



**HOUSE OF KEYS
OFFICIAL REPORT**

**RECORTYS OIKOIL
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**PROCEEDINGS
DAALTYN
(HANSARD)**

Douglas, Tuesday, 12th April 2005

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 W E Teare (Ayre); Mr J D Q Cannan (Michael); Mrs H Hannan (Peel);
 Hon. S C Rodan (Garff); Mr P Karran, Mr 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 Cretney and Mr A C Duggan (Douglas South);
 Hon. R P Braidwood and Mrs B J Cannell (Douglas East); Hon. A F Downie and Hon. J P Shimmin (Douglas West)
 Capt. A C Douglas (Malew and Santon); Hon. J Rimington, Mr Q B Gill and Mr P A Gawne (Rushen);
 with Mr M Cornwell-Kelly, Clerk of Tynwald.

Business transacted

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The House adjourned at 11.16 a.m.

House of Keys

The House met at 10.00 a.m.

[MR SPEAKER *in the Chair*]

PRAYERS

The Chaplain of the House of Keys

Questions for Oral Answer

TREASURY

Government Reserve Accounts Review of safeguard procedures

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

In the light of the lack of financial control which the Treasury has had over the Manx Electricity Authority's handling of public funds, will procedures now be reviewed urgently to ensure that the funds in the Government's various Reserve Accounts are safeguarded?

The Speaker: Hon. Members, the first Item on our Order Paper is Questions for Oral Answer. I go to Question 1, Hon. Member for Onchan, Mr Karran.

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

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

The Minister for the Treasury (Mr Bell): Thank you, Mr Speaker.

I would wish to point out, at the outset, that there is no possible link between the financial affairs of the Manx Electricity Authority and the processes that exist in respect of the management of Government's reserves, and to suggest that some form of problem has arisen is quite irresponsible.

However, I am able to inform the Hon. Member that the processes that safeguard such funds, and the due diligence processes that Treasury undertakes, are continually being reviewed and updated, where appropriate.

Treasury established an Investment Committee, presently chaired by my hon. colleague, Mr Earnshaw, the Member for Onchan, who, with senior Treasury officers, meets all investment managers on a regular basis and discusses a wide range of investment-related matters. Issues raised in this Hon. House have been taken on board and included in the various submissions that new and existing investment managers are obliged to undertake.

Therefore, Mr Speaker, there is no requirement to

undertake any urgent exercise in respect of this matter, which is dealt with on an ongoing basis, irrespective of any other current problems faced by Government.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh Tashtee not agree that... Whilst Hon. Members of this House will be glad that the issues that some of us have raised, in this Hon. House, have now been put into part of the safeguard to protect the pension funds for future generations, what safeguards are there to stop the investment of public money into bogus companies and what are the procedures in order to make sure? Do we have the statistical information of how much has been invested into companies that have failed?

The Speaker: Minister to reply.

The Minister: I am not quite sure what the Hon. Member is getting at, Mr Speaker, as to Government investing in failed companies, through the investment funds. It is the aim and strategy of the Investment Committee to ensure that all our investments go into the most profitable companies that are identified to us for long-term investment and growth and, in the main, that has been a successful strategy which is still being carried out at the moment.

So, I really do not understand the question about Government investing in bogus companies.

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

Mr Cannan: The Treasury Minister mentioned his Investment Committee; will he provide Members with a copy of the investment policy – if they have a policy – of that Committee, please?

The Speaker: Minister to reply.

The Minister: If there is something in writing, I will certainly circulate it.

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

Mr Karran: Vainstyr Loayreyder, a supplementary.

Would the Shirveishagh not agree that whilst he complains that he does not understand the question, will he make available the number of companies that public funds have gone into, of companies that have failed and gone out of existence?

Would the Shirveishagh also not agree that his original comments were somewhat arrogant to this Hon. House, in light of the fact that, for three years, one raised the issue of concerns about the MEA? One would like to know: will the Shirveishagh – as a matter of urgency – do a presentation for Members on how we are checking up to make sure that the funds for our pensions, for our people, are secure for future generations?

The Speaker: Minister to reply.

The Minister: Mr Speaker, we are talking about several different subjects here. We are getting completely mixed up on what, in fact, the investment fund is all about. If the Hon. Member is talking about identifying companies which the Investment Committee, and the fund managers which

have invested on our behalf over the years, have failed, for whatever reason, I just cannot give that information. We invest over a huge range of companies, over a great period of time and it is impossible to identify the long-term future of all the companies that we have invested in.

Mr Karran: No, it is not.

The Minister: However, if the Hon. Member is talking about what appears to be Government direct investment into a company, he is surely talking about the policy of the Department of Trade and Industry and its investment in companies which have failed, which is a totally different issue altogether.

So, really, the question is very, very confused as to what, in fact, the Hon. Member is trying to achieve.

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

Mr Earnshaw: Thank you, Mr Speaker.

Would the Minister agree with me that the Investment Committee adopt a policy of 'safety first' with the public's money and that all the investments that we have are managed by recognised international investment providers, covering a wide range of investments throughout the world?

The Speaker: Minister to reply.

The Minister: Yes, my hon. colleague who chairs this Committee, Mr Speaker, is absolutely right and the management of our various funds is put out to tender, periodically, on a competitive basis, to ensure that Government gets the best deal that it can, out of the market.

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

Mr Karran: Vainstyr Loayreyder, would the Minister not agree, as far as this Hon. House is concerned, that issues like the criteria of making sure that any of our people who look after our funds have to inform us of any potential or threatened litigation, in order for us to try and keep one step ahead, in order to make sure that our moneys are protected?

Would the Minister not agree that the issue is that Hon. Members need to be reassured that every step is being taken, in order to make sure that the correct investment policy will be maintained, as far as the Island is concerned?

The Speaker: Minister to reply.

The Minister: Mr Speaker, the issues that the Hon. Member referred to have been referred to in the past. I have given an assurance to the House, in the past, that these issues will be taken on board.

The question the Hon. Member makes about any of the fund managers facing litigation, or other regulatory issues, have been taken on board. They are part of the regular process of assessment and continue to be treated as such.

Manx Radio Grants from public funds

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

Will you confirm that there will be no more grants to Manx Radio from public funds?

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

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

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

The Minister for the Treasury (Mr Bell): Mr Speaker, as the Hon. Member for Onchan is aware, the level of annual subvention payable to Manx Radio, by way of a payment from the Treasury, was approved by Tynwald in December 2002. The Treasury has made payments to Manx Radio, consistent with that approval.

In 2005-06, £847,950 is included within the Treasury's estimates for this purpose.

Were any amount above that figure to be requested by Manx Radio, in respect of its annual subvention, additional Tynwald approval would be required. Therefore, it would be for Tynwald to decide whether or not to approve any future request for additional funding.

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

Mr Karran: Yes, a supplementary.

Would the Shirveishagh Tashtee inform this Hon. House if it is true that Manx Radio are looking for a supplementary vote of somewhere in the region of £300,000, because of an overspend?

Can the Shirveishagh also inform this Hon. House, is it true that the weekly reach has dropped considerably in recent times with the withdrawal of the 'Mannin Line', and would he not agree that the situation is that we should not expect Manx Radio to expect the executive to bail it out, for naming its tune?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I have no idea of the information the Hon. Member is referring to. Again, this seems to be based on speculation and rumour. I am certainly not aware of any application for £300,000 extra. That has certainly not been raised in Treasury with me, and we have no knowledge of what the weekly listenership is, with or without the 'Mannin Line'.

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

Mrs Cannell: Thank you, Mr Speaker.

Will the Hon. Treasury Minister at least – bearing in mind what he has just said – when we have finished here today, go back to Treasury and instruct his officers to investigate the message in the Question from the Hon. Member for Onchan, to make absolutely sure that there is no overspend, and that we are not going to get caught short again by another company asking for more money, because they have not spent wisely?

The Speaker: Minister to reply.

The Minister: Mr Speaker, if there is a request for any extra funding – as I have said in the body of my Answer – it will need to come straight to Tynwald for approval, so Members will have the opportunity at that point to comment on it.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh Tashtee inform this Hon. House: has the issue been raised at the Council of Ministers? Would the Shirveishagh Tashtee not agree that the situation is that many complain outside this Hon. House, over the lack of any factual reality of the way that they broadcast what actually happens in this Hon. House, as far as their news items and their current affairs are concerned?

Would he also not agree that it seems to too many outside this Hon. House that the fact that they have an overspend that they are – ?

The Speaker: Hon. Member. Hon. Member, please, you are continuing to make statements in your questions. Please keep your questions to questions.

Mr Karran: Would the Minister not agree that the structure of the funding of Manx Radio has to urgently change, so it is not at the behest of the executive, the paymaster?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I have said, quite clearly, as far as I am aware at this stage, no application has been received by Treasury for £300,000. I have seen no evidence of a £300,000 overspend. If the Hon. Member has evidence of that, perhaps he would like to come to Treasury and explain to us where he got it from, and upon what it is based.

The mechanism of funding Manx Radio was approved by Tynwald, only in the last couple of years, as a result of the Darwin Report into the future of Manx Radio. It was fully debated in Tynwald and approved, and that is the basis of the ongoing structure of the funding. If Members feel that that is not appropriate at this stage and it needs to change, it is entirely in Members' hands to bring forward an alternative resolution.

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

Mrs Cannell: Thank you, Mr Speaker.

Will the Hon. Treasury Minister, please, give the House an assurance, this morning, that he will ask his officers to investigate into the assertions that have been made this morning, rather than have Members wait until we are faced with a fait accompli at Tynwald, if and when a request comes through, formally, from Manx Radio? Will he, at least, give us an assurance this morning that he will investigate for us?

The Speaker: Treasury Minister to reply.

The Minister: We will certainly do that.

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

Mr Cannan: The Treasury Minister has, rightly, said

that the subvention for the current year is £847,000. Will he agree that, in an agreement of that subvention, Tynwald said it was for the purposes of public service broadcasting, i.e. news and current affairs, and will he, or can he, tell us if the Treasury check that, in fact, that money is spent on public service broadcasting, news and current affairs, rather than just being used up in the general administration and broadcasting funds of Manx Radio?

The Speaker: Minister to reply.

The Minister: Certainly, Mr Speaker, a large proportion of that funding has been earmarked to, in effect, subsidise Manx Radio for the extra cost incurred in bringing a higher quality of news and voice broadcast onto the station, which might not otherwise be the case.

The Manx Radio management have, I believe, worked hard over the last few months to try and deliver on that commitment to improve the output of the voice-based broadcasting, in particular current affairs and the news broadcasts; they have taken on extra staff for that. It would appear to me that they are doing their best to deliver, within the spirit of the agreement reached with Tynwald, and, at this stage, I have no reason to believe otherwise, Mr Speaker.

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

Mr Cannan: The Minister's answer is particularly woolly, and, as he gives no unequivocal assurance that it is used for public service purposes, is the Minister aware that a circular from the trustees of Manx Radio, distributed to Members, stated that they could not agree to 'Mannin Line' being restored, because there was no sponsor? Is the Minister not aware that the 'Mannin Line' was never, ever sponsored, because it was seen to be part of the public service convention and not a programme for sponsorship?

The Speaker: Minister to reply.

The Minister: Mr Speaker, Tynwald debated this issue not very long ago, and the clear outcome, as I recall it, was that it is for the management of Manx Radio to decide on their programming, and not for political interference to be brought to bear to influence one programme or another, and I understand that is what Manx Radio is doing at the moment.

I think the comment made about the 'Mannin Line' was that there were no... clearly, Manx Radio has a duty to try and stimulate as much sponsorship of its programmes as it possibly can. It has to generate its own revenues and the understanding I have of the statement which was made was that 'Mannin Line' was not considered worthy of support, because of the low level of listenership and the negative publicity the programme has attracted. Therefore, it was found difficult to attract the type of commercial sponsorship to justify continuing with the number of programmes that they were having.

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

Mr Karran: Vainstyr Loayreyder, a supplementary.

Would the Shirveishagh not agree that, in his last response, he talked about the 'Mannin Line', and the fact is that independent assessment has allowed for the dropping of the numbers who are actually listening to Manx Radio? That is a fact.

Would he also not agree that, when he is investigating the issue for more potential public money into Manx Radio, will he assure this Hon. House that it is actually going to... if it does come back, that he is fully aware where this money is being spent, not just on the fat cats at the top of the station, but on the people at the bottom of the station?

The Speaker: Minister to reply.

The Minister: Mr Speaker, if there is any further application for increased funding, clearly, the direction to which that funding is spent is something which will be considered.

Pannell Kerr Forster Report on MEA finances Release, unedited

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

Since the Report by Pannell Kerr Forster on the financial affairs of the Manx Electricity Authority was promised for the week beginning 4th April 2005, will you confirm when it will in fact be released, unedited, to Members of Tynwald, and confirm that it will be available similarly to members of the public?

The Speaker: Hon. Member for Onchan, Mr Karran, Question 3.

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

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

The Minister for the Treasury (Mr Bell): Mr Speaker, I regret that I am not in a position to state definitely when the Report will be received. I understand that the Chief Secretary's Office has been advised by Pannell Kerr Forster that the Report is now likely to be available no earlier than the week ending 15th April 2005.

I understand that the Chief Minister intends to issue a letter to all Members of Tynwald setting out the timetable he proposes for the release of the Report, once it has been received. That letter will confirm that the Report is to be issued unedited to Members of Tynwald, the media and the public.

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

Mr Karran: Vainstyr Loayreyder, I would like to thank the Shirveishagh Tashtee for this new policy of transparency, as far as this vitally important issue is concerned.

TRANSPORT

Heavy goods vehicle licences Weight restrictions

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

(1) *What is the maximum weight restriction of a vehicle before a Heavy Goods Vehicle licence is required;*
(2) *has the weight capacity been amended over recent years in order for persons using a private driving licence to drive heavier vehicles, and if so, why?*

The Speaker: Question 4. 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.

A vehicle having a gross weight exceeding 7,500 kilograms would equate to the common term 'heavy goods vehicle' and, therefore, a heavy goods licence is required to drive such vehicles.

In answer to part (2), when the Driving Licences and Tests (Amendment) Regulations were brought into operation in 2000, grandfather rights were given to existing holders of driving licences granted under the old groups. This allowed existing drivers to drive vehicles up to 3.05 tonnes, unladen weight, which converts in the international category system, which we adopted in 2000, to 7.5 tonnes gross weight.

Under the new category system introduced in 2000, all new holders of driving licences for cars and light vans are restricted to vehicles not exceeding 3,500 kilograms gross weight. A separate test is now required by new drivers to drive medium vehicles above this weight of 3,500 kilograms and, of course, a test is required to drive large goods vehicles exceeding 7,500 kilograms gross. The age limit for driving all of the heavier vehicles above the 7,500 kilogram weight remains at 21.

Therefore, rather than reducing it, we have actually made it more difficult for young people to drive heavier vehicles, sir.

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

Mr Houghton: Thank you, Mr Speaker.

In view of the rather confusing situation regarding these, may I ask if the Hon. Minister would be kind enough to circulate background papers on this for the information of Members?

The Speaker: Minister to reply.

The Minister: Yes, certainly it is quite a complex area, Mr Speaker, and the version I have just announced to the House is certainly a truncated version. I will endeavour to circulate to Hon. Members some more of the specifics.

However, as it is quite technical, those persons who have further questions to it would be advised to approach myself or Capt. Douglas, and we will try and make sure that there is clarity given, sir.

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

Mr Earnshaw: Thank you, Mr Speaker. A supplementary, please.

I hope the Hon. Minister may be able to provide an answer on this. A concern has been made to me, regarding weight restrictions of HGVs on various roads around the Island, and the legal position of drivers of emergency vehicles in particular, not only the fire brigade and ambulance services, but also Manx Gas, the Manx Electricity Authority and the Manx Water Authority. What is the position of drivers of these vehicles, if they have to use these roads in carrying out their duties?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

To the best of my knowledge, any weight restriction on any roads normally associated with either condition of the road or a bridge, is subject to an Order and within that Order, there would be exemptions. Those exemptions would normally apply for access for persons who have to travel over that road for accessing their property, for emergency vehicles or, indeed, for bus services.

Any of those Orders can have, included within them, areas that could be permitted for specific types of vehicles, but if these were occasional usage, they would be covered under emergency powers. If they were more regular, such as construction taking place on the other side of a weight-restricted area, they would be able to apply to the Department for a special Order and permission can be granted.

Therefore, to the best of my knowledge, there is blanket coverage in the Order for those vehicles that have a legitimate reason to travel over those weight-restricted areas. Anybody by exemption or exception who needs to use it temporarily can seek guidance from the Department.

Heavy goods vehicle imports from UK Permitted use without Manx test

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

Why are Heavy Goods Vehicles over three years old imported from the United Kingdom permitted to be used on Manx roads without a Manx road-worthiness test?

The Speaker: Question 5. Hon. Member for Douglas North, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker. I beg leave to ask the Question standing in my name, 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): Mr Speaker, all vehicles over three years old imported from outside the Island are normally required to undergo a Manx roadworthiness test before they can be registered, licensed and used on Manx roads.

However, a large heavy goods vehicle which is annually certifiable in the Isle of Man and has received a UK test certificate within six months prior to its import is not required to have the roadworthiness test for that year in the Island. When the certificate expires, the vehicle will then undergo

an Isle of Man annual test examination.

The Department has regulations in draft at the moment to introduce annual testing of three-axle, rigid goods vehicles from September of this year. It is also the Department's policy to progressively extend annual testing to all goods vehicles over 3,500 kilograms gross weight.

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

Mr Houghton: Thank you, Mr Speaker.

Can the Hon. Minister advise when such certificates do expire on the Island, with each case, once they have been renewed? So, what is the renewable period?

And does he not agree: these vehicles should really be tested every year, if they are not already doing so, and even spot checked by the DoT inspectors on a regular basis? Does he not agree with that, especially vehicles of an age being imported into the Island?

The Speaker: Minister to reply.

The Minister: Yes, Mr Speaker, I think most of this is already covered, but I will take up with the Hon. Member after this House sitting, in case there are specifics.

Already the testable classes that are annually tested are all four-axle rigids, all articulated tractor units, PSVs and minibuses. Therefore, those are already subject to annual tests and that group will be extended in the near future.

Our annual testing is a mechanism by which we can try and ensure that all of those heavier vehicles are sound and are roadworthy. We do work with the Police closely, in order to have various spot checks on the highways, and that is something which the Department will be continuing to run out, not just for these types of vehicles, but it will work with the Police to make sure the vehicles that can cause the greatest amount of potential road safety difficulties are roadworthy.

So, I think the Hon. Member and ourselves are in agreement about the need for safety on the roads of these types of vehicles. We believe the annual test gives that safeguard to the public. The only issue regarding this Question is that those vehicles which are less than three years old, but are subject to a UK test, have been granted a period of several months, where they are allowed before the test would need to be carried out, sir.

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

Mr Houghton: Thank you, Mr Speaker.

Can the Minister advise as to how effectively this issue is policed on these transitional arrangements, and may I ask him, again, if he would circulate the background papers for information of Members, please?

The Speaker: Minister to reply.

The Minister: There are, really, no background papers on this Question, Mr Speaker. This is generally, as stated in the answer to the Question.

With regard to the success of them, if there were to be any accident, obviously, the road testing centre would check on those –

A Member: Too late!

The Minister: – and it does not appear to be a high problem issue, because of the annual testing that we carry out. I will revert back to the Department to ensure that it is not a concern. We wish to extend the number of groups of vehicles that are tested.

Just an added point, Mr Speaker, there are restrictions on the speeds that all of these vehicles can actually be driven on the roads on the Isle of Man, and all of these vehicles should be displaying a 40- or a 50-mile-an-hour speed-limit sticker. The Department is currently looking at that, to ensure that all goods vehicles are signed appropriately, and maintain the speed limits, which will, indeed, increase road safety.

Large tractors and trailers Use on public roads and classification

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

- (1) *Are the use of large (building site) type tractors and trailers lawful to be used on a public road under the Road Traffic Acts; and*
(2) *are these vehicles classed as Heavy Goods Vehicles?*

The Speaker: Question 6. 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.

Large, building-site type tractors and specialist vehicles, such as earth-moving vehicles and quarry vehicles are usually known generically as either engineering plant vehicles or, perhaps, as works trucks. These may be used lawfully on public roads under the Road Traffic Acts, if they are correctly registered and licensed and driven by a suitably qualified driver and, of course, provided they meet all the relevant construction use, maintenance equipment, weights and lighting requirements.

The driving ages for such plant or site-engineering vehicles, if they are locomotives, motor tractors or heavy goods vehicles, is 21. The age for driving an agricultural tractor, by contrast, is currently 16, although this category is shortly to go out to consultation.

Mr Speaker, a vehicle registered as a works truck is only permitted to travel up to 600 metres from the works base, and any heavy goods vehicle which has a gross weight exceeding 7,500 kilograms maximum laden weight. Therefore, that, as the definition of a heavy goods vehicle, would mean that these vehicles are classed in that category, sir.

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

Mr Houghton: Mr Speaker, would the Hon. Minister be

advised that there are many contractors using such vehicles, towing extremely heavy machinery and diggers all round the Island, much further than a 600-metre distance? Could the Hon. Minister make arrangements that attention is paid to that issue, and could he also advise as to what kind of insurance is required for these off-road vehicles, when they are being used extensively on the roads, sir?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I think there is a difficulty regarding the categorisation of the vehicles we are talking about. As I stated in the Answer, there are engineering plant vehicles which are legitimately able to be driven on the roads, provided they are classed and registered and driven by appropriate people. Therefore, although they may be perceived as being very large vehicles, under certain circumstances, it is legitimate for them to drive on the roads.

The Department does take, very seriously, the potential damage that can be caused by these types of vehicles and, therefore, restrictions can be placed upon them.

With regard to all insurance matters and associated issues, the Department will look at this again, but certainly by identification of any problems that the Hon. Member may be aware of, we will be able to focus our attention and that of the Police Service, in order to try and find ways of ensuring that good practice is complied with.

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

Mr Houghton: Thank you, Mr Speaker.

I am very grateful for the Minister's answer, in that he will look into this matter, because it is becoming of concern to other road users. May I ask, also – it is possibly a question not quite in the Minister's domain – but if these are off-road vehicles, they will, indeed, of course, be using red diesel and, if they are being driven on the road, that is unlawful: would he also make note of that point, sir, for when they are checking these vehicles out?

The Speaker: Minister to reply.

The Minister: Yes, indeed, Mr Speaker, the majority of the vehicles I think the Hon. Member is referring to may appear to be more suitable for being off-road. However, they are legitimately legal on the road in certain circumstances. The use of red diesel is something which can occasionally be exposed to abuse, and that is, certainly, something which ourselves, the Office of Fair Trading and Police would look into.

Therefore, the difficulty is that, although some of these heavier plant vehicles may appear to be unsuitable for the highways of the Island, there are occasions when they are both legal and need to move between sites or between locations and, just because a person sees these vehicles on the road, we should not assume that they are illegal or inappropriate. The works trucks are those vehicles that normally, traditionally, stay on a site, and I do not think that they cause as great a problem as the Hon. Member is referring to.

Therefore, I think the real issue is that the Island, increasingly, has a number of heavy goods vehicles. We trust that they are handled and dealt with legally and appropriately.

However, we have become accustomed to some of these needing to be used to carry out works on the Island, often for the benefit of the Island. They can cause potential damage to the highways which, I think we all appreciate, are in considerable need of attention, anyway.

So, it is a concern to us. They are monitored, and I do believe that we can work with the operators to ensure good practice.

HOME AFFAIRS

Parking tickets 'fiasco' Policy to resolve

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

In view of the parking tickets fiasco, what is your Department's policy in order to resolve the issue?

The Speaker: Question 7. Hon. Member for Onchan, Mr Karran.

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

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

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

Initially, I believe I must remind the Hon. Member for Onchan that this problematic issue was a result of actions taken by the administration which was in place 16 years ago, in 1989. It does not, and should not, adversely reflect on the current political Members of the Department, or the officers presently serving within the Department.

Mr Houghton: The only thing that doesn't.

The Minister: Furthermore, immediately the problem was identified, my Department has been open and honest, (A Member: Hear, hear.) bringing the issue into the public domain, and ensuring that the ambiguity, once identified, was removed.

Indeed, within a period of 48 hours, warrants of appointment were signed, all associated paperwork completed, and traffic wardens were appointed. There is now no question over the powers of traffic wardens.

Further, my Department has sought legal advice regarding the issue of tickets previously issued by parking controllers. Once the legal position has been clarified, my Department will respond to individuals who have written to us in this regard. In the meantime, acknowledgement letters are being sent.

Obviously, the final resolution of this matter is dependent upon the legal advice received and, therefore, until this is made available to the Department, I cannot add anything further, at this stage.

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

Mr Karran: Vainstyr Loayreyder, would the

Shirveishagh, whilst thanking him for his response, not agree that we are led to believe that the cost could be as much as £4 million, and that does not include the administration costs? Is that a fact or not?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I think we have to realise that, although there was ambiguity over the naming of the parking controllers, the fines were issued because people had committed an offence, and, up to date, we have received 143 letters. A lot of those letters are not providing sufficient information, some are pre-1989, some are fines which have been issued when people have been in car parks and, of course, they are not distinguishing if they have been fined or the conviction is by a police officer or a parking controller.

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

Mr Gill: Thank you, Mr Speaker.

Could the Minister advise us: what was the level of unpaid fines at the time that this ambiguity came to light? Who is responsible for the enforcement of addressing the payment of unpaid fines? What lessons can be learned and what comfort can be gained from the ambiguity that he has described, that we will not find ourselves in that same unhappy position in the future.

The Speaker: Minister to reply.

The Minister: Mr Speaker, I do not have the figures of how many of the fines are outstanding. All I can say is that the Registry were informed immediately this ambiguity was raised with the Department. They were informed not to accept any payments on fines which had been issued by parking controllers. All those fines which had been issued by police officers, of course, had to be paid, but the figure I do not know.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh son Cooishyn Sthie not agree that the phenomenal amount of cost that must be involved, purely in administration, that his Department needs to be seriously looking at coming back with some sort of legislative package to this Hon. House, in order to regularise the situation, so that that money, instead of £4 million plus all the administration costs, can go to things that are important, such as, maybe, offsetting the future MEA bills' cost?

The Speaker: Minister to reply.

The Minister: Mr Speaker, first of all, any fines normally go into general revenue, and do not come to the Department of Home Affairs. We are seeking legal advice on the fine situation, at the present time.

Over the three-week period, as I said, there have only been 143 letters, and I do not know how many of those, once they are looked at... if there could be even any repayment.

The Speaker: Hon. Members, just before I call the next Question. Hon. Member for Onchan, Mr Karran, I think it is inappropriate to turn every Question to link to the MEA. (Mr Henderson: Hear, hear.)

Hon. Member for Douglas North, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

The Minister mentions that persons may have committed an offence, as to why they were reported in the first place. Can he not state whether, now, through his Department's failure, that they have committed 10,000 offences a year by reporting these people inappropriately and unlawfully?

And also, can he advise this House: how did this matter come to light? Was it brought about by his Department or was it brought about by a member of the public?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I think the Hon. Member for North Douglas is well aware that it was brought to the Department by a member of the public, and that has already been in the papers. I think every Member of this Hon. House knows the individual concerned.

As I have said, once this ambiguity was raised with the Department, we were very open and honest, and we acted immediately, to make sure that the ambiguity was resolved, and that the traffic wardens were properly appointed.

The reason, from what we can gather in 1989, that they were named 'parking controllers' is they thought that the term 'traffic warden' would be unpopular in the Isle of Man, and 'parking controller' would be more acceptable.

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

Mr Gill: Thank you, Mr Speaker.

Could the Minister, perhaps, revisit my previous question, when I asked him who is responsible for the enforcement of unpaid fines? I appreciate he is unable to give us a figure today, but perhaps he could circulate that. Who is responsible for unpaid fine enforcement, and what lessons and what comfort can we take that we will not find ourselves in a position where there are significant levels of unpaid fines not being chased by the appropriate authority?

The Speaker: Minister to reply.

The Minister: Mr Speaker, the unpaid fines... responsibility for enforcing those falls to the Constabulary, and it would have to be a police officer who would go round.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh son Cooishyn Sthie not agree that he is there, with his Department, to develop policy? Would the Shirveishagh not tell this Hon. House: what is his policy over the fact that there could be potentially up to £4 million of public money that would have to be paid out and the massive amount of administration costs, as far as the issue is concerned? What direction are we going in, from his Department, on this issue?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I am not too sure where the Hon. Member for Onchan is coming from. This is nothing to do with a policy. We are now receiving legal advice on

the situation of the fines which have been – or the offence – issued by the parking controllers. It has nothing to do with policy of the Department.

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

Mr Earnshaw: Thank you, Mr Speaker.

As far as I recall, this problem was flagged up quite some time ago. I would like to know from the Minister: when did the anomaly first surface anywhere in Government. (**Mr Karran:** Hear, hear.) and why was no action taken at that time?

The Speaker: Minister to reply.

The Minister: Mr Speaker, in answer to the initial Question, I said my Department acted within 48 hours. It was brought to my attention on 23rd March. On 23rd March, in the evening, I signed the warrants for traffic wardens, and the press release went out on 24th March. So, I think we acted... so, initially from what I can gather, it was brought to the attention of my Department on about 22nd March.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh son Cooishyn Sthie not agree with this Hon. House that the fact is that we would like to know some leadership of what his Department intends to do? Does it intend to hand back up to £4 million and create an administration nightmare for his Department involved? Are we going to see some leadership on this issue?

The Speaker: Minister to reply.

The Minister: Mr Speaker, first of all, with the press release that went out, we have got 24-hour access to the Department, asking people, if they are complaining about their fine, to write in to the Department with details.

I have already said, up to date, we have 148 replies. Once we have received the legal advice, then we will take some action. The Hon. Member for Onchan is plucking figures out of the air; £3 million, £4 million. This is just total speculation.

If we look at the number of fines, and fines which have been issued of £20 or £40, over the number of years, people have to show if they are in receipt, they have to show whether it was a parking controller or a police officer... I have already mentioned that some people have written in about where they have been fined for exceeding their time in car parks. Until we get all the details and all the letters in, I cannot answer the Question.

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

Mrs Cannell: Thank you, Mr Speaker.

Can the Hon. Minister advise: when does he expect to receive the legal advice sought and, once received, how will we in the House of Keys and members of the public know of what that legal advice is, in terms of how, then, the Department hopes to deal with this situation?

The Speaker: Minister to reply.

The Minister: Mr Speaker, we contacted the Attorney

General's Office immediately for legal advice. The officer who is assisting us, at the present time, has a very high court workload. He is involved in a very important case, at present, and we are waiting for that advice to come. When we receive that advice, I will go back to the Council of Ministers, and then every Member of Tynwald will be issued with a letter of explanation.

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

Mr Gawne: Gura mie eu, Loayreyder.

Could the Shirveishagh son Cooishyn Sthie give an indication to the House today that, if necessary – and bearing in mind the special circumstances of this matter – his Department and himself will consider the possibility of introducing some retrospective legislation on this matter, to regularise the situation?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I will look at all aspects of the situation, once I receive the legal advice from the officer involved.

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

Mr Duggan: Thank you, Mr Speaker.

Could I ask the Minister: is he aware – no doubt he is, Mr Speaker – that quite a few people went to jail for non-payment of these fines, and it is very, very serious?

The Speaker: Minister to reply.

The Minister: Mr Speaker, we are already looking at any situation if a person has gone to prison, but, generally, it is also, apart from parking fines, there is normally other involvement as well, and we have to find out all the details, or as much of the details as possible.

The Speaker: Hon. Member for Garff, Mr Rodan.

Mr Rodan: Yes, thank you, Mr Speaker.

Could the Hon. Minister confirm that, notwithstanding that the law is defective in enforcing legislation concerning parking offences, nonetheless, the law had still been broken by those committing parking offences, and illegal acts were committed by members of the public with parking fines, albeit unenforceable, and that this is the point that needs to be reinforced? The law had still been broken when committing a parking offence.

A Member: Hear, hear.

The Speaker: Minister to reply.

The Minister: Mr Speaker, I think in answer to a previous supplementary, I mentioned that, not even concerning the ambiguity of the naming of traffic wardens as parking controllers, those people who had been fined were breaking the law. They were committing an offence.

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

Mr Cannan: Has the Minister taken the opportunity to

research the records, to find whether the then Minister for Home Affairs actually took advice from the then Attorney General, as to whether the term 'parking controller' was correct, bearing in mind that the paper authorising them to be known as 'parking controllers' came before Tynwald from the then Department of Home Affairs? And who was the Minister at that time?

The Speaker: Minister to reply.

The Minister: Mr Speaker, we have looked back on the files to find out what the situation was with traffic wardens, because I think, under the 1985 Road Traffic Act, it says that they should be named 'traffic wardens' and I think the advice from the learned Attorney General's Chambers was that they should be named 'traffic wardens'. I believe the Minister of the time thought it was more appropriate to call our traffic wardens 'parking controllers', as they thought it would be a more suitable term in the Isle of Man.

The Speaker: A final supplementary on this Question. Hon. Member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree that his Department has acted illegally over this affair, as far as the administration of these tickets is concerned? Would he not agree that it is the wrong premise to say, 'If you complain, we will do something about it'?

Would he also not agree that it is about having a law that is administered the same for everybody, as far as this issue is concerned? Will he make sure that he does not follow a policy of only looking after the ones who complain, or are in the know of how to complain, and will he come back with some direction on this issue?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I would not agree with the Hon. Member for Onchan. I think I have already said twice now, in answer to supplementaries, no matter how you look at it, the people who were fined committed an offence. The only problem was the terminology used for those people who issued the ticket. It was a traffic warden or parking controller. The people were fined for committing an offence.

The Speaker: A final, final supplementary, the Hon. Member for Michael, Mr Cannan.

Mr Cannan: Will the Minister clarify his previous answer that, in fact, the then Minister in 1989 set aside the advice from the then Attorney General to call them traffic wardens and call them parking controllers? Will he, therefore, agree that the responsibility for this is that the then Minister – and will he tell us who the Minister was – ignored the advice of the Attorney General, used his own interpretation and that is the cause of this problem?

The Speaker: Minister to reply.

The Minister: Mr Speaker, all I can say is that I believe it was the Hon. Member of Council, at the time, Mr Lowey, who was the Minister in charge of the Department of Home Affairs. All I can say is that the advice from the Attorney General's Chambers was that the people involved should be named

traffic wardens and not parking controllers, but that advice was given, although the Department, at the time, decided that they should be named parking controllers.

TOURISM AND LEISURE

International Manx Festival of Aviation Establishment and encouragement

1.8. The Hon. Member for Michael (Mr Cannan) to ask the Minister for Tourism and Leisure:

(1) Why did no political Member or Department Official attend the Manx Festival of Aviation Presentation on Tuesday, 29th March 2005;

(2) does your Department have a policy to encourage the establishment of the International Manx Festival of Aviation; and

(3) will your Department enter into serious negotiation with Manx Air Aces Limited for the development of an International Manx Festival of Aviation?

The Speaker: Question 8, Hon. Member for Michael, Mr Cannan.

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

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

The Minister for Tourism and Leisure (Mr Cretney): Thank you, Mr Speaker.

The organiser of the Manx Festival of Aviation was informed in writing why the Department of Tourism and Leisure would not be represented at his presentation on Tuesday, 29th March.

I, therefore, regret that it is necessary for me to make public the reasons, as I believe it will not assist him in his attempt to obtain private-sector support.

One of the requirements placed by the Department upon event organisers is that they submit audited accounts, in order that the profit or loss of their event can be independently verified. The fact is that, despite repeated requests, along with repeated promises from the organiser, we still have not been furnished with the audited accounts of the event from last August. This is a pattern which has occurred annually, despite significant public funding being provided by my Department.

The organiser also owes money to two Government Departments, one of which I understand has been passed on for legal action, to obtain recovery, in line with Government's financial regulations and procedures. I understand that this Government Department has written to the organiser, stating that its facilities will not be available this year for the event.

In response to the second part of the Question, I believe the Manx Festival of Aviation is a spectacular show for visitors to the Island and locals alike, and it is on that basis that we have provided financial support annually.

The third part of the Question requests the Department to enter into serious negotiation with the organisers for the

development of the event. Hon. Members will recall that the Tourism Strategy entitled 'Fit for the Future' was endorsed by Tynwald last year at its April sitting. Contained within the Strategy is a commitment to support special events which demonstrate that they would bring additional visitors to the Island, along with a desire to promote year-round sustainable tourism.

Through our Special Event Guarantee Fund, my Department is able, therefore, to provide financial assistance to events which satisfy the objective criteria which support our policy on special events, in particular, and promotion and support for the tourist industry in general.

Event organisers are required to put together an application for financial assistance, and the Department evaluates the proposal and determines an appropriate level of support within existing resources. Essentially, the Event Guarantee Fund is to be used to support events which can clearly demonstrate that they will attract a reasonable return upon the Department's investment, in terms of additional visitors and, ideally, fall outside of the traditional peak months of July and August.

In the case of the Manx Festival of Aviation, the Department has two genuine concerns arising from our discussions with the organisers before and since preparation of their business plan: firstly, that the event takes place in August, when visitor numbers are already buoyant and there is very limited availability of our already under-pressure accommodation sector; and secondly, that the projected visitor numbers were not in line with the requested level of financial support. That is to say, my Department did not feel that the funding requested was likely to yield a sufficient return and did not, therefore, represent value for money.

The Speaker: Hon. Member for Michael.

Mr Cannan: I thank the Minister for his reply.

First of all, could I ask him is he aware that the organisers are seeking to have an international event that attracts international persons and competition and enhance the tourism of the Isle of Man and how can he relate that to a statement that says we already have enough tourists in July and August? Does his Department want to increase tourism generally or is it satisfied with the level of tourism during the months of July and August? That is my first supplementary.

The Minister: In answer to the first supplementary, Mr Speaker, I would say that, first of all, we have limitations, in terms of the numbers of persons who could successfully come to the Isle of Man. We have bed-space issues, we also have issues with the carriers, in terms of the capacity to carry the numbers which might be considered by the organiser.

The second part, I would say, unfortunately, if the organisers at the moment cannot meet their obligations, in terms of the submission of audited accounts in an appropriate and timely manner, and if they cannot pay their bills, what point is there moving on to an international festival?

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

Mr Cannan: Is the Minister aware that there are many Government organisations, including local authorities, that do not submit their accounts on time, and why is he discriminating against the promoters of the International Air Festival?

Secondly, the fact that the accounts have not been submitted within nine months – not unusual in Government circles from Government accounts – why are your Department so short-sighted and small-minded, that you refuse to attend what was a first-class presentation of the potential for an aviation festival in the Isle of Man?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I am not responsible for the submission of local authority accounts. I am responsible for the acceptance of audited accounts from event organisers, and I am doing my job in the correct manner.

Several Members: Hear, hear.

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

Mr Cannan: I am pleased to note that the Minister is responsible for proper accounts from Manx Air Aviation. Will he assure us that he gives the same concern and diligence in the submission of accounts for tourist grants?

The Speaker: Minister to reply.

Mr Cannan: If you want rough politics, you will get rough politics.

The Speaker: Hon. Member for Michael, please.

Members: Ooh!

The Minister: Dear, dear. I think you are taking a bit of a flier here.

Mr Speaker, can I say I am completely... the Department is completely content that, after reviewing the method for auditing all our accounts, which are received by the Department, we are very content that we are doing so in an efficient manner, and that would be across the Department. I consider my responsibilities in the financial manner very important, and that applies equally to all.

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

Mr Gill: Thank you, Mr Speaker.

Given the Minister's stated support for the principle of an air festival, could he advise us what ongoing contact does his Department have with the organiser of the Festival of Aviation, to work through the issues that the Minister has described, sir?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I think I have said already, until such time as the organiser of the Manx Festival of Aviation sorts out his two accounts which are owing to Government Departments, the Government Departments would be in breach of financial regulations to enter into discussions with him.

I think it is important that I receive, as I have been promised on numerous occasions, his audited accounts as soon as possible, and I hope that as soon as possible he finds himself in a position to pay the Government Departments, and then we can see where we go from there.

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

Mr Cannan: Surely the Minister must agree that discussions on the potential, without any commitment to a future international – repeat the word, international – Air Festival, bringing in people from outside and enhancing general tourism, should not be stopped because of an unpaid bill. These are discussions for tourism for the general good and promotion of the Isle of Man without any agreement being sought for financial assistance at this stage. Why is he refusing even to look at the matter?

The Speaker: Minister to reply.

The Minister: Mr Speaker, there seems to me to be a little taste of double standards in this House today. (**Several Members:** Hear, hear.) For months and months, we have talked about transparency and openness and accountability, and here we are a little bit different today, I find.

Mr Speaker, I have said what the difficulties are. There are a number of difficulties. I have described the ones which relate to the finances of the event.

Also, if the projected numbers which have been spoken of by the organiser were to come to be, we could not handle them, unfortunately. We do not have sufficient bed spaces, at that time of the year, and also, the capacity of the Steam Packet Company, in particular, is limited. We have major events on during August, which already caused difficulties, in terms of the successes of the film industry last year, where we had to try and work together, in order that people had sufficient places to lay their heads at night.

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

Mrs Cannell: Thank you, Mr Speaker.

Can the Hon. Minister advise us on what has been the extent of financial support, on a yearly basis, from the Department for this particular event?

Further, can he advise whether or not this event, when it has been held... has it always been held in August of each year, or has it varied?

The Speaker: Minister to reply.

The Minister: I am sorry, I do not know the answer to the last part. I think it has been August always, but I would not be able to say for definite.

In terms of financial support of the event, this event is considered to be one which is good for those visitors who come to the Island, and for locals, and it is on that basis that it has received support.

I think the support last year was £15,000. The support which was offered for this year was £15,000.

The Speaker: A final supplementary, Hon. Member for Michael, Mr Cannan.

Mr Cannan: From the answers given, are we to conclude that the Minister does not seek to enhance tourist arrivals in July and August because they are now maximised, in what he has said, by bed space and by carrier, the Steam Packet? If so, was he aware that one of the sponsors of the presentation for an international air festival in March was the Steam Packet? They were one of the sponsors.

The Speaker: Minister to reply.

The Minister: If I can address the first part of the question, I have no knowledge of the sponsors of the presentation. That is not a matter that is anything to do with me, I do not think. In terms of the problems that we have, I have described already the difficulties.

What I am trying to do, as Minister for Tourism, in conjunction with a number of other Ministers and a number of other Members, is to try and get additional four-star-quality-plus bed spaces. We have worked very hard, and are intending to continue to work very hard, with the private sector and others, to achieve that aim and that objective, because we believe it is very important for the future of tourism to have quality bed spaces.

So, there is no lack of commitment from this Minister, but what I am trying to do is put the real situation as it exists at the moment: we are under pressure and these people are not likely to camp.

The Speaker: Hon. Members, that concludes the time allotted for Oral Questions to be answered in our sitting today.

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

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

Mr Quayle: Thank you, Mr Speaker. Under the relevant Standing Order, sir, may I ask that –

The Speaker: Which is the relevant Standing Order, Hon. Member? Shall we try Standing Order 43(2)? (*Laughter*)

Mr Quayle: You took the words out of my mouth, sir.

The Speaker: Hon. Members, do we have a seconder to that?

Mr Henderson: I second, Mr Speaker.

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 at this sitting.

All those in favour, say aye; against, no. The ayes have it. The ayes have it.

LOCAL GOVERNMENT AND THE ENVIRONMENT

'Interested party' status re planning applications Implementing Select Committee recommendation

1.9. The Hon. Member for Rushen (Mr Gawne) to ask the Minister for Local Government and the Environment:

(1) *What are the criteria for your Department's Planning*

Committee to grant 'interested party' status to parties concerned about certain planning applications;

(2) what progress has your Department made in complying with the recommendation at paragraph 59 of the Select Committee on the Petition for Redress of Grievance of Maddrell which reported to Tynwald in October 2004; and

(3) why would a harbour user not be granted 'interested party' status when they opposed a plan to 'improve' facilities in the harbour which they use?

The Speaker: We, therefore, carry on, and I call on the Hon. Member for Rushen, Mr Gawne to ask Question 9, standing in his name.

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

The Speaker: I call on the Hon. Member for Rushen, Mr Rimington, the Minister for Local Government and the Environment, to reply.

The Minister for Local Government and the Environment (Mr Rimington): Mr Speaker, with regard to the first part of the Hon. Member's Question, when dealing with any planning application, the Department is required, under the provisions of schedule 1 of the Isle of Man Planning Scheme Development Plan Order 1982, to publish particulars of the application, and to give any person who considers that he may be adversely affected by an application an opportunity to make objections or representations in writing to the Planning Committee.

Once a decision is made, every person who has made objections or representations is notified in writing of that decision. Any such person may, within 21 days, request the Planning Committee to review its decision:

'In considering that request, the Planning Committee shall refuse a request if it appears to the Committee that the person by whom it is made has no interest or no sufficient interest in the subject matter of the decision',

and that is a quotation from paragraph 6(2)(a) of schedule 1 of the Order.

The criterion as to whether a person has sufficient interest is whether that person is affected by the proposed development. This clearly varies on the basis of the scale of the proposed development and is why there are no set criteria for granting so-called 'interested party' status, as each case has to be considered on the basis of its specific circumstances.

In regard to the second part of the Hon. Member's Question, the recommendation of the Select Committee, referred to by the Hon. Member, is being considered by the Department as part of the proposals for modernising the planning system. Hon. Members will recall that the Department published detailed proposals in December 2004, stating a period of public consultation extending to mid-February 2005. Members of Tynwald were invited to a special presentation on the changes which was given by the Department on 20th January 2005. The Department has now considered all the consultation responses and is in the process of finalising the necessary Orders and Regulations, with a view to placing them before Tynwald in May 2005.

While the proposed changes will not affect the concept of interested party status, it is considered that explanation of how it is established is best kept to the detailed information and advice which will be prepared for the public, before the overall package of changes is brought into operation in the autumn.

With regard to the third part of the Hon. Member's Question, I am pleased to advise that the Planning Committee has recently resolved to grant interested party status to the organisation I believe the Hon. Member is referring to, after considering the particular nature of the organisation and the circumstances of the proposed development.

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

Mr Gawne: Gura mie eu, Loayreyder.

In the absence of his Department's compliance with the recommendation at paragraph 59, in terms of producing a leaflet explaining the situation of granting of party status, I wonder whether the Minister could agree to, perhaps, promoting, in other ways, the information that, clearly, the public need. Perhaps he could take out a full-page advertorial in the local newspapers, giving a full explanation of how interested party status works.

The Speaker: Minister to reply.

The Minister: Yes, I would be glad to receive the support of the Hon. Member for the supplementary vote required.

Plastic waste

Encouraging disposal via Energy from Waste Plant

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

(1) Are you satisfied that there are sufficient measures in place to eliminate or control the burning of plastics around the Island; and, if not

(2) will you consider the introduction of any appropriate action deemed to be necessary, including the consideration of exempting plastics from the waste disposal charges, to encourage disposal via the Energy from Waste Plant?

The Speaker: Question 10, Hon. Members. I call on the Hon. Member for Middle, Mr Quayle.

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

The Speaker: I call on the Hon. Member for Rushen, Mr Rimington, Minister for Local Government and the Environment, to reply.

The Minister for Local Government and the Environment (Mr Rimington): Mr Speaker, with regard to the first part of the Hon. Member's Question, the legislation that covers the burning of waste, including plastics, is the Public Health Act 1990, in particular the nuisance provisions, and there are also extended waste licensing requirements under the Collection and Disposal of Waste Regulations 2000.

The nuisance provisions of the Public Health Act 1990 specify matters that are considered to be statutory nuisances, together with the procedures for the service of abatement notices, nuisance orders and legal proceedings. Included in the definition of 'statutory nuisance' is: 'smoke emitted in such quantity or of such density or content as to be a nuisance'.

The licensing requirements of the Collection and Disposal of Waste Regulations 2000 include incinerating waste as a process requiring a waste disposal licence. However, this does not prohibit the burning of plastic on the site, where such waste has been generated, e.g. a farmer burning packaging materials. Only waste that has arisen elsewhere and has been collected and taken to a separate site for burning, e.g. a skip-hire company burning on their site, would be covered under the licensing provisions and require the issue of a licence.

However, I can assure Hon. Members that the Department actively discourages uncontrolled burning, especially of plastics, because of the potential for producing environmental pollutants, such as dioxins.

With regard to the second part of the Hon. Member's Question, the Department is currently reviewing the Island's Waste Management Strategy and will be looking at ways of encouraging producers of waste to dispose of their waste in the most safe and environmentally-friendly way possible. The review is wide-ranging and will involve looking at the waste charging structure, suitable disposal routes, waste collection, recycling and all the other elements of the current Strategy.

The Department does recognise that the most suitable route for disposing of plastics is in the Energy from Waste Facility. However, exempting the waste charges is not necessarily the best solution with this particular type of waste. There is a need, in seeking to encourage greater use of the Energy from Waste Facility, to ensure all producers of waste are treated fairly and that an even-handed approach to charging is applied.

Hon. Members may, also, find it helpful to know that my Department is reviewing the position in respect of burning and other activities that discharge to the air.

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

Mr Quayle: Thank you, Mr Speaker.

May I thank the Minister for that reply, but could I ask him: would he not agree that it would be beneficial to exempt the plastics from charges which will benefit the population overall and, in fact, the consumer, and that by charging £100 a tonne, people who have to pay this charge will have to recoup these costs, anyway, from the public, such as builders and so on?

The Speaker: Minister to reply.

The Minister: Mr Speaker, it would be a very dangerous step for us to single out one particular area, such as plastics, and then say that these should be exempt from any charges. Domestic consumers also produce a great deal of plastics in their waste and, indeed, plastics are one of the major feed stocks of the Energy from Waste Facility.

We would question the current £100 per tonne charge and would – and I have said this before, Mr Speaker – seek to reduce that charge. That is our committed policy going

forward, but then that has to be in respect of the overall Waste Management Strategy and has to be part of a balanced new charging regime. In doing so, if we are able to reduce those charges, that will encourage more commercial waste in the direction of the Energy from Waste Facility, but to take out any one particular sector in the economy, or any one particular product, and to give them exemptions would create extreme difficulties in the management of our waste.

The Speaker: Hon. Members, that concludes Questions for Oral Answer. The second Item on our Order Paper is Questions for Written Answer, of which there is one, which will now be circulated to Hon. Members.

Question for Written Answer

TRANSPORT

Meaning of 'Cabotage'

Imported Heavy Goods Vehicles for contract work

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

(1) *What is the meaning of Cabotage under the Road Traffic Acts; and*

(2) *what awareness of the use of imported Heavy Goods Vehicles for contract work is known to your Department?*

Answer: (1) The subject of cabotage is not included in the Road Traffic Acts at present, although it is being proposed to be mentioned in the draft replacement of the International Circulation Order which is currently at second consultation stage.

'Cabotage' can be taken as a term relating to visiting vehicles and their drivers who commercially carry goods or passengers from one place to another within the Island.

'Cabotage' does not normally refer to the transport of goods being imported into, or exported from, the Island. Nor does it refer to visiting Public Passenger Vehicles (PPV) that carry only visitors in the course of their 'closed door' journeys into and out of the Island or on 'closed door' excursions within the Island that have been arranged before the passengers arrived here. 'Cabotage' is not a term normally applied to use of vehicles that do not carry or haul any goods or passengers, such as engineering plant.

Under the current International Circulation provisions,

visiting vehicles are exempt from vehicle duty for up to 12 months and visiting drivers may drive on the Island for up to 12 months. This 'International Circulation' arrangement under International Conventions is not cabotage, and does not, by itself, authorise it or prohibit it.

Under the proposed new International Circulation Order, commercially-used visiting vehicles, such as goods vehicles and engineering plant, will only be exempted from vehicle duty for one month (instead of the present 12 months) after which they will be required to become temporarily registered and licensed for the period of stay in the Island. They would be assigned a temporary registration with an 'S' prefix or suffix. Such numbers will not be allocated as 'cherished numbers'. If a commercially-used bus or coach stays for more than a month, then it, too, will become registered, licensed and pay vehicle duty, and it may be that its operation would be such that it would come under the Operator Licensing aegis of the Road Transport Licensing Committee (RTLTC).

(2) The Department is aware that certain plant and large goods vehicles are imported as visiting vehicles with visiting drivers for contract work, and the Department is, therefore, proposing the changes I have described in order to regulate this situation. This regulation will also include that if a visiting goods vehicle or passenger vehicle is used commercially for cabotage purposes and its vehicle class, and its operation, is of a type that brings it under the Operator Licensing regime of the Road Transport Act 2001, then the vehicle and its operator must be licensed by the RTLTC, and, in the case of a PPV, the driver also must be licensed with the RTLTC.

The proposal is that no visiting vehicle may undertake cabotage for more than a month, and so if any 'cabotage' licence is given by the Road Transport Licensing Committee for a large goods vehicle or a Public Passenger Vehicle, that Operator Licence and operator disc shall not be valid for more than one month. At present, if the Road Transport Licensing Committee were to issue an operator disc to a visiting vehicle it would, effectively, be treated as a resident vehicle and the disc would be issued for 12 months, and the operator licence would be for five years. The new provisions will limit it to one month and the visiting Public Passenger Vehicle would not be treated as a resident vehicle on grounds that it was licensed here.

As visiting engineering plant vehicles do not normally convey goods they cannot commit 'cabotage' as such, so they fall outside the jurisdiction of any 'operator licensing' system that is in force under a Road Transport measure; but, just like commercial goods vehicles visiting the Island, they will be required to become registered and licensed with the Department of Transport as vehicles, and pay vehicle duty, if they are used here for more than a month.

Orders of the Day

BILL FOR CONSIDERATION OF COUNCIL AMENDMENTS

Coastline Management Bill Council amendments considered

3.1. Mr Cannan to move:

That the following amendments made by the Legislative Council be agreed and that the Bill do now pass.

Clause 2 and Schedule 1

Page 9 : for paragraph 1 of Schedule 1 substitute –

'1. (1) Where the Department proposes to make an order, it shall prepare a draft of the order and cause notice of the proposal to be published twice in accordance with this paragraph.

(2) The first publication of the notice may take place at any time after the draft has been prepared.

(3) The second publication of the notice shall take place between 21 days and 28 days after first publication.

(4) Each publication of the notice shall consist of –

(a) publication in two newspapers published and circulating in the Island; and

(b) publication by means of one or more radio broadcasts; and

(c) publication on the Government website for a minimum period of 2 weeks beginning with the date of such publication; and

(d) publication by such other means as appear to the Department to be reasonably necessary to bring the notice to the attention of those likely to be affected by the draft order.

(5) The notice shall –

(a) state the general effect of the proposal and specify the coastal land to which the proposal relates;

(b) name a place where a copy of the draft order and of any map referred to therein may be inspected by any person free of charge at all reasonable hours during a period specified in the notice, being a period expiring no sooner than 6 weeks after the first publication of the notice in accordance with paragraph (4)(a); and

(c) state that, not later than the end of that period, any person may by notice in writing to the Department object to the proposal.

(6) The Department shall consider any objections made with respect to the proposal and, subject to paragraph 2, shall prepare a final draft of the order.

(7) A document which purports to be a copy of a notice published under this paragraph and bears a certificate purporting to be signed on behalf of the Department and stating that the notice was published in accordance with this paragraph on a day specified in the certificate, shall be evidence in any proceedings of the terms of the notice and of the matters stated in the certificate.'

The Speaker: Hon. Members, we now move on to Item 3 on our Order Paper, the Coastline Management Bill.

Hon. Members, we have an amendment which is from the Legislative Council. The matters relating to this amendment

are covered in Standing Order 160, which states:

'(1) If the Council pass, with amendments, a Bill which has been introduced into the House, the amended Bill shall again come before the House.

(2) The House may

(a) agree with the Council's amendments; or

(b) disagree with the Council's amendments; or

(c) amend the Council's amendments; or

(d) disagree with the Council's amendments with a view to a Conference.'

Hon. Members, Standing Order 160 applies. I, therefore, call on the Hon. Member for Michael, Mr Cannan, to move.

Mr Cannan: Thank you, Mr Speaker.

The House may recall that, in December, we finally approved the Third Reading of the Coastline Management Bill with just two votes against. This amendment, Hon. Members, in terms of the policy of the Bill, is not of great importance, except that it amends the manner in which the Department of Transport promotes the designation of a coastal management zone.

There is only one amendment. That is in clause 2, schedule 1, paragraph 1 and the basis of the amendment is that the proposal of a draft coastal management zone is announced on the radio, and in two newspapers. In other words, to maximise the information to the residents in that area concerned: that is the purpose of this amendment.

There is no other amendment. It is not fundamental to the Bill; it is administrative. I support it, the Department of Transport have informed me they support it. It is purely administrative, and I see no reason why it should not be supported, Hon. Members.

I beg to move.

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

Mr Shimmin: I beg to second and reserve my remarks.

The Speaker: Hon. Members, the motion before the House is that the amendments made by the Legislative Council on 8th March 2005, which appear on our Order Paper, covering clause 2 and schedule 1, be accepted. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

BILL FOR SECOND READING

Regulation of Surveillance Bill Motion withdrawn

The Speaker: Now, Hon. Members, Item 4 on the Order Paper, Bill for Second Reading. The Minister has advised that he does not wish to proceed with the Regulation of Surveillance Bill at this stage.

Therefore, Hon. Members, that concludes the business before the House. The House will now stand adjourned until Tuesday, 19th April at 9.30 a.m. here in our Chamber.

Thank you, Hon. Members.

The House adjourned at 11.16 a.m.