.

There is a difficulty, Mr President: when the department sets these figures it has no control over what the residential homes will charge, and after we have set our fees it is not unknown for them to raise their fees, knowing that the residents will be receiving these amounts of payment from the department. We pay a benefit to the recipient. They have the contract with the home and we have no involvement between those two parties.

The department has in recent years recognised the increasing pressure on nursing and residential homes in terms of staffing and indeed made an exceptional increase to the amounts payable in the year 2001 of 17.7 per cent, and we have followed that up with higher than inflationary increases since then. We also are aware that different residents are charged different fees, so it would not be easy to establish a fixed figure for any individual in respect of their personal allowances.

I am conscious of the concern the hon. member is expressing but I am also aware of the difficulty of the department simply increasing that amount knowing that it would probably be met by an increase in fees which will leave the residents in the same position as they had been before we increased our contribution to them.

The President: Hon. member Mr Henderson.

Mr Henderson: Gura mie eu, Eaghtyrane. I again welcome the minister's positive attention to my concerns in this regarding a review, but would she agree with me that, far from just throwing money at a situation, a special allowance should be allotted to pensioners in residential and nursing homes so that the very thing that she speaks about does not occur; and that the whole situation on the Isle of Man does require a general review in any case and an information-gathering exercise to see exactly where we are up to?

The President: Minister.

Mrs Christian: Mr President, I think it has to be recognised that whilst the department makes payments of benefit for specific purposes, the recipient is the person who decides how they will

spend that benefit. We do not control or ringfence the way in which people spend their benefits.

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

Mrs Cannell: Thank you, Mr President. If, as the hon. minister has advised, when the increases are made to pensioners in terms of benefits et cetera, sometimes there is an increase in fees applied to them through residential care homes, am I correct in assuming, therefore, that as and when that does happen the department has no control over that situation? And can the minister, when she is looking at and reviewing all of this and an investigation is being conducted and the analysis, also consider perhaps what controls the department could bring forward to ensure that these vulnerable people, which they are when they get to this stage in life, are not being fleeced by the home putting up an excessive increase in fees and excessive charges? And further, would the minister agree with me that there is an anomaly if this is the situation, bearing in mind that those of us who pay rent can, if we feel we are being charged unfair rent or rates, take it to a tribunal for an independent assessment? Why is the same not being extended to our vulnerable folk?

The President: Minister.

Mrs Christian: Mr President, I will confirm the statement made by the hon. member that we cannot control the fees of these homes. They are private enterprise establishments providing a service to the community by providing residential and nursing home places. There is no mechanism for controlling those fees. The alternative would be for government to make total provision in respect of nursing homes and residential care, and we certainly cannot do that overnight. The concern at the moment is to try and ensure that we make provision at an adequate and reasonable level in terms of benefit payments to keep these people in business, and there are pressures on those businesses. Indeed, there are pressures on places in respect of residential and nursing home care, certainly in some parts of the Island. So there is a very delicate balancing act to be done here partly to keep people making this provision and secondly ensuring that government are not unreasonably driving up the fees which residents are charged.

The President: Hon. member for Ayre.

Mr Quine: Yes, if it is the minister's view or her department's view that these fees are excessive –

Mrs Christian: I did not say that.

Mr Quine: – will she consider referring this to the Office of Fair Trading, who have powers to investigate whether these levels of charges are appropriate or not? She or her department may not have powers to intervene in this situation, but in certain circumstances I feel sure that there is an element of government that could examine this matter.

The President: Minister.

Mrs Christian: Mr President, I have made no statement to say that they are excessive. What I would say is that they generally creep up to something higher than we set as the residential home fee level under the income support structures, broadly speaking by amounts of £10 leaving the resident, as the hon. member who posed the question has indicated, with about £10 for their personal needs.

Mr Henderson: Or less.

Mrs Christian: Now, there have been statements in the press that this is all they have to live on. That is a gross misstatement. Everything is found apart from their personal toiletries and, indeed, their clothing is certainly provided in departmental homes. So this is a difficult area where we set the fees on an annual basis; after that, the homes may make a marginal increase which impacts on this personal allowance. I will consider what the hon. member has said in respect of any other agency taking a view as to whether these charges are excessive but, given the general market out there, the view is probably that they are not excessive in terms of the return which these private businesses are obtaining.

**Livestock –
Disposal of Infected Carcasses –
Question by Mr Gill**

Question 9. The hon. member (Mr Gill) to ask the Minister for Agriculture, Fisheries and Forestry:

- (1) *Will you make a statement advising this hon. Court about provisions for the disposal of infected livestock carcasses; and*
- (2) *is there any such provision in government's capital programme?*

The President: The hon. member for Rushen, Mr Gill.

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

The President: Minister for Agriculture, Fisheries and Forestry.

Mr Rimington: Mr President, in reply to the first part of the member for Rushen's question, I should advise that very few farm animals die of old age or accidents. Of those which do die on farms, this is generally as a result of disease, and these carcasses are technically infected. The department has the powers under articles 25 and 26 of the Animal Health Act 1996 to make orders prescribing and regulating the methods of disposal of carcasses. It invokes these powers where there is a risk to public health, for example anthrax or BSE, or a risk to animal health, for instance foot-and-mouth disease. In most cases where the risk to public and animal health are assessed as low, controls are contained in the Dogs Act 1990 and carcasses must be disposed of in an appropriate manner within a reasonable time. Currently the appropriate manner is either on-farm burial or collection by the knacker service managed by the Department of Transport for disposal by rendering at that department's facility at Baldwin. I understand that the continued use of on-farm burial as a disposal route is currently under review by the Department of Local Government and the Environment. I am also aware that the Department of Local Government and the Environment has plans for the provision of a new animal waste disposal stream as part of the energy from waste facility at Richmond Hill.

With regard to the second part of the hon. member's question, you will be aware that the greatest risk that my department, in conjunction with the Department of Transport and the Department of Local Government and the Environment, has contingency plans for is, of course, foot-and-mouth disease. A working party made up of officers from the departments concerned drew up plans for a prepared sealed contingency site for the disposal of large numbers of infected carcasses. To date these plans have not been proceeded with. Currently, therefore, the only contingency plan is for the mass uncontained burial of such carcasses at a site on Jurby airfield.

The President: Hon. member for Michael.

Mr Cannan: Can I ask him at what site on Jurby airfield, because as a member of the Council of Ministers, is the minister not aware of the decision of the Council of Ministers just two weeks

ago when they gave the Department of Home Affairs authority to present a planning application for a new prison on that site, and that the cost of the presentation in terms of engineers fees, architects fees, consultants fees et cetera is quite astronomical? And is he therefore saying that on the one hand the Council of Ministers, of which he is a member, says to the Department of Home Affairs, 'Prepare plans for a prison on that site' and yet you as a minister have alternative plans for that site on which you are going to bury dead animals in the case of foot-and-mouth? Are you in hope and anticipation that there will be an outbreak of foot-and-mouth, minister?

The President: Minister.

Mr Rimington: The last thing I am in hope and anticipation of is an outbreak of foot-and-mouth disease and I am sure all members of the community on the Isle of Man and this hon. Court would not wish such a thing to happen. (**A Member:** Hear, hear.) There is no conflict between the contingency plan and the proposed plans for the prison. Jurby airfield, as we know, is quite a large site and there is absolutely no conflict. The contingency plan, the area that would be utilised should it be necessary – and we sincerely hope that it would not be – would be different from the current site for the prison, and there would be no conflict.

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

Mr Gill: Thank you, Eaghtyrane. Can the minister direct me to the relevant entry in either the government's business plan or his department's business plan documents relating to this contingency plan policy or the anticipated costs?

The President: Minister.

Mr Rimington: I am afraid I cannot. I do not think the use of Jurby as the final contingency plan for a mass uncontained burial site is contained specifically within the government's plan or that that level of detail is within the department's plan, though of course the contingency plan has been known to hon. members for a couple of years and a copy of that is, I believe, still in the Tynwald Members' Room and has remained unchanged.

Skate Park Facilities – Provision for DoLGE Funding – Question by Mr Singer

Question 10. The hon. member of Council (Mr Singer) to ask the Minister for Local Government and the Environment:

Does your department's scheme providing 50 per cent funding for children's playgrounds include skate park facilities?

The President: The hon. member for Council, Mr Singer.

Mr Singer: 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. It is current department policy to provide up to 25 per cent grant assistance to local authorities towards the cost of new play equipment, but they must comply with the latest health and safety guidelines and, of course, are subject to the availability of funding. At the present time the scheme does not extend to skateboard facilities. However, I wish to inform the Court that officers of my department are currently in discussion with the Department of Tourism and Leisure regarding schemes that they operate in regard to the provision of leisure facilities, and one of the issues that we are looking at is the provision of skateboard facilities.

The President: Hon. member Mr Singer.

Mr Singer: I thank the minister for her answer. Could she possibly tell me what the available funding is annually, please, because she says it is subject to that? And does the hon. minister not agree with me that skateboarding is both a sport to be enjoyed by young people for both competitive and recreational exercise, that many young people on the Island would benefit from the provision of such recreational facilities constructed to a high standard, and that the 25 per cent grant would enable such projects to be established with the effect of returning our pavements and our walkways to the public, which is certainly against the health and safety aspect, whilst providing the right environment for our young people to be able to practice their sport?

The President: Minister for local government.

Mrs Crowe: Thank you, Mr President. Yes, indeed I would, but we do have some concerns

regarding skateboard ramps for teenagers. We are also conscious of the noise nuisance that these facilities can cause to nearby residential property when they are sited in inappropriate areas. We are also conscious of the health and safety aspects of the provision of these ramps, whether such equipment should be used without the correct protective clothing and whether or not there should be supervision of these facilities. Of course, it does depend on the size and the scale of the facility that is being envisaged.

The hon. member of Council asked me what the availability of funding was, and in my department's estimates, which you can imagine are vast, from memory I would say that the sum is £60,000 per annum.

The President: Hon. member Mr Speaker.

The Speaker: Yes, thank you, Mr President. We have just heard a series of excuses for doing nothing. Could I ask the minister, the series of excuses that she has read out could apply to any play area equipment, and that is the responsibility of the local authority. All her department is being asked to do is to consider adding in the words of 'grant is available for a skateboard park or equipment', and, whilst I hear what the minister says, there is a meeting between officers of her department and the tourism and leisure department – which I presume have been going on a while, because I have been a couple of months chasing up the department about this issue; could the minister not just make a decision to say, yes, it will be eligible to skateboard parks with the normal criteria and, if subsequently her department and the Department of Tourism and Leisure come to another agreement, it can then be altered, because all we are doing is wasting time instead of making a decision?

The President: Minister.

Mrs Crowe: Well, in fact, we are looking at not only skateboard facilities but whether it may be more appropriate for the Department of Tourism and Leisure to have the budget that we hold for the provision of play equipment of whatever kind, and we need to discuss this in a sensible manner before making an off-the-cuff suggestion that we can just add skateboarding facilities or BMX parks or whatever might be the latest phase, in to the provision for what is at the present time playground equipment, and maybe discussions with officers into the total utilisation of leisure facilities, which indeed I agree teenagers most definitely need, but it might be more appropriate to do it correctly in the first place.

The President: Hon. member Mr Singer.

Mr Singer: Thank you, Mr President. Could I ask the minister, as she has taken a figure of £60,000 as a guesstimate, perhaps she could let us know what the figure is per annum and, whilst the minister says that she is supportive, does she not think that actually what she has said today appears to be more negative than positive, and would she not go into the meetings with the Department of Tourism and Leisure with a positive attitude as to say how we can do it and why we should do it not why we cannot do it? (**Mr Cannan:** Hear, hear.) Surely, then, we will achieve something for the young people of this Island to take them, as I say, off the streets, where they quite clearly cause problems to pedestrians and motorists et cetera and give them somewhere safe to play, give them the right equipment and surely that will be the best thing that we can do for the young people of this Island.

Mr Cretney and Another Member: Hear, hear.

The President: Minister.

Mrs Crowe: I think the hon. member got the wrong impression. I do not mean to be negative, but it is part of the responsibility of the Department of Local Government and the Environment to deal with such matters as environmental noise pollution, health and safety issues and all the other provisions that go to making what should be the teenager's enjoyment of such a facility – (**Mr Delaney:** Hear, hear.) just that. We do not want them constrained; we want the facilities to be sited in the correct places and indeed to comply with all of those issues environmentally and in health and safety terms so they indeed can enjoy the pleasures of skateboarding, BMXing or whatever it is they wish to enjoy, and I do think it is appropriate that the department of tourism and our department are discussing these aspects of leisure facilities.

The President: Mr Speaker.

The Speaker: Could I ask the minister: whilst I welcome liaison between departments, could the minister give an indication as to how long she thinks it will take to make a simple decision, as all the environmental aspects and health and safety et cetera are covered by law and this is purely a policy decision of a department of government as to whether or not to give grant assistance to what is not a passing phase but has been going on for over 20 years now, it continues to go on and, can I say, causes, as the hon. member for Ramsey says, distress to certain residents because the children

have nowhere proper to go? Could I ask the minister, how long does she envisage it will be before she and the Minister for Tourism and Leisure will make a decision that will benefit the young people of our Island in this matter?

Mr Cretney: He is bringing me into it now!

Mr Delaney: It is your fault!

The President: Minister.

Mrs Crowe: It is quite correct, we could make that decision tomorrow. We would then not have sufficient available funding to deal with the likes of BMX, whatever. Other facilities could be added. The funding that I have at the present time is to deal with playground equipment, swings for toddlers, that kind of thing that was envisaged on estates, perhaps that we indeed were managing or were owning. At the present time we do not have in our policy skateboard parks, but we are saying that we are looking at it and we would like it to be done properly and we would indeed value the expertise of the people that deal in leisure facilities most of the time.

**Douglas Corporation –
Rates and Waste Management
Information –
Question by Mr Delaney**

Question 11. The hon. member of the Council (Mr Delaney) to ask the Minister for Local Government and the Environment:

On their document entitled 'Rate Increase and Waste Management Information' Douglas Corporation make a number of claims. Will you give the percentage included for inflation?

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

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

The President: Again, the answer is in the hands of the Minister for Local Government and the Environment.

Mrs Crowe: Thank you, Mr President. As part of the rate setting process, local authorities include an estimate for inflation impact on their costs and revenues for the year. The percentage included in the rate estimate for Douglas Corporation was 4.4 per cent, equating to 12.5 pence in the pound. The rate appears to be reasonable as Whitley Council

have recently agreed an inflation increase of 5.5 per cent.

The President: Mr Delaney.

Mr Delaney: I thank the minister. May I ask a number of supplementaries? On the 4.4 per cent mentioned in the answer from the minister, could not that money that you referred to have been taken out of the £8 million that was identified by you last month in this Court as the reserves of Douglas Corporation, which are very hard to find in the estimates? My second supplementary: could I ask the minister, bearing in mind on that one that that money was paid in by the current generation of ratepayers of Douglas and therefore there is no need to charge them more for inflation when they have already got the money in, could the minister confirm to the members, as I have seemed able to identify, that on the adjacent island local councils have a maximum they can keep in reserves, usually around a figure of 15 per cent of their annual rate income, I am given to understand, and may I also ask, after asking those, a couple of other supplementaries when she has answered them? *(Laughter)*

The President: We will see! Minister.

Mrs Crowe: Yes, indeed, Mr President, of course any authority can take out of their reserves if they prefer to manage their moneys and it is within their gift. to manage the moneys in whichever way they want to. However, with regard to looking at legislation in other places as to the amount of funds that can be kept in reserve accounts, indeed we are reviewing thoroughly **(Mr Delaney: Hear, hear.)** at the present time the whole of the Local Government Board Act.

The President: Mr Delaney.

Mr Delaney: I thank the minister for that reassurance on behalf of the ratepayers. Could I ask the minister a further one? When the commercial waste collection charges are being collected by Douglas Corporation are they in any way referred back to the government as part of the charges or are the corporation just charging them as a commercial enterprise in Douglas and thereby not acting as agents for the ratepayers but agents on behalf of themselves, as they are making a profit from it?

The President: Minister.

Mrs Crowe: Yes, Mr President. Douglas Corporation, in line with most local authorities, has charged for the collection of waste from commercial premises. The charges can be based on

bin size or commercial property size, whatever. In fact, there are different methods of charging throughout the Island. These charges are only used to offset their commercial collection charges and the local authority, of course, can utilise these funds in whichever way they think best.

The President: Hon. member Mr Delaney.

Mr Delaney: In that case can I indicate to the minister: some of the commercial properties of this town, when querying their rates extra charges for this year, are given to understand that a reason cannot be given why the extra charges have been given to them and what they are based on. Would the minister undertake to have a look at that and could I ask, as a ratepayer and on behalf of ratepayers of Douglas, have the year 2002 accounts been put to your department as they are supposed to be by law, so that we as ratepayers can see, in actual fact, what we are being charged for and make an assessment of whether they are fair or not? (**Mr Houghton:** Hear, hear.) May I ask the minister that?

The President: Minister.

Mrs Crowe: Thank you, Mr President. At this present time we have not yet received the accounts –

Mr Houghton: Now isn't that a surprise?

Mrs Crowe: – for the year ended March 31st 2002. However, I do know that they have experienced difficulty in producing these accounts and I have been assured that the accounts for the year 2003 will be in the department within the deadline set in legislation.

About commercial collection charges, at the present time within the accounts submitted to us by local authorities, certainly in the Douglas Corporation accounts, I cannot identify how much revenue is being raised by commercial collection charges. We have asked that this amount should be identified in next year's accounts so that we know full well how much revenue is being raised and what it is being utilised for.

The President: A final supplementary, hon. member Mr Delaney.

Mr Delaney: I thank you for your forbearing, Mr President. I have two short ones. In the document I have circulated to members and referred to in the question, on the line under 'Corporation' it says 'The Corporation continued to develop its services.' On the abstracts of accounts from this member, could the minister confirm that the only services to be extended are the legal

services to councillors in Douglas Corporation, (**Mr Houghton:** Hear, hear.) which seems to be a situation where huge sums of money are being paid to legal advisers in the corporation, (**Members:** Hear, hear.) who are the advisers regarding legal action for which they get paid? (**Mr Houghton:** Hear, hear.) Would the minister take an opportunity to look at this so that we can, when the inquiry, which will come, into Douglas Corporation takes place, (**Mr Houghton:** Hear, hear.) clarify what is happening? My last one is, is the minister aware, as we, the ratepayers of Douglas, are aware and the members of this Court are aware, that the actual increases over the three years in real terms have been 33 per cent of running the town, and that was hidden away from the corporation, because that statement does not appear anywhere in the Douglas Corporation rates notification to its ratepayers?

Mr Houghton: Hear, hear.

The President: Question 18, hon. members –

Mr Delaney: I never got an answer, Mr President.

The President: No, you did not. Minister to reply.

Mrs Crowe: Thank you, Mr President. I am well aware of the interest that the hon. member of Council, Mr Delaney, takes in Douglas Corporation's affairs and many of the other members of this Court. (**Mr Henderson:** Hear, hear.) I would say that I have taken a great deal of interest (**Mr Delaney:** Hear, hear.) in the accounts of all local authorities since I went into the department, and indeed I would like to see a much more thorough examination of the accounting systems that are being utilised throughout the Island and to make sure that we are all in line, reporting the accounts and the way in which public funds are being spent in a way that has, for me, and I am sure for many others, a great deal more clarity than at present.

Mr Delaney: Thank you, minister.

The President: Hon. members, I propose to take question 18.

**Post Office – Incorporation of –
Board Recommendations –
Question by Mr Houghton**

Question 18. The hon. member for Douglas North (Mr Houghton) to ask the Chairman of the Post Office:

(1) *Has your board recommended to the Council of Ministers that the Post Office be incorporated in its future business operations, and, if so –*

(2) *what was the reason for this?*

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

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

The President: I call on the Chairman for the Post Office, Mr Quine.

Mr Quine: Thank you, Mr President, and I thank the Court for its indulgence. It was made known to this hon. Court several months ago that Isle of Man Post was facing a difficult trading environment. More recently, hon. members have received a letter from me addressing the situation in greater detail. The need to take a position on the future strategic direction of Isle of Man Post is highlighted in that letter.

The backdrop to the difficulties facing Isle of Man Post is increasing liberalisation and deregulation across Europe and further afield. EU directives envisage postal services being extensively deregulated and liberalised by the end of 2006. Competition both on and off the Island has strengthened and will inevitably increase further. Additionally, the volume of mail is falling, and as the viability and cost-effectiveness of alternatives to postal service are developed I think it is envisaged that these technological advantages will impact further on postal services in the next few years.

Isle of Man Post's present position is faced with a shrinking market for postal services, greater competition, increasing costs and limited scope to upwardly adjust prices. There is the possibility of improving turnover and financial return through the further development of collateral business, provided the organisation is structured, organised and managed to operate in a competitive commercial environment.

A paper has been submitted to the Council of Ministers identifying and analysing the problems faced by Isle of Man Post, which includes an option that Isle of Man Post become a wholly government-owned company. I would anticipate that this hon. Court will be asked to take a view on this matter in the near future.

The President: Hon. member for Douglas North.

Mr Houghton: Thank you, Mr President, and I thank the hon. Chairman of the Post Office, but before a *fait accompli* arrives before the Council of Ministers and then members of Tynwald thereafter, can the hon. chairman advise: what consultation has been undertaken with postal delivery staff, sub-postmasters, and has indeed an independent survey been undertaken that is *ex officio* of the post office management, sir?

The President: Chairman of the Post Office, hon. member for Ayre.

Mr Quine: Well, there is no question of a *fait accompli*, of course, because, as I indicated, the matter is one that has to be referred to this Court and a decision taken by this Court. The staff have been briefed and we are operating with the advice of independent business consultants who are experts in the postal services worldwide and the advice we have got and our own analysis of the situation coincide.

The President: Mr Speaker.

The Speaker: Yes, could I ask the Chairman of the Post Office, Mr President, could he explain even at this stage how he envisages that the privatisation of the Isle of Man Post Office will make more efficient and most effective the delivery of mail in and out of the Isle of Man?

The President: Hon. member for Ayre.

Mr Quine: It is not privatisation, it is corporatisation in the sense that the proposition, as far as Isle of Man Post is concerned, as I said in my answer – it is to be a wholly government-owned company. So there is no question of selling off Isle of Man Post, but I think it is fairly obvious how it would have a better prospect of being successful if it was in a corporate posture. The position at the moment is that Isle of Man Post has to compete with various competitors, multinationals in some cases, who are operating with the freedom which is attached to having purely commercial organisations. Isle of Man Post at the moment is working to a regulatory framework which, quite frankly, is out of date, does not meet the environment that we have now and it certainly does not meet the trade environment which we are going to have to confront in the future, so basically – and this is the assessment of the independent analysts as well as ourselves – there are essentially four different routes that can be taken, and these are routes which are not of our choosing, they are options that we have to confront because of the situation that is developing: we either retain the status quo, we can rationalise the network and the

operations, we can seek to reduce the cost base, which essentially would be in addition to the second option, or we can seek to achieve a structure that allows us to compete commercially. Isle of Man Post's view is that the latter option offers the best opportunity to retain staff in post and to produce the returns that are necessary for Isle of Man Post to survive in this environment.

The President: Hon. member for Douglas North.

Mr Houghton: Thank you, Mr President. The hon. chairman made reference to staff having been briefed. Can he elaborate on that? How have they been briefed? It is not understood by the staff themselves that they have been briefed, nor have the sub-postmasters, so can he elaborate on that and assure us that there has been proper consultation done with the postal delivery staff and the sub-postmasters and, if it has not, would he see that it is undertaken without any further delay, sir? And further to that, he mentions a paper going to the Council of Ministers. May I ask: in that paper does it explain a way forward for the state of the senior management, who are well known to be poor performers and their numbers top heavy? Finally, could he let members of Tynwald have copies of those papers that have been sent to the Council of Ministers, because we are the representatives of the people who are the customers of the Post Office, sir. Thank you.

Mr Quine: Well, taking the last point first, the paper which I would envisage will come to Tynwald will set out all the pros and cons, all the options, and it will be a matter for Tynwald to take that information on board and decide what route they wish to follow. When they have to confront, as they will, the choices that they have in terms of finding a way forward for Isle of Man Post, it is my honest belief that they will come to the same conclusion as Isle of Man Post.

Now, in terms of the briefings, we have had a briefing as to the state of play – it is a staff briefing, I mean – and where we are with this present exercise. As and when we know what the options are going to be that are coming to Tynwald, obviously that will be further put across to the staff. We have been out to our major business customers and sounded them out as well to get a sample of feedback from the customers.

The President: We turn then to the hon. member Mr Lowey.

Mr Lowey: Could I ask the chairman one supplementary? Could the chairman confirm that

the Isle of Man postal authority has engaged consultants to advise them, and what are their terms of reference? Secondly, can he confirm that the Post Office authority have had throughout the years pressures brought on them? I remember taking the 1993 Bill and these pressures were then there and raising their heads, so there has always been pressure. What is particularly new now that is more acute than they have been over the previous decade, for example?

The President: Hon. member for Ayre.

Mr Quine: Well, the Isle of Man Post has engaged and had advice from consultants; I mentioned that in my initial answer. We have taken on board advice from international consultants who are operating worldwide, they are specialists in postal services, they have come in and they have assessed the situation and they have provided assessment very much in line with that that has been conducted by Isle of Man Post.

The second matter, the question of the pressures and why this is different from what has been before – I think this is entirely different, because what we have now is pressures coming out of actions that are flowing out of Europe in the main, but worldwide, in addition, to deregulate and liberalise, and by 2006 this is going to be an open market place. Now, Isle of Man Post now has to depend on third party business to subsidise to a large extent the postal part of the operations. We cannot successfully compete and obtain that business up against opposition, so to speak, competitors, who are commercially structured and have the freedom and advantage of commercial operations if Isle of Man Post is to operate in its present posture, which essentially is with one arm behind its back. So the choice when it comes to Tynwald will be very simple: the basic choice is going to be that if Tynwald, for whatever reasons, wishes to keep a Post Office that is embedded in government and government structures, that is an option for them and there will be a heavy price over the years to pay for that. The other option is that we go and proceed on the basis that we are in a very competitive commercial market place. There is a good prospect of Isle of Man Post competing and paying their way in that scenario if they are structured and if they are managed, (**Mr Houghton:** Hear, hear.) properly organised and managed; they can hold their own in that environment. They cannot hold their own as they are presently postured, and I believe that message will be put across quite strongly in the paper that comes before Tynwald.

**Refuse Collection –
Island-Wide Service – Contract –
Question by Mr Singer**

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

Have you negotiated, or are in the process of negotiating, a contract with any companies to provide an Island-wide refuse collection service?

The President: Hon. members, I call on the hon. member of Council, Mr Singer.

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

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

Mrs Crowe: Thank you, Mr President. It is a very simple answer: no, we have not, and no, we are not.

**Waste Disposal – DoLGE Report –
Question by Mrs Cannell**

Question 13. The hon. member for Douglas East (Mrs Cannell) to ask the Minister for Local Government and the Environment:

(1) Do you now intend to make a full and frank report on the charges for disposal of waste, the impact of such on businesses, the impact on the domestic ratepayer, particularly those on low or fixed income and in general the impact on the Island community; and

(2) will such a report be made available to members of Tynwald and the public for comment before the June 2003 sitting of Tynwald Court?

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

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

The President: Minister for Local Government and the Environment.

Mrs Crowe: Thank you, Mr President. At a sitting of this hon. Court in November 2002 a motion was passed reaffirming the ‘user pays’

principle in relation to the waste management strategy and endorsing the decision of my department to provide a 90 per cent subsidy of the cost of disposing of domestic waste with effect from July 1st 2003 and asking my department to continue with discussions with local authorities regarding the introduction of charges and to assist them with appropriate schemes and help them in the introduction of the charging régime. Then, at the sitting of this hon. Court on 23rd January 2003, a further motion was passed which required the Minister for Local Government and the Environment to report to the June 2003 sitting of this hon. Court – and here I quote: ‘On the progress of consultation, on the implementation of charging, on the detailed measures for implementing charges and on the proposals for the introduction of a charging régime.’ Mr President, I therefore confirm that I shall be reporting to the June 2003 sitting of this hon. Court in accordance with the terms of the motion from which I have just quoted.

As regards the second part of the hon. member’s question, I shall not be making available to hon. members, or the public, details of what I propose to report to this hon. Court at the June sitting in advance of that sitting. I believe it is my duty to report to the hon. Court in accordance with the terms of the motion and that it should not be proper for me to indicate in advance of the sitting what I propose to say.

The President: Hon. member for Peel.

Mrs Hannan: Thank you, Eaghtyrane. Could I ask the minister whether the local government department or indeed local authorities intend to inform the public with regard (**Mr Cretney:** Hear, hear.) to waste disposal, recycling and all the other issues which affect how much waste government has to dispose of, no matter who pays for it?

The President: Minister.

Mrs Crowe: Yes, indeed, I think we have had a number of promotions recently – the home composting scheme which has been hugely successful; we have had a number of recycling initiatives, going forward in the newspaper, advising people of the 400 sites that are available for recycling and so we are continuing to do that work within the department and will continue to do so.

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

Mrs Cannell: Thank you, Mr President. I thank the minister for her reply so far, but is she implying by her answer to the original question

that she is merely conforming to the amendment which was attached to the original motion in the debate in this place on 23rd January this year, and in so doing, she has no regard whatsoever to the component of the question placed before her in terms of the impact on businesses, the impact on people, the impact on pensioners, on those on fixed incomes? Is she inferring by her dismissal of the original question that she has no regard for the people in the Isle of Man in terms of the impact all of this policy, so called through the back door, is going to have on people and in so doing she is refusing to let us, as members of the people, have copies of that report before the June sitting of Tynwald so that we may, in representing our people, consult with our constituencies in terms of the content of that report, which will impact on everybody in the Isle of Man? Does she have no regard for that?

The President: Minister to reply.

Mrs Crowe: Mr President, I am dealing with the matters of waste management on a daily basis and I have regard for all of the issues that have been mentioned. What I would say is that I have been asked to report to the June Tynwald and I intend to do just that.

The President: Hon. member for Glenfaba, Mr Anderson.

Mr Anderson: Thank you, Mr President. In relation to the hon. member's reply to the first supplementary, does the hon. minister agree that her department should be more proactive in co-ordinating with local authorities and businesses the disposals of materials that should be recycled rather than having a duplication of schemes across the Island?

The President: Minister.

Mrs Crowe: Indeed we are being active and we are having industrial waste forums, we are dealing with businesses on a weekly basis. The member of my department who is delegated responsibility for dealing with waste management issues plays a very active part in dealing with all of these issues with businesses and with local authorities, and all the people that need to have advice and information are treated with, I hope, a great deal of information is available to them and they are treated with the greatest of respect in regard to the problems that they may or may not have, and indeed we are making great progress in the dealing of the whole issue of waste management.

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

Mr Cannan: For a point of clarification, can the minister state categorically: in the June Tynwald is she presenting a report which will be with members 10 days before the sitting and which can be debated in full or is she making a statement at the June sitting which members will not see in advance and can only question after she has made the statement?

The President: Minister.

Mrs Crowe: It was my intention to make a statement to this Court in exactly the terms the motion has suggested.

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

Mrs Hannan: Thank you, Eaghtyrane. Could I ask the minister: with regard to recycling, what initiatives are going to be taken to encourage members of the public to recycle more and, with regard to batteries, what facilities are available for taking out of the waste stream small cell batteries?

The President: Minister.

Mrs Crowe: We have collection areas for small cell batteries in many positions. Indeed, there is one in my own department and there are many dotted around the Isle of Man. As I have said, there are 400 recycling sites around the Isle of Man at the present time. We are trying to encourage people to recycle, and for the most part, are being quite successful in many areas. We are number 1 in the whole of the North-West for the recycling of glass and indeed this is commented upon by the glass industry on many occasions and the way in which we are utilising our recycled material on the Island, which is what we need to do.

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

Mr Karran: Eaghtyrane, does the shirveishagh intend to make a full and frank report into the charges for disposal of waste to the DHSS so that if this crazy policy goes through we will have some sort of protection to make sure that the weaker members of our society are not going to be hammered over this issue? Has she informed the DHSS about the implications and how are we going to see something to protect these people?

The President: Minister.

Mrs Crowe: Once again there is a great deal of misinformation about the implementation of charging on the Isle of Man for the disposal of waste. The rates burden for the disposal of waste equates to £10 per household per annum. That at the present time is not one of the onerous rates that are being paid by the poor and needy of the Island.

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

Mr Quayle: Thank you, Mr President. Could I ask the hon. minister if she could reconsider her earlier answer and come back to Tynwald with a report that we might have 10 days beforehand rather than just a statement and, if necessary, could she consult with the Council of Ministers so that we can receive a report, bearing in mind the impact that it will have on the businesses and the domestic ratepayers?

The President: Minister.

Mrs Crowe: I have no problem in acceding to that request at all.

The President: Finally, I think, a supplementary – hon. member, Mrs Cannell.

Mrs Cannell: Thank you, Mr President. In view of the hon. minister using the word ‘misrepresentation’ in one of her answers, would the minister not agree with me that in view of that perception it is far more appropriate for her to comply with the resolution adopted in Tynwald in January this year and come forward with a written report, submitted 10 days before the sitting of Tynwald Court, so that members can absorb and consult their constituencies, rather than a statement? And further, does the minister not understand the difference between report and statement in political terms and in parliamentary terms and that the report is normally a written report and a statement is merely that, given on the hoof?

Mr Cannan: Well done, Brenda!

The President: Minister.

Mrs Crowe: Thank you very much, Mr President. I think the hon. member has gathered from the answers that I have given that I have no problem in making a report if so wished. What I would say about the misrepresentation is over the charging régime; every local authority now has in place the charging regime for the present year.

Food-Handling Premises – Qualifications to Open – Question by Mrs Hannan

Question 14. The hon. member for Peel (Mrs Hannan) to ask the Minister for Local Government and the Environment:

(1) *Do persons opening food-handling premises have to have any qualifications in food handling; and*

(2) *if not, why not?*

The President: Hon. member for Peel.

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

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

Mrs Crowe: Thank you, Mr President. With regard to part (1) of the hon. member’s question, persons opening food-handling premises do not have to have any qualifications in food handling prior to opening the business. With regard to part (2) of the question, when the Food Act 1996 was first drafted, it did indeed include clauses requiring registration prior to approval of all food premises and a qualification in food hygiene for the food handlers. At that time, the department did not think it was appropriate to require such approval and the Act was redrafted, omitting the requirement for the prior approval, providing for the registration of only certain classes of premises and providing for, and I quote, ‘Persons who are or intend to become involved in food businesses, whether proprietors, employees or otherwise, to undergo such food hygiene training as may be specified in regulation.’ I must say I am grateful for the question from the hon. member for Peel and I have asked for my department to review the Food Hygiene (General) Regulations and we shall be considering whether to include a provision to require persons in control of food businesses to have food hygiene qualifications very shortly.

The President: Hon. member for Peel.

Mrs Hannan: I thank the minister for her response. Could I ask what the timetable is with regard to considering this and what the timetable would be if it was decided that legislation was necessary to make these changes?

The President: Minister.

Mrs Crowe: I am hoping that I will have a report at the next department meeting from the environmental health officers. I do believe that this legislation is contained within regulation and so it should not be too difficult to be able to progress quickly if we decide these provisions need to be in place.

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

Mr Singer: Thank you, Mr President. In view of the minister's answer that there are no regulations or any legislation, can she tell me how often both government and private premises are checked? Are they checked on a regular basis? How often is 'often'? Are these visits unannounced? Secondly, how many prosecutions is the minister aware of for poor food handling?

The President: Minister to reply.

Mrs Crowe: Thank you, Mr President, not for the negative part of the question, but I would like to respond in a positive manner. The department does organise and train food handlers in food hygiene at three levels, and we do the foundation course, an intermediate course and an advanced course in food hygiene. We have trained well in excess of 1,000 persons to go through these food-handling courses. I am delighted about that.

With regard to the visits to food premises, these are arranged on a risk assessment basis, and regular spot visits take place at all establishments, but of course, if an area of risk is identified those particular premises will be visited far more often than any others. Yes, we take a number of prosecutions . . . I was going to say annually, but I am not quite certain of the exact figures, but we certainly prosecute and I know at least of three prosecutions that are ongoing at the present time.

**Archallagan Landfill Facility –
Costs – Operational Arrangements –
Question by Mr Quayle**

Question 15. The hon. member for Middle (Mr Quayle) to ask the Minister for Local Government and the Environment:

- (1) *What is the current overall revised estimate for phases 1,2,3 and 4 of the proposed landfill facility at Archallagan;*
- (2) *will you detail the latest costs of any relevant necessary modifications or upgrading of the A24 road from Braaid to the junction of the C33 road, and from the*

C33 road to the proposed site within Archallagan; and

- (3) *will you give a progress report on the energy-from-waste plant and what arrangements are in place to deal with the disposal of fly ash and bottom ash once the plant becomes operational?*

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.

The President: Again the answer is in the hands of the Minister for Local Government and the Environment.

Mr Cannan: Ah, lucky lady!

Mrs Crowe: Thank you, Mr President. With regard to part (1) of the hon. member's question, the current overall estimate for the construction of phases 1 to 4 of the proposed landfill facility at Archallagan is £9,644,000, as stated in the Pink Book. This cost includes the final restoration phase for the whole site at the end of the landfill's life.

With regard to part (2) of the question, the cost I have outlined includes the cost for improving the junctions from the C33 road to the proposed Archallagan site and from the A24 road to the junction of the C33. These costs are incurred to improve the two junctions and provide adequate passing places for vehicles.

With regard to part (3) of the question I am pleased to report that progress at the energy-from-waste plant is satisfactory and it is presently estimated that works will be complete and the plant operational in April next year. Most of the major mechanical components have now been delivered to the site and are being assembled, and it is expected that the flue stack will be erected early in July.

With regard to the disposal of residues, firstly the air pollution control residues – or APCRs as we refer to them, are to be exported to the United Kingdom. The United Kingdom authorities are currently considering our duly motivated request to require this facility for export. Secondly, with regards to bottom ash, you may or may not be aware, but it has always been my department's preference that this material will be recycled and used as an aggregate, and I am pleased therefore to be able to report that an agreement with a local manufacturer to do precisely that is now at an advanced stage.

Finally, notwithstanding the foregoing, I shall confirm that contingency plans are put in place

should unexpected difficulties be encountered with the foregoing strategy.

The President: Hon. member for Middle.

Mr Quayle: Thank you, Mr President. Could I ask the minister why phase 4 of the scheme was not included in this year's Pink Book? As I understand, it only detailed phases 1, 2 and 3, amounting to £9.6 million plus £0.5 million for site investigation costs. Further could I ask the minister why she originally confirmed the cost had risen from £3.113 million to £6.4 million, including road improvements, and confirmed that no increase would happen above that revised cost? Could I ask how the minister can possibly accept this latest, almost doubling of the costs, particularly when she stressed that all capital costs had to come in on budget?

The President: Minister.

Mrs Crowe: Yes, indeed, and I think it is a much better way now of reporting capital projects in total rather than in part. The figures that are quoted by the hon. member for Middle were indeed 1st phase, 2nd phase, whatever. We now have identified the total cost of the project and the costs are as I have stated, which will include the full restoration of the site, not part 1 as was first identified, not parts 1 to 3, but now we are looking at the full figure, which includes the total restoration of the site, and that is the figure that we now have and that is the figure that is now being shown.

The President: Hon. member for Glenfaba.

Mr Anderson: Thank you, Mr President. Can the hon. minister inform this hon. Court whether this astronomical rise in the budget for this facility is because there has been a major alteration to the scheme as presented to members and local authorities and the public last year, or is it due to the incompetence of either the department's consultants, who received up to £0.5 million in bringing this project forward, or is it due to her own department's incompetence in budgeting?

Mr Karran: We will never know.

Mr Houghton: Like the DHSS's!

Mrs Crowe: Certainly it is not due to the incompetence of the consultants that are being used for this project and it is not due to the incompetence of my department; it is, in fact, simply a change in the way in which capital schemes, the accountability and the costs are

shown, and indeed I would support Treasury minister in saying that they need to fully identify the costs of capital schemes, not just be shown phase 1 or phase 2 or phase 3. The full cost is what is required, and that is now what is being shown.

The President: Hon. member Mrs Cannell.

Mrs Cannell: Thank you, Mr President. Did I understand correctly that the minister said, in responding to the original question, that they are in negotiation with the United Kingdom under the duly motivated request for the fly ash to be exported to the United Kingdom? If I correctly picked that up from the hon. minister, can I ask her, why is it taking so long, bearing in mind that the duly motivated request system was activated three years ago? Is the minister now saying and admitting on record that they have not got anywhere for this highly contentious and noxious gas to go and they are hoping the UK is going to bail us out? Further, is the minister aware that the use of the bottom ash for the purposes of recycling or putting together with a building aggregate of sorts is currently being considered by the European Parliament as undesirable and may well be ruled out?

I have two further questions, Mr President – I will just have one shot at this. The minister said basically that if it all went pear-shaped and it did not come on stream as and when envisaged, there was contingency. Could she advise hon. members of what that contingency is, please? My final question, Mr President, is: of the £9 million plus all of this is going to cost which, the minister advises, covers the whole of the area in respect of this, does that also cover the cost of the new animal by-products plant that will be the responsibility of her department sooner rather than later?

The President: Minister.

Mrs Crowe: Thank you, Mr President. I will try and deal with all the questions. The first question related to APCRs and their disposal. A duly motivated request is time-limited and needs to be applied for at the time that it is needed. We have started that process now so that, by the time we need it, it will be in place and this is not a delay. The UK Government would not grant a licence three years in advance for something that had not yet then happened.

As regards some reference to the European Parliament about the recycling of bottom ash, I am amazed that the hon. member should ask such a question, although I do recall when we went to visit the site in London that has been and is recycling all the time, the hon. member did not get off the coach

to have a look at the system in place, so there are actually –

Mrs Cannell: I was not as naïve as you, minister!

Mrs Crowe: – systems in place all around the world for the recycling of bottom ash, and it is a well-known fact.

With regard to contingency, which I mentioned in the final part of my question, the contingency that I referred to is a contingency for the utilisation of bottom ash.

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

Mr Karran: Eaghtyrane, would the shirveishagh not agree that the hon. member for Middle's question just highlights that the reason we have got the problems is that this is yet another policy that is on the hoof by this administration? Can the shirveishagh also assure this hon. Court that she has safeguards as minister, to make sure that we do not see another development of another white elephant to come home to roost, to be kept by my constituents' future children over the next 20 or 30 years? What assurances can the minister give that we are going to get a rational value for money for the taxpayer as far as this policy is concerned, let alone the environmental consequences?

The President: Minister.

Mrs Crowe: Presumably the policy mentioned is the policy of producing energy from waste – that is, burning our rubbish to produce electricity – which I think is a very sound policy and it is in place in many European countries and Scandinavian countries and works highly successfully.

The other point that the hon. member made was about the development of a white elephant. I can only tell you that the facility at the bottom of Richmond Hill –

Mr Karran: Archallagan.

Mrs Crowe: – whichever – the facilities that are being brought on board to deal with waste management on the Isle of Man have indeed been subject of admiration from many areas in the United Kingdom and other islands.

The President: A final supplementary, hon. member for Middle.

Mr Quayle: Thank you, Mr President. Could I ask the minister if she can recall the answer that

she gave in November Tynwald where she mentioned, 'I would confirm that the overall estimate for the facility at Archallagan is £6.4 million as indicated', which would include road improvements? Could I ask her what is the difference in the scheme from then to now, as the scheme we are told is now approaching £10.5 million or thereabouts and, for clarification, could I ask her about phase 4, which is not even mentioned in the Pink Book? I would have thought that she should be able to elaborate further on the overall cost as it has now risen from the amount I gave of £6.4 million to what I predict will be over £12 million?

The President: Minister.

Mrs Crowe: I have stated quite clearly what the cost is and the cost will not be £12 million. The cost has been identified, phases 1 to 4 plus the complete restoration of the site, and it is, as I have stated, just over £9.5 million.

Road Traffic – Implementation of Restrictions – Question by Mrs Hannan

Question 16. The hon. member for Peel (Mrs Hannan) to ask the Minister for Home Affairs:

- (1) *Do the police support traffic legislation such as yellow lines et cetera; and*
- (2) *if not, will they discuss the implementation of restrictions with the Department of Transport?*

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

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

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

Mr Braidwood: Mr President, I can confirm that the Isle of Man Constabulary supports the philosophy of road safety and its associated legislation. It is of such importance that it merits special status as one of the forces seven key service areas; enforcing legislation is one element of the approach. The force has six parking controllers who are fully engaged on duty that impacts principally on enforcing parking restrictions.

In the year 1st January to 31st December 2002, 12,836 fixed penalty notices were issued against

those who offended the legislation relating to restricted parking. From 1st January this year 4,767 have already been issued.

The parking controllers do have all-Island responsibility but, in response to traffic loadings, do focus on Douglas and the immediate neighbouring area. Both the parking controllers and police officers alike are encouraged to use their discretion and common sense when enforcing legislation that relates to parking. The circumstances of each case are taken into consideration before a fixed penalty is issued. The police maintain a consistent and effective dialogue with the Department of Transport. This professional relationship embraces consultation and a wide variety of traffic management issues, including the assessment and requirement for new areas of road to be subjected to parking restrictions. If the police consider that additional restrictions are required, then this would be discussed with the appropriate officials. Existing restrictions are enforced, but it must be recognised that officers on the ground must also use discretion in relation to any circumstances according to the officers' experience.

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

Mrs Hannan: Thank you, Eaghtyrane. Could I ask the minister, would you not accept that it is very confusing for the public that one day yellow lines are implemented – that is, people parked on them are prosecuted – and on another day not? Could I also ask the minister, at what level do discussions take place with the Department of Transport?

The President: Minister, Mr Braidwood, to reply.

Mr Braidwood: Mr President, yes, I agree a consistent approach should be maintained and I presume that the discussions are within the traffic division of the Department of Transport and senior officers in the constabulary.

The President: Minister, Mrs Hannan.

Mrs Hannan: Thank you, Eaghtyrane. I wonder what the minister will do to look at yellow lines and these sorts of issues and discuss with government as a whole the removal of yellow lines if they are not going to be implemented. Would the minister not agree with me that it is very confusing if yellow lines are put in place at great cost to the public purse and they are just ignored by everyone, including the police? Would the minister not agree that it is wasting our time, it is wasting police time

and is very confusing for the public whom they are there to control?

The President: Minister to reply.

Mr Braidwood: Mr President, normally when yellow lines are implemented a notice is displayed showing the restricted parking times, but there are certain exemptions: when there is unloading and loading of goods from vehicles and also if there is picking up and dropping off of passengers (**Mrs Hannan:** Exactly.) when there is not a lot of time involved. It is also at the discretion, as I have already mentioned, of the constabulary, the traffic wardens and the police constables. If a person is visiting Peel and wanting to buy an ice-cream (**Mr Cretney:** Hear, hear.) he can just pull into one side and he is there for a couple of minutes, yes, I can see he is just dropping off. If he is there for a good length of time then he will be booked, but it is at the discretion of the constabulary and the traffic warden. (*Interjection*)

The President: Hon. member Mr Shimmin.

Mr Shimmin: Thank you, Mr President. Would the minister be aware that the meetings that have taken place between my department and the police have included myself meeting with the Chief Constable and Chief Inspector Gary Roberts on this and a range of parking issues, and would he like to be included in those meetings in the future, sir?

Members: Oh! (*Laughter*)

Mr Delaney: He will be able to get a parking space!

The President: Minister Braidwood.

Mr Braidwood: Mr President, I think it is an invitation I cannot refuse!

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

Mr Singer: Thank you. If I could refer to the minister's comments that they have six parking controllers and the majority of that time is spent in Douglas and the surrounding area, could he possibly explain to me what is the police responsibility in other areas where perhaps they only get a parking warden once a week? What is the police responsibility (*Interjections*) when they continually see people abusing all day (**Mrs Hannan:** Yes.) the yellow-line system? Is it the police's instructions, when they see this over-abuse, to actually take action? And would it not be more useful to the department to be able to include

local authority wardens to give them the powers to act on the highway as well as off the highway?

The President: Mr Braidwood, Minister for Home Affairs.

Mr Braidwood: Mr President, I have already said that the traffic wardens do focus on where the traffic loading is more appropriate. In such as the situation in Ramsey, if the police see an individual or person parked on yellow lines and the car is just left there, then the police will take action and act on it.

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

Mrs Cannell: Thank you, Mr President. Would the hon. minister confirm that police officers, irrespective of rank, have the same power as parking controllers in issuing penalty tickets and that they can do using their discretion as described by the minister? But also, could the minister advise on whether or not his Police Headquarters' traffic division has been restored to its former glory when they were very proactive indeed in ensuring that abuses in parking and, in particular, on double yellow lines, speeding et cetera, was very well activated by the police and whether or not that division is as resourceful as it was in those days, or has it been slimmed down somewhat?

The President: Minister.

Mr Braidwood: Mr President, no it has not been slimmed down. What has happened is that it has been decentralised in that traffic officers now are in the South, West and North and also based in Douglas. The only time they are centralised is during TT.

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

Mr Duggan: Thank you, Mr President. Would the minister confirm that actually the traffic wardens are not a liability; they bring in excess of £60,000 income each year to the government?

The President: Minister.

Mr Braidwood: Mr President, I would think that they would bring in a lot more than £60,000 –

Mr Duggan: Each.

Mr Downie: Put them on commission!

Mr Braidwood: Sorry, that is £360,000 then. I do not know the breakdown on the fixed penalty notices but, as I said, there were 12,836. I do not know the breakdown between police officers and traffic wardens so I could not comment how much they would bring in, but at £40 a time now, times 12,000, we are talking about over half a million. (*Interjections*)

The President: And we will park this question by returning to the original questioner for the final supplementary.

Mrs Hannan: Could I ask the minister with regard to implementation of restrictions: the minister mentioned road safety – I wonder what consideration the police have to give to road safety and whether they implement yellow lines or not if, in the decision to put down yellow lines initially, these sort of issues are considered.

The President: Minister for Home Affairs, Mr Braidwood.

Mr Braidwood: Mr President, yes, they are taken into consideration because yellow lines are normally put down which could impinge on visibility coming out of roads, which again would affect the road safety of children crossing the road. That is why consultation takes place between my department and the Department of Transport.

Multistorey Car Parks – Financing – Funding for Peel – Question by Mrs Hannan

Question 17. The hon. member for Peel (Mrs Hannan) to ask the Minister for Transport:

What finance do you have for multistorey car parks and what funding is available for Peel?

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

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

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

Mr Shimmin: Thank you, Mr President. My department has a total of £5.7 million within the capital estimates for the provision of off-street parking. This provision is spread over a number of years and is intended to provide, promote and facilitate the provision of off-street parking. As my department indicated in its business plan, the

department's properties division has been actively involved in discussion with a number of local authorities with regard to the possible provision of additional off-street parking. This has included investigations into the possibility of additional multistorey car parks, additional ground level parking and the development of appropriate park-and-ride schemes.

Peel Town Commissioners are amongst the local authorities that have been in discussion with my department's properties division. Peel Town Commissioners have submitted a business plan to support the possible development of a multistorey car park for Peel. This business plan has been discussed at a meeting between my department's properties division, represented by Mrs Cannell MHK, member with delegated responsibility, the Director of Properties and Peel Town Commissioners. This meeting was extremely constructive and my department is now working with Peel Town Commissioners to develop a short, medium and long-term plan for off-street parking for Peel. Part of the long-term solution could, if appropriate demand exists, result in the development of a multistorey car park for Peel. Any multistorey car park would only be supported by my department if demand exists and if the parking problems cannot be solved by the other means being investigated.

The funding available for the provision of off-street parking is to assist with needs on an Island-wide basis. How much is available for Peel will depend on the outcome of the discussions with Peel Town Commissioners and the demands identified elsewhere around the Island.

The President: Hon. member for Peel.

Mrs Hannan: With regard to the money that is available for car parks and a meeting that has been held in Peel, what sort of timetable is envisaged to actually secure parking? This issue, as the minister will be aware, has been ongoing for some considerable time. Could I ask also, with regard to other areas, whether parking is being progressed in, say, places such as Castletown and Ramsey and maybe in other areas as well, as opposed to all the money being put into Douglas and supporting car parking in Douglas?

The President: Mr Shimmin, Minister for Transport.

Mr Shimmin: Yes, Mr President, I certainly understand the views of the member for Peel as indeed, I am sure, are represented by a number of members throughout the Island. The levels of money available to us are a practical consideration and that is why the first stop of a multistorey car

park is possibly neither achievable nor the only option for us. The discussions are ongoing and there have been the two meetings, which are currently running at the moment. The final meeting held so far was on 27th February and a further meeting has been held since that date with the Clerk to the Commissioners. These discussions are ongoing, as indeed they are with Ramsey and Castletown as there are demands in those areas.

I do understand that there is a danger of putting all the moneys into Douglas; that is not the intention of the department. This is for off-street parking. We do have to be imaginative with the moneys available and certainly there is pressure upon us from the main towns mentioned today, Ramsey, Peel and Castletown, to improve the lot of the people in those areas. Discussions are also going on regarding off-street charging for parking and also what we do with heavy goods vehicles; they are all part of the dialogue, sir.

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

Mr Bell: Thank you, Mr President. In an effort to be helpful to the hon. minister, could the hon. minister follow up his comments about the discussions which are taking place with other local authorities in the Island, and does he recognise that the discussions with Ramsey Town Commissioners now have been going on with his department for a number of years? Is he in a position today to give us an update on the progress which has been made with those discussions, and are we any closer to seeing a multistorey car park being developed in Ramsey, which is urgently needed? Would the hon. minister also agree that a simplistic solution of park-and-ride is not necessarily appropriate to all towns on the Island in particular the smaller towns on the Island. And thirdly, Mr President, would the hon. minister agree that if we are to encourage economic diversity throughout the Island, one of the essential ingredients to enable that diversification to take place is adequate car parking in the various towns outside Douglas?

The President: As the question relates to Peel, minister, you might not be briefed in replying to all areas of the Island but nevertheless . . .

Mr Bell: It is sort of close to it!

Mr Shimmin: I think, Mr President, the issue is common to a number of towns, and certainly the issue of park-and-ride is an area that is being further investigated both by the Department of Tourism and Leisure and ourselves for alternative methods. It is not a simple solution by any means. The provision of a multistorey car park is an

expensive way forward and that would require the support and involvement not just of my department, but also local authorities would have to accept that they would make a contribution to that. Certainly nothing to do with parking is simple. The timetable of this is ongoing. The requirements of my department are that a business plan is worked up and that is the current position with regard to Ramsey, sir.

The President: Hon. member for Glenfaba, Mr Anderson.

Mr Anderson: Thank you, Mr President. Can the hon. minister give us some indication as to where the planning is for the park-and-ride scheme, presumably for Douglas?

The President: Minister.

Mr Shimmin: Mr President, I have confidence in my colleague who is looking at this, and it would be inappropriate to start investigating on the floor of Tynwald all of the issues that are currently being discussed and have been for some time. Certainly, if it is the wish of individual members they can approach my department. I will try and give an update on the current position in their areas.

The President: Hon. member Mrs Cannell.

Mrs Cannell: Thank you, Mr President. Again in order to be helpful for the hon. minister, would the hon. minister accept that the Department of Transport have had some very fruitful meetings with local authorities; we have yet to meet with Castletown, though? But would the hon. minister also agree with me that Ramsey commissioners and the properties division met just two weeks ago and that the member with responsibility in that area has set a target date for August this year for the officers and the department and the commissioners to come back with a proactive plan to be able to consider possibly moving forward with a bid for next year for a multistorey car park? And further, would the hon. minister agree with me that whilst the properties division is looking at this, it is trying to embrace and follow up all the possible scenarios to help alleviate the problem of car parking Island-wide in the short, medium and long-term focus and that such a valuation does take into account the survey of travelling public's needs, habits and desires and, when we have assembled all of that information, then the properties division will then be able to consider where, when and how appropriate park-and-ride facilities might be brought forward as one of a raft of things that can help alleviate? And further, would the hon. minister agree with me (*Laughter*) that, since his taking on

the rôle of minister of the department and the new membership that he has, when that all came to pass the budgetary provision was tied up in one lump sum in capital and that it has taken us some time as a department to persuade the Treasury to allow us to have this money phased over a period of time so that we can use it –

The President: With respect, hon. member. Now, minister, I think your answer is yes or no. (*Laughter*) Minister to reply.

Mr Shimmin: Yes, I do believe that my hon. colleague was attempting to be helpful to the House. (**Mrs Cannell:** Yes.) It is an issue which causes a great deal of concern to the travelling members of the public. I would make two references: firstly, the point raised by the member for Peel in the previous question is one of the areas we are looking at as to whether indeed the replacement of yellow lines is necessary in all areas and whether we can actually restore some parking availability through that area; and secondly, the member for East Douglas did point out that the department has fought long and hard over the last 18 months to try and ensure that this budget is retained within it because, as time is economical, we are getting a bit more stretched. It was an easy target that could have been dropped out of our budget and we believe strongly that there is a need throughout the Island to improve that when it is available.

The President: The following questions 19 to the completion of the order paper, hon. members, at 26, are for written answer. I understand they will be circulated to all hon. members.

**Government Departments –
Conferences and Training –
Cost of Private Venues –
Question by Mr Houghton
for Written Answer**

Question 19. The hon. member for Douglas North (Mr Houghton) to ask the Chief Minister:

- (1) *How much was spent on the provision of conference and training facilities belonging to private venues during the last two financial years; and*
- (2) *does your government plan to provide future facilities for conferences, et cetera in-house?*

Answer

- (1) The amount spent in respect of the provision of conference and training facilities belonging to private venues during the last two financial years for each department and board was as follows:

	£
Department of Agriculture Fisheries and Forestry	1,720.00
Department of Education	53,883.00
Department of Health and Social Security	Information to follow
Department of Home Affairs	37,993.17
Department of Local Government and Environment	3,162.07
Department of Tourism and Leisure	9,101.37
Department of Trade and Industry	*121,152.51
Department of Transport	8,190.61
Treasury	17,028.00
Personnel	44,439.73
Manx National Heritage	Nil
Industrial Relations Service	Nil
Communications Commission	Nil
Isle of Man Post	Nil
General Registry	Nil
Water Authority	1,179.17
Financial Supervision Commission	4,995.00
Insurance and Pensions Authority	Nil
Manx Electricity Authority	23,665.19
Data Protection Office	15,281.00
Chief Secretary's Office	10,138.00

*Includes conference facilities both in the UK and internationally for the marketing and promotion of the Island.

This information relates as far as possible to the provision of training facilities. However, where it has not been possible to separate facilities provision from other aspects the figure may be inflated.

- (2) Government has a number of in-house conference and training facilities available for use but for which the hiring government department or board is still charged e.g. International Business School, Manx Museum. These facilities will be considerably enhanced when the Villa Marina becomes available but the utilising agency will still be subjected to hiring costs.

**Ballasalla – New Medical Centre –
Lease Terms and Conditions –
Question by Mr Cannan
for Written Answer**

Question 20. The hon. member for Michael (Mr Cannan) to ask the Minister for Health and Social Security:

What are the terms and conditions of the lease between your department and the Malew Commissioners in respect of the new doctors' surgery and medical centre to be situated within the civic building under construction in Ballasalla?

Answer

There is at present an agreement for lease between the DHSS and Malew Parish Commissioners for the doctors' surgery that is under construction at Ballasalla. The basis of the lease, which is a 21-year lease, is for initial rent to be paid and for this rent to be related to the area of the whole building that will be used by the general practitioners and other health service staff. This rental will be subject to review on five-yearly intervals to take account of any changes in the relative values of properties.

**Doctors on Call –
Arrangements for – Publicity –
Question by Mr Cannan
for Written Answer**

Question 21. The hon. member for Michael (Mr Cannan) to ask the Minister for Health and Social Security:

- (1) *Will you specify in detail the arrangements covering the whole of the Isle of Man for the provision and availability of an 'on-call' doctor(s) (GP) for the period 6.00 p.m. to 8.00 a.m., 23rd May to 8th June 2003 (inclusive); and*
- (2) *will you arrange for public notices in the media (newspapers and radio) and at the sea and air terminals advising the tourists of these arrangements?*

Answer

- (1) The availability of on-call doctors (GPs) for the period as specified in the question will be as detailed in the information that

has already gone to the public. If there is any change in these arrangements, such as to take account of road closures, then these will be separately and additionally publicised.

- (2) Arrangements can be made for a repeat of previous information to be placed in the media, and consideration will be given to wider notification as suggested by the hon. member.
-

Pensioners in Homes – Review of Benefit Entitlement – Question by Mr Henderson for Written Answer

Question 22. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Health and Social Security:

Will you initiate a review of the benefit entitlements pensioners are eligible for in respect of payment of nursing or residential home fees from your department in respect of having these fees met by benefits, and the current inadequacy of those benefits which seem to fail to meet home charges?

Answer

A review was undertaken of all benefits as part of the 2003 budget process and increased rates of benefits put into payment during the week commencing 7th April 2003. From that date, the maximum rate of income support payable towards a nursing-home fee is £476.42 and that towards a private, residential care-home fee £275.73. In addition, attendance allowance and disability living allowance are disregarded as income in the income support calculation, thus also being available for the fee cost in addition to income support. The higher rate of attendance allowance is now £57.20 and the lower rate £38.30. An amount of £23.15 is now allowable within income support for personal expenses for both types of care home, in addition to the amounts allowed towards the fee cost. The next review will take place as part of the 2004 budget process, to take effect from the week commencing 12th April 2004.

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

Question 23. The hon. member for Malew and Santon (Capt. Douglas) to repeat the question asked of the Minister for Local Government and the Environment at the April 2003 sitting which was not answered then:

Can you advise on –

- (a) *the occasions and costs incurred by all local authorities in obtaining legal advice against government departments in the period 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

My department has sought information from all local authorities in order to respond to the question from the hon. member and an analysis of the information supplied by these authorities is detailed in the attached spreadsheet.

See table 1 on page TQ 321.

FSC – Rent and Lease of Former Offices – Question by Mrs Hannan for Written Answer

Question 24. The hon. member for Peel (Mrs Hannan) to ask the Minister for Local Government and the Environment:

- (1) *What rent is paid on the offices vacated by the Financial Supervision Commission in Upper Church Street; and*
- (2) *how long is the lease?*

Answer

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

- (1) Ground floor - £55,800 p.a.
First floor - £56,250 p.a.

Plus

- 10 Car spaces at £950 p.a. - £ 9,500 each
6 Car spaces at £650 p.a. - £ 3,900 each
1 Car space at £850 p.a. - £ 850 each

- (2) The current leases in respect of the ground and first floors will expire on 13th October 2009.

Can you confirm, or otherwise, the current status of staff employed on a temporary basis, either by government or by an employment agency, in respect of their employment rights under the 1991 Employment Act 1991 and –

(a) whether they enjoy the same rights as permanent full-time employees or part-time staff; if not –

(b) why are there differences, and will these be addressed in the new forthcoming Employment (Amendment) Act; and if not –

(c) will you ensure that this important section of the Island's workforce will benefit from the inclusion of legislation into the amendment Act?

**Employment Agencies –
Individuals Registered –
Question by Mr Henderson
for Written Answer**

Question 25. The hon. member for Douglas North (Mr Henderson) to ask the Minister for Trade and Industry:

How many reported individual employees are on the 'books' of all employment agencies operating in the Isle of Man and, if this figure is hard to calculate, can your department supply a 'guesstimate' figure?

Answer

Although employment agencies operating in the Island are required to be licensed under the Employment Agencies Act 1975, there is no requirement for returns or other information to be submitted to the department concerning individuals registered with such agencies.

In recent discussions with some of the local agencies, they took the view that registration information is commercially sensitive, and any disclosure would place them at a disadvantage with their competitors.

Although the staff within the Jobcentre liaise with the private sector agencies from time to time, it is not possible to make any reasonable estimate of the number of individuals registered with them.

**Employment – Temporary Workers –
Current Status – Rights –
Question by Mr Henderson
for Written Answer**

Question 26. The hon. member for North Douglas (Mr Henderson) to ask the Minister for Trade and Industry:

Answer

Where employment agencies supply temporary staff to work for their clients (whether government any or other employer) there is a triangular relationship between the agency worker, the agency and the user company (the client). The agency will have a contract with the user company while the agency worker will have a contractual relationship with the agency, but be working under the control of the user company.

Such temporary staff enjoy the same statutory employment rights under the Employment Act 1991 as other workers. However, the terms and conditions are likely to be governed by their contractual relationship with the agency and not the user company. This means that similar permanent workers in the user company may be working under different terms and conditions.

There are arguments for and against whether an agency worker's pay and other terms and conditions should be determined by reference to agency or the user company. Applying an equal treatment principle to agency workers as compared to similar permanent workers could result in more uncertainty for temporary workers, practical difficulties for agencies and a reduction, in the amount of agency work available. This would be undesirable as working people often choose this type of work as a way into the labour market or because the flexibility suits them.

The department is proposing to bring forward specific proposals in the Employment (Amendment) Bill to ensure that part-time workers and contract workers are treated no less favourably than, respectively, full-time workers and permanent workers. The matter as to whether a similar approach should be adopted in respect of agency workers is being kept under review by the

department. However, it is to be noted that the department has proposed on page 45 of 'Employment (Amendment) Bill 2002 Review of Legislative Changes Public Consultation Document' to include general powers to extend the coverage of statutory employment rights to specific groups of workers by secondary legislation. Such powers would allow the department to make regulations which dealt with the specific case of agency workers, without the need for additional primary legislation.

Table 1

Legal, Staffing and Administration Costs

Year end 31 March	Andreas				Arbory				Braddan				Bride			
	2000	2001	2002	2003	2000	2001	2002	2003	2000	2001	2002	2003	2000	2001	2002	2003
Costs incurred/legal opinion against Govt Depts Occasion costs were incurred	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	15506	41132	12823
Other legal costs														Landfill 99/1581	Offshore Radio Antenna	Landfill 02/1636
<u>Administration Costs</u>																
Office Expenses (£)	15,356	23,718	25,860	28,158	150	765	469	500					354	828	1,101	1,481
Salary (£)					875	3,500	3,550	3,650	Not available	86,238	95,886	137,294	783	3,558	4,048	4,429
Notes	Combined figures. 2003 provisional				3 mths only				2003 figure includes backdated salary awards							

Year end 31 March	Castletown				Douglas				German				Laxey			
	2000	2001	2002	2003	2000	2001	2002	2003	2000	2001	2002	2003	2000	2001	2002	2003
Costs incurred/legal opinion against Govt Depts Occasion costs were incurred	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Other legal costs																
Year end 31 March																
<u>Administration Costs</u>																
Office Expenses (£)	13,352	51,985	43,341	54,408		1,984,000	2,135,000	2,215,000		1,488	2,045	2,212		2,500	3,500	5,500
Salary (£)	41,089	159,527	199,828	208,356						4,000	4,486	4,692		40,500	42,000	43,000
Notes	Combined figures															

TYNWALD COURT, TUESDAY, 20TH MAY 2003

Year end 31 March	Lezayre				Lonan				Malew				Marown			
	2000	2001	2002	2003	2000	2001	2002	2003	2000	2001	2002	2003	2000	2001	2002	2003
Costs incurred/legal opinion against Govt Depts			21174		Not available	Nil	Nil	Nil					Nil	Nil	Nil	Nil
Occasion costs were incurred			Petition of Doleance						Combined figure as at 2003 = £32,073 Silverdale Car Park, DOLGE Inquiry, Work permit appeals, New Offices/leases							
Other legal costs																
<u>Administration Costs</u>																
Office Expenses (£)			5,191		Not available	2,250	4,500	2,500	12,330	62,670	71,465	76,500		2,792	1,287	1,189
Salary (£)			12,612		Not available	5,000	5,000	5,000						3,550	3,699	3,708
Notes	? combined figure?								combined figure							

Year end 31 March	Maughold				Michael				Onchan				Patrick			
	2000	2001	2002	2003	2000	2001	2002	2003	2000	2001	2002	2003	2000	2001	2002	2003
Costs incurred/legal opinion against Govt Depts	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil					Nil	Nil	Nil	736
Occasion costs were incurred									None specified							
Other legal costs																
<u>Administration Costs</u>																
Office Expenses (£)	Not available	Not available	Not available	3,902			3,344	2,553		20,654	21,078		1,196	1,042	1,193	1,585
Salary (£)							6,644	6,483		414,945	429,047		3,120	3,120	3,120	3,245
Notes				combined?												

TYNWALD COURT, TUESDAY, 20TH MAY 2003

Year end 31 March	Peel				Port Erin				Port St Mary				Ramsey			
	2000	2001	2002	2003	2000	2001	2002	2003	2000	2001	2002	2003	2000	2001	2002	2003
Costs incurred/legal opinion against Govt Depts Occasion costs were incurred		Nil	Nil	Nil	None	None	None	None	Nil	Nil	Nil	Nil				
Other legal costs										11,461	18,282					
<u>Administration Costs</u>																
Office Expenses (£)		74,723	73,017	82,703	136,094	141,095	150,295	Not available		30,420		33,010			34,885	133,330
Salary (£)		177,913	192,450	217,639	Combined figures					180,481		221,767			319,000	350,000
Notes																

Year end 31 March	Rushen				Santon			
	2000	2001	2002	2003	2000	2001	2002	2003
Costs incurred/legal opinion against Govt Depts Occasion costs were incurred	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Other legal costs								
<u>Administration Costs</u>								
Office Expenses (£)		1,083	714	850	Unable to obtain in the timeframe given - Office closed 21 April - 28 May			
Salary (£)		5,000	6,000	6,300				
Notes								