



**HOUSE OF KEYS
OFFICIAL REPORT**

**RECORTYS OIKOIL
Y CHIARE AS FEED**

**PROCEEDINGS
DAALTYN
(HANSARD)**

Douglas, Tuesday, 2nd November 2004

Present:

The Speaker (The Hon. J A Brown)(Castletown); Mr D M Anderson (Glenfaba);
 Hon. A R Bell and Mrs A V Craine (Ramsey); Mr J D Q Cannan (Michael);
 Mrs H Hannan (Peel); Hon. S C Rodan (Garff); Mr P Karran, Hon. R K Corkill and Mr A J Earnshaw (Onchan);
 Mr G M Quayle (Middle); Mr J R Houghton and Hon. R W Henderson (Douglas North);
 Hon. D C Cretny and Mr A C Duggan (Douglas South); Hon. R P Braidwood and Mrs B J Cannell (Douglas East);
 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 adjourned at 11.55 a.m.

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 this morning from our sitting for the day to the Hon. Member for Douglas West, Mr Downie.

Hon. Members, just to advise you that our Messenger, John Crooks, has had an operation and I understand he is doing well and I am sure we extend our best wishes to him.

Several Members: Hear, hear.

Questions for Oral Answer

CHIEF MINISTER

Old Noble's Hospital site Strategic plan and lost revenue

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

- (1) What is the strategic plan for the old Noble's Hospital site and surrounding area in Westmoreland Road;*
- (2) will you provide an opportunity, via consultation, for all Members of Tynwald to submit views for its future use; and*
- (3) in commercial and domestic rental terms, what is the monthly cost to the taxpayer in lost revenue of leaving a site of this size, in this location, largely unused?*

The Speaker: Hon. Members, we move on to the Questions for Oral Answer on our Order Paper and our first Question is Question 1 and I call on the Hon. Member for Onchan, Mr Earnshaw.

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

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

The Chief Minister (Mr Corkill): Thank you, Mr Speaker.

The 1991 Strategy for Health document determined that the former Noble's Hospital would be the location for

the central community healthcare facility. At that time the expectation was that the part of Noble's Hospital which was not required for healthcare purposes would be available for other Government purposes, including a potential site for the replacement of Ballacloan and Fairfield Schools. In order to ensure that the best use is being made of the valuable assets comprising the Noble's Hospital site, a working party has been established, consisting of officers from the Department of Health and Social Security, the Department of Education, the Department of Local Government and the Environment and Treasury to review the options.

The Council of Ministers considered an interim report from the working party on 15th January of this year and advised the group that Council considered the best use for the site was for educational purposes and requested the group to progress further research in this area.

Mr Speaker, turning now to the second part of the Hon. Member's Question, I would certainly be interested to hear the views of Hon. Members on proposed future uses for the Noble's site, but I would expect any final consultations to take place after the working group has completed its work.

In reply to the final part of the Question, Mr Speaker, the Noble's Hospital site has planning permission for healthcare purposes only. It cannot be used for domestic or commercial purposes without consent to the change of use from the planning authorities. Currently 6,500 square metres are being utilised: the remaining 20,000 square metres are vacant, but it is considered neither practical nor sensible to consider letting these areas to the private sector, as it could only be let on a short-term basis. Also, we are advised that there is little demand presently for this type of accommodation, as there is quite a significant amount of office space available for let at the moment in that part of the Island.

I hope that is helpful to the Hon. Member, Mr Speaker.

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

Mr Earnshaw: Thank you, Mr Speaker. I would like to thank the Chief Minister for his comprehensive reply there.

One of the questions I would like to ask him as a supplementary is, please, why has the site remained in the hands of the Department of Health and Social Security when Government's usual landbanking practice is to transfer ownership of sites, such as these in Westmoreland Road, and their control to the Department of Local Government?

The Speaker: Chief Minister to reply.

The Chief Minister: Certainly there has been no decision made as to the future use of this site, Mr Speaker, therefore, in terms of transfer of ownership from one department to another, that is not being considered at this stage, but, obviously, when the purpose is more clearly understood and more clearly agreed – the future purpose and the future use of the land – then a transfer to the correct department would be a necessary part of any future use.

I would just wish to reassure the Hon. Member that the system within Government is that such land would not be released or sold without first making sure that other departments of Government are not included primarily in working out what the future use of that land would be. So, I just want to make sure that Hon. Members are aware

that there is a system within Government, whereby any department which may have an interest in a particular piece of land that is owned by any particular department of Government, that there is a scrutiny process in place to make sure that Government's needs come first.

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

Mr Karran: Vainstyr Loayreyder, would the Ard-shirveishagh not agree that the Liverpool strategy that was calling on community hospitals has been stopped some time ago? It must have been within the first two years of being from when I was Member for Health. Could the Ard-shirveishagh explain why the void in where policy and this site is concerned – it was for educational uses only and not a community hospital. Could he also investigate why the hospital services are having to decamp back to the old site from the new hospital, when we were told that it was far too big to start off with?

The Speaker: Chief Minister to reply.

The Chief Minister: Well, it is true to say that the DHSS does continue to have occupation of a certain part of the Noble's Hospital site, and, as I have said in my first answer, the amount of square feet that is actually occupied is some 6,500 square metres and there are 20,000 square metres that are not being utilised. Yes, there are some hospital services being provided there – prosthetics and physiotherapy are two of a number of things that are still based there – but it has always been considered that the redundant part of the site would, perhaps, be most suitable for educational use, bearing in mind that we have two old schools not very far away – primary schools – also in that area.

There is a planned urban regeneration scenario developing, where new residential accommodation has recently been built and there is a desire by Government to uplift the whole of that Westmoreland Road area, as it is very central to the town of Douglas, and has been, perhaps, one of the poorer areas of the town, to some extent, and so the utilisation of the Noble's Hospital site, now that we have our new hospital, is quite key to the future of that part of Douglas.

So the educational emphasis was the one that the Council of Ministers favoured, but it has always been envisaged that there would be some remaining DHSS facilities on the site and I am more than happy to come back to Hon. Members with more details and, in fact, as I have said in my opening answer, we would very much appreciate ideas from Hon. Members as to the future use of the site. There are a number of things here that we can do. We can improve education in that area of Douglas. We can improve the environment – the built environment – because of the urban regeneration and we can still accommodate much needed community healthcare facilities that are required in that part of Douglas, which were not planned to be in the new hospital. But I do also acknowledge that there are some services that were envisaged to be in the new hospital which are still on the old Noble's site.

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

Mr Earnshaw: A final supplementary from me, Mr

Speaker. Bearing in mind the huge area of land that is available on this site: would the Chief Minister agree with me that the site is not receiving the attention it deserves at the moment and that the public are not receiving the best value for money that they should be receiving, and would he indicate to us that a more proactive approach will now be adopted?

The Speaker: Chief Minister to reply.

The Chief Minister: Yes, I, too, like the Hon. Member, am keen to see the area addressed and, hopefully, by making a list of key priorities for the use of the area... and it is a large, valuable site in the centre of town and a number of purposes have been considered, including housing, including healthcare, including education and, of course, some of the old buildings are redundant and need to be demolished, but, of course, there are quite new buildings also on the Noble's site, so what is required is an integrated plan for the whole of that area. Yes, I agree with the Hon. Member for Treasury, Mr Earnshaw, that, in terms of value for money for the taxpayer, the sooner we know where we are going with the site, the more apparent that value for money will be.

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

Mr Duggan: Thank you, Mr Speaker.

Could I ask the Chief Minister regarding the nurses' home which is adjoining Noble's Hospital: is that being fully utilised or is it lying half empty? What is the situation?

The Speaker: Chief Minister to reply.

The Chief Minister: I have not been briefed on that aspect, but I will find out for the Hon. Member the current status of that facility.

Internal Audit Report re Ballacain Investigation into leak of information

2. The Hon. Member for Ramsey (Mrs Craine) to ask the Chief Minister:

(1) Will you take steps to investigate how the Internal Audit Report from the Chief Internal Auditor of the Treasury to the Department of Tourism and Leisure, re enquiries into Ballacain Holiday Cottages, came to be leaked to the Isle of Man Examiner for publication on 19th October 2004; and

(2) can you advise the House what action is taken against those found proven of divulging confidential documents to members of the public or the media?

The Speaker: Question 2 and I call on the Hon. Member for Ramsey, Mrs Craine.

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

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

The Chief Minister (Mr Corkill): Mr Speaker, I feel in a somewhat invidious position with regard to this Question, as I myself was one part of the subject matter of the Report to which the Hon. Member refers. The Internal Audit Report was not specifically into grants paid towards holiday cottages at Ballacain but was, in fact, into the actual administration of the Tourism Development Fund Scheme 2000, as amended, by the Department of Tourism and Leisure. However, I do believe that this leaking of confidential material is an important issue which needs to be discussed.

Hon. Members will know, of course, that this Report is not the only material which has been leaked recently. There was also the leak of the confidential memorandum written by the Minister for Tourism and Leisure to a member of his staff, a memo which has, it appears, been widely circulated throughout the Island. Both of these documents are technically within the ownership of the Department of Tourism and Leisure.

In respect of the first leak, that of the memo, the Minister has requested the Chief Secretary to carry out an investigation on his behalf and that is underway. So far as the second leak is concerned, that of the Internal Audit Report, I am advised that legal advice has been sought by the Chief Internal Auditor on a number of issues relating to this matter.

I do believe that an investigation should be undertaken, but I do not believe, under these particular circumstances, that it should be I who requests it. One of the major difficulties in carrying out such an investigation is that of who has jurisdiction to carry out such an investigation and, in mentioning this, I am, in fact, Mr Speaker, beginning to touch on part (2) of the Question.

Clearly, the Chief Secretary has jurisdiction to carry out an inquiry with regard to the Civil Service. When it comes to politicians and members of the public, all she can do is request their co-operation and, in respect of both of these leaks, there were clearly others, apart from the Civil Service, who had access to the documents.

So far as the Internal Audit Report was concerned, the initial circulation list consisted of the Chief Executive of the Department of Tourism and Leisure, the Chief Financial Officer, the Secretary to the Public Accounts Committee and the external auditors. I believe that list was subsequently extended to include the Standing Committee of Tynwald on Standards and Members' Interests. I can only assume that the Secretary to the Public Accounts Committee would make it available to the members of the Committee, that the Chief Executive at Tourism would make it available for discussion with the relevant staff and that, as a relevant piece of evidence, it may at some point have also been given to the police. It was then, at some later point, made available to my advocate, at his request, and, therefore, to myself and my wife also.

At this point, I would like to take this opportunity of making a definitive statement, that I did not release this Report to the media, nor do I have any knowledge of who did so. You will see that any investigation would require to be extensive and would most certainly be time-consuming and based entirely on the co-operation of the vast majority of the persons involved, who are outwith the jurisdiction of the Chief Secretary, the person whom I would normally expect to conduct such an investigation.

Turning now to the second part of the Hon. Member's Question, what action can be taken depends on who is found to be responsible, if anyone.

If it were a civil servant, they would be subject to disciplinary procedures and may have committed an offence under the Official Secrets Act. Advice would be necessary upon that point.

If it were a politician, I would expect the matter to be referred to the Standing Committee on Standards and Members' Interests and for them to determine what action was necessary, and, if it were any other party, then I suspect there is little or nothing that could be done, unless it could be proved that someone had suffered loss or damage as a result of the publication of the Report and, under those circumstances, such a person may then have a claim in damages against any person who had published the Report.

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

Mrs Craine: Thank you, Mr Speaker.

Notwithstanding that the mechanisms for investigation may be unwieldy and difficult, and disregarding the subject that is referred to in this Question, will the Chief Minister agree with the principle that this unsavoury practice, that is working its way through Government, should be condemned and that there should, perhaps, be a more flexible manner in which investigations can take place?

The Speaker: Chief Minister to reply.

The Chief Minister: As I said at the outset of this Question, I feel in somewhat of an invidious position and, if there is to be an inquiry, I do not believe it should be myself that activates that. Under different circumstances, and as the hon. questioner has said, notwithstanding the subject matter – although the subject matter is included in her Question, Mr Speaker – as a general point, the leaking of confidential information is completely wrong and it does undermine the process of government and it undermines the processes that we are all involved in.

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

Mr Gill: Yes, thank you, Mr Speaker.

Would the Chief Minister confirm that elected Members are subject to the provisions of the Official Secrets Act and would be liable to prosecution in just the same way as, say, a civil servant would be if there was a prima facie case to investigate?

The Speaker: Chief Minister to reply.

The Chief Minister: As I understand it, the question is: should the same rules apply to Members as apply to civil servants? I do not believe that that is the case, but I think the only person who could reasonably take a view on that would be the Attorney General, as to whether, in fact, a breach of the Official Secrets Act has occurred, whether Members are subject to the same rules, as indeed civil servants, and I think not.

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

Mr Karran: Vainstyr Loayreyder, would the Ard-shirveishagh not agree that the Report that was leaked was out of date, totally misrepresented the truth and was spun by the press? And why was it that it remained confidential for

months until it was released to the advocates dealing with the case? Has he got any idea why this should be the case and why this out-of-date Report should suddenly become put into the public domain?

The Speaker: Chief Minister to reply.

The Chief Minister: Well, I am very interested, Mr Speaker, to understand that the hon. questioner has read the Report.

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

Mrs Craine: Thank you, Mr Speaker.

The Chief Minister acknowledges that this habit can undermine the path of Government. Does he, therefore, accept that if public servants compiling confidential documents suspect that they may become publicly leaked, it may influence the manner in which they are written and may result in the authors being more guarded about what they write?

The Speaker: Chief Minister to reply.

The Chief Minister: I think that is a very important point, Mr Speaker, because, certainly, there was a debate here a year or two ago – I cannot remember exactly when – in relation to whether Internal Audit reports should be made available routinely to the Public Accounts Committee and Hon. Members decided that that should be the case. The concern expressed within Government at that point was that, in fact, the way those reports are written – which is that the reports are written to help Government be better and to help departments pursue their functions in a more upright manner – there could be a feeling that those reports could be written differently, as the hon. questioner has alluded to, that, if they have more of an airing, they could be written in a different way and, therefore, from Government's perspective, might end up less helpful.

There is always that fear. I am not saying that that is happening, but that certainly was the issue that was debated, because, years ago, Internal Audit reports remained internal and did not go to parliamentary bodies.

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

Mr Gill: Yes, thank you, Mr Speaker.

Is the Chief Minister aware that the Official Secrets Act, which covers these issues at the present time, dates back to 1911, an era when the Empire was threatened more by the Zeppelin airships than the contemporary issues that we face today, and, indeed, has been amended in the UK in 1989? Is he satisfied that it is appropriate for today's needs?

The Speaker: Chief Minister to reply.

The Chief Minister: I doubt very much whether it is appropriate for today's needs and it may well be that the Official Secrets Act, as it relates to governmental matters within the Isle of Man, could do with being reviewed and I am more than happy to raise that issue with the Attorney General to seek his views.

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

Mr Cannan: As a general view, would the Chief Minister agree that if there was more transparency in Government and more openness in Government, then, perhaps, there would not be this leak of confidential information? And is it not dangerous that Government can mark all documents 'Confidential', (**Mr Karran:** Hear, hear.) so as to deny the people we represent the knowledge to which they should be entitled?

The Speaker: The Chief Minister to reply.

The Chief Minister: Well, the Hon. Member for Michael touches on an interesting point, which is where is the boundary between what is transparent and what is openness and the boundary, which I suggest should not be crossed, where individuals' personal data and issues to do with confidentiality are breached and aired in public. It is a fine line, I believe, that Hon. Members, as elected representatives, are asked to walk.

But, certainly, in relation to the subject matter of the Question, which is two documents that I have referred to in my Answer, they were very much confidential. But, yes, I would support the Hon. Member for Michael's quest for greater openness and greater transparency and I think that belongs not just to executive government but also to the way parliamentary committees do their work. I think the more openness and transparency we have the better in relation to issues of policy, issues of public finance et cetera, but I do think, sometimes, we make the mistake of going over the line and actually getting involved in people's private data.

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

Mrs Hannan: Thank you, Loayreyder.

Could I ask the Chief Minister, maybe, to expand on some of the comments that he has made about the Public Accounts Committee and about Internal Audit? Is he suggesting that the Public Accounts Committee leak all documents that are received from Internal Audit and is that where he is suggesting that the leak has come from? Is he suggesting also that the Public Accounts Committee should not have reports and cannot be trusted with reports from Internal Audit or any other government department? And, if that is the case, could he also tell the House which other documents have been released or leaked to the press (**Mr Karran:** Hear, hear.) from the Public Accounts Committee?

Could I also ask the Chief Minister, does he take the Public Accounts Committee seriously (**The Chief Minister:** Absolutely.) and the work that the Public Accounts Committee does and the way that it acts? And, if not, will he bring a motion to the House to explain why?

Also, could I ask, the comment that he made about the Member for Onchan – interested to know that Mr Karran had read the Report – does he know that Mr Karran is on the Public Accounts Committee? Does he know that the Public Accounts Committee had a copy of this Report very early on, not just before it was released to the press, as he has suggested?

The Speaker: Chief Minister to reply.

The Chief Minister: In my original Answer, Mr Speaker, I went through a list of all those who would have a copy of this Report and that includes myself latterly, but it also

showed that this Report has been in quite wide circulation, on a confidential basis, for many months and I have not drawn any conclusions, that it has been leaked by any one individual. I do not know who has leaked the Internal Audit Report. I *do not know* who leaked the confidential memo that was within the Department of Tourism. So, in terms of the Public Accounts, I certainly have no opinion in relation to the Internal Audit Report whatsoever. I am just making it clear in my Answer as to who was on the circulation list.

In relation to the function of the Public Accounts Committee, I am on record several times within Tynwald recently, that I do not believe that the level of scrutiny that executive government receives is of a good enough quality for a modern-day parliamentary setting – that is a personal opinion – and I am looking forward to the committee report which is looking at the scrutiny functions of parliamentary scrutiny. I am looking forward to that report coming to the House for debate by us all, because I do think we can improve our level of scrutiny, as either ministers or backbenchers, and I am certainly cognisant of the progress made in other islands, where they have a far more formally-structured scrutiny process and I think we can learn from others in that respect.

So, in relation to the work of the Public Accounts Committee, as it is currently structured, I have no comment, because it is quite a long time since the Public Accounts Committee produced a report that was really of benefit to Government and, as Chief Minister, I expect scrutiny reports to come to Government, endorsed by the House, so that we can improve the service of Government to the people of this Island and I do not think we get enough scrutiny reports to help us in that respect. That is a personal opinion.

But, in terms of the people involved in the Public Accounts Committee, I have in my response this morning not cast any question on their integrity at all. All I have done, because of the Question being asked, is list all those who I am aware had the circulated document.

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

Mr Gill: Yes, thank you, Mr Speaker.

Could the Chief Minister confirm that any member of the public, be they a civil servant, elected Member or not, is liable to the provisions of the Official Secrets Act? Could he advise us, perhaps in writing subsequently, how he squares this with the caveat that he threw in about damages et cetera and, perhaps, for the sake of clarity, could he arrange for the Attorney General to advise Members about the requirements under that Act: also, perhaps, any suggestions about what Members should do if they receive any unsolicited, confidential information, how they should respond to that?

Mr Karran: If you want to be a minister...

The Speaker: Chief Minister to reply.

The Chief Minister: I am more than happy to raise the points with the Attorney General that the Hon. Member for Rushen has just raised and, in fact, as soon as *Hansard* is available I shall write to the Attorney General with a copy, explaining the Question about the Official Secrets Act that the Hon. Member is interested in.

In my Answer in relation to publication of such reports, I only made a clear statement, really, of perhaps what is

obvious, which is that when someone who has suffered loss or damage as a result of a publicised confidential report, then the publisher may well be in the firing line in relation to those damages. That is a judgement for the publisher to make and, no doubt, they take their own legal advice in respect of that.

The Speaker: A final supplementary to this question. Hon. Member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Ard-shirveishagh not agree that this Report goes back to somewhere like March? It has been around in the public accounts domain, in many places for months and this Report, which totally misrepresents what the position is at the present time, happens to be leaked. It was at the Standards Committee on 18th June, or thereabouts, it turns up 10 days after it is released to lawyers. Is this not where we should be looking, as far as this leaked Report, and can we ask somebody to investigate why it could stay confidential for months and it is then given to the press and absolutely misrepresents the position?

The Speaker: Chief Minister to reply.

The Chief Minister: Well, the Hon. Member has obviously made his mind up on certain matters and I am aware of that by private conversation with the Hon. Member for Onchan.

The Hon. Member has a suspicion, so if an inquiry into this is enacted and if the Chief Secretary does follow this line, then, no doubt, the Hon. Member will wish to speak with the Chief Secretary in relation to his suspicions. But can I say, bearing in mind the hon. questioner has said that this Report has been around for months and months, that, bearing in mind another Question on the Order Paper posed to the Minister for Tourism later today, which is discussing statements that were made in public at a meeting of the Standards and Members' Privileges Committee – which is in *Hansard*, it is a public document – just simply asking whether something was said or not, that, in the whole of that *Hansard* and in the whole of that session where the Department of Tourism were being questioned by the Members' Standards and Privileges Committee, this Internal Audit Report, which was in the possession of all those people present, i.e. in the Department of Tourism and on the Committee, neither of them actually mentioned it during the questioning, which I find strange, bearing in mind it has been publicised for so long.

TREASURY

Purchasing policy Encouraging local producers

3. The Hon. Member for Onchan (Mr Karran) to ask the Minister for the Treasury:

- (1) What is the policy of the Treasury to encourage purchasing of produce or services on the Island from local producers rather than importing from off-Island producers; and
- (2) what is the amount allowed for by the Treasury to encourage resident companies in the Manx economy?

The Speaker: Question 3. I call on the Hon. Member for Onchan, Mr Karran.

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

The Speaker: I call on the Hon. Member for Ramsey, Mr Bell, Minister for Treasury to reply.

The Minister for Treasury (Mr Bell): Mr Speaker, firstly I would have to say that Treasury's policy to encourage Government, companies and residents to buy from Island suppliers is to try and ensure that local conditions are such as to make the Island's suppliers competitive in terms of the quality and price of what is being offered in the face of off-Island competition. However, we, of course, recognise that there are factors related to the size and location of our Island that can make it difficult for our companies to compete on an equal footing with bigger off-Island concerns. Accordingly, there are a number of areas where specific encouragement is given to local companies. It is important to recognise, however, that our actions in supporting local suppliers are restricted by legal and financial factors.

In respect of the former, article 1(1) of Protocol 3 states that:

'Community rules and customs matters and quantitative restrictions apply to the Isle of Man'.

and, effectively, this prohibits policy measures that encourage, require or give preference to the purchase of domestic products only. Such actions are seen to be equivalent to quantitative restrictions and a distortion of free trade between Community partners.

In respect of the financial consideration, then, as it pertains to Government purchasing, it is always necessary that departments achieve value for money. Due regard must be paid to the purchasing policy document initiated by the Value for Money Committee of the Treasury that was adopted as Government policy, by the Council of Ministers, and circulated to all Departments and Statutory Boards in August 1991. The document allows for preferential treatment to local suppliers at the discretion of Chief Executive Officers.

Within the document reference was made to the Government purchasing initiative, that seeks to allow local suppliers maximum opportunity to compete for public sector business. The document was re-circulated by the Value for Money Committee in December 1992 to re-affirm the need for all Departments and Statutory Boards to purchase locally and use local produce wherever possible whilst, at the same time, seeking to achieve value for money.

A key objective, contained within the purchasing policy document, is to increase local competition for Government's business by ensuring local companies are made aware of the range of goods and services used by Government and are given every opportunity to compete for all available business. I can also advise that the Value for Money Committee of Treasury issued Guidance Note no. 1 on competitive tendering in October 1999 and confirmation is given in paragraph 4, entitled, 'Who should we invite to tender?', that it is Government's policy to favour local suppliers where price differentials are marginal.

The note also confirms the Council of Ministers directed that, for smaller contracts, local firms should be favoured where the price proffered by them is up to 10 per cent greater

than an off-Island company. This would be reasonable for business up to, say £2,000, but for sums greater than this the margin should be decreased. For example, for an order worth £50,000 a 5 per cent differential may be more appropriate. The guidance note on competitive tendering is referred to within financial direction 8.11 of the financial regulations used by the Treasury.

Mr Speaker, as far as part (2) of the Question is concerned, I am uncertain as to the meaning of the Question asked by the Hon. Member. It may well be that I have already answered it in my reference to the higher cost margins allowed to local companies. Other than that, I can report that Treasury does not have funds set aside to encourage resident companies in the Manx economy if, by that, the Hon. Member means funds to help subsidise local companies to compete in the marketplace.

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

Mr Karran: Eaghtyrane, would the Shirveishagh Tashtee, the Minister for Treasury, make a point of promoting this to local business at the present time, as I receive complaints about issues where services could be purchased on Island that are being purchased off-Island? Can he make a fresh attempt to get that PR out to people, as far as that is concerned, and could he, in the interests of transparency, see whether he could try and make sure that contracts are pushed out, so that local firms are being informed, as far as goods and services being provided in the Island, to take up some of the slack in the unemployment to make sure that we are maximising economic activity within the Island?

The Speaker: Treasury Minister to reply.

The Minister: Yes, Mr Speaker, I have no problems with the request made by the Hon. Member.

In fact, as far as we have been able to, this is Treasury policy at the moment. We are concerned with the slow down in the construction industry in particular, which we know, in some areas, is causing problems at present and that there has been a slower delivery of Government's capital programme than might otherwise have been desired. Treasury are looking at the reasons for that and trying to speed up work to go back into the marketplace as quickly as possible and this largely will consist of the smaller schemes, as we have now completed most of the large capital schemes and this will be of particular benefit, I think, to local construction members.

Mr Speaker, I can also – in fact, I will undertake – Mr Speaker, to re-circulate the Value for Money Committee document to all Chief Executives of Government, pointing out the policy decision that was made back as far as 1991, just to remind Chief Executives of our desire to encourage them to buy local wherever possible. (**Mr Houghton:** Hear, hear.) I think that it is incumbent on us all to try and stimulate (**Mr Houghton:** Hear, hear.) the local economy in this way.

I would just add, Mr Speaker, there is also a requirement on local business itself to be more proactive in seeking out Government business and not simply sit back and wait for it to be delivered to their doorstep and, ultimately, Mr Speaker, we have a responsibility to get best value for money for the taxpayers of the Island and, therefore, whilst we will do our utmost to ensure that business is made available for our local business community, that business, Mr Speaker, has to be

tendered for on a very competitive basis, too.

So, I take the Hon. Member's point, Mr Speaker, and will ensure that the various documentation and policy decisions taken over the last few years, are re-circulated to departments, in the hope that they will, in fact, respond positively to help the local community.

HEALTH AND SOCIAL SECURITY

Replacement hospital consultants

4. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Health and Social Security:

Does your Department intend to replace two hospital consultants following the retirement of the current post holders and, if not, why not?

The Speaker: Question 4. 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 Garff, the Minister for Health and Social Security, to reply.

The Minister for Health and Social Security (Mr Rodan): Thank you, Mr Speaker.

I would thank the Hon. Member for his Question, but would advise him that the Department is not actually in receipt of a formal notice of retirement from any member of the consultant medical staff. However, I would confirm to him that, as part of the business planning process, all areas of the Health Service are encouraged to undertake regular organisational and operational reviews. This is, of course, particularly relevant when retirements are pending.

I can confirm, whilst, in most cases, such reviews indeed result in the recruitment of replacement staff, it can, on occasion, lead to a more fundamental review, leading to the restructuring of the particular service in question. But, in all cases, patient care is of paramount consideration.

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

Mr Houghton: Thank you, Mr Speaker. I thank the Hon. Minister for his Answer.

It appears to be somewhat guarded, Mr Speaker, so I can only ask the Hon. Minister if, in case of consultants who provide the maximum health care that anyone can expect in this Island, could he consult with Members of this House if he intends to do away with any such senior post in Health? Will he consult with us first on that? This is a vitally important point, Mr Speaker.

The Speaker: Hon. Minister for Health and Social Security to reply.

The Minister: Yes, I will try and be helpful to the Hon. Member. I think I understand where his concern rests.

It is certainly a fact that we have consultant physicians,

three of whom have already attained the age of 60, and it is a fact that we have consultants, a number of whom have special interests, and they have, therefore, more than one discipline at the disposal of the Health Service and the Health Service benefits greatly from that.

Mr Houghton: They are valuable people.

The Minister: Nowadays, younger consultants coming through do not tend to be what one would call generalists with a spread of interests. They specialise in a particular area and when, therefore, there is a retirement of somebody with more than one specialism, it can be very difficult to replace like for like. Therefore, my reference to organisational review does become quite important in this situation, because there may be better and more effective ways of achieving or meeting the particular service demand met by one of those specialisms that might go on retirement and it can, therefore, sometimes be the case that more can be achieved in utilising the funding freed up by an individual who is leaving, to provide the service in a different way, rather than simply recruiting a replacement.

However, I would like to assure the Hon. Member that there are no proposals at present not to replace a retiring consultant. (**Mr Houghton:** Hear, hear.) The likelihood is, if anything, that, in some cases, it will be necessary to recruit additional consultants, rather than fewer, bearing in mind that consultants nowadays tend to specialise.

Mr Houghton: Hear, hear.

TRANSPORT

Trade vehicles delivering goods onto Steam Packet Company vessels Security measures imposed

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

Why has your Department imposed bureaucratic security measures on trade vehicles delivering goods onto Isle of Man Steam Packet Company vessels?

The Speaker: Question 5. 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 West, Mr Shimmin, Minister for Transport, to reply.

The Minister for Transport (Mr Shimmin): Thank you, Mr Speaker.

In the aftermath of the attack on the World Trade Centre, New York, on 11th September 2001, the shipping and port industries responded to an international call for improved security, by adopting the International Ship and Port Facility Security Code. The Code was adopted by the International Maritime Organisation, which is a United Nations agency, as an addition to the Safety of Life at Sea Convention on

12th December 2002.

The Code applies to all vessels over 500 gross tonnes engaged on international voyages and this clearly includes the Isle of Man Steam Packet Company's vessels. The SOLAS Convention extends in full to the Isle of Man and, therefore, in order to meet its international obligations, the Isle of Man was required to implement the Code by the 1st July 2004 deadline set by the IMO. I am pleased to advise Hon. Members that this deadline was achieved.

There are many aspects to the Code, but, in terms of the Hon. Member's Question, it is a principal requirement of the Code that the delivery of stores to vessels within the restricted area is controlled in accordance with the Code. It was for this reason that my Department has implemented the security measures presently in force in Douglas, which have been designed not to be unnecessarily bureaucratic, which is in contrast to the inference in the Hon. Member's Question.

The Speaker: Question 6.

Mr Houghton: Mr Speaker, a supplementary.

The Speaker: Question 5, we will remain with. Hon. Member for Douglas North, Mr Houghton.

Mr Houghton: I am very grateful, Mr Speaker.

A supplementary, if I may. Can the Hon. Minister explain why – it may be without his jurisdiction – this is not reciprocated in the United Kingdom for trade vehicles attending the same vessel? And where does the Hon. Minister get the idea that the Isle of Man Steam Packet Company goes on international voyages – we are going to Liverpool and Heysham – and why does he think that local traders, delivering goods onto that ship, are likely terrorists?

The Speaker: The Minister for Transport to reply.

The Minister: I am sorry, Mr Speaker, that the Hon. Member downgrades the status of the Isle of Man and its international responsibilities to the SOLAS Convention.

However, I do not know where the Hon. Member gets information from and he makes comments as if they are factual. However, I can advise that one of the main areas that he has referred to, of the port of Heysham, where all vehicles are held at the gates and they are only allowed to proceed to the vessel if the driver has ID and when the ship has verified that it is a genuine delivery. If no ID is available, the person may be escorted to the ship, if the ship is expecting a delivery.

It does imply that there is criticism of the Scheme that has been set up, which, certainly, it is my Department which has borne the brunt of many of these security measures post 11th September. However, I would advise the Hon. Member that, up to 26th October, we have issued 391 security passes. They have been issued to a range of bodies delivering to the Steam Packet and we have had no complaints about this. Indeed, the Isle of Man Steam Packet Company are very pleased with the level of controlled access to their vessels and I can just inform the House that issuing of a security pass involves the completion of a one-page form, the taking of a photograph of the applicant for inclusion on the pass.

Mr Houghton: Here is the bureaucracy.

The Minister: The usual turnaround time from receipt of form to issuing of the pass is three days. However, in an urgent case it has been achieved in 15 minutes. We are attempting to operate with all of those who have to service our ports' areas, whilst maintaining an international standard. All ports servicing Isle of Man vessels, and, indeed, other vessels from ports elsewhere, that is the responsibility of those Governments and I would hate to see the Isle of Man failing to honour its international obligations.

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

Mr Karran: Vainstyr Loayreyder, can the Shirveishagh assure us that his priorities will not be looking for Mr Bin Laden and his terrorists, but actually using this as a vehicle in order to make sure that we can keep arms and drugs out of the Island. (**Mr Houghton:** Hear, hear.) May I congratulate him that if he can use this international convention in order to do that, then it will be a job well done.

The Speaker: Minister for Transport to reply.

The Minister: I understand fully, Mr Speaker, the Hon. Member's reason for asking the questions.

However, this is not the specific area that we are talking about in this Question. It is at security level 1, which is the current status, and we will operate within the guidelines given to us and those mandatory parts of it. The Department and the port services do work closely with the Police and Customs for the very reasons that the Hon. Member is alluding to and there are frequent occasions when the Police presence is seen with dogs et cetera in the area.

So I am aware that all of us share the Hon. Member's concern about the importation of inappropriate issues. However, what we are talking about is storing of the Steam Packet vessels and it is fairly obvious to all involved at the sea terminal, that we do know the people who use it, it is a smooth operation and it is not intended to either hold people up or to delay the process, sir.

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

Mr Houghton: Thank you, Mr Speaker.

A final supplementary, can the Hon. Minister state whether there were ever any intended charges for these bureaucratic passes that he is issuing? Would he welcome some comment in a briefing outside this Chamber on this very matter, and, if so, and he does accede to my point of view on this, would he undertake to possibly review this situation, which is overly bureaucratic, sir?

The Speaker: Minister for Transport to reply.

The Minister: Mr Speaker, it is somewhat frustrating that the Hon. Member repeats and regurgitates the 'overly bureaucratic' comment, as if by saying it more often it makes it true.

It is not the case. It is a system where, inevitably, Government has to operate systems and, by nature, they can be described as bureaucratic. The process which has been put in place, I would repeat, we have received no complaints from the companies and, particularly, none from the Steam Packet Company.

Mr Houghton: I have got one here.

The Minister: Therefore, if the Hon. Member had taken the time to come, he may well find that an individual has found it unfortunate, because he, maybe, did not comply with it. I will certainly and happily look into that matter.

However, the system is operating smoothly, has complied with the requirements and, no, I will not review it, because this is a commitment which we have in order to maintain the operation of the port, sir.

EDUCATION

Work experience for secondary school students UK agency employed

6. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Education:

(1) Why has your Department employed an agency from the UK to arrange a work experience programme for 2004-05 in respect of students attending secondary schools;

(2) what is the total cost of this contract; and

(3) has this service been used before?

The Speaker: Question 6, 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.

The Speaker: I call on the Hon. Member for Glenfaba, Mr Anderson, Minister for Education, to reply.

The Minister for Education (Mr Anderson): Thank you, Mr Speaker.

Work experience has formed an integral part of the curriculum of the Island's secondary schools for well over 20 years. It normally involves every 14-year-old pupil having the opportunity of a one-week placement in a local firm, usually of their choice, in order to gain experience of the world of work. Opportunities are also available in a similar fashion for older pupils.

A number of years ago the arrangements were made by teachers and by individual schools, according to what opportunities were available in the locality. However, with increasing consciousness about matters of risk and health and safety, it became obvious, a few years ago, that assessments of the suitability of the placements would need to be undertaken and these were initially carried out by teachers. It soon became apparent, of course, that teachers have neither the time nor the expertise to make such assessments and, four years ago, the Department engaged Trident Trust, which is a leading organisation in England working in this area, to carry out such assessments.

Whilst this proved useful as far as it went, schools identified that there was an additional, growing need to co-ordinate, on an Island-wide basis, the organisation of work-experience placements. This need coincided with the National Workload Agreement for teachers and this emphasised the need for teachers to teach, rather than be

engaged in organisational matters.

As a consequence of these factors, the Department decided to make arrangements for a local Isle of Man firm to carry out the health and safety inspections and these are being carried out for the Department by Safetynet, a Manx-registered company based in Douglas.

The Department also decided that the central co-ordination role could be best achieved electronically and the Trident Trust were engaged to do this. Information about the work-experience placements is maintained electronically, with schools having access to the database to select the placements for their students. The Trident Trust operate similar programmes throughout the UK for pupils aged between 14 and 18 and are unique in providing this service for local education authorities in England. It made sense, therefore, for the Department, that Trident Trust should be selected to provide this service, since it was tried and tested and good value for money.

In answer to part (2) of the question, the total cost of the contract with Trident Trust is £20,000 per annum. As indicated in the earlier part of my Answer, the Trident Trust has been used by the Department for a period of four years now, but their role from now on will be to maintain the electronic database and to co-ordinate the work placements required.

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

Mr Houghton: Thank you, Mr Speaker.

Can I ask the Minister why do we need a United Kingdom consultancy company to give us an electronic database, to tell us where the local Strix factory, or whatever it is down the road, will take in a certain amount of work-experience places, time and time again?

Also, what the Minister has not pointed out is, that Trust has simply referred those people, whom it wishes to engage in such an organisation, to contact the school themselves. That is all it sets out to do, not all the wonderful issues that the Minister has pointed out.

Thirdly, at £20,000 a year, when this could and should be done by each of those five secondary schools, could he not, therefore, take that £20,000 saving and put it to much better use? Another £20,000 off the Isle of Man – it is totally unacceptable.

The Speaker: Minister for Education to reply.

The Minister: Thank you, Mr Speaker.

Can I just remind the Hon. Member that the contract, at £20,000 per annum, is considerably less than it would cost for us in the Department of setting up its own electronic database.

Mr Houghton: I am not asking you to do it.

The Minister: It would also involve employing an administrative assistant to maintain it and, also, because of Trident Trust's experience in this field, there should be no teething problems. If we were setting it up, we would go through that process. They have gone through that process, their system is tried and tested and it is saving us a considerable amount of money by spending £20,000 with this firm.

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

Mrs Craine: Thank you, Mr Speaker.

Unlike the previous questioner, I think that this is probably money well spent, but can I ask the Minister if Trident Trust will be seeking out local district opportunities, because it has been evident in the past that in Ramsey, certainly, and possibly in Castletown and Peel, it is more difficult to acquire those work placements than it is the Douglas placements?

The Speaker: Minister for Education to reply.

The Minister: Thank you, Mr Speaker.

I would thank the Hon. Member for her agreeing that it is money well spent.

I did not know there were significant problems in finding local placements. Obviously, you are very restricted in some areas, in what sort of work you have got, but I shall look into the fact that she mentions, that they do struggle to find work placements in the outlying areas of the Island and that, indeed, they come back and tell the schools, and the students, what is available in the local areas.

Mr Houghton: Do they know the local areas?

The Minister: But the pond is only so big and there are only so many opportunities, but it is important this organisation is best placed to show us what opportunities there are.

Cost of hiring school facilities Discouragement to community groups

7. The Hon. Member for Ramsey (Mrs Craine) to ask the Minister for Education:

Are you aware that the cost of hiring school facilities is discouraging their use by community groups and associations?

The Speaker: Question 7, I call on the Hon. Member for Ramsey, Mrs Craine.

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

The Speaker: I call on the Hon. Member for Glenfaba, Mr Anderson, Minister for Education, to reply.

The Minister for Education (Mr Anderson): Thank you, Mr Speaker.

From the records kept by the Department, I can confirm that there is no evidence overall to support the Hon. Member's claim.

In 2002-03 there was an increase of 7.7 per cent in lettings, in 2003-04 there was a 16.3 per cent increase and, in the first seven months of this year, a 36.6 per cent increase. Primary school users have more than doubled over the past 10 years and the number of users now number 225. The secondary school facilities and youth service facilities have also increased over this period.

The cost of hiring the Department's facilities does increase each year. The charges are increased annually to take into account any increase in the caretaker's hourly rate and the rate of inflation is applied in respect of administration, wear and tear.

There was a large increase in 2003-04, due to the letting systems being reviewed and a more standardised charging system being introduced, bringing both the primary and secondary schools in line with each other and the charges as a whole in line with the NSC. However, an 80 per cent deduction on a pro rata basis is made for groups where children are members.

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

Mrs Craine: Thank you, Mr Speaker.

I hear with interest that there is no evidence to support this claim, but is the Minister aware that a school facility is actually costed out at 500 per cent more than local comparable facilities, and how does he see that reconciles with the use of facilities, built with taxpayers' money?

The Speaker: Minister for Education to reply.

The Minister: Thank you, Mr Speaker.

The statistic the Hon. Member points out, where she compares a facility being provided by the Department of Education with another local facility, obviously would have a bearing in the figures that the Department has in the uptake of our facilities and obviously that is not happening, so maybe there is a local situation that she is talking about as a one-off, but, generally speaking, it appears to me that the Department's facilities are being increasingly well used.

As I mentioned in my original answer, a standardisation has taken place between primary and secondary and that is possibly why that percentage of 500 per cent that she mentioned, stands out from all the others. However, it probably reflects the charges that were actually in place before, that were substantially under what they should have been and did not reflect the cost of the facilities, as far as the Department of Education is concerned, and it was obviously being very heavily subsidised by the Department.

The Speaker: Member for Rushen, Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

Is the Hon. Minister for Education aware of other local difficulties? Obviously not from the answers he has given previously.

Certainly, in my own constituency, there is at least one organisation that I know of, that wishes to use a facility and is finding it increasingly difficult. Would he, perhaps, then review the need to actually have caretakers on duty of an evening? Surely would he not agree that organisations could actually pay a bond of trust to the Department, take a key, open the building, use the building and then lock up afterwards? Surely would he not agree this would be a better way forward, allowing the facilities to be used by the people who ought to be allowed to use them?

The Speaker: Minister for Education to reply.

The Minister: Thank you, Mr Speaker.

I thank the Hon. Member for his question. I am aware

that individual organisations are having problems with meeting these charges, but those are organisations that do not have a large element of youth or children taking part in those facilities and they are probably paying what is the commercial going rate as a result of that.

However, in response to enquiries to the Department, I have asked the division to look into the possibility of looking at how these charges are structured for outside organisations and the issue that he raises about a bond of trust being created between an organisation and a Department is something that could be looked at by that division.

A Member: Hear, hear.

The Speaker: Member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree with the policy that we got in in recent years for the designing of skills to be used more for community use, that this policy needs to be encouraged, especially when we are looking at spending several millions of pounds on new schools, that the schools are left empty half the time?

Would he make it a priority, allowing for this Hon. House refusing my amendments in an Education Bill, to encourage these services at a more realistic rate, to do so in the interests of encouraging the community to use the schools and to get the children and young people off the streets?

The Speaker: Minister of Education to reply.

The Minister: Thank you, Mr Speaker.

The Department does encourage, by reducing its rates by 80 per cent, to help the community and young people use the schools. The Hon. Member –

Mr Karran: What are the costs...

The Minister: The Hon. Member talks –

Mr Karran: Too much.

The Minister: – about using them out of school time. Obviously, there is a higher cost there because you have to have the staff looking after the premises and, therefore, it is not always possible in school holidays to open them up in the same way.

However, from the statistics that I gave in my initial Answer, it is quite evident that the schools are being used more now than they have been in the past.

The Speaker: Member for Douglas North, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

Can I rise to congratulate the Hon. Minister and his Department in this matter, sir, I, as one who runs two separate organisations within his Department –

The Speaker: Hon. Member –

Mr Houghton: Question, sir, coming up – is that will

he accept that his Department is to be congratulated but the policy is to be further encouraged and that please pass on my congratulations, commendations, to his Chief Letting Officer, Suzanne Creswell, for her pleasant and caring attitude at all times, sir?

The Speaker: Minister for Education to reply to that... statement. (*Laughter*)

The Minister: I will take his congratulations back, Mr Speaker.

The Speaker: A final supplementary on this question. Hon. Member for Ramsey, Mrs Craine.

Mrs Craine: Thank you, Mr Speaker.

Will the Minister, whilst accepting that there is going to be a review of the situation with regard to the rates charged for hiring, accept that there should be a difference between the costs of hiring for gain by commercial users and hiring for community use? Does he accept the position that, in many cases, where there is community use, they are raising for charity and, in doing so, they are sometimes raising less money than the hire costs of the hall?

The Speaker: Minister for Education to reply.

The Minister: Thank you, Mr Speaker.

This is the very area that the division will be looking into and examining the differential in the subsidy, if you like, on the way it is levied. Obviously, there is a very valuable element to the community, when community activities are taking place, but I would suggest that there are very few actual commercial organisations using it in this strict way. However, that division will look at all aspects that the Hon. Member has raised.

The Speaker: Hon. Members, that concludes Questions, as permitted under our Standing Orders.

Standing Order 43(2) suspended to allow continuation of Question Time

The Speaker: I call on the Hon. Member for Douglas East, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker. I beg to move the suspension of Standing Order 43(2) to permit the remaining Questions for Oral Answer to be taken at this sitting.

The Speaker: Member for Douglas North, Mr Henderson.

Mr Henderson: I beg to second, sir.

The Speaker: Hon. Members, the motion before the House is that Standing Order 43(2) be suspended to permit the remaining Questions for Oral Answer to be taken. All those in favour, say aye; against no. The ayes have it.

A division was called for and voting resulted as follows:

FOR

Mr Anderson
Mr Cannan
Mr Rodan
Mr Quayle
Mr Gill
Mr Gawne
Mr Houghton
Mr Henderson
Mr Cretney
Mr Duggan
Mr Braidwood
Mrs Cannell
Mrs Hannan
Mr Bell
Mrs Craine
Mr Karran
Mr Corkill
Capt. Douglas
The Speaker

AGAINST

Mr Rimington
Mr Earnshaw

The Speaker: Hon. Members, the motion carries, with 19 votes for and 2 votes against. Therefore, we continue with our Questions.

HOME AFFAIRS

**Costs of Constabulary investigations
Supplementary Vote in Tynwald**

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

When are you going to go to Tynwald for a Supplementary Vote to cover costs in respect of:

- (a) Cheshire Constabulary investigations to date;*
- (b) Hampshire Constabulary investigations to date;*
- (c) all legal costs in respect of the former Deputy Chief Constable and Inspector Graley; and*
- (d) any other additional costs imposed on the Constabulary as a result of the above investigations, suspensions from duty, et cetera?*

The Speaker: I call on the Hon. Member for Douglas North, Mr Houghton. Question 8, sir.

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

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

The Minister for Home Affairs (Mr Braidwood): Thank you, Mr Speaker.

I can confirm that officers of my Department are constantly reviewing budgets in order to identify what requirement my Department will have, by way of requesting supplementary funding from Tynwald for the current financial year. This exercise will not just address the costs referred to by the Member for Douglas North, but will encompass all budgetary areas across the Department. When that exercise has been completed, I will be in a position to

assess if, indeed, any supplementary funding will be required by my Department.

Mr Speaker, I would also like to add that I feel it would be premature to approach Tynwald for supplementary funding at this point in time, whilst the investigations by the Cheshire and Hampshire Constabulary investigations are ongoing. Officers of my Department are seeking estimates of timescales and costs from Cheshire and Hampshire Constabularies for the remainder of the year and, when the estimates of these costs for the remainder of the year have been received from the Hampshire and Cheshire Constabularies and the full impact of these has been assessed, wherever possible I will then re-assess the requirements to seek Tynwald approval for supplementary funding in the current financial year.

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

Mr Houghton: Thank you, Mr Speaker.

Can I ask the Minister, he must have an idea, though, what the cumulative total of costs are in respect of all the relevant matters listed in this question to date?

The Speaker: Minister for Home Affairs to reply.

The Minister: Mr Speaker, I think it was mentioned last week in a Written Answer: the investigation by Cheshire is round about £378,000, the investigation by Hampshire is round about £1,500 and other related matters around about £12,000.

**Speaker's Ruling
on privacy of committee proceedings**

The Speaker: Hon. Members, we move on to Question 9 and, before we do so, Hon. Members, Question 9 on the Order Paper, I should advise that, after representations made regarding the appropriateness of this Question in relation to Standing Order 49(6), in that it refers to a matter before a committee of Tynwald, I have given careful consideration to the matter and especially to the application here of Standing Order 49(6), which states:

'A Question shall not be asked about proceedings in (a) a committee of the House, if such proceedings have not been placed before the House by a report from the committee or (b) a committee of Tynwald.'

I have, via my office, advised both the Hon. Member and the Minister through his Department, that I do not consider that this Question contravenes Standing Orders. My reasons for reaching that conclusion, taken after considering all relevant Standing Orders are as follows: the purpose of the restriction within Standing Order 49(6) to which I have referred, is to maintain the rule which applies both in this House and in Tynwald, that it is a contempt of the House or of Tynwald to disclose the proceedings of a committee before it has reported. That is similar to the general provisions of Standing Order 36 of the House that it is a contempt of the House to divulge any proceedings of the House when sitting in private.

There is, of course, also Standing Order 122, which I have considered, which provides for the proceedings of the

committee to be held in private, save where the committee decides to admit the public when examining witnesses. After carefully considering the representation put, I take the view that to apply Standing Order 36 to a situation in which the proceedings in question were held in public and have, indeed, been published in the official proceedings of *Hansard*, would be to give that Standing Order a function for which it is manifestly not intended and it would, therefore, be an absurdity.

Therefore, after considering the relevant Standing Orders, I rule that the purpose of Standing Order 49(6) is to preserve the privacy of committee proceedings both in the House and in Tynwald, held in private. Hon. Members, I find that there is no objection under Standing Order 49 (6) to the Hon. Member's Question.

TOURISM AND LEISURE

Tynwald Standards and Members' Interests Committee hearing re Ballacain Paid Tourism grants, unpaid invoices

9. The Hon. Member for Douglas East (Mrs Cannell) to ask the Minister for Tourism and Leisure:

Can you confirm that at a public hearing in August 2004 of the Tynwald Standards and Members' Interests Committee, the Department of Tourism and Leisure representatives confirmed that 'the grants in respect of Ballacain had been paid, but all invoices had not been paid' – a requirement under the Scheme as written?

The Speaker: I now call upon the Hon. Member for Douglas East, Mrs Cannell, to ask the Question standing in her name at Question 9.

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

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

The Minister for Tourism and Leisure (Mr Cretney): Mr Speaker, evidence given in open session of the Tynwald Standards and Members' Interest Committee by myself and representatives of my Department is a matter of public record and, therefore, does not require to be confirmed otherwise by me or anyone else. This oral evidence was recorded whilst the Committee was in session and it appears in *Hansard*, which is available to the public from the Tynwald Library.

As Hon. Members will be aware, the Committee felt it necessary to suspend its investigations, whilst the police enquiry is being conducted. I have received advice that it would, therefore, not be appropriate for me potentially to undermine any enquiries by saying anything further on this subject at this time.

When the investigation has been concluded, I would be happy to answer any further questions, subject to the normal restrictions required in observance of sub-judice rules and data protection legislation.

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

Mrs Cannell: Thank you, Mr Speaker.

Can I ask the Hon. Minister whether he recalls the cross-examination of his Director of Tourism, Mr LePage, at page 17 of *Hansard* of the Standing Committee of 13th August 2004, whether or not he has actually refreshed his memory and whether or not he was present when that cross-examination took place? And my further supplementary: if he was present, does he recall and does he concur with the cross-examination results that came out of that? How does that square, then, with the same officer giving evidence in the Small Claims Court on 26th April 2004?

The Speaker: Minister for Tourism and Leisure to reply.

The Minister: I was there. I recall my officer, the Director of Tourism, giving evidence to the Committee. I have not refreshed my memory, certainly, in reference to the Small Claims Court.

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

Mrs Cannell: Thank you, Mr Speaker.

My final supplementary, Mr Speaker. Turning to the Question on the Question Paper, I have asked the Minister can he confirm? Do I take it, from his response, that he has alluded that he cannot deny to confirm that, in fact, the Question and the answer given in the original Question here in the Question Paper was, in fact, the case? Further, I will ask him again in respect of the Director of Tourism, is he aware that, under oath, his Director of Tourism gave to the Small Claims Court on 26th April 2004 the information that all invoices had been paid? How does that square with the evidence he has given to our Standards Committee?

The Speaker: Hon. Members, just before I call on the Minister, I would make it clear that the proceedings in the Small Claims Court would be sub judice and I, therefore, would ask the Minister to avoid any response to that. It is not appropriate. Minister for Tourism.

The Minister: Well, thank you for that, Mr Speaker. All I would say is I do recall what Mr LePage said in the Members' Standards Committee and I am quite confident what was said was correct.

Steam Trains and Manx Electric Railway Promotion during winter season

10. The Hon. Member for Onchan (Mr Karran) to ask the Minister for Tourism and Leisure:

- (1) *What steps is your Department taking to promote the use of the Steam Trains and Manx Electric Railway for residents during the winter season; and*
- (2) *has your Department any other promotions in mind to increase rail use generally?*

The Speaker: Question 10. I call on the Hon. Member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I beg to ask the

Speaker's Ruling on privacy of committee proceedings

Tynwald Standards and Members' Interests Committee hearing re Ballacain – Paid Tourism grants, unpaid invoices
Steam Trains and Manx Electric Railway – Promotion during winter season

Question standing in my name.

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

The Minister of Tourism (Mr Cretney): Mr Speaker, the Steam Railway operates a daily service from the beginning of April to the end of October each year and, hence, does not operate during the winter months, with the notable exception of the Santa trains. During the winter period major track and ancillary maintenance is undertaken on the line. Although a significant amount of the railway track has been renewed as part of the IRIS scheme, there is still a sizeable section that requires either ongoing renewal or upgrading to a similar standard. To that extent, it is not practical for my Department to promote winter train services on the Steam Railway at this time.

However, as in previous years, Santa trains will again operate on an unaffected section of the railway from Douglas to Keristal during the first week in December and this is currently being advertised, as it has been since its introduction in 1988. This event proves very popular, carrying between 1,800 and 2,000 passengers, the majority of whom are residents, and projects a positive image of the railway.

The Manx Electric Railway has operated a limited winter service for many years, predominantly to serve the needs of local people living along its route. Since 1999 the service has operated on a daily basis, with the exception of a shutdown period between Christmas and New Year.

These extended services are aimed at encouraging both increased local use and also as an attraction for potential out-of-season visitors as part of my Department's policy to encourage year-round tourism business. Although major renewal and maintenance has to be undertaken on the Manx Electric Railway during the period between November and March, similar to that on the Steam Railway, the double track capacity of the Manx Electric Railway has meant that a reasonable level of service can be operated by switching from one line to another, as required.

During the past five years, passenger numbers on the Manx Electric Railway during the winter months have generally been disappointing. This is despite significant advertising of these improved services and the promotion of inexpensive residents' tickets offering unlimited travel. Regular internal reviews are undertaken to ensure the resources are directed to where they can be put to best use and achieve maximum effect. This year's winter service will again operate on a daily basis, as it did in 2003 and 2004.

In answer to the second part of the Hon. Member's Question, my Department intends to continue with the policy of producing good quality timetable and advertising literature to promote increasing use of the railways. Information is available from many sources around the Island, including shops, hotels and information centres. This is in addition to the outlets operated by my Department, including the travel shop, bus depots and tourist information centres, which are open all year round, and railway stations which open seasonally.

Early indications are that, following the reopening of the entire Steam Railway line, passenger numbers have noticeably increased. Special interest activities continue to be offered and promoted, including the previously mentioned

Santa trains and popular Thomas the Tank Engine events. These particularly are aimed at the Island's younger residents and visitors and will, hopefully, encourage them to take a very positive view towards supporting and using the railways into the future.

In addition, and in conjunction with the operators of the Wildlife Park miniature railway, the Groudle Glen Railway and the newly opened Laxey Mines Railway an annual enthusiasts' event is promoted to attract additional visitors to our Island. This is advertised within United Kingdom specialised media and supported by on-Island advertising to encourage local participation.

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

Mr Karran: Vainstyr Loayreyder, I thank the Shirveishagh for his reply.

Could the Shirveishagh tell us the sort of deficiency that is on the Electric Railway and the Steam Railway? Can he also tell us: has he got any new ideas, as far as getting more residents to realise, either use it or lose it, as far as the railways are concerned? And will the Shirveishagh consider whether he could do something with his Department, as far as, maybe, developing some sort of timetable, so that people can actually take walks and design some sort of reasonable walks, so that they can catch a train on the way back, in order to try and get people to see the importance of the railways and the need for people to start using it? And, finally, will the Shirveishagh make sure that he does something up front, as far as residents' permits for the winter season, in order that it is not just put in the public notices at the back of the pages in the Government notices, in order to try and increase the number of people to get in there and get some tickets bought?

The Speaker: Minister for Tourism and Leisure to reply.

The Minister: Yes, thank you, Mr Speaker.

The deficiency for the winter period which this question refers to: if we did not run the Manx Electric Railway for the winter it would result in a saving of £41,000 approximately. In terms of 'use it or lose it', I could not agree more with the Hon. Member. That is why we have the residents' permits, which are all the year round –

Mr Earnshaw: Stops at the Member's house.

The Minister: That is why we obviously want to encourage as many people as possible to use them; that is why things are available at the various locations, which I did outline. If we can do more in that regard, I will happily do so. We do work with Manx Electric Railway supporters' organisation in terms of a very nice calendar which they produce, which goes in outlets Island-wide, and if there are further initiatives we can take, obviously I would want to do so.

I think the railways, and, in particular, if I may, the Manx Electric Railway, is unique and I think it is something we can never underestimate the value of that to the Island.

In terms of combining with walkers, I think that is something that the timetable does presently allow for that. One area which we have recently found a bit of difficulty is that those who wish to use mountain bikes, for example, if

they were to go on the Electric Railway to Laxey and then up to Snaefell and then, perhaps, use their mountain bikes, I think there is more we can do in that regard. We are presently looking to see if there is anything we can do in terms of adjustments we can make to our railway infrastructure without spoiling its Victorian nature, we should do so.

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

Mr Gawne: Gura mie eu, Loayreyder.

Can the Minister confirm that the whole situation with regard to rail travel will be addressed in the forthcoming integrated transport strategy which his Department is, I understand, working on as we speak, and can he also confirm the date at which that integrated transport policy will be made available to us?

The Speaker: Minister for Tourism and Leisure to reply.

The Minister: I cannot in respect of the latter because it obviously depends what work goes into it, by the various parties who are involved, the Department of Transport, ourselves, Department of Local Government and the Environment. I think a number of different departments are going to have a part to play.

It is very important, Mr Speaker, that we do make some progress in terms of integrated transport and I am sure that, in the future, the railways will have their part to play in that.

The Speaker: Hon. Members, that concludes Questions for Oral Answer. We have two Questions for Written Answer which will be circulated to Hon. Members.

Questions for Written Answer

LOCAL GOVERNMENT AND THE ENVIRONMENT

Archallagan landfill facility Projected lifespan

1. The Hon. Member for Middle (Mr Quayle) to ask the Minister for Local Government and the Environment:

Following the recently reported reductions in monthly tipping tonnage being deposited in both of your Department's landfill sites, and noting that the current commercial landfill charges for demolition-type material are around £5.00 per tonne, will you confirm the projected lifespan for the proposed Archallagan landfill facility, based on the current tonnage rates?

Answer: The Archallagan landfill has a calculated void capacity of approximately one million cubic metres, as detailed in the original planning application. If a void uptake of 1.2 tonnes per cubic metre is used, due to the relatively dense and compactable nature of the materials to be accepted at the site, then this would give a total tonnage over the life of the site of approximately 833,333 tonnes.

Comparing this to the current input of materials to the Point of Ayre Landfill, based on an average and rounded figure, with all possible materials removed for EfW, of 20,000 tonnes per annum and on 25 per cent of the EfW capacity returning as bottom ash of 16,000 tonnes per annum, then the lifespan of the site could be approximately twenty three years. This does not account for any spikes in input, for instance large asbestos contaminated jobs such as Summerland, or for any bottom ash recycling that may come on line in due course.

My Department is currently exploring the possibility of bottom ash being recycled and, if a suitable outlet(s) were found, this would reduce the amount of waste being deposited at Archallagan, and potentially increase the lifespan of the site. However, it should be noted that disposal charges for inert materials at Archallagan may not remain at the same level as presently applicable at the Point of Ayre, due to different conditions existing and possible changes to the overall Waste Strategy. Therefore, input to the site may be far greater than that indicated by using current deposit figures, thus reducing the lifespan.

Energy from Waste Plant Bottom ash arrangements

2. The Hon. Member for Middle (Mr Quayle) to ask the Minister for Local Government and the Environment:

Now that the Energy from Waste Plant is commissioned, will you confirm the following:

(a) the tonnage of bottom ash produced each month from when trials started;

(b) what are the results of the analytical tests carried out on the bottom ash; and

(c) that the bottom ash is suitable for recycling, if so, for what purpose, and what arrangements have been made to utilise the bottom ash instead of committing it to a landfill site?

Answer: The Energy from Waste Plant is not yet fully commissioned, as the secondary line has yet to complete its trial prior to handover. Therefore, it is still too early to give a firm indication in response to part (c) of the Hon Member's Question, although several avenues are being explored with various parties who have shown an interest in the material for road use and block making purposes.

In respect of parts (a) and (b) of the Hon Member's Question, the answers are as follows:

(a) April 2004	84.4 tonnes
May 2004	596.6 tonnes
June 2004	675.38 tonnes
July 2004	856.47 tonnes
August 2004	1116.8 tonnes
September 2004	1134.42 tonnes

(b) The analytical results are shown in Table 2.2A, provided by SITA (IoM) Ltd. It should be noted that only one sample has so far been submitted to the Department as part of the monitoring requirements of the Licence, but another set is due imminently.

TABLE 2.2A

Waste Disposal Licence No. WDL962803/VI Operator: SITA Waste (Isle of Man) Limited
 Release of Bottom Ash from the Primary & Secondary Incinerators
 Reporting of Particulate Matter Monitoring Data for period from April 2004 to June 2004
 BOTTOM ASH

Parameter	Primary Incinerator			Secondary Incinerator		
	Sample date	Result	Compliance Average ⁽¹⁾	Sample date	Result	Compliance Average ⁽¹⁾
Total Organic Carbon (TOC) (%)	17.07.04	1.4%	1.4%	17.07.04	1.4%	1.4%
Loss on ignition (LOI) (%)	17.07.04	N/A	N/A	17.07.04	N/A	N/A
Mercury	17.07.04	<0.1 mg/kg	<0.1 mg/kg	17.07.04	0.3 mg/kg	0.3 mg/kg
Cadmium	17.07.04	0.1 mg/kg	0.1 mg/kg	17.07.04	0.8 mg/kg	0.8 mg/kg
Thallium	17.07.04	<0.1 mg/kg	<0.1 mg/kg	17.07.04	<0.1 mg/kg	<0.1 mg/kg
Antimony	17.07.04	11 mg/kg	11 mg/kg	17.07.04	23 mg/kg	23 mg/kg
Arsenic	17.07.04	11 mg/kg	11 mg/kg	17.07.04	<1 mg/kg	<1 mg/kg
Chromium	17.07.04	11 mg/kg	11 mg/kg	17.07.04	18 mg/kg	18 mg/kg
Cobalt	17.07.04	<1 mg/kg	<1 mg/kg	17.07.04	<1 mg/kg	<1 mg/kg
Copper	17.07.04	914 mg/kg	914 mg/kg	17.07.04	141 mg/kg	141 mg/kg
Lead	17.07.04	1660 mg/kg	1660 mg/kg	17.07.04	141 mg/kg	141 mg/kg
Manganese	17.07.04	568 mg/kg	568 mg/kg	17.07.04	76 mg/kg	76 mg/kg
Nickel	17.07.04	28 mg/kg	28 mg/kg	17.07.04	17 mg/kg	17 mg/kg
Vanadium	17.07.04	21 mg/kg	21 mg/kg	17.07.04	<0.1 mg/kg	<0.1 mg/kg
PCBs	17.07.04	-	-	17.07.04	-	-
Diarsenic	17.07.04	7 mg/kg	7 mg/kg	17.07.04	3 mg/kg	3 mg/kg

(1) The compliance average of all test results for the relevant parameter.
 (2) Expressed as a percentage of the dry weight of the ash.
 (3) Loss on ignition is only required to be tested if the Total Organic Carbon result is greater than 1% by weight.
 (4) The total of the metal and its compound, expressed as the metal.
 (5) PCBs measured for PCBs.
 (6) Diarsenic measured as diarsenic.

Signed: _____
 Authorised to sign on behalf of SITA Waste (Isle of Man) Limited Date: _____
 Form Reference Number: K01/1 Version Number: 1
 Date of Issue: 14th November 2003

A ballot took place.

The Speaker: Hon Members, the result of the ballot is as follows: Mr Earnshaw, 10 votes; Mr Quayle, 6 votes, and the minimum votes required, the majority is 9, so, therefore, I announce that Mr Earnshaw is elected Member of the Standing Orders Committee of the House.

LEAVE TO INTRODUCE

Police authority Bill to provide for membership and remit Motion carried

4.1. The Hon. Member for Onchan (Mr Karran) to move:

That leave be given to introduce a Bill to establish a police authority, providing for its membership and remit, and for connected matters.

The Speaker: Right, Hon. Members, we now move on to Leave to Introduce, Item 4, and I call on the Hon. Member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I move this Private Member's Bill for the establishment of a police authority, not just because of the current events within the Police Force. Scandal and injustice is not some sort of new phenomenon, as far as the Police Force is concerned in this country. The difference today is that it is allowed for by the people who are supposed to represent the people of the Island, but nothing really has changed from when the Governor and his cronies in Government House ran the system, apart from the name.

I am glad to see that more Hon. Members understand the issue of the separation of power between the executive, the parliament and the judiciary. I appreciate the number of members of the Council of Ministers now seeing the importance of not allowing policing to become politicised, and I must thank those Members who are part of the Council of Ministers for them seeing such dangers in the present structure.

That is why we need a proper structure for a proper police authority, in order to protect everyone's rights, because I was a Member of the Home Affairs Department in the early 1990s and it was a disgrace. Even then, and even with the offer of being the replacement Minister, the situation was simply wrong. Basically, the fundamental principles were wrong then and they are wrong now. The structure was crazy and it is crazy now. The structure was wrong then and I must say that the trouble that we have within the Police Force at the present time would not have happened now, if we had addressed the issues then.

I must say that I do have a lot of sympathy, as far as the Shirveishagh son Cooishyn Sthie, the Minister of Home Affairs, and also the Chief Constable. They are trying to do a job with the wrong structure and my concern is that if the Government comes up with a proposal, then it will be simply a matter of time to amend the patronage system that is increasingly growing within the Council of Ministers system of government in this country. They will fudge the real issue of what is in the people's interest.

My concerns, as a former Member of the Home Affairs

Orders of the Day

STANDING ORDERS COMMITTEE

Mr Earnshaw elected

3. To elect one Member of the House to serve during the life of the House in place of Mr Quine.

The Speaker: We now move on to Item 3 on the Order Paper, Standing Orders Committee, and it is to elect one Member of the House to serve during the life of the House in place of the former Hon. Member, Mr Quine.

Hon. Members, the present members of that Committee are: Hon. Member for Michael, Mr Cannan, Hon. Member for Douglas West, Mr Downie, Hon. Member for Peel, Mrs Hannan and myself.

Hon. Members, I look for nominations, please. Hon. Member for Rushen, Mr Gill.

Mr Gill: Yes, thank you, Mr Speaker. Could I nominate Mr Earnshaw, please?

Mr Shimmin: Pleased to second, Mr Speaker.

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

Mrs Hannan: Could I propose Mr Quayle, Member for Middle?

Mr Karran: I will second that.

The Speaker: Hon. Members, we have two names put forward. You have your ballot papers.

Can I ask you to ensure that Members who are out do not come in, Derek? Thank you.

Right, Hon. Members, the names before you are Mr Earnshaw and Mr Quayle. You vote for one Member.

Department, and the concerns of the former Hon. Member for Ayre, who was a Deputy Chief Constable of a police force which had tens of thousands of people working for it, even back in the Police Bill of 1993 on 2nd March, where we nearly got common sense to prevail, where we got 11 votes for a Police Committee and 12 votes against, even though the compromise was stopped by someone who had more experience than the rest of the House of Keys put together, as far as dealing with the Police Force was concerned.

Hon. Members, if you give me leave to introduce a Bill for an authority, the main functions of a Manx police authority Bill, the main functions of the Manx police authority would make the present set-up more effective, more efficient and more accountable for the Manx people: not to politicise the Chief Constable or his force, but to make him accountable for his actions, in a proper structured way, to balance the internal discipline system, a system at present that the police officers' complaints and complaints about the Chief Constable and the Deputy Chief Constable need to be addressed.

The police complaints system for the general public and the electoral college for the authority would have to have a cross-section of representation from the nation. Obviously, I will need to discuss this further with interested parties, but what I would be considering is appointing six members elected on an all-Island basis, when the elections for the non-Tynwald members of the Board of Education take place: a representative from the Law Society; a representative from the Trades Council; two from the Department of Home Affairs to represent them; two elected on an all-Island basis, with every Councillor and Commissioner having a vote for two people to be put onto the police authority. But I would be interested in hearing what is said in this debate today.

Yes, there are other issues. Obviously, the observer status needs to be addressed, Vainstyr Loayreyder.

The operations of the Police Force should be the Chief Constable's responsibility, but when operations go wrong, he needs to be accountable to someone. (**Mr Houghton:** Hear, hear.)

These are the main issues that need to be addressed in my legislation. Certainly, it needs to be discussed thoroughly.

Hon. Members, we need to bite the bullet now, and not to run away from this very important issue at the present time, Vainstyr Loayreyder.

I beg to move.

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

Mr Houghton: Thank you, Mr Speaker.

I am very happy to rise to second this motion before the Hon. House today, Mr Speaker.

I am not going to go back through chapter and verse. I do not feel there is a point or need for that at this particular point in time. If I can say that, in my experience – and I have a little experience, through contacts in the United Kingdom, about police authorities – they are, I feel, a way forward in the Isle of Man, and that needs to be carefully looked at, but I do need to caution Members that they are not the be-all and end-all. They are absolutely not.

They do comprise... and the reason for the strategy in which a police authority goes together is because of the split funding, Mr Speaker, in the way a police authority is funded and, in fact, a constabulary is funded.

There are 43 constabularies in the United Kingdom. It

is quite unbelievable that there are that many, but there are. They are all controlled by police authorities, of which 49 per cent of the funding for those police authorities comes from the county council, or the local authority organisation, and 51 per cent comes directly from the Government, the Home Office. And that is the reason for the make-up, so that you would have local authority political control over the issues, as has been set out by the Hon. Member for Onchan.

So, the structure in this case would, or may, certainly have to be looked at in a Manxified way, but I do feel that the Hon. Member should be supported in this particular area this morning, Mr Speaker, and all I can do, really, is simply... We cannot discuss what is in the situation, until we actually see it in the form of a Bill, and all I can do, Mr Speaker, is, if this motion is successful this morning, offer every assistance to the Hon. Member for Onchan – that is, of course, if he wants any assistance from me – but all I can do is offer him every assistance. That is what it is all about. It is not about point scoring, or anything like that; it is about good quality legislation, and management of issues in this Isle of Man.

So, all I can do is wish the Hon. Member well, and offer him my assistance, and thank you, sir.

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

Mr Gawne: Gura mie eu, Loayreyder – seen me in the end.

Yes, I would also like to rise to support this. I think it is an important move forward. I have seen the Minister for Home Affairs having to squirm with regard to various questions and things, where he was ultimately responsible for suspensions of officers and the like, and yet he was also being asked to answer questions on the area.

I think having a police authority would certainly help and assist in this, in trying to bring a bit of distance between the political involvement of Tynwald with the Police Force.

So, I am very happy to support the Member for Onchan.

The Speaker: Member for Douglas East, Mr Braidwood.

Mr Braidwood: Thank you, Mr Speaker.

Mr Speaker, I am aware that the Hon. Member for Onchan is passionate in his desire regarding the setting up of a police authority. He has raised the subject in this Hon. House on a number of occasions, over the past few years, and, indeed, he and I have spoken of this issue more than once.

Although I will not oppose the principle of leave to introduce, I believe that it is essential to make all Hon. Members aware of certain relevant facts in this regard.

It is important to know how police authorities operate. They are independent bodies, as has already been mentioned, made up of local people whose responsibility it is to ensure that there is an effective and efficient local police force which gives best value for money.

Most police authorities in the United Kingdom have 17 members, made up of nine local authority members, five independent members and three magistrates.

Police authorities are responsible for setting the police budget, including how much money should be paid from local authority funds, appointing the chief constable, consulting with the public, setting policing targets and publishing an annual plan.

Mr Speaker, it should be remembered that policy authorities in the UK undertake these duties for police forces that cover many millions of people. They are also responsible for funding the force they oversee from their own local authority taxes, plus a police grant from the Home Office and a revenue support grant from the Office of the Deputy Prime Minister.

In the Isle of Man, the manner in which the police are funded is quite unique to the Island. The various responsibilities are divided up in the following manner: the Treasury is responsible for providing the entire budget of the Isle of Man Constabulary, through my Department, and no funding is provided by local authorities at this time. My Department, after consultation with the Council of Ministers, appoints the Chief Constable. The Police Consultative Forum consults with members of the public, my Department sets policing targets through the policing plan and ensures the policing service's best value for money.

I am, therefore, firmly of the view that all the areas that fall under the responsibility of the police authority are already being dealt with in the Isle of Man.

I do, however, believe that the current role of the Police Advisory Group requires a much clearer definition, and, moreover, we need to establish the mechanics and logistics of how it can be used much more effectively than it is presently. With its role further defined and strengthened, it could take a good proportion of the remit of a police authority. This can be achieved by amending the current legislation.

Therefore, Mr Speaker, a police authority based on the UK model would, in effect, be putting in place another level of bureaucracy, which would require its own administration, office accommodation and all the costs that this would entail. Consideration would need to be given to how the additional costs would be funded. Perhaps one option would be, in the future, for the local rates to contribute an element to a police authority, as occurs in the UK.

Mr Speaker, I would, however, raise concerns about the cost of setting up a police authority, and the ongoing burden on Government finances it would then create, particularly when I believe it would give no benefit that could not be achieved by a much better utilisation of a strengthened Police Advisory Group, which would improve scrutiny of the Police Force and will, in turn, assist the constabulary to provide a greater level of value for money and even better level of service.

Finally, Mr Speaker, I am also of the view that updating and modernising the police regulations which my Department is currently actively progressing will also assist the Department in ensuring there is an even more effective police force in the Isle of Man, providing best value and being accountable to the people of the Isle of Man.

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

Mr Corkill: Mr Speaker, I was quite interested when I saw this Item on the agenda, because it was raised in debate in another place, quite recently, by the hon. mover who is seeking leave to introduce, and I think the previous speaker, the Minister for Home Affairs, has alluded to this issue of funding. I will be most interested from the mover of this motion as to how he sees the responsibility that goes with funding, in relation to the functions that the Police then undertake, to see what he is envisaging to be included in his Bill.

That is quite fundamental, to my way of thinking, in

relation to this leave to introduce.

My own feeling is, I am inclined to support the Hon. Member's efforts to get this leave to introduce a Bill for this purpose, but this path has been trodden a few times in the past, and, certainly, when I was Minister of Home Affairs there was an attempt to set up a police authority-type function, in parallel with the functions of the Department of Home Affairs, and there were great conflicts at that time, which were very difficult to manage. It is a fundamental fact in life that 'he who pays, says' and that is: taxpayers' money being spent in the way that those with the responsibility that they are charged with undertake those duties.

I do not know whether the Hon. Member has given any thought to this prior to leave to introduce, but I just wonder how on earth that obstacle can be overcome, bearing in mind the size of the Isle of Man and the structure that we have, whereby many national central government policies are intertwined with what are regional local policies in the UK.

Here we have them all under one umbrella, and it is the actual size of what he is proposing which I wonder whether that is going to be workable.

So, my main thought on this whole issue is: who is responsible for the funding of the police service? At the moment it is very clear: it is through the Department of Home Affairs, through the normal budgetary process, which is cleared through Tynwald, which is the authority for all financial spending that the Government undertakes. I just wonder how a police authority, elected in the way that the Hon. Member has alluded to, will have the ability to have that responsibility, and it might require quite a lot of fundamental change to our legislation.

So, I await the Bill with interest, and I just wonder whether the Hon. Member can give some guidance in his winding-up remarks.

The Speaker: Hon. Member for Onchan, Mr Karran, to reply to the debate.

Mr Karran: Vainstyr Loayreyder, I thank my seconder for my leave to introduce.

I do want to make it understood that this will not politicise the Police Force in any way. It should actually help the Council of Ministers in many respects.

I thank my friend from Rushen, the Hon. Member, Mr Gawne, as far as the issues are concerned, and I appreciate his support.

As far as the Minister is concerned, we have totally disagreed on this subject for some time, because the issue has to be: there has to be a separation of power, as far as the Police is concerned, and I think that one of the reasons which encourages me to carry on with such a structure is the difficulties that he has had, as far as the responsibilities of the separation of power, as far as the Chief Constable is concerned, and the making sure that the Police are not politicised by the Government.

His points are very interesting, and I am glad to see the proposals that he is going to try to bring in, if my Bill fails, and I will be very happy to discuss my proposals with the Minister, before bringing it back to this Hon. House. That does not mean that we are going to agree on this subject, because there are fundamental principles, as far as ministerial government, that have failed the people of this Island (**Mr Houghton:** Hear, hear.), as far as I am concerned. Even though we can all take pride in the amount of resources that

many Government Departments have, the management and the accountability of those Departments have not been there. I only think of my previous responsibility as the Member for Health, in that case.

So, I shall be back, as far as that is concerned, and I shall be interested to consult with the Minister, but, at the end of the day, we must not allow the Chief Constable to be politicised, and it is about putting firewalls in to make sure that the Chief Constable is accountable, but is not a political football.

As far as the Ard-shirveishagh is concerned, the funding issue should be an issue for central Government, in my opinion. It should not be an issue of trying to put it onto local authorities. That is not the intention; but what is the intention is the separation of power.

We have fundamental problems that have not just come about because of the new Chief Constable, or the Minister of Home Affairs being here, today, Vainstyr Loayreyder. They have been here since I was a Member of the Home Affairs Department, and we tried, in vain, to try and get these things sorted out, but, unfortunately, not being the Minister, you really are just, basically, supernumerary.

So, I can assure the Hon. Member for Onchan that I am not wanting to see it put on to the rates. As far as I am concerned, that is not part of the process. It is not the financing that I am worried about. It is just the separation, the issues of internal discipline, the issues of accountability, and I hope Hon. Members will support the leave to introduce what I believe was a fundamental mistake back in the 1980s, when we were fighting over a number of issues, as far as how the systems of government in this Island are run.

The Speaker: Hon. Members, the motion before the House is that in the name of the Hon. Member for Onchan, Mr Karran, standing at Item 4.1, and that is that leave be given to introduce a Bill to establish a police authority, providing for its membership and remit and for connected matters. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Procedural

The Speaker: Now, Hon. Members, just before we move on to the next Item, you have been circulated with an attachment which should have been attached to Question 2, which was a Question for Written Answer in relation to a Question to the Minister for Local Government and the Environment. So, all Hon. Members now have that.

BILL FOR THIRD READING

Veterinary Surgeons Bill Third Reading approved

5.1. Mr Gawne to move:

That this Bill be read the third time.

The Speaker: Hon. Members, we now move on to Item 5, Bill for Third Reading, and 5.1, Hon. Member for Rushen,

Mr Gawne: Veterinary Surgeons Bill, sir.

Mr Gawne: Gura mie eu, Loayreyder.

The Veterinary Surgeons Bill is something that I am very pleased to be able to move for its Third Reading, with one unfortunate exception.

I have to say that there is one paragraph in here which I am a little uncomfortable with and that is, at the very start of the Bill, where we have to have here:

‘We, your Majesty’s most dutiful and loyal subjects, the Council and Keys of the said Isle, do humbly beseech your Majesty that it may be enacted, and be it enacted, by the Queen’s Most Excellent Majesty...’

et cetera, et cetera. I am uncomfortable with that, I have to say, because I do not actually believe it, and I will be bringing forward a motion at a later sitting of the Keys to ask whether these particular words could be revised.

I note that in Jersey –

The Speaker: Well, Hon. Member, I am sorry. Can I concentrate you, please, on the Third Reading of the Bill. (**Mr Gawne:** Yes.) (*Interjections*) Do not use the excuse to go onto an issue that you are going to come back to this House with, or another place, which you have now indicated. So, that –

Mr Gawne: Well, I think it is important to make clear that I certainly want, for the record, to make it clear that I am uncomfortable with any Bills that have this attached to the front of them –

The Speaker: Your point has been made, sir.

Mr Gawne: – so, there are better ways of doing it.

However, the real purpose of today is, as you rightly point out, the Third Reading of the Veterinary Surgeons Bill.

The Veterinary Surgeons Bill will consolidate and amend the provisions of the existing primary legislation, the Veterinary Surgeons Act 1949. The main problem with the 1949 Act is that there are no means of amending it. So, some of the provisions set out in the 1949 Act are no longer appropriate, as well.

In order to bring our legislative provisions up to date, and to build in flexibility for the future, this Bill sets the current benchmark, but, more importantly, contains enabling powers for the Department of Agriculture, Fisheries and Forestry to come back to Tynwald and seek approval for necessary amendments, as times change and technical skills and ethical considerations change with them.

In order to come into force, an Appointed Day Order will be necessary. It would be DAFF’s intention to come forward with any necessary subsidiary legislation at the same time as an Appointed Day Order, in order to deal with matters such as rectal scanning, to which the Hon. Member for Glenfaba, Mr Anderson, referred to last week.

Loayreyder, I beg to move the Third Reading.

The Speaker: Member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder. I beg to second, sir, and reserve my remarks.

The Speaker: Hon. Members, the motion before the

House is that the Veterinary Surgeons Bill be now read a third time. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Now, Hon. Members, that concludes the business before the House today. The House will now stand adjourned

until Tuesday next, 9th November, at 10 a.m. here in our House.

Thank you, Hon. Members.

The House adjourned at 11.55 a.m.