



**LEGISLATIVE COUNCIL  
OFFICIAL REPORT**

**RECORTYS OIKOIL  
Y CHOONCEIL SLATTYSSAGH**

**PROCEEDINGS  
DAALTYN  
(HANSARD)**

**Douglas, Tuesday, 25th October 2005**

**Present:****The President of Tynwald (The Hon. N Q Cringle)**

The Lord Bishop of Sodor and Man (The Rt. Rev. Graeme Knowles), The Attorney General (Mr W J H Corlett QC),  
Mr D Butt, Mrs. C M Christian, Mrs. P M Crowe, Hon. A F Downie, The Chief Minister (Hon. D J Gelling CBE),  
Mr E G Lowey, Mr L I Singer and Mr G H Waft,  
with Mrs M Cullen, Clerk of the Council.

**Business transacted**

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*The Council sat in private.*

# THE LEGISLATIVE COUNCIL DEBATES OFFICIAL REPORT

IN THE PARLIAMENTARY SESSION 2005-06

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Tuesday, 25th October

Volume 123

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## Legislative Council

*The Council met at 10.30 a.m.*

[MR PRESIDENT *in the Chair*]

### PRAYERS

*The Lord Bishop*

**A**lmighty God, humbly acknowledging our need for thy guidance in all things, and laying aside all private and personal interests, we beseech thee to grant that we may conduct the affairs of this Legislative Council and of our Island, to the glory of thy holy name, the maintenance of true religion and justice, the honour of our Queen and Lord, and the public welfare, peace and tranquility of the Isle of Man. And this we ask through Jesus Christ our Lord.

**Members:** Amen.

### Procedural

**The President:** Now, Hon. Members, as we start the new session, we have a very short Order Paper, with no legislation being carried forward. We have simply got the two Questions and then a supplementary Question, which we have brought forward on a Supplementary Order Paper.

## Questions for Oral Answer

### TRANSPORT

#### IRIS

#### Complaints about odour emissions

1.1. The Hon Member (Mr Lowey) to ask the Member for Transport:

- (1) *How many complaints have been received about odour emissions from the IRIS network in –*
- (a) *the south,*
  - (b) *Douglas, and*
  - (c) *other areas in the Island;*
- (2) *did your Department's investigations into the complaints ascertain –*
- (a) *the reasons for such emissions, and*
  - (b) *whether they constituted a health hazard; and*
  - (3) *did you inform the public about these problems and if not, why not?*

**The President:** So, dealing with the Questions, then, which are set out on your Order Paper, Hon. Members, I call on the Hon. Member, Mr Lowey.

**Mr Lowey:** Thank you, Mr President. I beg leave to ask the Question standing in my name.

**The President:** The reply is in the hands of a Member for Transport, the Hon. Member, Mrs Crowe.

**Mrs Crowe:** Thank you, Mr President.

In answer to part (1) of the Question, I can confirm that there have been four complaints in the south, from the public, relating to sewerage odours emanating from some of the southern pumping stations.

I am not aware of any complaints in the Douglas area that are attributable to IRIS, although there have been a number of complaints which were attributable to rotting seaweed.

I am not aware of any complaints in other areas on the Island, at this present time.

In answer to part (2) of the Question, I can confirm that the reason for the odours from the southern pumping station stem from the fact that the pumping stations are currently in the process of being commissioned by the contractor. The Department has not yet taken over the operation of these pumping stations.

As part of this commissioning process, the pumping stations have to be switched off, for Health and Safety reasons, in order that the contractors can carry out the necessary work on the equipment and, as a consequence, sewage is stored for longer periods than is normal.

When the pumps are switched on again, the sewerage is

re-activated and this does release malodours. Under normal operating conditions, the gases in the pumping stations are cleansed by being passed through odour control equipment, but, during the commissioning phase, these systems have not been able to treat the gas that has resulted in the switching on and switching off of the system, and we do realise it has resulted in odours.

Mr President, I am confident that, when the pumping stations are fully commissioned and handed over to the Department, the odour control equipment in the pumping stations will cope adequately with the expected level of odour. I can confirm that the gas concentrations are monitored and were monitored and the levels were not hazardous to health.

Therefore, in answer to question (3) of the Question, the Department did not consider that it was necessary to inform the public about these problems.

**The President:** Mr Lowey.

**Mr Lowey:** Thank you, Mr President.

Could the Hon. Member of Transport tell me how long this commissioning period has been undertaken? The announcement of the sewage being in the pipes through... coming from the south, is now in long months. How long is commissioning?

**The President:** Mrs Crowe to reply.

**Mrs Crowe:** I am unaware of the exact length of time of the commissioning period, but I think each pumping station is commissioned as a separate entity, and is only worked on for a matter of weeks.

**The President:** Mr Lowey.

**Mr Lowey:** Could I ask the Hon. Member: in work places, where these odours occur, it cannot be helpful to the people who actually work in those places. I think she knows what I am referring to.

Also, the train stop at Ronaldsway: when the train stops, the odour is quite appalling. At the top of Crogga Hill, there is a problem, and for her benefit, Douglas Bus Station was certainly vacated on one occasion, recently, because of the smell of the odour. Whether that is IRIS or not... I know it is the lowest point in Douglas, but it was raised.

I do feel that, if the public are going to be affected by odours of this nature, then I think that the Department have a duty to inform the public that there is a possibility, and not to get alarmed, if these odours are about.

**The President:** Right, Mrs Crowe.

**Mrs Crowe:** Thank you, Mr President.

I do take on board all the concerns of the Hon. Member, Mr Lowey, and I do know that there have been problems in the south of the Island. These problems are being addressed. It is a matter that is outwith the Department's control.

We have to make sure that all the systems are working and functioning. To do that, we have had to switch off the odour control panels, etc and, indeed, some of those pumping stations have been open, whilst the pumps are being commissioned, and the Department is taking full control of the system.

So, whilst I do believe we have had a slight problem, I think it must be far outweighed by the fact that we now have beautifully clean beaches in Port Erin and Port St Mary.

**The President:** Hon. Member, Mr Waft.

**Mr Waft:** Thank you, Mr President.

When these pumps are fully commissioned, when IRIS is fully commissioned, will there be, at any time, any raw sewage pumped into Douglas Bay?

**The President:** Mrs Crowe.

**Mrs Crowe:** No, I believe that all the sewage will be treated at the Meary Veg sewage treatment centre.

**The President:** Mr Singer.

**Mr Singer:** Could I ask the Hon. Member, who is it that monitors the emissions? Who monitored the emissions that came from the network, at this particular time, and who is it that says whether it is dangerous or not dangerous to the public?

**The President:** Mrs Crowe.

**Mrs Crowe:** Well, in this particular case, the emissions are part of the contract system, so they are monitored by the contractors, but, of course, the Department has a sight of the monitoring process.

So, any reason for there to be any hazards to whatever, we would be fully aware of that.

**Mr Singer:** So, there is no medical involvement in deciding? It is purely decided by the Department of Transport, whether it is hazardous or not.

**Mrs Crowe:** Well, yes, the contractor in conjunction with the Department.

## CHIEF MINISTER

### Monks' Bridge, Ballasalla Maintenance

1.2. The Hon Member (Mr Lowey) to ask the Chief Minister:

(1) *When was the Monks' Bridge, Ballasalla, most recently surveyed;*

(2) *which Government body is responsible for the maintenance of such structures of historical importance; and*

(3) *are you totally satisfied with the current condition of this splendid bridge?*

**The President:** Right, we turn then to Question 2, Hon. Members and, again, I call on the Hon. Member, Mr Lowey.

**Mr Lowey:** Thank you, Mr President. I beg leave to ask the Question standing in my name.

**The President:** This time I call on the Chief Minister, Mr Gelling, to reply.

**The Chief Minister (Mr Gelling):** Thank you, Mr President.

Taking each of the parts of the Hon. Member's Question: part (1), I am advised that the bridge was last surveyed under the Department of Transport's routine inspection programme on 26th November 2002.

With regard to part (2), I would advise that, historically, this bridge has been accepted as the responsibility of the Department of Transport and its predecessors. A legal deed shows that the Highway Board, described as the owners, entered into an ancient monument guardianship agreement with the Manx Museum, as far back as 1907.

The guardianship provides for Manx National Heritage to undertake minor maintenance works to a monument, whilst responsibility for the structure does remain with the owner.

Both the Department and Manx National Heritage have, from time to time, undertaken minor works to the bridge.

Finally, Mr President, the Department of Transport is satisfied with the present condition of the bridge. It is not showing signs of severe distress. However, there are numbers of areas where minor re-pointing is required and Manx National Heritage has agreed to have these areas inspected and the necessary work carried out by a mason trained in conservation techniques.

The Department is entering into an agreement with Manx National Heritage, which will involve inspecting the bridge on a yearly basis, from now on.

**The President:** Mr Lowey.

**Mr Lowey:** I am grateful to the Chief Minister for his consoling words that an annual review will be taking place. I went to the bridge yesterday, Mr President: there is a hole on the top side of the bridge of over two and a half feet. There is another hole almost on ground level, almost opposite, which must go in at least six to nine inches and, again, extends for nearly two feet. That will need more than just a little pointing.

Also, there was a 40-foot tree jammed over the two arches, which, obviously, had been the result of the very severe flooding of that river yesterday and the day before. Would he not agree that ancient monuments really do need regular upkeep? The Monks' Bridge is not just any old bridge; it is an ancient relic that really is, I suppose, one of the most photographed artifacts that this Island has and needs special treatment.

**The President:** Do you need any special treatment, Chief Minister?

**The Chief Minister:** I do indeed, Mr President!

However, in replying, I always am a little concerned about two different Departments or Divisions, one looking after what you would call 'severe stress' and one looking after what they would call 'small necessary works of minor re-pointing', because where is the demarkation of whose responsibility is what?

Now, the Hon. Member tells me, and I accept if there is a hole of two and a half feet, I would say that that is the Department of Transport... certainly, it is something I will

draw to their attention immediately, because we all know what happened in the Silverburn, the last time a tree got stuck across a bridge – it was not that one, but we had a disaster.

So, I think, even though it has probably come down in the last storms, it is something that needs urgent attention, and I will bring that to the attention of the Department.

**The President:** Mr Lowey.

**Mr Lowey:** Could I have just one final supplementary?

Not so much to the bridge, but the approach to the bridge: the footpath seems to me to have been almost as deep as the river in flood. I cannot believe that, if it is the responsibility of the Highway Board to look after the bridge, they do not look after the footpaths approaching the bridge, and I am talking about the footpath from the Crossag Road to the bridge. It is in a dreadful condition.

**The Chief Minister:** Again, just a comment, Mr President.

That I do know is the responsibility of the Department of Transport, because it is a right of way. Certainly, I know that is susceptible to flooding, because the stream that comes down from Crossag gets blocked, and it just goes right down and down the lane, and into the river at the bottom.

So, certainly, I will bring that to their attention also, Mr President.

**The President:** Mr Singer.

**Mr Singer:** Thank you, Mr President.

I was a little concerned when Mr Lowey started talking about relics needing regular attention! *(Laughter)*

We had an assurance through the Chief Minister that there will now be a 12-month inspection of the bridge and that begs the question, does it not, Chief Minister, why do we get this assurance now? Why has this not been going on, for a bridge of such importance, over the previous years? Does it not appear to you, Chief Minister, that if this Question had not been asked, there would still not have been an inspection every 12 months?

**The President:** Chief Minister.

**The Chief Minister:** Yes, I think basically, the answer to that is that all bridges are inspected on a regular basis. Of course, it will come round every... probably four years, or whatever, but in this particular case, we are talking about a bridge which its existence goes back to the monks and so on. So, this is one that really does, in historical terms, need more looking at than the one, perhaps, at the bridge in Douglas or whatever.

Certainly that is a question which now has been answered. We will inspect it more regularly now that attention has been drawn to that fact.

**The President:** The Lord Bishop.

**The Lord Bishop:** Thank you, Mr President.

Would the Chief Minister agree that, probably, the time has come also to look into the concept of guardianship, which he mentioned at the beginning of this, which often makes for slightly difficult relationships between the guardian and the owner, and that perhaps we need to revisit this legislation?

**The Chief Minister:** I will take the opportunity – there is an MNH meeting coming up next week, I think – to also raise it there, Mr President.

**The Lord Bishop:** Thank you.

**The President:** Okay. Mr Waft.

**Mr Waft:** Would the Chief Minister agree that the lack of maintenance generally within the Department has resolved certain problems within the... not only Monks' Bridge, but also other areas, especially including the steps at the promenade and the harbour areas?

**The President:** We are not going to debate the harbours, but Chief Minister.

**The Chief Minister:** My only comment there, Mr President, is: unfortunately, when Departments or Divisions are extended, people like MNH do not get sufficient resource. Maintenance, unfortunately, is the first thing that gets neglected, which, of course, is maybe a way of doing it in the short term, but, in the long term, you then get a major problem later on.

But, certainly, it is something that we have recently brought Departments' attention to, and the fact that maintenance, of course, on an annual basis, is something which is extremely important and should be prioritised.

## Supplementary Question for Oral Answer

### CHIEF MINISTER

#### Bird flu pandemic Protecting the Isle of Man population

1. The Hon Member (Mr Singer) to ask the Chief Minister:

*Has the Government purchased sufficient doses of anti-virals to protect all the population of the Isle of Man against a 'bird flu' pandemic?*

**The President:** Right, Hon. Members, we now turn to the Supplementary Order Paper, which was submitted, and in relation to the Question for Oral Answer, I call on the Hon. Member, Mr Singer.

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

**The President:** Before I ask the Chief Minister to reply, I would remind Members that a very similar Question was asked in Tynwald for Written Answer, at 52, last week. Chief Minister.

**The Chief Minister (Mr Gelling):** Thank you, Mr President.

Answering the Question posed by the Hon. Member, Mr Singer: earlier this year, the Isle of Man acquired a stockpile of anti-virals, Tamiflu, to cover 25 per cent of adults and 50 per cent of children.

This was based on the recommendations of the World Health Organisation, which recommends that every country should have a stockpile to cover 25 per cent of its population, but you will see, from what has already been acquired, the Government bought 25 per cent for adults and 50 per cent of children. So, we doubled up on the children's cover of the anti-viral serum there, Mr President.

**The President:** Mr Singer.

**Mr Singer:** Thank you for the Answer, Chief Minister. Can you then tell me to which categories of people these 25 per cent of adults are going to be... Sorry, which categories make up these 25 per cent of adults and 50 per cent of children in our community?

**The President:** Mr Gelling.

**The Chief Minister:** Of course, Mr President, this is something that will be done on a medical basis, and will certainly not be for me to decide, the Council of Ministers or Tynwald, whoever.

It will have to be done on a basis of those that are affected, first of all, because this is a serum for those who actually get the flu. It is not a vaccine against the flu. So, therefore, it will be, I would suggest, for the people that are in important places, such as hospitals and the likes. They will be the first in line, if they go down with this particular flu, if, God forbid, it ever gets to the Isle of Man. So, that decision will be made by the medical people. It, certainly, will not be made by lay people.

**The President:** Mr Waft.

**Mr Waft:** Could I ask – the Chief Minister may know or even the questioner might know the answer to this – do the anti-viral drugs that we are going to receive have a shelf life and, if they do, how long is that?

**The President:** Chief Minister.

**The Chief Minister:** Yes, that was one of the decisions we had to make, when we ordered it very, very early on, long before it became a public debate, for the simple reason that we wanted to make sure the Isle of Man had this particular serum available to it. It was found that there was a five-year shelf life, so it should take us over the initial period.

However, I have to say that something like this, if it did become a virus which people caught, does have a habit of going round over a period of something up to seven years. Certainly, we would have to readjust our figures on the basis of if it did ever get to the Island.

**The President:** Mr Singer.

**Mr Singer:** Chief Minister, so we are going to have 25 per cent of adults covered. How do you choose who you are going to cover? You cover the children, but you do not cover the mother? I mean, surely, a mother would be an important person to cover, because this virus, as far as we

know is going to be very virulent and can spread to people very, very quickly.

Is it not possible that World Health Organisation recommendations just do not fit into the scenario of 77,000 people living in a small area and, for the cost, should we not be looking at full coverage of the people in the Isle of Man, so that we ensure that everybody gets a dose of this Tamiflu, and that the virus is, therefore, eliminated from this Island?

**The President:** Chief Minister.

**The Chief Minister:** First of all, Mr President, of course, you have to get the flu before this will be available to you. But all we can do is go on the World Health Organisation's figures and their figures state that the average is that 25 per cent of people in the area... Once the flu has been accepted by the human, the human can spread it to another human, but 25 per cent of the population is what they declare is the maximum of people that would get the flu.

However, actually when you look at the Isle of Man, and the terrain of the Isle of Man, there is less likelihood of it spreading in the Isle of Man, compared with an inner city, for the simple reason that people and their contact is actually in reverse to what the Hon. Member asks. That is, if we were all in a very tight knit, small community in an inner city, there is more chance, obviously, of contact and therefore of it spreading.

So, we must be absolutely sure. This is not a vaccine against the flu; it is a serum, which is in a syrup, for those who actually get the flu.

We cannot look at the vaccine – we are certainly considering it – until we know what the strain is that actually does get spread, and, certainly, that is another area that we are alerted to and will certainly make the right purchase of that vaccine, once that is known.

**The President:** Mrs Christian.

**Mrs Christian:** Thank you, Mr President.

Could the Chief Minister indicate whether or not it would be possible to purchase more doses of the anti-virals, given the demands world-wide, or is it rationed in some way?

**The Chief Minister:** Well, again, as I said in the first supplementary, we were very eager to get our order in for this, very early on, because that is what we were warned about, that once this did get a hold in whatever part of the world, obviously, the demand was going to be very, very great indeed.

So, we wanted to make sure that we were covered by the World Health Organisation's figures, but we doubled up on the children, so that we were doubly covered on children, because children actually spread it more quickly and more easily, because they are in schools and there is more contact.

So, I would say to the Hon. Member, I think demand could very well exceed the amount of supply, if this type of pandemic actually occurred, which it might very well do in other parts of the world.

**The President:** Mr Lowey.

**Mr Lowey:** Could the Chief Minister not agree that there

are emergency planning committees, and the emergency planners would know who the vital people are, such as electricity workers, oil suppliers, those sorts of key personnel and therefore, the formula is already in being for who would be able to be of the 25 per cent that would be eligible for this scarce resource?

**The Chief Minister:** Indeed, that is something I would hope we never have to do, but it is, certainly, an area that we would have to consider at the time.

It is also worth highlighting, Mr President, that the anti-virals should not be seen in isolation. It is not the only answer. The other answer is, of course, our own cleanliness within our communities, and even it has been suggested about travel. Again, it has been stated that you could not limit travel for a whole year, for argument's sake. How could we stop people coming back and forward?

So, there has got to be, within reason, certain areas where there would be risk, but we want to make sure, as far as we can, with the information we have available, that we have covered those risks.

**The President:** I think we have given it a good airing, Hon. Members, but a final supplementary, Mr Singer.

**Mr Singer:** Mr President, what I believe that we are being told today is showing a complacency. Does the Chief Minister remember, when I first raised this over 12 months ago, the Deputy Assistant Medical Officer of Health, his advice was, 'There is no problem with the bird flu as long as you wash your hands', and they soon went back on that?

Would it not be as fair to the people of the Isle of Man, if everybody had the ability to take a dose of the Tamiflu, if they got the flu, to protect all our population, not just 25 per cent of the population, considering that the World Health Organisation have just downscaled their estimate of, approximately, the number of deaths to 7.4 million, if this flu goes round the world? Surely, as a priority, we should be protecting all our people at what is a relatively small cost.

**The President:** The Chief Minister.

**The Chief Minister:** Mr President, we are satisfied, with the information that we have and we have gleaned from the World Health Organisation and others, that we are well covered – in fact, we are covered more than they would recommend that we should be, inasmuch as I have said, we have covered the children.

I know there is a lady in Ramsey who has rung me on a couple of occasions, posing exactly the same question, as to: am I the person who is going to make the decision on who gets it and who does not?

Mr President, hopefully, nobody will get the virus, but we are covered sufficiently, as far as we can. We could cover everybody, but, of course, that still is not going to help, for the simple reason that people can become immune to the actual virus, they can be carriers.

There are so many areas in which I am not competent, in medical terms, to answer, but all I can assure the Hon. Member is that we are covered more than what has been suggested by the World Health Organisation and others.

The other thing is, of course, we are also very much in touch with the United Kingdom Medical Officer of Health and his Department there, because, of course, that, again,

would be an extremely important liaison that we should have, because to get to the Isle of Man, one would suggest that it has got to get to the UK and so on.

We will be watching that, extremely carefully, and I can assure the Hon. Member, that this is not something that has been looked at complacently. The anti-virals were ordered very, very early on, to make sure that we had them, and I would not put that down as being complacent, Mr President.

**The President:** Thank you, Hon. Members, that completes the business which was on both our Order Paper and the Supplementary Order Paper.

**IN COMMITTEE OF THE WHOLE COUNCIL  
(IN PRIVATE)**

**Consideration of Summaries of Proceedings in the  
Council of Ministers  
(June, July and August 2005)**

**The President:** The Council will now sit in Committee of the whole Council to consider the Summaries of Proceedings in the Council of Ministers (June, July and August).  
Thank you, Hon. Members.

*The Council sat in private.*