



**HOUSE OF KEYS
OFFICIAL REPORT**

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

Douglas, Tuesday, 24th May 2005

Present:

The Speaker (The Hon. J A Brown) (Castletown); Hon. 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 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. 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, Secretary of the House.

Business transacted

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The House adjourned at 10.54 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

LEAVE OF ABSENCE GRANTED

The Speaker: Hon. Members, I have granted leave of absence to the Hon. Member for Onchan, Mr Corkill, and, if we are still sitting this afternoon, to the Hon. Member for Rushen, Mr Rimington.

Questions for Oral Answer

CHIEF MINISTER

Sacking MEA board Question withdrawn

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

Do you intend to sack the Board of the MEA, if so, when, and if not, why not?

The Speaker: Now, Hon. Members, I have been advised that the Hon. Member for Onchan, Mr Karran, is withdrawing Question number 1.

Commercial whaling in Norway Council of Ministers' view

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

What is the view of the Council of Ministers regarding Norway restarting commercial whaling, and, if against, will you make representations to the Norwegian Government?

The Speaker: Therefore, we go to Question 2 and I call on the Hon. Member for Onchan, Mr Karran.

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

The Speaker: I call on the Hon. Member for Douglas

North, Mr Henderson, to answer in the name of the Chief Minister.

The Minister for Agriculture, Fisheries and Forestry (Mr Henderson): Gura mie eu, Vainstyr Loayreyder.

It has to be said that whales are one of the most majestic species on this planet and, in fact, should be classed as one of the natural wonders of this world and that certainly includes our basking sharks, as well.

The Island's Wildlife Act 1990 and a number of international conventions, which have been extended to the Island, demonstrate the Island's view that whales should be a strongly protected species. The Department of Agriculture, Fisheries and Forestry has shown, through its legislation and recommendations for the extension of international agreements to the Island, that it is conscious of the Island's international obligations and commitments.

The position of Norway, in acting against an international agreement by its activities in commercial whaling, is one that the Council of Ministers does not support. Every opportunity will, therefore, be used to express the Island's view to the Government of Norway.

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

Mr Karran: Vainstyr Loayreyder, what opportunities will the Ard-shirveishagh or the Council of Ministers take, in order to make this known to the Norwegian Government, that we view this recent development in poor taste?

The Speaker: Minister to reply.

The Minister: Gura mie eu, Vainstyr Loayreyder.

I think it is fair to say that any appropriate opportunity that will make itself available and, certainly, through the information supplied to us by our Conservation Office, we will then use that information or opportunity to progress our policy in that particular direction, for the protection of whales.

TREASURY

100-year celebration Norwegian visit Costs to taxpayer

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

Regarding the visit by the Norwegians for their 100 year celebrations, what was the total cost to the taxpayer, including any cost to Manx National Heritage?

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

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

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

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

the estimated total cost to Government, including Manx National Heritage, is £34,000.

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

Mr Karran: Vainstyr Loayreyder, could the Shirveishagh explain to this Hon. House how such an amount can be arrived at for such a policy, when we have such a situation like the DHSS having to put up prescription charges, in order to try and get £75,000?

Who made the decision to spend money on such an event? Was the event for two or three days? How many people were involved, as far as the event is concerned, that the taxpayers paid for?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I was only asked to supply the total sum of the amount of the cost. We have not been involved in the organising of this event, and I do not have all the details that the Hon. Member is asking for, but I can certainly try to get that information for him, if he feels it appropriate.

I understand that this event has flowed from the cultural agreement, which was signed last year, I think, between the Isle of Man Government and Rogaland, to stimulate cultural and business ties between the two regions, and this is the first fruits, if you want to call it that, of that event.

I understand somewhere in the region of a hundred people came to the Island, representing politics, business and culture, from Norway, and the coincidence of timing with the Norwegian Independence Day was used to promote that still further.

But, in terms of the actual breakdown, I do not have any further information, but, as I say, if the Hon. Member wishes it, I will try to elicit it for him later.

The Speaker: Member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh Tashtee not agree that there seems to be a need of some sort of priority list? If we are told that we have to cut back on services, put up prescription charges and issues like this, how can the Treasury allow a situation where £34,000-plus is spent on bringing a hundred people from one of the local authorities from Norway to the Island? How does that work in the priority lists of the Government finances, to allow for this jolly?

The Speaker: Minister to reply.

The Minister: Mr Speaker, the funding, as I understand it, did not come out of Government centrally; it came, in part, from Manx National Heritage, which had already budgeted for such a trip, part of it was from the Department of Tourism and Leisure, and I think there were contributions from the DTI, as well.

So, it was a cross-governmental approach and the various budgets were taken out of budgets which were already voted for within those various Departments.

I do understand the point the Hon. Member is making, but we do need to promote the Island at every opportunity, today, to generate new business, to raise the profile of the Island and to stimulate new investment in the Island.

I understand the philosophy behind this particular exercise was to build on our traditional and cultural links with Norway, with Rogaland in particular, which is deemed to be the most successful of the states of Norway. It is where the oil and gas industry is based and, therefore, there may well be opportunities for the Island to generate new business from this.

While I do understand where the Hon. Member is coming from, we have to accept that we are in a new era altogether now, as far as economic development is concerned, and we do have to invest money in trips such as this, to stimulate increased awareness and stimulate new activities, which will generate new business for the Island, to replace that which we may lose in the time ahead.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree that most of us understand the sentiments of the reply of the Hon. Minister, but £340 per head to bring a council delegation from Norway...

Would he consider raising with the Council of Ministers the issue of the priorities? If other Departments are strapped for cash, like we are told in the DHSS, somehow we need to look at our priorities, as far as these slap-up meals for Members and others in this Hon. House from this affair. It would be better spent on nurses and doctors.

The Speaker: We would also be better off, Hon. Member, if you asked questions and kept to questions, not statements. (**A Member:** Hear, hear.) Hon. Member for Ramsey, Mr Bell, to reply.

The Minister: Mr Speaker, I really cannot add any more than I have already said.

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

Mrs Craine: Thank you, Mr Speaker.

Would the Minister not agree, when quoting the words of the Hon. Member for Michael last week, 'that some Members have an understanding of the cost of everything and the value of nothing' and that, in fact, in order to be able to accumulate one has to speculate?

And would he further agree that valuable links were made with the Department of Trade and Industry, with regard to potential inward investment and that is an avenue that is to be welcomed into the Island?

The Speaker: Treasury Minister to reply.

The Minister: Yes, I would agree entirely with my hon. friend's comments, Mr Speaker.

We do need to keep a sense of perspective about this. The budgets, which were drawn upon to pay for this trip, were already allocated in the Budget and approved by Tynwald, and these are simply draw-downs from those previously agreed budgets, so there is nothing exceptional about this.

The cultural agreement, which was signed, as I say, I think, some time last year, has had substantial publicity within the Island. Members were well aware of the rationale behind it and that there would be attempts to build on that agreement by increasing still further, our traditional links with Norway, and with Rogaland in particular, both from the

point of view of stimulating new cultural links, but especially, as I said – and I repeat myself, Mr Speaker – bearing in mind that Rogaland is the centre of the oil and gas industry in Norway, it was also seen as an opportunity to make aware to that region, the services that could be available in the Isle of Man for their international business.

Therefore, whilst there may not be an immediate return on this investment, other than the 550 bed nights which were paid for and, indeed, the amount of money which was spent within the local economy, taking a longer-term perspective of it, there may well be a broader financial return in the future, and I think we have to keep focused on that.

That is where our future lies, that is where future sources of revenue and business comes from and we have to pursue every opportunity, I believe, in the future to stimulate just such links.

LOCAL GOVERNMENT AND THE ENVIRONMENT

First-time buyer housing development, Onchan Details

1.4. The Hon. Member for Onchan (Mr Earnshaw) to ask the Minister for Local Government and the Environment:

Has your Department recently acquired land in Onchan suitable for the development of 'first-time buyer' housing, if so:

- (a) where is the location;*
- (b) how many properties are likely to be built; and*
- (c) when do you envisage construction beginning?*

The Speaker: Question 4, Hon. Member for Onchan, Mr Earnshaw.

Mr Earnshaw: 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, I can confirm that, last month, my Department completed the acquisition of land in Onchan, on which it proposes to develop much-needed, first-time buyer housing.

Turning to the Hon. Member's Questions, the Answers are as follows: firstly, the location is on Ridgeway Road, Onchan, where 1.35 acres have been purchased for the sum of £501,000. This land is already zoned for residential development.

Secondly, preliminary sketches suggest that a development of around 20 family houses should be feasible on this land. However, no detailed proposals have yet been drawn up. The Department is currently obtaining a survey, site investigation and services data for the site, so that the design work can commence.

Thirdly, subject to planning approval, the Department expects that construction would commence in around 18 months' time, with sales commencing at the end of 2007.

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

Mr Earnshaw: Thank you, Mr Speaker.

I would like to thank the Minister for his reply, which is welcome news, I think, for people living in this area, where provision for first-time buyers... I think it would be a good location for them.

A supplementary, Mr Speaker. Can the Minister confirm that, when these are built, there will be *certainty* that they will be available for first-time buyers and will not be snapped up wholesale as investment properties, as I understand two other developments in Onchan, that have been built in recent years, have been?

The Speaker: Minister to reply.

The Minister: I think I can give the Hon. Member that degree of certainty, because these are being developed by my Department and we are not in the business of selling them wholesale for investment purposes of other parties, but for supplying housing for the people of the Isle of Man.

Approved residential developments Number not yet completed

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

- (1) How many applications for the development of residential units are currently approved by your Department, but building work on these developments has not yet been completed; and*
- (2) how many residential units would these applications represent?*

The Speaker: Question 5, the Hon. Member for Rushen, Mr Gawne.

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, Minister for Local Government and the Environment to reply.

The Minister for Local Government and the Environment (Mr Rimington): Mr Speaker, the total number of planning permissions granted, but for which development has not yet been completed, is around 87, with eight pending, resulting in approximately 1,437 housing units with a further 350, which have been approved, but which are subject to challenge, to review or appeal.

These statistics represent planning applications, which have been granted either in detail or in principle in the last five years, for where the development has either not been commenced or development has commenced, but has not been completed.

In the short time available to prepare this response, it has not been possible to check the status of every approved application, in terms of whether it has been completed or not, and many of the applications are for conversions of

buildings. So, it would not be obvious whether development had been completed without either an internal inspection or cross-checking with the Flats Registrations Authority or the relevant building regulation authority.

The figures do not, however, include any estimates of the quantity of housing which could be released from the development of land, which is designated for residential development in an adopted or emerging local or area plan and, other than at Douglas and Onchan, does not include an in-depth survey of individual planning applications for single dwellings or relatively small developments, that is, less than five or six units. As such, the statistics are not, in any way, any estimate of housing or land availability.

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

Mr Gawne: Gura mie eu, Loayreyder.

I thank the Minister for his Answer. Do these figures show that your Department's planning system is restricting the development of new housing, as recently suggested by a prominent developer, or do they, in fact, demonstrate that the monopoly developer has a stranglehold over new housing in the Isle of Man?

The Speaker: Minister to reply.

The Minister: Mr Speaker, these statistics show, just simply, that there are a large number of housing units which have yet to be completed, whoever they may be by, and they do not indicate any be by, and they do not indicate any restriction or anything.

What they do show, I believe, is that there is housing land available and it is a question of people bringing those forward and getting houses actually built, but a lot of these matters are in the sphere of the private sector and not within Government direction, in that respect.

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

Mr Karran: Vainstyr Loayreyder, a supplementary.

Would the Shirveishagh not agree that, whilst he has inherited the present problems we have with the housing situation, what we see by the reply of this Question is what some of us in this Hon. House have been complaining about, where the market has been drip fed by the vested interests, who have caused this social cancer in our society?

The Speaker: Minister to reply.

The Minister: I can see where the Hon. Member and the previous Member are coming from in respect of these questions, and that inference could well be made, but we have no evidence within the statistics that we have, but I understand the suspicions that the Hon. Member has.

The Speaker: Hon. Member, Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

Bearing in mind that the Minister has pointed out that there are 1,437 housing units approved, that are not going to appeal or anything like that, could he explain to us, if all these housing units were released onto the market, how much of an impact they would make on the waiting lists for first-time buyer homes and public sector housing?

The Speaker: Minister to reply.

The Minister: Yes, without a further quantification of the nature of the housing that is there, whether that is... well, some of it may well be, indeed, within my Department's remit, but others in the private sector, some will be apartments, some may well be executive homes. We do not have that analysis with us today, but, yes, I am sure that if all that quantity of housing was to come onto the market, it would have a major impact, in terms of the price of housing and availability of housing at the moment.

By giving that figure out, it is not saying that those are just sitting there waiting to happen. Obviously, some of those are in the process now and are being built, but further statistical information, on exactly how many that is, is not currently available.

CIVIL SERVICE COMMISSION

Chief Secretary's pay scales Question withdrawn

1.6. The Hon. Member for Rushen (Mr Gill) to ask the Chairman of the Civil Service Commission:

Under the proposed JESP-based Scheme what are the –
(a) *minimum;*
(b) *target; and*
(c) *maximum pay scales for the Chief Secretary?*

The Speaker: Members, Question 6 has been withdrawn.

Pension provision Civil servants starting after 3rd October 2002

1.7. The Hon. Member for Rushen (Mr Gill) to ask the Chairman of the Civil Service Commission:

What pension provision does your Commission make for civil servants who entered service after 3rd October 2002?

The Speaker: We, therefore, move on to Question 7. Hon. Member for Rushen, Mr Gill.

Mr Gill: 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 Douglas North, Mr Houghton, Chairman of the Civil Service Commission, to reply.

The Chairman of the Civil Service Commission (Mr Houghton): Thank you, Mr Speaker.

Civil servants who entered the Service after 3rd October 2002, receive the same pension provision as their colleagues, who have been in the Service since before that date. This provision is based upon the United Kingdom's principal Civil Service Pension Scheme that was available to its members

up to the beginning of October 2002.

The Commission is aware that, from October 2002, the United Kingdom introduced new pension provision for all civil servants entering the UK's Service from that date, and that established civil servants have the option of taking up this provision. This new provision is a significant change to existing provision, requiring increased contributions and, as such, the Commission is giving it, and its possible introduction for the Isle of Man Civil Service, detailed consideration.

Given that the United Kingdom first went out to consultation on its proposed new scheme in 2000, some two years before it was finalised and introduced, the Commission felt that it had a duty to its staff and, most importantly, the Isle of Man's taxpayers, to consider the implications of this provision very carefully before entering into any formal consultation with staff representatives.

In 2002, the Commission started an exercise to identify the nature of the UK changes and subsequent cost implications for the Isle of Man schemes, which necessitated an actuarial review. Furthermore, there are now additional changes proposed by the UK and all of these factors need to be considered.

These are complex matters and it is accepted the timescale has become somewhat protracted due to resource constraints.

Finally, I can confirm that the Commission has almost concluded its deliberations, as such, and it is the Commission's intention to begin formal consultation with existing scheme members on the options for them, during the summer of this year. This accords with the Commission's statutory responsibilities under the Superannuation Act 1984, which provides for the Commission to make appropriate superannuation schemes, sir.

Thank you.

The Speaker: Member for Rushen, Mr Gill.

Mr Gill: Thank you.

When the Chairman of the Civil Service Commission refers to 'resource constraints', could he confirm that that is within the Personnel Office, or is it in any other part of Government, sir?

The Speaker: Chairman to reply.

The Chairman: Just in particular with this Question, sir, within the Personnel Office.

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

Mr Gill: Sir, given the significant changes that the Chairman referred to and the detailed considerations that the Commission is engaged in, could the Chairman advise if the situation, which he has inherited, is one that he is satisfied with or dissatisfied with. If he is dissatisfied, will he undertake to proceed with this matter as expeditiously as possible?

The Speaker: Chairman to reply.

The Chairman: I am more than happy to respond to that in the affirmative, Mr Speaker. It is something that I would dearly like to see being moved forward just as soon as possible.

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

Mr Teare: Could I ask the Hon. Member to confirm, or to advise, whether the proposals that he is going to bring forward include making provision for accruing pension liabilities now, rather than pass the cost on to succeeding generations?

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

That is an important point the Hon. Member for Ayre makes, sir. I can do no more than offer to take that away and see that is considered, with all the other implications.

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

Mr Karran: Vainstyr Loayreyder, would the Caairliagh, the Chairman, inform this Hon. House, when he does take that away, that that will be part of a timescale of getting this important issue addressed. Has he got any ideas of a timescale, for the Hon. Member, of when you are going to implement the issues concerning the change, as far as entitlement, after October 2002 – what timescale will we see in this Hon. House, some sort of detail or some sort of policy progress on this subject?

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

I could do no better than inform the Hon. Member in this House that consultation, as I have already stated, would happen this summer, ideally towards the end of this year, but no later than very early next year.

Pension scheme members Advice to those concerned

1.8. The Hon. Member for Rushen (Mr Gill) to ask the Chairman of the Civil Service Commission:

Given your refusal to arrange briefings for members of the various pension schemes under your responsibility to explain the many instances of what is seen as mismanagement of the schemes, what advice do you offer for scheme members who are concerned about their pension arrangements?

The Speaker: Question 8, I call on the Hon. Member for Rushen, Mr Gill.

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

The Speaker: I call, again, on the Hon. Member for Douglas North, Mr Houghton, Chairman of the Civil Service Commission.

The Chairman of the Civil Service Commission (Mr Houghton): Thank you, Mr Speaker.

I do not accept the Hon. Member's assertion that schemes under the Commission's management have been

mismanaged. The majority of the members entitled to the benefits of these schemes have received the correct benefits at the appropriate time.

In rare instances, where problems have arisen, I understand that these have been dealt with in a speedy and efficient manner by the schemes' administrators in Treasury and the Commission, as may have been necessary.

I am, however, pleased to have the opportunity to inform Members of the House, that, in the very near future, all members of the schemes under the Commission's management will be receiving up-to-date benefit statements, as well as a comprehensive booklet, which offers detailed information on all aspects of their pension provision.

That booklet will include details of where to direct any enquiries on any aspect of their pension. Additionally, an appointment and in relevant internal management documents, contact information is highlighted for staff, sir. Thank you.

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

Mr Gill: Thank you, Mr Speaker.

Could the Chairman confirm, when he asserts that there has not been any mismanagement of the pension schemes, if there have been any referrals to the Pensions Ombudsman in relation to these matters; if the Disclosure Regulation requirements have been fully complied with; and, finally, that the penalty for failure, under the Disclosure Regulations of it, is a maximum of £10,000 per breach?

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

Just purely speaking from memory, sir, I recall no such cases going to the Pensions Ombudsman. That is not to say there may have been one or so, I have no idea. That may have happened before my time, but I am not aware of that.

As regards the Disclosure Regulations, I can confirm that the Commission's officers and those of the DHSS have been working closely together in order to address any shortfall in the Commission's obligations under these Regulations. I have already confirmed two of the measures that are being put in place to address these shortfalls.

I can further confirm that the DHSS has an up-to-date set of the scheme rules for the principal Civil Service Pension Scheme, upon which a great many of the schemes under the Commission's management are based. I can further confirm that the Commission's officers and those of the DHSS are continuing to meet, in order to discuss all aspects of these schemes' management and not just those relating to Disclosure Regulations.

I have to say, once again, I am grateful to those officers from the DHSS for the assistance that they have given to the Commission thus far.

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

Mr Gill: Thank you, Mr Speaker.

Could I ask the Commission Chairman, if he could advise why the benefit of the face-to-face briefing for members to talk about the general terms of the difficulties, if not mismanagement, that the pension schemes have been facing over the years... why he is disinclined, or refusing, indeed, to arrange for a series of briefings for members

who, understandably, would have concerns, misgivings or uncertainties about their pension provision?

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

The Hon. Member for Rushen, last time he came forward with questions on this, asked me the same question, sir. I turned him down then.

I am turning him down now, unless there are a great number of members who wish to know this information, because I do believe that this issue is not the issue that the Hon. Member is portraying it so to be, sir.

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

Mr Gill: Could the Chairman of the Commission advise us, sir, how the great numbers of people, who may have concerns as I have described, could make those known to him, and if he would undertake, now, to confirm that he will be open-minded to hearing those concerns and would keep the option of a briefing that people, I think, deserve to be afforded... it would be one that he would consider fully?

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

I would be more than willing to do that, and as I have also offered the Hon. Member for Rushen, time and time again, in the past, that he brings those people forward to a meeting that he could lead... be more than willing to do that, meeting him and the Commission's officers, in order to deal with the concerns that I have no knowledge about, other than from the Hon. Member, sir.

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

Mrs Hannan: Thank you, Vainstyr Loayreyder.

I wonder, could the Chair of the Civil Service Commission get someone who knows about superannuation, and the workings of superannuation, to brief members, because I do not think that we have anyone here who is on top of the situation. The reason why I say that is because it is not our scheme, it is a UK scheme that we are signed up to and that we work under.

Obviously, from the response that we have had from the Chair of the Civil Service Commission, would he not agree that there was a failure in 2000 not to take action when the UK were consulting, or to take action in 2002, when the new scheme was implemented there, and, therefore, there has been a failure, would the Chair not accept?

Therefore, would he not bring in somebody who can explain the changes? If members do not know there have been changes – I am saying, members of the scheme do not know there have been changes – because they are not told on a yearly basis through their benefit statements what their pension is, they would not have been highlighted, surely that would be something that, if the Commission is not open with members of the scheme that there has been a change, then something needs to be changed?

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

I am somewhat mystified at the understanding of the Hon. Member for Peel and I would be more than willing to brief her in anything she requires. That is not a problem, sir, but where the Hon. Member states that these people do not know there have been changes, that is quite correct, because there have been no changes, Mr Speaker.

Consultation is taking place now on proposed changes in the scheme in the future, but there have been no changes. That is the basis of the Hon. Member for Rushen's Question, Mr Speaker.

Further, the Hon. Member for Peel asked about the fact that consultation should take place. She is absolutely right.

In my opening Answer to the Hon. Member's Question, I did state that consultation is going to take place on a wide-scale basis in the summer of this year. So, it is only being rolled out to consultation now, coming in towards the summer.

With regard to the issue of her point on consultation, that is being well dealt with, before the scheme is brought forward. So, we are at only a very, very early stage, in order to bring this further forward, so I would say that any of the other Hon. Member's suggestions must be premature, sir.

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

Mrs Cannell: Thank you, Mr Speaker.

Can I ask the Chair of the Civil Service Commission whether he has had, or is he aware, that the Civil Service Commission has had an approach from the Government Officers' Association, or any other union body, in terms of the issues that have been raised, in respect of this Question, regarding briefings for those who are members of the particular scheme to which he refers?

Is he aware that there has been any correspondence, or any approach to him made directly, with a view to trying to get a briefing organised, and if so, could he give us the details of that?

The Speaker: Chairman to reply.

The Chairman: Thank you Mr Speaker.

There has been no such request by the Government Officers' Association at all, sir, on this particular matter, but, of course, we are in regular contact with that Association, who are the representatives of civil servants on the Island, sir.

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

Mrs Hannan: Thank you, Vainstyr Loayreyder.

Could I ask the Member for Douglas North, Chairman of the Civil Service Commission, whether he will provide a briefing for Members so that they understand the links with the UK of the Superannuation Scheme, because the people under the Scheme can move backwards and forwards under the Scheme?

Can he also give us a briefing as to the changes that came about in 2002, which obviously are not affecting the people here, who might be moving back to the UK and how they would be affected?

The Speaker: Hon. Member for Douglas North, Chairman to reply.

The Chairman: Thank you, Mr Speaker.

The Hon. Member raises a fundamentally important point on this, sir, and, of course, both the Association and those individuals would need to know all of that information and that would be provided within all of the information that would be there before them, before such a scheme came in, as has happened in the past, Mr Speaker.

So I can assure the Hon. Member for that, because, she is quite right, civil servants do move between both places and, of course, they would then wish to transfer their pension rights from *a* jurisdiction to *b* jurisdiction, no matter where that particular jurisdiction is, between here and the UK.

As far as the superannuation situation is concerned, that information has been well tried and tested, or the regulations on that have been well tried and tested. It is only a matter for the civil servant who is transferring between jurisdictions to be given that advice, which is freely available, and I can assure the Hon. Member on that, sir.

Chief Executive Officers' pay rises Debating plans in Tynwald

1.9. The Hon. Member for Onchan (Mr Karran) to ask the Chairman of the Civil Service Commission:

Will you bring before Tynwald for debate any plans which your Commission has for any pay rises for Chief Executive Officers?

The Speaker: Question 9, 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 North, Mr Houghton, Chairman of the Civil Service Commission to reply.

The Chairman of the Civil Service Commission (Mr Houghton): Thank you, Mr Speaker.

The Civil Service Commission has no intention to give chief executive officers pay rises, other than the increases which might be agreed by the Joint Negotiation Committee of the Civil Service, as part of the annual pay settlement for the Civil Service in 2005.

I also take the opportunity to remind Hon. Members that, in 1991, Tynwald approved the constitution of the Joint Negotiating Committee for the Civil Service and it is that body which negotiates and agrees the pay rates for the Civil Service, including chief executive officers. Therefore, it would, in my view, be wholly inappropriate for Tynwald to debate the pay for any civil servant, as this could lead to perceptions of political bias, sir.

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

Mr Karran: Vainstyr Loayreyder, can the Chairman assure this Hon. House that there will be no extra £30,000 on top of the £115,000, I believe, wages for the Chief Secretary, without it coming to this Hon. House?

Will the Chairman not agree that, because of the abuse of

the present scheme, of allowing those that are chief officers have got this absurd pay agreement –

The Speaker: Hon. Member, I have asked the House and Members now, on a number of occasions, when asking Questions, ask a question, do not make lengthy statements. Hon. Member.

Mr Karran: Vainstyr Loayreyder, will the Caairliagh not agree that the fact is, that this issue is a matter of abuse and the fact is that any movements, as far as chief officers are concerned should be coming to the elected Members, because it is a political issue, especially when the other people are not being treated the same way within the employ of the Government of this country?

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

The Hon. Member, it appears, knows all about the proposals, which even I do not know all about at this particular time, simply because they are only in their formative element.

So, if the Hon. Member does know more, perhaps he may be able to speak and assure me, as to where he knows the information that he knows, in order that I can be educated accordingly, sir.

Mr Speaker, matters are in the melting pot and out to consultation, very close and careful consultation, with all the appropriate bodies. That is as far as the matter is, at this time. There is no intention at this time, Mr Speaker, to do anything with regard to this.

The Speaker: Member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Caairliagh not agree that the fact is, that the present structure gives all the vested interests to the very people who have most to gain by abusing that vested interest, with the way the present structure is set out?

Would the Caairliagh not agree that if he does not know what is going on in his own Department, then, maybe, somebody else should get in there, who does know what is going on in the Civil Service Commission?

The Speaker: Chairman to reply.

The Chairman: I disagree, Mr Speaker, with the Hon. Member's comments about vested interests and if he can do the job better than I, put him in there and let us see how he gets on, sir.

Mr Henderson: Hear, hear.

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

Mr Gill: Thank you, Mr Speaker.

With reference to the part of the Chief Secretary's Report and the Government Plan, could the Chairman of the Civil Service Commission confirm or advise if the intention to progress legislation or regulatory changes by August 2005 will accommodate the proposed scheme changes for senior officers of the corporate leadership group, if that is still the timescale they are working to, or if the Commission now

have revised the timescale? If they have revised it, what would the revised timescale now be?

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

The Hon. Member asks an important question about timescales and regulations et cetera. The Hon. Member may be aware, but this House may not, that, of course, we have widened the timescales of consultation on our proposals, taking into account the points of all the bodies involved. Therefore, there will be no deadlines and I do not think there ever were, but there will be no such deadlines met by August of this year, sir.

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

Mr Karran: Vainstyr Loayreyder, a supplementary.

Would the Caairliagh inform this Hon. House, will he make a statement, of any extra payments or any agreements, as far as chief officers, before any actions are taken, as far as this issue is concerned?

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

If I feel it necessary, at the time, and there is nothing pending at this point in time, then I will decide in order to do that. If I feel it necessary, sir, I would be more than pleased to do so – if it is decided necessary, at the time.

Chief Executive Officers Fixed contracts of employment

1.10. The Hon. Member for Onchan (Mr Karran) to ask the Chairman of the Civil Service Commission:

When will the issue of Chief Executive Officers being put on fixed contracts of employment be addressed?

The Speaker: Question 10, 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 North, Mr Houghton, Chairman of the Civil Service Commission.

The Chairman of the Civil Service Commission (Mr Houghton): Thank you, Mr Speaker.

The Commission has no plans to introduce fixed-term contracts for chief executive officers. This suggestion was considered a number of years ago by the Commission. However, at that time, it was concluded that such appointments would not be in the best interests of Government.

The chief executive officers and, indeed, the rest of the Civil Service, provide stability and impartiality in maintaining delivery of public services by the administration, at times of political change. By their nature, fixed-term contracts are used to undertake specific projects, or where the

skills and competencies are likely to change as a consequence of the job role.

That could not be said to be the case, in respect of the role of chief executive officers.

Thank you, Mr Speaker.

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

Mr Karran: Vainstyr Loayreyder, would the Caairliagh explain to this Hon. House and the people outside this Hon. House, when it talks of the best interests of Government? Would the Caairliagh not agree that, when chief officers, time and time again, do not come up to the mark, as far as their work is concerned, that they are not working within the best interests of Government – namely, when we have a situation with a major capital programme, that now we believe there is nearly £6 million extra annual revenue implications on, that officer should be disciplined, as far as that situation is concerned?

Would the Caairliagh also not agree that, whilst we hear that they want private sector pay, should they not have private sector responsibility, as well as the pay that goes along with the private sector, in order that the people, the poor taxpayers and the people of this country, get value for money?

The Speaker: Can I just remind, again, the Hon. Member for Onchan, Standing Order 49.4 is quite clear on the basis for asking Questions, especially if you are making statements, Hon. Member.

Chairman to reply.

The Chairman: Thank you, Mr Speaker.

Bearing in mind what the Hon. Member has made out this morning, if there is a formal complaint registered, that will be dealt with under normal Civil Service regulations.

We do have a unified Civil Service, which means that staff are entitled to be treated equally with fairness and consistency. I can say no more than that.

I must keep out and off any personal circumstances that the Hon. Member has put forward this morning, other than to say that, if he wishes the circumstances to differ, perhaps he can meet with me. We can discuss it further.

Many of our thoughts and beliefs are of similar value, Mr Speaker, but it needs to be worked up, carefully thought through and brought forward in regulation, after consultation with everyone else. Everyone has the ability and the right to fair and even-handed treatment, sir.

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

Mr Gill: Yes, thank you, Mr Speaker.

Could the Chairman of the Civil Service Commission advise us how many fixed-term contracts there actually are in existence, at the moment, and how he reconciles that with the argument that he has just sustained, that they are a bad thing for public service?

Could he also tell us if fixed-term contracts are liable to automatic renewal at the end of their term, unless the post has significantly changed?

Again, how many people have been beneficiaries of that arrangement and, if the posts are to be advertised, could he confirm that all fixed-term posts, which have been renewed, have been advertised and filled by competitive best person for the job process?

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

I would just like to restate that, of course, there are no fixed-term contracts for chief executive officers – none whatsoever.

With regard to his question on other civil servants, there are, in a number of cases, fixed-term contracts in being, for various reasons. Upon their renewal, if that particular contract becomes a substantive post, yes, of course the post usually is advertised, and that is the answer that I can give to that particular point.

But as regards how many there are, I could do nothing more than go away, at his request, and find out the numbers. Whether or not he requires to know that, when this Question relates purely to chief executive officers, sir... but I could find that information out, if the Hon. Member requires it.

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

Mrs Cannell: Thank you, Mr Speaker.

Can the Chairman of the Civil Service Commission advise the House, bearing in mind that chief executives are there and judge the performance of those who are beneath them, staff under their management, who judges the performance and the value for money, et cetera, in respect of the chief executives? Who actually judges their performance?

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

In answer to the Hon. Member's question, sir, generally speaking, the person who does that is the political head of that Department, whether it is a chairman of a Department or the Minister, who has a say in that, and also, of course, each of those chief executives, for revision purposes, are interviewed by the Chief Secretary. That is the system in place.

So, it is between... for ease of the explanation in this Hon. House today, that it is for the Chief Secretary and the Minister or the senior political head of that Department, chairman of the board or whoever, who decides upon the standards et cetera of that particular chief executive officer, sir.

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

Mr Karran: Vainstyr Loayreyder, supplementaries.

Would the Caairliagh not agree that the fact is the Isle of Man Water Authority was under a contract, as far as the Chief Executive, because when we –

The Speaker: Hon. Member, Hon. Member, I think the Chairman has responded about there are no contracts –

Mr Karran: But I am afraid, Vainstyr Loayreyder, I put the Chief Executive of the Water Authority –

The Speaker: Hon. Member, –

Mr Karran: – on a contract and that is a fact.

The Speaker: Hon. Member, I have warned you before about waving your finger at the Speaker and you should not do it. It is discourteous to the Chair.

Furthermore, you are asking a question outside the basis of the Question, hence why I have asked you not to, sir.

Mr Karran: So, point of order –

The Speaker: If you wish to ask a question, ask a question.

Mr Karran: Point of order, Mr Speaker.

He is misleading the House, because I employed the Chief Executive of the Water Authority on a fixed-term contract 10 years ago.

The Speaker: Hon. Member, that is not a point of order, and if you have a concern about that, you may like to ask that question elsewhere, based on the fact that you are now stating. But it is not a supplementary question linking to this Question.

Hon. Member for Middle, Mr Quayle.

Mr Quayle: Thank you, Mr Speaker.

I wonder if I might ask the Chairman of the Civil Service Commission if he feels content that the Chief Secretary is deemed to have sufficient time to assess the chief executives of, for example, the Water Authority and other positions such as that, amongst all her other many and varied responsibilities?

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

The responsibilities of the Chief Secretary, as every Hon. Member knows, are enormous and the whole reason why the Chief Secretary liaises with the political head of that Department, whether it is the Water Authority, the Civil Service Commission or wherever, is that such an assessment on that chief officer is done in collaboration with the political head and the Chief Secretary, in order for a more accurate and factual assessment to be made, sir.

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

Mr Karran: Vainstyr Loayreyder, a supplementary.

Would the Caairliagh, with his reply about any personal complaints about chief officers, not agree that the fact is that the people who actually you would be putting the complaint to are the very people who have the most self-interest in not allowing anything to happen, as far as that issue is concerned?

Would the Caairliagh also not agree that this Hon. House and his Commission have been misled over the issue that we were supposed to be losing chief executives to the private sector, when, in a very Question to this Hon. House, that was not the case to be had, at the present time?

The Speaker: The Chairman to reply.

The Chairman: Thank you, Mr Speaker.

The Hon. Member, I do not know why, is treating me as

a member of the Council of Ministers this morning, where he disbelieves me and so on. That is okay, that is the position that I am in, the way he sees it, because, when he says, or he makes inference that complaints made against chief executive officers are disregarded, using my terminology of that, that, I see, is a personal affront on my integrity, sir.

Those complaints come to the Commission. The Commission appoints an outside investigator to investigate those complaints. The complaint comes back to the Commission. That is how it is dealt with.

So, where the Hon. Member states that it falls in other hands, with people with vested interest, or whichever way he wishes to put a spin on this matter, he is completely incorrect.

I am also surprised at the Hon. Member for Onchan, because I would ask him, if he has evidence of this, during the time that I have been in post, would he come forward with it. It will be investigated and, of course, matters will be taken, but just like the Hon. Member makes many allegations in this House, that are unable to be founded, he is making one now, unless he can come forward with the goods.

I will ask him again, outside this House, for him to come forward with the goods, sir, so that the matters can be sorted, because it appears that the Hon. Member, who has never raised this before with me, at all... I see him every day and if it is so serious, and the allegation is so serious, then I would have thought he would have done that, Mr Speaker.

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

Mr Karran: Vainstyr Loayreyder, would the Caairliagh not agree that just one simple issue of a previous Department of his, where we ended up with £2.9 million worth of extra revenue implications for the incinerator, where it has not stopped, there would be –

The Speaker: Hon. Member, Hon. Member! Again, I am sorry, but (**Mr Karran:** Okay.) ask a question on the basis of the main Question. Do not broaden out, to bring in all sorts of subjects.

I am not being difficult, Hon. Member. Standing Orders are clear, it is there, it advises Members how they can ask Questions.

Now, if you have a question you wish to ask, based on the main Question, please do.

Mr Karran: Vainstyr Loayreyder, he has just asked me for details, and I am trying to give him it, that was all.

The Speaker: Hon. Member, you are not in a position to give details, unless you ask a question.

Mr Karran: Unless you ask a question.

The Speaker: Hon. Members, that concludes Questions for Oral Answer.

The next Item on our Order Paper is Questions for Written Answer, of which there are 14 and they will be circulated in due course, Hon. Members.

Questions for Written Answer

CHIEF MINISTER

PKF Report re MEA Timescale and reasons for delay

2.1. The Hon. Member for Middle (Mr Quayle) to ask the Chief Minister:

In relation to the Manx Electricity Authority and the Pannell Kerr Forster Report, will you give an updated timescale as to when it will be distributed, and indicate the reasons for the considerable slippage in the original anticipated availability of this Report?

Answer: In my letter to Hon. Members dated 16th May 2005, I gave an update on the latest information on the Pannell Kerr Forster Report.

As I explained in my letter, Pannell Kerr Forster are now conducting an extended verification process to ensure that relevant parties have an equal opportunity to comment on factual accuracy.

This verification process will more than likely extend the reporting deadline by a further four to six weeks and, dependent upon the prompt receipt of comments from the various interested parties to Pannell Kerr Forster, I would now expect the report by mid-June.

As has always been the case during this whole process, Government is committed to publishing the Report to Members as soon as practical after its receipt.

Fairtrade Foundation Government plans to use products

2.2. The Hon. Member for Middle (Mr Quayle) to ask the Chief Minister:

In relation to the recent visit to the Isle of Man by Mr Bruce Crowther, the Co-ordinator of the Fairtrade Foundation, what plans, if any, does the Manx Government have to support the initiative and to utilise Fairtrade products?

Answer: Government (through the Value for Money Committee) is currently reviewing its purchasing policies with regard to progressing a central procurement strategy, the results of which should be known later this year.

Although the main objective of this exercise is to formulate a policy whereby Government can achieve the most efficient purchasing policy, it is intended that, once a central procurement strategy has been formulated, the procurement team will engage in a forum with the Chamber of Commerce to open debate on initiatives such as Fairtrade.

Members will appreciate that there is a balance to be reconciled between maintaining a competitive edge to Government's procurement strategy, whilst embracing a social policy of Fairtrade support.

Notwithstanding this, several Government Departments already support a policy of using Fairtrade products and I would report as follows:

The Department of Health and Social Security is currently looking into utilising Fairtrade products in a number of areas. The Health Services Division has attempted to embrace the ethical purchasing opportunities such initiatives present within Noble's Hospital. Point 12 of the DHSS Purchasing and Supply Strategy states that:

'we are committed to environmentally friendly/sustainable procurement practice'.

This statement is aimed at a wide range of initiatives, including Fairtrade. The central issue within this statement is sustainability, as it underwrites the key attributes of most procurement initiatives that exist currently, irrelevant of product type or source of supply.

The Division's enthusiasm for such a commitment is, of course, tempered in some measure by the requirement to achieve value for money and compliance with Financial Regulations and to ensure that the quality and standards specified within our contracts are achieved.

The Department of Education's use of Fairtrade products is significant at the IOM College refectory and in some of the secondary school canteens and snack bars. Both the College refectory and one of the secondary school canteens plan to increase the stock of Fairtrade products from September 2005 onwards.

In primary schools, the use is minimal to nil, since a large focus of their products is on beverages.

At Castle Rushen High School all staff tea and coffee is Fairtrade and a stall is operated by Year 13 students every lunchtime, selling a range of Fairtrade goods. This is very popular and will have a turnover this year of approximately £10,000. The school has had two assemblies, talking about the aims of Fairtrade, and encouraging students to buy these items at home. The co-ordinator of Fairtrade Towns has also visited the school, hoping to raise the Island's status.

The Department of Local Government and the Environment does not have a policy to purchase Fairtrade products as such. However, it has given and continues to give its support to fair-trade goods as a number of individual directorates and sections within the Department and the Government Office canteen regularly purchase Fairtrade products, including tea, instant coffee, ground coffee and sugar.

The Department of Home Affairs does not have a policy to purchase Fairtrade products, apart from the Prison, which, although it does not have a specific policy in relation to the purchase of Fairtrade products (as all supplies are purchased using the Value for Money guidelines), some time ago the Prison negotiated with the DHSS to be included in their purchasing scheme, meaning that it receives the same large discounts from the wholesalers. Some products supplied are Fairtrade products, e.g. coffee and tea.

TREASURY

100-year celebration Norwegian visit Breakdown of costs

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

Regarding the visit by the Norwegians for their 100

year celebrations, will you provide a breakdown of costs by –

- (a) Douglas ratepayers;
(b) tax payers; and
(c) funds from Manx National Heritage?

Answer: I have been provided with the following information in connection with the above visit by the relevant bodies, as set out in Table 2.3A.

Table 2.3A

	£
(a) Douglas Corporation	720
(b) Government Departments (excluding Manx National Heritage)	23,000
(c) Funds from Manx National Heritage	11,000
Total	£34,720

Some of the above figures include estimated amounts as final invoices have not yet been received.

Taxation Strategy

Written assurance from UK Treasury and EU Code of Conduct Group

2.4. The Hon. Member for Michael (Mr Cannan) to ask the Minister for the Treasury:

(1) Has the Treasury or the Isle of Man Government received written assurance from the United Kingdom Treasury and the European Union Code-of-Conduct Group that the Isle of Man taxation strategy of no tax liability on non-residential shareholders and the 60% compulsory distribution of profits to resident shareholders who are then taxed on the distribution, is acceptable; and, if so

(2) will you provide Members of Tynwald with a copy of the written assurance from both the United Kingdom Treasury and the European Union Code-of-Conduct Group?

Answer: (1) The Isle of Man is not part of the European Union nor of the United Kingdom, although the Hon. Member is aware that we have given certain assurances with respect to the European Union Code of Conduct on business taxation.

The Code of Conduct on business taxation refers only to the taxation of companies, and was aimed at preventing jurisdictions having non-standard (i.e. not applying to all companies in that jurisdiction) taxation measures that would distort free competition within the Union.

The test to apply when considering the application of the Code of Conduct is whether an aspect of a jurisdiction's company taxation system would give a company benefiting from that aspect an unfair advantage.

As the proposed treatment of non-residents and the distributable profits charge are neither strictly company tax measures, nor can they be seen as benefiting particular classes of company, the Code of Conduct is not applicable.

(2) As part of our constitutional arrangements, the Government of the United Kingdom is always informed

regarding Manx legislative Bills, and I can assure the Hon. Member that such arrangements have been adhered to in respect of the proposed treatment of non-residents and the distributable profits charge.

Written assurance that a proposed measure is acceptable is not sought as part of these arrangements, and I am sure that the House will support me in the view that there is no need to seek alteration of the arrangements at this time.

LOCAL GOVERNMENT AND THE ENVIRONMENT

Quality of Life Survey 2002

Percentages satisfied/dissatisfied with local government

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

According to the Isle of Man Government's Quality of Life Survey undertaken in 2002 –

- (a) what percentage of those surveyed are satisfied with local government (ie town/parish/district commissioners or counsellors) provision; and
(b) what percentage of those surveyed are dissatisfied with local government provision?

Answer:

- (a) 57%
(b) 19%

Quality of Life Survey 2002 DoLGE's confidence in results

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

Does your Department have confidence in the Isle of Man Quality of Life Survey (Research Study Conducted for the Isle of Man Government) of 2002?

Answer: The results of the Survey were based on answers from a sample percentage (not the entire population) of the Island. Presumably there had been discussion beforehand as to how the questions were framed and it would be fair to say that, maybe, a different set of questions may have produced a different result. There is no information to indicate whether those persons questioned had any reasonable knowledge of the background to the questions being asked.

Although surveys can be seen as an indication of public feeling, it must be borne in mind that it would not be appropriate to base any major policy change on such results.

Nevertheless, the Department feels that, overall, the Survey was a useful tool and is linked to more than one of the aims of Isle of Man Government's Overall Strategic Plan – Good Government and Quality of Life.

Expanding on that, within the Department's Business Plan, one of the current corporate aims and objectives is to:

'Evaluate the options for rationalising Local Government in order to improve its effectiveness and accountability.'

**Local government provision
Inference of 'widespread dissatisfaction'**

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

Where does your Department infer that there is widespread dissatisfaction with existing local government provision?

Answer: One of the Department's principal functions under the Local Government Act 1985 states that it has:

'responsibility for supervising all Local Authorities in the performance of their functions.'

The Department undertakes its supervisory role within the framework of current legislation and is aware of the need to constantly review the level of services provided by all the local authorities and to evaluate the need and impact of any changes found necessary. The Department has, through experience, found that there is a lack of sound financial management systems within a large number of authorities, highlighted by the recent Port St Mary Inquiry, where authorities are unable to provide information on a regular basis to ratepayers and Tynwald Members and in some cases a lack of accounts has prevented capital schemes for housing not progressing to plan.

Therefore, if the Department is aware of such concerns (whether isolated or widespread) it has a responsibility defined in statute to take steps to remedy the situation.

In the past three years, the Department has held two public inquiries into the affairs of two local authorities on the Island, during which the ratepayers of those districts were very concerned as to the way in which the local authority was carrying out some of its statutory responsibilities. They asked the Department to carry out the inquiries to ensure that any maladministration was corrected and procedures put in place to ensure it did not happen again.

Additionally, the local government unit within the Department provides not only support and advice to local authorities on local government issues but also deals with queries from ratepayers as to local authority responsibilities. The types of queries differ, but in the main concentrate on services not being properly provided, inability to get hold of someone to deal with a problem etc.

The Department has the following objective as part of 'Good Government' in the Isle of Man Government's Plan:

'To evaluate the options for rationalising local government in order to improve its effectiveness and accountability, as well as 'reviewing the financial management and accounting systems of Local Authorities and ensuring their prompt submission of annual accounts as required by the Audit Act'.

As part of this evaluation it has discovered many statutory functions that are either not being carried out or not being carried out effectively. The feedback received from the consultation process on local government reform is mixed with the parish authorities not seeing any need for change. However, the need for change should not be based on whether there is dissatisfaction or not, but on the basis that better services can be provided to all and the services provided are value for money for the whole of the Island's population.

**Camera Obscura restoration
Full breakdown of costs**

2.8. The Hon. Member for Onchan (Mr Karran) to ask the Minister for Local Government and the Environment:

What is the full breakdown of costs of the £230,500 used to restore the Camera Obscura?

Answer: Total capital expenditure of £275,000 for the restoration of the Great Union Camera Obscura was approved by Tynwald on 18th February 2004.

This budget was based on the following estimates, set out in Table 2.8A.

Table 2.8A

	£
• Construction Costs (tender amount)	226,091.36
• Architectural, Engineering and Quantity Surveying Fees	37,132.62
• Planning Fees (Note 1)	2,500.00
• Client Insurance	500.00
• Specialist Conservation Advice	1,000.00
• Client Contingency (Note 2)	6,000.00
• TOTAL ESTIMATED EXPENDITURE	£273,223.98

Note 1: The Planning Fee paid was £500.

Note 2: There has been no expenditure from the Client Contingency allowance of £6,000.

The final account for the construction contract has yet to be confirmed but it is anticipated that the construction cost will be within the tender sum of £226,091.36. The construction costs can be broken down as follows, in Table 2.8B.

Table 2.8B

	£
1. Contractors Preliminaries/Overheads	34,377.66
2. Enabling Works – Alterations to temporary enclosure, temporary propping etc.	17,301.25
3. Ssubstructure Reconstruction – New foundations, steel substructure, etc.	47,270.21
4. Restoration of Superstructure – includes restoration and repair of timber structure roof and cladding, re-roofing, rainwater goods, electrics, intruder, fire alarm and emergency lighting systems, security lighting, water drencher system etc.	93,640.74
5. External works – Including removal of temporary enclosing structure	18,994.00
6. Provisional Sums – MEA, Water Authority, sundry repairs, contingency etc.	14,507.50

Fly tipping

Cases, prosecutions and costs over last three years

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

In relation to fly tipping:

(a) how many instances of illegal disposals, and illegal burnings of waste have been reported to the Environmental Protection Unit over the last 3 years;

(b) how many prosecutions, if any have taken place; and

(c) what has been the cost involved for removing all fly tipping around the Island by your Department and the local authorities?

Answer: (a) It is difficult to be definitive about the number of instances of illegal disposals, and illegal burnings of waste that have been reported to the Environmental Protection Unit over the last three years.

Illegal disposals range from fly tipping of a bulky household item to several tonnes of builders' waste; the abandonment of containers of hazardous chemicals, through to significant quantities of waste deposited in a field in the countryside.

All illegal disposals despoil the Manx countryside and also have potential to impact on public health and our environment.

However, since September 2003 to date approximately 122 cases of fly tipping have been received and, since February 2004 to date, 88 cases of burning.

The current legislation means that not all cases involving the burning of waste are illegal.

(b) To date, the Isle of Man Constabulary has been successful in prosecuting three cases.

(c) With regard to the expenditure incurred by the Department in removing fly tipped items over the last three years, there are, unfortunately, no figures available for the financial year ended 2002-3. However, in 2003-4, the cost was approximately £4,000, whilst in 2004-5 the cost was £2,203.

The cost borne by the Department in removing fly tipped items mainly relates to dealing with instances that occur in some of the smaller local authorities which do not have the resources to deal with the removal of the items themselves.

Details of the expenditure incurred by local authorities over the last three years is shown in Table 2.9A.

Residential development land purchased by DoLGE Average cost per acre over past 15 years

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

What is the average cost per acre of residential development land purchased by your Department in each of the past 15 years?

Answer: See Table 2.10A.

Table 2.10A

Year	Number of Parcels Purchased	Total Area of Land Purchased	Total of Purchase Monies	Average Cost per Acre
1990	One parcel	2.5 acres	£85,000	£34,000
1991	Two parcels	23.33 acres	1,372,000	£58,808
1992	Five Parcels	15.853 acres	1,573,250	£99,240
1993	Two parcels	45.12 acres	£955,000	£21,165
1994	Nil Purchases			
1995	Nil Purchases			
1996	One parcel	0.3 acres	£87,500	£291,666
1997	Nil Purchases			
1998	One parcel	1.61 acres	£525,000	£326,087
1999	One parcel	7.5 acres	£,1200,000	£160,000
2000	Four parcels	7.57 acres	£1,615,000	£213,342
2001	Three parcels	6.15 acres	£2,134,000	£346,710
2002	One parcel	0.5 acres	£92,000	£184,000
2003	Two parcels	2.00 acres	£420,000	£210,000
2004	One parcel	0.32 acres	£85,000	£265,625
2005	Two parcels	1.67 acres	£586,000	£350,898

Table 2.9A

LOCAL AUTHORITY EXPENDITURE ON REMOVAL OF FLY TIPPING

	Financial years			Additional information
	2002-03	2003-04	2004-05	
Andreas	NIL	NIL	NIL	Information provided cannot be treated as a true comparison over the 3 years. During the first 2 years, the Commissioners retained an external contractor, while in the 3rd year, the responsibility for fly-tipped material came under the Community Warden, so costs reduced. Had the external contractor been retained in the 3rd year, costs estimated to be approx £2,000.
Arbory	NIL	NIL	NIL	
Ballaugh	NIL	NIL	NIL	
Braddan	702.50	1265.33	1119.97	
Bride	NIL	NIL	NIL	These are estimated costs. Actual costs hard to quantify. e.g. Commissioners' staff will pick up items while undertaking other duties.
Castletown	500.00	500.00	500.00	
Douglas		1548.43 (2½ months only)	8686.13	No costs available for 2002/3, and costs in 2003/4 from Jan 2004 to March 2004 only. The Council only separated fly tipping costs, as far as possible, from other costs from January 2004. Not possible to be accurate in calculating costs as Council have a combined waste management service and it is uneconomic to make separate trips just to dispose of fly tipped material. These are estimated costs.
German	20.00	20.00	20.00	Information not available. Clerk advises that fly-tipping may also have taken place on land owned by DAFF and DoT who may have incurred removal expenses.
Jurby	NIL	NIL	161.08	
Laxey	NIL	417.13	99.88	
Lezayre				
Lonan	NIL	117.50	NIL	
Malew	1000.00	2000.00	4500.00	These are estimated costs. Malew does not separate the cost of fly-tipping from beach cleaning and general tidying of open spaces, but the number of fly tipping incidents in Malew has increased since the introduction of waste charges.
Marown	NIL	NIL	NIL	This is an estimated figure. Maughold has only had to contend with fly-tipping in 2004/5.
Maughold	NIL	NIL	175.00	
Michael	0.14	0.14	0.14	No record of fly tipping costs kept prior to to June 2003. Figures for 2003/4 and 2004/5 are minimum statistics as Onchan operate a pro-active policy re. incident management, i.e. Refuse section staff will collect fly-tipped items as part of their current load if appropriate.
Onchan		328.00	289.00	
Patrick	NIL	NIL	NIL	These are estimated figures as they do not include labour costs which are difficult to quantify. Calculating the cost is also made difficult by the fact that various fly tipped items are disposed off along with other rubbish. Taking this in to account, the Commissioners estimate that the overall cost would be no more than £1,000 per year.
Peel	NIL	157.50	212.18	
Port Erin				Instances of fly tipping have been minimal. No separate costs have been kept.
Port St. Mary	NIL	NIL	NIL	These are approximate costs. There is no definitive information as staff involved in removing fly tipped items undertake this work along with other related duties.
Ramsey	1770.08	1844.96	1967.68	
Rushen	30.00	25.00	15.00	Rushen Commissioners would like it to be pointed out that the Southern Local Authorities contribute to the Southern Civic Amenity site, and that this contribution, it could be argued, is a cost associated with alleviating fly tipping.
Santon	NIL	NIL	NIL	

Notes to Table 2.10A:

1. Land at Johnny Watterson's Lane was not zoned for development at the time of purchase.
2. Purchases of properties within the Douglas Urban Regeneration Area have been excluded.
3. Besides the underlying principle of supply and demand, purchase prices are affected by such issues as abnormal infrastructure costs, access, density et cetera.

TOURISM AND LEISURE

Homestay Scheme Measures and responsibility for management

2.11. The Hon. Member for Rushen (Mr Gill) to ask the Minister for Tourism and Leisure:

- (1) *What measures have your Department taken to ensure the Homestay Scheme operates within its rules; and*
- (2) *who is ultimately responsible for the proper management of the Homestay Scheme?*

Answer: (1) In order to ensure that the Homestay Scheme operates within its rules, all properties registered under the Scheme are issued with instructions and guidance. Furthermore, newly registered properties, and any for which we receive a complaint, are also subject to an inspection by a member of staff of my Department. Should there be any problems encountered by visitors staying in accommodation which is participating in the Homestay Scheme, they have access to my Department's complaints officer, in the same way as any other visitor staying in other tourist accommodation.

(2) My Department is ultimately responsible for the proper management of the Homestay Scheme. If, however, individuals are offering accommodation and they are neither registered as Tourist Accommodation nor are participating in the Homestay Scheme, or Homestay accommodation is offered outside of the specified TT or Manx Grand Prix periods, then they have committed an offence under the Tourist Act 1975.

CIVIL SERVICE COMMISSION

JESP scores Isle of Man system compared with UK

2.12. The Hon. Member for Rushen (Mr Gill) to ask the Chairman of the Civil Service Commission:

- (1) *Are the JESP scores applied in the Isle of Man directly comparable to those in the UK; and, if not*
- (2) *how do the differences offset the proposed pay scales?*

Answer: (1) The Commission has tabled a proposal that the most senior job roles in the Isle of Man Civil Service be evaluated using JESP (Job Evaluation for Senior Posts). That job evaluation scheme is the same scheme which is applied to the UK Senior Civil Service; the criteria and guidance for scoring those jobs is that developed by the UK Cabinet

Office. However, that guidance is accompanied by additional commentary, which more accurately reflects senior job roles in the Isle of Man. Furthermore, due to the nature of the Island's Civil Service, the structure and size of Government and political interface, the Commission proposes to include jobs which score 5 or above. In the UK Senior Civil Service the minimum score would be 7.

(2) In the UK Senior Civil Service there is a performance related pay system, linked to a JESP score. The Commission has withdrawn its proposals for a similar system to be introduced in the Island. As has already been stated, the position on the Island is different and, therefore, this would be reflected in any pay proposals brought forward, only one factor of which would be the pay levels of the UK Civil Service.

Proposed split of Civil Service Tynwald agreement

2.13. The Hon. Member for Rushen (Mr Gill) to ask the Chairman of the Civil Service Commission:

Will your proposals to split the Civil Service require the agreement of Tynwald, and, if so, in what way?

Answer: For clarity, it is confirmed that the Commission remains fully committed to a unified Civil Service.

What had been proposed by the Commission and tabled at a meeting of the Joint Negotiating Committee for the Civil Service on 21st April 2005 was the introduction of new arrangements for the determination of the pay of the most senior jobs in the Civil Service. In all other respects, the terms and conditions of service would accord with the rest of the unified Civil Service.

As recently stated in a letter to all Members of the legislature, the Commission has revised its proposals, following a consultation process, and such revision tabled on 16th May 2005, does not include any change in the current role of the Joint Negotiating Committee for the Civil Service and hence the agreement of Tynwald will not be required to effect the same.

'Mismanagement' of pension schemes Urgent action

2.14. The Hon. Member for Rushen (Mr Gill) to ask the Chairman of the Civil Service Commission:

Will you ensure that urgent action is taken to address what I regard as the mismanagement of the pension schemes under your responsibility?

Answer: I do not accept that schemes under the Commission's management have been mismanaged.

The majority of the members entitled to the benefits of these schemes have received the correct benefits at the appropriate time. In the rare instances where problems have arisen, I understand that these have been dealt with in a speedy and efficient manner by the scheme's administrators in Treasury and the Commission, as may have been appropriate.

Furthermore, in compliance with the Occupational Pension Schemes (Disclosure of Information) Regulations 1996 all members of the Schemes under the Commission's management will shortly be receiving up to date benefit statements, as well as a comprehensive booklet which offers detailed information on all aspects of their pension provision.

Order of the Day

BILL FOR CONSIDERATION OF COUNCIL AMENDMENTS

Mental Health (Amendment) Bill Council amendments agreed

3.1. Mr Rodan to move:

That the amendments made by the Legislative Council be agreed.

The Speaker: We now move on to Item 3 on the Order Paper, Bill for Consideration of Council Amendments. Can I advise Hon. Members that this is governed under Standing Order 160, which states, regarding amendments of the Council:

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

So, Hon. Members, they are the options before you and I call on the Hon. Member for Garff, Mr Rodan.

Mr Rodan: Yes, thank you, Mr Speaker.
As mover of the original Bill, I would beg to move

that this House agrees this particular amendment made by Council:

The Schedule

Page 12: In the new section 95, in subsection (2) [inserted by the House of Keys] omit the words 'taken into custody in the Island and'.

It is by way of being a technical amendment, but a helpful one, to clarify any ambiguity that may have arisen and gave rise to some discussion in the House previously, over the wording of an amendment made by this House.

I believe, Mr Speaker, it makes it clearer that, in any question of return of a person to another jurisdiction – a person who has been taken into custody – it is the return, over which the Department has to be satisfied, rather than the taking into custody, about which the Department has to be satisfied.

So, the removal of these surplus words, I think, puts that beyond doubt and I would beg to move that this amendment be accepted by the House, sir.

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

Mrs Hannan: 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 10th May 2005, as appearing on your Order Paper, headed 'The Schedule' do now stand part of the Bill. All those in favour, say aye; against, no. The ayes have it. The ayes have it.

Hon. Members, that concludes the business before the House. The House will stand adjourned until Tuesday next, 31st May, at 10.00 a.m. in our own Chamber. Thank you, Hon. Members.

A Member: Thank you.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

The House adjourned at 10.54 a.m.