



**HOUSE OF KEYS
OFFICIAL REPORT**

**RECORTYS OIKOIL
Y CHIARE AS FEED**

**PROCEEDINGS
DAALTYN
(HANSARD)**

Douglas, Tuesday, 6th March 2007

Present:

The Acting Speaker (Mr P Karran) (Onchan);
 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); 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, Hon. P A Gawne and Mr Q B Gill (Rushen);
 with Mr M Cornwell-Kelly, Secretary of the House

Business transacted

	<i>Page</i>
Leave of absence granted.....□	155
Questions for Oral Answer	
1.1. Road Traffic Licensing Committee – Annual report or policy change	155
1.2. Planning Committee – Restricting Government economic policy.....	157
1.3. Draft Strategic Plan – Referral by planning appeal inspectors	160
1.4. Cataract operation waiting lists – Correction of February Answer.....	161
1.5. Victoria Pier – Greater access for anglers	164
1.6. Ballanard Road closure – Lack of notification.....	164
Standing Order 3.5.1(2) suspended to take remaining Oral Questions.....	165
1.7. Community service officers – Department’s plans	166
1.8. Broadcasting (Amendment) Bill 2006 – Consultation.....	168
Questions for Written Answer	
2.1. Company law – Correcting apparent defect.....	169
2.2. Insolvency Service Office Bill – Reintroduction	169
2.3. New hospital – Heating and lighting costs.....	169
Orders of the Day	
3.1 Civil Service (Amendment) Bill – Third Reading approved.....	169

The House adjourned at 11.28 a.m.

*All published Official Reports can be accessed on the Tynwald website
www.tynwald.org.im
 Official Papers/Hansards – please select a year*

*Reports, maps and other documents referred to in the course of debates may be consulted
 upon application to the Tynwald Library or the Clerk of Tynwald’s Office,
 Legislative Buildings, Douglas, Isle of Man IM1 3PW.*

House of Keys

The House met at 10.00 a.m.

[MR SPEAKER *in the Chair*]

PRAYERS

The Chaplain of the House of Keys

Leave of absence granted

The Acting Speaker (Mr Karran): Olteynyn, Hon. Members, you have given leave of absence to the Mainstyr Loayreyder.

Questions for Oral Answer

CHIEF MINISTER

Road Traffic Licensing Committee Annual report or policy change

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

Will the Council of Ministers assist the Road Traffic Licensing Committee with their regulatory function by asking for an annual report with recommendations requiring either amendment of the Road Transport Act 2001 or a policy change by direction of Tynwald?

The Acting Speaker: So with that, Hon. Members, I move to the first business on the Order Paper, which is the Questions. I call upon the Hon. Member for Michael, Mr Cannan, to ask the Question standing in his name.

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

The Acting Speaker: I call upon the Oltey Balley Cashtal, the Member for Castletown, the Ard-Shirveishagh, to reply.

The Chief Minister (Mr Brown): Mr Acting Speaker, the Road Transport Licensing Committee is able to raise matters with the Department of Transport at any time. I would hope that if they recognise that the changes to the Road Transport Act 2001 could benefit the regulatory system for which they have responsibility, they would advise the Department at an early date.

I am happy to propose to the Committee that they may wish to consider publishing an annual report regarding their work throughout the year. The content of the report would be a matter for the Committee, but it could well provide for any recommendations they wish to make.

Thank you, Mr Acting Speaker.

The Acting Speaker: Supplementary, Hon. Member.

Mr Cannan: Is the Chief Minister satisfied at the way that the Road Traffic Licensing Committee is restricted in operating at the moment, whereby every decision they have made is challenged, leading to legal costs and a budget of £250,000 a year or, over four years, £1 million of taxpayers' money, which is achieving very little, or has achieved virtually nothing during the last four years?

The Acting Speaker: Reply, Hon. Member.

The Chief Minister: Yes, Mr Acting Speaker.

I think the point is that there are rights on both sides of such applications and clearly we have passed it in legislation, under the Road Transport Act 2001. In fact, all parties have rights and can appeal against decisions made by the Road Transport Licensing Committee. I believe that that is what would be warranted in a society such as ours.

The Acting Speaker: And a supplementary, Hon. Member for Michael, please.

Mr Cannan: So is the Chief Minister satisfied and aware of the continuing abuse of the system of issuing taxi licences or plates?

For instance, about two or three years ago an individual pleaded to the Committee to be given a licence. The Committee relented and within a year to a year and a half, that plate was sold for £40,000. Are we in a sort of lottery here, with this Government?

The Acting Speaker: Reply, Hon. Member.

The Chief Minister: Yes, Mr Acting Speaker.

As the Hon. Member knows, the Road Transport Act 2001, by the very title '2001', was passed six years ago. There have been problems that have been identified.

I do understand and I am well aware of some of the frustration of the Road Transport Licensing Committee in trying to undertake their duties. Quite clearly, I do not support at all abuse of the system by people who are able to receive licence plates and then sell them for considerable sums of money and, on some occasions, some endeavouring to use the system to ensure there is a value to those plates.

My view is the plates should be owned by the Road Transport Licensing Committee, (**A Member:** Hear, hear.) and should not be the property of anybody else and when somebody does not require them they should then be returned to that Committee without any costs being exchanged.

Several Members: Hear, hear.

The Acting Speaker: Supplementary from the Member for North Douglas, Doolish Twoaie.

Mr Henderson: Gura mie eu, Acting Speaker.

Could the Ard-shirveishagh qualify with regard to court case costs and so on, that certainly, as regards the premier taxi representative organisation, the Isle of Man Taxi Federation, they have only brought over the time one legal action and as far as legal costs are concerned, it is certainly not down to that organisation?

The Acting Speaker: Reply, Hon. Member.

The Chief Minister: Yes, Mr Acting Speaker.

Certainly, my understanding is that whilst some of the trade have acted very responsibly, there are those within the trade who it could be said have deliberately endeavoured to undermine the system, to assist them in their own ambitions relating to the taxi trade.

The Acting Speaker: Hon. Member for Michael.

Mr Cannan: I was pleased with the Chief Minister's penultimate answer, when he said that taxi plates belonged to the Road Traffic Licensing Committee and were not a commodity for sale, having been issued. It will give encouragement to a lot of people in the Isle of Man that the Government is not condoning a racket.

Can the Chief Minister say that he will support the Road Traffic Licensing Committee in an endeavour to cut out this misuse and abuse of the issue of plates that are promptly traded in all sorts of manners from being held and then rented out, etc?

And finally, part of it, can the Chief Minister inform the House, or confirm the rumour, that a member of the Road Traffic Licensing Committee has resigned since his appointment was made at the February sitting of Tynwald? Has a member of the Committee resigned since then, sir?

The Acting Speaker: Hon. Member for Balley Chastal, the Chief Minister to reply.

The Chief Minister: Mr Acting Speaker, can I first clarify: what I said is that people should *not* be able to own the plates and that my view is they should be owned by the Road Transport Licensing Committee.

I would say that any licensing system should not be an excuse for those in receipt of the licence to profit just because they own a licence. They should profit by working in that area of control.

The danger with abuse of the system is that there will be a push for what people class as deregulation and the dispensing of a licensing system. So I think the trade itself needs to be very conscious of that.

Quite clearly, as far as the issue of any proposal by the Road Transport Licensing Committee through the Department of Transport to consider a change in the law which would clearly stop this, then that would be carefully considered by the Council of Ministers with an endeavour to stop any abuse.

It is also worth noting, Mr Acting Speaker, that it was approved by Tynwald, last year I think it was, an extension of the transitional period. As Hon. Members know, I voted against that because I felt it was unnecessary. That is still my view; however Tynwald has made a decision and that is where we are at this stage.

As far as the issue of the members of the Road Transport Licensing Committee, not all members have received a letter in relation to their appointment, sir.

The Acting Speaker: A supplementary, Hon. Member for Douglas East.

Mrs Cannell: Thank you, Mr Acting Speaker.

Can I just ask the Chief Minister, will he accept that the taxi trade themselves have raised many problems in respect of not only the selling or alleged selling of plates to other people, but also fundamental flaws within the existing legislation, and that they have raised that at Department level with the previous

Minister and MHKs representing various constituents across the Island?

Further, will the Chief Minister also accept that under schedule 2 of the said Act, an unmet needs survey was carried out by the Department, in agreement with the trade, and the trade and the Road Transport Licensing Committee are simply waiting now for that to kick in and have some effect and, in fact, that should alleviate matters, if the said Committee takes note of that particular survey?

The Acting Speaker: I call on the Ard-shirveishagh to reply.

The Chief Minister: Mr Acting Speaker, I would say that we should not really say, in relation to any business, that the private interests should override the public interest. I do believe that there is a deficiency, regardless of the survey. Certainly outside of Douglas, there is a deficiency and more need for taxis to be available. Even in Douglas, I think that there is certainly criticism of people who say late at night there is a deficiency in the availability of taxis. That is, again, people's different views.

I would say that we should recognise that driving a taxi is not an easy job. It can have its pressures and certainly many in that industry work long hours and work very hard. I think we need to ensure that, as far as possible, the legislation protects them, protects the public and ensures, as far as we can, that the public are serviced to a standard that we require and, more importantly, that the people require in relation to taxi services.

The Acting Speaker: Further supplementary, Hon. Member for Douglas.

Mrs Cannell: Thank you, Mr Acting Speaker.

Does the Chief Minister not accept that the existing legislation, all be it in part, is being exercised by this Committee and that they are not at full flight yet in terms of regulating heavy goods vehicles, etc, but that it only regulates what is required for the public operation of taxis and private hire cars?

It does not, however, would he agree, stipulate the hours of operation of such drivers of such vehicles? That is where the problem lies.

Would he further agree that, in order to alleviate the concern that he has just put to the House about there being hours where there is an insufficient supply of this type of vehicle to meet the public demand, unless this Act is amended by a Bill to stipulate hours of operation being subject to licence, that we will always have this problem?

The Acting Speaker: I call on the Hon. Member for Castletown, the Ard-shirveishagh, to reply.

The Chief Minister: Thank you, Mr Acting Speaker.

I think it is very unfortunate that we as a legislature are actually being encouraged to lay down all the pros and cons of how a business should operate. We have a free market, generally, in the Isle of Man. I have to say that I think that the licensing of the taxi system in the Isle of Man can in itself create a problem. It creates an unrealistic market.

The problem is, as we know, that if you do not have a licensing system, that is putting different pressures onto the licensing trade, onto the taxi trade, and there would be a difficult period for that trade to go through. I believe the legislation that was promoted in fact started to move us

towards that, over a transitional period, and it is unfortunate that that has now been extended.

But that is where we are. Certainly, I think that we need to ensure that when we have surveys undertaken, one is there is no announcement of such surveys and that it is throughout the Island, and recognises that there are a different needs throughout the Island.

We have many young people late at night who cannot get home to the out of town and villages of the Island because they are unable to get taxis, or because of the few taxis that are there, they are under pressure dealing with issues in terms of people who live in the Douglas area.

So, there are many factors into this. What we do know is there are many people in the taxi trade who work long, hard hours and are doing their best. But there is a problem at certain times.

But again, surely a business should meet the demand, not necessarily have to be legislated for to meet that demand.

The Acting Speaker: Supplementary, Hon. Member for Michael.

Mr Cannan: My final supplementary.

The Chief Minister mentioned that there was a need for more licences, or plates, to be issued. I concur with that suggestion, but will the Chief Minister give a direction to the Road Traffic Licensing Committee that by issuing any more plates, they issue them on a legal condition that the plate belongs to the Road Traffic Licensing Committee and is not, once it has been issued, a commodity for being traded around the Island at sums of between £40,000 and £50,000?

The Acting Speaker: I call on the Ard-Shirveishagh, the Member for Castletown, to reply.

The Chief Minister: Mr Acting Speaker, first, the Chief Minister and the Council of Ministers and the Department of Transport... in fact, nobody has the right to direct the Road Transport Licensing Committee. They are an independent body set up to regulate the taxi trade, specifically set up in this way to ensure there is not direct political interference in their operation. The law sets out what is required. They apply that law.

What we have seen is people using their rights, on the other side of it, to delay or oppose any further licensing being issued – plates, in other words.

As far as the issue of plates is concerned, I am quite happy to get my Office to contact the Road Transport Licensing Committee and ask them whether or not they believe there is a need to amend the law to stop the selling of plates happening, so that the plates belong only to the Road Transport Licensing Committee, and therefore remove any value from those plates.

LOCAL GOVERNMENT AND THE ENVIRONMENT

Planning Committee Restricting Government economic policy

1.2. The Hon. Member for Michael (Mr Cannan) to ask the Minister for Local Government and the Environment:

(1) How does your Department respond to the criticism that the Planning Committee is on many occasions restrictive to the Government policy 'Freedom to Flourish'; and

(2) is the Planning Committee responding to the Government policy of attracting wealthy residents to reside on the Island with the inducement of a tax cap of £100,000 per annum per person, by assisting with planning approvals for the construction of appropriate residences for these new residents?

The Acting Speaker: I call on the Hon. Member for Michael to ask the Question standing in his name. Question 2.

Mr Cannan: Mr Acting Speaker, the second Question: I am pleased to request an Answer. Thank you very much.

The Acting Speaker: I call upon the Shirveishagh, the Hon. Member for Local Government and the Environment, to reply.

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

The Planning Committee is appointed by the Council of Ministers to determine planning applications, having regard to the Department's policies in so doing.

This is often a difficult task, and I am sure that, from time to time, it attracts criticism, either from disappointed applicants or from disgruntled objectors.

However, from my comparatively short period of office it appears to me that the Committee is discharging its duties in a sound and diligent fashion, striking a proper balance between safeguarding our beautiful Island and allowing individuals and investors to undertake development in a proper and beneficial manner.

I therefore, Mr Acting Speaker, reject any general criticism of the Planning Committee, whatever its source.

With regard to the second part of the Question, Hon. Members may recall that last year in Tynwald, in response to a similar Question, my predecessor explained that assisting this particular Tax Strategy is not simply a matter of reversing planning policy and allowing large houses in the countryside. The Department is undertaking consultation with other Departments of Government, in order to establish what, if any, change in policy would be appropriate.

But meanwhile, such proposals as come before the Planning Committee are being considered in the light of prevailing policies and practice. Such consideration has, in the past, resulted in approvals for large houses both within and outside towns and villages. Also, we should not overlook the current housing stock, which does include a significant number of large houses in the countryside.

My Department will continue to explore ways of meeting the anticipated demand from new residents, which also, importantly, maintain the quality of the Manx countryside and do not detract from the quality of life of our citizens, visitors or indeed those who wish to move to the Island in response to the Tax Strategy.

The Acting Speaker: Supplementary, Hon. Member for Michael.

Mr Cannan: Will the Minister agree that 'Freedom to

Flourish' is a Government policy on which is being spent between £½ million and £1 million, promoting that policy? So why is it perceived that civil servants in the Planning Office are, at best, frustrating the policy that people wish to promote – the 'Freedom to Flourish'?

If I could, with your leave, Mr Acting Speaker, give an example by saying this: would the Minister be surprised to learn that, only last week, I attended a planning appeal, where originally a conversion of a farm outbuilding, approval had been given to convert to a tourist accommodation. During the alterations, one wall was found to be insecure of the outer wall and fell out, and another wall had to be restructured. The work by decree was stopped and they were told that by rebuilding the walls, it was becoming a new house in the countryside.

Does that give any encouragement amongst people that there is a 'Freedom to Flourish'? Will the Department – and the Minister is responsible for departmental policy on planning – therefore itself re-examine what is actually happening, so that people can be given confidence in the policy of 'Freedom to Flourish'?

The Acting Speaker: Reply, Hon. Member for West Douglas, please.

The Minister: Thank you, Mr Acting Speaker.

Certainly I would like to firstly give a confirmation to the Hon. Member that I am committed to re-examine what is happening, because I am aware of dissatisfaction in a number of ways, not just the case that the Hon. Member has outlined.

But certainly there is concern on both sides of this argument that individuals will be attempting to circumvent the planning policies in order to facilitate the development they see as being appropriate, and we have to ensure that all of our people are treated equally, whether they be new developers, large individual houses in the countryside or indeed, as is often the case, local Manx people attempting to improve and enhance their properties. If they are treated one way, it would be certainly outrageous for us to merely placate large developments for others coming to the Island.

So, it is a balance, and I would say that, as my predecessor had said, the quality of our environment, and particularly the Manx countryside, is one of the most cherished aspects of our Manx life. (**Two Members:** Hear, hear.) Therefore, we have to chart a very delicate balance between facilitating 'Freedom to Flourish'... On record, the Treasury Minister has raised these issues with me because indeed there are difficulties for some people to gain planning approval for the sort of properties they would look for. However, we have to balance that against the rights of individuals and the needs of our wider community.

That does mean we need to look at it in detail. We are examining it now. I am not content that the current planning policy is either clear, understood or fair to all. However, we are attempting to work within those policies which are due currently for a review after the 12-month commitment given by my predecessor.

Certainly, I would advise the Hon. Member that when the last review was done, one of the issues was the Permitted Development Order, which is another issue as to what should be allowed to be happening within our planning procedures. Rather than the response being to reduce or increase the amount of Permitted Development Orders, there was a lot

resistance to say that the public do not wish to see a greater level of flexibility, because they do see the planning policy as a means of protecting our countryside.

So, I am fully aware of my responsibilities within the Council of Ministers to the principles and targets of 'Freedom to Flourish'. If our planning policies which can consider economic factors are to be applied fairly, then certainly that will need a review. I would welcome the Hon. Member, as all Members and the public, to make firm comments when the review takes place in order to try and get the best balance for our people, Mr Acting Speaker.

The Acting Speaker: Supplementary from the Hon. Member for Ramsey.

Mr Cannan: And the second part of the Question –

The Acting Speaker: Hon. Member for Michael – the Hon. Member for Ramsey.

Mr Cannan: I am sorry.

Mrs Craine: Thank you, Mr Acting Speaker.

Will the Minister agree that decisions on planning should be made on planning grounds, and that such decisions should not be influenced by the size of the bank balance of the applicant? (*Interjections*)

Will the Minister further endorse my view that the prospect of allowing wealthy new residents to build appropriate residences in the countryside could be a socially divisive policy for the Department to follow?

The Acting Speaker: I call upon the Shirveishagh, the Member for Douglas West, to reply, please.

The Minister: Mr Acting Speaker, the Hon. Member for Ramsey has raised the exact point which causes us difficulties within the Planning Department. Certainly the hon. questioner referred to the Planning Committee and I believe that both they and the civil servants attempt to fulfil the planning policies of our Island. Certainly, any deviation from that would engender some hostility from within this Chamber and elsewhere.

However, we do have a commitment to try and ensure that our procedures do allow people to flourish. Part of that is obviously a housing issue and I would believe that it is appropriate for our new procedures, when determined, to come forward to another place to get approval so there is clarity for my officers and indeed the Planning Committee that they have the full support of Tynwald.

The Acting Speaker: I call on a further supplementary from the Hon. Member for Michael.

Mr Cannan: Would the Minister agree that, at the last Budget, the Council of Ministers, of which he was a member, agreed the policy of the Budget, which is the policy of the Government of which he was a member?

Will he further agree that the Treasury Minister, Mr Bell, the Hon. Member for Ramsey, trumpeted and, with much public fanfare, promoted a policy in their Government of tax capping? The policy was trumpeted by the Treasury in articles in financial newspapers worldwide, and if the policy is to come to fruition, then there are requirements that have to happen.

So why, Minister, are you saying there are problems of creating suitable residences for people to take advantage of the tax capping? Will you understand that only for those who have an annual disposable income in excess of £2 million – for husband and wife, £200,000 – does the tax capping have any relevance, and that to have an annual disposal income of £2 million requires a minimum of £44 million of capital?

So the bottom line of this Question is, Minister, will you agree you are part of the policy of Government promoting the Budget and if so, why are you now seeking to restrict it – or is the Treasury Minister going to withdraw that policy?

The Acting Speaker: I call on the Hon. Member for Douglas West, the Minister, to reply.

The Minister: Thank you, Mr Acting Speaker.

I am delighted to hear the Hon. Member for Michael is so supportive of the policy of Government, in order to have the 'Freedom to Flourish'. I do acknowledge that as part of the previous Government and this Government, I am in support of those principles, as outlined by the Treasury Minister.

The difficulty the Hon. Member will have, both in his own area or elsewhere, is should different rules to be applied come forward without a clear willingness of Tynwald to support that policy, there will be complaints by the Hon. Member's constituents that they are treated less well than persons moving to the Island.

If the Hon. Member recalls, when the Treasury Minister moved his motion, we were just starting the new arrangements for planning, and therefore my Planning Division still do and will continue to work with developers in order to try and facilitate beneficial development for the Island, whether that be an individual or a larger scale housing project. However, we will not be able to break our existing policies when so many Manx people have been turned down because of those existing policies.

So, certainly, I am grateful for his support on the 'Freedom to Flourish'. We do already and will continue to work with people moving to the Island or our local people, to see if appropriate development can take place.

There is a conflict here. We are attempting to review our system, and I look to the Hon. Member's contributions, to see if he has a clarity of direction that he believes we should be following.

The Acting Speaker: Further supplementary, Hon. Member for Michael.

Mr Cannan: Unfortunately, the Minister is putting words in my mouth. While I support the 'Freedom to Flourish', I do not necessarily support the tax capping policy.

But the purpose of the questioning is: what is the purpose of the Council of Ministers announcing a policy as they did last year, with the full fanfare of publicity, if now you are saying there is no availability within the system to fulfil that policy?

What is the purpose of the Council of Ministers' – and the Treasury Minister in particular – full fanfare of publicity announcing the policy, if it cannot be brought to fruition?

That is the bottom line of the Question. What is the purpose of the Council of Ministers announcing a policy, any policy, if they cannot bring it to fruition?

The Acting Speaker: I call on the Minister to reply.

The Minister: Sorry, Mr Acting Speaker. We seem to be moving away from the actual Question as outlined there. Certainly, the indications from the Hon. Member would be that he was considering that my Planning Department were actually restricting the ability for these developments to take place.

If he recalls my initial Answer to the Question, there are and have been and will be approvals for large houses, both within and outside of towns and villages. We do have planning policies which are due for a review.

However, the Hon. Member is aware of difficulties of staffing within my Division. I believe the Planning Committee and the officers involved are fully aware of the 'Freedom to Flourish' principles. They are attempting to facilitate where it is appropriate and within their policy guidelines to do so. However unless those guidelines are changed, I would not expect any of them to act any differently from how they are now.

The 1999 Town and Country Planning Act does facilitate them to take into account the economic needs of the Island. That is what they believe and I believe they are attempting to do. If there is a need for a change either to strengthen or to soften those policies, that is why we are reviewing it, sir.

The Acting Speaker: Supplementary from the Hon. Member for Michael.

Mr Cannan: Final supplementary. I thank the Minister for his answer, but will he agree with me what he is saying is, notwithstanding a Government Minister, the Treasury Minister, promoting a policy, the civil servants in his Department are frustrating the fulfilment of that policy?

The Acting Speaker: Reply, Hon. Member.

The Minister: No, I would dispute that strongly, Mr Acting Speaker.

There are rules given for the Planning Committee, the planning officers and indeed the inspectors, to try and balance the needs of all members of our community and indeed to protect our environment.

Therefore, until such time as those policies are changed, we will not be deviating clearly from those. Indeed, there are many Manx people who are very angry about some planning decisions, because they have attempted to expand their properties in the countryside and they have been turned down based on the existing policies.

To simply, purely for one other Government policy, rescind all of those principles, I believe would be unfair and undemocratic. What I am saying is that we need to find a balance between conflicting policies of Government and where we can we improve them to the betterment of our people.

Mr Cannan: Corporate Government.

The Acting Speaker: A supplementary from the Hon. Member for Douglas East, please.

Mrs Cannell: Thank you, Mr Acting Speaker.

Can I just ask the Minister, in terms of planning policy and strategic policy, he has been a Minister for some considerable length of time. Can he explain to the House, when the Council of Ministers was considering the Strategic Plan to bring in the tax capping, were considerations, such as

the one that we are considering this morning in Questions, not considered? Was any strategic thinking applied, in respect of this as to what (A Member: Yes) the possible scenarios might be for the economy of the Island and Island life and in particular, planning?

Were the scenarios evaluated properly before this new policy was applied; and if not, why not? Why is the Minister saying that there is a conflict?

Why is a new Minister in the House saying that it would be socially divisive to actually go along this road?

Can I ask the Minister if he will raise it with his Chief and his colleagues within cabinet, to review this policy and whether or not it can, in fact, be effective in the Isle of Man and whether or not the new Council of Ministers thinks that it is desirable?

The Acting Speaker: I call on the Minister to reply.

The Minister: I would refer the Hon. Member – thanking her for her question – to my first answer to the first supplementary, which said, yes, I am committed to re-examining what is going on, to ensure that both my Department and the Council of Ministers are satisfied that we have got the balance right.

There are pressures upon the Planning Committee, of which everybody is aware, regarding the emerging Strategic Plan and therefore that is the highest priority that I have within that Planning Section.

However, there has been a commitment to review planning policy. Part of that will be in the emerging Plan. However, there are other issues that I have already raised with the Chief Minister and will be discussing in the near future, regarding whether we have got the balance right between the legitimate and rightful aspirations to encourage people to come to our Island and flourish, but also to maintain the countryside and the rights of individuals within our Island.

Draft Strategic Plan Referral by planning appeal inspectors

1.3. The Hon. Member for Michael (Mr Cannan) to ask the Minister for Local Government and the Environment:

(1) *Has your Department advised the planning appeal inspectors that the draft Strategic Plan is only in draft and has not been approved by Tynwald; and*

(2) *therefore will your Department advise the planning appeal inspectors that when considering appeals, to refer to the draft Strategic Plan is ultra vires?*

The Acting Speaker: There being no further supplementaries, I call on the Hon. Member for Michael to ask the Question standing in his name, at Question 3, please.

Mr Cannan: I ask Question number 3 standing in my name, sir.

The Acting Speaker: I now call upon the Shirveishagh, Member for Douglas West, Doolish Shiir, to reply.

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

In response to the Hon. Member for Michael, I can advise that planning appeal inspectors are indeed made aware by the Department of the status and progress of the draft Strategic Plan, but that the Department's position remains that an emerging development plan is a material consideration in the determination of a planning application.

The weight to be accorded to such emerging plans will, of course, depend upon many factors, including the extent to which the plan has emerged.

I must therefore advise, the Department will not direct appeal inspectors with reference to the draft strategic as *ultra vires*.

The Acting Speaker: A supplementary, Hon. Member for Michael.

Mr Cannan: Will the Minister, first of all, agree that a planning decision is a lawful document? So will he then agree that, by extension, evidence to support that planning decision, which as I have said is a legal document, must be taken from lawful sources?

Will he further agree that, as the draft Strategic Plan has not been approved by Tynwald, it is not a lawful document?

The Acting Speaker: I call on the Shirveishagh to reply.

The Minister: Thank you, Mr Acting Speaker.

With the permission of the Attorney General, I am quoting from his letter received in 2002, following the Petition for Redress of Grievance of A D Radcliffe. Following that, there was a Report by the Council of Ministers and, regarding that, I quote:

'My advice to your Department is that any such interpretation of the Tynwald decision can have no force in law. Indeed, any such interpretation would conflict with legal precedents applicable to planning decisions decided by the English courts, which are, of course, of persuasive authority in the Manx courts in the absence of local precedents to the contrary.

If, of course, Tynwald were to enact new primary legislation endorsing a Tynwald resolution, that would be another matter, but until that occurs, the Planning Committee must apply the law as interpreted by the courts.

I therefore advise that the practice of the Department to treat emerging development plans as material considerations in the determination of planning applications is entirely correct, the weight to be attached to such emerging development plans depending on the factors which were set out in the Council of Ministers' Report.'

Until such time, Mr Acting Speaker, as I am able to actually operate outwith that legal advice, we will continue to ensure that the planning inspectors are made aware of the current status, but, rather than it being *ultra vires*, I would contend, on legal advice, that it is actually *intra vires*.

The Acting Speaker: A further supplementary, Hon. Member.

Mr Cannan: I thank the Minister for his reply.

I ask him: why did he not seek fresh advice from the Attorney General in relation to this Question, rather than rely on advice given some years ago, when the interpretation of the law of the United Kingdom, which, according to the Minister, appears to prevail in the Isle of Man, may have changed?

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

Douglas West, the Shirveishagh, to reply.

The Minister: I would advise, Mr Acting Speaker, that in order to be able to quote from that advice, I consulted, following the placing of this Question, with the Attorney General, who is still content that that advice remains current today, sir.

The Acting Speaker: The Hon. Member for Malew and Santon.

Mr Cregeen: Thank you, Mr Acting Speaker.

Is the Minister aware that his officers from the Planning Department quote regularly from the draft Strategic Plan, but when used against them, they say, 'Ah, but this is not part of the Plan that we are going to adopt,' and they have got this dual role? Is he aware of this?

The Acting Speaker: Reply, Hon. Member.

The Minister: I would find that highly unlikely and improbable, Mr Acting Speaker.

What my officers will do, as is their duty, is make it clear, whenever there is an application, as to the current status of any material considerations. There are certain aspects of the emerging Strategic Plan which they may well quote, as do the inspectors. There are other aspects of it which may have actually been discussed, but were turned down by the planning inquiry, when they were looking at it the first time around.

So, I would have to look at individual cases. I do believe my officers will always endeavour to treat honestly, fairly and equitably all applications and be consistent in the advice they give.

The Acting Speaker: A further supplementary, Hon. Member for Michael.

Mr Cannan: Has the Minister attended, on behalf of his constituents, any appeal where the whole basis of the Planning Department's case is based on a draft Strategic Plan, which is not a document in the public arena?

The Acting Speaker: Reply, Hon. Member.

The Minister: I have not and nor do I consider it would be appropriate at this stage to be attending such hearings. However, the Hon. Member has raised this matter with me previously that he does have concerns from the times he has attended those, and I have discussed that with various officers and indeed the Planning Chair.

So we are alive to and interested in people's observations. I do repeat that we are reviewing the planning process and policies. However, unfortunately, Hon. Members will be aware of the difficulties we have of attracting suitable staff for that area and we do have to prioritise, as is the case in all Government Departments.

However, we are aware that there always have been, and will continue to be, concerns about planning from both sides of any argument, and we will attempt to get what we believe at the moment is the right balance. If it is not, we will learn and take notice.

The Acting Speaker: I call on the Hon. Member for Michael to put his Question 4.

Mr Cannan: The final supplementary: I will be interested to know why it is that we seem to be relying on English case law in this particular matter, when we are constantly reminded in this House that the Isle of Man makes its own laws and interprets its own laws.

The Acting Speaker: I ask the Hon. Minister to reply.

The Minister: Thank you, Mr Acting Speaker.

The Hon. Member may recall from my quoted element from the Attorney General's letter that, in the absence of Manx case law or precedents, then we will have authority from the English courts. Indeed, the recent court case determined by the Deemster has given us a greater level of clarity regarding these matters and that indeed my powers as Minister are somewhat curtailed with regard to my evaluation of planning inspector determinations.

So now that that has been established in Manx law, that will become a precedent. However, that adjudication was, in the great part, taken by examples using English law in order to make that judgment.

So, it is normal practice for the courts, which I am not party to nor influential of, to ensure that if there is no Manx precedent, they will look to alternatives. Now that the Deemster has made one ruling, that will become precedent on the Island, sir.

The Acting Speaker: A further supplementary from the Member for Douglas South.

Mr Malarkey: Thank you, Mr Acting Speaker.

To help clarify the situation, would the Minister agree to bring to the House, on an urgent basis, draft legislation that would enable those sections of the draft Strategic Plan that have already been finalised to be brought to this House to be finalised and then, at a later date, we could follow on with those parts that we seem to be having problems with?

The Acting Speaker: I call on the Shirveishagh to reply.

The Minister: Thank you, Mr Acting Speaker.

That was the intention of my predecessor, Mr Rimington, at one stage. However, he and I share the view that to come forward now in piecemeal elements of this would actually be more confusing than actually moving forward with our priority, which is to get the emerging Strategic Plan determined, which means that we have a target date of no later than July this year.

Therefore any distraction from that would actually compromise our ability, if possible, to deliver at that date, sir.

HEALTH AND SOCIAL SECURITY

Cataract operation waiting lists Correction of February Answer

1.4. The Hon. Member for Michael (Mr Cannan) to ask the Minister for Health and Social Security:

Will you make a statement to this House correcting your Answer given at the sitting on 6th February 2007, to the

Question, 'What is the current waiting time for a patient in need of a cataract operation before the patient has the first consultation with the Consultant Ophthalmologist?' and your response which stated inter alia, 'the longest waiting patient was referred on 24th August 2006 and was seen on 27th January 2007', when enquiries have shown that in fact the longest waiting patients were referred in May/June/July 2005?

The Acting Speaker: Now I call on the Hon. Member for Michael to ask the Question standing in his name, at number 4, please.

Mr Cannan: I ask Question 4 standing in my name, sir.

The Acting Speaker: I call upon the Hon. Member for Ayre, the Shirveishagh for Health and Social Security, to reply.

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

Yes, and if I could seek your agreement, I will make a Statement now, sir.

The Acting Speaker: Certainly, sir.

The Minister: Thank you.

I had wanted to make a statement previously but was unable to do so, as the Hon. Member for Michael had tabled further Questions.

Timescales to obtain information to answer Questions are short, which can affect the depth of response given and the data on cataracts is not recorded separately to other ophthalmologic procedures.

Hon. Members will recall that in this House on 6th February 2007, I replied to a Question on ophthalmology services asked by the Hon. Member for Michael, Mr Cannan. In the light of the supplementary comments and questions raised by Mr Cannan after hearing my reply, I have now revisited the information provided to me by the Department and, in seeking clarification of some points, have concluded that I may have inadvertently misled the Hon. Member and this House.

The Hon. Member asked what the current waiting time was for cataract operations. My response should have clearly indicated that we cannot isolate those waiting for cataracts from those waiting for other ophthalmologic services and procedures, and thus I could not give a definitive Answer to the Question.

The information I quoted was gathered by manually examining recent clinics to discover the longest wait of treatment. In my response, I therefore quoted the findings of that manual examination of recent ophthalmology clinics, which indicated that the longest-waiting patient had been referred to the service on 26th August 2006 and was being seen on 23rd January 2007.

The Hon. Member for Michael then gave me an example of one of his constituents who appeared to have been waiting longer than this. Subsequent enquiries have indicated that the referral for his constituent appears to have been received at Noble's Hospital on 9th October 2006 and I understand that the patient has now been given an appointment for 13th March 2007. The Hon. Member suggested that his

constituent had been waiting since a date in 2005. This is not consistent with the referral record held at Noble's Hospital and further enquiries are being made with the referring general practitioner.

I apologise that my initial response may have given the impression that waiting times for cataract operations are shorter than they actually are.

As this House is aware, both my predecessor and myself are very concerned about the waiting lists for some specialties, including ophthalmology. This is despite numerous waiting list initiatives over the last few years and reflects the fact that demand for new patient consultations exceeds the number of appointments available. The Department and hospital staff are actively considering ways to make more appointments available, as well as considering other methods to make resources available for additional operations to be undertaken.

Mr Speaker – sorry, Mr Acting Speaker, I beg your pardon, sir – with hindsight, perhaps I should have declined to answer the Question until there was adequate time to obtain more comprehensive and also reliable data.

The Acting Speaker: Thank you.

Any supplementaries? A supplementary from the Member for North Douglas.

Mr Henderson: Gura mie eu, Mr Acting Speaker.

Could the Shirveishagh confirm for the House that the ophthalmic service has one of the worst waiting lists in any specialty within the Health Service currently, in terms of the time it takes from the GP referral to an actual treatment session – as in some of the longest waiting times on any specialty?

Notwithstanding some of the initiatives he has spoken about in historical terms, could he advise what his Department intends to do for current patients on the waiting list? Certainly, some of my constituents raised a storm when we found out his original Answer, because he may like to trawl, or have his staff trawl, through some other records to discover that there are, indeed, some other patients been waiting far longer than his initial Answer, given his brief today.

I would be very interested to see what the Shirveishagh has got to say to that, Acting Speaker.

The Acting Speaker: I call on the Shirveishagh to reply.

The Minister: I do accept and I have acknowledged that there is a particularly long waiting list for ophthalmic services, Mr Acting Speaker. I have to say that I do not regard this as acceptable.

However, to divert resources into a particular area means that they have to be removed from another area. I think it is fairly common knowledge, both within this House and another place and the wider community, that surplus resources are one thing that the Department does not have.

I have been having a look at the activity. The activity for ophthalmic procedures is within the guidelines laid down by the relevant authorities.

But I do acknowledge that there is an issue and the Department is having a look at ways that it can address the matter, sir.

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

Rushen: a supplementary.

Mr Gill: Thank you, Mr Acting Speaker.

Given the significant disparity in the Answer that was originally given and the clarification with which we have now been provided, could the Minister advise if this is just related to this area of practice or, indeed, with the same methods of trawling records, are they the same across other areas of clinical activity?

The Acting Speaker: Can I have a reply, Hon. Member for Ayre, please?

The Minister: Thank you, Mr Acting Speaker.

When a referral is made to a consultant, the consultant may undertake a variety of procedures, sir. Therefore, the data is on a batched basis. It is not on a drill down basis.

So, if we needed to, in effect, have a look at or to investigate any particular detailed procedure then we would have to undertake an annual review of the waiting lists and that, in itself, does have further resource implications for the Department. To undertake a manual review of waiting lists is time consuming, sir.

The Acting Speaker: Supplementary from the Hon. Member for Douglas North.

Mr Henderson: Gura mie eu, Mr Acting Speaker.

Could the Shirveishagh give an undertaking to look into the staffing situation at the ophthalmic clinic currently, where we acknowledge that they are hard working, dedicated and excellent in what they do? There was a comment made in this House by his predecessor, whereby an additional medical appointment was made, but there was some haziness as to this particular person's functions within the section, whereby he or she may not be able to perform all the functions of a medical specialist within the Ophthalmic Department?

Could he investigate that and see if this person has now undergone any training that may be necessary to bring them up to speed with the other specialist there to expedite the waiting lists as soon as possible?

The Acting Speaker: I call on the Shirveishagh to reply.

The Minister: Thank you, Mr Acting Speaker.

Inevitably, the question of staffing entails the question of resources. When a new consultant was appointed, the new consultant came in with a different approach and that, in itself, did slow down the initial activity. That has now recovered, sir.

With the resources that we have available, we would be unable, at the present time, to employ further staff to undertake additional work on the ophthalmology backlog.

I have to say that we are looking at other ways of trying to improve the situation, and I am hopeful that we will be able to move forward in that matter, sir.

The Acting Speaker: Supplementary from the Hon. Member for Douglas East.

Mrs Cannell: Thank you, Mr Acting Speaker.

Can I ask the Minister, if he is so concerned about the

extent of waiting lists, not in just this area, but in other areas, will he accept that we share his concern? If he is so concerned, is he prepared to come to Tynwald and ask for a supplementary vote to provide the necessary monies required to expedite these services (**Mr Henderson and Mr Cannan:** Hear, hear.) so that our people can get a decent service and get treatment as and when they need it?

Or is he taking an accountancy approach to his ministry, in terms of wanting to count the pennies at a cost and cut backs to these essential services?

Mr Cannan: Hear, hear. Well spoken.

The Acting Speaker: I call on the Shirveishagh to reply.

Mr Teare: Dealing with the last issue first, Mr Acting Speaker, I am not counting the pennies at a cost. I am not cutting back. I am just trying to ensure that the Department acts responsibly with the resources (**The Chief Minister:** Hear, hear.) with which it is entrusted by another place.

We cannot throw money at a problem. We have got to make sure that our resources are accurately focused and directed. In the current environment, to increase or to divert resources to another area would mean that I would have to remove resources from an existing area and that would cause pressures elsewhere. I have said that we are investigating how we can proceed.

You did ask me whether I would come back for a supplementary vote. I do share the concerns of Hon. Members and they are concerns which are very close to my own heart, but the Hon. Member must be aware that there is a limit to the resources available to the Department. We already have budgetary issues and the first priority must be to ensure that, as a whole, we and all sections of Government live within the resources made available to us.

The Acting Speaker: Further supplementary, Hon. Member for Douglas East.

Mrs Cannell: Thank you, Mr Acting Speaker.

Mr Acting Speaker, do we accept, therefore, that the Minister is saying that he is prepared to rob Peter to pay Paul, or that he is not prepared to do that? Therefore, does he agree with me, he is taking an accountancy approach to his job?

Further, would he accept from me, and other Members who have been in this House much longer than I, that, historically, Health Ministers have come back to Tynwald from time to time and asked for a supplementary vote, in order to reduce a waiting list for essential health services for the people of the Isle of Man? Will he accept that?

The Acting Speaker: Reply, Hon. Member.

The Minister: I am pleased to accept it, Mr Acting Speaker, but what I would say is that, as I have said on, I think, three occasions in answering supplementaries on this Question, we are currently investigating the best way of approaching this issue.

With that, sir, I will have to resume my seat.

The Acting Speaker: Thank you, Hon. Member.

TRANSPORT**Victoria Pier
Greater access for anglers**

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

Will you arrange for anglers to have greater access to the Victoria Pier?

The Acting Speaker: I call upon the Hon. Member for Doolish Twoaie, Douglas North, Mr Houghton, to ask the Question standing in his name.

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

The Acting Speaker: I call upon the Minister for Transport, the Member for Glenfaba to reply.

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

I would advise the Hon. Member that the restrictions placed upon the Victoria Pier by the Department are necessary in order to fully discharge the Island's international obligations with respect to ship and port security.

In response to the heightened awareness of the risk to air and sea passengers, the United Kingdom passed the Aviation and Maritime Security Act in 1990. With respect to sea passengers, the Isle of Man passed the Maritime Security Act in 1995 which gave powers to the Department to make regulations to bring the Act into operation.

The Douglas Harbour (Restricted Zone) Order 1995 created a restricted zone around the passenger facilities on the Victoria and Edward piers. This restricted zone was extended in 2002 by the Douglas Harbour and Elevated Walkway (Restricted Zone) Order.

Following the 9/11 incident in New York in 2001, maritime security was further increased by the approval of the United Nations International Maritime Organisation of the International Ship and Ports Safety Code (ISPS Code). This Code imposed significant additional restrictions within the already existing restricted zones.

The UN Convention, under which the ISPS Code was adopted applies to the Isle of Man and, therefore, the Department, in order to discharge the Island's international responsibilities, adopted in full the ISPS Code requirements.

This required the preparation of a port facility security plan which, amongst many other matters, is designed to prevent any unauthorised access to the port facility, the ships moored at the facility and to restricted areas of the facility.

In order to establish and maintain the restricted area, the Department established permanent barriers which controlled access points, which, as required by the Code, can be effectively locked or barred when not in use.

The Hon. Member will be aware that the Douglas Angling Club has, since 2002, had a long standing arrangement whereby numerous formal and organised club events are accommodated between passenger vessel arrivals and departures. This arrangement requires the club to provide advanced notice of the event to the Department and strictly control access to known club members.

This arrangement is allowed for within the security code as it is permitted controlled access. General uncontrolled access on the other hand is not permitted.

To conclude, Mr Acting Speaker, the Department is required to maintain an internationally approved level of port security. However, it is willing to engage with angling clubs to establish whether further controlled access is possible. To this end, the port manager in Douglas will be contacting the Douglas Angling Club to establish what can be achieved in the limited time available before the return of the SuperSeaCat II.

The Acting Speaker: Further supplementary from the Hon. Member for Douglas Twoaie.

Mr Houghton: Thank you, Mr Acting Speaker.

Would the Minister not agree, though, that for angling clubs and anglers themselves, the access arrangements for access onto the Victoria Pier area are bureaucratic, difficult and tedious? Would the Minister agree to meet myself and members of that Association in order to see if we can make better improvements as he has already alluded to, sir?

The Acting Speaker: Calling the Shirveishagh to reply.

The Minister: I acknowledge that some of these agreements and regulations are bureaucratic, but I think they, Mr Acting Speaker, are necessary.

As I said in my initial Answer, the Angling Club will have a response from the Department seeking further derestricting, until the SuperSeaCat II comes back into operation.

There are other issues that are mentioned within the Angling Club's letter to the Department to do with securing access and these will be looked into.

The Acting Speaker: Further supplementary, Member for Douglas North, please.

Mr Houghton: Thank you, Acting Speaker.

Would the Minister agree to meet with me and the Association in order to discuss these matters?

The Acting Speaker: I call on the Shirveishagh to reply.

The Minister: Mr Acting Speaker, I am happy to meet with the Hon. Member and the Angling Clubs, if these issues cannot be ironed out in the meantime.

Thank you.

Mr Houghton: Thank you.

**Ballanard Road closure
Lack of notification**

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

Why has a section of the Ballanard Road been closed on 26th February without giving due notification to the public?

The Acting Speaker: I call on the Hon. Member for North Douglas, Doolish Twoaie, to ask the next Question in his name.

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

The Acting Speaker: I call upon the Shirveishagh, the Hon. Member for Glenfaba to reply.

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

The Road Traffic Regulation Act 1985, section 3 and schedule 1 require that a notice of intention to close a road shall appear in a newspaper printed and circulated on the Island not less than seven days before the making of an order. The Department normally requires 21 days' notice of a request for a road closure.

The contractor wishing to connect to the public sewer on Ballanard Road immediately north west of the roundabout on Johnny Watterson's Lane, initially intended to do this work under traffic signals without closing the road. However, at a late stage, the contractor advised the Department that he required a further two-week road closure for this work.

The notice of intention to close Ballanard Road was published in the *Courier* on 22nd February, but due to a misunderstanding by the contractor, the road closure was implemented on Monday, 26th February 2007.

In this particular instance, it is unfortunate that the contractors were also late in placing advance notice signs and in delivering the courtesy letter to residents. The contractor has been advised that for this closure, his performance has not met the Department's requirements of advising the public, and that any future requests by him for road closures will be carefully monitored.

The Department apologises for the short notice to residents and any inconvenience that this has caused. As a result of this evidence, we will be reviewing our procedures to ensure that all contractors are aware that they need to apply for a closure 21 days in advance, and that is essential in order to meet the requirements of the Road Traffic Regulation Act.

Thank you, Mr Acting Speaker.

The Acting Speaker: Further supplementary from the Hon. Member.

Mr Houghton: Thank you, Acting Speaker.

Would the Minister not agree with me that there are a number of residents been put to very severe inconvenience, through the extremely deplorable way that this matter has been handled thus far?

Does the Minister have in his powers any ability to heavily fine those companies who let the public down in such a way? If he does, can there be some form of compensation given to those who have to go out of their way in time and travel to at least four, sometimes six, miles' distance to return back to the point to which they intend to travel?

Also, would the Minister not agree with me that should these tails that have been put in the road for linkage by that said building firm, could they not have been done at the time when the roundabout was constructed, in order to save such severe inconvenience?

The Acting Speaker: I call on the Shirveishagh, the Hon. Member for Glenfaba, to reply.

The Minister: Thank you, Mr Acting Speaker.

Several supplementaries there, I hope I will cover them all.

I would agree this does put residents to inconvenience wherever there is disruption and necessary road closures, but it is for the long-term good for all residents of the Isle of Man. I believe that sometimes we have to put up with inconvenience to improve our infrastructure.

I am not aware of any mechanism where people can be financially compensated. I do appreciate it is an inconvenience to some people, but it was necessary to close the road, because the sewer was not in the location in which the contractors thought it was, so therefore they were unable to operate it using just traffic lights and had to apply for a road closure order.

In relation to the roundabout construction, I would not know, Hon. Member, if that would have been feasible. I could find out, but I presume if it had been feasible and it had been planned ahead, it would have been done in that manner.

The Acting Speaker: Further supplementary from the Hon. Member, Mr Henderson, Member for Douglas North, Doolish Twoaie.

Mr Henderson: Gura mie eu, Acting Speaker.

Would the Minister agree with me that the shambles at Willaston corner currently needs to be more urgently addressed than he is giving us in his answers this morning – although we are grateful for the positive way in which he has addressed the situation?

But further, would he agree to re-examine the rules and regulations which require contractors to give certain time periods of notice to close roads? If these contractors are in breach, then they should suffer some sort of penalty.

Further, would he agree to ask his Department to bring to bear pressure on the current contractors to ensure at least a partial opening of Ballanard Road, west of Willaston corner out to Abbeylands, as and when there is no work on it, to ease the plight of all (**Mr Houghton:** Hear, hear.) the residents out there who basically (**Mr Houghton:** Hear, hear.) have to drive out to Abbeylands and all over the place to get back into Douglas?

The Acting Speaker: I call on the Shirveishagh, the Hon. Member for Glenfaba, to reply.

The Minister: Yes, I understand the Hon. Member's concern, but I do revert to my original Answer which said, as a result of this, we are reviewing the procedures.

I am not aware if we are able to, part way through a road closure, actually open it up again, I do not know. I would imagine there would be some complications in that.

But I am assured that the work is going on, on schedule, and it should be open on schedule.

The Acting Speaker: Thank you, Hon. Member. That takes us to the end of Question Time.

Standing Order 3.5.1(2) suspended to take remaining Oral Questions

The Acting Speaker: Hon. Member for Douglas North, Doolish Twoaie.

Mr Houghton: Thank you, Acting 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 Henderson: I beg to second, sir.

The Acting Speaker: Hon. Members, the motion is that Standing Order 3.5.1(2) be suspended to permit the rest of the Questions to be answered to be taken at this sitting. All those in favour? Those against? The ayes have it.

A division was called for and electronic voting resulted as follows:

FOR

Mr Quirk
Mr Brown
Mr Crookall
Mr Anderson
Mr Quayle
Mr Cannan
Mr Cregeen
Mr Houghton
Mr Henderson
Mr Malarkey
Mrs Cannell
Mr Braidwood
Mr Corkish
Mr Shimmin
Mr Cretney
Mr Gawne
Mr Gill
The Acting Speaker

AGAINST

Mr Earnshaw
Mrs Craine
Mr Bell
Mr Teare
Mr Watterson

The Acting Speaker: Hon. Members, there being 18 votes for and 5 votes against, the suspension of Standing Orders needs 16, so we will carry on with the Question Paper.

HOME AFFAIRS

Community service officers Department's plans

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

Does your Department plan to introduce community service officers on to the streets?

The Acting Speaker: I call on the Hon. Member for Doolish Twoaie, Douglas North, Mr Houghton, to ask the Question standing in his name.

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

The Acting Speaker: I call upon the Minister of Home Affairs, Rheyyn Cooishyn Sthie, to reply, please.

The Minister of Home Affairs (Mr Quayle): Thank you, Mr Acting Speaker.

I am pleased to have this opportunity to confirm that the Department of Home Affairs does not have any plans to introduce (*Interjection*) police community support officers

here on the Isle of Man; neither does the Chief Constable have any such ambition.

The Association of Chief Police Officers and the Home Office in London, which governs policing in England, Wales and Northern Ireland, have introduced police community support officers, known as PCSOs, as an integral part of their national community reassurance programme. Recruited in large numbers, particularly in London and major cities, the PSCOs are now integrated as key members of the extended policing family, albeit they are not trained to the same standard as police officers and therefore, at the moment at least, have limited powers. This may, however, develop in the future.

That having been said, Mr Acting Speaker, community reassurance is one of the four key strategic aims of the Isle of Man Constabulary and an extra uniform presence on our streets and in our communities would undoubtedly add value to this aim.

Levels of reassurance within our community have traditionally been high, as the prospects of being a victim of crime are extraordinarily low, as recently acknowledged during inspection of the Constabulary by one of Her Majesty's Inspectors of Constabulary. Hon. Members will have noted this from reading the Report of HMIC that was included in our Papers only last month, when we met in another place.

Mr Acting Speaker, regular officers complemented by members of the Isle of Man Special Constabulary jointly formed the lead response for public reassurance, by patrolling in uniform within our communities whenever possible. This is now a very focused activity, under the auspices and framework which is provided by the five neighbourhood policing teams.

More recently, the Chief Constable has launched a new initiative to increase the capability of the Isle of Man Constabulary by way of community volunteers. This initiative has got off to a particularly encouraging start, with the appointment of 28 volunteers. I would like to take this opportunity to publicly thank those people for giving up their own valuable time to support the Constabulary in such a meaningful way.

Finally, Mr Acting Speaker, and just to reiterate, I can confirm that neither the Department nor the Chief Constable have any plans to introduce PSCOs. I also confirm that the community volunteers will not be deployed as pseudo-PSCOs.

Thank you, Mr Acting Speaker.

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

Mr Houghton: Thank you, Mr Acting Speaker.

Can I welcome the Minister's reply this morning as far as the PSCOs. Would he absolutely confirm that it is a failed policy in the UK?

But would he do one more thing for us, since he has mentioned neighbourhood community policing? Could he put a few policemen on the beat at night in Douglas? They are not seen. I went out the other night to see if I could find one. I failed miserably. (*Interjections and laughter*)

The Acting Speaker: Hon. Member for Middle, the Shirveishagh son Cooishyn Sthie, to reply.

The Minister: Thank you, Mr Acting Speaker.

I think there are enough responsibilities for myself as Minister for Home Affairs to look at the policing within the Isle of Man, without having regard to policies whether they are successful or failing in the United Kingdom. I would leave that to those responsible in another place.

As far as policemen on the beat is concerned at night-time, I will certainly draw those comments to the attention of the Isle of Man Constabulary. I am sure they will be interested to hear of them.

Thank you, Mr Acting Speaker.

The Acting Speaker: Supplementary from the Hon. Member for Douglas East, Doolish Ear.

Mrs Cannell: Thank you, Mr Acting Speaker.

Can I ask the Minister, in terms of the 28 community volunteers that he has quoted here this morning, have they received any form of training by the Department, particularly if they are going to be out in the community? Can he advise what kind of work they are expected to do?

Further, would he accept from me that I share the Hon. Member for North Douglas' concern regarding non-sight of police officers at street level, bearing in mind that I represent the busiest part of Douglas and that is the promenade area? Will he do something about it to address it?

The Acting Speaker: I call upon the Shirveishagh son Cooishyn Sthie, Minister for Home Affairs and Member for Middle to reply.

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

I fear we are straying away from the original Question, but I am happy to respond as best I can.

In terms of the training to the community volunteers then, yes, of course they are receiving training and a lot of the tasks that they are undertaking are to do with opening police stations to further extend the times at which they are open. So they are providing very valuable facilities to enable the policing to be even better on the Island than it is.

In terms of extra policing within the East Douglas neighbourhood, all I can say to that is that the Hon. Members here will be aware that the Operation Centurion won a worldwide award for its policing in the Douglas area, and that is because most of the crimes – 80 per cent, I understand – are taking place within a 20 per cent of the area of Douglas as a rule of thumb. Operation Centurion was devised to target, most successfully, the prime hot-spots, and I commend the Constabulary for being so successful in that regard.

The Acting Speaker: Supplementary from the Hon. Member for Douglas South, Doolish Gliass.

Mr Cretney: Yes, thank you, Mr Acting Speaker.

Could the Minister, when he is reporting back to his officers, pass on the thanks of those of us from the Douglas constituencies who have for the first time, recently, met with the two sections which cover the Douglas area, and are going to do so on an on-going basis, where we will be able to facilitate the needs of our constituents and clarify in an open way and discuss with the officers on an on-going basis our concerns in the proper forum? (*Interjections*)

The Acting Speaker: I call on the Shirveishagh son Cooishyn Sthie to reply, please.

The Minister: Thank you, Mr Acting Speaker.

I am very pleased indeed to acquiesce to the Hon. Member for South Douglas's request. In terms of policing around the Island, I would like to think that all Hon. Members within this House, whatever region they are coming from, will have found the introduction of the neighbourhood policing teams over the last months to have been successful in their own area, as indeed I have found in my own.

Several Members: Hear, hear.

The Acting Speaker: Further supplementary from the Hon. Member for Douglas East.

Mrs Cannell: Thank you, Mr Acting Speaker.

Would the Minister agree with me that this is the right forum for Hon. Members to be raising concerns –

Mr Cretney: You did not turn up, did you?

Mrs Cannell: – and questions to Ministers and, in fact, this is the ideal forum, as well as Tynwald –

Mr Cretney: Why did you not turn up?

Mrs Cannell: – for raising these concerns?

Will the Minister take it from me that whilst he accepts Centurion has been successful, and one would not argue with him, the impact has been fairly negative in terms of Douglas East?

Will he further accept that the reality of the situation is that we are still getting a lot of petty and anti-social behaviour on the streets of Douglas, particularly at night-time at the weekends on the promenade, which greatly disturbs and unsettles my constituents who reside there?

The Acting Speaker: I call on the Shirveishagh son Cooishyn Sthie, the Hon. Member for Middle, to reply, please.

The Minister: Thank you, Mr Acting Speaker.

First of all, I would readily acknowledge this is definitely the right forum to be asking Questions in this place, and for Ministers to be answering those Questions. That is what I have tried to do in anything that I have been involved with.

As far as Operation Centurion is concerned, I would have to say I think it has been very successful. I believe that the Hon. Member for East Douglas, if she is lacking in any information in that regard, I would be more than happy to provide some information –

Mrs Cannell: I do not lack any information.

The Minister: – to do with Operation Centurion.

Mrs Cannell: I research my subjects properly.

The Minister: It has certainly been acknowledged as a success, and I congratulate those involved in making sure that it has been a success.

In terms of petty anti-social behaviour, unfortunately there is too much anti-social behaviour around the Isle of Man. We obviously hope that that can be reduced, and the Isle of Man Constabulary are doing their best to do that.

I think the neighbourhood policing teams as I mentioned before have been successful with that.

I would, finally, Mr Acting Speaker, just say that we should not be getting this out of context. The Isle of Man is still a very, very low crime area, and we cherish our quality of life, which is down so much to the effective policing of the Isle of Man. (*Laughter*)

The Acting Speaker: Supplementary from the Hon. Member for Douglas East, Mr Braidwood.

Mr Braidwood: Thank you, Mr Acting Speaker.

Would the Minister agree with me that there should be better utilisation of the Special Constabulary; that some officers are committed every week, while others only appear very infrequently; and that the Special Constabulary should be based more like the retained fire fighters, where an amount of money should be given to the Special Constables, (**Mr Houghton:** Hear, hear.) they will be committed to work so many hours in the year, and they are paid a reasonable rate for the hourly work that they do?

The Acting Speaker: Reply, Hon. Member.

The Minister: Thank you, Mr Acting Speaker.

This, obviously, gives me a chance to put on record thanks to the Special Constabulary for their undoubted assistance to the regular officers.

I would entirely agree with them that, wherever possible, if we can, we would work towards better utilisation of Special Constables. I am very pleased indeed to say that I attended, recently, an induction day of 10 Special Constables – I was pleased to attend part of that day with them. I actually was also involved in the award of their appointments of office.

So, that is to put on record the appreciation of the Special Constabulary. I am aware, for example, that, as we come up to the TT Centenary, there will be more Special Constables needed and we look forward to those extra officers being available to supplement the hard work of the regular officers.

HON. J P SHIMMIN MHK

Broadcasting (Amendment) Bill 2006 Consultation

1.8. The Hon. Member for Michael (Mr Cannan) to ask Hon. J P Shimmin MHK:

Did you consult with either Radio 3FM or Energy FM prior to publication of the Broadcasting (Amendment) Bill 2006?

The Acting Speaker: I call upon the Hon. Member for Michael to ask the Question standing in his name: Item 8, sir.

Mr Cannan: Mr Acting Speaker, I ask Question 8 standing in my name, sir.

The Acting Speaker: I call on the Hon. Member for Douglas West to reply.

Mr Shimmin: Thank you, Mr Acting Speaker.

In answer to the Hon. Member's Question: no, there was no specific direct consultation with regard to the short Broadcasting (Amendment) Bill, as it was neither appropriate or necessary to talk with 3FM and Energy.

The four-clause Bill was fulfilling the aspirations and, indeed, the instructions of Tynwald. We were made well aware of the views of both radio stations and part of their views were incorporated within the Bill, which I would put on record as being in the public domain for well over 12 months now. This is the first time that this issue has been raised, sir.

The Acting Speaker: Further supplementary from the Hon. Member for Michael.

Mr Cannan: Supplementary.

Would the Minister agree that, in presenting the Bill and the explanatory notes, when he says, 'the Bill has been the subject of consultation with interested parties', it could give the impression that interested parties would include radio stations licensed in the Isle of Man?

The Acting Speaker: In reply, Hon. Member.

Mr Shimmin: I would confirm that now, in hindsight, looking at it, it seems to be fairly clear that what was intended at the time to ourselves was not made clear during that statement. The interested parties were Manx Radio, the Communications Commission and the Attorney General.

In view of the correspondence latterly come in from the other radio stations, we could possibly have made it clear at that time. When I did move this Bill through the full clauses stage, through the House, it was not raised at that stage. I have looked through the *Hansard* and it is possibly something which could have been done. We will learn from that, Mr Speaker.

The Acting Speaker: Further supplementary, Hon. Member.

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

I wonder if I may ask the Hon. Member for West Douglas, Mr Shimmin, who was Minister at the time: would he not find it surprising that the parties did not contribute to any input as the Bill went through the respective branches and that would have been the time, one would have thought, to have raised the concerns, although they now have, obviously, come late in the day with correspondence?

Does he agree that it is surprising that they did not contribute, when it was going through both branches?

The Acting Speaker: I call on the Hon. Member to reply.

Mr Shimmin: I think, Mr Acting Speaker, it is reasonable that they did not comment at the time, because this was a specific short Bill to fulfil Tynwald's wishes which did not have any direct relevance to those radio stations, other than affording them certain aspects that they had lobbied for, which was to ensure that the financial viability of existing operators be taken into account, when the legislation was being moved.

I am slightly surprised they have raised it at this stage, rather than the fact that they did not raise it at that stage. I

know many of the parties involved in both radio stations, and I have a great deal of respect for them. However, I think they are using this as a vehicle to raise other issues not associated with the Bill, and that is possibly for another place, sir.

The Acting Speaker: Supplementary, Hon. Member for Michael.

Mr Cannan: Final supplementary.

Would the Minister care to comment on the statement in their letter which has been delivered to all MHKs, in which it states:

'In our opinion,'

– that is Radio 3FM, Energy FM –

'the Bill allows Manx Radio to operate in an anti-competitive way due to the level of Government funding that it receives.'

The Acting Speaker: The Hon. Member, if he wishes to reply.

Mr Shimmin: I would disagree that that is the intention of this Bill. The Bill is quite clearly to define public service, to engender a 30-year licence, which was part of the Tynwald motion. Subject to lobbying, we did look at restricting the number of future licences and to ensure the reviews go ahead in the future.

The issue of a grant was also incorporated which does not change the current process whereby the subvention afforded by Tynwald to Manx Radio is well established. The anti-competitive way has not changed due to this Bill.

Therefore, again, I would say, as I did to the Hon. Minister, that possibly they are looking at an alternative issue they wish to debate, and they are using this as a means of doing it, sir.

The Acting Speaker: Hon. Members, this being the end of the Question Time, the three remaining Questions are for Written Answer and will be distributed.

Questions for Written Answer

TREASURY

Company law Correcting apparent defect

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

Will you introduce legislation as a matter of urgency to remedy the defect in company law which appears to allow a major shareholder and executive director of a public company to sell assets at a personal profit to a subsidiary of that company without the approval of the other shareholders, as has happened recently with one well-known Manx company?

Answer: If the Hon. Member will provide specific details in writing of the alleged defect in company law that he believes needs to be remedied, or of the alleged occurrence to which he refers, I will ensure that the matter is considered.

Insolvency Service Office Bill Reintroduction

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

When will the Insolvency Service Office Bill introduced into the last House in 2003, but not proceeded with, be brought forward again?

Answer: The Insolvency Service Office Bill currently appears in 2007-08 in the legislative programme.

HEALTH AND SOCIAL SECURITY

New hospital Heating and lighting costs

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

How much has the total yearly cost been for heating and lighting in the new hospital in each of the years since it has been open?

Answer: The energy costs for Noble's Hospital are shown in the Table 2.3A below. Financial years 2004-2005 and 2005-2006 are the only years for which we have annual costs, as the other two years in the Table are part years.

Table 2.3A

The Utility costs are for Electric (Power & Lighting) & Heating (Oil & Gas)

Date Period	Year	Electric £	Heating £	Total £
1st July – 31st March	2003/4	326,451.24	236,475.67	562,926.91
1st April – 31st March	2004/5	585,313.83	388,965.03	974,278.86
1st April – 31st March	2005/6	719,168.78	510,900.60	1,230,069.38
1st April – 5th February	2006/7	717,491.53	407,529.60	1,125,021.13

Order of the Day

BILL FOR THIRD READING

Civil Service (Amendment) Bill Third Reading approved

3.1. Mr Brown to move:

That the Civil Service (Amendment) Bill be read the third time and be sent to the Council.

The Acting Speaker: I then go on to our final Item on our Order Paper, Claare Obbyr. I call upon the Chief Minister to move the Third Reading of the Civil Service (Amendment) Bill.

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

Mr Acting Speaker, the Bill alters the Constitution of the Civil Service Commission and provides that the Chief Minister appoints, at his pleasure, the members of the Commission, consisting of a Chairman and a Vice-Chairman, both being Members of Tynwald, and no more than three other persons, not Members of Tynwald.

The Chief Secretary is removed as a member of the Commission but will provide advice to the Commission.

The Bill provides a statutory bar for civil servants in relation to being members of Departments, Statutory Boards or Statutory Authorities. The Bill provides that the Civil Service Commission shall provide an annual report in relation to their functions under the Act and that the report shall be laid before Tynwald.

Finally, the Bill provides a transitional safeguard for the members of the Commission.

Mr Acting Speaker, the Bill is an important change and, whilst it provides for important changes, it will not mean that there will be instant changes in a way that maybe some Members may envisage. However, there will be changes that, hopefully, will benefit in the long term, and enable policies that I believe need to be developed from the centre, with guidance from the Chief Minister or led by the Chief Minister and Council of Ministers.

I therefore beg to move the Third Reading of the Civil Service (Amendment) Bill 2007.

The Acting Speaker: I call on the Hon. Member for Doolish Twoaie, Douglas North to second.

Mr Houghton: Thank you, Acting Speaker.

I am very happy to second this, sir. I would like to commend the Chief Minister for putting this Bill through so speedily as he has. It will enhance the running and smooth operation of the Civil Service Commission and tighten its contacts with the Chief Minister. I would, therefore, commend it to the House.

Thank you, sir.

The Acting Speaker: I call on the Hon. Member for Douglas East, Doolish Ear, to speak.

Mrs Cannell: Thank you, Mr Acting Speaker.

Can I just ask the mover of the Bill, in respect of the last clause of the Bill, clause 6(2) where it states:

'Section 4 shall come into operation on such day as the Council of Ministers may by order appoint.'

Does the mover of the Bill have any idea of when section 4 of this particular Bill is likely to come into effect? Is there a date in his mind as to when this will come into effect? I know that it has now got to go to the Legislative Council for its final checking up there, but does he have an optimum date in mind in terms of how swiftly the actual Appointed Day Orders will come through?

The Acting Speaker: That being all, Hon. Members, can I call upon the Ard-shirveishagh, the Member for Balley

Cashtal, Castletown, to reply.

The Chief Minister: Thank you, Mr Acting Speaker.

I thank the Chairman of the Civil Service Commission, the Hon. Member for Douglas North, Mr Houghton, for his support of this legislation and his clear understanding of what we are endeavouring to do. I also thank the House for their support in taking this Bill through.

Can I say that, as far as the question from the Hon. Member for Douglas East, Mrs Cannell, is concerned, in relation to section 6(2), it is my intention to introduce the effects of this legislation at an early date, and as soon as I can after the Bill receives Royal Assent and comes into effect, subject to that order being made. So, it is my intention to progress this matter as soon as practical and as quickly as possible.

I hope that answers the question, Mr Acting Speaker. I beg to move.

The Acting Speaker: Hon. Members, the motion is that the Civil Service (Amendment) Bill be read a third time and then be sent to the Council. All those in favour, say aye; all those who say nay. The ayes have it.

A division was called for and electronic voting resulted as follows:

FOR

Mr Quirk
Mr Earnshaw
Mr Brown
Mr Crookall
Mr Anderson
Mrs Craine
Mr Bell
Mr Quayle
Mr Teare
Mr Cannan
Mr Cregeen
Mr Houghton
Mr Henderson
Mr Malarkey
Mrs Cannell
Mr Braidwood
Mr Corkish
Mr Shimmin
Mr Cretney
Mr Watterson
Mr Gawne
Mr Gill

AGAINST

The Acting Speaker

The Acting Speaker: Hon. Members, there are 22 votes in favour and 1 against. The motion, therefore, stands and the Third Reading is read.

Hon. Members, this concludes the business of the House today. The House will now stand adjourned until 10.00 a.m. on 13th March here in our own Chamber.

Thank you very much, Hon. Members.

Several Members: Thank you.

The House adjourned at 11.28 a.m.