



**HOUSE OF KEYS
OFFICIAL REPORT**

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

Douglas, Tuesday, 1st May 2007

Present:

The Speaker (Hon. S C Rodan) (Garff);
 The Chief Minister (The Hon. J A Brown) (Castletown);
 Hon. D M Anderson (Glenfaba); Hon. A V Craine and Hon. A R Bell (Ramsey); Hon. W E Teare (Ayre);
 Mr J D Q Cannan (Michael); Mr T Crookall (Peel); Mr P Karran, Hon. A J Earnshaw and Mr D J Quirk (Onchan);
 Hon. G M Quayle (Middle); Mr R W Henderson and Mr J R Houghton (Douglas North);
 Hon. D C Cretney and Mr W M Malarkey (Douglas South); Mr R P Braidwood and Mrs B J Cannell (Douglas East);
 Mr C G Corkish MBE and Hon. J P Shimmin (Douglas West); Mr G D Cregeen (Malew and Santon);
 Mr J P Watterson and Hon. P A Gawne and (Rushen);
 with Mr M Cornwell-Kelly, Secretary of the House

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The House adjourned at 12.13 p.m.

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House of Keys

The House met at 10.00 a.m.

[MR SPEAKER *in the Chair*]

PRAYERS

The Speaker of the House of Keys

LEAVE OF ABSENCE GRANTED

The Speaker: Hon. Members, I have given leave of absence from this morning's sitting to the Hon. Member for Rushen, Mr Gill; and to the Hon. Member for Glenfaba, Mr Anderson, I have given leave for the latter part of the sitting.

CONGRATULATIONS TO MR BRAIDWOOD ON BIRTH OF FIRST GRANDSON

The Speaker: Can I take this opportunity, Hon. Members, to congratulate the Hon. Member for Douglas East, Mr Braidwood, for having become a grandfather, (**Members:** Ooh!) with the arrival of his first grandson.

Members: Hear, hear.

Mr Corkish: He said there was nothing to it. (*Laughter*)

Questions for Oral Answer

MATTER OF URGENT PUBLIC IMPORTANCE

IHMES International Hotel School Question for Oral Answer under Standing Order 3.5.1(4)

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

- What steps are your Government taking –*
- (i) to investigate the possibility that the company which took over the IHMES last year has been trading while insolvent and taking fees from students knowing that they could not complete their courses,*
 - (ii) to provide short-term assistance to the businesses and students affected by the sudden collapse of the School, and*
 - (iii) to mitigate the reputational damage to the Isle of Man abroad caused by this situation?*

The Speaker: Turning to the Order Paper, Hon. Members, and Questions for Oral Answer, Item 1, I have given leave to the Hon. Member for Onchan, Mr Karran, under Standing Order 3.5.1(4) to put a Question of an urgent matter of public importance in connection with the International Hotel School, this Question being to the Chief Minister. The Question has been circulated in advance and I would now, therefore, call on the Hon. Member for Onchan, Mr Karran.

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

The Speaker: Hon. Member for Castletown, Mr Brown, Chief Minister.

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

Before answering the detail of the Question, I would emphasise that there are two distinct and important issues here: first, the welfare and wellbeing of the students residing at the International Hotel School; and second, the reliance of our hospitality sector on these students in supporting their business operations. Both of these issues are receiving our urgent attention.

Having said that, we must acknowledge that the International Hotel School is a private business and we need to exercise care that we do not, by our own actions, compromise due process, nor prejudice any necessary actions that may need to be taken by the relevant regulatory agencies, both on the Island and in the UK.

Turning now to the Question, in respect of part (i), any allegations that this company or, for that matter, any other company, has been trading whilst insolvent, is essentially a matter for the creditors of the company to determine and take action, if necessary, under the Companies Act 1931.

Whilst Hon. Members may wish to be informed as to the reasons for the failure of the business, and this may well become public in due course, I am happy to keep the whole situation under review and initiate any investigation which may be necessary, at the appropriate time. The ability of the students to recover their fees or any part of them will be a matter which the individuals will have to pursue against the receiver or the directors of the company, if the company is no longer in receivership. Whilst the Isle of Man Government has no legal status in this regard, we will, of course, continue to provide any appropriate assistance to the students.

Mr Speaker, with regard to the second part of the Question, I can assure the House that this issue is being given the highest priority throughout Government and a multi-agency response is taking place. I can advise that the Immigration Service has been working very closely with the International Hotel School from the outset, providing guidance and advice to both the owner and the students. Immigration, Police, Fire Service and Environmental Health have met with the owner and staff to ensure a co-ordinated response to the health, safety and security of the students, staff, the owner and the building.

The Immigration Service is also in contact with the Department of Trade and Industry and the Isle of Man College in respect of options relating to student visas and the feasibility of transfers into other immigration categories.

Mr Speaker, from the moment that this matter was brought to Government's attention, we took immediate action

and also recognised the need for the students to move to other educational courses or to return safely home. Consequently, Immigration granted an interim period of 28 days, with effect from 25th April, to enable the owner or students to have time to identify either an alternative course or to return home. It also provides Government and the business sector with time to ascertain what options may be open to both parties to assist with this problem.

Further, immigration extensions may be granted to students, but each case will have to be treated on its own merits, with compassion and as pragmatically as possible.

However, in the meantime, the outcome of the initial meetings has been that the International Hotel School importantly continues to provide students with appropriate accommodation and meals.

A meeting was held between the representatives of the hospitality and retail sector and officers of the Departments of Trade and Industry, Tourism and Leisure and Education on Wednesday, 25th April.

Subsequently, a further meeting was held on Friday, 27th April, involving the Ministers from the Departments of Trade and Industry, Tourism and Leisure, Education and Home Affairs, along with the Immigration Service, with representatives of the hospitality and retail sector.

Another meeting took place yesterday, Monday, 30th April, at 12.30 p.m. involving the relevant Ministers and agencies, where options were considered and where it was agreed that these two issues needed to be addressed separately.

At 3.00 p.m. on Monday, 30th April, the Minister for Trade and Industry met with the students at the school premises.

At 3.30 p.m. I chaired a meeting at which the Ministers for Trade and Industry and Tourism and Leisure attended, along with officers from their Departments. Also in attendance was the Chief Secretary, the Director of External Relations and other relevant officers from the Chief Secretary's Office, where discussions covered the situation to date, the matters that have been discussed between the different parties and possible options to address the outstanding issues. We are advised that the International Hotel School is actively seeking to find places for the students to complete their studies and we are keeping the situation under constant review.

I can advise the House that a meeting is to take place this afternoon, between Government representatives and the owner, to enable him to update Government as to the latest position in this matter, both in relation to the students and in respect of the business generally.

A further meeting has also been arranged for tomorrow, between the Government and representatives of the hospitality and retail sectors, who will review progress and address any emerging developments.

I can confirm that I have been kept fully informed by the Ministers and officers over this important matter and that myself, the Ministers and officers are giving this matter our full and urgent attention.

As I have previously stated, the International Hotel School is an independently owned and run business institution and it is regulated by Edexcel, a recognised and respected United Kingdom awarding body, which regulates such establishments throughout the United Kingdom.

Although Government has no formal responsibility for the regulation and running of the establishment, our immediate concern has been, and continues to be, the welfare and needs of this group of young people, many of whom are thousands of miles away from home and their families, who, through no fault of their own, have found themselves in such unfortunate

and no doubt worrying circumstances.

This is why, Mr Speaker, Government has become so directly involved in providing immediate support to the students, by working with the owner to encourage him to keep the school premises available for them for their accommodation, by immediately extending their immigration permits to enable them to remain in the Island for at least 28 days and by endeavouring to identify what further options may be available. This is a rapidly evolving situation, which is changing constantly.

We recognise that the solutions for the young people will inevitably impact on our hospitality and service sector and we are aware of that. However, it is important that in addressing that problem, we do not confuse the issue which is the most important need of the students, to first and foremost finish their studies.

Mr Speaker, turning now to part (iii) of the Question, it is inevitable that when any business, and certainly one dealing with young people, gets into difficulty, that there may well be concern within the press, both at home and abroad. This is unavoidable, but I can assure Hon. Members, it is our response to the situation that will determine our international reputation and as I have indicated, that response has been immediate, compassionate, considered and co-ordinated and further, we will continue to respond to all the parties involved to seek a satisfactory conclusion for all concerned.

I can confirm that the Government will continue to work in partnership with the private sector, both with assistance, assurance and to deal with the impact on the businesses affected.

Finally, Mr Speaker, I would take this opportunity to thank my ministerial colleagues and the officers for their considerable work and support already undertaken. I would also thank the representatives of the private sector for their invaluable assistance and support in dealing with this unfortunate situation.

Thank you, Mr Speaker.

The Speaker: Mr Karran.

Mr Karran: Supplementaries, Vainstyr Loayreyder.

Would the Ard-shirveishagh, whilst thanking him for such a full response, not agree that this is particularly of concern? It is all well and good, talking about the 1931 Companies Act – £8,000 or £9,000 from our constituents would be bad enough, but from constituents out... for many of these students that are going to this institution, it will wipe them out for generations if the issue is not resolved properly.

Could the Ard-shirveishagh tell us an update, as far as the package of measures that the Department of Education is coming along with, allowing for the fact that we are all committed to a diversified economy and education is a way of diversifying the economy? How are we going to protect our own interest, allowing for the fact that we have spent something like £12 million plus on the International Business School, if we allow this to end up with such a bad taste in the mouths of so many in the future?

Can I ask the Ard-shirveishagh, will he come back to Tynwald with a supplementary Order Paper to debate this issue, to make sure that we have got the right packages, in order to reduce the implications of the damage that could be done, as far as this issue is concerned, especially for other educational facilities on the Island?

The Speaker: Chief Minister, Mr Brown.

The Chief Minister: Thank you, Mr Speaker.

I think the first point I would like to make is that we should not blow this out of all proportion. Yes, it is an important situation and it is an unfortunate one. I think I have demonstrated by the Answer to the initial Question that Government, which has no direct responsibility in this matter, has got very involved in trying to assist these students on behalf of the Isle of Man, because we are concerned at the situation that has developed. We reacted immediately when we heard of the situation that arose, Mr Speaker.

The Hon. Member introduces the International Business School and its reputation. I would, again, re-emphasise, this has *nothing* to do with that. This is called a school, but in fact, it is a business. It is a different type of animal; it is operated purely as a business. We are very conscious and our priority is and will continue to be the welfare of the students and we will endeavour to do what we can to assist them where that is appropriate.

As far as the issue of keeping the House informed, Mr Speaker, I am quite content that once we have a clearer picture of what has happened and what might resolve itself – we do not know yet – then, I am happy to, as appropriate, make a Statement, either in this House or in Tynwald, and update Members on the situation.

It is important that we really try and keep ourselves calm to try and deal with this issue. It is a delicate issue. It is certainly important we do not upset the students who already find this very difficult to deal with and, as I indicated, we have had the Minister for Trade and Industry, who has directly spoken to the students yesterday in an endeavour to give some encouragement that we are seriously endeavouring to assist them as much as we can. It is also important to realise that until we hear from the owners of this business, which will be happening this afternoon, then we have a situation where we do not have yet a fully clear picture as to what may well result from his discussions elsewhere.

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

Mr Malarkey: Thank you, Mr Speaker.

Firstly, I am sure that the House would join me in saying, obviously, the students' welfare must be our prime concern and I do not think there is any doubt in the House that what has actually happened is more unfortunate. We will all, I am sure, do our best to try and look after their welfare.

What we must not forget, as we are here today, is that we are very, very rapidly approaching the busiest TT –

The Speaker: Hon. Member, would you put your supplementary question. I have no intention of letting this matter turn into a debate. Put your question, sir.

Mr Malarkey: Would the Chief Minister not agree with me, with the forthcoming TT races and the fact that a lot of these students were used in both the hospitality and retail section, that it would be prudent for the Council of Ministers to implement what it already had implemented on the work permit side, for the media, time-keeping and marshalls, which is a waiver for the TT fortnight for work permits; that this should be extended to cover the hospitality and retail section, to allow retailers and hospitality units on the Island to bring in workers to cover this period, without having to go through the procedure of work permits, as the media, timekeepers and marshalls already do at present?

The Speaker: This is widening the Question considerably, but Chief Minister.

The Chief Minister: Yes, thank you, Mr Speaker.

Clearly, the issue of options... What we may be able to do, if the students find placements off Island, then that will have one implication. If they find placements on-Island, that will certainly reduce a potential problem for us, but our priority has to be, first and foremost, ensuring that the students are able to complete their educational course, because that is the main reason they are attending this school.

But I hear what the Hon. Member has said. I certainly and, I know, the Minister for Trade and Industry who is in the House will at least look at whether or not that is an option for us in relation to work permits.

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

Mrs Cannell: Thank you, Mr Speaker.

Would the Chief Minister agree with me that what we are facing here is the issue of immigration and not work permits, in that the students, at the moment designated as being students, are entitled to stay here to undergo an educational course; that once they cease being a student, then they really do have to vacate the Isle of Man, unless we can pull out an emergency package to actually enable those students to continue with their education; and that it is not simply just a case of work permits?

The Speaker: Chief Minister, Mr Brown.

The Chief Minister: Yes, thank you, Mr Speaker.

I was only responding in relation to work permits by the question raised by the Hon. Member.

Quite clearly, one of the big difficulties in this is that the students are overseas students, and therefore outside of the EU, and require immigration permits to attend the Isle of Man. Their immigration permit is quite specific, that they are here for educational purposes for this course. What the immigration does allow, under the immigration permit, is that they may work up to 20 hours per week.

I think it is fair to say that, because this school in its different forms has now been operating for some 20 years in the Isle of Man, certain areas of business within the Isle of Man have become reliant on the support of the students to fill gaps, because of the success of our economy. I would say that if, for example, the students find placements off-Island then, as we are already doing and I have indicated in my Answer, Mr Speaker, Government, with the business sector, will have to look to see how that vacuum can be filled and filled in a very short time.

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

Mr Karran: Vainstyr Loayreyder, would the Ard-shirveishagh not agree that he did not reply to the issue that I raised in my first supplementaries about what package of measures has the Department of Education got, in order that we can address this issue, allowing for the fact that, without the educational courses, there are no visas for these individuals?

Would the Ard-shirveishagh not also agree that he is underlining a situation that we do too often, where we are saying it is nothing to do with us, when the effects of this

could be on the Isle of Man, as far as other educational establishments on the Island for the next decade or so – just like when we were in this House and people were saying that the Savings and Investment Bank (SIB) was nothing to do with us – we hid away – and it took us 10 years to get over that, as far as the finance sector?

Would he not agree that we have got to make sure that we find a way of protecting the Island as far as this issue is concerned, and education should be the key role, as far as any proposals that are going to come out of his Office?

The Speaker: Chief Minister.

The Chief Minister: Thank you, Mr Speaker.

Again, I refer back to the Answer that I gave, which was quite an extensive Answer. If anybody thinks that we are doing nothing, then I am afraid they have not listened to the Answer.

Quite clearly, whilst stating there is no legal obligation on us to do anything, the point that the Government has got so involved right from day one, with Ministers dealing with it, and senior officers and all the different services of Government shows that we are concerned about the situation and doing what we can to deal with it.

I would suggest that in any other country there would be nothing like this input into such a situation. (**A Member:** No.) It would just be earmarked as, ‘well, it is just one of those things.’

We do take our caring feeling seriously, and have made sure that we have been involved very quickly, very directly and with compassion, to support, first and foremost, the students, because our priority is that they should be able to complete their courses, either in the Isle of Man or in the United Kingdom.

Mr Speaker, can I say that in relation to the Department of Education and whether or not that could get involved, the Department has been involved in discussions with the working group. But we are awaiting a clearer picture from the owner of this business, which we will have this afternoon, which may well help have a clearer way to deal with the situation. We will be able to identify exactly what has gone on, or what arrangements, if any, he has been able to make, in terms of trying to safeguard the future for the students to complete their course.

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

Mr Cannan: Mr Speaker, whilst fully acknowledging the work that has been done since this unfortunate incident occurred last Thursday, will the Chief Minister acknowledge that perhaps the best solution is for the Department of Education to take up an emergency course, where the students left off on their present studies, so that the fees that they paid would not be lost, their partial studies would not be lost, in the sense that they would have no qualification, and certainly the Isle of Man’s image would be restored?

Secondly, will the Chief Minister give an undertaking that he will report to this House next Tuesday, with your permission, Mr Speaker, regardless of whether a solution has been found, to inform the House properly of what has taken place in the next seven days?

The Speaker: Chief Minister.

The Chief Minister: Mr Speaker, I have already

indicated to the House that I am happy to come back to the House and make a statement, or to Tynwald, when we have more information to tell them.

As far as the other part is concerned, the best solution, again I have made the point the Department of Education has been involved in these discussions. We need to be careful, though, that we are not premature in any actions we take. (**A Member:** Hear, hear.) We do need to know what the owner has been able to sort out or resolve in his discussions, which we know he has been having off-Island, before we make any steps that might well cause a problem.

So, we are very conscious of it. We will take appropriate actions and I will report back to the House or Tynwald Court, as appropriate, when I have further information, Mr Speaker.

The Speaker: I will make this the last supplementary, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

Can I ask the Chief Minister does he agree with me that whilst the Isle of Man and the Council of Ministers and we as a whole do not have a legal obligation, there is in fact a moral obligation? Will he accept from me acknowledgement that the Council of Ministers so far are meeting with that obligation in what they have done so far?

But whilst he is going to all of these meetings, and other Ministers are attending meetings to discuss potential future for the students to be able to continue their education, either here or elsewhere, will he also bear in mind that we are being watched very closely in respect of this, particularly as our own students who are being educated off-Island are classed as foreign students, and a similar situation could happen, God forbid, within the United Kingdom?

So will he bear that in mind that it is very, very sensitive?

The Speaker: I think you have answered that more than amply, Chief Minister, but I am willing to allow you to respond.

The Chief Minister: Yes, Mr Speaker, I have. The only one I would like to do is the last one, which is that we cannot compare this with the students from the Isle of Man who attend universities in the United Kingdom.

As I have indicated, whilst this business uses the term ‘school’, it is not a school in the true sense of the situation; it is a business that provides catering training for students from overseas, and their parents pay privately for their fees.

In our case, the Isle of Man Government pays for the fees for our students to attend universities and colleges in the United Kingdom.

CHIEF MINISTER

Former Government Ministers Private sector employment in familiar areas

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

What measures are in place to regulate the circumstances in which a former Minister or Chief Minister may take

up appointments in the private sector in areas with which he or she has had previous familiarity when in Government?

The Speaker: Turning now to the Order Paper proper and Question 1, the Hon. Member for Onchan, Mr Karran.

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

The Speaker: Hon. Member, Mr Brown, Chief Minister.

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

This matter is covered by the Government Code Part 2, which deals with the Ministerial Code. Before quoting precisely what is said, I would like to put the Ministerial Code into context.

Ministers, and that includes the Chief Minister, are personally responsible for deciding how to act and conduct themselves in the light of the Code. The Code is not a rule book and it is not within anyone's role to enforce it.

Having said all that, Mr Speaker, the relevant paragraph in the Code reads, at paragraph 2.15:

'On leaving office, there is no restriction on former Ministers taking up or resuming posts or other private sector interests, although they should avoid any course which would reflect adversely on their or the Government's reputation for integrity or the confidentiality of its proceedings.'

Thank you, Mr Speaker.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, is the Council of Ministers or the Ard-shirveishagh happy with this voluntary code?

Does the Ard-shirveishagh agree that maybe the time has come for some sort of legislation as one way of stopping the patronage system that we have developed over the last 20 years, where Chief Ministers can promote the opportunity for other companies to come into the Island and then go on the board of directors; where chief financial officers can go on the board of companies, as far as concerns that have been expressed, over years, concerning computers?

Would he not agree that the time has come that we have got to get away from it being a voluntary code and actually put some sort of compulsion into it?

Will he look into legislation in order to stop this form of nepotism which has become part of the Council of Ministers' legislation over the 20 years?

The Speaker: Chief Minister.

The Chief Minister: Thank you, Mr Speaker.

I have viewed the Code. I am content that it is appropriate. I am content, at this stage, that it is appropriate that it is a voluntary code and I believe that the people involved use their integrity and comply with the Code, when considering any offers of positions, sir.

The Speaker: Hon. Member, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Ard-

shirveishagh not agree that, if the Council of Ministers is refusing to do this legislation itself, that maybe it will be up to private Members to do such legislation?

Would he not agree that it is untenable to expect ex-Chief Ministers to be trawling around, looking for directorships and things?

This is not on. It is an office of integrity and something of respect and it should not be allowed to be able to be turned into some sort of saleable asset, when you have left it.

The Speaker: Chief Minister, the Hon. Member, Mr Karran, has expressed opinions, but I do not detect much of a question there. Chief Minister.

The Chief Minister: Absolutely, Mr Speaker, but I would say I am not aware of any former Chief Minister trawling around (**Several Members:** Hear, hear.) to try and get themselves a job.

Planning appeals 2006-07

Number; employment of UK inspectors

1.2. The Hon. Member for Michael (Mr Cannan) to ask the Chief Minister:

During the period 1st April 2006 to 31st March 2007 –
(1) *how many planning appeals were heard;*
(2) *how many planning appeals have been determined –*

(i) in favour of the applicant;

(ii) in favour of the Planning Committee; and

(3) what is the total amount of remuneration and expenses paid during the financial year 2006-07 in respect of the employment of United Kingdom appeal inspectors?

The Speaker: Question 2, Hon. Member for Michael, Mr Cannan.

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

The Speaker: Chief Minister to reply.

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

The answer to part (1) of the Question is that the number of planning appeals held during the period 1st April 2006 to 31st March 2007 was 203.

In answer to part (2) of the Question, the number of appeals that were determined during the same period was 310. This figure includes determination of appeals held during the previous year that carried over. It also includes determination of appeals dealt with under written representation – that is, without a hearing being held.

The Hon. Member asks about the number of planning appeals determined in favour of the applicant during the period. The planning system only keeps records in respect of appellants – that is, those individuals who have appealed against the decision of the Planning Committee.

I can therefore advise the House as follows: (1) the number of appeals determined in favour of the appellant was 80; (2) the number of appeals determined in favour of

the planning authority was 188; (3) in addition, there were 38 appeals which were withdrawn after having been lodged, and four split decisions where part of the appellant's case was upheld.

In answer to part (3) of the Question, Mr Speaker, the total amount of remuneration and expenses paid during the financial year 2006-07 in respect of the employment of United Kingdom appeals inspectors was £132,554, sir.

Thank you, Mr Speaker.

The Speaker: Hon. Member for Michael.

Mr Cannan: I thank the Chief Minister for his answers. Perhaps he would confirm the figure he gave was 80 in favour of the applicant? It was, thank you.

Is the Chief Minister aware that, since the review system has been abandoned, where small planning applications which have been refused not by the Planning Committee but by the delegated authority of the planning officials have then gone to appeal, for such minor matters as dormer windows, a parking space, a small building alteration of such triviality – and I have attended appeals for this sort of thing on behalf of constituents – the appeal inspector is almost amazed that such an expensive process is required for him to give a decision in favour of the applicant?

Finally, will he confirm that with 80 appeals in favour of the applicant, it justifies the supplementaries I have just asked?

The Speaker: Chief Minister, Mr Brown.

The Chief Minister: Thank you, Mr Speaker.

I think, just to help put it into context, we should acknowledge that the new system has not been in operation for very long. In fact, I am not sure if it has been in operation for more than 12 months, but it is certainly a new procedure under the Town and Country Planning Act which was passed.

I would confirm that the number of appeals determined in favour of the appellant was 80.

Further, with relation to the review system now being put aside – in other words, you have only got the initial decision and then straight to appeal – I do have my own concerns about that situation. It is certainly one of the issues – and when I say ‘one of the issues’, planning in general – that I wish to have an opportunity to discuss with the Minister, the Chairman of the Planning Committee and the Director of Planning in relation to these issues. I made that point, in fact, when I was nominated for Chief Minister, that I had some concerns about the planning system.

I think, also, in the present system we have – and I understand the Department is progressing this – there needs to be a greater use of permitted development provisions, to enable some of the smaller issues which are presently having, in some cases, to go right through the whole system at considerable expense to all parties, to be considered whether that is still appropriate, now that we do not have a review stage.

It is an issue that I am concerned about. It is an issue that planning concerns everybody continually, no matter what changes are made, but I do intend to have an opportunity to discuss it in detail with the Minister concerned, sir.

The Speaker: Mr Cannan.

Mr Cannan: I acknowledge that the Chief Minister is reviewing the matter, but does he consider it is the proper expenditure of public funds to employ UK inspectors at an annual sum of £132,000 to review such trivial matters as a garage, a parking plot or a dormer window?

The most recent case, where only the planning official was present, there was no objection from any party whatsoever and on cross-examination of the planning official, he decided that it did not look nice to him. So are we basing planning on what does not look nice to a planning official?

The Speaker: Chief Minister to reply.

The Chief Minister: Mr Speaker, I am unable to comment about any individual case, because I do not know what the application was or, in fact, any detail. I think it would be inappropriate of me to do that.

What I would say, though, is that I have indicated in my response to the supplementary from the Hon. Member that there is a need to identify a greater use of permitted development provisions, which may well overcome some of these issues, but not all of them.

Also I think it is important to recognise that the Department of Local Government and the Environment is enacting a procedure, or working to a procedure, which has been approved by Tynwald, which was introduced in the last administration. I know there were some concerns expressed, I think, when that went through. But at the end of the day, what needs to be done is: a new system has been put into operation; it has been running for a period; I think it is prudent to review whether or not that is meeting the requirements of the Isle of Man and of the people who are putting applications in, and whether or not we need to deal with such detail at appeal level.

I take on board those points and, certainly, I hope from the discussions I will have that we may well be able to move some changes that will benefit the system.

Mr Cannan: Final supplementary, Mr Speaker?

The Speaker: Mr Cannan.

Mr Cannan: Will the Chief Minister, by the July Tynwald, give an indication as to how far his review has gone, or is he satisfied that public expenditure of this sort, employing UK inspectors to travel to the Isle of Man to adjudicate such trivial planning applications, is appropriate?

The Speaker: Chief Minister.

The Chief Minister: Thank you, Mr Speaker.

One of the difficulties I had quite a few times dealing with planning applications, both as Minister and as member of the Planning Committee, has been that what is trivial to one person is not trivial to another. (**Several Members:** Hear, hear.) That is one of the difficulties. The problem with planning is that beauty is in the eye of the beholder.

What planning endeavours to do is to make a considered decision which is deemed to be the right way forward. At the end of the day, the inspector recommends to the Minister and the Minister then, within the policies as set down, has to determine whether or not the recommendation is appropriate.

I would say that this issue is one that is always continually

backwards and forwards. It does not matter who the Minister is, the Minister continually gets criticism about the system. So does the Chairman of the Planning Committee. We have changed the system substantially, and now there are criticisms of the new system.

What I am saying is, quite clearly, it is an issue that I wish to discuss with the new Minister now that he has had a period of time in there, seeing how the system works, and with the Chairman of Planning and with the Director of Planning, to see whether we can improve the system or whether there are options that we can take that might well overcome some of the issues the Member has raised today.

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

Mr Shimmin: Thank you, Mr Speaker.

Is the Chief Minister aware that there has already been a public commitment to review the current system which will be operating as soon as we have moved through the consultation period on the Strategic Plan? Therefore, although July may not be the completion of that, certainly it would be my intention to work with a view to come back to that date. Is that something that we can look forward to, Chief Minister?

The Speaker: Chief Minister to reply.

The Chief Minister: Certainly, Mr Speaker, we will endeavour to come back at the appropriate time. We are conscious of the Strategic Plan. There are a number of issues here that are being dealt with, as well as the everyday operation of that Department.

Can I say that, again, Members will be aware that the Department is struggling in relation to the number of planning officers available to them. We have had another one who has retired and it is difficult to find planning officers to fill these positions. But with that being said, we have to deal with the applications in an appropriate way.

I think the issue that the Hon. Member for Michael is raising is whether or not the procedures are, in fact, appropriate and adequate to meet the needs of the general public and, of course, the Isle of Man in its fullest format. That is something that the Minister and I will certainly look at and endeavour to see whether or not we can change things, or leave them alone, if it is deemed necessary, and report back.

Mr Cannan: Will you allow me one final – ?

The Speaker: Final supplementary, Mr Cannan.

Mr Cannan: Will the Chief Minister, in reviewing this situation, acknowledge that one of the problems of the so-called trivial refusals that go to appeal is because they are made not by the Planning Committee, but by an official in the Planning Department?

Would it not be more appropriate that the Chairman and members of the Planning Committee reviewed that decision before the full expense of a public appeal was instituted?

The Speaker: Chief Minister to reply.

The Chief Minister: Yes, thank you, Mr Speaker.

I am quite happy to take on board the comments the Hon. Member has made. I think we need to be aware of

concerns that Members have. I would say that we welcome any experiences they may have had in relation to dealing with these issues.

Again, we have to be realistic. Whatever we do when we change the planning system, we cure one problem and create another. The difficulty comes back to the point that it is about individuals in most cases, and people sometimes do not like developments that are proposed, whether they be large or small, because of how they visualise it themselves. Therefore what is important is that we ensure they have the right, if necessary, to make representations about that.

But we should also make sure that the system itself is as effective as possible and hopefully as efficient as possible.

TRANSPORT

Project managers employed Fees to Burroughs Stewart Associates

1.3. The Hon. Member for Malew and Santon (Mr Cregeen) to ask the Minister for Transport:

(1) *How many project managers has your Department employed over the last five years; and*

(2) *what are the total fees paid to Burroughs Stewart Associates by your Department?*

The Speaker: Question 3, and I call on the Hon. Member for Malew and Santon, Mr Cregeen.

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

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

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

In answer to part (1) of the Hon. Member's Question, I can advise that the Department of Transport has employed three project managers in the last five years.

With regard to part (2) of the Question, over the past five years, the Department has paid Burroughs Stewart Associates, for project management work, the sum of £1,425,135.

The Speaker: Hon. Member for Malew and Santon, Mr Cregeen.

Mr Cregeen: Thank you, Mr Speaker.

In view of the fees paid, would the Minister not agree that it would be more financially prudent, possibly, to employ a project manager directly through Government, rather than going out to private firms?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

Obviously project managers are difficult – there are not a lot of qualified project managers in the area Government is working in. There is difficulty and Departments very often, once they have found a project manager that delivers value

for money in a certain area, continue under the Treasury guidelines with those project managers.

However, the Hon. Member raises a wider issue across Government. He is probably well aware of the restraints on Government personnel and the restrictions on Government personnel, so that would be restricting certainly our Department in working in the area he is looking at.

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

Mr Karran: Vainstyr Loayreyder, a supplementary.

Would the Shirveishagh – if he has not got the information – circulate the costs of the other two project managers' costs over the other five-year period?

Could the Shirveishagh tell this Hon. House: how many times did it go out to tender? Who advised the Department on the choice of the consultants?

Will he consider raising the issue, since it has been raised in this House, at the next Council of Ministers to investigate a breakdown of the different specialities, as far as consultants and project managers are concerned, allowing for the fact that when I asked this Question several years ago, something like 60 per cent of all architects' work was done by one practice for Government, 50 per cent for civil engineering and 40 per cent for all quantity surveying?

Can he raise this issue with the Council of Ministers and look into the issue that they want to be competitive and capitalist, but they do not tend to put these things out to tender to an open market?

The Speaker: Hon. Member, Mr Anderson.

The Minister: Thank you, Mr Speaker.

I can assure the Hon. Member that the Department of Transport, like other Government Departments, takes the advice and guidelines from the Treasury Capital Projects team and any appointments to the Department are cleared with the Capital Projects of Treasury.

In relation to the question the Hon. Member asks about the money received by the other project managers, I will endeavour to furnish the Hon. Members with that information.

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

Mrs Cannell: Thank you, Mr Speaker.

Whilst accepting that the Minister has just ducked the question that was put to him, would he please answer honestly and advise the House on when the last time this company had to go out to tender?

When was the last time that the Minister or the Department asked this company, or advertised for the services through open tender, (**Mr Cannan and another Member:** Hear, hear.) rather than just keeping them continually engaged, with the concurrence of Treasury?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I was not ducking the question at all. I do not have that information but I can get the information for the Hon. Member.

The Speaker: Hon. Member for Malew and Santon, Mr Cregeen.

Mr Cregeen: Thank you, Mr Speaker.

Given that we are talking of a potential saving of approximately £1.5 million, has the Minister placed a bid for a project manager? If not, will he?

The Speaker: Hon. Member, Mr Anderson.

The Minister: I do not concur with the Hon. Member about a potential £1.5 million saving. The cost that has been to the Department over five years is £1.4 million. There would be a cost to employing people with the relevant experience and that would be very expensive as well. There is quite a diverse number of projects carried out by the Department and it would be very difficult to find a project manager to manage all that variety of schemes, Mr Speaker.

The Speaker: Hon. Member, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree that the fact is that the Capital Projects team does not put stuff out to tender? Is it not a fact that the only part of Government that ever puts this sort of stuff out to tender was the Water Authority, when I was Chairman of it?

Would he not agree that the situation was that that was a new practice then, which should have been followed for the last 10 years, where the likes of these sorts of services should be going out to tender, like everything else, if we believe in capitalism and an equal floor for everybody in society?

The Speaker: Minister to reply.

The Minister: Mr Speaker, I am not aware of the Water Authority's system over the past number of years. Likewise, I am not aware of the Capital Projects' detailed responsibilities and the way it actually operates. However, they do give guidelines to Government Departments and I can assure the Hon. Members that the Department has followed those guidelines.

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

Mr Cannan: Mr Speaker, the Minister, in this series of answers, has faced many of them that he is not aware of this, that or the other. Will the Minister make himself aware of the questions that have been asked of him and will he circulate his answers within the next seven days?

Secondly, will he advise this House, what is the secret of success at Burroughs Stewart to be employed in perpetuity by the Department of Transport in their capital projects?

The Speaker: Minister to reply.

The Minister: Mr Speaker, in my time in Government, I have been involved in two or three different Departments. Each Department I have worked in has relationships with capital project managers: where they find successful capital project managers and they fit the guidelines set out by capital projects, they continue to use those, because they give good value for money.

The Hon. Member makes assertions about Burroughs Stewart. He has obviously an opinion on that. He is entitled to have that opinion. However, the Hon. Member also makes reference to my coming back within seven days. I will come back and give Hon. Members the information when I am in a position to do so.

The Speaker: Final supplementary, Hon. Member, Mr Cregeen.

Mr Cregeen: Thank you, Mr Speaker.

Will the Minister not agree that, when he quotes 'value for money', you should really put it out to tender to find out whether you are getting value for money –

Mr Cannan: Hear, hear. That seems to be a very good point there.

Mr Cregeen: – rather than just assuming that, previously, you had a good deal? Would he consider, as he did not answer previously, putting out a placement for a project manager post in his Department?

The Speaker: Hon. Member, Mr Anderson.

The Minister: The Hon. Member, I will refer him to my earlier answer, in that we would not find somebody with the relevant experience for the vast variety of projects that we are undertaking. It would not be a case of employing one project manager.

Burroughs Stewart, I understand – a Manx registered company – employ eight people, working for them on the Island. Four of them are Manx people, so they will have different skills to bring to the Department.

I would imagine that it would be very difficult to find a project manager that would (*Interjection by Mr Cannan*) have the requisite skills to cover all the projects that the Department is currently undertaking.

Mr Cregeen: You have not tried!

TOURISM AND LEISURE

TT races

Visitor numbers and bed spaces

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

(1) *What are the anticipated visitor numbers for this year's TT races; and*

(2) *what contingency arrangements are in place to ensure every visitor has a bed space?*

The Speaker: Question 4 and I call on the Hon. Member for Douglas East, Mrs Cannell.

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

The Speaker: I call on the Minister for Tourism and Leisure, the Hon. Member for Onchan, Mr Earnshaw.

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

With regard to visitor numbers, it is estimated from discussions with the air and sea carriers, that around 50,000 are expected for this year's Centenary TT.

Officers from the Department of Tourism and Leisure

have been proactive in identifying additional bed spaces, given the world-wide interest expressed for this year's TT celebrations and increased demand, as part of a comprehensive plan established in 2006. The Department has achieved its target of 20,000 additional bed spaces.

The Homestay scheme has increased the number of registered properties from 483 in TT week 2006 to nearly 1,000 currently, with an extra 60 inspections taking place per week at the moment. At current rates, this will provide an expected 1,200 properties and 4,500 bed spaces.

In terms of camp sites which have provided the greatest of availability for an increase in bed spaces, the Department has actively encouraged and worked with sports clubs and landowners to register as camp sites for this year and to provide for the necessary facilities such as toilets, showers and catering arrangements. New camp sites include: Great Meadow at Castletown; Ballakilly Farm at Port St Mary; Ballamoar in Ballaugh; Laxey Football Club; Peel Football Club; Ayre United Football Club; St George's Football Club; as well as a major facility at the Peel Bay Festival. Other camp sites have all substantially increased in size, such as Lower Ballacottier in Onchan, Douglas Rugby Club, St John's Football Club and Peel camp site.

In addition to all this, Mr Speaker, there are, of course, many who will be staying with friends and family. These numbers are difficult to predict, but it would be fair to say that this will only serve to complement the bed stock available.

Thank you, Mr Speaker.

The Speaker: Hon. Member, Mrs Cannell.

Mrs Cannell, Thank you, Mr Speaker.

Can I thank the Minister for at least showing that the officers have been working hard to try and establish contingency plans, bearing in mind they were asked a similar Question six months ago.

Am I to understand, therefore, Minister, that the reliance then is greatly placed upon camp sites? So, it is on camping out. If that is, in fact, the case with all this increased area for someone to be able to pitch a tent, what is going to happen in terms of the facilities that accompany these camp site, i.e. toilets, washing facilities, catering facilities? Has he been able to engage those sorts of facilities to complement the camp sites?

The Speaker: Hon. Member, Mr Earnshaw.

The Minister: Yes, thank you, Mr Speaker, and I thank the Hon. Member for her questions regarding this.

There is a shared reliance between the camp sites and the Homestay providers and people staying with friends. There is a strong emphasis on camp site facilities. The Department of Local Government and the Environment has legislation regarding the use of camp sites, which have had to register with the Department, and this legislation covers issues such as the number of toilets and showers to be provided, the codes of conduct for those camping on the camp sites, and each camp site will be, or has been, inspected by an independent assessor prior to TT week to ensure that all the facilities that are required are in place.

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

Mr Malarkey: Thank you, Mr Speaker.

Is the Minister in a position to confirm figures that were given to me the other day by his Department that there are still some 300 Homestay beds available at this present time? I know he had emphasised that they are still inspecting at the moment, but I think this is good news for those who are concerned about coming to the Island.

I have certainly had several friends who have rung and said that they are not coming because they do not believe there is availability now on the Island. I think this is something that your Department should be pushing and letting people overseas know.

The Speaker: Minister.

The Minister: Yes, thank you, Mr Speaker.

Once again, I must thank the Hon. Member. As the Hon. Member is aware, we will be having a presentation at lunchtime today, when there will be an opportunity to explore these, perhaps, a little more fully.

Regarding the Homestay situation, there are bed spaces available at the moment – not a huge number, but there are some. I think the reason behind this is that we have visitors seeking to stay for a short period of time and there are some providers of Homestay who are wanting to let their homes out for a longer period of time, not just for three or four days. I think that, for the moment, is why that situation has arisen.

Mr Cannan: Mr Speaker.

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

Mr Cannan: Will the Minister and his Department, in order to facilitate the extra number of people on the Island – the extra 50,000 – make arrangements for the temporary removal of the hoardings along the Villa Marina front so as to ease the traffic flow?

Several Members: Hear, hear.

Mrs Craine: It is already agreed.

Mr Cannan: Is he aware that, at the present, it is a serious bottleneck with only one lane and that if we have another 20,000 motorcycles and 8,000 four-wheeled vehicles on the Island, the bottleneck will be horrendous? (*Interjections*)

The Speaker: Hon. Minister to reply.

The Minister: Yes, I am well aware of that situation, Mr Speaker. It is an inconvenience to a lot of people, particularly my own constituents in Onchan, and arrangements have been made for those hoardings to be moved back. They will be moved back prior to the commencement of the TT. There will be two lanes of traffic which can flow along in front of the Villa Marina colonnade, as well as a footpath for pedestrians.

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

Mr Karran: Vainstyr Loayreyder, can the Shirveishagh tell us, if we are envisioning 50,000 visitors on the Island, how many does the Department reckon, of the assessment of bed spaces we have got for the Island?

Can he also inform this Hon. House: what is the normal

bed space availability in the tourist industry, in order that we do not end up with a lot of trouble over the TT fortnight, especially if there is bad weather?

Would the Shirveishagh not agree that it would have been an opportunity if he had taken up the questions earlier that we were asking about using some of the schools, especially if the weather goes bad in the TT period, for these individuals to have somewhere warm and dry in order to be accommodated?

The Speaker: Hon. Member, Mr Earnshaw.

The Minister: Yes, thank you, Mr Speaker. I will answer that question as best I can.

Under normal circumstances, there are around about... well, a little over 6,000 bed spaces on the Isle of Man for visitors. To that, I have outlined the number for Homestay, which will be added to that caseload this year, plus, of course, those considerable numbers who will be staying with family and friends around the Island, plus the camp site facilities which will be accommodating very large numbers for 2007.

Regarding the schools, contingency plans have been drawn up in case an emergency arises due to weather conditions – something we hope will not happen, but if that situation arises, there are provisions to use other facilities around the Isle of Man.

LOCAL GOVERNMENT AND THE ENVIRONMENT

Upper Pulrose housing refurbishment Update

1.5. The Hon. Member for Douglas South (Mr Malarkey) to ask the Minister for Local Government and the Environment:

(1) *What stage is your Department, in conjunction with Douglas Corporation, at regarding the refurbishment of the Upper Pulrose houses;*

(2) *according to your Department, what is the estimated timescale before the start of the works;*

(3) *according to your Department, what is the estimated timescale to completion of the refurbishments?*

The Speaker: Question 5 and I call the Hon. Member for Douglas South, Mr Malarkey.

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

The Speaker: Minister for Local Government and the Environment, the Hon. Member for Douglas West, Mr Shimmin.

The Minister for Local Government and the Environment (Mr Shimmin): Thank you, Mr Speaker.

Last month, a business case was presented to Treasury which contained proposals for the refurbishment of homes on the inner and outer rings of Upper Pulrose estate. Subsequent to that meeting, it was agreed that Douglas Corporation's

proposals for the inner ring should be progressed to stage 3 of the capital procedures as quickly as possible, but with the condition that further option appraisals must be carried out to see if demolition and new build would be better value for money than refurbishment.

The Corporation has publicly stated that it does not wish to lose any properties because of demolition and they are clearly under pressure to move the proposals forward as a matter of urgency. They have also held a public meeting to show their refurbishment proposals, which I understand were generally acceptable to the tenants and local politicians. A closer study of the estimated costs, however, raised a large question as to whether their refurbishment proposals, as presented at the exhibition, are value for money, when compared with new-build possibilities.

Whilst the existing properties are in a reasonable structural condition, they are, nevertheless, 70 years old and refurbishment will inevitably be a compromise. The estimated cost for refurbishing the 50 older properties in the inner ring is £6 million. This equates to £120,000 per unit and does not appear to be value for money when compared with demolition and new-build costs on two other public sector estates at the Lezayre and Janet's Corner areas. If the abnormal elements relating to the Lezayre estate are stripped out, then the rebuild costs on both of these estates is around £130,000 per house.

Mr Speaker, 26 of the tenants in the inner ring have now been moved permanently to Lower Pulrose and I am sure the remaining 24 tenants would welcome the opportunity to move permanently into a brand new home, within a timescale little different to that required to come for the refurbishments.

Redevelopment of the inner ring would also give the Corporation an opportunity to reconsider their housing mix requirements and address some of the estate's specific problems relating to steep gradients. My Department does not wish to delay the commencement of work on the estate and, as I have already said, approval has now been given to progress with either modernisation or redevelopment work.

The Corporation must, however, demonstrate value for money and my belief is that demolition and new build will ultimately be the way forward, rather than expensive refurbishment (**Several Members:** Hear, hear.)

The Corporation is also keen to ensure that further upgrading is carried out to the 100 houses in the outer ring which were modernised between 1987 and 2004. Their latest proposals have been approved in principle, but with the caveat that funding will not be allocated at a level that may compromise the medium to longer-term development of the estate. I can confirm that insulation work is nearing completion and I hope that central heating upgrades will be completed before next winter.

With regard to the timescales, I am sure you will appreciate that progress is in the hands of the Corporation but working together with my Department. I am aware that they are treating Upper Pulrose as a priority and the sketch option, appraisals and estimates are already being produced for further discussion with themselves and the Department later this week, followed, hopefully, by consultation with tenants. If all goes well, I would anticipate that the work in the inner ring will commence in the summer of 2008, to be completed in 2011.

Thank you, Mr Speaker.

The Speaker: Hon. Member, Mr Malarkey.

Mr Malarkey: Mr Speaker, can I first thank the Minister very much for his reply. It actually gives me great joy to hear that they are actually considering pulling these houses down in inner circle. As part of my election campaign, it was an issue that was very, very hot in the area. I think my colleague, Mr Cretney, will agree with me that we have to progress with this upper Douglas site as a matter of some urgency, because this has now been going on for some five years and they are looking at, maybe, a completion date of 2011. This is a long time span.

But I thank the Minister for his Answer. I thank the Department for –

The Speaker: Hon. Member, would you put your supplementary question? This is not a debate, not an opportunity to make a statement.

Mr Malarkey: Could the Minister inform me when the next meeting with his Department and the Douglas Corporation in regard to this area is likely to take place, please?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

I would put on record that the member of the Corporation most closely involved in this was Mr David Christian; he and myself have met on a number of occasions. He, along with my colleague for South Douglas, Mr Cretney, have been pushing this argument for five years and much longer than that, as well. So, it is a united front that the new Member for South Douglas, the older Member for South Douglas, the Corporation and my Department are all committed to try and improve the quality of life for the people in this area.

So, I am grateful for the unanimous support. There are no real thanks due to myself, as I am not directly leading this. However, Mr Watterson, the Member for Housing, is meeting with Douglas Corporation on Friday of this week. I do hope to attend that meeting, but certainly, my conversations with Mr Christian last week and this do indicate that everyone is pulling towards an urgent and quick resolution to the situation. That will be consulted on with the residents in the area.

**Standing Order 3.5.1(2) suspended
to allow continuation of Question Time**

The Speaker: We have now reached the end of our allotted time, but I call on the Hon. Member for Onchan, Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.
I beg to move:

That Standing Order 3.5.1(2) be suspended to permit the remaining Questions for Oral Answer to be taken at this sitting.

Mr Crookall: I beg to second, Mr Speaker.

The Speaker: Thank you, sir. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

TRADE AND INDUSTRY

Craftsmen and sub-contractors Department's list

1.6. The Hon. Member for Onchan (Mr Quirk) to ask the Minister for Trade and Industry:

- (1) How many craftsmen are listed on your Department's list;
 (2) what are their trades and number;
 (3) how many sub-contractors are there on your Department's list; and
 (4) what are their trades and number?

The Speaker: Question 6. Hon. Member for Onchan, Mr Quirk.

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

The Speaker: The Minister for Trade and Industry, the Hon. Member for Douglas South, Mr Cretney, has, in accordance with Standing Orders, circulated the Answer in advance and Members have a copy.

Can I ask if there are any supplementary questions? Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

Just for clarification on that; I presume that the whole item will be then –

The Speaker: In the *Hansard* record, sir. That is correct.

Written Answer: Mr Speaker, I assume that the list the Hon. Member refers to in parts (1) and (2) of the Question is the Register of Qualified Craftsmen maintained by my Department, as required by the Scheme for the Certification of Craftsmen 1990.

The Register includes craftsmen engaged in the trades to which the Scheme refers, which currently number 13 trades. There were a total of 1,464 craftsmen included on the Register on the 24th April 2007.

The 13 trades, and the number of craftsmen registered in each one on that date, were as follows in Table 1.6.A:

Table 1.6.A

Trade	Numbers registered
Joiners	409
Electricians	313
Mason/bricklayers	228
Painter and decorators	169
Plumber and heating engineers	133
Plasterers	54
Scaffolders	42
Plumbers	37
Slater/tilers	23
Glaziers	21
Wall and floor tilers	17
Gas fitters	15
Roof felters	3

Parts (3) and (4) of the Hon. Member's Question refer to sub-contractors on the Department's list. I assume this is a reference to the contractors included on Government's list of approved contractors which is administered by my Department.

On 24th April 2007, there were 445 contractors included on that list in 30 separate categories. Please bear in mind that some contractors are included in more than one category.

The breakdown of number of contractors in each category is as follows in Table 1.6.B:

Table 1.6.B

Category	Number of Contractors
Woodwork	50
Excavation & Earthworks	46
Plant & Vehicle Hire	43
Electrical Installations	37
General Building	32
Plumbing & Mechanical Engineering	29
Brickwork & Blockwork	27
Concrete Work	26
Floor, Wall & Ceiling Finishings	22
Painting & Decorating	22
Drainage	21
Building Maintenance	21
Glazing	14
Paved Surfaces	14
Fencing	13
Metal Work	12
Plastering	12
Civil Engineering	11
Masonry Work	8
Roofing	8
Scaffolding	8
Structural Steel	6
Demolition	5
Site Access	5
Asbestos Management	3
Personnel & Goods Movement Installation	2
Contract Management	1
Piling & Diaphragm Piling	1
Asphalt Work	1

In addition, there is a category for off-Island contractors who have approval to operate on specific designated sites only. There were 47 such contractors listed on 24th April.

Mr Quirk: Thank you for that, Mr Speaker.

Could I also ask the Minister for the Department, how does his Department monitor the list of approved contractors?

The Speaker: Hon. Member for Douglas South.

The Minister for Trade and Industry (Mr Cretney): Well, there are officers in place and that is part of their function.

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

Mr Quirk: Thank you, Mr Speaker.

Could I just ask the Minister – I appreciate the long answer last time, but not the short answer this time – quality control is normally a household name now for businesses,

as well as corporate companies and governments, local governments and whatever. How does his Department or how does he, as the Minister, have that assurance that that quality control comes from his Department?

The Speaker: Mr Cretney.

The Minister: I would say in that regard, Mr Speaker, that the quality control in regard to the building industry is something which – and I have met twice now with the employers that represent the vast majority of those that are involved on the employer side of the construction industry – we share, in terms of seeking to have further improvements in that regard.

There is a quality assurance scheme in the United Kingdom and we are currently monitoring that with a view to doing whatever we can, in conjunction with the Office of Fair Trading and others, to ensure the consumers on the Isle of Man have the best possible rights in that regard.

The Speaker: Hon. Member, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh consider introducing, as part of the measures, as far as craftsmen's registration ability, a percentage of employment of apprentices for all Government work, for Government contracts, as the size of the costs involved...?

Also for sub-contractors, as part of the policies of his Department, we could extend this registration period, so that if they took up Government work, they have to look at the issue of employment of apprentices, as well?

The Speaker: The Minister to reply.

The Minister: I would say, if we are talking about the requirement of employers to employ apprentices, in order to be on the list to do Government work, that would be something which was strictly outside of my remit on my own. I believe other Departments and in particular, I believe, the Treasury would have the right to have input into such a policy.

What we do, in terms of the employment of apprentices, is that the industry skills, industry trade groups, meet and advise the Department on how many apprentices are considered appropriate for the building industry on an ongoing basis. It is something which I feel strongly about, in terms of trying to encourage more people to consider the construction industry as a career option, (**A Member:** Hear, hear.) because I do believe the finance industry or any other industry is not for everybody.

Worthwhile careers with good salaries can now be achieved in the construction industry and what we are trying to do, I believe, is to try and smooth out the highs and lows which have traditionally been the case in the construction industry, whereby there have been periods of boom and bust. I think a much more stable industry is an objective we would all like to see.

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

Mr Quirk: Thank you, Mr Speaker.

Can I ask the Minister, how does his Department deal with complaints regarding the approved contractors list? How does his Department deal with complaints, or has the

Department received any complaints from the general public, or also from Government Departments, about the approved contractors list?

The Speaker: Minister to reply.

The Minister: Yes, we do receive complaints and, generally, the complaints are made by contractors who might not have been successful in terms of a particular job. They contact me, generally. I am sure they contact officers as well, but I have had my fair share of contacts in this regard on a number of areas.

What I do is I simply pass that on to the officers. I ask them to investigate whether there was any substance in such complaints. That may result in a visit to the particular site; it has done on a number of instances which are brought to their attention.

Unfortunately, the ones of late have been proved to have been without foundation, but that is something again, which we take seriously and any complaints are properly investigated.

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

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree that with this approved contractors list which you require to be part of for the registration, to be eligible to go onto Government work or Government grant scheme, would he investigate the extending of the scheme in order that, as part of that registration of the approved contractors list, the percentage of apprentices to the size of the public contractor concerned should become part of that registration process?

Would he not agree that... obviously, I do not expect it overnight; this is something that we have been on about for the last 10 years. He is a new Minister. Will he discuss it with the Council of Ministers to see whether we can go forward to cut out the peaks and troughs, as far as employment opportunities for our youth to be trained as tradesmen in this Island?

The Speaker: Hon. Member, Mr Cretney.

The Minister: Yes, there was a review of the construction industry which reported in, I am told it was last year, which was undertaken independently. I believe that a further review of certain aspects of the construction industry again has been discussed between myself and the Employers' Federation latterly, and it may well be that the points that the Hon. Member has raised are ones which will be considered by this further review.

I am, as I said, keen that the construction industry does... it is more important than ever that the local construction industry is successful and we need to do whatever we can to ensure that. As I said earlier, peaks and troughs are eliminated wherever possible. It is a stable industry and, yes, I will certainly consider the points the Hon. Member has made.

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

Mrs Cannell: Thank you, Mr Speaker.

Can the Hon. Minister advise on what the process is now within the Department of Trade and Industry, in terms of regular meetings with the Employers' Federation. Does

this still occur? Whereas, previously, a political Member so delegated would meet regularly every month with the Employers' Federation, together with officers of the Department, to discuss such issues as have been raised on the floor of the House today, are those meetings still taking place? If so, are they chaired by a political Member or are they chaired by the Minister himself?

The Speaker: Hon. Minister, Mr Cretney.

The Minister: Thank you, Mr Speaker.

Given the importance of the construction industry, which I have already indicated this morning in this Hon. House, I determined that I would take responsibility for the construction industry. We do have on-going meetings regularly with the Employers' Federation, as the recognised body for the construction industry, and I attend those meetings.

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

Mr Quirk: Thank you again, Mr Speaker.

Could I just ask the Minister, the word 'approved' gives certain assurances – does he concur with that? When it is an approved list, it gives some sort of surety, guarantee, quality to the people who are chosen to do construction works for not only Government, local authorities, but the general public itself. How is that quality then assessed?

The Speaker: Hon. Member, Mr Cretney.

The Minister: Thank you, Mr Speaker.

I think I have already answered this. I think there is an area where quality assurance for consumers can be improved upon and that is an area that we are currently working on.

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

Mr Malarkey: Thank you, Mr Speaker.

Could the Minister tell us what power his Department has, if any, to either prosecute or strike off any of these listed builders or quality workers on his list, should poor workmanship be found, should they be prosecuted for poor workmanship, etc? Does his Department have any powers over this?

The Speaker: Hon. Member, Mr Cretney.

The Minister: I am sure there are powers, but that is not part of this Question and, as such, I do not have that briefing, Mr Speaker.

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

Mrs Cannell: Thank you, Mr Speaker.

May I ask the Minister, with regard to the regular meetings with the Employers' Federation, can he advise the House, does he meet with them every month, as was the case when I used to chair these particular meetings? Are minutes taken and are those minutes coming forward at the monthly Department of Trade and Industry meetings?

The Speaker: Minister.

The Minister: No, the meeting does not take place every month. I did not know that they used to take place every month, and I am very grateful for the Hon. Member informing me of that.

No, they take place, I think, every two months. Yes, I think minutes are taken.

The Speaker: Final supplementary, I think, Mr Quirk.

Mr Quirk: Thank you, Mr Speaker. You took the words right out of my mouth.

Can I ask the Minister, in the construction industry there are three components in the DTI. The DTI is responsible for the list. There is also the employer, but there are also the employees. Can I ask the Minister, can he give me an assurance that when consultation takes place, the workers' representatives are also included in any consultation that takes place and any correspondence?

The Employers' Federation seems to be given... I would not say the 'golden glove', but the other side of the industry, which is the workers' side, does not seem to be getting anything at all.

The Speaker: The Hon. Minister to reply.

The Minister: I think the Hon. Member said that the workers' side of the industry do not seem to be getting –

Mr Quirk: The employees then.

The Minister: Well, unfortunately, the building industry is constructed in such a way, as the Hon. Member will know, lots of the people are not employees in the traditional sense of the word anymore, anyway, and that has been the case for some time. I am sure the Hon. Member is aware of that.

I can say, Mr Speaker, that I do intend to have further consultation, as I again indicated in the earlier supplementary. It is clearly my intention that the Trades Council who represent organised labour on the Isle of Man will be involved in such consultation. I think it is remiss when they are not, and I am aware that that has been the case in the past.

The Speaker: Final, final supplementary, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

Can I ask the Minister to give us an assurance that, in fact, minutes are taken at these meetings that he chairs and that he does see the minutes, approve them and, in fact, sign them, rather than just express to the House this morning that he thinks minutes are taken?

Finally, is he also fully aware that there is a requirement now for all meetings that take place within Government, at every level, to have minutes taken and not merely notes – that it is a requirement?

The Speaker: Minister to reply.

The Minister: The meetings take place at the offices of the Employers' Federation. I do not believe that minutes are taken. I believe that notes are taken, but these are not meetings of a Government Department. These are meetings between a Government Department, in the form of the Minister, and representatives of the employers of a particular industry.

I do not believe that I am doing anything wrong in that regard. In fact, quite the reverse, I think it is useful that we do have such ongoing liaison.

Apprentices/trainees Government policy

1.7. The Hon. Member for Peel (Mr Crookall) to ask the Department of Trade and Industry:

- (1) *What is the Government's policy for employing apprentices/trainees; and*
(2) *is there a policy for retaining them after training is completed?*

The Speaker: Question 7, Hon. Member for Peel, Mr Crookall.

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

The Speaker: I call on the Minister for the Department of Trade and Industry, the Hon. Member, Mr Cretney.

The Minister for Trade and Industry (Mr Cretney): Yes, thank you, Mr Speaker.

As the Department with lead responsibility for vocational training, the DTI takes a central role in promoting apprenticeships and other formal training agreements. In conjunction with business and industry bodies, the Isle of Man College, and the recently established sector skills groups, my Department co-ordinates information on the future likely demand for skills and the recruitment of trainees, particularly in industrial sectors such as construction and engineering. My Department also takes the lead role in the recruitment of apprenticeship applicants through liaison with the secondary schools and the College and supervises the assessment of all applicants.

Two designated officers of the Department maintain a close liaison with local employers, not only to seek potential training opportunities, but also to supervise those trainees already under a formal training agreement and in employment. Trainees under a formal agreement across all sectors currently number 387. The involvement of Government Departments and Boards in the training of apprentices and other trainees is well established and currently there are 39 such trainees in employment and under formal agreements.

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

Mr Quirk: Thank you, Mr Speaker.

The Speaker: Mr Quirk, I beg your pardon – you have the floor, sir. My mistake.

Mr Earnshaw: Just mistaken identity there.

Mr Quirk: Thank you, Mr Speaker.

With reference to the number of employees and trainees that are coming forward, can I ask the Minister: what were the numbers that made applications for the next current year – for this current year coming in? How many of those applicants were rejected and what are those rejected people,

who tried to get a skill base, intending to do?

The Speaker: Hon. Member to reply, Mr Cretney.

The Minister: Yes, Mr Speaker, as I said earlier, this is a subject which is close to my heart. This is an area I did raise with the previous Department of Trade and Industry, that it did appear that the number of apprentices, or those who wished to follow an apprenticeship, were not successful in being able to do so. Unfortunately, there are a lot more people who wish to follow apprenticeships than are able to be handled. I do not have the actual figures with me this morning, but I am aware that it is a significant number of additional people who would like to follow apprenticeships, but cannot be afforded that opportunity.

We are also fortunate that the quality of those who wish to follow such apprenticeships is higher than has been the case traditionally. Obviously, I think that bodes well for the future of the construction industry and engineering, both of which provide good job opportunities for people who follow such careers.

The Speaker: Hon. Member, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree that it was an excellent initiative to get apprenticeships out of a man head count?

Would he consider maybe ring-fencing an amount of finance by the Department or the Treasury, in order that that money can be accessed by Government Departments to encourage them to take on apprentices? Would he look into that issue?

Would he also look into the issue of developing opportunities for older people who would like to take up apprenticeships, such as has been done with the Department of Health and Social Security in recent years, to broaden that concept to other Departments?

Also, the opportunity of where we could, maybe, work together for this corporate governance, where there could be some of these places open but the Probation Service could use... apprenticeships could be used as part of their remedial training from their crimes, in order to try and get them into a constructive system, so that this whole role could be done more fruitfully for society?

The Speaker: Hon. Member, I have noticed a tendency for supplementary questions to get increasingly lengthy. (**Several Members:** Hear, hear.) Standing Orders require them to be concise and to the point and the most effective supplementaries, in my opinion, are just that. Hon. Minister to reply.

Mr Karran: There were four questions there.

The Speaker: Minister, I assume that was a question.

The Minister: It is all very well to grin, that there are four questions there, Mr Speaker.

What I would say is that, in terms of Government Departments, the advice I have at the moment is that the Department of Transport has 15 trainees currently under agreement with the Department; the Department of Health and Social Security, five; the Department of Tourism and Leisure, two; Manx Electricity Authority, 11; Department of Education, five; and Manx National Heritage, one.

In relation to ring-fencing funds for this purpose – ring-

fencing Treasury funds – that is a matter, first and foremost, for the Treasury. I have indicated already this morning, Mr Speaker, that I do believe that whatever we can do in terms of apprenticeships into the future is a good thing. It is useful for the people involved, in that we will continue to need the skills which people are training for. But the balance is, I think, that if you have too many people involved in apprenticeships, that could cause difficulties into the future.

I think it is a question about getting the balance right about how many people are taken through, in terms of formal apprenticeships and traineeships, etc.

But I can assure the Hon. House and the Hon. Member that the Department, under my leadership, will continue to ensure that this is an issue which is taken forward with seriousness, because I do believe it is good, not only for the young people involved, but also for the Island and for the economy in general.

A Member: Hear, hear.

The Speaker: Hon. Member, Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

Could I just ask the Minister, with reference to grant aid assistance to employers to take on apprentices, is he not dismayed about the Department's attitude towards funding of young apprentices in the Island, when some employers are only small?

The Speaker: Minister to reply.

The Minister: Yes, the former Department, before I became Minister, made a decision that the wages subsidy which has traditionally been paid to the construction industry apprentices would be phased out over four years. (**Mr Quirk:** Shame.) The Hon. Member says, 'shame'. This is something which was consulted upon by the former Department and has been further consulted upon.

My view is that I accept the point that the Hon. Member makes in relation to smaller employers in particular and, on that basis, I have recently authorised my officers to go out with a further round of consultation on that point. I do believe that the larger employers are well able to manage with this situation in terms of the wages subsidy. It is also a bit unfair to other sectors of the economy that one area, i.e. the construction industry, should have a wages subsidy and yet other areas, where people are training or have formal apprenticeships, have not been able to benefit from such subsidies in the past.

But I have, as I say, recently authorised a further consultation with – the Hon. Member will be pleased to hear – representatives of organised labour, as well as the Employers' Federation, as well as the Chamber of Commerce and any other interested parties. In particular, I would welcome the views and input from Hon. Members into that process.

The Speaker: Hon. Member for Peel, Mr Crookall.

Mr Crookall: Thank you, Mr Speaker.

Can I ask the Minister: will your Department undertake to survey all the Government Departments to find out whether they struggle to employ staff? I do know, certainly the Departments that I work with, in the offices and on the technical side of things, they certainly struggle, whether they are advertising here or across to replace staff. I know, for months, that we have been missing technical staff. It would

have helped get jobs up.

If I could have that undertaken for me, please?

The Speaker: Minister to reply.

The Minister: Yes, if the Hon. Member is saying that there are certain skill shortages on the Island which we are not currently meeting, then I would certainly welcome... That is something which has not been drawn to my attention previously. It is something which we will certainly consult with Government Departments upon because, at the end of the day, I want our workforce to be up as skilled as possible, to manage the challenges ahead and to have the best opportunities for people from the Isle of Man.

If that is not currently the case in any particular areas, then I would welcome feedback, so that we can restructure the training which is taking place to have more emphasis in that regard.

The Speaker: Hon. Member, Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

Final one from me. Could I ask the Minister: would he consider operating a small levy scheme on the Island for those larger employers who would then assist the smaller employers to take on apprentices? Would he consider that and have consultation on it?

The Speaker: Now, I will allow the supplementary, but really there will be plenty of opportunity for debate on this subject here or in another place, I am sure. Minister to reply.

The Minister: Yes, as I said earlier, Mr Speaker, it is my decision that we should have a further round of consultation on this issue, which will involve anybody who wishes to have input back into it. If the Hon. Member wishes to put back in what he has just said in this hon. place, then obviously that is something which will be considered in due course.

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree, by his figures, that is roughly 40 opportunities, as far as apprenticeships are concerned?

Allowing for the fact that something like 25 per cent of all the workforce in the Island works for Government, does he not think that maybe we do need to look at some new initiatives to create more opportunities? Will he raise this issue with the Council of Ministers and the issue of, maybe, ring-fencing the money for apprenticeships by Government, which are supernumerary to Government Departments, in order to encourage them to take them on, just like the issue that they are not enforceable, as far as the man head count is concerned?

The Speaker: Mr Cretney.

The Minister: Yes, the actual figure is 39. I did read that out as part of the Question and, yes, if you take 39 against 387, it is approximately 10 per cent. If you were then to equate that to the figure the Hon. Member has said... but I think if the Hon. Member is saying that 25 per cent –

Mr Karran: Of the total population.

The Minister: – of the total population are employed by Government, then that is across a wide range of areas. It is not just about manual work, is it? It is a much wider question.

But I take on board the point the Hon. Member makes and I think, in the past, Government has been lacklustre, (**Mr Karran:** Hear, hear.) in terms of wanting to have people involved in providing apprenticeship opportunities. I do believe that it is something which is worthwhile.

As I said previously several times, not only for the young people involved, but also for the Island into the future, because these are good skills, good job opportunities, well paid, and as long as we can have the industry as stable as possible, then I think there is a good future for it.

A Member: Hear, hear.

The Speaker: Final supplementary, Hon. Member for Peel, Mr Crookall.

Mr Crookall: Thank you, Mr Speaker.

Would the Minister agree with me that home grown and/or home trained is probably much more preferential and probably cheaper than importing labour?

Several Members: Hear, hear.

The Speaker: Minister.

The Minister: I think, to that question, I would say that we need to maximise the opportunities for people on the Isle of Man. There are other areas we need to look, such as those who are currently out of work, for example, whether we can enable any of those to get back into useful employment. I think it is not only good for the Isle of Man, but it would be good for their self-worth, as well.

As a general principle, we need to make best use and provide best opportunities for those people on the Isle of Man in all areas.

The Speaker: Now, Hon. Members, that brings us to the end of Questions for Oral Answer and to Item 2, Questions for Written Answer. There are two Questions and the Answers are now going to be circulated.

Questions for Written Answer

TRANSPORT

Runway extension project, Ronaldsway TORA figures; planning consent

2.1. The Hon. Member for Onchan (Mr Karran) to ask the Minister for Transport:

(1) Further to your reply to Question 5 in Tynwald Court on 17th April in relation to the runway extension project at Ronaldsway Airport, would you agree that it was 'a serious material misrepresentation' when the applicant stated that the main runway currently has a maximum Take-off Run Available (TORA) of 1,736 metres whereas the actual TORA, as declared to the Aeronautical Information Service, is 1,896 metres;

(2) would you also agree that the stated figure of 1,736 metres was relied upon by the Planning Officer in her report to the Planning Committee, who based their decision on that length, having been convinced by the applicant's arguments of the detrimental effect on some of the aircraft currently using the airport if the runway was not made longer;

(3) therefore, would you agree that planning consent has been obtained under false pretences;

(4) in the circumstances, has your Department sought legal advice from the Attorney General's Chambers with regard to the validity of the planning consent so obtained and report back to Hon. Members as a matter of urgency;

(5) if not, would you now seek such legal advice and report back to Hon. Members as a matter of urgency;

(6) as material figures and arguments stated by the applicant to obtain planning consent have now been shown to be inaccurate and/or misleading, would you agree that your Department has been misled by the applicant, deliberately or otherwise; and

(7) what action has your Department taken or what action will your Department take to remedy the situation, bearing in mind that the planning appeal is due to commence tomorrow?

Answer: For the point of accuracy, Question 5 in Tynwald Court on 17th April was a Question intended for, and answered by, the Minister for Local Government and the Environment,

In general, with regard to the seven points:

(1) The Take-Off Run Available (TORA) for runway 26, the main runway at Ronaldsway, is 1736m. The Department has consistently used this figure in all relevant capital project paperwork. Therefore, the Department has not made any material misrepresentation.

(2) The Hon. Member is correct in that, with regard to stated figure of 1736m, this was relied upon by the Planning Officer in her report to the Planning Committee. It is the correct figure for the TORA of the main runway.

In answer to points (3), (4), (5), (6) and (7), the correct figure of 1736m has been used consistently throughout this project. Therefore, the Department has no need to seek legal advice from the Attorney General's Chambers and has no need to report back to Hon. Members. The only figures introduced into this Court that can be shown to be misleading or inaccurate, deliberately or otherwise, are the ones introduced, and unexplained, by the Hon. Member himself.

The planning appeal starts tomorrow, 2nd May, and the planning procedure sets out a process for exchange of evidence and presentation of material to the Inspector, who in turn will report his findings to the appropriate Minister. It is inappropriate and unnecessary to continue arguing planning matters before Hon. Members when an appeal remains extant.

'Airport Runway project' leaflet Purpose, cost and misleading statements

2.2. The Hon. Member for Onchan (Mr Karran) to ask the Minister for Transport:

(1) What was the total cost, including compiling, printing

and distribution, of the information leaflet titled 'Airport Runway project' distributed with the *Isle of Man Courier* on 5th April;

(2) what was the purpose of the leaflet and its distribution;

(3) would you agree with me that the publication and distribution of the leaflet was a propaganda exercise to influence public opinion and/or Hon. Members in advance of decisions being taken with regard to the project;

(4) how is the publication of the document compatible with your previous unwillingness to answer questions in this Hon. House and in Tynwald Court on the basis of the forthcoming planning appeal and/or it would not be in the public interest to do so;

(5) do you consider that it is only in the public interest to distribute propaganda from your own Department at the taxpayers' expense, or would you allocate the same resources to publish the contra-arguments to the current proposals so that there is balanced information available to the public;

(6) if the purpose of the leaflet was to inform the public of the true facts, would the Minister explain why it contains so much inaccurate and/or misleading information;

(7) for example, whilst the leaflet states that the new recommended RESA dimensions 'will ultimately become mandatory', would you agree that this is only an opinion, not a statement of fact;

(8) would you also agree that the applicable Civil Aviation Authority document CAP 168 includes alternative strategies for achieving an equivalent safety result to the recommended increased RESAs, such as installing arrester beds;

(9) whilst the leaflet makes impressive reading with regard to the Environmental Impact Assessment (EIA), would you agree with the comments from DAFF, in their letter of 22nd November 2006 where they state, 'The quality and completeness of the Environmental Impact Assessment were not of the standard that DAFF had expected having been given assurance that the methodology would follow the guidelines produced by the Institute of Ecology and Environmental Management';

(10) would you also agree that it is untrue to say that, 'any decision to opt for the status quo or a shorter runway rather than increase the operational capability, as included in the proposals, will automatically mean that no generic jet aircraft could ever fly from the Isle of Man';

(11) in fact, would you accept the manufacturer's data, that I quoted in this Hon. House on 3rd April, showing that the generic jet aircraft referred to, Embraer 195, as well as the Embraer 145, could cover any of the current scheduled routes from the Island using the current runway length or even a runway significantly shorter;

(12) with regard to the statement that 'not all of the existing scheduled users of the Airport would be able to continue operating their fleets with a shorter runway', would you advise which aircraft are being referred to, as I am not aware of any that this claim would apply to; and

(13) in the circumstances, would you issue corrections to the inaccurate and/or misleading statements contained in the leaflet, and indeed to the documents circulated to Hon. Members in the wake of the presentation on 6th February, which contains similar errors?

Answer: (1) The costs of compiling, printing and distributing the information leaflet are:

	£
Compilation and design:	640.00
Print of 40,000 A4 leaflets:	2,013.00
Distribution via <i>IOM Courier</i> :	1,424.50
(all prices plus VAT).	

The total cost for the newsletter was £4,077.50

(2) The leaflet is part of the Department's proactive communications programme and it presented an opportunity to demonstrate openness, responsibility and accountability, which the Department considers to be good practice on major schemes of this size and which will be repeated as this scheme progresses.

At the end of the briefing to Tynwald in February, mention was made that the Department would be issuing a newsletter to all households regarding the project. Unfortunately, due to other priorities, the compilation and production of the leaflet was delayed and it was distributed about six weeks later than originally envisaged.

(3) No. The purpose of the leaflet was to explain in general terms what the project entails.

(4) The details given in the leaflet are in line with the answers given in this Hon. House and in Tynwald Court.

In answer to points (5) and (6), the House has yet to hear any balanced information regarding contra arguments from the Hon Member. The leaflet provides a good, general and straightforward overview, in layman's terms, of the project to members of the public.

(7) Recommendations within Aviation Safety and Security Legislation documentation and procedures are normally the precursor to mandatory requirements. The statement that the new recommended RESA dimensions 'will ultimately become mandatory' is based on previous experience and the opinion of aviation professionals, as evidenced by the fact that regional airports all around the UK are undertaking feasibility studies or have already decided on plans of action in order to extend their runways in order to incorporate the new RESAs. Further, it is customary in the UK to implement International Civil Aviation Organisation recommended practices. Therefore, the CAA expects aerodrome licences to meet the RESA recommended practices.

(8) The Civil Aviation Authority document CAP168 gives guidance to applicants and licensees on licensing requirements. It includes International Standards and Recommended Practices and the document also describes the CAA's aerodrome licensing requirements relating to operational management and the planning of aerodrome development. To take out one element, without taking into account the whole of the associated relevant paragraphs, could be misleading. The Department disagrees that the document contains alternative strategies for achieving an equivalent safety result. The relevant sentence in the CAP 168, Chapter 3 Section 5, says,

'Mitigation measures that may be acceptable... include: installing suitably positioned and designed arrester beds, to supplement the RESA where appropriate; minimum requirement, taking account of other risks that they may introduce.'

The CAP 168 goes on to say that soft ground arrester beds are not intended to replace RESA.

(9) In accordance with Standing Orders, this Question is contrary to the public interest, is *sub judice* and may prejudice the Planning Appeal starting tomorrow.

(10) One of the key drivers of scheme is to safeguarding the current aircraft types able to use the present runway and to support forecast natural growth. There are already payload restrictions on some aircraft types using Ronaldsway.

New types of aircraft being brought in to replace existing aircraft may not be able to use the runway on a commercially viable basis or on an operational basis – and therefore would not come to the Island.

(11) and (12) Aircraft manufacturer's data and operating data for aircraft for carrying passengers, baggage, fuel and freight, for public transport purposes, are two different sets of criteria.

Aircraft carrying only crew, and no passengers, baggage or freight can land and take-off on shorter runways than if they were operating for public transport purposes.

Using the examples in the Question, the generic jet aircraft from the Embraer family, the E145 and the E195 would not be continued as part of an airline operating fleet of commercial passenger carrying aircraft, into the Isle of Man, as a shorter runway would affect commercial and operational viability.

Other examples, whereby a much shorter runway would prohibit use, includes the ATP mail-carrying aircraft that flies in daily to the Island; the European charter flights and executive jets.

In trying to attract airlines to operate to/from Ronaldsway, a shorter runway – generating a significant reduction in the Declared Distances from those currently being declared – will influence the viability of operation into and out of the Airport. Taking steps to reduce the operational capability of this key gateway to the Island would lead to higher airfares, niche market airlines and short haul only flights.

(13) Having issued the Airport Runway Project information leaflet in April, the Department will not issue further information to the public on this scheme until there is further news and progress to report. However, the Department does intend to send out regular leaflets throughout the project.

Orders of the Day

BILLS FOR FIRST READING

Constitution (Amendment) Bill Prisoner Escorts Bill

The Speaker: I turn now to Item 3, Bills for First Reading, and call on the Secretary of the House.

The Secretary: Mr Speaker, the Bills for First Reading are: the Constitution (Amendment) Bill, introduced by the Hon. Member for Rushen, Mr Gawne; and the Prisoner Escorts Bill, introduced by the Hon. Member for Peel, Mr Crookall.

BILLS FOR SECOND READING

Fertilisers and Feeding Stuffs (Amendment) Bill Second Reading approved

4.1. Mr Cregeen to move:

That the Fertilisers and Feeding Stuffs (Amendment) Bill be read the second time.

The Speaker: Hon. Members, Item 4, Bills for Second Reading, and to that we have, in the name of the Hon. Member for Malew and Santon, Mr Cregeen, the Fertilisers and Feeding Stuffs (Amendment) Bill. I call on the Hon. Member to move the Second Reading.

Mr Cregeen: Thank you, Mr Speaker.

In 1975, Tynwald passed the Fertiliser and Feeding Stuffs Act. The Act looks at the constituents of fertilisers and feeding stuffs through sampling and analysis. Subsidiary legislation deals with permitted materials in chemical terms and gives technical descriptions to how the analysis is to be carried out.

After this Bill, in its First Reading in this Hon. House in February 2005, DAFF was content to pause, while there were more detailed discussions with the Office of Fair Trading about the implications on bringing the legislation up to date and providing a suitable regime under the modern requirements.

Inspection and sampling had been carried out under this Act in the past years by inspectors of the OFT who have been appointed by DAFF for their expertise in inspection and sampling techniques. Analysis has been carried out by the Government Analyst's Laboratory wherever possible.

Suitable refresher training and an inspection and analysis regime has been agreed between the OFT and DAFF and the OFT has been liaising with the Government Analyst's Laboratory with regard to this analysis. The OFT was able to build the new regime into its commitments with effect from 1st April 2006. DAFF has included financial provision in its budget programme for 2006 onward. This Bill was subsequently removed from the legislative programme, in order that other more pressing primary legislation could be progressed, so to date DAFF has not been able to progress the Bill through its relevant stages.

Hon. Members will appreciate that this is a scientific and technical field. The Island has generally followed the advice and lead of the United Kingdom authorities in this field. Such matters are now set by international scientific and technical committees in the European Union. It is, however, an area where we have fallen behind in our international obligations. The Island and its responsibilities make up a complex jigsaw.

Mr Speaker, though this is not something in which the Island can be a leader, I believe that it is important that we are seen to be responsible and capable of fulfilling our international commitments, because every part of the jigsaw, however small, contributes to the overall picture.

In order to take the first step towards rectifying the situation, Mr Speaker, I move that the Bill now be read for the second time.

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

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

The Speaker: Do you wish to reply, sir?

Mr Cregeen: Thank you, Mr Speaker.

I would just like to thank my seconder and the Department for their work. Thank you.

The Speaker: The motion before the House is that set out at Item 4.1, that the Fertilisers and Feeding Stuffs (Amendment) Bill be read for a second time. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Onchan District (Amendment) Bill Second Reading approved

4.2. Mr Quirk to move:

That the Onchan District (Amendment) Bill be read the second time.

The Speaker: We turn now to the Onchan District (Amendment) Bill for Second Reading, and I call on the Hon. Member for Onchan, Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

Members will have had the document before us now, for about three weeks, with an explanatory note on the front of it.

This particular Bill, for the second time coming forward, is enabling clauses for two parties within the Onchan district to come together for connected purposes.

At clause 1, it does also indicate the reduction of Commissioners, which is at the moment the current policy of Onchan District Commissioners to reduce to seven. That is a commitment that the Commissioners made in 2006.

If I could say, the Bill is supported by the Department of Local Government and the Environment. Within the clause, there is provision for connected purposes for the local authority to go in to wards.

With that, Mr Speaker, I therefore move that the Bill now be read for a second time.

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

Mr Earnshaw: Yes, thank you, Mr Speaker. I beg to second and reserve my remarks.

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

Mr Gawne: Gura mie eu, Loayreyder.

I have just a very brief contribution to make on this particular Bill. I would be very pleased to hear from the mover whether this Bill has the full support of the local authority, and particularly the Rural Committee of the local authority.

Clearly, very many years ago, when the amalgamation of Onchan District and Onchan Village was agreed, there

were some strong commitments given on this and I would be very interested to hear.

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

Mr Karran: Vainstyr Loayreyder, I am a little bit concerned that we have not had the justification. I understand this is the Hon. Member's first Bill, but with the fact that it is a Bill that he has brought about from his days as a Commissioner, I think we really need more information about the rationale behind it.

I am very concerned about certain aspects of the Bill. I am interested when it states it shall have the same effect as before 1st April 1986, but before 1st April all of Hightonwood Hill was in my constituency at that time. Has there been any clarification about the actual district of what we are talking about? Are we talking about the situation of the original parish boundary, which was along Johnny Watterson's Lane and was lost after 1st April 1986, or not? I think these are issues that we need to be worried about.

I will support the Bill for Second Reading, (A Member: Hear, hear.) but I do hope the Hon. Member will make sure that he leaves sufficient time after the public meeting in Onchan, so that people can draw up suitable amendments, (A Member: Hear, hear.) if they feel like their amendments are suitable, as far as this piece of legislation is concerned.

I fail to see why the people of Onchan should be put at a disadvantage by reducing their membership now down from 10 to seven. I would agree with him doing away with the situation and augmenting the whole of the parish into the district. At the end of the day, they are paying the same amount of rates; they should have the same representation as the rest of the constituency.

But I do hope that he will make sure that he will not try and bring it back, at least giving a fortnight after the public meeting, so that if Members have got concerns, they have got the opportunity to fight with the AG's Department to try and get them to draft up the legislation, which becomes more of an endurance as the years go by, as far as trying to get backbenchers' amendments is concerned. I do think that is important.

On that understanding, I am happy to give it a Second Reading, but I almost certainly will be looking towards increasing the membership back from seven to nine for Onchan, in my opinion, because I think it is important that we have seen far too many, not just in local government but in national government, where faceless bureaucrats, who are accountable to no-one, increase their power over something that the ordinary man in the street cannot have any control over. I am concerned that if you reduce it down to seven members, it will mean that more officialdom will be involved, as far as the functions of local government are concerned, and I just am concerned about that. I hope he will give us that assurance.

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

Mr Shimmin: Thank you, Mr Speaker.

Just a brief contribution to put on record my appreciation to the Hon. Member for Onchan, Mr Quirk. He has discussed this Bill with the Department and I would anticipate that he would continue that process of consultation, as outlined by his colleague.

Certainly, this is a short Bill which is ideally determined to benefit the people of Onchan and is supported currently by the majority of the Commissioners in Onchan... whether the public meeting will be an opportunity to take that forward. But as far as my role in this is concerned, it is attempting to get a situation where representation of areas is appropriate. If that can be supported by the local residents and Commissioners, then I am all in favour of reducing some of the bureaucracy and costs to local authorities.

I think this is something which is generally well received and I am not convinced that we should really be making a negative issue out of something which I see as being quite positive. So I am supportive at the moment, but it is a Private Member's Bill and it will be up to the Hon. Member to move forward, once he has had the opportunity of seeking even further consultation than he already has done, sir.

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

Mr Houghton: Yes, thank you, Mr Speaker.

I fully support the Hon. Member in his promotion of this Bill. I support everything the Hon. Member, Mr Shimmin, has just said too, from the aspect of his Department. This is a way of putting, I think, Onchan – which has always been one of the leading authorities on the map and on the Island – further up that hole in that regard, by putting their house in order before the Department comes forward with any legislation that just does that.

What I would like to state, Mr Speaker, is specific to the Hon. Member for Onchan, Mr Karran's point of view – words he rightly said. At one time, Hightonwood Hill area was all in Onchan Parish. Hightonwood Hill now sits in North Douglas, apart from a few houses, one small close of houses –

Mr Karran: Two, actually.

Mr Houghton: One small close of houses in Hightonwood Hill, Mr Speaker, in North Douglas, sits in Onchan Parish. Town houses, half a dozen of them or so, six or eight houses, town houses, sit in Onchan Parish, accessible through North Douglas. The refuse wagons of Douglas come and collect all the Hightonwood Hill area, apart from those few houses, where Onchan's refuse wagons have to trundle all the way down through Douglas into a small quartile and empty their refuse from there, from those Douglas town houses who are paying virtually nothing in rates at all to what the Douglas people are paying. It is a total and utter nonsense.

That was why, of course, the representation – which is what we are about here – sits with, as the Hon. Member for Onchan correctly states, the Rural Committee of Onchan Parish, which used to be its own parish commissioners, of course. That Rural Committee has two members of Onchan Commissioners sitting on that committee, who then come back and advise the board accordingly.

What we have to remember here, Mr Speaker, it is the board of the Commissioners, as if, in our case here, it is Tynwald Court that rules. In here it is the board of the Commissioners, not the committee. The committee deal with all the appropriate issues in town or city streets in their rural area – amongst many other rural issues, of course – and then two of those members report back to the Onchan board and that is how the matters of transparency take place, which is quite in order. I see nothing wrong with that.

Turning to the reduction of Commissioners and therefore it has to be the reduction of bureaucracy, I fully support, because –

Mr Karran: The bureaucrats are meant to do the job that the representatives do.

Mr Houghton: – a large number, Mr Speaker, of people sitting on committees cause arguments – yes, balance in some cases (*Interjections*) – but unnecessary arguments.

I will support that, Mr Speaker, by saying this: during the little bit of time that I have had here as a Member of Tynwald... In my early days, shortly after 1996, it used to be Tynwald used to select a committee of five Members. How many times does that happen now, Mr Speaker? It is to select a committee of three. Why? I will leave it with Hon. Members to decide on that.

With the Commissioners' interests, and the interests of Onchan, the Commissioners' numbers are an unwieldy number currently of 10 – nine plus the rural member – which is what Mr Quirk is actually doing here. Those meetings go on with still an unexhausted agenda until after 11 o'clock at night.

Mr Karran: That is bad chairing.

Mr Houghton: It is an absolute nonsense. The Hon. Member, Mr Karran, says it is bad chairing. Perhaps it is so. I can only turn to the Hon. Member to see whether he actually attends those meetings at 11 o'clock at night. I certainly do not. I know of no other –

Mr Karran: You are not a Commissioner, John.

Mr Houghton: I know of no other member of the public in Onchan paying their rates who attends such late-night meetings, talking such tosh as they do on many occasions. (*Interjections*)

Mr Earnshaw: How do you know?

Mr Quirk: How do you know, if you do not go?

Mr Houghton: The Hon. Member for Onchan, Mr Earnshaw, asks how I know: because the Hon. Member for Onchan, Mr Earnshaw, has told me many a time!

Several Members: Ooh! (*Laughter and interjections*)

Mr Karran: Good one, John!

A Member: Allegations!

Mr Houghton: The only person who has managed, I know, sitting in a public seat that has listened to that – and it was worse than listening to a Tynwald sitting on many occasions – is the former Member of Council, Mr Kniveton. How he ever did it, I do not know, but I understand he still goes occasionally and he deserves to be given a gong for doing that, never mind anything else.

But having said that, unwieldy committees have been acknowledged, Mr Speaker, by this House and by another place, and I am asking Hon. Members to support Mr Quirk in his dealings here and his assertion that it be acknowledged

now in the issue of Commissioners. We are not trying to do anything else other than actually see some sense here, and I support the Hon. Member.

Thank you, sir.

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

Mr Braidwood: Thank you, Mr Speaker.

I will be a little bit shorter than the last speaker in supporting this Bill, Mr Speaker. As one of the Onchan Village Commissioners who amalgamated with the Parish Commissioners to form Onchan District Commissioners, I am very supportive of this Bill. At that time, in 1986, the proviso was that the rates of the parish would only rise to 50 per cent of the village. Of course, with this Bill, everybody will be paying the same rates.

I agree with the reduction in the number of Commissioners from 10 to seven. As the last speaker said, it used to be nine Village Commissioners plus the one from the Rural which formed the District. This is the way forward. Hopefully, I would like to see further amalgamation of local authorities, (**Mr Houghton:** Hear, hear.) because we have far too many at the present time, Mr Speaker.

Mr Houghton: Starting in Douglas.

Mr Crookall: Name them.

Mr Quirk: Peel!

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

Mr Earnshaw: Thank you, Mr Speaker.

We have had several contributions from Hon. Members here and I would suggest that with this Bill... It is a Bill I am quite happy to support at Second Reading, but I think it is a question of proceeding carefully. It is the policy of the Commissioners, this – that is my clear understanding – but I think the policy has been arrived at by a majority decision, not a unanimous decision.

Mr Karran: Hear, hear. Absolutely. (*Interjection*)

Mr Earnshaw: I do not always agree with my hon. colleague on my left here, Mr Karran, but I certainly do on this occasion. I have got a concern about the numbers that we are reducing to. I want to give that some further thought and I would like to be aware of the outcome of the public meeting, which I hope to attend, but I am not sure I will be able to. I would like to be aware of the feeling of the public meetings to be held in Onchan in a week or two's time.

Regarding numbers, I think this particularly is something we need to be careful about. It is a question of maintaining democracy. If you get too narrow a field of views on numbers, I am not too sure it is healthy. I think to maintain good democracy you need to have a healthy and a well-considered and workable amount of members around the table to provide their various views, and I would have thought, personally – and I referred to this briefly when leave to introduce was being sought by my colleague, Mr Quirk – that nine would be the right number. I do have experience of the situation in Onchan Commissioners, having been a member for a number of years, as well as having been the chairman of

that authority.

So I do hope my colleague, Mr Quirk, will take this into account, take the views of Mr Karran into account after the public meeting and provide an opportunity then. There is no need to rush this particular Bill. There is no particular urgency with it. It will give Hon. Members the opportunity to amend clauses, if necessary.

I do welcome the comments of the Minister for Local Government, Mr Shimmin. (**Mr Quirk:** Hear, hear.) He always – or almost always – makes a valuable contribution. (*Interjections and laughter*) Disregard that remark! So I do welcome that. It is a good steer from him.

I think it was the Hon. Member for North Douglas, Mr Houghton, was referring to this finger of land which is at Tromode. He is quite right, a little bit bigger than he thinks, because it includes the industrial estate down there. Clucas Laundries industrial estate is part of Onchan, Carr's Lane, Larch Hill Grove and Tromode Green. So there are about 20 private houses, plus a fairly significant industrial estate which form part of Onchan, and a valuable part, too, I would say.

So I think that is about all I have got to say, Mr Speaker. I do hope Hon. Members will support this for the Second Reading. I do hope my colleague will await the outcome of the public meeting. There may be a lot of interest in that; there may be very little. But we will get a steer from that and then we can move forward with the benefit of the views of the public.

Thank you.

The Speaker: Hon. Member for Castletown, Mr Brown.

The Chief Minister (Mr Brown): Yes, thank you, Mr Speaker.

I congratulate the Hon. Member for Onchan, Mr Quirk, for bringing forward this legislation, in terms that he is, I understand, endeavouring to take through a policy of the Commissioners in relation to a readjustment for the Onchan District.

I think one thing that has already come out here is: nothing changes, does it? There are arguments over where there is some property and the boundaries and maybe we should have amalgamation and so on. Try flying that flag.

But on the issue that is before us, I think the point I would make is I hope the House is not going to be put in a position where it tries to arbitrate between the Members for Onchan in relation to what is a way forward for their village. Clearly, we all have different views. My views are that all towns and villages in the Isle of Man, excluding Douglas, only require nowadays, because of their responsibility, five members. They do not require nine. There is not that much work that has to be done. They certainly do not have the responsibility for highways and many other things and, in fact, quite a number of local authorities, I believe, also think that way.

I may be wrong, but certainly I think that is an issue, and we are already hearing an argument whether it should be seven or nine. Are we going to throw that on the floor of the House so we make the decision? I know it is our decision, our responsibility – I am quite happy to do that – but this is a specific Bill being, I understand, promoted from Onchan, and I think it would be most unfortunate if the House is put in a position where it is being encouraged to do different things for different political purposes.

I hope there is a clear steer from the community, through

its Commissioners and its MHKs, to the House as to a way forward. I hope that if there is a concern – and as the Hon. Member for Onchan, Mr Earnshaw, has made it clear, this is not a matter of priority – the Members for Onchan, the three of them and, if necessary, the Commissioners get together and thrash out what they actually do want, (*Interjection*) because I think that would be helpful to the House. If there is a disagreement, at least we will be aware of it, Mr Speaker, as a House and can at least make our decision, based on what we, hopefully, will have as information to give us a guide forward.

This is only a small Bill, but often small Bills are very controversial and so we should not underestimate what is before us. If we get into a situation where it is likely to get into a battle between the Members for Onchan, I will certainly be considering whether or not we send it to a committee, so we could actually talk to the local authority directly as a House.

We have done it all before, but we are back to where we were. We are back to the argument we had in this House not that long ago about this issue and it got nowhere then, and I think Members of the House, as they would in any area, tend to look to their Members of the House of Keys for that area as to also what they think in terms of any relationship.

So I am just making the point. I hope we get a clear lead from Onchan over how Onchan itself feels this as a way forward. I understand about the public meeting – that will give an indication – but ultimately the leaders from Onchan are the Commissioners and we should, through the Members – because it is a Private Member's Bill – be looking to make sure that what is being promoted is, in fact, what is warranted, what is supported, hopefully to make a difference. Whatever goes in here, the change will be minimal, anyway.

The big change is in relation, really, to the rural member and how that then now would be absorbed into the whole district. I think that is right. The rural member development was in fact a compromise to find a way forward to make a move, but that is a long time ago now and things need to be moved on, but again it comes down to the whole issue which we all have a problem with – where are we going with local government reform – and that is another issue.

It was interesting, some of the comments that have already come out, because we have got so many diverse views from even a small number of speakers, and here we are going to be asked to approve changes to one district of the Isle of Man. But I do think it is important, while it is led from that district through a Private Member's Bill, that at least there is a clear indication to the House what Onchan actually wants, because I think that would be helpful.

The Speaker: Hon. Member, Mr Quirk, to reply to the debate.

Mr Quirk: Thank you, Mr Speaker.

Can I firstly thank all the Members who did contribute and give a heads-up on what their thoughts were.

Just referring back, if I can, in reverse order, to the Chief Minister there, the Member for Castletown. The local authority has put on record since 2004, 2005 and 2006, coming up to 2007, their wishes. As I said in a previous Keys debate with reference to leave to introduce, a majority or unanimous for anything is virtually impossible. I think I explained that the last time. I have never seen it.

The only one I have seen – and I think I quoted it last

time – was Mr Earnshaw, regarding a road traffic amendment for a race to take place. I think we had two or three Readings in one day. But I can give the assurance that I will seek further consultation after today. As it is, it is in the public domain. The local authority really are taking a lead on that by holding the public meeting, which is happening in Onchan.

If I could say to you that I have been through a national election, was rewarded with a seat in here. It was not an issue in the run-up to our national election in Onchan. I have never received any letters regarding the particular issue. The voters in Onchan were aware of my 17 years in the local authority and in finally bringing this issue to have it discussed and the House doing some issues... that is Tynwald itself making the decision regarding the rating structure. This is nothing to do with rates. This is giving representation right throughout the Village and District of Onchan.

With reference to Mr Earnshaw's comments, I thank him for supporting it. I do give him assurance that we are not really running on it. It is like every bit of legislation: there are time constraints on it, things have to be done for the benefit of those ratepayers and the local authority members who actually are running the authority. It is not us, as Members said in here. We are the parliament, we run the Isle of Man and the local authorities run services at local level. That is what they are for. People elect them for it, and we are going to have a local authority election in 2008, which is not far away. I can see from the press cuttings that are now in the papers that there are a number of local authority members who are dropping off quite regularly. As somebody in this particular House said, maybe the issue was that Tynwald should not have made a decision to have a General Election every four years and it should have been by rotation, which would have given the opportunity to have a balance through.

I thank Mr Braidwood for his comments regarding... he is quite well aware, being a former member too, what the issues are.

If I can refer to Mr Houghton: just to remind him that we are not moving the boundary. The boundaries will stay as they are. (*Interjection by Mr Houghton*)

This is to Mr Karran – yes, I am just indicating to Mr Karran at the same time, too. Just to give an indication, too, that when the refuse vehicle does pass through Douglas, so do a number of other vehicles, including Onchan District Commissioners, who have to pass through Douglas to get to Braddan to collect their rubbish. (*Laughter*) Many vehicles and there are lots of refuse vehicles passing through Douglas to get to the Energy from Waste facility. But, I do thank the Member for his support and, of course, Tromode is part of that and has been for a while.

Can I thank the Member for West Douglas, Mr Shimmin, the Member for the Department, for his comments and his guidance. I have to put it on record and his support because, being a Private Member's Bill, I was really put on the rack. I did not know really what to do and I do thank those people who have helped me out to try and guide this particular thing through on behalf of the local authority.

Just a bit more detail on Mr Karran. I do thank him for the support on this. It has been a challenge, as you look past on the record of the three Onchan Members and I am talking about the Onchan Members that have been in the past, as well. Maybe, we should get together more ourselves. I was only at the local authority meeting the other night –

Mr Cretney: Until 11 o'clock? (*Laughter*)

Mr Quirk: But just on the 11 o'clock, I can say – but most of the 11 o'clocks are in private, so I cannot disclose it, because I will be in breach of confidentiality.

But can I say that, regarding the numbers – and it leads me into it, really – the numbers may be an issue. I believe, as a member who did vote to go down to seven. I did support that as a move forward for the local authority, because Onchan has to be seen... not only to be seen, but has to move forward in a modern world as technology comes forward, things that local authorities have to do.

I hope they do take on roles for the future if the local government reform comes in, because I think a number of local authorities now have seen that they have to do other roles. They cannot be just seen to be meeting once a month now. They have to provide the services to their community. They have to liaise with Government and they have to do things. So, if I could thank Mr Shimmin for that.

I apologise if I have missed anybody. Mr Gawne, I have had heads up from him as well.

There are eight members of the authority which support this and, like I said, in any democracy, I have never yet seen a full... it has been a majority of members, but not the total members. The rural member himself, I presume, will... I know his record for the last 15 years or such.

Therefore, Mr Speaker, I would just thank those and maybe I have missed them.

So, I beg to move.

The Speaker: Hon. Members, the motion before the House is that the Onchan District (Amendment) Bill be read for a second time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

BILL FOR THIRD READING

European Communities (Amendment) Bill Third Reading approved

5.1. Mr Gawne to move:

That the European Communities (Amendment) Bill be read the third time and be sent to the Council.

The Speaker: Final Item on our Order Paper, Bill for Third Reading: European Communities (Amendment) Bill. I call on the Hon. Member for Rushen, Mr Gawne.

Mr Gawne: Gura mie eu, Loayreyder.

The European Communities (Amendment) Bill contains just one main clause, which adds the Accession Treaty for Bulgaria and Romania to the list of treaties defined as Community Treaties in section 1 of the European Communities (Isle of Man) Act 1973. This is necessary because of the Island's Protocol 3 relationship with the EU, under which we have an obligation to treat new member countries the same as existing member states and to incorporate the accession treaties of the new members in Manx law.

I beg to move that the Bill receives its Third Reading.

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

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

Mr Karran: Vainstyr Loayreyder, I have no problem with the Bill.

I do think that it is important that the mover, being a member of the Council of Ministers... I would like him to take this on board, in order to increase the knowledge and understanding of the process of how the executive runs and comes to conclusions as far as European Communities legislation is concerned, whether he will raise in the Council of Ministers the fact that the information that is being given to the Council of Ministers in order to assess the issue of what is the right decision... Maybe he would like to take on board that rationale be handed over to Members of Tynwald, as part of the briefing period for such legislation in the future.

Vainstyr Loayreyder, I would also like to say that, whilst I have no problems with the Bill, it seems that we have got no choice, as far as our Treaty commitments are concerned. I do think that, with the opportunity of talking on the Third Reading of this Bill, we do need to look at the structure of how we assess the situation. I do feel that just putting the wing into new offices where, again, another part of the building is closed off for Members of this Hon. House, in order that they can go in and bang on the doors of the individuals concerned, does not help transparency in Government.

I do think that what is important, as far as this piece of legislation is concerned, that whilst supporting this piece of legislation, we have not got the structure right when we are talking about European law and the way that it is nodded through. I do hope that the mover will take on board that maybe with the access of the information that gives the Council of Ministers the rationale for supporting the legislation, it will be seen in the interests of good governance that Members of this Hon. House should have the same access and the same thinking and information, so that we would come up with the same rationale when supporting primary legislation, and secondary legislation in another place.

The Speaker: Hon. Member for Castletown, Mr Brown.

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

Firstly, I just want to make it clear that, as Members will see from this Bill, what this Bill does is put into the Treaty, the Republic of Bulgaria and Romania, in to the European Union... which is part of the Treaty which we have to enact if, in fact, we are able to trade with those countries as part of this agreement.

As far as the other issues the Hon. Member has raised, which go way outside, and, in fact, in relation to legislation, whether it be this or whether it be secondary, the access of information to Members of this House and to Members of Tynwald in relation to this matter is the same as it is to the Members who are Ministers. There is no restriction on that. Members are free to make an appointment to go through anything that causes concern.

Where it is appropriate and, if necessary – and not just now, but in the past – the Council of Ministers has undertaken presentations to Members. In fact, it is very limited where EU legislation impacts on the Isle of Man, because it only impacts where we have obligations under that. I am sure the Minister, in his reply, would be one of the best to respond to that, in relation to how it affects agriculture, for example. So, it is restricted.

The other point is the inference given by the Hon. Member here is there are restrictions on getting into the offices of the Chief Secretary. There is no restriction; there is a public counter there which Members are able to go to and make an appointment to see a member of staff, who may well be in the office and, as always, they make themselves available to Members of the House. In fact, if that is not the case, I certainly would like to be aware of that, because I would certainly take that up with the Chief Secretary.

I think we have to understand that there are, throughout, not only Government Offices, but throughout the Legislative Offices, restrictions on public access to certain areas. There is no restriction, in terms that Members can go to the counters and can then get access into these areas. If any Member, as I say, has a problem with that, please let me know and I will deal with it.

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

Mr Gawne: Gura mie eu, Loayreyder.

I would like to thank my seconder, both for the seconding and for his helpful, additional comments.

In relation to the issues raised by Mr Karran, I would like to be fairly clear on this. I thought I was, at the clauses stage last week, happy to take on board Mr Karran's comments. In fact, I wrote to Mr Karran last week, specifically asking him to write to me to explain exactly what issues he wanted me to raise with the Council of Ministers and obviously, when I receive that letter, I would be happy to pass those concerns on. I do have sympathy with the Hon. Member for Onchan on some of these matters.

However, I would point out that there is, certainly, a large volume of new EU instruments published each month, including items that are applicable to the Island under Protocol 3, which we are obliged to comply with, whether

we like them or not. A list of such items is laid before Tynwald by the Chief Secretary's Office each month. If a committee of this House or of Tynwald were to be tasked with examining, fully understanding and reporting back on every piece of EU legislation, I suspect that the members of the committee and the officers supporting them would never have time to do anything else.

However, I would remind Members of the Report by the Select Committee on Scrutiny and the Functions of the Standing Committee on Expenditure and Public Accounts that was debated in Tynwald last July. The recommendation on the scrutiny of EU legislation, which was approved without division, is of course, particularly relevant. As Members will recall, the Report recommended that the remit of the Standing Committee on Economic Initiatives be expanded to include the monitoring of EU developments, including the scrutiny of EU legislation that had either been to Tynwald or, as the Committee saw fit.

Therefore, the mechanism for parliamentary scrutiny of EU matters has been strengthened recently and I think we should give the new arrangements a chance to see how well they work.

Loayreyder, I beg to move that the Bill be read for a third time.

The Speaker: Hon. Members, the motion before the House is that the European Communities (Amendment) Bill be read for a third time and sent to Legislative Council. Those in favour, say aye; those against, no. The ayes have it. The ayes have it.

Hon. Members, that concludes the business before the House today. The House will now stand adjourned until Tuesday, 8th May, here in our own House.

Thank you, Hon. Members.

The House adjourned at 12.13 p.m.