



**HOUSE OF KEYS
OFFICIAL REPORT**

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P R O C E E D I N G S

D A A L T Y N

(HANSARD)

Douglas, Tuesday, 28th October 2003

Present:

The Speaker (The Hon. J A Brown)(Castletown); Mr D M Anderson (Glenfaba); Hon. A R Bell and Mrs A V Craine (Ramsey); Mr R E Quine OBE (Ayre); Mr J D Q Cannan (Michael); Mrs H Hannan (Peel); Mr P Karran and Hon. R K Corkill (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.

Business transacted

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THE HOUSE OF KEYS DEBATES

OFFICIAL REPORT

IN THE PARLIAMENTARY SESSION 2003-04

Tuesday, 28th October

Volume 121

House of Keys

The House met at 10.00 a.m.

PRAYERS

The Chaplain of the House of Keys

[MR SPEAKER *in the Chair*]

LEAVE OF ABSENCE GRANTED

The Speaker: Hon. Members, I have granted leave of absence to the Hon. Member for Garff, Mr Rodan.

TRIBUTES

Sir Henry Charles Kerruish, OBE LLD(hc) CP

The Speaker: Since the House last met in its own Chamber we have witnessed the passing of a former distinguished Member and Speaker of the House.

Henry Charles Kerruish was born on 23rd July 1917 and died on 23rd July 2003 at the age of 86. Charles Kerruish was educated at Ramsey Grammar School. He was a farmer, an outstanding politician, and a truly proud Manxman who loved his Island and its people.

He was energetic, persuasive, determined and was committed to his family and his Island home. Politically he fought to improve, develop, secure and protect our Island and the rights and freedoms of its people, the people of Man.

Charles Kerruish was first elected to the House of Keys in 1946 and was the youngest Member of the House. His first sitting in the House was on 8th October 1946 and he remained a Member of the House until 1990, when he was successful in becoming the Island's first elected President of Tynwald. He retired from Tynwald in April 2000.

From the time he was first elected to the House of Keys, Charles Kerruish made his mark in his first speech made in Tynwald on 19th November 1946. He made a most poignant point during a debate regarding the Civil Service, when, winding up his contribution to that debate with the following words, and I quote,

What we want today, in my opinion, is not a more powerful Civil Service but a greater degree of that most powerful and constructive force, freedom.

It was clear from the very beginning of his political career that he was someone who was going to pursue what he believed to be in the best interests of the Island and its people.

Charles Kerruish was a man of vision, energy, determination and ambition. Those of us who had the privilege to work with him soon found this out. He never let up. His energy and drive knew no bounds.

He was first elected as Speaker of the House in 1962 and was re-elected and served as Speaker through to the year 1990, a period of 28 years – a record of outstanding achievement unlikely to be matched.

Sir Charles Kerruish has been the longest serving Speaker of the House of Keys and the longest serving presiding officer within the Commonwealth. Charles Kerruish fought for what he believed to be in the Island's best interest. He fought to advance the cause of greater freedom for our Island from the controls of the British Government and did much to advance us to our present constitutional position.

Charles Kerruish achieved so much in his political career, too much to list here today. He held numerous positions of high office, a few of which I will list. Not only was he Speaker of the House of Keys from 1962 to 1990, he was also a Member of Executive Council from 1955 to 1962, then Chairman of Executive Council from 1962 to 1966, and Chairman of the Health Service Board from 1955 to 1966.

Sir Charles also held membership of many Boards of Tynwald over the period that he was a member of the House of Keys: to name a few, Agriculture and Fisheries, the Tourist Board, the Publicity Board, Manx Museum and National Trust, Manx Heritage Foundation and also many other committees, committees of Tynwald and House of Keys committees. The list is endless and it demonstrates the real commitment he had to his Island.

In 1979, during our Tynwald's Millennium year, for which Charles Kerruish was a major player in promoting the celebrations to mark this wonderful achievement in our Island's history, Her Majesty the Queen, Lord of Mann, presided over Tynwald on 5th July. During that year Charles Kerruish was knighted by Her Majesty.

In 1983 Sir Charles became President of the Commonwealth Parliamentary Association and, during his term as President, he was instrumental in the Island hosting

the CPA Plenary Conference in 1984, the smallest nation ever to host that conference, a feat never surpassed and our nation did us proud, as did Sir Charles. Parliamentarians all over the Commonwealth still talk with fond memories of their time in our Island in 1984.

He achieved considerable international recognition and the name of Sir Charles Kerruish is well known throughout the Commonwealth, even today.

Sir Charles was especially proud of the Island's ties with Norway, our Viking heritage, and he did much to promote our links with that country. In July 2002 when the King and Queen of Norway were guests at Tynwald, Sir Charles was honoured to receive from the King of Norway the Norwegian Order of Merit, the highest award available to non-Norwegians. The award was given in recognition of the important role he took in developing and strengthening relationships between our two nations, relationships that still survive today.

In 1991 Sir Charles' career took another leap forward, when, within the oldest continuous parliament in the world, he became the first person and first Manxman to be elected as President of Tynwald, a role previously reserved for the Island's Governor. I can well remember, as I am sure will other colleagues, the pride we all felt when we, in Tynwald, elected our first President and then witnessed history in the making, as he took the chair for the first time and chaired the proceedings in Tynwald Court in Douglas.

Sir Charles had the ambition to preside over Tynwald at St Johns and, although we changed the law in the early 1990s to permit this to happen, sadly he was never given that honour, one we, as a nation, I know, would have been proud for him to have achieved on our behalf.

Charles Kerruish was a powerful orator. He often spoke with passion and he carefully crafted and thought out some very powerful speeches. He had the knack of livening up a dowdy debate and for making Members think. He often swung a change in the outcome of many important debates. As Speaker of the House, he defended the rights of the House and its Members. He coached and encouraged Members, new and old, even if he disagreed with them. Within Tynwald, he would often strongly fight his corner with no quarter given, but he would always protect and defend Members of the house and was very supportive of their families. He was a great encourager and helped many Members over his time.

Sir Charles Kerruish was a family man and a farmer, as well as a politician. He was a man of the community and took considerable interest in his local community and their affairs and this was recognised in 1960 when he was appointed as Captain of the Parish. Sir Charles was married twice. His first wife, Margaret, unfortunately died in 1970. Not long after his first wife's death, he met Kay and they subsequently married. She was a tower of strength to him and supported him in his work and role as Speaker, and then in his role as President of Tynwald.

Sir Charles and Kay were extremely proud when daughter, Clare, became a Member of the House of Keys for Ayre in 1976. However, this was tinged with some sadness when she lost her seat in 1986, but he was delighted when she returned to Tynwald as an elected Member of the Legislative Council in 1993, where she still sits today. It was then of considerable pride to him and Kay when daughter, Anne, was elected in the Ramsey by-election of May 2003.

As was said at his funeral, 'We will never see the like of him again.' I believe our Island had the good fortune of having Charles Kerruish as a Member of the House of Keys. He was, quite literally, a person in the right place at the right time. Henry Charles Kerruish, Knight, Officer of the Most Excellent Order of the British Empire, Norwegian Order of Merit, Doctor of Laws, Captain of the Parish, dedicated his life to the wellbeing of our nation and our people. He will go down in history as a truly great and proud Manxman, a Manxman who made a real difference.

I extend the sincere condolences of the House to Kay, his wife, Clare, Keith, Pamela and Anne, and to all the other members of the family.

Hon. Members, I finish by reading the words of Crowfoot that were printed in the front of the Order of Service for Sir Charles' funeral.

What is life? It is the flash of a firefly in the night. It is the breath of a buffalo in the wintertime. It is the little shadow which runs across the grass and loses itself in the sunset.

Henry Charles Kerruish, *Manninagh dooie*.

The Rev. Robert Edward Cubbon, CBE MBE

The Speaker: I call on the Hon. Member for Peel, Mrs Hannan.

Mrs Hannan: Thank you, Mr Speaker. I rise to pay tribute to the Rev. Robert Edward Cubbon MBE.

Robert Edward Cubbon, our late Chaplain of this House, was born in June 1907. His parents lived at 1 Patrick Street, Peel. His father was a cobbler and, as with all cobblers, shops, his father's shop was somewhere where people gathered, exchanged news and skeet, and so it was that Eddie revelled in the stories and language of his native city and its people.

Eddie attended Peel Clothworkers School and the Methodist College in Manchester. His first placement following graduation was in Eyemouth in Scotland and it was there that he met Ina and married her in 1934.

They had a daughter, Christine, and two grandchildren. His grandson predeceased him.

In 1941 he was called up and served as an Army padre, his longest service being in Burma. It was while he was there that he almost died of typhus and he wrote about his experiences in his book entitled *Methodist, Mad and Married*. Later, he was a founder member of the Burma Star Association and played an important part in that association up until his recent ill-health.

Eddie served as a minister in the Methodist Church in various parts of England. For 17 years he worked in Liverpool and preached on a weekly basis to the dockers at Gladstone Dock. He always delighted in the challenge that this offered him and his religion. Eddie might have been small but he could take on even the dockers in support of his beliefs and religion.

He returned home in 1971 to minister in Laxey and in 1984 he accepted the invitation of this House to become its Chaplain, a post he thoroughly enjoyed. I am not sure if we posed the same challenges as the dockers, but his weekly ministrations were appreciated by the House and there was genuine sadness when he retired in 1991.

When Ina died after 60 years of marriage, Eddie moved

to the Corrin Memorial Home. With his sight failing and his increasing deafness, along with his tinnitus – this is what he received from his typhus illness – it meant that he had a very frustrating three years.

It was always his intention to write another book: after all, he had such a long and exciting life and plenty to share with us.

Eddie never missed an opportunity to share his faith and he continued in his retirement to support the Church in the West generally, and Glen Maye Chapel in particular, because he fervently believed in keeping the country Chapels open and accessible to the congregations they served.

Eddie was also a founder member of the Mariners Choir, a choir that takes religion around the countryside and is appreciated by everyone within the countryside, but specifically the Methodist congregations.

Eddie must have had an early aptitude for his calling because, when he was just 15 and fishing off Peel in a nicky, a terrible storm blew up, so the captain issued orders, 'Make all safe and get below deck.' He told the crew to get down on their knees and announced that Mainstyr Cubbon would lead us in prayers and so he did, and that was another occasion that Eddie survived.

Eddie was not expected to live when he was born. He was very small and he was put to one side while his mother was dealt with and, on that occasion, he also survived.

I rejoice that his faith lasted all his life. I know that, if there is such a place as heaven, Eddie will be playing his full part up there, visiting, as he always did on earth, and as he did in Peel and other areas that he served, but not only a great Manxman, but a govag, a Peel govag, and I hope that members will join with me this morning in expressing our condolences to his family, Christine and her daughter. Thank you, Vainstyr Loayreyder.

Cyril Mylchreest

The Speaker: Thank you, Hon. Member. Hon. Member for Ayre, Mr Quine.

Mr Quine: Mr Speaker, I am honoured to pay tribute to the late Mr Cyril Mylchreest, former messenger of Tynwald, and, of course, this House.

Cyril Mylchreest was one of life's gentlemen. He was blessed with a full life and one of many facets.

Cyril was born in Peel and spent some time as a delivery boy for a grocery and butcher shop. He worked for Isle of Man Transport, latterly as a bus inspector and then station master at Union Mills.

He was a football enthusiast from his early days and a founder member of both St Johns and Union Mills football clubs. Before the sitting of the House on a Tuesday, Cyril and I would invariably review the weekend football results, which, from the point of view of his own team, was sometimes rather dispiriting, but football was not his only

sporting interest and, for over 50 years, Cyril was a TT marshal.

During the Second World War Cyril served with distinction in the Royal Artillery, ending up as a sergeant, and was wounded in action in the Middle East. He took part in the D-day invasion of France.

Cyril joined the British Legion in 1951, serving as Chairman of the Braddan and Marown branch, and for three years was County Chairman for the Island. He was a member of the War Pensions Committee. For six years he served on Braddan Commissioners, twice as Chairman, providing sound and selfless service to his local community.

He became a Tynwald Messenger in 1983 and continued as such until 1998. It was Cyril's task for a number of years to carry the Sword of State into the Chamber. It is against this backdrop that we can begin to get a measure of the man. An unassuming man, friendly and cheerful. A man of many interests in pursuance of which his compassion and integrity came to the fore. A Manxman, through and through, proud of his heritage and ready to defend it. One who put his own life on the line during the Second World War to protect the rights of others. A character, like so many old soldiers who survived the War, and to whom we should be eternally grateful.

Cyril acquired a real understanding of comradeship amidst the horrors of war and an appreciation that led him to service in the British Legion for so many years. He displayed a dedication to community service, which applied throughout his life to the betterment of others: a commitment to service that disregarded his own wellbeing and which remained with him to the end.

To us in this House, he was unendingly helpful and obliging, as the occasion demanded, a good listener, a fount of information and source of light relief: always the epitome of discretion. As is so often the case, all of this was founded on a loving family, of which Cyril was justly proud. May his dear wife, Ada, and other family members and friends, find comfort in the knowledge that he played such an important part in others' lives, not least the Members of this Hon. House, and that he will be sadly missed by many.

The Speaker: Thank you, Hon. Member.

Hon. Members, may we now stand for a moment in tribute to Sir Charles Kerruish, the Rev. Eddie Cubbon and Cyril Mylchreest.

The members stood in silence.

The Speaker: Thank you, Hon. Members.

LEAVE OF ABSENCE GRANTED

The Speaker: Hon. Members, in announcing leave of absence, I should also mention leave of absence has been granted to Mr Earnshaw.

Questions for Oral Answer

CHIEF MINISTER

Onchan Secondary School Integrated development scheme

1. The Hon. Member for Onchan (Mr Karran) to ask the Chief Minister:

With a view to corporate government, will you request the Ministers of Education and Transport to prepare a joint scheme for the integrated development of Onchan Secondary School and the road system in the vicinity, rather than on the present piecemeal basis?

The Speaker: Hon. Members, we now move on to Questions for Oral Answer and I call on the Hon. Member for Onchan, Mr Karran.

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

The Speaker: I call on the Hon. Member for Onchan, Chief Minister, Mr Corkill.

The Chief Minister (Mr Corkill): Thank you, Mr Speaker. On the basis that it is conceivable that the planning application for the new secondary school could be called in by the Council of Ministers, I will be circumspect on any opinion I have, so not to disbar myself from that Council of Ministers' function, if it is called upon.

However, in order to be as helpful as I can, I can confirm that the Departments of Education and Transport have, in fact, worked together to draw up the traffic management plans for the proposed new secondary school.

The arrangements have not been piecemeal: they have been based on each Department playing its appropriate statutory role. The Department of Education's design team consultants, JMP, have conducted a thorough traffic impact assessment and their report and its recommendation have been considered by the DoT, following consultation between the design team and the Department of Transport officers.

In addition the Chief Executives and Ministers have also met to discuss the project, with a view to ensuring a co-ordinated approach. I also have in my hand a list of timetables of various meetings that have taken place to support my comments.

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

Mr Karran: Vainstyr Loayreyder, would the Ard-shirveishagh not agree that it appears to the people that the situation will be that, whilst welcoming the secondary school in Onchan, the issue of how they are going to resolve the congestion problems has not been addressed properly, as far as that is concerned.

Would he consider making representations to the Department of Transport in order to see whether we could speed up the major improvements that were needed for Governor's Bridge and up that way, allowing for a better access into the second school?

The Speaker: Chief Minister to reply.

The Chief Minister: Mr Speaker, I do not want to comment on specifics of what will become a planning application, but can I say, in July 2002 the Ministers of Education and Transport discussed access to the new school in principle.

On 2nd May 2003 there was a meeting between Dalrymple Associates, the Department of Education and network planning at the Department of Transport, to agree access arrangements. On 7th May 2003 the DoT gave comments. On 18th June, JMP Consultants, for the Department of Education, submitted a scoping study to the Department of Transport and there was a response back from the Department of Transport in respect of that, and discussions took place. On 10th July, Chief Executives and Ministers met. On 17th July there was a meeting between the Department of Transport, JMP, Dalrymple's and Savage Chadwick Architects and details were agreed on access arrangements.

No doubt these detailed and agreed access arrangements will form part of the planning application. There were further meetings on 15th September, 30th September and, on 3rd October, the Department of Transport requested further advice on a school travel plan from the Department of Education, and that is yet to be received and I believe is approaching draft form.

The Speaker: Member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would Ard-shirveishagh not concede to the man in the street and the people in the surrounding area that the problem seems to be that, whilst the school might be an excellent development, that the access problems have not been fully worked out good enough.

How come we can be spending a fortune on consultants and yet it seems to be that the ordinary man on the street, without any qualifications, can see the downside, as far as this development is concerned.

And would he consider asking the Department of Transport to look at speeding up the proposal of improvements that were proposed many years ago around the Governor's Bridge that could be worked in as an improvement for that junction, and also for the access to be brought in to the access to alleviate what congestion there is going to be at that secondary school.

The Speaker: Chief Minister to reply.

The Chief Minister: I think, Mr Speaker, we are in danger of predetermining something which is likely to be a part of a planning application quite shortly, and predetermining an element of that, i.e. the transport and the access to the school.

I have tried to say that I will not comment on that. I think it would be wrong to do so, but certainly I can raise that the Minister for Transport has heard the Hon. Questioner's comments, on the wider aspect of road traffic management in a particular area.

Yes, I do know that Governor's Bridge is a congested area, particularly during school term. Yes, I drove through there this morning at ten to nine and there was no congestion, because, obviously at half term, there is a big impact. So I think we are, as Government, aware of these issues, Mr Speaker, and I know the Minister for Transport has been listening to the questions.

HOME AFFAIRS**Rising tide of gun crime
Prevention by new policies or legislation**

2. The Hon Member for Onchan (Mr Karran) to ask the Minister for Home Affairs:

What action are you taking by way of adopting new policies or by promoting new legislation to develop ways of preventing the rising tide of gun crime in the United Kingdom reaching the Island?

The Speaker: Question 2. Hon. Member for Onchan, Mr Karran.

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

The Speaker: Hon. Member for Douglas East, Minister for Home Affairs, Mr Braidwood.

The Minister for Home Affairs (Mr Braidwood): Thank you, Mr Speaker. At present the Isle of Man Constabulary feel that the existing legislation governing the control of firearms on the Island is sufficient, save for issues concerning the sale and possession of BB guns and imitation firearms.

My Department is to progress a Firearms Bill in 2005-06 in order to consolidate the enactments relating to firearms and which will address these issues.

Where information is received by the Force in relation to the alleged criminal use or unlawful possession of firearms, a robust and positive approach is always adopted, involving the use of armed officers in controlled operations. Such operations, although few and far between, have often led to the recovery of illegally held weapons and their removal from circulation in the Isle of Man.

In addition, on a regular basis, the Force holds amnesties which allow individuals to hand in firearms and other weapons held without authority. The Force constantly scans crime trends in both the United Kingdom and abroad and is aware of the increasing criminal use of firearms. The Chief Constable in his introduction to the Annual Report for the year 2002-03 makes reference to the continued threat to the Island's stability from rival drug dealers and, when territory is threatened, the likely escalation of violence from fist fights through to the criminal use of firearms.

The Drug Squad and the Force as a whole will continue to disrupt the activities of drug dealers, adopting a proactive approach and fully utilising all available legislation.

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

Mr Karran: Vainstyr Loayreyder, a supplementary.

Would the Shirveishagh son Cooishyn Sthie not agree that the issue is not the legal firearms at the present time. Would he be prepared to make representations, as I have done outside this Hon. House over several years, to the DoT over the issue that, whilst they might be covered by their internal law of checking baggage leaving the Island, that they should be checking baggage coming into the Island as well, and would the Shirveishagh son Cooishyn Sthie raise this issue as far as this is concerned in the Council of Ministers?

The Speaker: Minister of Home Affairs to reply.

The Minister: Thank you, Mr Speaker.

Mr Speaker, I can assure the Hon. Member for Onchan, Mr Karran, that everything possible is done to prevent firearms coming in to the Isle of Man. All luggage going through UK airports is screened, as well as passengers. Even through the harbours, all passengers are screened and 10 per cent of luggage is also screened for firearms, Mr Speaker.

**Isle of Man Constabulary
Length of investigation by Cheshire Constabulary**

3. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Home Affairs:

How much longer will the internal investigation by Officers of the Cheshire Constabulary take before any conclusions can be reached?

The Speaker: Question 3. I call on the Hon. Member for Douglas North, Mr Houghton.

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

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

The Minister for Home Affairs (Mr Braidwood): Thank you, Mr Speaker. As I stated in my briefing to Tynwald Members last week, the various investigations being carried out by officers from Cheshire Constabulary are ongoing. At this stage it is not known when the investigations will be concluded and, under the circumstances, I do not think it would be appropriate for me to comment any further at this time.

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

Mr Houghton: Thank you, Mr Speaker.

Does the Hon. Minister acknowledge that the Chief Constable has to remain impartial when investigations into disciplinary and other matters take place in his force? Does the Hon. Minister acknowledge that?

And in so doing, what or how does he comment, in so far as previous to the Cheshire force turning up to continue the investigations into matters that were begun in February, that those investigations were indeed led by the Chief Constable and that the Chief Constable still has an influencing force in directing the Cheshire Constabulary in their investigations? Does he feel that that is a right and proper way of going about matters appertaining to those investigations at the police headquarters currently, sir?

The Speaker: Minister for Home Affairs to reply.

The Minister: Mr Speaker, the Chief Constable is completely divorced from the investigation which is proceeding at the present time by the Cheshire Constabulary. I can also state that he cannot make any representation

to the Cheshire Constabulary in which way the investigation should be led. That is entirely up to the Superintendent in charge of the investigation.

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

Mr Houghton: Thank you, Mr Speaker.

Noting what the Hon. Minister has just stated, and noting my severe concerns, which do carry a high degree of accuracy therein, would the Minister consider that the investigation run by Cheshire Constabulary be discontinued, and put in place a full and impartial investigation by the judiciary, instead of what is going on at the moment? Would he do that, sir?

The Speaker: Minister for Home Affairs to reply.

The Minister: Mr Speaker, I do not agree with the comments by the Hon. Member for North Douglas, Mr Houghton.

As I have already said, I think it would be totally inappropriate for me to make any comments over the investigation, as it might be construed that I am, or my points could be prejudicial to any investigation which might lead to disciplinary or criminal proceedings.

'Breach of the Peace' offence Hardly used by police officers

4. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Home Affairs:

Why is the offence 'Breach of the Peace' hardly used by Police Officers especially when dealing with complaints of excessive noise within the curtilage of domestic properties?

The Speaker: Question 4 and I call on the Hon. Member for Douglas North, Mr Houghton.

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

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

The Minister for Home Affairs (Mr Braidwood): Thank you, Mr Speaker. Breach of the peace powers have been used in arrests on 25 occasions since the beginning of the year. I do not intend, in response to my Hon. Colleague's question, to state the exact circumstances in which they were used.

As we are all well aware, the Isle of Man Constabulary is fully committed to community safety. Arresting people for neighbourhood disputes would be a last resort. Problem solving, negotiation and other community orientated methods to solve the problem are all considered before arrests are made.

Officers within the force are fully aware that arresting one neighbour on a complaint from another is likely to increase tension and make a lasting solution even more difficult to reach.

If arrests are not made and other methods employed to solve the problem, the police will look to other departments and agencies to assist. This may include environmental health, housing, local authorities and planning officers, amongst others.

Up to date, fully trained, knowledgeable officers deal with conflict on virtually a daily basis. It is at the discretion of those officers as to what powers they employ. If they were simply to arrest people every time there was a complaint of noise, I am sure their actions would quickly become the subject of comments from my Hon. Colleagues representing the arrested constituents.

The Speaker: Member for Douglas North, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker. That statement is one of the most unbelievable statements I have heard thus far in this Hon. House, sir, in the fact that police officers are expected to be social workers, rather than those who uphold the law. It appears to be sponsored by the Hon. Minister.

The Speaker: May I remind the Hon. Member that he is asking a Question, not making a statement.

Mr Houghton: Thank you, sir, but it is a statement well made this morning.

Can I ask the Hon. Minister, notwithstanding the issues to do with domestic issues in households, but those out in streets and those noises that emanate into streets, mainly, I would suggest from his own constituency, would he not agree that the use of the 'breach of the peace' is a useful piece of legislation that has been there for quite a considerable amount of time, whereby those found in breach of it are put to Court and bound over to keep the peace. Harsh punishment is issued by the Court for those who are found in breach.

Does he not agree with me that that really is a more appropriate form of legislation to use on a more regular occasion, in the appropriate circumstances, and I do mean under the appropriate circumstances, rather than what he stated in his statement, whereby police officers would rather be really, inasmuch as social workers, by passing the buck, rather than dealing with issues up front at the acute end that they have to deal with at that time – and is that indeed supported by the Force as a policy, sir?

The Speaker: Minister for Home Affairs to reply.

The Minister: First of all, Mr Speaker, I refute the allegation by the Hon. Member for Douglas North that all the problem is in East Douglas.

Mr Houghton: A lot of it is.

The Minister: I am sorry. I have got to refute that and my answer, Mr Speaker, was to the Question posed, excessive noise within the curtilage of domestic properties, not outside.

Naturally different legislation can be used. We know that the Hon. Member has pushed for anti-social behaviour orders, which already can be brought in by local authorities, by the police, but he is only talking about domestic

properties in the curtilage, not outside.

Of course, there is legislation there and 'breach of the peace' is covered by the Petty Sessions and Summary Jurisdiction Act. (**A Member:** Hear, hear.) So the police would act, of course they would.

TOURISM AND LEISURE

Disabled lift at TT Grandstand Out of order during Manx Grand Prix Week

5. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Tourism and Leisure:

Why was the disabled lift at the TT Grandstand out of order during Manx Grand Prix week?

The Speaker: Hon. Members, we move on to Question 5. Hon. Member for Douglas North, Mr Houghton.

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

The Speaker: I call on the Hon. Member for Douglas South, Mr Cretney, Minister for Tourism and Leisure.

The Minister for Tourism and Leisure (Mr Cretney): Mr Speaker, there was a minor problem with the lift jamming on the Friday of Race Week, but this was fixed by lift engineers within 20 minutes of the fault being reported to the Department's Special Events Unit. This would have caused minimum inconvenience to wheelchair users and, indeed, the Department received no complaints in this regard. The lift was working satisfactorily over the remainder of the Manx Grand Prix period.

The lift, which is specifically designed for wheelchair users, was commissioned in August 2001 as an important part of my Department's grandstand improvement programme. Through the Department I am committed to improve facilities and access for those persons with disabilities. For the first time wheelchair users have dignified access to the Grandstand.

The lift itself is designed for one wheelchair, plus one carer if needed. Because of its design, it is sensitive to uneven loads which can cause jamming. In this particular case, the engineer reported that the lift door had jammed and was released within a matter of minutes.

The Department is already active in areas which will reduce to a minimum the potential for jamming, including a two weekly greasing, and slight modifications to the lift floor to help address the even load issue.

I trust Hon. Members will agree, the lift for disabled persons is a tremendous asset at the Grandstand and that my Department takes its operating responsibilities seriously towards the safety and wellbeing of wheelchair users.

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

Mr Houghton: Thank you, Mr Speaker. I accept and I thank the Hon. Minister for his reply this morning but, just to notify him that there were three wheelchair people who were affected by this matter, and also, when he mentions

that he is committed to access for the disabled, the toilets were also blocked by official vehicles in the Grandstand. Can he make sure that neither of those things take place again.

I thank him for his answers.

The Speaker: Minister for Tourism and Leisure to reply.

The Minister: Yes, I am happy to do that, Mr Speaker. All I would say is that we did not receive any complaints and if anybody with mobility problems or persons with a disability does have a problem up there, I would encourage them to make contact with us. We do have a situation whereby the lift is properly managed on a day-to-day basis and I am sorry that this situation did arise on the Friday of Race Week.

I am also sorry that the reported incident of the official's car blocking the toilet facilities. That is completely unacceptable and as far as I am concerned it will not happen again.

MANX NATIONAL HERITAGE

Properties bequeathed Policy and criteria on sale

6. The Hon. Member for Glenfaba (Mr Anderson) to ask a Member of Manx National Heritage (Mr Gill):

*(1) Can you explain the Manx National Heritage policy for properties left to the organisation by individuals; and
(2) what criteria are used to sell off such properties?*

The Speaker: Question 6 and I call on the Hon. Member for Glenfaba, Mr Anderson.

Mr Anderson: Thank you, Mr Speaker. I beg to ask the Question standing in my name.

The Speaker: I call on a member of Manx National Heritage, Hon. Member for Rushen, Mr Gill.

Mr Gill: Gura mie eu, Vainstyr Loayreyder.

The policy of Manx National Heritage (MNH) for properties left to the organisation by individuals is to seek to incorporate those properties into the portfolio of National Heritage properties for permanent preservation for the benefit of the people of the Isle of Man.

Mindful of the resources required to maintain such properties over a long timescale, MNH applies to such properties the criteria laid down in the Act of Tynwald which governs our operation and is careful to accept for permanent preservation, only those properties which are of architectural, historic, artistic or otherwise of national interest or beauty, for present and future generations.

Usually such properties, which are kindly left to us by individuals, have been the subject of previous discussions to ascertain whether the property concerned would meet these reasonable criteria and as to whether the donor has any further preferences or restrictions with regard to operation, retention or disposal.

There are occasions, however, when properties or objects

may be bequeathed to MNH without the organisation's prior knowledge and without the opportunity to discuss the donation with the donor or to apply the valuation criteria in accordance with the Act. In such cases, the trustees carefully consider whether the property meets the criteria laid down by the Act, any special restrictions or wishes in the bequest, and the potential resource implications of permanent preservation for the future.

So moving to the second part of the Question, it is very rarely that Manx National Heritage would seek to dispose of such bequests or donations and only then in cases where the property concerned does not meet the criteria for permanent preservation laid down in the Act, and after very careful consideration of these criteria and the original terms of the bequest by the trustees.

Manx National Heritage does not insist on receiving a financial endowment to accompany the acceptance of such property donations. We feel that this is in the best interests of securing the Island's heritage. However, this does mean that the trustees need to be vigilant in carefully assessing the financial implications of accepting such properties, as well as their intrinsic merits.

However, our Act of Tynwald clearly envisaged that there could well be circumstances when such properties might be left for the benefit of the Trust, but where such a property could not justify the criteria for permanent preservation. The Act, therefore, clearly outlines the powers we have to sell or exchange, but this is subject to the consent of Tynwald.

I would emphasise again that such occasions when disposal is concerned are extremely rare and are entirely subject to the original intention of the bequest, which is always adhered to and to the criteria laid down in the Act.

Thank you, Mr Speaker.

The Speaker: Hon. Member for Glenfaba, Mr Anderson.

Mr Anderson: Thank you, Mr Speaker. A supplementary.

Would the Hon. Member agree with me that it is important the general public are aware of Manx National Heritage policy in respect of bequests to be made to MNH and that, unless such property falls into a certain criteria that it is thought the retention is in the interests of the nation, such properties are likely to be disposed of.

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

Mr Gill: Yes, certainly, Mr Speaker, that is an entirely valid and reasonable point.

It is a matter of public policy that Manx National Heritage have a criteria and in any of the negotiations, which I described earlier, we would always make that entirely clear and I would hope that the Hon. Member for Glenfaba would accept that reassurance, sir.

The Speaker: Hon. Member for Glenfaba, Mr Anderson.

Mr Anderson: Thank you, Mr Speaker. A final supplementary.

Can I ask the Hon. Member, does the money received go directly to MNH and not to the Treasury coffers and, if so, will this result in a reduction to the financial support to

MNH, as this is clearly outside the revenue budgeted for the year to MNH from the Treasury.

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

Mr Gill: Sir, to the best of my understanding, and I will confirm this to the Hon. Member, any moneys received by the sale of properties which are – I have to say again, extremely rare events – any moneys that would be raised in such a manner would go to Manx National Heritage to allow us to do the work that we are tasked to do on statute.

I do not think there is any financial penalty from Treasury for being the recipients of such bequests, but, again, I would like to reassure the Hon. Member for Glenfaba. I will double check that and seek to confirm that what I am telling him is accurate, sir.

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

Mr Houghton: Thank you, Mr Speaker. May I ask the Hon. Member for National Heritage, does he have in his portfolio currently any empty properties at all, and if he does, how many does he have, sir?

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

Mr Gill: Sir, that is outwith the original Question, but certainly I will undertake to find out the answer to that and circulate it to Members.

The Speaker: Hon. Members, that concludes Questions for oral answer.

Orders of the Day

Bills for First Reading

The Speaker: We now move on to the second item on our Order Paper and I call on the Secretary of the House, Bills for First Reading.

The Secretary: Mr Speaker, the Bills for First Reading are the Constitution (Amendment) Bill, introduced by the Hon. Member for Middle, Mr Quayle and the Protected Cell Companies Bill, introduced by the Hon. Member for Ramsey, Mr Bell.

Procedural questions relating to Item 3 Statement by the Speaker

The Speaker: Now then, Hon. Members, before I invite the Hon. Member for Michael to move item 3 on the Order Paper, there is a matter of importance that I wish to clarify for the House.

Hon. Members, there are two procedural questions that I feel I should answer prior to the debate taking place so as to avoid any misunderstandings. They are as follows: First, should the Hon. Member for Ramsey, Mr Bell, take part in

the debate on the Report, standing at item 3? The answer to this question is undoubtedly 'yes'. The basic legal principle reenforced in Article 6 of the European Convention on Human Rights is that everyone has a right to be heard in his own defence. I, therefore, believe that it would be wholly wrong for the Hon. Member for Ramsey, Mr Bell, to be excluded from the Chamber during any part of the debate on the Report, including consideration of any amendment or amendments that may follow. This is in relation to the Report and the finding of contempt by your committee.

The second question, Hon. Members, is should Mr Bell take part in the vote or votes on the Report or amendments. The answer to this question is 'no'. In any motion for a penalty against an Hon. Member, the principle is no man to be judge in his own case. The House determines the outcome of these proceedings as a jury of equals. It would, therefore, clearly be inappropriate for the Hon. Member for Ramsey, Mr Bell, to take part in any vote. I will, therefore, request that the Hon. Member absent himself from the Chamber prior to the vote being taken at the appropriate time.

I hope, Hon. Members, that clarifies two important questions in relation to this matter.

Management and Members' Standards Committee First Report for 2003-04 Debate commenced

3.1. The Member for Michael, Mr Cannan, to move:

That the First Report for the Session 2003-04 of the Management and Members' Standards Committee be received and its recommendation approved.

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

Mr Cannan: Mr Speaker, the members of the Management Standards Committee of this House are yourself, Mr Anderson, Mr Gill and myself.

The Committee received a letter dated 24th July 2003, seeking a determination that,

Further to the finding of the Commission of Inquiry into Mount Murray at page 133 of its Part One Report, that on 7th April 1992 the Hon. Member for Ramsey, Mr Bell, knowingly misled the House of Keys: (i) whether the making of the Hon. Member's statement of 7th April 1992 may be treated as a contempt; and (ii) what disciplinary action should be taken in this matter?

This letter was signed by five Members of the House; Mrs Cannell; Mr Gawne; Mr Houghton; Mr Karran and Mr Quine.

A further letter, dated 29th July 2003, was received from Mr Henderson, requesting to be associated with the letter signed by the five Members. Another letter, dated 17th July 2003 from Mr Bell, the Hon. Member for Ramsey, addressed to Mr Speaker and received by him by fax on 6th August 2003, seeking a determination as follows,

I request the Management and Members Standards Committee of the House, constituted under Standing Order 38, to examine and report on the conclusion at paragraph 11.134 of the Report of the Commission of Inquiry into Mount Murray that I knowingly misled the House in the circumstances there described.

Mr Speaker is ex-officio Chairman of the Committee, but withdrew from the Committee's deliberations on this

matter, as he had learnt that he would be required as a witness in Part Two of the Mount Murray Inquiry. Mr Speaker did not wish to compromise his position.

The Committee then decided unanimously that it would proceed with the business without electing a chairman. This arrangement, Hon. Members, has worked most satisfactorily and this Report has the unanimous support of the three members of the Committee.

Your Committee determined from the start that there would be complete transparency in its deliberations and you will see that all papers relevant to the Committee's Inquiry are included in the Appendix. Included at Appendix 2 are copies of the correspondence which has been exchanged by the Clerk of Tynwald and the firm of advocates advising Mr Bell. The Committee are fully satisfied with the advice given by the Clerk of Tynwald in the matter of responding to the letters from Mr Bell's advocate.

The Committee then determined to take evidence in public from the following persons: Mr Dominic Delaney MLC, who asked the Question in the House of Keys on 7th April 1992; Mr Terry Toohey, the Chief Executive of the Department of Tourism, seeking his involvement in the Mount Murray development negotiations and whether he was responsible for drafting the reply to be given by the Minister, Mr Bell, in the House of Keys in answer to the Question by Mr Delaney.

When Mr Toohey appeared before the Committee, he produced a file which he said he had found in the Tourist Department's archives and was Mr Bell's personal file. Amongst the papers in the file was a letter from Mr Gary Spence, representing the developers, to Mr Bell, detailing a meeting he had had with Mr Bell.

Resulting from the disclosure of the letter, the Committee determined to call Mr Colin Magee, the then Secretary to the Planning Committee at that time, to give evidence. Mr Bell was asked to give his evidence in response to the allegations made against him. Copies of the oral evidence of the persons interviewed is in the Appendix.

The Committee asked Mr Nigel Macleod, Chairman of the Commission of Inquiry, to give evidence. He declined and the letter giving his reasons is in the Appendix. The Committee accepted the reasons given in his letter. Written evidence was received from the Chief Secretary.

Hon. Members, your Committee now had to determine, with due diligence, the core question. And the core question is this: It has been accepted by Mr Bell that his answer to the Questions about Mount Murray in the House on 7th April 1992 was incorrect. The essential issue for us is whether there is any ground to disturb or differ from the finding of the Mount Murray Commission that Mr Bell knew that his answer was incorrect.

Or by contrast, is there now reason to accept that the incorrect answer was given innocently, perhaps negligently, or even recklessly, but nonetheless without any actual intention to deceive. Once that question is resolved, the options are easily stated and parliamentary decisions will follow. The Committee therefore review the salient facts bearing upon the core question, as they emerge from the Reports by Professor Crow and the Mount Murray Commission, and from the evidence given to us.

The context before 1991: Professor Crow records that, by 1990, the legacy of planning history at Mount Murray was, and I quote,

that a tourist development on the site would be welcomed, but that ordinary residential development would be resisted,

which accorded with the zoning for the site in the then current development plan. There had been previous attempts to introduce residential development, which had not been successful.

The context was one, therefore, in which there was a clear obstacle to residential development. At a meeting between Mr Gary Spence, the developer's agent, and the then Chief Minister, Sir Miles Walker, on 14th October 1990, a document called 'Notes of Presentation' was read out to him by way of explanation of the development being proposed at Mount Murray and a copy of it was left with Sir Miles.

The Notes of Presentation played an important part in Mr Bell's understanding of matters. On 11th July 2003, Mr Bell wrote to all Members of Tynwald with a copy of the Notes, saying, and I quote from his letter,

This document was presented to the Department of Tourism as the developer's initial proposal and formed the basis of our, and in particular my own, understanding of the scheme as it progressed.

The Notes of Presentation refer explicitly to some element of the scheme involving residential development in these terms. Under Section C of the Notes are written:

Experience at other resorts shows that approximately 10 per cent of houses sold fall into the residential category (see page 15 of the Buyer's Guide). But this 10 per cent is continually changing hands when residents find out that this type of development, which is tourist orientated, is not conducive to resident living.

This point was not lost on Sir Miles Walker, because he told Mr Spence – probably at the meeting on 14th October 1990, but at any rate late in 1990 – that residential housing was unlikely to get planning permission. It is noteworthy that the issue of residential housing emerged at this point, following only a preliminary study of the Notes of Presentation.

While the meeting of 14th October 1990 was not attended by Mr Bell, the Department of Tourism was fully conversant with the evolution of the project, as described in the Notes of Presentation, and Mr Stuart Mitchell, who was a consultant to the Department until April 1993 and Mr Bell's right hand man on the project, was both present at the meeting and fully informed about the issues before the first planning application was made in 1991.

The Commission found it, and I quote,

outside the realms of reasonable belief that Mr Mitchell did not inform Mr Bell at a very early stage of the true position with regard to housing.

Mr Spence later wrote to the Chief Minister, Sir Miles Walker, on 19th October 1994, saying that,

just as you personally were aware of the importance of the residential phase for the development of the hotel and resort village to its full potential, so were your interested Departments.

Mr Bell's recollection of first becoming aware of the Notes of Presentation was early on in 1991, following a verbal description of the scheme by Mr Spence, perhaps when the Planning Office received their copy. Mr Bell told your Committee that the first time that he saw the Buyer's Guide was in July 2002, when he gave evidence to the Commission.

Looking now at the First Planning Application, PA90/

1842, the application was dated 16th January 1991, and was accompanied by the Notes of Presentation and the Buyer's Guide, which we have seen was referred to in section C of the Notes quoted above, for further details of the extent of the residential housing implied by the scheme. The Buyer's Guide, at pages 15 and 16, deals explicitly with the element of residential housing to be expected.

The Commission, after setting out the detail of pages 15 and 16 of the Buyer's Guide, comments,

we cannot see how it can be concluded otherwise than that the Buyer's Guide quite clearly contemplates units for both residential use as well as for tourism.

This position is doubly clear when the Notes of Presentation, as indicated in what I have just spoken in paragraph 3.30 above, are taken into account.

This application was approved in principle at a meeting of the Planning Committee on 22nd February 1991, subject to conditions, number 5 of which was that,

The proposed buildings must be occupied only by bona fide tourists; permanent occupation of the buildings is not permitted.

Now, on 11th March 1991, two weeks later, the developers sought a Review and supported their application with detailed grounds, in a letter dated 20th March 1991, which did not contest the condition number 5 prohibiting permanent residential occupation.

On 28th February 1991, a local resident, Mr K Midgley, who had become aware of the application and had viewed the plans, wrote to the Planning Committee, wondering whether the scheme would end up as a housing estate, rather than a holiday complex, and the Commission of Inquiry comments that this was

an early appreciation by a local resident who, simply by looking at the plans, understood the flavour of what was proposed.

Now, before the Review took place, there was a meeting on 20th March 1991 between Mr Gary Spence, the developer's agent, and Mr Bell. Mr Spence subsequently met four officials of the Department of Local Government, Messrs. Watson, Sinden, Vannan and Magee the same or the next day. There were no notes of these meetings, but Mr Colin Magee, then Secretary of the Planning Committee, recalled that the intended use of the housing was explained, and that the explanation was similar to that in the Buyer's Guide.

It is strange, therefore, that in giving evidence to us, your Committee, Mr Magee denied that he had been aware of the developer's intention in respect of the permanent housing from at least March 1991. Mr Stuart Mitchell wrote to the Planning Committee on 3rd April 1991, strongly supporting the developer's case on Review. As we have noted, condition number 5 was not itself challenged on Review and the Review Decision, on 12th April 1991, by the Planning Committee left it intact.

The Inquiry Commission believed that the fact that the restriction to tourist accommodation was not contested at this point is explained by the developer adopting an 'incremental' approach to planning control, in which, as it were, one battle at a time was to be fought. A different reason is suggested by the letter of 29th April 1991 from Mr Spence to Mr Bell, which we refer to next.

This letter of 29th April was the one that was disclosed to your Committee in evidence from the personal file of Mr Bell and handed to us by Mr Toohey. On 25th April 1991, Mr Spence met Mr Bell, apparently with Messrs. Vannan, Magee and Mitchell. Mr Magee has no recollection of this meeting; Mr Bell accepts that it took place, and thought that Dr John Orme MHK, a member of the Department, and Mr Mitchell were there also, and he had a feeling that the issue was raised as to whether the accommodation was going to be permanent or not.

Mr Bell told your Committee,

I remember having strong words with Mr Spence at that meeting to make it very clear that, under no circumstances would the Tourist Board be prepared to support permanent accommodation on that site .

Whatever occurred at the meeting on 25th April 1991, Mr Spence wrote to Mr Bell in very unequivocal terms in a letter dated 29th April 1991, the letter to which we have just referred, and it was sent by fax, and this letter, as I said, was produced to us by Mr Terry Toohey, then and now the Chief Executive of the Department of Tourism, he having found it in Mr Bell's personal archive.

It is the Committee's view that it was unfortunate that this file was not located for the Mount Murray Commission, or the letter shown to them. Mr Bell, when asked by your Committee, said that he had 'forgotten about it'. It is possible that the failure to disclose the file was not necessarily Mr Bell's fault. The letter on 29th April 1991 to Mr Bell refers to the meeting on 25th April having taken an 'unfortunate turn' and goes on to make the developer's needs explicitly clear.

Firstly, it indicates that public funding in the way of grants or loans was not a favoured course, because of the red tape usually attached, and that they, the developers, preferred to proceed without financial inducements. There had apparently been a misunderstanding at the meeting, because Mr Spence wrote, and I quote from the letter,

The planning application incorporated all the relevant material, including the Buyer's Guide, and I specifically noted under question 12 of the application form that a Government grant is not required if one adheres to this concept . Furthermore, I specifically set out in my Notes of Presentation item C on page 4 (*it should have actually been page 5*) the fact that residential occupation occurred, but that it was not detrimental to the concept of a Resort Village. I assumed that all the material which I presented was properly digested and fully understood. It seems from your reaction at our meeting that perhaps this was not so, and I am sorry for any misunderstanding on my part .

That is quoting from the letter from Mr Spence to Mr Bell, which appeared in evidence to us. Mr Spence then went on, in his letter, to spell out the economy of the development scheme.

Evidently, the possibility of Government grants had been discussed on 25th April, since Mr Spence continued, and I quote,

I assumed that, for political reasons, the occupation of the villas was restricted to tourists only, but, because grants were, we were led to believe, available, this did not cause us a problem, since the availability of the grant would enable us to market the houses at a discount, bearing in mind the facilities from which they benefited. The new scenario which you informed me of on Thursday

— that is Thursday 25th April —

does, however, dramatically alter the picture. Without either a grant

or the removal of the occupancy restriction, this scheme will not proceed .

And Mr Spence ended his letter by making it clear that, unless the matter was resolved by 6th May 1991, he would resume negotiations for a development in Ireland, which had, meanwhile, been put on hold. Mr Spence said that he had lodged an appeal to protect his company's position in the interim.

Your Committee may note, therefore, that, by this stage, the position about permanent residential occupation had been made very clear to Mr Bell personally, and that he had been aware that the issue was contentious, at least since the meeting on 25th April 1991.

And then your Committee looked at the sequel to the letter of 29th April. On 26th April 1991, an appeal had, indeed, been lodged. The same appeal was withdrawn five days later on 1st May 1991.

Mr Magee in his evidence to us gave it as his opinion that, whatever was said between the date of the letter of 29th April 1991 and 1st May when the appeal was withdrawn, and I quote,

clearly persuaded Mr Spence that it was OK for him or his client to proceed .

Those are the words of Mr Magee in his evidence to your Committee. In evidence to us, Mr Bell was not able to throw very much light on this short period between 25th April and 1st May 1991. Asked to comment on it, he did not say specifically what had passed with Mr Spence – or even that anything at all had happened by way of communication – but Mr Bell said this, and I quote,

we had always talked about residential — and this is where the ambiguity comes into all this — we knew it was residential, but residential from the point of view that the houses were being sold individually to investors. It is quite clear in all the literature that has come with it, they would be sold individually. The owner or owners would be able to live in the property for however long they wanted, and the balance of the occupation would be taken up by bona fide tourists coming to the Island. We have always known that, there is no secret about that at all .

Quoting from Mr Bell's evidence to your Committee, Mr Bell then added, in reference, apparently, to the meeting with Mr Spence on 25th April 1991, and I quote again from the *Hansard* of the evidence given in public,

What happened, and it is a matter of record now, following this meeting which, I have to say, was a very unpleasant meeting and, as I say, I cut it short because I was not impressed by Mr Spence, but, following this meeting I discussed with Mr Vannan whether, in fact, the conditions as put down by the Planning Committee were sufficiently flexible to allow for this type of residential/tourist use, whether it covered it, and in spite of what is being alleged. There was absolutely no pressure whatsoever on Mr Vannan and Mr Savage. We simply looked at the proposal to see whether, in fact, the residential as described in the Notes of Presentation was acceptable within that planning condition, and, as you know, Mr Vannan came back shortly afterwards and said, as far as he was concerned, and ultimately that was confirmed in writing, that the planning conditions allowed for that type of residential/tourist use .

To complete the picture, we add at this point that Mr Bell went on to explain that he had taken advice from Mr Savage and Mr Vannan on the effect of the planning condition and that he had relied on it, and that, in a matter within their expertise, he could do nothing else.

Whether Mr Bell's understanding of matters was correct, as a matter of planning law, is not, however, the present issue. The present issue is whether he was aware of the fact that the permanent residential development was included in the Mount Murray scheme. The cumulative evidence we have reviewed up to this point shows that, by the beginning of May 1991, Mr Bell was well aware that permanent occupation was an issue, and that, to some extent at least, it would form part of the overall scheme.

We move now to the events of early May 1991. On 9th May 1991, Mr Bell wrote to Mr Spence, referring to recent correspondence, and saying that he had instructed Mr Mitchell to undertake positive discussions with the Local Government Department to seek a more appropriate planning solution with 'an emphasis on multi-ownership with associated letting thereof'. Following that, Mr Vannan wrote to Mr Bell four days later, on 13th May 1991, referring to discussions between them and Mr Savage, and saying that,

planning conditions to PA90/1842, specifically numbers 5 and 6, are in no way in conflict with the description of the development as set out in the documentation attached to the application .

Now Professor Crow says of this statement that it was

exactly the opposite of what those conditions unequivocally stated ,

but that Mr Vannan had been under substantial pressure - from Mr Savage in particular - to make it, on account of Mr Bell's promise to Mr Spence in Mr Bell's letter of 9th May 1991.

The Commission's comment is that Mr Vannan's statement

was completely in error in saying that there was not the conflict referred to .

Mr Vannan's erroneous letter was sent on to Mr Spence the same day - 13th May 1991 - by Mr Bell in a faxed letter. On the same day also, and evidently before the letter went, Mr Bell made a telephone call to Mr Spence to reassure him that the planning problems had been resolved, saying, and I quote from the Commission of Inquiry, which had evidence of a tape recording of the telephone conversation,

There's no need for you to apply for change of use for permanent accommodation, residential accommodation out there, the present conditions will allow you to do exactly what you want. Now there's a letter of comfort coming from the Planning Committee today which I will fax to you later on today. I hope you'll be able to see what I mean then. They're quite happy that your proposals comply with their requirements, so that there shouldn't be any problem at all .

The erroneous planning view of the situation was confirmed further when Mr Savage himself also wrote to Mr Spence on 16th May 1991, that, if occupation was in accordance with the principles laid out in the Buyer's Guide and the Villa Owner's Rental Agreement, then this occupation would be in accordance with conditions numbers 5 and 6 (the limitation to tourism conditions) of the approval.

In the context of this confusion, your Committee note again that the issue is not whether Mr Bell realised that the planning advice was wrong, but whether he knew that permanent occupation was intended to be part of the

development. That was our remit.

The Commission thought that he did. Their comment was that, and I quote,

It is difficult to escape the conclusion that the telephone message to Mr Spence again reflected Mr Bell's clear intent to assist the applicant by securing the permanent residential use which the company was seeking.

Now, Mr Bell's response to us on the same issue was that his understanding was that Mr Spence wanted 'flexibility to allow this tourist use to go ahead,' and that he was not aware - he, Mr Bell - was not aware, until 1996 or 1997, that there was going to be permanent accommodation.

Your Committee point out that there is a crucial difference between allowing a tourist use to go ahead and facilitating a specific situation in which, if it did not go ahead in 100 per cent of the houses, permanent residential occupation could take place instead, since even, as part of the resort village scheme, some degree of permanent occupation was envisaged. All the evidence to them, from notes of presentation and all that I have said. . . there was a strong line that part permanent residential occupation was envisaged. The question is not what Mr Bell expected or desired would happen, but whether he knew that there was a default option now open to the developers.

I move on to the Planning Committee Meeting of 24th May 1991. Mr Spence then sought to consolidate the clarification which he had won in Mr Bell's letter of 13th May and Mr Savage's letter of 16th May 1991. On 23rd May 1991 he wrote to Mr Mitchell, referring to a meeting which appeared to have taken place on 22nd May 1991, emphasising that research showed that some people would want to live on the proposed development as one of the inducements for making the investment and pointing out that that had been clear from the Buyer's Guide and the notes of presentation to enable the project to go ahead.

The developers had to have the agreement for sale approved. In an action which lay outside its remit, the Planning Committee considered and approved at a meeting on 24th May 1991 a second draft of the agreement for sale, referring to properties to be sold at Mount Murray, making it clear that they could be used and I quote,

In accordance with the principles laid out in the Buyer's Guide.

The decision of the Planning Committee was subscribed by Mr Savage personally, on behalf of the DLGE, stating that use in accordance with the conditions in the Buyer's Guide is confirmed as being permitted, notwithstanding conditions 5 and 6 of the said approval.

Then we move on to the final stages of the planning activity, planning full application for housing, Planning Application 91/0953. The final stage of the planning activity, before the answers of the House of Keys with which we are concerned, took place in late August and in September 1991. On 23rd August a full application for permission to erect 150 houses was submitted. Its advertisement in the press produced a second response from members of the public, Mr and Mrs R.O. Reeves, enquiring whether the houses would simply be private dwellings.

The Commission of Inquiry makes the comment that, again, a local resident, looking at the matter without any particular involvement in it, had been able to discern the true nature of the intended use. This planning application,

91/0953, was approved by the Planning Committee on 13th September 1991 and the decision note is issued on 2nd October 1991. The approval repeated the previous condition, number 5, that limited the development to tourist use only, with permanent occupation of the buildings being expressly not permitted. After all that had passed to clarify the position, this was too much for the applicant and a request for a review was faxed to the Planning Office the very same day, asking for condition 5 to read . . . and this was the fax from the developers:

The proposed buildings may be used in accordance with the principles laid out in the Buyers Guide.

This, the desired change, was made with great speed and in an irregular manner. On 4th October – the day after – 1991, when a second decision notice was issued, altering condition 5, as requested, Mr Bell says that he was unaware of this episode and we have seen no evidence to contradict that.

We move on now to the visit to the United States between 2nd and 7th March 1992. Mr Bell, Mr Toohey, Mr Mitchell and Mr Vannin made a study visit to the United States from 2nd to 7th March 1992 to Minnesota and to Florida and, before mentioning anything further about this visit, it is right to repeat the explicit findings of both Professor Crow and the Commission that there was no question of improprieties, still less corruption, in connection with it. It was a perfectly normal departmental visit. Mr Bell's evidence is that the trip was undertaken to meet various people at Radisson Hotels who were to be concerned with the marketing of Mount Murray, to look at the quality of some of their developments, to get a feel for Radisson and how they might work with the Department.

Mr Toohey's evidence was that Radisson were keen to extract a fair bit of money from us and that they were asking for millions. At Boca Raton they saw some very luxurious country houses and Mr Toohey was told they were seeing them in regard to the possibility of houses at Mount Murray for a resort village. Recalling the unsuccessful attempt by a Swedish architect in 1986 to achieve a residential use at Mount Murray, Mr Toohey thought to himself, 'That will be interesting.' Discussion with Radisson centred on their attempt to get money from the Government.

The demands were so high that, in Mr Toohey's words, 'We almost fell off our chairs.' There was reference to the desirability of houses in the development there and how pleasantly they sat around the golf course, but there was no in-depth discussion or detail as far as Mr Toohey was concerned. In taking oral evidence, it was put to Mr Bell explicitly, that, in a visit of five days' duration, the subject of permanent residential accommodation must have arisen, not least since Mr Spence, who had been at such pains to obtain a wide enough planning approval for it, was himself there, and with the party, and that Mr Mitchell must have been aware of it, too. The response your Committee received from Mr Bell was that Mr Spence probably did know the position and that, if Mr Mitchell knew, then, in Mr Bell's words, and I quote:

Well if he did, I can assure you he did not tell me and he certainly did not tell Mr Toohey either, because both of us had the same view of this development, as I am sure Mr Toohey has probably told you, that essentially this was going to be a tourist development, that was what we were working on. No-one in the Department was informed that this

was going to ultimately turn into a full-blown permanent residential estate.

We turn now to Mr Bell's answers in the House on 7th April 1992. A copy of *Hansard*, recording the exchange between Mr Dominic Delaney and Mr Bell, is included in appendix 3. The Question was in two parts:

- (1) What markets do the developers of the Mount Murray site hope to attract to ensure that this tourism development will not require at sometime a change of planning use to permanent residency and
- (2) will public money be required in this development?

Part (2) of the Question is not within the scope of the references made to us and we do not comment on the reply to it. The aspect of part (1) of the Question relating to marketing was answered in a way to which no-one has taken exception. The controversy arises in connection with the aspect of part (1) which concerns permanent occupancy of Mount Murray development and the possibility that change of planning use might be needed.

As is clear from the evidence, to which we have drawn attention, the straight answer on that aspect of matters would have been that the planning permission in existence already allowed for permanent occupation, whether or not the tourist marketing of the development was successful, but this was a planning matter which the Minister for Tourism and Leisure could say was not his business. Mr Bell did not address it in his initial reply, but Mr Delaney refocused the Question in his first supplementary, asking,

Will the Minister indicate that no undertaking will be allowed that will finalise this site being for housing permanent resident development?

That raised an issue, not of planning law, but of fact. Would residential occupation be prevented? A fair answer to that question would have been that such occupation had, to some extent, been a possibility from the start and the trouble had been taken to ensure that the planning permission allowed for it, but that it was not expected, on the basis of experience of other developments of the same sort, that permanent occupation would rise above 10 per cent.

Such a reply could, of course, have left the way open for a further supplementary, asking what measures were in place to ensure that permanent occupation did not rise above 10 per cent. The answer then would have had to be that there was none. Instead, Mr Bell implied that a change of planning use would be involved in permanent occupation and would need planning permission, and he added that he was, and I quote:

very disappointed that it was being suggested that any use other than tourism might occur.

Mr Bell might, perhaps, just be excused for not being certain what the final effect of the planning permissions would be, but he clearly knew that some degree of permanent occupation was likely and, indeed, had, as noted earlier, been implicitly agreed. Since that was what Mr Delaney was plainly concerned about, the House was misled by Mr Bell's answers, indicating that permanent occupation was not on the agenda.

Mr Delaney has told us that he was misled by the answer and it is obvious from the course events have taken since

then, that Members generally were put in the same position. As we have seen, Mr Bell accepts that his reply was incorrect, but he asserts that he relied on what officials prepared for him in the way of briefing and that the mistake was, in effect, made in good faith. Mr Bell told us that the initial answers to Mr Delaney's Questions were prepared by Mr Mitchell, but approved by Mr Toohey. Mr Toohey was not so sure and was inclined to doubt whether he had seen the answers. In any event, it would make little difference if he had seen it, since the first time he knew about the notes of presentation was on 18th September 2003, when he gave evidence to your Committee.

So, after considering carefully, very carefully, very, very carefully, your Committee came to the conclusion that, in formal words, your Committee record that they had seen no evidence that would justify disturbing either the Commission's finding that Mr Bell knowingly misled the House on 7th April 1992 or the Commission's considered view that their conclusions were, beyond any reasonable doubt, correct. And the further evidence, which has been given to us, the Committee, has served only to reinforce our conclusion, that there had been a contempt of the House and so, with further serious consideration, we make the following recommendation to the House.

This is the first occasion on which your Committee have sat to consider a matter under the terms of the new remit given to them in January 2003. Your Committee, in considering all this, have noted the information provided in the evidence of Mrs Brenda Cannell MHK, concerning the manner in which other jurisdictions approach similar situations and, at the end of all this determination, and this is our recommendation, it is our opinion that, on this occasion, it is the responsibility of all Members, all Members, to determine what action is necessary to uphold the integrity and credibility and public esteem of this ancient House.

Hon. Members, it is now for you to pass judgement. The Committee have done their duty with great care, objectivity and impartiality. You, Hon. Members are the jury and I move that the first report of the session 2003-04 of the Management and Members' Standards Committee be received and its recommendation approved. I beg to move, sir.

The Speaker: Hon. Member for Glenfaba, Mr Anderson.

Mr Anderson: Thank you, Mr Speaker. I beg to second and reserve my remarks.

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

Mr Quine: Thank you, Mr Speaker. The recommendation is quite clear and spelt out with great care by the Hon. Member for Michael and that is this, that the Hon. House essentially concur with the Commission's findings that the Hon. Member for Ramsey, Mr Bell, knowingly misled the House on 7th April 1992.

Further to this, sir, the Hon. House is asked to endorse the Commission's view and that of the Select Committee that such finding is beyond any reasonable doubt. Mr Speaker, we have in our possession documentation from both the Commission and the Select Committee. Both entities are at one in their conclusions that the Hon. Member

for Ramsey, Mr Bell, knowingly misled the House. The Hon. Member for Ramsey accepts that he made an incorrect statement, that is not an issue.

One significant difference between the evidence available to the Commission and that adduced by the Select Committee, is that the latter have had the benefit of the contents of what is referred to in the Report as Mr Bell's personal archive. Of course, that brings into the evidence the particular letter which was produced by Mr Toohey. Mr Speaker, on the evidence before this Hon. House, it is incontrovertible that the Hon. Member for Ramsey knowingly misled this House and I would go so far as to say that any other conclusion would be perverse. Such is the strength of evidence, sir, any other conclusion would be perverse.

Referring to the Hon. Member for Ramsey's evidence, I must say it is no defence that the end justified the means. Rarely if ever can that be the case and I would suggest never by legislators, who are committed to enact and uphold the law, can that possibly be the case, that the benefit envisaged, which was, after all, a resort village, which is all detailed there for us, that it did not materialise, simply adds salt in the wound, because all of this did not produce what was the original carrot that was held out.

To put it quite bluntly, the developers took the Government in its various parts, Government in various elements, for a ride, step by step, by step, and got what was quite clearly his intention from the outset. Is the issue, Mr Speaker, to be brushed aside on the strength of the Council of Ministers' block vote today? I trust not –

A Member: Vote.

Mr Quine: – and I am not suggesting that that –

Mr Downie: Vote.

Mr Quine: – would be the case, but I trust not.

Mr Corkill: It certainly is not.

Mr Quine: Firstly, I would trust that that is not to be the case, because this is a parliamentary issue, which today would go for Government consideration and, secondly, for it would place individual members of the Council of Ministers as party to the circumvention, not only of the judgement of this House and the underlying legislation, it would be tantamount to a circumvention, to condoning the circumvention of legislation through the manoeuvrings that have gone on. It would leave any individuals who took that position full square as supporters of the perverse decision to which I have referred.

Mr Speaker, I have circulated an amendment in my name and, if I might now just refer to that and proceed to that amendment. I would submit, Mr Speaker, that it would be ludicrous, should this Hon. House find the Hon. Member for Ramsey, Mr Bell, culpable of contempt of this Hon. House and then fail to address the matter of a penalty. Indeed the Select Committee had made it clear that the issue of penalty does arise, but that it is for Members to determine what that action or penalty should be and they have made it quite clear, by stressing the importance of that aspect, by pointing to the fact that it is fundamental to upholding the integrity and credibility of this Hon. House.

It is my belief, Mr Speaker, that my amendment is self-explanatory: however I would be pleased to respond to any questions, but I would add that, in drafting the amendment, I have had regard to advice and I have had regard to a number of considerations. I have had regard to the lapse of time since the contempt was committed; to the strength of evidence on which this contempt is founded; to the nature and circumstances in which that contempt occurred; to the important aspect of public interest; to the onus that is placed on Ministers not to mislead Tynwald and this Hon. House; to the responsibility placed on the Hon. Member to discharge the highest standards of propriety in conducting parliamentary business. Also relevant is the attitude of the Hon. Member to the Commission's and the Select Committee's findings that he has committed a contempt of this Hon. House.

Mr Speaker, I beg to move the amendment standing in my name, sir, that after the word 'approved' the following be added:

'and the House resolves in respect of the contempt found to have occurred that the Hon Member for Ramsey, Mr A R Bell, be suspended from the service of the House for the two sittings next coming, and be excluded from the precincts of the House and of Tynwald Court and the use of all Members' facilities until 9.00 am on Wednesday 12th November 2003.'

The Speaker: Hon. Member for Rushen, Mr Gawne.

Mr Gawne: Gura mie eu, Vainstyr Loayreyder.

I rise to second Mr Quine's amendment. It gives me no great pleasure to actually do so and I think there is certainly a degree of uncertainty over this whole business. In July I suggested – perhaps stronger than suggested – that Mr Bell, really ought to have resigned. I still feel that that would have been the right course of action at that time. I am sure that both Mr Bell and his Treasury colleagues would agree that his mind has been very much on fighting his corner in this matter over the last two or three months and the right course of action would perhaps have been to have resigned and dedicated time to this area.

However, that did not happen, so we are in the situation now that we find ourselves. I think, to misuse some of Mr Cannan's words, and I imagine that Mr Bell might even agree with this, Mr Bell has been a prawn, or perhaps a pawn would be the better way of looking at it.

Mr Bell's role in this is not the most significant. The people who really are at the back of this are the developers. Those are the people we really ought to be getting at here and it saddens me that this is not what we are doing. At the moment we are discussing a relatively minor role in what has actually happened.

I certainly agree with the findings of the Committee that Mr Bell has misled the House, but what we have to really decide is to what extent that was. I think on page 16.46, I will read this out:

The cumulative evidence we have reviewed up to this point shows that, by the beginning of May 1991, Mr Bell was well aware that permanent occupation was an issue and, to some extent at least, it would form part of the overall scheme.

I think there is very clear evidence to support that statement. I suppose what is less clear is what was

understood by the definitions at that stage, and perhaps this is why Mr Bell is less certain that he misled the House.

I actually managed to get to hear both Mr Bell and Mr Delaney's evidence to the Committee and there were a few things that I noted at the time. I think the first point, which is in the appendix of the current Report, Mr Delaney's third supplementary question. This was after he had been looking at the sewage system.

Mr Delaney says 'Are you aware of the implications of such a decision?' and Mr Bell's response, and I think this is the telling response, 'I have been in Government long enough, Mr Speaker, to know what the Hon. Member is talking about.' I think that is very important.

I also listened to Mr Bell's contribution to the Committee and, despite the overwhelming circumstantial evidence, I found it difficult not to believe that he genuinely feels that he did not knowingly mislead the House. I suspect that what we are really looking at here is the definition of what was understood on this 10 per cent permanent housing, but it is a fairly tenuous argument, I have to say.

I think the one thing that everyone has to agree, and I am sure Mr Bell would also agree with this, is that the period leading up to his resignation in 1994 was a very bad time for the Department of Tourism and Leisure. There was a complete breakdown in communications. There is absolutely no doubt that officers were misleading Mr Bell, also that officers were not working properly together and certainly I feel that that was recognised at the time and that Mr Bell has resigned because of that issue.

So I think the important thing that we need to start thinking about, is that, effectively, he has already resigned for this mess and I do feel that if he were expected to resign or be sacked again for essentially the same issue, the same mess, he would be paying twice for the same thing, but I do feel that it is very important indeed, that a clear message comes out from the House that we cannot allow Ministers who are found to have misled the House to effectively get away with it.

This is about restoring confidence in our political system, and I think that is absolutely essential, and, for that reason, I second Mr Quine's amendment.

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

Mr Corkill: Mr Speaker, I have carefully read this Report and the appendices provided to us by the House of Keys Management and Members' Standards Committee, scrutinising matters carefully to see if any new factors emerged during their deliberations.

In my view, there are no new facts.

Indeed, it has to be said, for the public record, that a major number of the appendices in this Report revolve around who would become chairman of our Committee, and this remains unresolved to this day.

Although the Hon. Mover of this resolution appears to have assumed chairmanship - and this is clear on reading the *Hansard* when evidence was given to the Committee - I do think the processes of our committees are very important, and I can never remember a committee of this House acting with no appointed chairman; but I do stand to be corrected on that point.

In looking at the minutes, Hon. Members, Mr Anderson and Mr Gill both made their wishes known for the role of chairman. They both made nominations, but the Member

for Michael declined. He obviously expected to be chairman, but failed to be nominated. I wonder how long they sat in silence waiting for a seconder.

Mr Karran: Not relevant.

Mr Corkill: Why could the Hon. Member for Michael not find it within himself to nominate, or indeed, second Mr Gill or Mr Anderson? After all, these events being considered were so long ago, at a time when Mr Cannan, the Member for Michael, was a Member of this House, surely the exercise would have benefited from electing a chairman of the Committee, with fresh eyes, and perhaps no stale agendas.

There appears to have been furious correspondence in the appendices, and haste, by the Member for Michael to set up procedures, bearing in mind, there are no predetermined guidelines for the Committee to follow - and I will return to that later - and his letters are written as if he were chairman, in my opinion.

All this confusion on chairmanship could, of course, have been avoided if the advice on two occasions from our learned Clerk that you, Mr Speaker, could have officiated anyway, had been followed.

However, I respect fully the actions any Member of this House who withdraws on the grounds stated within the Report, and who has to decide for themselves in regard to potential conflicts and as to public perception.

So, today, Hon. Members, our de facto chairman has presented this Report. Of course, it was pointed out by Seth Cain, an advocate - and this is in the Report - that it was open to the Committee to return to the Keys to sort out chairmanship of our Committee. But I put it to Hon. Members that it was open to the mover of this Motion to nominate an Hon. Member of this House - either of his two colleagues, that is - bearing in mind that in parliamentary committee we are all equals.

In his winding up, I want to know the reasons for the Member for Michael's attitude to his problems regarding the chairmanship of the Committee. Did he have no confidence in his two colleagues?

In fact, the Member for Michael also complained, by letter, that the 7th August meeting had not been informal, as is reported in the Report. Even though Mr Gill, a member of the Committee, was absent, he wanted formality in everything, and I would endorse that stance, that formality is important in the workings of our committees. I believe that, with no acting chairman for the whole of these deliberations, the whole process has in fact, been conducted informally, and not, perhaps, as the House would normally expect.

This informality has been consolidated by the late acceptance of a submission from East Douglas Member, Mrs Cannell, and the way in which her submission has been woven into the Report, apparently at the last minute, I will come to the contents of this submission in a minute or two.

I know the mover will attempt many defences to justify matters and deflect the type of criticism that I have just made, but, honestly, Mr Speaker, Hon. Members - a committee with no chairman!

To the core of this matter, to the core of the subject before me, as a Member firstly, and as Chief Minister appointed by Tynwald. Do I believe that Mr Bell, 12 years ago, knowingly misled this House in answering Mr Delaney's

question? No I do not.

Mr Bell has clearly said, on more than one occasion, that he accepts, with the benefit of hindsight, which is in great abundance here, that Members could have been misled, and that depends, in my view, upon what is defined in planning terms as residential development and what '10 per cent ownership of the proposal by tourist investors' really meant.

With the benefit of hindsight, our Committee has been so bold as to say what Mr Bell's answers should have been, and they include this in paragraph 67. But, surely, in paragraph 67, the Committee could also have acknowledged that a statement on planning such as this would not in any way form part of Mr Bell's responsibility at that time.

Surely, Hon. Members, after the Crow Report, a £1 million inquiry and now this Committee, we can all recognise that a mistake, a piece of maladministration - call it what you will - happened in the Planning Department; a mistake or loophole, which no-one, even the developers, recognised until years later.

In 1990-91 no-one wanted to build ordinary houses, there was no market. Just think back, Hon. Members. In 1991 Radisson and Tourism went to America looking at tourist products, and we have heard that reported. I put it to you, Hon. Members, that, in 1991, in a period of negative equity in property and poor economic performance, that the Department of Tourism, the planners and the developers were talking tourist development. And, Hon. Members, a fine hotel and golf club exists there as a result, and many people do enjoy those facilities.

I also want to ask the question: do we realise that, whether residentially occupied, as they are today, or occupied on the tourist lines in the original proposals, houses would still have been constructed?

But my main point here is not to justify that decision, but it is to establish some understanding about the environment in 1991 and that building houses on spec at that time was a liability scenario. We know that it was some years later that the climate changed, demand picked up, and developers capitalised on the planning loophole - and, Hon. Members, there is a resident at Mount Murray, Mr Vakil, who will acknowledge that that is what has happened, and it is a great shame the Committee did not take evidence from him - he did give evidence to the original Commission.

Did Mr Bell create this loophole? No, can I say that good politicians seek resolutions to problems. They try to bring issues together for mutual benefit and the good of our Island. They lobby; there is no shame in lobbying, it is essential in valid politics. They lobby to effect resolutions.

Good politicians sacrifice time and effort, and I think too many of us in here dig trenches immediately a problem arises and we are not prepared to seek resolution, but we prefer the gluttony of confrontation so often. Mr Bell has always sought resolution, and, when the planning process appeared to accommodate - albeit wrongly, as it turns out - this major tourist project, he must have felt at that time, that the hard work was paying dividends for the Island, that at long last the site of the old, derelict Alex Inn would happen. After all, several failed tourist proposals had come and gone for this area.

So when Mr Bell answered Mr Delaney, yes, he knew of the 10 per cent residential component, which was part of this tourist proposal, and, in answering supplementaries, he defended the position and was critical of a suggestion

that Mount Murray would be ordinary housing - and he was quite right to be careful on the specifics of what was fundamentally a planning matter and the responsibility of the Department of Local Government and the Environment.

Did he knowingly sidestep making further detailed planning comment? I do not believe he did. The whole context of his discussions had until then revolved around how to make such an audacious tourism project fly.

Hon. Members, he had responsibility for developing tourism, and he was beavering away at that task, not at planning. Hon. Members, hooking a fish is easy; coaxing a large fish into the net needs judgement, skill and hard work.

I find that the Inquiry and this Committee has relied upon a great deal of supposition. Processes have been criticised publicly by the Attorney General, and Mr Bell's counsel. Indeed, there is a genuine debate in this Report as to whether the Inquiry and this Committee have breached Article 6 of the European Convention on Human Rights. Important witnesses have not been asked questions, or those who have come forward have not been available for cross-examination by people singled out for criticism, and these are the words of the Attorney General.

The Mount Murray Inquiry Report was received by Tynwald, and the Chairman of the Commission has clearly said that the recommendations are now a matter for Tynwald to consider; and that is what is happening. As we have known with the recent debate in Tynwald, we have done that recently. There is a commitment to following through on those recommendations.

I believe our Committee here has made a fundamental mistake in believing that the Commission's report was approved, and they did not go back to the basics. This is highlighted several times, by the advocate's evidence in the Report - this is Seth Cain, representing Mr Bell.

Hon. Members, we should remember the learned Attorney General's statement last July: the faults he highlighted, I do not believe, should be perpetuated here today.

I hope we all agree today that this Committee, which is in its infancy as a committee of this House, needs agreed guidelines for any future deliberations. It is not good enough to make up the rules on an ad hoc basis, as this Committee has had to do, bearing in mind there is no chairman. It is not surprising that their last paragraph completely passes the parcel back to the House of Keys.

Bearing in mind everything that the Committee has had to deal with and the time available, I was certainly sympathetic with a great deal of the workings of the Hon. Members that they had to undertake. But with regard to the evidence accepted from the Member for East Douglas, Mrs Cannell, I have to say I take issue with the slant that Mrs Cannell has tried.

She has carefully supplied UK examples of financial sleaze and corruption, in order to colour our deliberations and the public perceptions: examples describing large amounts of money for favours in the UK, even a reference right back to the Profumo scandal.

Did the Hon. Member for Douglas East, Mrs Cannell, not read the Commission of Inquiry's Report? It said 'no corruption' -

Mrs Cannell: Better than you did.

Mr Corkill: - but, of course, the real agenda is about

destablising the Isle of Man Government, (*Interjection by Mr Karran*) at any price; pure politics, with the good people of the Isle of Man and their hard-earned cash being sacrificed -

Mrs Cannell: Restablising; you are destablising.

The Speaker: Hon. Member.

Mr Corkill: - the meat in the sandwich.

Personally, as a Member of this House, I find this submission to be somewhat insulting. The political manoeuvring at the start of this Committee's work, this chairless committee, I do find alarming - manoeuvring to the point where we have a Report which has been nicely set up for an amendment. And, obviously, the amendment has appeared on our desks in good order this morning - not a surprise there.

I believe, over a period of months, maybe a year, there has been an agenda to tarnish the reputation of the Island, at home and abroad, just for the sake of politics. I ask myself, do the electorate really deserve this? Unfounded allegations of corruption, followed by witch hunts on individuals - I say, Hon. Members, enough is enough. That is how I feel today as I stand here.

Hon. Members, I ask you to vote against this Report, I ask you to vote against the predictable amendment. We are sinking in history here, but I would ask the question: are we learning?

Does the current Chairman of the Planning Committee, who agreed with the setting up of the Report, insist on proper enforceable conditions on planning approvals - heeding advice from the Attorney General, which goes back over 15 years, that our planning system has been making conditions on approvals for planning that are unenforceable. I hope we have learned to do that, because, if not, another one may well come back and bite us like this one.

So, I urge the Hon. Chairman of this Committee, and I hope he, in his capacity, is ensuring that properly drafted conditions of approval are on today's current planning applications. After all, all our endeavours in this place are human, and we can all make mistakes.

Is Mr Bell responsible for knowingly misleading this House? I would say: where is the proof? Proof over and above comment and supposition, beyond reasonable doubt; fact, not individuals' interpretation of what certain ambiguous phrases may or may not have meant. I do mean proof.

I disagree with the Hon. Member for Ayre, who has moved this amendment. This is not a court in the normal meaning of the word, and, in the words of the mover of this Motion, we are the jury. That is not our function, we are not a court and we are not a jury. But if we were, as these speakers have suggested, I would suggest we are dealing with supposition, and any court would throw it out.

The Hon. Member for Ayre talks about a perverse decision in planning. He is absolutely right, but let us remember where the responsibilities lay at that time. Much was said in the original Report about phone calls and letters from the Hon. Member for Ramsey, Mr Bell, in his attempt to make this project fly. But at the end of the day the responsibilities were with the Planning Division.

A lot of water has gone under the bridge since 1990-91; in fact, I believe 16 Members of this Hon. House, including

myself, were not elected to this House at that time, and I think we should bear in mind that hindsight is a wonderful thing. Hindsight going back to when one was there can be valuable. Hindsight that we suppose, when, in fact, we were not there, I would query as to whether that is valid at all.

The public, I believe, is fed up with this debate, because the public I represent want good health care, education, a wholesome water supply, progress, public services to be delivered, and these time-consuming debates, studying our navels, as we have done over this last year, do not help in terms of the perceptions that I come across with the general public; they want us to work on their behalf.

Yes, they want honest, transparent government - hear, hear. They want Members with honest ideals.

The question in my mind, as I am in this House today, is whether or not certain Hon. Members are prepared to serve in that way, or as to whether the game of politics takes precedence.

I know where I stand on these issues. I ask Hon. Members not to support the workings of this Committee, I ask Hon. Members to vote against the amendment, because - to coin a phrase - 'it is not fair!'

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

Mr Gill: Thank you, Vainstyr Loayreyder.

I rise to speak both as a signatory of the Report before the House, and then to speak as an individual Member.

I recognise that this Report will probably not act as a conduit towards an agreed outcome; opinions and agendas seem to be too entrenched for that. I know also that some Hon. Members may feel that this Report is flawed and reaches an unfair and unsustainable conclusion.

As a signatory to this Report, I stand by its contents, conclusion and recommendation. Sitting on the Management and Members' Standards Committee has been an unpleasant duty. Sitting in judgement of a fellow Member is not a task I welcome or take any pleasure from, (**Mr Corkill:** Hear, hear.) but I am confident that in moving this Report I have acted honestly and without favour or malice. (**A Member:** Hear, hear.)

If I might revisit the recommendation of this Report and remind the House of the task we face today; I quote:

This is the first occasion on which your Committee has sat to consider a matter under the terms of the new remit given to them in January 2003. Your Committee have noted the information provided and the evidence of Mrs Brenda Cannell MHK concerning the manner in which other jurisdictions approach similar situations. However, it is our opinion that, on this occasion, it is the responsibility of all Members to determine what action is necessary to uphold the integrity and credibility of the House of Keys.

That, of course, as we have heard from other Members, is our task today, so, in considering this, I have reflected on certain issues which influenced me when reaching for a determination of both culpability and context of the offence.

Mrs Cannell has, with great industry, produced a weighty document which she sent to the Committee. This evidence was not requested by the Committee and I would remind Hon. Members that the Committee do no more than to note it and include it as an annexe. In that form it is a reference source for Members in today's deliberations, but I want to make it quite clear, that, for my part, as a Committee member, Mrs Cannell's letter and annexes had no influence

on the conclusion or recommendation of this Report.

I will consider the many views and feelings of Members in this House about this matter. Some have experience dating back to the early 1990s, but most, like myself, are relatively new to the House.

I also want to reflect on the context of the contempt, the nature and characteristics of the central figure in this unfortunate episode, Mr Bell, and any aggravating or mitigating circumstances which may lead me to conclude to a suitable and appropriate disposal today.

So, taking those issues in order, I would like to begin with the context of the Keys Questions on 7th April 1992. The Professor Crow Report and, latterly, the Macleod Commission have gone into great deal about the history of the Mount Murray development.

I do not propose going over the same ground, but I would reflect that in the early 1990s the tourism market was in free-fall and approaching what some might describe as 'terminal velocity'. At the same time the housing market was slow and there had been a number of developments which led to a surfeit of properties across the price range.

But that is not to say that there was no scope for future profitable housing dealings for a developer with an eye to the future.

Mr Corkill: Hindsight again.

Mr Gill: Mr Bell has contended, and consistently maintained, that, as the then Tourism Minister, it was his priority to bring this much-needed tourism scheme to the Island.

I have *no* doubt about his sincerity about this. My only divergence from Mr Bell is that I believe, in his wish to progress this and the aggressive and incremental nature of the developers' actions, together with the poor service Mr Bell received from his adviser, Mr Mitchell, these factors led to a situation where a partial answer was given to a supplementary Question put by Mr Dominic Delaney, then the Member for Douglas East.

This, sir, represents an act of omission, which, in the context outlined in this Report, still constitutes a contempt - but it is a contempt by virtue of omission not commission.

So the question then moves to the nature of Mr Bell and his political style. Allan Bell was elected to the House of Keys in 1984, so he has served in one capacity or another for almost as many years in this House as I have served months, and, in reaching opinions about the Hon. Member, Mr Bell, I am very conscious of this.

Mr Bell described himself as a 'red meat politician'; by this, I understand, he feels himself a man who is not afraid to make decisions and to fight his corner. I admire these qualities and I also admire Mr Bell's work ethic. In whatever position he has held, Mr Bell has applied himself with total vigour. No-one can doubt his commitment to the governments in which he has served and his desire to see the Isle of Man develop and prosper. (**Mr Corkill:** Hear, hear.)

Indeed, I would go on to say that some Members of this House, including some who are clamouring for punitive penalties, would do well to try and emulate Mr Bell in this respect. Frankly, Mr Bell does more constructive hard work in a typical day than certain Members in this House who are his critics do in a week or more.

However, like all of us, both in this House and outside,

he has shortcomings. We all do, and it would be very foolish and very arrogant for anyone to blind themselves to this truism. Perhaps, in Mr Bell's case, he has never been a team player. As a Minister, I believe he perceives his role as making decisions and forcing progress.

Furthermore, I have the impression that Mr Bell was poorly served by Mr Mitchell as his adviser. The very circumstances of Mr Mitchell's recruitment and engagement are interesting and raise questions. However, that again is old ground, which for today's purpose I do not propose going over again. Suffice to say that Mr Mitchell did not help Mr Bell, or the Tourism Department. In fact, he seems to have hindered it to such a degree that, even now, 11 years later, we are still discussing the functioning of that Department, its officers and political members.

But Mr Bell has not tried to evade his role in giving the answers in 1992 with which we are concerned today. Mr Bell has consistently and strenuously denied any deliberate intention to mislead the House. He is vehement about this, and, as I have said earlier, I think that, beyond reasonable doubt, he did knowingly mislead the House by an act of omission.

This impasse between opinions cannot be squared, and I recognise that this leaves Mr Bell and his supporters in the invidious position of – to use an analogy – a prisoner protesting his innocence while being offered parole, parole, of course, being dependent on an admission of guilt. This is a dreadful dilemma that many people have had to face over the years, and I have both sympathy and understanding for anyone in this horrible position.

Mr Bell is in such a scenario and I actually and genuinely admire his consistency and determination in maintaining his position, even though I cannot share it.

Finally, I would like to turn to the key part of our deliberations today, to determine what action is necessary to uphold the integrity and credibility of the House of Keys.

I have read the annexes to Mrs Cannell's letter and noted the examples from other jurisdictions. We do not seem to have any president here on the Isle of Man to guide us, and, therefore, today's settlement will possibly come to be regarded as case law. I am very mindful of this and have considered this at length before coming to my own conclusion.

As I understand it, there are a variety of options open to us, ranging from censure, through to suspension. Further to this, there may be politically motivated demands for resignation or dismissal, but, sir, I intend to deal only with the remit of the House today.

In considering the circumstance of the contempt, I feel that it lies at the lower end of the offence spectrum. Accordingly, I believe it should attract the appropriate disposal, which . . . and not having the benefit of the sentencing tariff to guide us, should, in my view, be by way of a censure. This, in my opinion, would mark the offences proven, albeit with the surrounding reservations and protestations of innocence, and draw a line under this matter.

Such a disposal would, I believe, satisfy the need to uphold the integrity and credibility of this House. I do not feel it is necessary to debate or consider this matter further than this. Censure would suffice today, sir.

Others will, no doubt, disagree, however, and that is their right, but, for my part, as I have stated, a censure is in itself a suitable way to fulfil the remit of the House in receiving this Report. I, for one, will not be supporting any further

demands, unless I hear something very compelling from those who propose such actions.

Gura mie eu, Vainstyr Loayreyder.

The Speaker: Member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

We are here today really as the almost the end game of the Hon. Member for Onchan, Mr Karran's, early endeavours, in another place, in Tynwald, where Members felt manoeuvred into a position where they could not do anything else but go along with a Mount Murray Inquiry,

Mr Corkill: Part Two.

Mr Henderson: Well, the Chief Minister interrupts me with cries of Part Two. It will be on the way.

But the position I come from is that we were faced on that day with allegations of corruption, and all the other colourful language that was thrown into the debate, which made Members feel uncomfortable and really in a position to feel that there was no other way round the situation.

Since then, of course, the allegations of corruption, brown parcels and all the other florid language that has been used throughout various mediums, has been found to be utterly untrue –

Mr Karran: Point of order, Vainstyr Loayreyder.

Can the Hon. Member point out which Members have actually said about brown envelopes and all sorts, as far as this House is concerned.

A Member: Brown parcels.

The Speaker: Hon. Member for Douglas North.

Mr Henderson: Thank you, Vainstyr Loayreyder.

Those are words that have been used out in the community which I was indicating,

I am not accusing anybody in here, but the effect of what has happened is plain and obvious for all to see, and that is what I am driving at. The outcome is, we have 150-160 odd family homes at Mount Murray and some fallout with regards to the planning system of the time, which has been useful, and we are here today to examine the Hon. Member for Ramsey, Mr Bell.

Having said that, to some of the issues, I am not sure what the heck we can do. Do we demolish 160 family homes? We have probably spent nearer to £2 million on this Inquiry, again money which I have consistently pointed out should have been used for family homes in the first place, and I also feel, just for the record, that some of the residual problems that are left with the Mount Murray Estate, actually should be picked up by central government as a matter of moral duty, but that is beside the point. (*Interjection by Mr Corkill*)

Vainstyr Loayreyder, I am well aware of the interruptions coming from opposite. Having said that, the Chief Minister has made some certain comments with regards to the current serving planning committee, which I will refuse to be drawn into, other than totally agree with him that his comments, not so long ago with regards to the continuous call for transparency and questions marks on Government

Departments, could cause a general or almost slowing up or paralysis of the systems, and that is far as I would go along with those comments, and that has certainly had an effect on the current section.

I feel it is very regrettable that the Chief Minister should have delivered a speech this morning which, basically, as far as I can tell, degraded a House of Keys' Committee (**A Member:** Hear, hear.) and attacked the way in which the Committee set about itself, in which must have been one of the most difficult things that any Hon. Member would have had to do in here. I feel it is unfortunate and it has put a shadow on the proceedings this morning, which should have been conducted with a more professional approach, and I make no apology for saying that. There was no need to launch into a detailed destruction of a House of Keys' Committee and the ultimate effect, or hopeful effect, was obviously to degrade the evidence, as supplied to that Committee, and it certainly made me feel very, very angry and annoyed that that is the way the Chief Minister of the Isle of Man Government should set about this situation this morning.

I think it could have been done a lot better, Chief Minister, a lot better. Having said that, we are still left with the recommendation of the Report and, indeed, it is left open and when I got to that part of the Report, I felt, I suppose, let down by the Committee in a way, that it had not gone the whole hog, as it were, but, having reconsidered that, and gone over things in my own mind, I do not think the Committee had much option, really, in some way. Whether it had a chairman or not a chairman, I think the Committee set about its duties professionally and in as best a way as possible.

So leaving us with an open recommendation, I will be most interested to hear from the Hon. Treasury Minister, Mr Bell, exactly what it is he has got to say for himself with regards to the contents of this Report. To me, some of it is very, very clear and, far be it from innuendo and supposition, there are items in there that require the Treasury Minister to answer, and I will be most interested in that, and, quite frankly, I think that the end result of this, if there is any action, the Treasury Minister should come back to this House and say exactly, or perhaps direct what should or should not happen in some ways. And, also, I would be most interested from the Hon. Member for Onchan, Mainstyr Karran's comments on this Report. He caused it, we are here because of you, sir, and it will be most interesting to see how you would build some recommendations, following on from the open one left in the Report, and give some sort of direction to Members as to what you think.

A lot has been said with regards to these issues and I think that is where I will leave it. We do need the Hon. Member for Ramsey and the Hon. Member for Onchan, to put their comments to this House and give some sort of direction accordingly.

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

Mr Bell: Mr Speaker, can I say at the outset that, with the benefit of hindsight, I fully accept that the answer which I gave in reply to Mr Delaney's Question on April 7th 1992, 11 years ago, on the Mount Murray development, was incorrect.

I emphasise, it was given on the basis of information given to me, by my officers at the time, which I accepted as

being factual.

I now know that that information was wrong, and, as a result, I did inadvertently mislead the House of Keys.

This is where I differ from both the Commission of Inquiry and the Standards Committee. In spite of their claim to the contrary, I did not knowingly mislead Mr Delaney, or the House of Keys, and this is the key issue before us today.

Did I knowingly mislead? I am naturally disappointed in the Committee's Report and believe again that its conclusion is wrong. I am also disappointed that it took, as its starting position, the conclusions of the Commission of Inquiry, as Tynwald has not approved those conclusions and merely voted to receive the Report in July, and this is a very different matter indeed.

I fully appreciate that the Committee has not clear precedent as to how it should deal with the issue, but, at its core, should be an assurance of natural justice for all those referred to it. I have a number of concerns as to the approach of the Committee, but, in particular, I am seriously concerned that a written submission from Mrs Cannell was received after they had, as I understood it, stopped taking evidence.

Mrs Cannell's submission was dated 6th October and the Committee met to consider the draft Report on 13th October, at which meeting the Committee examined and agreed certain amendments, so it is clear that Mrs Cannell's submission was submitted in time for that meeting.

I have no concerns with the Committee doing that and that is obviously their territory and it is for them to decide. But I believe I had a right to know that this evidence had been received, containing, as it did, prejudicial comment. I was not informed of this matter until I received the final Report, when I confronted the Clerk to the House as to why this had happened. I was told that, as it had arrived late, the Committee had disregarded it.

My concerns, then, are why did the Committee accept the unsolicited evidence in the first place? And, secondly, if the Committee had disregarded it, as I was told, why is it referred to in paragraph 20 of the Report and, in particular, why is it referred to in its recommendations.

Lord Denning has said,

If the right to be heard is a real right, which is worth anything, it must carry with it a right for the accused man to know the case which is being made against him. He must know what evidence has been given and what statements have been made affecting him. He must be given a fair opportunity to comment or to contradict them .

I was not made aware of this unsolicited evidence, nor was I able to comment on it, and I believe this to be a fundamental breach of natural justice.

Given the importance of this Report, I was minded to go over the whole of the background of this issue today. However, I believe that most Members, who are still prepared to be objective about these claims, have already sufficient knowledge of the history of Mount Murray by now and the desperate state of the tourist industry at that time, so I will try to limit my comments to responding to the issues I believe raised in the Report.

The core finding of the Commission, which has been accepted without question by the Committee, in relation to my alleged knowledge that the housing was for permanent occupation, refers to pre-planning application meetings, which took place early in 1991.

The Commission has confirmed that I had no pre-application meeting with the developer, but that Mr Mitchell did. I do not know what was discussed at that meeting, but Mr Spence has alleged, subsequently, that Mr Mitchell was fully informed of the details of the scheme. However, there is still no clarity as to what that actually refers to.

The Commission – and I accept it is a damning comment – but the Commission found it ‘outside the realms of reasonable belief’ that Mr Mitchell did not inform Mr Bell at a very early stage, the true position with regard to housing. This is repeated in the Committee’s Report.

I can categorically say, at no time did Mr Mitchell inform me that the housing was for permanent occupation only, and I strongly refute that argument.

In support, though, I would refer Members to paragraph 72 on page 23 of the Committee’s Report. The Report states,

We note also from the written documentation which Mr Toohy handed up to us, that the staff memorandum, dated 1st February 1995, regarding disciplinary proceedings against Mr Mitchell, recorded

and I quote

the charges against him included deliberately misleading the Minister and failing to implement decisions,

This was in relation to the Summerland play area project.

The disciplinary matters document goes on to list the charges against Mr Mitchell: they include failure to implement instructions, non-answering of correspondence, failure to operate within an authority and, probably, most tellingly, failure to provide information to the Chief Executive.

If I can quote from that paragraph, it says,

the effective management of the Department depends upon the provision, by managers, of accurate, detailed, pertinent, and timely information to the Chief Executive. This information must be honest and not sanitised. On a range of issues the Chief Executive was forced to extract information from Mr Mitchell.

Though somewhat surprisingly, the Committee decided that it is not necessary to go into those charges and failed even to mention that they had received the documentation to me, when I was myself interviewed by them, to enable me to comment on that. Had I been able to, I would have drawn Members – and I will draw – Member’s attention now, though, to both the Bowling Centre Inquiry and the Jurby Racing Circuit Inquiry.

Both these events took place during my period of office and both were, as Members know, quite problematic at the time. But both these investigations show that Mr Mitchell admitted, personally admitted, misleading the Minister and withheld documents from both the Minister and the Tourist Board at the time.

I have no proof that Mr Mitchell either knew or withheld information from me, regarding the true nature of the housing, and I also am aware that Mr Mitchell was becoming quite ill sometime over that period.

What I do claim, though, is that on three separate occasions, Mr Mitchell admitted deliberately misleading me, and the Department, over that period to an independent investigator; these are three separate investigations that have proven the same thing.

I believe that this proves a pattern of behaviour over a number of years, which at least must cast doubt on the

certainty of the Commission’s findings and on those findings which have been taken up by the Committee itself.

I also believe that the Committee was wrong to dismiss these charges without any further comment or investigation. What I will admit is that I placed undue confidence in Mr Mitchell, the confidence that ultimately proved to be unfounded. I will accept that indicated poor judgement on my part at the time and I apologise for that. What I would say is that we all should learn from our mistakes. I am no exception and I believe I am a stronger politician today, as a result of the lessons I learnt at that time.

To explain my further understanding of the scheme, I must refer Members again to the Notes of Presentation and, in particular, paragraph 27 of the Report, which, explicitly – this is the Committee’s Report – which explicitly mentions Paragraph C in the notes. It says,

experience at other resorts show that approximately 10 per cent of houses sold fall into the residential category

and it refers to page 15 of the Buyer’s Guide, which, I would remind Hon. Members, I did not see until I gave evidence to the Commission in July of last year.

Paragraph C goes on to say that

this 10 per cent is continually changing hands, when residents find out that this type of development,

and I emphasise it again,

which is tourist orientated is not conducive to resident living.

I would stress that this was a general description of other schemes elsewhere. At no time was I told specifically that 10 per cent of Mount Murray was for permanent occupation. This paragraph is taken out of context in the Report: if read in context it is quite clear that the resort village, as proposed, is essentially tourist orientated, and, I quote again, ‘not conducive to resident living’.

I will not quote from all the notes, but part of just one paragraph, Paragraph B of the Notes of Presentation, explains the projects distinctly,

for this project to work, we need approximately 500 beds to be available, to ensure that, after taking into consideration, occupation at various times by various investors, there is a sufficient number of rooms available to justify the central facilities provided. Thus the concept works and relies on the fact that the bulk of the bedrooms are supplied to the company, by way of investment, by the investors. The company then rents out those rooms through its rental programme to holiday makers.

That is at the root of my understanding of what the scheme was, and that is what has been driving me all the way through that period.

The fundamental problem is, the devil in this entire issue, is the definition and understanding what, in this context, ‘residential’ means. I have already said that we always knew there was intended to be residential housing. That is no secret. Our understanding was that it would consist of variable occupancy, with the balance of the occupation taken up by tourists.

I would remind Hon. Members, even if Paragraph C in the Notes of Presentation had been delivered, 90 per cent of those houses, around 160 in total, would have been for sale and leased back for partial tourist use, and, even then,

only 17 could have been available for more permanent residence. Does that constitute a residential estate?

That is vastly different from the 100 percent permanent occupancy we have today. There is clear evidence, as I explained in the Tynwald debate in July, that the developer was arguing that the housing element of the development itself was for tourist use, and should have attracted tax relief by way of the Tourist, Business Incentive Allowance long after I left the Department.

To validate this point, following the July Tynwald debate, I spoke to Mr Vakil, who now lives at Mount Murray, and is, in fact, sadly, one of the residents most detrimentally effected by the lack of planning approval for nearby housing. He has told me he is quite clear, that, certainly, into 1996 and into 1997, that both of those plots were being reserved as holiday homes, for investors, and deposits were paid to the company on that basis.

It was only after a meeting had taken place on the site, at the end of 1997 or early 1998, that the deposits were suddenly returned to the would-be buyers –and I understand there were over 40 of them at the time – the would-be buyers of those holiday homes, with interest paid, and, shortly after, the plots started to be sold for permanent occupancy.

So I would tell Hon. Members, up to three years after I left the Department, the housing element of this estate was still being marketed as holiday homes. Mr Vakil has given evidence to the Commission and has offered to do the same to the Committee to confirm that point. I fully accept that, in most people's minds, residential means permanent occupation.

I had difficulty in fully understanding the village resort concept myself at times, and this proposal was unique in Britain. It is not surprising, especially with the benefit of hindsight, that there is some difficulty in comprehending the actions which we took at the time, to deliver what we believed was a major new tourist development for the Island.

The Committee's report in paragraph 46, claims that

by the beginning of May 1991, Mr Bell was aware that permanent occupation was an issue and that, to some extent at least, it would form part of the overall scheme .

Of course we were aware it was an issue, rumours were circulating and, as I have said in my evidence to the Committee, I had a stormy meeting with Mr Spence on the 25th April 1991, at which point I made it very clear to Mr Spence, who, as I have said previously, was not the most easy of people to deal with, that I would not support permanent occupancy of the whole estate.

I was, at the outcome of that, persuaded, eventually, that the scheme, as proposed, still reflected that outlined in the Notes of Presentation, that is, sale and leaseback for tourist use, with variable occupancy throughout the year. And it was on that basis that I continued to support the scheme.

It may well be argued, and probably justifiably so, that perhaps I was naive at that time, or that I allowed my commitment to tourism to outweigh my concerns, I suppose, which may have existed, but I think what was in question, what is in question, is the degree of permanent occupancy, with very different understanding of what the degree of permanency, which was intended.

I fully accept that, at that point, as I have said, I still believed it was to be a tourist development. It could well be argued I was gullible: while so focused on the benefits of the tourist industry, I failed to recognise the incremental

changes which were taking place regarding occupancy. That may well have been the case, with the benefit of hindsight. For that I can only apologise, but only add that virtually everyone else involved in the scheme at the time felt the same, in particular those involved with planning, because this has always principally been a planning issue.

Incidentally, relating to the way the letter, which had been referred to by the acting chairman of the Committee, which was discovered as a result of the Tourist Department's disclosure, that that letter concerning my meeting of the 25th April 1999, was revealed, and the Committee comments,

it is possible that the failure to disclose the file was not necessarily his fault,

that is, *my* fault. It is possible, it says, which immediately introduces a doubt as to whether or not I was responsibly for holding back that. I want to make it very clear that, throughout my time in the Tourist Department and in the time that has lapsed since, at no time was I in possession of what is now called my personal file. This was always kept within the Department and I believe only contained copies of my correspondence. It has always been Tourist Board property and it was always its responsibility to make the contents available to the Commission. Therefore I resent the imputation that I may have been responsible for its non-disclosure.

If I could now go on to the issue of the Question posed by Mr Delaney on 7th April 1992, which is essentially, of course, why we are here. This was a legitimate Question and reflected the Member's interest in the scheme and I answered it as I understood its intent to be. The answer was drafted for me by Mr Mitchell and approved by Mr Toohey. Mr Toohey has said 'he cannot remember seeing it'; after 11 years it is hardly surprising, but in documentation given to the Committee and available in the appendices, it shows that, from July 1991, the amended job description of Mr Mitchell indicates, quite clearly, that he was to report to Mr Toohey and this is what has happened. Mr Toohey was clearly Mr Mitchell's line manager at that point.

At the time, the answer reflected my understanding of the position; my officers gave me no reason to believe that this was inaccurate and I, therefore, accepted the reply and duly gave my response in the House once again. With the benefit of hindsight, though, perhaps it would have been written in a different manner. As Minister, I have to take responsibility for this, but, in my defence, I would add that at the time I was Minister of two Departments, Tourism and Transport, as well as Industry, and was, therefore, more than fully stretched and, unfortunately, in addition to that, I was personally becoming progressively more seriously ill at that time, which ultimately led to a period of hospitalisation.

Added to that, there was a poor working relationship for some period of time between Mr Toohey and Mr Mitchell, which was causing other further problems within the Department. In no way are these presented as excuses, this is simply a factual description of the slightly chaotic situation which affected the Department of Tourism at that time.

I have to accept that, viewed from today's perspective, I should, perhaps, have given more attention to the compilation of the answer at the time of the Question. Of course, I had no reason to believe anything was wrong with

the development, other than a few, at that point, seemingly unfounded rumours. I had no real reason to question the information I was given.

The Committee suggests, in paragraph 67, that a different answer could have been given, based on Section C of the Notes of Presentation. Mr Delaney himself, in his evidence, clearly states

I did not ask the question what percentage of the houses would be residential, I just asked for an assurance that they would not be residential .

As my understanding was still that the houses were intended for sale and leaseback for partial tourist use, as described in the Notes of Presentation, and this information had, at that time, been confirmed to me by my officers.

I believe I answered the Question in the matter Mr Delaney was seeking. Hon. Members, I would just pose one question. If, indeed, I did deliberately mislead Mr Delaney and, as a result, the House of Keys, what would I have gained from such an action? That is a point which I have not heard anyone comment on yet. Members will recall that the Mount Murray Inquiry itself was set up to investigate an allegation of corruption, not of the system, but financial corruption.

The Commission itself has unambiguously stated that there was no corruption, so, clearly, I had nothing to gain personally.

If I knew for certain at the time, that 10 per cent of the houses were for permanent occupation, why would I want to hide it? It would still indicate that 90 per cent, that is nearly 160 houses, were for variable tourist use. I am sure that Members at the time, in the main, would have accepted that, probably even Mr Delaney himself.

It would have been very easy to give such an answer, so what did I gain from hiding it? What was the point of misleading people? Essentially, as I have already said, this was essentially a planning issue and, in effect, that element of the Question I was answering on behalf of the planning committee at that time. The truth is that I gave my answer based on the best knowledge available to me at the time, which is what is expected of any Minister.

I also believe that, if I understand Mr Delaney's comments, both in Tynwald and in his evidence to the Committee, correctly, he himself does not believe I deliberately misled him.

The Committee claim in paragraph 69 that I clearly knew that some degree of permanent occupation was likely and, indeed, had, as noted earlier, explicitly agreed. I can only repeat my understanding, as described in the notes of presentation, that, yes, I knew these houses could be sold to individual buyers. Yes, I knew that they could live in them for varying periods of time, but, as I have said, Mr Speaker, importantly, I also believed that these same homes would be available for leasing back to the hotel management company for use as tourist accommodation for part of that year.

If that is considered knowledge of some degree of permanent occupation, then I concede I did know. What was never identified to me at the time was that the whole estate would be for permanent year round residential occupation, which is what I believe the Question referred to.

I could go through both Reports at great length to show where and why I fundamentally disagree with their findings,

but I have in some detail made my views known during the Tynwald debate and I do not think a further repetition now would necessarily alter Members' views in some way, though these events took place up to 13 years ago.

In civil law, prosecutions are usually statute barred after six years because the courts recognise that human memory is likely to be faulty beyond that time. I have done my best, both before the Commission and the Committee to explain my involvement in the Mount Murray development. I cannot, after all these years, recall every action, decision, meeting or comment which took place at that time and I would be surprised if most other people did not have the same problem.

At the time I believed that this proposal was an exciting opportunity for our tourism industry, to break free from its fading past and terminal decline and, indeed, set the standard for a new evolving industry.

I believe that the well orchestrated and frenzied witch hunt which has now intruded into both my personal and family life and which has taken place over the last 18 months, has clouded recognition of the basic success of the hotel and leisure facilities, which did set new standards for our industry and stimulated the major refurbishment of the remaining hotel stock, which has helped us not only to retain a smaller, successful tourist industry, but has also helped to underpin our financial services industry.

I regret that the housing element has turned out the way it has. This was never my expectation or my understanding. I have been a Minister for 15 years in various Departments. In all that time I have never once knowingly misled Tynwald, the House of Keys or the people of this Island and I can only repeat, Mr Speaker, I am devastated that such an allegation has been brought against me, as I believe it is completely unfounded.

My integrity is of the utmost importance to me and I ask, especially those Members who have worked alongside me over the years, to reflect on my performance over that period. We have had fierce disagreements, major battles at times, but I hope Hon. Members will recall that I always fought hard for what I believe in, but have always been scrupulously honest and open with them and with the people of this Island and have never knowingly misled anyone.

The early 1990s were a very difficult period for the Department of Tourism. Mistakes were made. Some were my fault, some were the fault of others. Ultimately, though, in 1994, as Minister of Tourism, I accepted responsibility for those mistakes and resigned.

I have tried to explain, both in Tynwald and in this Hon. Chamber today, my role in the Mount Murray development. I recognise and acknowledge that the answer I gave to Mr Delaney in the House of Keys on 7th April 1992 was incorrect. It was, however, based on the best available advice given to me at the time. I absolutely categorically deny that I intentionally misled Mr Delaney or the House and, as I said, I would ask what would I have gained from such an act.

However, if Mr Delaney or Members of this House, past or present, believe that they have been misled by my answers, then I can only apologise unreservedly. That was never my intention.

Equally, if my actions in supporting this development have caused distress to those now living in the Mount Murray estate, I also apologise and repeat my every action relating to this development was always motivated by the

best interest of the Isle of Man and, in particular, our tourist industry.

Mr Speaker, knowingly misleading the House of Keys is a serious charge. To support this resolution Members must believe that the quality of evidence is beyond reasonable doubt, and a high level – higher than usual – level of proof is required.

Three key witnesses have not been called, Mr MacLeod, Mr Spence and Mr Mitchell. I have not had the opportunity to cross-examine them on the evidence attributed to them. I believe, if this issue was held in court, I believe it would be rejected on the grounds that the evidence provided is largely based on supposition and is circumstantial. The committee has not proven, beyond reasonable doubt, that I knowingly misled the House of Keys.

Mr Speaker, I believe the great majority of Members of this Chamber are fair minded and objective people. In the name of justice I urge Hon. Members to reject this resolution.

The Speaker: Hon. members, the House will now stand adjourned until 2.30 this afternoon. The first to speak will be Mr Anderson, Member for Glenfaba. Thank you, Hon. Members.

The House adjourned at 12.55 p.m. and resumed its sitting at 2.30 p.m.

**Management and Members' Standards Committee
First Report for 2003-04
Debate continued - Amended motion carried**

Mr. Speaker: Right, Hon. Members, we now continue with our deliberations on the First Report for the Session 2003-04 of the Management and Members' Standards Committee. I call on the Hon. Member for Glenfaba, Mr Anderson.

Mr Anderson: Mr Speaker, I am not going to speak at length. Hon. Members have not only received the Standards Committee Report, but also the details of the Committee's investigations, including the transcripts of witnesses, and Mr Cannan and Mr Gill have adequately covered the detail of the Report and so I do not think there is much to gain from going through it again.

But I must say, the Committee were unanimous in their findings. We found no evidence to suggest the Commission of Inquiry and their conclusion on Mr Bell, that he knowingly misled this House, was incorrect, and the evidence provided by Mr Toohey from a file of Mr Bell, from his time in the Department of Tourism and Leisure, namely the facts to Mr Bell from Mr Spence, with his clear reference to the Note of Presentation, item C on page 5, is further evidence and, in my mind, confirmed the Commission of Inquiry's findings that Mr Bell had the knowledge well in advance of giving his reply to Mr Delaney's Question – and, therefore, it was misleading, as he should have informed the House of his full knowledge of similar developments.

We now know Mr Bell rejects this. However, we have had two independent bodies that have come to the same conclusion.

Mr Speaker, I am sure that, in the past, many Ministers will have misled to a degree or lesser degree. I could quote the Hon. DoLGE Minister from item 7, the application from DoLGE to receive money for Treasury to go to tender for their engineered landfill site at last week's sitting of Tynwald, at which Mrs Crowe, when challenged, said the scheme is exactly the same scheme as it was presented to Tynwald members at her presentation.

This clearly can be shown to be misleading, as the scheme has materially changed since that presentation and I used this as an example only last week of a Minister in Tynwald.

I hope that as a result of the scrutiny we will see an end of any Member, or Minister in particular, giving misleading answers or misleading quotes in this Hon. House or in another place.

Mr Speaker, there have been a few occasions when these grey areas have been fully scrutinised by a Commission, so this is a unique situation.

I believe that Mr Bell, when he gave his answers to the House, he gave it because he thought it was in the best interests of his Department, so as not to jeopardise the Mount Murray development. He has constantly told us at various junctures that this was a key development for the industry at the time.

I believe his actions in this respect were the sort of action that would be acceptable in some business for some business people, but for most it would not, but for a member of Government it is certainly not acceptable.

How can we expect private business to be open and honest when Government is not? As a result of the procedure and protocol, there is a lot of red tape in Government, but this, in most areas, is because we must be seen to react in a totally fair manner, with transparency.

Having said that, I believe we all make mistakes and this was many years ago. There was no gain to the Member, therefore I would say to Hon. Members, because it is water under the bridge it should be treated as an isolated incident, but, if any further proven misdemeanours were revealed, it would merit a case of more serious action by this Hon. Court.

Members should bear in mind, in deciding what action to take as a result of this Committee's Report, and, I hope, Mr Speaker, we will all learn from the situation, that we show each other respect by giving as clear as possible answers with the information we are provided with.

I was disappointed to hear the contribution by the Hon. Chief Minister in relation to the absence of the Chairman of the Committee and I would like to say in relation to that, it was a problem we had at the start of the Committee, but we resolved it with the help of the Clerk and it did not prove a problem for the Committee. I fear the Hon. Chief Minister has sought to deflect the judgement of the Committee by discrediting it. (**Mr Henderson:** Hear, hear.)

Now the Chief Minister makes a very robust defence of Mr Bell today and says he would not draw the same conclusions from the evidence himself and that is his prerogative. (*Interjection by Mr Karran*) Yes, we can all make mistakes. The trouble is, there is a reluctance in some areas to accept they have been made. This has been a difficult and sensitive Committee to sit on and I take no delight in the conclusions.

Can I reiterate that the decision of the Committee was unanimous. As this situation is obviously sensitive to all involved, I would ask the House to act in a statesmanlike

manner in resolving the issue and the House agree with the Committee's report. Mr Speaker, I would like to reiterate the comments made by the Hon. Member for Rushen and I would further propose an amendment, that I would hope would draw a line under this unfortunate set of circumstances. My amendment is, Mr Speaker, I hope it has been circulated, that after the words 'approved', the following be added:

"and the House resolves in respect of the contempt found to have occurred that the Hon Member for Ramsey, Mr A R Bell, receive a censure."

This is in concurrence with the Hon. Member for Rushen, Mr Gill, who alluded to it in his presentation. Mr Speaker, I hope this amendment will be seconded and we will then be able to learn the lessons and move on from where we are at present.

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

Mr Quayle: Thank you, Mr Speaker. I rise to second the amendment in the name of the Hon. Member for Glenfaba, Mr Anderson.

Having heard at length and deliberated all the information that we have heard and seen, I, too, feel that it is timely to somehow draw a line under the whole situation and the amendment, as put forward, I think would hope to rectify the situation.

I, too, am very sad about the demolition job that was attempted by the Chief Minister on this prestigious Standing Committee and I think it is regrettable that the integrity of the Members has been called into account. I recognise that, out of the three Members – I realise Mr Speaker voluntarily stepped aside, knowing that he was to be recalled by the Commission of Inquiry – Members are aware that there is a Member of great experience on that Committee, in the name of the Hon. Member for Michael, Mr Cannan, who has served for many years.

Obviously there were two Members elected at the last general election in 2001 and I would have thought that Members would have accepted that the three would have acted independently and try to discharge their duties in the fairest way that they were achieving to do that. I have difficulty with a lot of the information, that is so often contradictory, and yet this Committee has looked at the evidence in the greatest of detail.

Just looking at the appendices on page 22, when asked who was in Minneapolis, Mr Toohey says Mr Spence was down there as well, and he was saying that we could see how great these houses were and so on. On page 47, Mr Bell, 'I did not see Spence over there.' So that was referring to the same visit and we have two contradictory statements in relation to that.

So I think we, as Members of this Hon. House, are having to look at different interpretations. Perhaps memories have faded, understandably over the years, things are not as clear as what we might like. However, this Committee has looked very thoroughly at the situation. It has concluded with the Commission of Inquiry, it has found that there was nothing to disturb the findings that the Hon. Member for Ramsey knowingly misled and that the evidence they looked at and heard, strengthened the Commission of Inquiry's findings.

I have to say that, in my short time in the House of Keys,

I have respected Mr Bell and his contribution as Treasury Minister and I feel that he has done everything in the best interests of the Isle of Man in giving such a contribution. So I am sad, in a way, that we in the House of Keys here, are at this particular stage, but, as new members, we were not, obviously, involved all those years ago, but we are having to deal with the aftermath of a situation which, sadly, had not been dealt with all those years ago. If it had been, then perhaps we would not have got to this particular stage.

So, Mr Bell's commitment to the Isle of Man is not in any doubt. I think he is doing an excellent job as Treasury Minister and I am sure we would sympathise with him in the fact that his efforts at Treasury will certainly have been more difficult than anybody can imagine by this particular matter of Mount Murray coming up over the last year or two and, I suppose I would conclude, Mr Speaker, by saying that perhaps Mr Bell, in attempting to give us a clear a picture, as he would wish to make, that I am not in some way doubting that he is putting forward the situation as he believes it, but I think the weight of evidence that the Commission have been looking at and this Committee, would appear to suggest that they obviously are not able to concur with his version of events, and I think, in this respect, the contribution from the Hon. Member for Rushen, Mr Gill, has been very helpful, in a lot of the information that he brought to the House.

So with that, Mr Speaker, I would like to second the amendment.

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

Mrs Craine: Thank you, Mr Speaker.

When we entered this House, we all bring experience from a variety of backgrounds. From my own, I bring a knowledge that no recommendation can be made, unless we have evidence that the case against Mr Bell is proved beyond a reasonable doubt and I think that it is crucial for this House to make that realisation.

That does not presume to allow for unsubstantiated opinion or feelings or comment on Manx Radio. Mr Bell has admitted that he did inadvertently mislead, but he has stated categorically that he did not knowingly mislead and no proof otherwise, unless it is justified by the evidence before us, can overturn his acknowledgement of that fact.

Unless the evidence can be wholly substantiated, which it cannot, then it is my belief that this Report should be received and this matter confined to the annals as an unfortunate episode in history.

Mr Quayle has just referred to the weight of evidence. I would say that, no matter what you understand to be as a weight of evidence, or your opinion about that matter of evidence, unless it is categorically proven, then it is for us to decide what we believe and what is before us as fact and I am afraid, Mr Speaker, that I cannot, on that understanding, support this Report.

The Speaker: Hon. Member for Douglas East, Mr Braidwood.

Mr Braidwood: Thank you, Mr Speaker. My contribution will be quite short.

I would like to concur with a lot of the sentiments expressed by the Hon. Member for Ramsey, Mrs Craine, but I would also like to mention Mr Quine's contribution,

the Hon. Member for Ayre, when he said 'To go against the conclusions by the Mount Murray Commission and the Standards Committee would be a perverse decision.'

Mr Speaker, I will arrive at my own conclusion and, if it is perverse, it will be perverse. I have looked through all the evidence. I am not going to go over old ground. It has already been mentioned. It is 12 years old already, but I would just like to mention one thing which has not been brought up and that was in the responses to criticism in the draft Part One Report by Mr Bell, and there it says,

The simple fact is that I believed that the development was a resort village concept, as described in the Notes of Presentation, whereby the properties were individually owned and the bed spaces therein were leased back to the Hotel Management Company for additional tourist use, but the property owners did not have a right of permanent residence. That way, if the properties were not rented for some periods, the loss fell on the owner and not on the Hotel Management Company. This is not uncommon, for example in relation to apartments at ski resorts. I never believed that the properties would be used as permanent residences, as is clearly demonstrated by my comments at a meeting of the Isle of Man Tourist Board on 4th August 1992. Now this is three months after the answer to the question on 7th April, when I confirmed that the Department of Tourism would object to any application for change of use regarding the accommodation units at the development, to prevent permanent accommodation. This minute amounts to clear and cogent evidence of my belief in relation to the development at all relevant times and there is no good reason why the Commission should not accept it.

So, when I look at this Report – the Management and Members' Standards Committee – and the Commission's finding that Mr Bell knowingly misled the House on 7th April, they can see no evidence which would justify disturbing that conclusion, but, from what I have heard and what Mr Bell has already said in Tynwald Court and in this House today, I honestly believe that he did not know he was knowingly misleading this House.

It was only with the information which had been supplied to Mr Bell by Mr Mitchell and, as we all know, Mr Mitchell went because of the misleading evidence and material he used to supply to the Minister. So I will be voting against this Report and amendments as well, Mr Speaker.

The Speaker: Hon. Member for Malew and Santon, Capt. Douglas.

Capt. Douglas: Thank you, Mr Speaker.

As a Manxman born and bred, and by inclination, sir, I feel that I am very sad that we find ourselves here today discussing this matter.

We have heard many adjectives used in describing the wrongdoings at Mount Murray and we have even learned of some new definitions for the word 'corruption.' Hundred upon hundreds of thousands of pounds have been expended on Reports. Many thousands of pounds, the total which we perhaps will never, never know, has been spent by untold numbers of civil servants providing information and searching through files.

Do we yet know the full story? I am not sure that we do. The people who are clearly affected as a result of maladministration, hidden agendas and personal programmes, have to be the residents within the Mount Murray complex. Some mention of them has already been made today and I will not repeat that, sir.

The central core of the Government's policy is quality of life. What quality and what life have the residents had to

date? Putting another word into the equation I believe might help. That word, may I suggest, should be 'blame'.

In *Collins Dictionary*, the 21st century edition, smackeroo up to date, the definition of 'blame' reads as,

Responsibility for something that is wrong; culpability, an expression of condemnation, to find fault with.

In all the fine words written and laid before this Hon. House, blame is suggested, hinted at, and perhaps indirectly aimed at the system and individuals, but the reality is that only one person has received the full force of the definition of the word blame, the Hon. Member for Ramsey, Mr Bell.

In my experience of life, you sometimes have to look people straight in the eye. It is not a case of the first one to blink loses, but it is very much in my experience that a long, hard look can give you a feeling about the soul of a person. I believe that Mr Bell is a sincere and extremely honest person. However, Mr Speaker, we have before us a situation whereby we are dealing with a Report presented by three Hon. Members of Keys. These gentlemen, I have no doubt, went about their task with great vigour and a determination to produce an accurate Report. This I have no doubt they did.

My concern is that there seems to have been no real attempt to discover why Mr Bell behaved in the manner he did, eventually leading to the conclusion stated by the Commission. In many walks of life there are safeguards to ensure that decisions are balanced, criteria are clearly set out and adhered to and staff are managed. In the case of Mount Murray, it would not be unfair to state that the Hon. Mr Bell was ill-served by certain civil servants and Departments of Government.

The simple safeguards I have just mentioned were clearly not met. Mr Bell, like all the other Members of Keys, swears allegiance to this House on appointment. In his case, I think on a number of occasions he has done that.

I therefore find it difficult to believe that this is not to the forefront of the behaviour and in the minds of every single Member of the House of Keys. So a picture emerges of a man who is largely unsupported, except by those who are not here to answer for their actions. Nor have these people even been questioned by either Professor Crow, the Commission, or, indeed, by any Member of Tynwald. A situation hardly conducive to proving innocence.

History is full of lessons. I hope that lessons have been learned from this episode, Mr Speaker. I certainly believe that, if Mr Bell was put in a similar situation again, a different result would occur. We certainly have had a picture painted for us of a man standing alone, answering from memory and, as I have said already, with flawed guidance, by people who are already not up to the job and, indeed, were acting perhaps with a vested interest.

This situation is very akin to the oral examinations I faced as a young ship's officer. You were very much on your own and stood or fell on your memory. Some did not pass these exams the first time of asking. Mr Speaker, I say that Mr Bell has been and is a valuable member of this Government. His service has been aimed in one direction and one direction only, to do his best for Ellan Vannin.

I urge my fellow Members to think carefully about this Report and its consequences. In conclusion, sir, may I have the privilege of commenting on one of the lessons of life I have learned. In the pre-war days there was a Master in the Steam Packet Company who had the misfortune of leaving

Liverpool, Brunswick Lock, to sink a barge just off the entrance. The Captain was hauled before the Board of Directors and asked to explain. After his explanation, he was asked to leave the boardroom whilst the board members made their decision. After 30 minutes he was asked to return and informed that his services were no longer required. They did give him, however, the privilege – the chance, if you like – of commenting on their decision and the Captain replied thus, ‘Thank you gentlemen, you have just taken 30 minutes to make your mind up. I had less than 30 seconds.’ He was not sacked.

The case proves in this situation. I do not think so. It was good to hear Mr Bell apologise five times in his speech, but I cannot bring myself to support approval of this Report. Thank you.

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

Mrs Hannan: Thank you, Vainstyr Loayreyder.

I make comment on some of the things which have been discussed before, during this debate and over the past few weeks and months, but this inquiry was set up initially to look at corruption, and I do not think it has been spelt out to us in any debate since what that corruption was supposed to have been, although the Commission of Inquiry seek to justify that term ‘corruption’ in the way that they saw it.

However, they might have a big report, they might have a long report, but they do not come up with anything except that there were problems along the way. That certain issues were understood by certain people and the issues understood by other people were not as they understood, but we only have to look at the comments made by Professor Crow, when he looked at this particular issue, and he said, nine years after the event, and, I think we must remember that the Commission had this Report – they were the first people to see this Report in any detail, because this is Appendix 5. . . Nine years after the event, nobody’s memory can be regarded as wholly reliable, especially when evidence is sought as to something that may not have happened.

As a general point, I am conscious, however, that in inquiries such as this, it is all too easy to find that memories point to a potential scapegoat for what has manifestly gone wrong, when, in reality, the blame, such as it is, may better deserve to be shared. Moreover, while criminal culpability, however late in its discovery, should not be ignored, to apportion blame of a lesser order after many years have passed, is, in my opinion, an invidious exercise.

Nevertheless, I have attempted to find facts, wherever necessary, in order to fulfill the remit of the Inquiry and it goes on to consider some of the issues then that are discussed in these other Reports, and it is quite easy to see that it is not just one person who was involved in this particular issue. There were many issues, as the Member for Malew and Santon has said, and other Members, too, have spoken about Mr Mitchell.

We also have flawed memories, with somebody remembering that Mr Spence was at something. This is now 12 years after the event that Mr Spence was there, Mr Spence was not there. We go back to the flawed memory. What we do have is the question on how Mr Bell answered the Question in the Keys. I would like also to ask, what did Alan Bell gain from giving an incorrect, a knowingly incorrect answer to the House of Keys? What did he gain from that. This was something which was in public

documents for anyone to see. It was the Planning Committee, after all, that had made the decision.

How, if that was the case, how was he going to hide it by answering a Question, knowingly incorrect, to the House of Keys?

And as one of the Members has said, I cannot remember who it was now, that it was confirmed at the – I think, the Member for Malew and Santon – that it was confirmed at the Consultative Meeting in August 1992. The Minister confirmed that the Department would object to any change of use regarding the accommodation units at the development, to prevent permanent accommodation.

Now this is the word that we have to remember, ‘permanent accommodation’. This is actually minuted. It was accepted as Board policy in August 1992 and that was in a response to one of the members of the Consultative Committee. The Tourism Minister at that particular time thought that it was tourist development.

The Planning Committee, if we look at the evidence, thought that it was tourist accommodation. Mr McGee, the Secretary to the Planning Committee, thought that it was tourist. The developers also thought that it was tourist development until 1996-97, and were marketing as such until that time, when it was clarified within the planning area that it could be used now for permanent, and it would seem that they are using what was decided in 1991-92 to make that decision and so then it was open to the developers then to allow development for permanent, residential accommodation.

We have been asked this morning, Vainstyr Loayreyder, to receive the Report and approve the recommendations and to add to that an amendment, moved by the member for Ayre, and also an amendment moved by the member for Glenfaba.

When Mr Gill was speaking during this debate, he suggested that, instead of going for the exclusion of Mr Bell for two weeks from the business of the House, that we should, in actual fact, censure Mr Bell.

I would suggest that, if we are censuring Mr Bell, we have to accept the Report that is before us. We have to receive the Report, so we have to acknowledge that the Report is actually correct and I have great difficulty with the recommendation that has been made to us, or the conclusion of the Committee, and I accept that the Committee has had a very difficult job to do.

It is looking at one of its own, but we have been asked to accept that Mr Bell is guilty of charges beyond any reasonable doubt. I do not think anyone in this Hon. Court, even if they think that this Report is correct, can reach any conclusion beyond any reasonable doubt, in the way that the issues have been discussed by Members just here today.

Beyond any reasonable doubt. There has to be something substantial there and that has not been explained to us. As Mr Crow said, there are many people in relation to this particular issue and, as I have said, everyone until 1997. . . I am saying everyone, but all the people affected, the developer, the secretary of the Planning Committee, the Planning Committee, Allan Bell and the Department of Tourism, concluded that this was a tourist development.

So, when we are being asked to censure someone, it should be as this Report says, even if it is only a censure and even if it is recognising that it is 12 years down the line, we should be sure what the censorship is about. I do believe that the credibility of the House of Keys is at stake

today and I do believe that we should not censure anyone unless we have the House of Keys, generally, without any reasonable doubt whatsoever.

We should censure no-one. And I believe that we would be taking the House of Keys into disrepute if we censured someone on the information that we have in front of us. We have three quite sizeable Reports before us, notwithstanding the committee's Report that we have before us. Should we find someone guilty when they are not, just for the credibility of the House of Keys? Should we find somebody guilty beyond any reasonable doubt, just to satisfy our credibility? Because, what is being suggested is, that we have no credibility, should we turn down a Report made by a Commission of Inquiry and a Committee of the House and it is something that I have thought long and hard about. We have Professor Crow in his Report and then we have the Macleod Commission, three members, who are suggesting that this is beyond reasonable doubt. We also have the three members of the Committee suggesting that this is beyond any reasonable doubt.

This does weigh a heavy responsibility on the House, but I come back to the situation of setting up of this Commission of Inquiry, which was brought forward because suggestions were made, and not about brown paper packages flying around, it was about Government and it was about parliament and it has come down to parliament, come down to the House of Keys.

But it was set up because it was suggested that there were huge problems within Government and within the House of Keys and, yes, I think by the comments and the issues that have been raised by the Commission, by the Committee, by Professor Crow, there have been problems, but I think if you look in any Department of Government, and I am not talking just about the Isle of Man Government, I am talking about other governments; they also have problems, they also have issues to deal with and sometimes it is not as clear-cut as some Members are seriously suggesting.

I do not think it did us or the Committee any favours by producing documents relating to Teresa Gorman, to Mr Vaz and to Mr Profumo. I do not see that this Report has been put together on any of the grounds that were discussed within those sort of situations and I think it does the Members of this House a disservice for actually connecting what this Committee is looking at and the issues that were brought forward in this document.

I think the weight on Members today, because of this Report, because of what is said in this Report, is extremely serious, because I do not believe that we can act beyond any reasonable doubt on this particular issue. We have heard the Minister for Treasury, Mr Bell, who is named in this document, we have heard him say, 'Yes, with hindsight' the answer that he gave at that time was incorrect and could have misled the House. But if other people did not know the situation, and I have been through the people, and these are just a number of people along the way, then the Question was answered in relation to the Department of Tourism.

The other issue, I think, that if people did feel that this was the case, it is strange that the issue was not raised again later in the House. We know that certain issues are raised on a regular basis and this was not raised on a regular basis. Mr Delaney has explained that his health was not so good, but that is not just the responsibility of Mr Delaney. It could be the responsibility of any of us, if we were not happy

with that particular response. There were other people who could have been asked that Question, including the Minister for Local Government and the Environment of that time. So it is not as clear-cut, I think, as has been made out by this Committee's report and I say again, Vainstyr Loayreyder, that I think it was a difficult Report to consider.

I know there has been criticism of the comments made by the Chief Minister, but it does seem strange when two Members are proposed to chair a Committee and there is not agreement within a three-person committee, that one of those people could not be in the chair, and I do think that there needs to be direction and that is surely what the chair is there to do. The chair is there to direct and it would only have been a temporary chair to look at this particular issue, because, as we know, the Speaker is the Chair of the Management and Members' Standards Committee, but, on this particular issue, he did withdraw from sitting on this Committee.

So I would hope that Members will reject the Report and I hope, also, that Members will reject the amendments that have been placed by two Hon. Members before this House, because the issue is not, as I believe it has been presented to us in this Report.

I go back to the Commission of Inquiry, where, on page 163 and 164, this particular issue is considered, but they sought to ignore it in relation to the situation that developed at Mount Murray, where these properties ceased to be tourist and they became, at that stage, permanent residential properties. And I think we have to look back to the time that this particular proposal was put, not only the Department of Tourism, but also the Department of Local Government and the Environment.

The Department of Local Government and the Environment considered it, and I think the comments made by Allan Bell, at that particular time, were that this was a different aspect in relation to planning that we had not experienced before, where timeshare was brought into the equation, that different people would own these properties and, on the other issue, I think it was the Chief Minister who posed the question about planning conditions today.

Do people come along and get planning for tourist accommodation and do they let them out for part of the year as residential? I know of tourist accommodation in my area that has been used in that way. So they have been residential for certain times. They have not been purely tourist 12 months of the year and I think, maybe, the Department of Tourism and the planning committee should look at, but I know that Government have accepted that they will move forward, as proposed by the Department of Local Government and the Environment, with regard to their planning regulations, but if we are going to say today that, in 1991-92, that the House was misled, when people did not know this situation until 1996-97, then I think we would be wrong and our credibility would certainly be very questionable.

Thank you, Vainstyr Loayreyder.

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

Mr Karran: Vainstyr Loayreyder, I think that today's debate has highlighted the concerns that I had about this proposal, as far as this Committee is concerned today.

What this debate has done today has proven one thing, that obviously it should never have been left to the Members

of the Hon. House by the sounds of things, that have been in the input of today's debate.

I think it is bad when Members try and put a different spin on issues like 'they could not pick a chairman' and my good friend from Peel and the Ard-shirveishagh doing the dumb blonde routine, as far as why there was not a chairman picked for that committee. We all understand why there is not. We all been in here long enough to see the shenanigans in this Hon. House. (*Interjection by Mr Corkill*) We are waiting to see transparency, Chief Minister, from you.

As I say, what concerns me today is – admittedly, the Hon. Member for Peel did clarify and change from what she initially said about the issue, about the corruption charges that were given in the initial debate, that people keep on rolling out – and what I would just say to the Hon. Member and this Hon. House is the issue of Privy Council, the highest court in the land, the one that half the Commonwealth recognises to be the authority, as far as the law, clarified what I said.

But what we are having today, is we have people who think that they know better than the Privy Council. That is very, very dangerous, Vainstyr Loayreyder, very dangerous. That is the sort of arrogance and disregard for the law that you would expect from the continent of Africa, because that is the sort of thing you would expect from any of these dictators – they do not mind the law, but it should not apply to them and when it does apply to them, 'we will ignore it, we will distort it, we will not recognise it, we will make all the excuses that we can.'

Today this is not about Allan Bell, this is about this House and the dignity of this House. I have to say that the Hon. Member for Peel must remember that. She said about the dignity of this House. The dignity will be in this House if we see a situation where the people outside this House cannot see a transparent, well-thought out argument for not supporting its Committee. A Committee which I was totally opposed to setting up in the first place, because I know who was first there and I know the debate would be very different if it was the Hon. Member for Onchan being in the dock, instead of one of the Members of the Council of Ministers, with its protection.

Mr Corkill: I am not on the Committee.

Mr Karran: And the point is, Hon. Members, the dignity and respect of this House is at stake and the people outside here will want to see why the Members will go against such eminent people who have no vested interest.

I would be surprised if two of them ever knew where the Isle of Man was out of the Commission of Inquiry. What is this vendetta? Is it the vendetta that they do not want the truth in this Hon. House? I hope today that Members will forget their friendships, their alliances, the fact of who helped who at an election, who sits next to me in the Council of Ministers, who is my mate, and do what is right by the people of the Isle of Man.

And today it is not the Hon. Member for Ramsey that is in the dock, it is each and every one of us, whether we are big enough, big enough to do without fear or favour what needs to be done, because if we start thinking that we can ignore Privy Councils and independent courts of inquiry, then the issue is not about any one of us, it is about the principle of democracy in this Island.

It is about something which I have been concerned about

in the last two years and that is the fact that we have a law that applies to everybody without fear or favour. I do not want the times when I was a young child, where there were people who were above the law and could do what they wanted. I do not want that back. That is why I stood, Vainstyr Loayreyder, when you stood first time with me in 1981 and nearly got lynched over birching, because the fact was it was not the Human Rights issue that was the main issue with me, to be perfectly honest with you. It was the issue that the law, as far as birching, was administered the same for my son, if I had one, and the man in the street's son, if he had one, and that is something which I thought for many years we were resolving, but we were going to have an inclusive society and not an exclusive one.

I do hope the Hon. Member for Peel with all . . . We have all got friends in this House, and I know I might have fewer, but I do want to do what is right and I do hope the Hon. Member just considers the fact that just to disregard the likes of the independent Commission, the Privy Council's rulings, as far as other issues are concerned, and to throw it out just shows how dangerously far this Island has gone, as far as its democracy is concerned.

Mr Bell: A point of order, Mr Speaker, just for clarification.

The Speaker: Mr Bell.

Mr Bell: The Council did not make any mention of my involvement in this or Mr Delaney's question. So I think the Hon. Member is straying from the facts.

The Speaker: Hon. Member for Onchan.

Mr Karran: Vainstyr Loayreyder, we were talking about the issue that has been raised a couple of times about corruption, as far as why the Mount Murray was set up. That is what we were talking about.

The Speaker: I think the point has been made.

Mr Karran: Now we come to the Chief Minister. I have to say that I think his input today –

The Speaker: Hon. Member, could I ask you please not to put your back to the chair. I have asked you previously about that. With respect, Standing Orders are clear. Speak through the chair, sir.

Mr Karran: Vainstyr Loayreyder, as far as the Chief Minister is concerned, I think his input was disgraceful today, in my opinion. I think it was terrible. I think to try and intimidate the Member for North Douglas trying to raise the issues of planning. This is not about planning issues today. (**A Member:** Hear, hear.)

A Member: Of course it is.

Mr Karran: It is not about planning issues today, and the way we saw in another place about, 'Oh, we should get rid of elected chairmen of boards,' were mentioned the other day. We do not want that. What we want is to be able to look the people outside this Hon. Court in the eye and say, 'We have done what is right for the right reasons. Not for

friendship, not for anything else, but for the right reasons.'

And that is what we want to be able to say today and I do find it rather offensive, when I hear from the input from the Ard-shirveishagh about this destabilising agenda that people have as far as this Island is concerned. I would say his inaction over this affair is what has destabilised more about this affair than anything else.

And may I also say, if I was somebody who was more interested in promotion, and others in this Hon. House, then I know how to do it, Vainstyr Loayreyder. I am not interested in promotion. What I am interested in is good governance and I think that is where this whole affair has come about for three things, three simple principles, transparency when taxpayers' money is involved, transparency when people in this Hon. House make decisions and the transparency of why they made the decision afterwards, and the third thing is that the laws are saying, rich or poor in this community, if friend or foe of the Council of Ministers, and that is what you have got to remember today, I believe, in this Hon. House.

So the issue today is not about the personalities and who are friends with whom. I have stood shoulder to shoulder with the Hon. Member for Ramsey on a number of unpleasant and hard decisions that needed to be made and I want that to be realised today. It is not about personalities. It is about the integrity and credibility of the House of Keys as a democratic parliament. Parliamentary accountability includes the duty not to knowingly mislead parliament.

There has been a unanimous finding of contempt by the Management and Members' Standards Committee in the detailed and thorough Report. It is now up to us to decide how best we restore the integrity and credibility of this Hon. House. These circumstances of this case are very serious indeed, and, yes, they are unprecedented and, remember, this Hon. Member did not actually want this Committee in the first place, because I saw it as being used against the freedom of this House.

The relevant findings are beyond any reasonable doubt, according to both an independent Commission of Inquiry and the Management and Members' Standards Committee of this House and, Vainstyr Loayreyder, if a factual reply had been given in April 1992 to the Question about permanent residential accommodation, perhaps we would not even have needed three inquiries to address this issue.

I have to say that the compromise of the Hon. Member for Ayre is the right one, in my opinion. I would have gone further, especially when the executive have not done what was responsible, because this is such a serious and unprecedented case, as far as I am concerned, in the years that I have been in this House, that the integrity and credibility of the House of Keys demands no less.

I would just like to say and I am glad to see that other people are getting a little bit of the misinformation and abuse that I have come to expect from some in the House that are standing up, that I would like to thank the three Members of the Committee, the Management and Members' Standards Committee, for undertaking such a difficult task with urgency, fairness and transparency, and I think that they want to reflect on that, when we have the barrage that some of us have to put up with.

I hope this House will support the Hon. Member for Ayre. I think that is the only way you are going to have any credibility of looking at your constituents outside. I do not want a witch hunt. I would be standing side by side with

the Hon. Member for Ramsey, but, at the end of the day, the fact is, you have got these bodies who have told you what the case is. We can act as if we are in the continent of Africa, or we can act like a responsible, democratic forum, and that is what we have got to decide, what we are going to do. Are we going to have the old boys' network, or are we going to say, 'We have got no choice', without fear or favour, we have got no choice, that is the choice?

I hope Hon. Members, you will not allow the personalities . . . It has got to be the dignity and integrity of the House of Keys. You cannot expect, that if you find a body doing what it has found, to then ignore it. . . What point of law for the man out in the street, if we can disregard basic laws of knowingly misleading this Hon. House.

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

Mrs Cannell: Mr Speaker, I recall the Management and Members' Standards Committee, the debate on the new formulation of that, the new name, the extended remit, the more powerful role that the Committee was established to undertake.

And I recall at the time having grave reservations about such a Committee and, in fact, speaking against it. I revisited Hansard in respect of the debate on that day and very mindful that, if were not careful, all sorts of very minor and peripheral, petty issues could be referred to the Committee, which could bring in all sorts of opportunities for political kangaroo courts.

Being very mindful of the role, the remit and the very important task which was referred to this Committee, I have taken it upon myself to watch very closely, impartially, and to monitor the way in which this Committee has proceeded, how it has been perceived.

I have to put on record, Mr Speaker, my sincere gratitude for the way in which this Committee has proceeded and I say that, because with such a powerful Standing Committee of the House, any one of us in this place could at some time in the future be referred to it. I was very keen to watch and monitor that everything was conducted in a very open, transparent, fair way and I have to say that it was so conducted.

Mr Speaker, I am probably the only member of the Hon. House of Keys to have sat in and listened to all evidence from witnesses called by this Committee, from start to finish. Other Members, when they could, when time permitted, popped in for certain aspects of the cross-examination that was undertaken, but I covered every one, because I felt it very important to be there to hear for myself and not rely on what others might say during the political debate – and not just purely rely on written word.

So I want to put down on record, Mr Speaker, my sincere gratitude to the Committee and, more importantly, its Clerk, our own Clerk here, for steering the Committee for, apparently, from all of the evidence in the annexes I have seen, for keeping the Committee on the steady, straight, clean road. For fending off some of the political arguments and legal arguments coming from the legal representative of the Member for Ramsey, and for rebutting and addressing the concerns raised therein, but for doing it in the most appropriate and fair-handed manner and my praise and gratitude go to the Clerk.

Let us not forget, Hon. Members, we are not just talking

about three Members of this House of Keys that have had this unenviable task, but they have been very ably assisted by a very eminent Clerk, who we are lucky to have, who is highly qualified as a lawyer. Let us not forget that.

He, I know, for one, being impartial as he is to us all, from time to time, when he has to advise us all from time to time, he would have to, and did, in my view, keep the Committee on the straight and narrow.

So any aspersion as to the procedures, the way in which they conducted and performed the hearings, and everything else, is unforgiveable and I apologise on behalf of certain Members who have criticised the integrity of our own standing Committee and its Clerk here today.

Mrs Hannan: You cannot apologise.

Mrs Cannell: Mr Speaker, I apologise on behalf of the criticism. (*Interjection by Mr Henderson*)

Mrs Hannan: You cannot apologise. You are not apologising for me.

Mrs Cannell: By inference, criticism, although not specifically mentioned, does cast aspersions on our adviser, the adviser to our Standing Committee, and I want to make it absolutely clear that I believe that he has conducted himself in the most appropriate, fair and impartial manner –

Mr Rimington: Oh, God.

Mrs Cannell: - and has not strayed away from his task.

Mr Rimington: Nobody is casting any aspersions.

Mrs Cannell: Oh, I am pleased to hear that, Mr Cretney. (*Laughter*)

A Member: Mr Rimington!

The Speaker: Mr Rimington.

Mrs Cannell: Well, Mr Rimington. I beg your pardon, Mr Cretney, Mr Speaker.

We have had the Crow Report. We have had the Commission of Inquiry into Mount Murray. We have had the Members' Standing Committee, conducting their business all through the summer recess and I doubt very much whether they have even had a weekend break, let alone a week, and we have today's debate and it is all accumulating into quite a nasty boil in some respects, because, of course, the Commission of Inquiry have only reported Part One and they will continue with a Part Two, and thereby it is not going to go away.

Although some would like to see it go away quickly, I am afraid it is not, it is going to live with us for some considerable time, but it is my view, Mr Speaker, that if the Hon. Member for Ramsey, Mr Bell, had told the truth when the Question was put in another place all those years ago, we would not have needed the Crow Report. We would not have needed the Mount Murray inquiry, the Commission of Inquiry. We would not have had the Standards Committee constituted and considering and we would not be here today debating it. That is what it comes down to.

Now, the Hon. Member himself has questioned the fact that the Commission find that he knowingly misled.

I have to say, the evidence is in abundance that the Hon. Member knowingly misled, whether it was with, or without intention . . . of course, he said 'I did not intentionally do it.'

Well, fine. We can all say we did not with intent. I am sure most of us are here because we are here for the good of the people, and the people we represent, and to do well by them, but, if that was the case, why did not the Hon. Member, as soon as he knew that there were problems occurring there, make a statement to the House or to Tynwald and explain the situation.

Mr Speaker, I recall you doing something very similar not so very long ago when you believed that you were given inaccurate information in respect of an answer, which you had to give on behalf of an organisation. Why wasn't that done. That would have taken the whole sting out of the whole affair. Why wasn't that done? Why wasn't the opportunity taken up? Equally, when the Commission began to take evidence, why, on three occasions, when they offered to the Hon. Member a chance to further argue?

Knowing that they were quite heavy with their criticism for him, they contacted him and they were in communication on numerous occasions, knowing that he would be concerned. Any one of us would be concerned to have a high ranking Commission of Inquiry come out with such firm findings against us. When it came to the third opportunity, and I refer to a letter that is in the annexes of the Report today, from the Commission of Inquiry dated 30th June 2003, to the Hon. Member, and they are talking about the criticism they make, the written representation made by the Hon. Member in respect of the criticism, and this was toing and froing for some time, but, nevertheless, this was the last letter and in this last letter of the Commission to the Hon. Member, they did give him until 4 o'clock on Friday, 1st August 2003, to make further submission and representation in respect of their findings, before the Report was published.

That, on that occasion was rebutted. So we had the opportunity of making a statement when things were appreciated, were not quite panning out as they had originally or initially expected. That did not happen. We had an opportunity, where there were three opportunities to get back to the Commission before they published. That was not undertaken and, if their findings were so perverse and irrational, why did not the Hon. Member go for a petition of dolence against those findings, which was open to him until the last day of September, 1st day of October this year, and, bearing in mind that, in another place, a vote was supported for the financing of the Inquiry, the expenses, the legal costs, so, therefore, in my view, unless I am advised otherwise, I understand that all the legal technicalities in respect of Hon. Members giving evidence, the Commission being challenged, the Privy Council affair and so on, is being covered currently by the public vote and the public moneys.

Now, if I am wrong, I apologise, if I am wrong, I apologise unreservedly. I apologise if I am wrong -

Mr Corkill: We know what you are after.

Mrs Cannell: - but I was given to understand from a Question that was asked in June, July, that was the case. So that was another opportunity.

I know, Mr Speaker, if it was me and I was so severely criticised and felt misjudged, misrepresented, misunderstood, I would have used every available opportunity to clear my name. Even at a cost of my own to take a petition of doleance, if I was being so fairly misjudged and misunderstood, but those opportunities were not . . . they were declined.

Now, Mr Speaker, we heard this morning, when the member of the Member's Management and Standards Committee moved, and it was seconded, and we have also heard from the third member of that Committee today, on the evidence that they sought, what they considered and, on the fresh evidence that they considered, they had fresh evidence before them that the Commission did not have.

The Hon. Chief Minister this morning, in his unprovoked attack against the Committee of this House, said, as far as he was aware, there was no fresh evidence, there was nothing new.

Well, I would put it to him, Mr Speaker, through you, that if that is the case, was the Chief Minister aware of this letter that came from Mr Toohey during evidence to the Standards Committee? Was he aware of that and, if he was, why did he not submit it to the Commission of Mount Murray, because he said there is nothing new, there is no new evidence, and yet it is quite clear, there is new evidence.

Mr Corkill: Same things.

Mrs Cannell: A letter was forthcoming. I was there when Mr Toohey presented this new evidence. I was there, Mr Speaker when the Hon. Member for Ramsey was asked about the new evidence and I was there to listen to the response.

The Hon. Member, Mr Bell, referred himself to the Members' Standards Committee, along with a quarter of the Members of this House. He referred himself and yet today, this morning, we had criticism of the Members' Standards Committee in the procedures adopted by them.

Well, I would put it to Hon. Members that the time to quibble over the procedure is at the beginning and the same thing happened with the Mount Murray Commission of Inquiry. The correspondence which I have copied in the annexes to Hon. Members, the same argument arose there, but it did not arise at the beginning and yet, at the very beginning, the Mount Murray Commission of Inquiry informed all witnesses to be called, what the procedures were. That they could call their own witnesses. They could cross-examine. They could have their own legal representative with them and there was a notice on the board at every public session to further remind people that was how the Commission were going to undertake their procedures.

The criticism of the procedures, and how they proceeded with that, came at the end, when the Hon. Member was clearly shocked when he discovered how hard hitting their findings were in respect of himself and that is when the quibble started about 'Well, you know, what about this? What about that?'

There was no question at the beginning. Everybody was advised at the beginning. Equally there was no question at the beginning of the Members' Standards Committee, who openly advertised that they were going to sit. What their remit was. Who they were going to call, when and at what time and the public were welcome.

If the Hon. Member, Mr Bell, and the Chief Minister were so concerned about how this Committee, our Committee, our standing Committee, were going to proceed, why didn't they submit and say? Why didn't they say 'We have concerns about how you are going to proceed with this – or look for reassurances if you thought that you needed them? Why criticise now when they have come out and they have reported?'

On Manx Radio, Mr Speaker, I am in transcript here as having done an interview and also the Hon. Member for Ramsey is, Mr Bell, and his transcript is recorded and it was played on 6th July 2003 and, of course, the very pertinent, very strong message there, and it is in our annexes, so I will refer to it, sir. It is on page 2 and Mr Bell is responding to a question from Roy Macmillan and I will just deal with the latter part, which is underlined for Hon. Members within their submission.

What I hope is that the Committee, this is the Standards Committee, will look at it again to try and identify exactly how Mr MacLeod feels I have misled the Keys. To look again at the evidence that has been put forward, to listen to the evidence that I have to counter that, and I hope will come ultimately to a fair conclusion, which will at least enable me to give a stronger defence, I suppose, of the position I have been put in.

Well, I would strongly suggest, Mr Speaker, that the Committee has come up with a fair conclusion. They have revisited evidence. They have taken fresh oral evidence. They have received very fresh written evidence. They have deliberated without influence and they have reported, but perhaps the fair conclusion is not what the Hon. Member was looking for.

Perhaps the Hon. Member was looking for a different conclusion and that is why we have the tenor of debate that we have had to date today. It struck me this morning when the Hon. Member, Mr Bell, asked a question. This was reaffirmed during the presentation that we were given to debate from the Member for Peel, Mrs Hannan, and the question was 'Why would I knowingly mislead on this aspect? What was there to gain? What would I have to gain from telling a lie, basically?' When I went home that bothered me. That bothered me and so I dug deeper into the research that I have done independently and I would suggest that the reason was that it would be immense political kudos, to be able to deliver the biggest, the largest single tourism development – it has been so described by the Hon. Member – that the Island had ever seen, £50 million was the word. It was going to be around £50 million worth investment at a time when tourism was on its knees. At a time when tourism needed an injection of enthusiasm, entrepreneurial, something exciting, something to stimulate the market, something to help save tourism and I think that was on the Hon. mind of the Member who asked the Question, who was a former MHK for Douglas East, because, of course, Douglas East, as Hon. Members will be aware, is predominantly made up of the tourism accommodation sector. In fact has the largest tourism accommodation sector in the Island.

So I suppose he was concerned that it was not going to impact unfavourably, perhaps initially on his constituency, which I am now proud to represent, but the other aspect, of course, is that there was a huge embarrassment that Members have not touched upon today during those times, a huge embarrassment for the Minister of the day, in that

there was a failure for the Novhotel project at the airport to get off the ground. That was a huge embarrassment – for any Minister it would have been.

Mr Bell: Not for me. It was for Tynwald.

Mrs Cannell: A huge embarrassment, because Tynwald rejected the necessary expenditure for that –

Mr Bell: On the vote of the Governor.

Mrs Cannell: - and so it was . . . well, nevertheless, it fell, it was a failure and a huge disappointment, I feel sure, for the Minister of the day, and I believe that the reason for doing it was that there had to be a success. There had to be something positive to follow the apparent failure. There had to be a success.

The whole thing was described this morning by the Chief Minister that the Minister of the day, the Minister, Mr Bell, was within flight with this. He was in flight. He wanted to deliver. We have heard all the way through evidence I have, because I have covered all the hearings, how important it was to tourism in the Isle of Man, and I would suggest that the reason the real truth was hidden at that time was because it would provide peace and quiet for the project to proceed. Because if the truth had been revealed, because the Hon. Member knew, and he said this morning 'It was always known there would be residential development, but it was for this use and it was for that use.' Well, members, set aside the use. Residential development is residential development.

Mr Bell: No, it is not.

Mrs Cannell: Whether it is used for a tourist, whether it is used for a tenant, whether it is used for an owner/occupier, whether it is used for a business person, a house is a house is a house, and the truth would have been to have said it is envisaged that there will be at least 10 per cent, because the Minister at the time knew that that was one of the conditions in the Notes of Presentation, further described in the Buyer's Guide.

There had to be a minimum of 10 per cent to make it viable for the developers. The Minister knew that when he answered the Question. I believe he chose not to reveal that, because that would have set the hares running against planning, and that people would have objected, because the area was recognised in national parliament terms, in Tynwald terms, as being designated for tourism and of high landscape value.

Now if people had been aware that even a small modicum of residential development was taking place, to a 10 per cent, 5 per cent whatever, they would have questioned that, because the designation was purely tourism use and high landscape value. Other such ventures for that site had failed previously when residential development came in.

Whether it was a villa, whether it was a hotel chalet, whatever, residential development was rejected. It was against the designation of the area and, on the one hand, tourism was taking a nose dive. We had a Minister who was wanting to bring renewed spirit into that. Wanting to regenerate tourism, and any one of us, tasked with the same, would have wanted to achieve the same, and he knew how important this investment was (**A Member:** Hear, hear.)

and he encouraged it and he facilitated it and he knew, and it is proven beyond all reasonable doubt by written evidence here . . . Mrs Hannan is shaking her head –

Mrs Hannan: It is not.

Mrs Cannell: - obviously, Mr Speaker, she has not read the Report in detail, as I –

Mrs Hannan: I *have* read the Report in detail . . .

Mrs Cannell: - and other Members have. He knew and, by the Minister's own volition this morning, Mr Speaker, during his contribution, he said and *Hansard* will bear me out today, he said 'It was always envisaged there would be a degree, but it was for this and it was for that and it was for the other.' (*Interjection by Mr Bell*) Now, if that is not an admission here today, which greatly differs from July -

Mr Bell: But it does not.

Mrs Cannell: - when we received total rejection, rebuttal and it is all untrue –

Mr Bell: But it does not.

Mrs Cannell: - we have had an admission here today that there was to be a degree of residential development, but it was this, it was that, it was the other. I picked that up and *Hansard* will bear me out. We have also heard a further admission today that the answer in hindsight was incorrect. It was incorrect, and we have also had today from the Hon. Member, 'Maybe I misled.'

What this Committee, your Committee, is saying, Mr Speaker, is 'Yes, you did mislead and for that we are a parliament, we are mature, we have to be mature in judging this –

Mrs Hannan: Yes, we do.

Mrs Cannell: - and we have to have found any Member who gets up and replies or misleads the House, is in contempt.

In this case, Mr Bell, you are in contempt. Mr Speaker, it is not palatable. I would hate to have a Report saying that Brenda Cannell is in contempt, Brenda Cannell has misled. I would feel absolutely devastated and I would fight tooth and nail to clear my name, but I would use every tool that was available to me. I would just not rely on my political friends and colleagues that I have built over the years to save me.

Mr Bell: I shall not.

Mrs Cannell: Mr Speaker, the submission was criticised that I put forward this morning and I was hoping not to speak on this today (**Mr Henderson:** Hear, hear.) (*Laughter*) I have not taken sides (**A Member:** No.) and Mr Karran was right before, I was (**A Member:** Impartial) rather bemused, that I felt that Mr Karran delivered quite a statesmanlike speech to us today. Something, perhaps, we are not accustomed to very often from this particular Member, but, today, he matured in my view today and I do hope that it continues and we all mature today.

Mr Corkill: I agree with some of what he says.

Mrs Cannell: He has certainly got a few more grey hairs after today's debate.

We are asked to face an unpalatable decision. We are asked to judge and make a decision of one of our own, and I suppose what makes it more difficult is that we have not had a position like this before. This is all new ground.

What we do know, though, is that we are older, more continuous in our practice of a parliament than anywhere else in the world and, as such, we are looked upon from others within the Commonwealth as an example of how democracy works. How it can work. How it can continue to work in the world global situation.

I believe we have to grow up today. We have to support our Members' Standards Committee. They do not have a hidden agenda. I feel very, very sorry for those three Members having to proceed as they have done –

Mr Bell: To listen to this.

Mrs Cannell: - under very difficult situation and circumstance, and having to report, but they have reported and they have given an honest and fair assessment of all things.

They have admitted, whether there should be a censure, whether there should be a penalty, what they have said is, it is up to us to decide and, whatever we decide, we should be mindful of maintaining the integrity of the House, the importance of the House.

I felt disinclined, as not being invited, to submit anything while this Committee was deliberating, but being mindful, as I said at the beginning of my speech, Mr Speaker, of the power of this Committee and how I would want to see it conduct everything in a fair and impartial and straight road, I felt it incumbent upon me, for fear of appearing before it one day myself, possibly, of ensuring that they had available all the possible research that I was able to get and so, yes, I did look at comparable situations within the Commonwealth and Westminster, and I forwarded that to the Committee.

But note, please, that the Committee's minutes included in here, where they reached their conclusion on page 2 of their Committee minutes on 29th September 2003, when they went into private after taking evidence, they said,

It was agreed accordingly that the evidence showed that there had been a contempt of the House

and that was on 6th October 2003. My letter and my submission was handed in to the Clerk to the Committee on 6th October 2003. I was very mindful, wanting to submit, but very mindful that I did not want to influence or give a perception of influencing anything that this Committee were deliberating upon and, in all fairness, the Committee, I suppose, could have just totally have brushed it to one side and rejected it.

But I think I had to square it off in view of the criticism the Chief Minister has made upon me this morning. There is nothing in there that has opinion, innuendo or anything personal in there at all.

Mr Corkill: No value at all.

Mrs Cannell: There was nothing personal in that

submission at all. It is all . . . it is fact, it is practice elsewhere, and, let me just highlight what practice elsewhere is, because, obviously, members have not gone into . . . I do not think they have read all of the annexes here, but the amendment moved by the Hon. Member, Mr Quine, which goes for an expulsion from the House for two weeks, does not say without pay. The common practice elsewhere is without pay.

Mrs Hannan: Of course it is.

Mrs Cannell: This does not say without pay, so, therefore, one can conclude it is with pay –

Mrs Hannan: No, no, of course it . . .

Mrs Cannell: - and also, other than a censure for very minor offences in parliamentary terms, when a contempt has been found or a contempt has been . . . for instance, Canada, they only have to be suspicious that there has been a misleading and a contempt. It does not have to be proven and they can issue a censure or a punishment or a disbarment from the House.

All manner of levels, but primarily most of the suspensions, by way of a penal punishment, are for much longer periods of time and they are usually a month to three months without pay. Arguably, two weeks is very lenient. Two weeks is very lenient and, further, a censure is even more lenient in my view, though I am not bothered whether Hon. Members support the censure or the two weeks suspension.

It does not matter to me, that is up to everybody in this Hon. place to decide what that should be, but, can I suggest, the failure to support your Standing Committee in their finding, which is the third report into this whole sorry situation. Further, to support that finding and then not to support a censure of a kind, will put this whole House into disarray and disrepute. The message out there in the arena with the public and off-Island, is (a) what is going on with all of this, and (b) why is Government trying to hide it?

That is the perception. I am not saying it is happening, that is the perception.

Mr Henderson: The perception is corrupt.

Mrs Cannell: And with the recent revelations that were made in Tynwald last week by the Minister of Home Affairs about the other business, it is not doing our reputation any good. (**Mr Houghton:** Hear, hear.)

Mrs Hannan: Neither are you!

Mrs Cannell: If we do not cut this situation now and move on and move forward, the better times . . . we are putting ourselves into further disarray. (**A Member:** Hear, hear.) There is no known parliament within the Commonwealth who are faced with this type of situation, with the proven findings, three lots of Reports in a Standards Committee recommendation, to then just cast it aside, throw it out because it is unpalatable, and it is unpalatable.

And you are going to have to be strong, and you are going to have to be brave, and it is going to make all of us feel uncomfortable for a short period of time, but that is what we are charged to do today. That is what we have

been asked to do and that is what we have to face.

It is not about that club, this club, the Council of Ministers, the APG, the backbenchers, the Member for Onchan, this is not about any of that. It would not matter to me which Member of this House was being put on the block here.

But whichever Member it was, Mr Speaker, I would want to make sure that the Committee sitting in judgement had all the available information at hand and were being fair and impartial. That was my prime objective.

I am not looking for a witch hunt. I have been involved as the witch, with the witch finder general hunting me in the past. I know what it feels like.

Mrs Hannan: Give out. Theresa Gawne.

Mrs Cannell: It is not nice. Politics is a dirty business, Mrs Hannan.

Mr Corkill: It does not need to be.

Mrs Cannell: I am not asking Members to be dirty today, I am asking them to be clean.

Mrs Hannan: Oh, no, you are not!

Mrs Cannell: Let us start with a clean sweep. Let us sort this issue out here and today.

Support your Standards Committee, because, one day, something even more serious could occur and be referred to this Members' Standards Committee and you may want to find that person guilty, or issue a penalty, but you will feel compromised because precedents have been set that you can get away with it.

That is the message for the backbenchers, Mr Speaker, is that I do not want to bring ministerial accountability into this, because that is not within our gift. We are here as parliamentarians. We are here elected as Members of the House of Keys, irrespective of our positions or posts *et cetera* within Government.

But, nevertheless, it appears, if we reject this out of hand without serious consideration for the ramifications of the integrity of this House, that it is one rule for those who have high office and it is quite another for those who do not.

Mr Karran: He was in the executive club.

Mrs Cannell: It will appear, and it has been suggested to me, Mr Speaker, by members of the public all throughout the summer, 'Well, a Minister can get away with murder, a Minister can tell lies, but if you do it, or if so-and-so does it, then you will be whipped.'

I do not want that impression going out about our parliament's situation. As far as I am concerned, Mr Speaker, we are all equal in here. Others have more important jobs, others are more at the sharp end than others, but we are all equal in here, and we are all equal in the eyes of God, Mr Speaker.

I would ask that a fair decision is made today, a fair and impartial decision. We will all get over it, and the Hon. Member will get over it in a very short time.

Mr Cretney: And they all live happily ever after.

Mrs Cannell: My confidence has not been rocked in the integrity of the Member for Ramsey, but it will be rocked in the integrity of this House if we do not take the right decision.

The Speaker: Hon. Member for Douglas –

Mr Bell: Mr Speaker, sorry . . .

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

Mr Bell: Point of order. The member has made great play about me not taking out a petition of dolence.

Could I just clarify it to the Members that I was advised to consider that, but the legal advice we had eventually, based on precedent in the United Kingdom, is that a petition of dolence cannot overturn a report of a Government parliamentary committee and that is why no further action was taken.

The Speaker: Hon. Member for Douglas West, Mr Shimmin.

Mr Shimmin: Thank you, Mr Speaker. We have gone through the gamut today, having started what seemed like days ago with two reasonable introductory speeches, the almost Churchillian comments of the Member for Michael, and (**Mr Delaney:** Almost.) his near colleague in Ayre, who came forward with the voice of reason about how this has been looked at, and there was a dignified set of speeches, followed by the last righteous indignation of the Member for East Douglas, who, Mr Speaker, I would be grateful if you reminded me never to get on the wrong side of her, because, if that is an impartial view and evaluation of something, I would hate to be on the wrong side of her.

We have had a situation where the history of this has been gone over for many months. As we come to the last speaker first – it sounds like I am summing up – but the Member for East Douglas basically alleges that, if Mr Bell had told the truth in 1992 . . . That is how impartial . . . she has made her mind up and it is all his fault. Fair do's, that is the position.

There was then the red herrings about, 'Did the Chief Minister know about some of these new submissions that were found in the Department?' And I think it was the Chief Minister, or somebody, pointed out that any of us who have personal files down in Departments that we have previously been in, they stay with the Department and I have no idea how many I have got knocking about, which, somewhere in a box, says 'Mr Shimmin', but it is not at the ability of Mr Bell or Chief Minister to go hunting those things out.

Well, the other issue that continually comes from the speaker but one before, is transparency.

Now, I have laid this offer down: if anybody wanted to come and spend some time in the DoT, I do not think Government has ever been as transparent as it is at the moment, because we are followed and monitored in everything that we do and it is boring.

Most of what goes on in Government Departments is painfully boring (**Mr Houghton:** Hear, hear.) but if there is anything that the Hon. Member wants to find out about Departments, there are no sufficient mechanisms and the whole of the Civil Service is geared up now to making sure that we become evermore cautious of what is actually kept

to ourselves, so the amount of time we spend in answering Questions to try and be transparent in every meeting that we have, is all because we now have this mantra of transparency and most of it is painfully dull.

And I think the Member for Onchan pointed it out. This is serious. Why is the issue we are discussing today about Mr Bell and misleading the House serious? Because it went pear-shaped. It went pear-shaped big style. As such, it is a big issue. Now, in July I made the comment that I am sure that I and every other Minister at some stage will have misled the House.

Most of the time nobody notices, because neither the Minister nor the Members are affected by the outcome of it. The issue we are discussing today is 'knowingly misled' (**Mr Rodan:** Yes.) and therefore I would look at the conclusion in the Report, trying to get back on to the Report we are discussing here today.

In the conclusion, paragraph 76 says,

Your committee record that they have seen no evidence that would justify et cetera .

Not surprising. There is no evidence which will be able to ever prove that Mr Bell did or did not knowingly mislead.

I have no knowledge – although I could suggest a few ideas – at the motives and the intention of each Hon. Member who has spoken today. But I cannot prove what their intent is today, or 12 years ago, because that is a personal motivation which you cannot prove, and the Member for Rushen, member of this Committee, used a good analogy, which was 'parole'.

If one of your loved ones was sentenced to an offence that they pleaded 'not guilty' and, take, for example, that they were sentenced to four years in jail. Everybody knows that, if that person admits the offence, they would be granted parole and be out in half the time.

However, put yourself in that position. You or your family member did not do it. How do you prove that? A jury has found you guilty. Do you then turn around and change your plea in order to get out, but, by doing so, accept the guilt of what you were alleged to have done, or do you continue to maintain and try and prove that you were innocent of the charges that you were found guilty upon?

So the Hon. Member for Ramsey has maintained a consistent line throughout all of this, which, as even the previous speaker, Mrs Cannell, has said, she would do to maintain her innocence of what she is accused.

There have been admissions in July and today about, yes, the House was misled. How could our Standards Committee, or any other committee, prove and find evidence to prove what was going on inside the Hon. Member for Ramsey's head at the time when this was going on? He will not thank me for saying this, but I have spoken with the Member for Ramsey recently, and today probably ranks as the first time in his 20-odd years' political life when he has even tentatively criticised the officers under his responsibility. And that has been a painful position for the Treasury Minister to be in.

Many of you have worked with him for many years. He is not somebody who has hidden behind the officers and, after all of the allegations that have been made over many months, today, I think, is the first time when he has actually started casting some question about the level of advice that he was given from Mr Mitchell.

The one Report points out that, in the future, subsequent times from this, that Mr Mitchell admitted to have misled the Minister. So it is not Mr Bell's style to hide behind anybody else nor, indeed, has he made any real play about his own health conditions at that time, that many of you will be aware of.

They are not excuses. They are circumstances. I thought the Chief Minister's point of view on the timing was spot on. I came back to this Island in 1988 at the peak of the housing boom. I paid more than twice as much as a brother of mine for the same type of property within nine months.

Mr Corkill: You are not an accountant.

Mr Shimmin: But he now earns twice as much as I do. (*Laughter*)

However, the reality is in the early 90s, tourism down, housing static and negative equity. From – I forget the gentleman's name but he has been referred to today, a resident in Mount Murray – when did this change, 1997 into 1998. What was happening then? Housing boom going through the roof: we all saw it coming, we were not building enough houses and, therefore, there was the opportunity.

Clever people? Yes. Took something away, so that you could use it later, certainly. Gullible, naive within Government Civil Service and political members, quite possibly, I am sure we can still be taken on occasions by shrewd, clever business people with strong legal minds.

But there were reasons that were going on around the time of 91 to promote tourism. There were also, for the developer, reasons in 97 to move into residential. We have a difficulty that the Chief Minister has taken some criticism for alleging politics. Of course, it is.

A member referred last week to a comment that I made in a debate and said, 'It is not a game'.

Damn right, this is not a game. I apologise, Mr Speaker. This is far too serious, but it is politicking.

We have a quarter of the House are new to the House, and the idea of a deliberate misleading of the House is seen and portrayed, particularly by the Hon. Member for Onchan, Mr Karran, and today, Mrs Cannell for East Douglas, as being 'the worst offence that somebody could commit within a parliamentary setting', and, yes, deliberately misleading is serious, but a quarter of the House have come into this years after the event, and, to look at what has gone on . . .

That means three quarters of us have spent years working with the Member for Ramsey. But, Mr Speaker, one of the few bits of advice that I took on entering this Chamber: somebody said to me, 'To get anything done, you have got to have a level of trust.

Trust people until they let you down, and they only let you down once.

A Member: That is enough.

Mr Shimmin: It was you, Mr Speaker, who gave me that advice, and, in the seven years I have known Mr Bell and worked with him, he has not once caused me to question my trust for his judgement. He is one, if not the only, person in this House I can say that of.

Mr Quine: Oh, dear, dear, John.

Mr Shimmin: And, therefore, when we look at some of

the motives of the people who are most vociferous for taking action today, I look at their motives and I look at the relationship I have had over seven years with them. And, yes, it is politicking, but, no, it is not a game. We are playing with the future of this House of Keys and the future of the Island.

It sounds dramatic: it is not going to change the world overnight, but it does, once again, erode and chip away and undermine. And Hon. Members, who will listen to the Member for Onchan and the Member for East Douglas, will have us believe that all the ills of the world will fall upon us if we do not, in their view, take the mature decision.

Mrs Hannan: It is not easy pretending to be.

Mr Shimmin: What they mean is: if we do not do it their way. If we do not do what they believe to be right. We are in politics. We are here to try and achieve things. To achieve things, you need the support of colleagues around you.

Now, my biggest concern about some of the issues that play here is the victory has become more important than the principles at stake. The Member for Ramsey cannot provide evidence to prove whether he knowingly misled the House. That is a judgement call. Believe Member for Onchan, Mr Karran, it is friendship. It is executive club.

Mr Corkill: Free vote.

Mr Shimmin: It is a free vote, but the majority of the Ministers may well vote with Mr Bell.

So that would be misunderstood, because it is easy, as the Member for East Douglas did, chuck out things as if they are fact. She said that Mr Bell did not quibble at the beginning.

In the Report – I nearly said ‘her’ Report, I apologise – in the Report, five letters from Mr Bell’s advocate at the beginning trying to set the precedent of how the Committee would be formed. Talks about not taking legal advice during the Mount Murray inquiry.

If you have done nothing wrong, you do not go in with lawyers to try to protect yourselves. We might now, but Mr Bell did not believe he had done anything wrong, therefore did not need that sort of protection.

Mrs Cannell would have us believe that this was all for a degree of political kudos. I would ask the Hon. Court, particularly the new Members, about one of our successful diversions of the economy, the firm industry.

Who was the main political figure introducing the film industry? Allan Bell, MHK. How much political kudos over the success of the last 10 years has Mr Bell milked out of the fact that he was instrumental in setting it up. Most people see Mr North, now Mr Downie and Mr Singer, we forget where these things originated, but, if you believe Mrs Cannell, it is all about political kudos, therefore Mr Bell would have been milking all of his successes far more than he ever does.

It is not his style. But that is the reason why . . . That has given us the evidence as to what he had to gain all those years ago. Mr Speaker, I cannot persuade other people. I will look in any Member’s eye and they can look in mine and see whether or not they trust the person behind the eyes. I have done that with Mr Bell. Yes, there is a degree of respect. I do not think many of us have friendship in this

place. Certainly, I do not believe that I have other than colleagues in this Court, but, as somebody who respects Allan Bell, he says to me, and that is good enough, because I cannot prove it otherwise, and I do not believe that what he would do now or then would actually lead to that conclusion.

So, yes, Mr Quine, I will be perverse, yes, I will read the same Report as you did and come to a different conclusion, and you will accept that because it is politics, and you will have a little opportunity later to have a go.

What about the Committee? If ever there was a poisoned chalice, this is it and there seems to be a lot in politics. I have no doubt that the Committee went into it, intending to try and do everything totally impartially. I believe to the greatest extent they have done so, despite hiccups at the start.

They have come forward with a Report that they believe. I do not have a problem with that. Mr Karran sounds like he might, in the future, because that Committee is going to handle him differently in the future. He has already rubbished the actual Committee that has been promoted so strongly today, but he says I did not want this Committee, it is going to be different when I get pulled up in front of it.

So there you are, if you do not like the result, criticise it. I would say to the Committee and I would say to the House, the conclusion, they have seen no evidence that would justify disturbing that outcome, because it does not exist.

You have heard the Treasury Minister today and in July. It is a matter of trust. I do not have doubts, Mr Speaker.

The Speaker: Hon. Member for Rushen, Mr Gawne, speaking to Mr Anderson’s amendment.

Mr Gawne: Gura mie eu, Vainstyr Loayreyder.

I have not got an awful lot more to say than I have already said on this, but I think it is important for us to remember that, if we receive this Report of the Management and Members’ Standards Committee and approve its recommendation, then some form of sanction must be imposed on the Hon. Member for Ramsey, Mr Bell, by this House.

Now, I have already stated I do not believe that, on the scale of things, the contempt of the House found by the Committee is high, but we have to bring an end to this today. I do not believe the sanction suggested by the Hon. Member for Glenfaba, Mr Anderson’s amendment will be sufficient.

If we agree with the motion, we have to be more proactive, I think, than merely going for the censure. I feel that it is the amendment suggested, which I seconded, will be sufficient to bring back public confidence, and also confidence in the business sector, that we have integrity in this House.

So I feel that I would not be happy to support Mr Anderson’s amendment.

The Speaker: Hon. Member for Rushen, Mr Rimington.

Mr Rimington: Thank you, Mr Speaker.

Just a few points, really. The first one – and is an issue that has been raised and a question mark put against it – is the issue of a personal file, and letter found or correspondence found, in a personal file and perhaps I might just explain my own experience of what a personal file is as

a Minister, and it is not my personal file.

It is a file with my name on it as the Minister and is a very impersonal file, and that you receive letters and correspondence coming in. Those letters, either the response is drafted by an officer, or an officer gives me details and I draft the response, or, depending on what it is, I might draft the response completely myself, but that letter that comes in, that correspondence that comes in with the reply, goes in my personal file, and then I found out, to my horror, the other day, when I went to look for my personal file, that, in fact, my personal file had gone into archives and I was on to a new personal file because there was so much correspondence. It was only a few months worth, actually, ready for me to get and, without a deliberate effort, to go back into that personal file is actually gone into the system.

Mr Karran: How do you keep your file?

Mr Rimington: That is just a comment on actually what takes place, certainly in my Department, and I am sure something similar like that will take place in others, and, historically, would have done so.

The issue about the Privy Council has been brought up a number of times, only really once today, but quite a few times in previous debates surrounding this issue, and it had been brought up, certainly in the context today that the Privy Council is giving a universal stamp of approval on the contents of the Mount Murray Report and that is . . . nothing could be further from the truth.

They went to the Privy Council, and I profess not to know the intimate details of this, but it went to the Privy Council, as far as I understand, on legal issues on whether certain files, certain matters, could be addressed by the Commission and that the Privy Council found, I presume, that the Commission was properly constituted and had those necessary powers to do it.

It was not making any judgement on whatever the Commission's findings were and that was not their role, but it was purely in relation to their powers to instigate and investigate certain matters and has absolutely no bearing on this particular issue that is before us today and, really, absolutely no bearing on the recommendations et cetera, the Mount Murray Report before, but it is to do with other legal matters.

And I was surprised by the comment that there was possibly a vendetta against the Commission and I really do not understand where that has come from. The Commission was properly constituted and it reported and came to its conclusions and reported and they were given to Tynwald for Tynwald's decisions thereupon.

And then, following on this, is this particular Management and Members' Standards Committee. Now, I do not think the Chief Minister was out of order when he was actually questioning why there was not a chairman -

Mr Karran: I am not going to be out of a job.

Mr Rimington: - and I accept, in the correspondence there, in the large annex, the appendices that the Clerk has quite rightly said, 'In these circumstances we feel it is not necessary', and if I were looking at a procedural issue, possibly does it alter the substance of things, but there is a Standing Order which says, 'A chairman shall be appointed', and then there are subsequent Standing Orders 116, 119,

121, 125, 142, which give roles for that chairman and, obviously, if the chairman is not there, then the chairman cannot take that role.

Personally, I think, and it is just an opinion, it is not trying to cast any doubt on that, or invalidates the conclusions of the Report, but that, in this very sensitive issue, the first sitting of this particular body, that actually a chairman would have been a very good thing to have had, just so that we can say, 'Right. Lock, stock and barrel, we have done everything according to the book on this particular issue.'

But that has not happened and I accept the advice that was given there, and I do not particularly want to make a major issue of that. I do not see this as an issue if you go one way or the other, one way you are going against the credibility, you are not doing the people right, and you are on the Council of Ministers' stooge party et cetera, or you are going on the complete opposite.

I agree with the Hon. Members who have spoken, the Hon. Member for Peel, the Hon. Member for Ramsey, the Hon. Member for Malew and Santon, and Hon. Colleague from Council, Mr Shimmin is to do with the burden of proof and I do not think that burden of proof is there. And I think that . . . I am not disputing the conclusions or the work that the Committee have done, but I am saying, having had all that presented to me, I just do not see it is there, and I am making my judgement on to my colleague.

And, yes, he is a fellow Council of Ministers member, but I would have liked to think I would have made that, had I not been in the Council of Ministers, that you do require a burden of proof, especially when there are people outside of this House and inside, who are elevating this issue up as, 'This is the supreme test' and looking for something to happen. To spend all this money on this Inquiry, there must be a head to roll and the scapegoat, possibly, is the Hon. Member for Ramsey, Mr Bell.

And I just do not think that is right. That is not the burden of proof to make that judgement. I think we would actually give him our support and allow him to carry on his good work, which he is doing for the people of the Isle of Man, and I would just, as a matter of digression, if I may, Mr Speaker, refer to one of my experiences over 20 years ago in the affairs of the Labour Party in Manchester, which was riven by internal division.

And there was a hard left and there was a hard right, and I have been to meetings, where people have talked about kneecapping and that was in the civilised party . . .

A Member: Frightening.

Mr Rimington: Yes, it was, but I can remember that. (*Interjections*) And in a particular constituency I was in, and involved in, I was probably on the radical reform of the new Labour, the whatever, the New Left something side and they were trying to, at that time, they were trying to depose their constituency member, the MHK, one Gerald Kaufman MP, and, actually, I spent a lot of time there getting a lot of angst and, well, held in disrepute by my own radical colleagues because I defended Gerald Kaufman, because they were being just a bunch of Stalinists. Here's somebody we can go and have a good attempt to bring him down - and what they forgot, actually, and there is a little comparison here, is that Gerald Kaufman had the support of the people. And they did not, and they were machinating

amongst themselves and turning the Labour Party into an image of themselves, whereas, whatever faults Gerald Kaufman may have had, he actually had the support of the people of Gorton – a huge Asian community, and a white community and a West Indian community – and they forgot that. And I would say that, actually, Mr Bell probably has the support of the majority of the people of the Isle of Man. He may not have the support of the vocal people of the Isle of Man, who might get on Mannin Line with regularity, but, actually, a majority of people on the Isle of Man will probably see that he is doing a good job on their behalf. Thank you, Mr Speaker.

The Speaker: I call on the Hon Member for Ayre, Mr Quine, to reply to his amendment.

Mr Quine: Thank you, Mr Speaker. My amendment quite clearly hangs upon the substantive motion. If there is not a contempt established, then, of course, my amendment does not come into play, so, in responding to my amendment, I have got to readdress to some extent that core issue.

But, before I do that, there are one or two other matters that I would like to bring in and refresh Hon. Members' memories about. The Chief Minister said that there are no new facts in the Select Committee Report. Well, I mean, that is clearly a false statement, that is clearly an untrue statement, because, there is, whatever description we attach to the Minister's personal archive or personal file, that is a document that was not made available to the Commission, so, quite clearly, there are new facts. and they have been brought out in this Select Committee Report.

And I think the second point I would make, and I, too, was disappointed with the Chief Minister in the tack that he took in opening up his contribution here, because it was clearly a contribution that was geared to creating a smokescreen – it was a contribution that did not address the basic facts which are those we are trying to form a judgement on today. And I've been around a long time – some would say too long – and the fact remains, the fact remains, that, if you have not got a case, make a smokescreen.

Mr Karran: Yes.

Mr Quine: You can see it a mile off. You can see it a mile off.

Now, just one further comment here. The Chief Minister said to us that the houses would still have been constructed, would still have been constructed. I think he ignores the fact that what we have got is not the houses, not houses, for which the land was zoned, we have houses which have been put there in circumvention of the law and of planning zoning, and that is a very serious matter.

We have got houses there, in respect, at least, of which some of the owners have now millstones around their necks and those millstones will be very difficult to remove. Oh, yes, we have got a Residual Committee to look at what can be done, and I have no doubt that will get the usual political treatment. It will run and run and run, and those poor folks will either die or have given up before they find relief from the millstones they have – or some of them have – around their necks.

So I think it really is quite wrong and somewhat thoughtless of the Chief Minister to say, well, look, you

have got houses there anyway, it does not matter what has happened, it does not matter how it happened. What does it matter, you have got houses.

There is a world of difference between the houses that are there and the houses that could have been there, had we gone through the development plan and a proper planning procedure. He made reference to the legal issues – in fact, two Members have made reference to the legal issues and the need for fairness. The need for fairness is transparent, and I think the fact that we are having this debate here today underlines the fact that at least the majority of the Members of this Hon. House are prepared to give time to this matter to ensure there is fairness.

The fact that the Hon Member for Ramsey is sitting here, allowed to participate in this debate, is evidence that we are all very conscious of the need for fairness. But I would point out that, whereas it may not have been open to take a legal testing, or to test legally, this Select Committee Report, it was open to the Hon Member to test the Commission Report. If he was minded to do that, he could have done that, but he chose not to do that, he chose not to do that. That devalues a great deal of what he has said here today when he has been criticised openly.

And one final point that the Chief Minister said. He said that Mr Bell sought a solution. Yes, he sought a solution, but what we have to bear in mind is that if it was Government policy to have a village resort here, if that was the case, and, if a bar to that development was the fact that the land was not appropriately zoned, there was a perfectly legitimate and proper planning procedure to be followed, were Government minded to follow it, to produce a resort village. And that would have kept the whole procedure within the planning process and within the law. But, no, we have a process that took place round by the back door, one that, well, it may have got onto the desk of the Council of Ministers, but it does not appear to have been seriously considered by the Council of Ministers. It was never made a major plank of policy and we never invoked the laws that are there, which could have produced that end result. And it could have produced the end result precisely as we want it, precisely as this Island needed it, and not produce a product which is not what we wanted.

It simply turned out to be a device to circumvent the planning law to get residential development and a very nice, fat profit.

Mr Speaker, if I could just comment on Mr Bell's contribution, because that is very relevant to my amendment. I feel it is a great pity that at least part of the defence of Mr Bell today is that, well, these things happen, but it is not my fault . . . it was Mr. Mitchell's fault. And I do feel, I do feel that that is something that we should not resort to. No politician should resort to that.

The Hon Member for West Douglas, Mr Shimmin, has said, well, you know, he understands from speaking to Mr Bell that this is the first time he has had cause to do that, but there should never be cause. The political head was Mr Bell. The decisions and the responsibility rests with Mr Bell. If Mr Mitchell was there and he was doing things he should not have done, the remedies were in the hands of Mr Bell. It is no use coming back nine, ten or whatever number of years later and saying, yes, things went wrong, but it was not *my* fault, it was Mr Mitchell's. That is totally absurd and quite unfair on Mr Mitchell.

If I may now deal with this core issue, that is, whether

or not Mr Bell *knowingly* misled. Mr Bell agrees that his answer was incorrect, so that is a start. He concedes that his answer was incorrect and he also advised us, and made it quite clear in his evidence to the Select Committee and to the Commission that his understanding of what had been approved was founded on the Notes of Presentation; and in the Notes of Presentation, as has already been referred to, there was a reference to 10 per cent continually changing hands when residents find out that the development is tourist orientated, not conducive to residential living. Quite clearly, at that point in time, it was, apparently, clear that, if 10 per cent was not going to be tourist orientated, it was going to be residential.

And then there is cross-reference, a cross-reference to the Buyer's Manual, and if there was any – as Mr Bell suggested – this doubt at the back of his mind about definition, that cross-reference gave him – *would* have given him – had he sought to exercise that role to check, the clarity that he needed, because, in the Buyer's Manual is made quite clear that 10 per cent is going to be ordinary residential development.

These things hang together, and they are there, they are factual, they are factual. We then have the meeting which Mr Bell had with Mr Spence on 23rd March 1991, and, according to some of the people who were there, the intended use was explained. Mr Bell was there.

We have the meeting with Mr Spence on 25th April 1991 and, again, the issue of permanent accommodation was raised.

We then have the telephone call which Mr Bell made to Mr Spence and if I could just refer to that. Part of that telephone call states, now we have gone through, and I will just read, if I may, sir, so it is fresh in our memories,

Now we've gone through all the conditions which were placed on the scheme and we believe that the Committee have confirmed it that the definition of tourist is sufficiently flexible to allow your scheme to go ahead. There's no need for you to apply for change of use for permanent accommodation, residential accommodation out there. The present conditions will allow you to do exactly as you want.

No, I think we are familiar with that phrase, but I think the first few words are very important. Now, we've gone through *all* the conditions – and I ask you to remember that – we've gone through *all* the conditions. At that point in time he was familiar with *all* the conditions, and, irrespective about interpretations about tourism, one of the conditions is that the proposed buildings must be occupied only by bona fide tourists: permanent occupation of the buildings is not permitted.

How could he say he was not familiar? He was familiar from that point, never mind whether he knew before or not, or whether he knew afterwards. The fact is, he had gone through all the conditions, and you would have to be, well, either reckless in the extreme, or of such a nature that you could not comprehend even the simplest statement, to conclude, if you had been through all the conditions, that that says one thing, and one thing only, and that is that you can only have on this site tourist accommodation. You cannot have permanent accommodation for buildings, it is not permitted.

Unless you were deliberately trying to avoid coming to a logical conclusion, then the only conclusion you can come to is that that knowledge, that element of 'knowingly', was there and it had been established beyond any question of doubt.

One or two members have said, again, in the face of all this evidence, that it was not proven. We have two independent bodies – just set aside Professor Crow's Report – indeed, you can say three, if you want to include Professor Crow's Report, but two independent bodies, people who, either in their own right are legal people, professional people with a wealth of experience in deducing evidence, in evaluating evidence and forming conclusions on that evidence, people that are familiar with the rules of evidence and the waiting to be attached to the rules of evidence. People who, in their sleep, can dream in terms of whether it is circumstantial, whether it is direct evidence or whether it is hearsay evidence. They have gone through all of this with no political axes to grind (**Mr Karran:** Hear, hear.) and they have concluded beyond all reasonable doubt that this charge that the Hon. Member for Ramsey, Mr Bell, knowingly misled the House has been established, and I say to Hon. Members, if they put their hands on their hearts, they will come to the same conclusion.

They may have reasons for squirming around it, but, with their hands on their hearts, they can only come to that one conclusion and the public will realise that as readily as I can and anybody else who has listened to this, that they can. (**Mr Karran:** Hear, hear.)

Again, Mr Rimington said 'burden of proof'. Mr Shimmim went one further. My good friend said his standard of proof is 'do I trust you?' Trust me, if he has got an honest face, he would buy a car from him. Now that is objectivity for you. That is objectivity. It may be the old boy network, but it is not objectivity.

Mr Karran: They want back, mate.

Mr Quine: Mr President –

Mr Speaker: Not yet. (*Laughter and interjections*)

Mr Quine: Well, I hope I am here to see it. (*Laughter and interjections*) Mr Speaker, it would be disingenuous for Hon. Members, in truth, to conclude that this contempt has not been established. The evidence is incontrovertible and it is no use trying to pretend, yes, it isn't and, no, it isn't, and it happened a long time ago and he had good intentions. These are irrelevancies in relation to the issue that we are asked to judge upon. They are irrelevant.

A Member: Do you mean to the amendment?

Mr Quine: I am speaking. You had your turn.

A Member: Twice.

Mrs Hannan: It is your turn.

Mr Quine: Ah, but I have got the amendment.

The Speaker: Hon. Members.

Mr Quine: Anyone but parliamentarians, if anybody but a parliamentarian was standing here charged with this, do you think we would see some Hon. Members taking such a circuitous route to avoid the issue? Not at all.

And yet it would appear that some Hon. Members, irrespective of the facts, are prepared to condone a wilful

misleading of the House and to bring the House or to put in question the credibility of this House on such feeble grounds, such unsubstantiated grounds.

For that reason, I repeat, any conclusion other than what is embodied within these recommendations, would be perverse and I make no apology for that.

The charge is proven. The issue now is the matter of the penalty. I have moved an amendment and I spelt out to Hon. Members when I did so, a catalogue of considerations that I brought to bear in trying to arrive at a penalty that I felt was appropriate to the circumstances.

I would readily concede that I do not think it is critical to the outcome of today's debate whether it be one level up or one level down, but I took my advice and I took into consideration a whole catalogue of considerations. I believe that the level of penalty that is embodied in my amendment, and I would invite Members to support that, support that in the knowledge that, if today's debate has been to any purpose and to be of any value, then we have to properly discharge our obligations and duties. We took an oath when we came into this Hon. House, not an oath to be cast aside.

I invite Hon. Members to support the substantive motive and to support the amendment in my name and I trust, in doing so, they will maintain objectivity at the highest level and put aside personal preferences and personal issues. I beg to move, sir.

The Speaker: Hon. Member for Glenfaba, Mr Anderson, to reply to his amendment.

Mr Anderson: Thank you, Mr Speaker. I have got very little to add to the debate, suffice to say that, if members do reject the Committee's findings, I think you have got to think seriously about the standards of the Members' Committee and, therefore, by rejecting the recommendations herewith, I would suggest the membership of the Committee for me as an individual would be untenable.

A Member: Hear, hear.

The Speaker: Hon. Member for Michael, Mr Cannan, to reply to the debate.

Mr Cannan: Mr Speaker, during the course of this debate some Members have said they regretted that this matter has come to this House.

Let me remind each and every Member, your Committee took no pleasure in carrying out this Inquiry, no pleasure at all, but your Committee only undertook the work because (a) Mr Bell asked in a letter, and (b) six Members of this House asked in a letter for an Inquiry.

Mr Bell himself and six Members. As I said in presenting the Committee's Report, you, Hon. Members, are the jury. You are the jury. I can truthfully and honestly say that the three of us on this Committee made this Report in all fairness and impartiality. You may be able to accuse one or more of having another agenda but I say to you, you could not accuse all three of being in concert to write this Report with malice of forethought.

Not one of you here could accuse all three of us of being in concert to write this Report with malice of forethought, but yet all three of us signed it unanimously, we conducted our business without acrimony, we conducted our business with objectivity and fairness, as we saw it, and we looked

at all the evidence.

We knew, and I more than anybody, that if a Report came to this House, if it was in any way seen to be flawed with a personal agenda, it would be rejected and so all three of us bent over backwards to make sure that we came to this House, our House, to give a Report that we felt was fair and honourable.

So, as I said, in presenting the Committee's Report, you, Hon. Members, are the jury and you have all spoken. You have all spoken and you have all heard each other and I am not going to comment one way or another on the views you have expressed except for one comment, that we, the Committee, arranged for the paper to be put on your desks this afternoon, that in no way were we influenced whatsoever by Mrs Cannell's late submission.

A Member: So why did you put it in the recommendations?

Mr Cannan: We put it in the Report to say that we had noted it. If we had ignored it, we would have been criticised; if we had put it in, we are criticised.

The whole action of listening to the debate this afternoon, whatever we did we were damned. If we had exonerated everybody, we would have been damned. Oh, yes, certain Members would have accused us of being in the 'brush and carpet industry', and that is why I said, a minute or two ago, that none of you could accuse all three of us of being in concert for anything other than to produce a true and faithful report.

So, Hon. Members, you will vote accordingly. Obviously the Committee, as has been said by Mr Anderson, would find our position untenable if you had no confidence in us and that is as far the Report goes. So, obviously, as a signatory, I will vote for the Report and I will vote for an amendment for two reasons. Firstly, as we say in the Report, 'to uphold the integrity and credibility and public esteem of this ancient House of Keys, this Parliament of the Isle of Man'. And the second reason is that this House is passing Legislation, Orders and Regulations on a continuous basis, with failure to comply by members of the public resulting in fines or imprisonment or censure.

We pass them and expect the public to abide by these Orders, Rules, Regulations, whether they are here or in Tynwald and expect the public to abide by them and the judiciary to adjudicate and I say how can the House pass all these Regulations and Orders, with their penalties, and yet at the same time excuse a Member who has transgressed – and I would not be at ease with myself in being party to a double standard.

And, finally, Hon. Members, I want to say to you all, the members of the Committee did not flinch from their duty, a duty which, I will repeat, they were asked to do by Mr Bell and by six Members of this House. We did not flinch. We have done what we believed to be right. We have done our duty with great care, objectivity and impartiality.

Mr Speaker, sir, I move the Report and its recommendations.

The Speaker: Hon. Members, I will invite the Hon. Member for Ramsey, Mr Bell, to vacate the floor of the House as outlined earlier.

Mr Rimington: Mr Speaker, on a point of order and

before the Hon. Member actually vacates, I fail to see under what authority you are ruling that he should vacate.

The Speaker: As I advised Hon. Members before, I have sought advice on this matter from the Secretary to the House and the advice I am given, and clearly the advice given in relation to Mr Bell taking part in the debate, was, yes, in relation to whether or not Mr Bell, the Hon. Member for Ramsey, should take part in the vote or votes, as it will now be, because we have two amendments before us, is that no man is to be a judge in his own case.

In other words, the Hon. Member would be asked to judge on himself on a matter that is a Report undertaken by a Committee of this House. As the vote may make a difference in the outcome of the voting pattern in the House and, therefore, as the Member who is directly affected by a decision of the House, his involvement would be inappropriate and that is the advice I have received. I believe that to be the right advice. If the House does not agree with that, then it is open for the House to decide differently, but I would advise caution. Hon. Member.

Mr Rimington: Mr Speaker, that advice may or may not be right and the House may or may not wish to go along with that, but I believe we operate by Standing Orders, and Standing Orders only, and not by ad hoc rulings. It is as simple as that, sir.

The Speaker: Standing Orders, if I can respond to that. First, there is the issue of natural justice and Hon. Members will be aware that, since our Standing Orders were written – in fact our Standing Orders are over 20 years old and are being updated – but, in fact, other aspects have changed, hence the issue of natural justice and the point that the Hon. Member should stay.

Also, of course, procedures where there is some doubt may be determined by the Speaker under Standing Order 2, and that is an issue that I believe is the right one to take.

Furthermore, there is an issue where the House, of course, may determine that a Member vacates the floor of the House whilst, in fact, it debates an issue relating to that Member. Now, I believe that to be inappropriate in today's world, because I believe the Standing Order is out of date and inefficient, and that is based on the advice that I received and requested from the Secretary to the House.

Now, if Members want further clarity on that, I am quite happy to invite the Secretary to do that, but, as I say, it is an issue open to the House, if it feels that Mr Bell should take part in the vote, but I would advise caution on that issue, as the Report is about the Hon. Member and, therefore, you have to decide whether you think it is correct for a Member who is the party to the report of which a Report is criticising, and of which amendments recommend to the House certain actions be taken, whether or not that Member should, in fact, then have the right to remain in the House to vote and possibly make a difference to that vote.

That is the issue before Members. My advice, my strong advice is that the Hon. Member, Mr Bell, should vacate the floor of the House for the vote. It is up to the House if they wish to determine differently. Right, Hon. Members, I will then move on.

Before I put the amendments to the House, may I just clarify the situation in relation to the amendments. Hon. Members, I intend to put the amendments in the order that

they were put and seconded.

That is, first I shall put Mr Quine's amendment, then I shall put Mr Anderson's amendment.

So there is no misunderstanding, let me clarify the situation. If Mr Quine's amendment is approved, it becomes the main question and this is covered under Standing Order 80. If, then, Mr Anderson's amendment is approved, then his amendment overtakes Mr Quine's amendment and therefore cancels Mr Quine's amendment. I will then put the motion, as amended, with the appropriately approved amendment attached to it, if there is one that is approved. If neither amendment is approved, then I shall put the motion as it is written on the Order Paper. Is everybody clear?

Hon. Members, the motion on the Order Paper stands at item 3. To that we have an amendment in the name of the Hon. Member for Ayre, Mr Quine. All those in favour say aye; against, no. The noes have it.

A division was called for and voting resulted as follows:

In the Keys – Ayes 6, Noes 15

FOR	AGAINST
Mr Quine	Mr Anderson
Mr Gawne	Mr Cannan
Mr Houghton	Mr Quayle
Mr Henderson	Mr Rimington
Mrs Cannell	Mr Gill
Mr Karran	Mr Cretney
	Mr Duggan
	Mr Braidwood
	Mr Downie
	Mr Shimmin
	Mrs Hannan
	Mrs Craine
	Mr Corkill
	Capt. Douglas
	The Speaker

The Speaker: Hon. Members, the amendment in the name of the Hon. Member for Ayre, Mr Quine, fails to carry, with 6 votes for and 15 votes against.

Now then, Hon. Members, I put the amendment standing in the name of the Hon. Member for Glenfaba, Mr Anderson. All those in favour please say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

In the Keys – Ayes 13, Noes 8

FOR	AGAINST
Mr Anderson	Mr Rimington
Mr Cannan	Mr Duggan
Mr Quine	Mr Braidwood
Mr Quayle	Mr Shimmin
Mr Gill	Mrs Hannan
Mr Gawne	Mrs Craine
Mr Houghton	Mr Corkill
Mr Henderson	Capt. Douglas
Mr Cretney	
Mrs Cannell	
Mr Downie	
Mr Karran	
The Speaker	

The Speaker: Hon. Members, the amendment in the name of the Hon. Member for Glenfaba, Mr Anderson, carries, with 13 votes for and 8 votes against.

Hon. Members, I now put the motion as amended. All those in favour say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

In the Keys – Ayes 13, Noes 8

FOR	AGAINST
Mr Anderson	Mr Rimington
Mr Cannan	Mr Duggan
Mr Quine	Mr Braidwood
Mr Quayle	Mr Shimmin
Mr Gill	Mr Hannan
Mr Gawne	Mrs Craine
Mr Houghton	Mr Corkill
Mr Henderson	Capt. Douglas
Mr Cretney	
Mrs Cannell	
Mr Downie	
Mr Karran	
The Speaker	

The Speaker: Hon. Members, the motion, as amended, carries, with 13 votes for and 8 votes against.

Now, Hon. Members, I propose that the House should adjourn its business for the rest of the day (**Members:** Hear, hear.) with your agreement. Therefore, the House shall stand adjourned until 10 a.m. on Tuesday 4th November, in our own House. Thank you, Hon. Members.

The House adjourned at 5.10 p.m.