



**HOUSE OF KEYS  
OFFICIAL REPORT**

**RECORTYS OIKOIL  
Y CHIARE AS FEED**

**PROCEEDINGS  
DAALTYN  
(HANSARD)**

**Douglas, Tuesday, 24th June 2008**

**Present:**

The Speaker (Hon. S C Rodan) (Garff);  
 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, 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.....□	635
Congratulations to Parish Walkers....□	635
1.1. Secretary of the House of Keys and Counsel to the Speaker – Mr Roger Phillips appointed.....	635
Questions for Oral Answer	
2.1. Public consultation – Provision of balanced information .....	635
2.2. Jackson Homes (Southern) Ltd – Government agreement.....	636
2.3. Commonwealth Parliamentary Conference – Resulting DAFF initiatives .....	637
2.4. Livestock – Amount leaving Island.....	638
2.5. Care of the elderly bed spaces – Numbers provided .....	640
2.6. Mobile telephone masts – Committee report on public health.....	643
2.7. TT 2008 – Organisation .....	644
Standing Order 3.5.1(2) suspended to allow continuation of Question Time.....	646
2.8. Tables and chairs on Douglas streets – Licensing authority .....	646
2.9. Douglas town centre – Protection of retailing.....	647
2.10. Southern Area Plan – Local authorities included.....	648
2.11. New prison, Jurby – Date fully operational .....	650
2.12. Old prison building – DHA plans.....	651
2.13. Air fares for flight changes – Protection for Manx residents .....	653
Procedural – Ruling by the Speaker on Written Question 2 .....	655
Questions for Written Answer	
3.1. Attorney General’s Chambers – Advocates and legislative drafters .....	656
3.2. Residential or nursing establishments – Answer declined .....	656
3.3. Manx Radio – Costs of advertising .....	656
Orders of the Day	
4.1. Bill for First Reading – Gender Recognition Bill.....	657
Tribute to Mr Malachy Cornwell-Kelly, retiring Secretary to the House .....	657

*The House adjourned at 11.57 p.m.*

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## House of Keys

*The House met at 10.00 a.m.*

[MR SPEAKER *in the Chair*]

### PRAYERS

*The Chaplain of the House of Keys*

### Leave of absence granted

**The Speaker:** Hon. Members, I have given leave of absence from today's sitting to the Chief Minister, the Hon. Member for Castletown, Mr Brown.

### Congratulations to Parish Walkers

**The Speaker:** Before we turn to our Order Paper, can I say well done to the three Members of the House of Keys who took part in the Parish Walk on Saturday, for their valiant efforts – Mr Cretney, Mr Cregeen and Mr Crookall – and in fact well done to all those who took part in the Parish Walk.

**Members:** Hear, hear.

### Secretary of the House of Keys and Counsel to the Speaker Mr Roger Phillips appointed

1.1 Mr Speaker to move:

*That in accordance with Standing Order 9 of the House of Keys, Roger Ian Sexton Phillips of 136 Dora Road, Wimbledon Park, London, SW19 7HU be appointed Secretary of the House of Keys and Counsel to the Speaker with effect from 1st September 2008, the appointment to continue during pleasure.*

**The Speaker:** Turning to our Order Paper, Hon. Members, first Item.

In accordance with custom, it falls to me as Speaker to move the motion for the appointment of a successor to the present Secretary of the House and Counsel to the Speaker who is retiring at the end of the coming recess.

As Hon. Members will be well aware, the person appointed as the Secretary of the House is by custom also the Clerk of Tynwald, but the House's appointment comes first and the Secretary of the House is eligible to become Clerk of Tynwald by leave of this House.

I am sure that all Members have now had opportunities of meeting Mr Roger Phillips and his wife, Sarah and we

are delighted they are with us in the Public Gallery this morning.

Roger Phillips is 52 and is a Deputy Principal Clerk in the House of Commons. He was educated at London University, where he read Law and was called to the English Bar in 1978. After three years in private practice, Roger joined the House of Commons administration and has served in a wide variety of positions, including Clerk to the House of Commons Treasury Committee, the Employment Committee and the Justice Committee, the Joint Committee of both Houses on Statutory Instruments and the British-Irish Inter-Parliamentary Body.

Roger Phillips is a fluent French and German speaker and gives regular lectures on procedural and other matters relating to the House of Commons. He has also had a considerable experience of ceremonial duties, which will be of value in connection, in particular, with our Tynwald Day celebrations.

Hon. Members, the Tynwald Management Committee are unanimous in recommending Roger Phillips for this appointment and I have no doubt that we will have an extremely able and experienced Secretary of the House and Counsel to the Speaker to continue the distinguished work of his predecessors in those offices.

I therefore move that, in accordance with Standing Order 9 of the House of Keys, Roger Ian Sexton Phillips of 136 Dora Road, Wimbledon Park, London be appointed Secretary of the House of Keys and Counsel to the Speaker with effect from 1st September 2008, the appointment to continue during pleasure.

Is that agreed, Hon. Members? (**Members:** Agreed.) Thank you, Hon. Members.

## Questions for Oral Answer

### CHIEF MINISTER

#### Public consultation Provision of balanced information

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

*Whilst welcoming the public consultation and accepting that the health officials in the DHSS were duty bound to express their personal professional opinions, would you ensure that any future public consultation exercises, from any Government Department or Statutory Board, permit the public to participate on the basis of genuine informed opinion, which requires any information leaflet to be factually balanced and any questioning to be neither biased nor leading?*

**The Speaker:** Turning now to our Question Paper, Questions for Oral Answer and in the absence of the Chief Minister, the Hon. Member, Mr Bell, will answer the first Question. I call the Hon. Member for Onchan, Mr Karran.

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

**The Speaker:** Hon. Member for Ramsey, Mr Bell, Treasury Minister.

**The Minister for the Treasury (Mr Bell):** Mr Speaker, the Government welcomes consultation with the Island's community and is actively seeking to improve and develop these communications. I am therefore very pleased to inform the Hon. Member that the Council of Ministers has recently agreed a Code of Practice on Consultation which is to be issued in early July. This new Code has been determined after being subject itself to public consultation.

Copies of the Code will be sent to all Members of Tynwald and other bodies. It will also be available in the Tynwald Library and on the Government website. The Code clearly identifies six principles which will guide our consultation. The Code is designed for use for the development of primary legislation, but Council has also endorsed it as a template for best practice by Departments, Boards and Offices when considering major policy decisions where consultation may be appropriate.

**The Speaker:** Hon. Member for Onchan.

**Mr Karran:** Vainstyr Loayreyder, would the Shirveishagh Tashtee make sure that lessons have been learned over the imbalance as far as the public consultation as far as fluoride is concerned, so that we do not end up with a situation where public documents are put out skewed one way or the other?

**The Speaker:** Mr Bell to reply.

**The Minister:** Mr Speaker, I am confident that the new guidelines, which will be available I think from 1st July, will cover that point.

### **Jackson Homes (Southern) Ltd Government agreement**

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

*Are you aware of any agreement between your Government and Jackson Homes (Southern) Ltd?*

**The Speaker:** Question 2 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:** I call on the Hon. Member for Douglas West, Mr Shimmin, to answer the Question on behalf of the Chief Minister.

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

I can confirm that an agreement exists between the Department of Local Government and the Environment, Jackson Holdings Ltd, J G Kelly Ltd and Jackson Homes (Southern) Ltd for the development of housing in Crossag Farm, Ballasalla, subject to planning approval being granted. I am not aware, Mr Speaker, of any other agreement

involving Jackson Homes (Southern) Ltd and the Manx Government.

**The Speaker:** Supplementary, Mr Cregeen.

**Mr Cregeen:** Thank you, Mr Speaker.

Is the Minister happy with that situation regarding Crossag Farm, as the Tynwald motion specifically mentioned J G Kelly and not Jackson Homes Ltd?

**The Speaker:** Mr Shimmin to reply.

**The Minister:** Yes, Mr Speaker, I can understand the Hon. Member wishing to represent some of the views of his constituent parties in the area. However, the publicly identifiable company, which is J G Kelly Ltd, is indeed the public recognised face of the deal that is being attempted to be worked in with my Department.

Certainly there is a significantly complex set of legal mechanisms within the agreement which would have actually led to some more confusion rather than clarification, so this has been verified by the Attorney General's Chambers and that the contract is in order, sir.

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

**Mr Karran:** Vainstyr Loayreyder, could the Shirveishagh reassure this House that we do not end up with a situation like we had where there was no investigation over the agreement that was supposed to give the opportunity of road access from the main road onto this development, where no-one was held responsible for it – it was worth well over £1 million to us as landowners; that there is not another agreement being given by people who have overstepped the mark as far as their responsibility is concerned, as far as Civil Service, and allowed a situation where we can become hostage to fortune to some litigation later, that we will have to then fund through the taxpayer to defend and protect the public assets?

**The Speaker:** Mr Shimmin to reply.

**The Minister:** I congratulate the Hon. Member for Onchan for once again being able to bring in some form of condemnation of previous – in his version – faults in this area. Of course, no Hon. Member in this Chamber, nor Department, nor officer would willingly go into something which caused cost or damage to the rights of the Government or the public of the Isle of Man.

I am advised, as we all are, by the legal representatives who work with them for Government that in the event that the development is not completed by J G Kelly, due to planning not being granted, then the Department retains the right to buy back the land at cost plus the value of any infrastructure or other works that have been completed. If the lessons have been learnt from previous situations, then I think we should all be reassured by that.

Can I give an unequivocal guarantee? None of us ever can, Mr Speaker.

**The Speaker:** Mr Cregeen.

**Mr Cregeen:** Thank you, Mr Speaker.

Is the Minister aware who the parent company of J G Kelly is, as J G Kelly is not the parent of Jackson Homes

(Southern) Ltd? Is he happy with the way this development is progressing? I would hate to see a position like they have in Jersey.

**The Speaker:** Mr Shimmin to reply.

**The Minister:** As there is a legal case taking place with regard to this matter, again, we ought to be a little bit careful, Mr Speaker. However, I do not believe there is any comparison to the situation the Member for Malew and Santon is alluding to in Jersey.

There are three parties involved, which I mentioned in the first part of my Answer. All three of these companies are linked in a way which is common within such practices. Jackson Homes (Southern) Ltd was incorporated in 2004; Jackson Holdings Ltd was incorporated in 1986; and J G Kelly Ltd was incorporated in 1946. It is fairly clear to myself and those who are looking at the information which will be made available to the courts, that this is a normal procedure. If there is any failure with that I will revert back to the House, but that is how I am advised, sir.

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

**Mr Quirk:** Thank you, Mr Speaker.

Could I ask the Minister: could he reassure this House on what bonds are laid down for security purposes – what the value of those bonds is – and if those bonds are with a UK-based assurer's? Please could he answer that?

**The Speaker:** Mr Shimmin.

**The Minister:** I welcome the Hon. Member, Mr Quirk, Member for Onchan, to the debate, Mr Speaker and, in doing so, think that he has stretched further beyond the grounds of the original Question into financial matters rather than the question which reads, 'the agreement between the Government and Jackson Homes.' All of those aspects I would not expect to have available at this time. If he would like to contact my Department, I am sure we will try and provide whatever information we are able to.

**The Speaker:** Hon. Member, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, would the Shirveishagh not agree that the reason we are in this position is because of the fact that we lost our opportunity as far as the access onto the main road? Would he not agree that whilst it is about balance both ways, the balance to defend the indefensible might be too far the other extreme, as far as the balance as trying to hold up things that have happened in the past to make sure they do not happen again?

**The Speaker:** Mr Shimmin.

**The Minister:** I do not believe that I have or will ever try to defend the indefensible. However, history will tell that, whether it is true or not.

This issue is a regrettable one for my Department. We are a party to these proceedings. We have attempted to develop housing which is required in this area for the Island. That has been found outwith the ability of the planning inspector to agree and, subsequently, that has been taken by our partner on this occasion to a petition to the court. Therefore the

matter will soon be resolved.

The reason we are here is because the planning application in joint names was refused, sir.

**The Speaker:** Final supplementary, original questioner, Mr Cregeen.

**Mr Cregeen:** Thank you, Mr Speaker.

Will the Minister clarify a statement earlier, that the land has been transferred to the developer and we will buy back at the original cost? Was this not a bit premature, and will he circulate the contract details to the Members of this House for viewing, please?

**The Speaker:** Mr Shimmin.

**The Minister:** In answer to the final part, no, Mr Speaker, I will not. There is a court case going on on this at the moment and we will supply information to the appropriate parties at the appropriate time.

I can advise – and this is an area that the Hon. Member is trying continually to get certain information on – it is too complex to give out in a verbal answer now, but I would attempt to say that according to the Attorney General's Chambers, the land is protected for the people of the Island, should this development not take place.

I can repeat what I said that in the event that the development is not completed, the Department retains the right to buy back the land at cost, plus the value of any infrastructure or other works that have been completed.

The linkage between the public sector and private sector houses is complex. The parties involved are a subject that I would not choose to try and explain any further, other than the reassurance with this question that the Attorney General's Chamber have once again looked at this contract and it is in order.

## AGRICULTURE, FISHERIES AND FORESTRY

### Commonwealth Parliamentary Conference Resulting DAFF initiatives

2.3. The Hon. Member for Rushen (Mr Watterson) to ask the Minister for Agriculture, Fisheries and Forestry:

*What initiatives will you be pursuing in your Department as a result of your attendance at the Commonwealth Parliamentary Conference?*

**The Speaker:** Question 3. I call the Hon. Member for Rushen, Mr Watterson.

**Mr Watterson:** I beg leave to ask the Question standing in my name.

**The Speaker:** In reply, I call on the Minister for Agriculture, Fisheries and Forestry, Mr Gawne.

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

The short Answer to the Question is none. There are no new initiatives that I will be pursuing as a result of

the trip to the Commonwealth Parliamentary Association Conference.

That said, I think my hand feels a little strengthened, having attended the Conference and having heard what is being progressed in a variety of other small countries in the British Islands and Mediterranean region.

**The Speaker:** Hon. Member, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, could the Shirveishagh possibly tell us, was this Question put in the light of the letters that have been sent to the Chief Minister last month from the hon. mover of the Question, who is a member of the executive, as far as I am aware, of the CPA and does he feel that the £¼ million that we have spent on the CPA in the last three years has actually helped to improve parliamentary procedures in this Hon. House? (*Interjections*)

**The Speaker:** I do not know whether the Minister is able to answer questions on the motives of the Member tabling the Question, but, Minister, you may reply.

**The Minister:** I have to say I do not understand the motivation for the question. I do not know, either, what the Hon. Member for Onchan is referring to in most of his question (*Laughter*) –

**A Member:** Questions.

**The Minister:** As far as the £¼ million that has been spent on the Commonwealth Parliamentary Association matters over –

**Mr Karran:** Three years.

**The Minister:** – three years, seems like a very large sum to me, but I am sure that it is worthwhile. I should remind Members that they did receive a copy of the communiqué which was produced as a result of this conference in Gibraltar and I think it may be important to remind Members exactly what we were talking about at that conference. I will quote from three of the paragraphs:

‘We acknowledge the significance of the Stern Review of 2006 of the UN Climate Change Conference in Bali in 2007 and of the imminence of 2012 as a target date for action. We recognise the fact that human activities are making a contribution to global changes that are affecting climate and will increasingly demand responses from legislatures and governments. We accept that while the impact of action in small countries and territories on a global scale can be limited, the need for adaptation will not be diminished nor will responsibility for initiating mitigation be any less.

Tackling climate change and its effects are fundamental to sustainable development. We believe that the only way to secure climate, energy, economic, food, health and physical security for all is to support fair and effective global treaties with strong policies adapted to the needs and responsibilities of small countries and territories, which will achieve sustainable production and use of energy, leading to stabilisation of greenhouse gas emissions whilst supporting sustainable economic growth.’

I feel that those are fairly worthy things for us to get together and talk about (**A Member:** Hear, hear.) It is important for us to find out what other countries are doing in these areas and I have to say, I returned from the conference greatly encouraged at the amount of effort and work that the Isle of Man Government is putting into these areas. (*Interjections*)

I am particularly pleased to be able to work with the Hon. Member for Douglas West, Mr Shimmin, in relation to many of these areas in his role as Minister for Local Government and the Environment. I believe that Isle of Man Government is playing its part in these areas, so I do not believe that this is a waste of money, as I think the Hon. Member for Onchan is alluding.

I do believe this is important. I believe it is important, as parliamentarians, particularly in a small parliament such as we have, that we do get the opportunity to talk to our colleagues around the various parts of this region and indeed the world. It is important that we learn from others and I believe this is a valuable and useful institution to be a Member of.

**The Speaker:** Hon. Member, Mr Henderson.

**Mr Henderson:** No thank you, Vainstyr Loayreyder.

### Livestock Amount leaving Island

2.4. The Hon. Member for Onchan (Mr Karran) to ask the Minister for Agriculture, Fisheries and Forestry:

(a) *Has there been any increase in the amount of livestock leaving the Island and what are the reasons for it doing so; and*  
(b) *what are the long-term effects on the industry?*

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

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

**The Speaker:** Again, I call the Minister for Agriculture, Mr Gawne.

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

Yes, there has been an increase in live exports of store cattle over the last couple of years. So far this year there have been 356 exported, an increase of 142 on last year and 325 more than in 2006. However, in the context of around 9,000 finished cattle being put through the Meat Plant each year, these numbers are relatively small.

The main reason for the increase in exports is the high UK price of store cattle, which in the first three months of this year averaged £540, compared to just £448 in the same period in 2006. This reflects increasing confidence in the UK beef market due to a range of factors including exchange rates, market demand and the results of the UK decision to decouple its support regime in 2005.

Since decoupling, UK prices have climbed significantly though it has taken two years to take effect. The significance in UK prices in setting our export numbers is underlined by the 2004 situation when the UK store prices were at £515... last reached their current levels and, unsurprisingly, we saw 302 store cattle exported, almost exactly the same as this year.

This is a challenge for our industry which is increasingly

competing with higher UK prices driven by a confident market at a time when the imminent changes here are inevitably creating uncertainty and insecurity amongst our farmers. This is one of the reasons I believe it is important that we implement our changes as swiftly as practically possible. The initiatives we are currently progressing are designed to ensure a level playing field, so as to address both inequality of returns and raise the confidence of our producers.

Gura mie eu, Loayreyder.

**The Speaker:** Hon. Member, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, could the Shirveishagh assure us that we actually know the current figures, as far as the export of livestock is concerned – his Department would?

Would he not agree that this is an effect of the policy of agriculture, as far as the reason why livestock are really leaving is the policy is going nowhere as far as his Department is concerned. The issues surrounding the livestock leaving the Island need to be addressed; if not, we are going to end up killing off the Meat Plant once and for all, as it is going to be totally uneconomic as far as the killing costs?

**The Speaker:** Minister to reply.

**The Minister:** I thank the Hon. Member for Onchan for his question and his considerable interest in this area at the moment which is always welcome from any Member of this House or, indeed, of Tynwald.

Unless people are smuggling their cattle (*Laughter*) off the Isle of Man I believe that, yes, indeed we can be confident that the figures that are produced are the correct figures. That said, I will qualify that by pointing out that even my Director of Agriculture and indeed Chief Veterinary Officer have spent some considerable time debating exactly what the figures mean, because there are a wide variety of sorts of cattle which are included in these figures. Some are being exported for certain purposes, others are being exported for other purposes. Primarily, though, these cattle are being exported because we in the Isle of Man have fallen behind in terms of policy development, certainly the rest of Europe and certainly the United Kingdom.

If the Hon. Member has some magic solution to what we need to do to solve our agricultural difficulties, I would love to hear what that solution is. I have asked over the course of the last two and a half years for magic solutions and so far we have been rather limited in terms of the response that we have received. I am doing what I believe to be the best thing, but I would not ask any Hon. Member to believe that my policies are going to result in things just ticking over nicely as they always have done.

I know for a fact that if we do not do anything, there is a severe risk to our agricultural industry, but I also know for a fact that there is going to be significant change as a result of the policies that my Department and, indeed, now supported by Tynwald, that those policies that we are intending to pursue.

**The Speaker:** Further supplementary, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, would the Shirveishagh take my congratulations: if he can manage to stop the

smuggling of cows *out* of the Island, I hope he is more successful than the Home Affairs Department is in smuggling drugs *into* the Island (*Laughter*)

Could the Shirveishagh also just... I would like to query the issue of the farm insurance scheme, as far as 2010 is concerned, where we are told the total support for the payments of red meat sector has increased around £½ million a year in each of the last four years (*Interjection*) with a small amount of tonnage actually being seen on this, as far as the meat plates are concerned.

Could the Shirveishagh inform us has this got an effect on the fact that people are now getting rid of their stock because they do not need to produce anything because they are going to get paid for it, anyway?

**The Speaker:** Minister to reply.

**The Minister:** Gura mie eu, Loayreyder.

I think the Hon. Member is somewhat confused in this matter, in that we have not actually introduced the policies yet, so anybody who is choosing to ship their animals off the Island is *losing* the headage payment which they are currently eligible for, so if this is supposedly as a result of policies that we have not introduced yet, it seems like a rather bizarre outcome, quite frankly. I really do not quite know how else I can answer that particular point.

It is quite clear to me, having had the advice of both people from the industry and people from my Department, that the primary reason why cattle are being exported at the moment is because people can get a better price for their cattle by exporting. That is something that I and the Department and, indeed, Members of Tynwald who supported me in April are trying to do something about.

We have recognised that if we are going to introduce a single farm payment system, then we will have to have a level playing field on which our farmers can compete. We do not have that level playing field at the moment but in a relatively short period of weeks we hope to be in a position where we will be able to support the Meat Plant to a far greater extent than we have done so far. We have had significant conversations with our legal team, White and Case, looking at the implications with regard to European state aid, regulations, laws and we feel that we are very close to that position where we will be able to introduce the level playing field. In the past our policies have very much been driven by throughput at the Meat Plant.

The belief of the Department, which is now supported by the majority of the industry, is that that was a flawed policy. If there is a problem, the problem is at the Meat Plant and we need to resolve that problem. We do not necessarily resolve that problem by encouraging more and more people to produce more and more stock that the general public are not prepared to pay a reasonable price for. That is a somewhat foolish policy – it is a blind alley – and I think the majority of the industry have now accepted that they should not be in a position where they are forced to produce livestock at a cost considerably greater to them than the return they get from the consumer. I think that is the economics of the madhouse and I am delighted that, so far anyway, Members of Tynwald seem to be supporting the Department in trying to change that position.

**The Speaker:** Mr Karran, further supplementary.

**Mr Karran:** Vainstyr Loayreyder, could the Shirveishagh just clarify the situation as far as the scheme that he is introducing, that he is correct as far as that position is concerned, if he can just check that up and then come back at a later date, as far as the issue of the people's agreements, as far as what they are going to get from Government, as far as the stewardship scheme is concerned?

Could the Shirveishagh also make sure that he gives extra vigour, as far as the killing charges are concerned which must have a big impact, as far as people and the agricultural industry is concerned and we are not addressing that issue and what are we going to do in order to make sure that we are going to stay with a Meat Plant if we keep on exporting everything?

**The Speaker:** Minister to reply.

**The Minister:** I really do struggle to know how I can reply to the first part of the question, because I really did not understand what the Hon. Member for Onchan was asking. All I can say is that we have a pot of money that we pay out at the moment to farmers to encourage them to produce livestock. As of April 2009, assuming that I get the support of Tynwald when I come forward with the detailed scheme, hopefully in October, we will be paying out the same money: that money is not going to be siphoned off to some other place.

In fact, farmers will find that they are actually going to be getting a guaranteed payment, whereas in the past it largely depended on how much they produced, as to whether we spent all our budget or not. From now on we know we will be spending all that budget on this new scheme.

As far as killing charges are concerned, I believe I did answer that question, in that I said we are endeavouring to create a level playing field. A level playing field means that we will endeavour to introduce equivalent killing charges and the equivalent returns to our farmers. Exactly what 'equivalent' means still has to be decided because one person's equivalent is another person's not-equivalent and, inevitably, whatever the figure is that the Department and indeed the Isle of Man Meats come forward with, it will be about £10-£15 less than what the industry actually want it to be. I mean, that is the nature of politics. Inevitably, the union, the industry representatives, will argue for more than the Department and the Isle of Man Meats will be able to give, but we believe that we have a solution which we have worked up very closely with the industry and, as I say, all we are looking for now is to get that finally signed off in terms of making sure that legally we can actually achieve what it is that we are trying to achieve.

As I say, as far as the first point is concerned, all I can do is guarantee that the scheme that we looked at in April Tynwald and the scheme that we intend to bring forward to either October or November will ensure that the agricultural support budget will be paid out to all the farmers who have been currently receiving agricultural support.

**The Speaker:** Hon. Members, I am not prepared to (Several Members: Hear, hear.) have what is turning into prolonged general debate on agriculture. That is for another place. However, I will give a final supplementary, as it relates to the Question on the Order Paper, to the questioner, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, would the Shirveishagh not clarify that the amounts that a number of the people in the industry have already agreed, as far as the issue of the level of support from the taxpayer? Would the Shirveishagh not agree that those levels have been agreed, whether they produce the animals or not and has that not got an effect on the actual increase in live exports?

Would the Shirveishagh explain to this Hon. House how he intends to, if we are going to have more live exports off the Island, keep the viability of the Meat Plant, which costs a fortune as it is at the present time? Will we be needing to have a supplementary vote to another place, in order to pay for that, in order to keep a Meat Plant going on the Island, if we do not address this issue of live export?

**The Speaker:** A lengthy supplementary question, I hope not such a lengthy reply. (Several Members: Hear, hear.) Mr Gawne.

**The Minister:** I will endeavour to be brief but, unfortunately, it is a topic that I warm to (*Laughter and interjections*) –

**The Speaker:** We know, Minister!

**The Minister:** – as Hon. Members will probably have noticed. I am trying to remember what the question was now! (*Laughter and interjections*)

Basically, I would say in fairly simple terms we have a policy at the moment, that is the policy which farmers are currently being paid under, it is the policy which is currently governing the whole way in which our agricultural industry works. With that policy in place, people are shipping animals off the Isle of Man because in the United Kingdom where they have changed to the policy that we want to change to, prices are considerably higher.

Farmers in the Isle of Man are saying to themselves, 'Will I continue to support the Meat Plant and get a poor return or will I ship them to the United Kingdom where prices are higher for livestock?' – and the prices have gone up, many people would say, as a result of the decoupling process. So I do not know that I can spell it out any more clearly than that.

I believe that we have to change our policy because our policy is what is resulting in livestock leaving the Isle of Man. We have to change. If we do not change, this will continue so I think I have probably said enough.

**Several Members:** Hear, hear.

**The Speaker:** Thank you, Minister.

## HEALTH AND SOCIAL SECURITY

### Care of the elderly bed spaces Numbers provided

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

*How many care of the elderly bed spaces are provided by the DHSS through –*

- (a) Glenside;  
 (b) Reayrt ny Baie; and  
 (c) Cummal Mooar  
 in all forms of care currently offered?

**The Speaker:** We turn to Question 5. Hon. Member for Douglas North, Mr Henderson.

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

**The Speaker:** I call on the Hon. Member for Ayre, Mr Teare, Minister for Health and Social Security.

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

At the current time the Department provides (a) Glenside resource centre 82 bed spaces, (b) in Reayrt ny Baie resource centre 48 and (c) Cummal Mooar resource centre 50 bed spaces.

**The Speaker:** Mr Henderson? Hon. Member, Mr Houghton.

**Mr Houghton:** Thank you, Mr Speaker.

Can the Minister come clean this morning and inform this House that it is the Department's intention to sell these three properties off on a lead-out basis and, whilst he is doing that, that it is the Department's intention, clear intention, to transfer residential care to the private sector?

**The Speaker:** Minister to reply.

**The Minister:** I thank the Hon. Member for his very helpful question. I am pleased to confirm the Department has no intention to sell and we are not pulling out of that area, sir.

**Mr Houghton:** What *are* you doing?

**The Speaker:** Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

Well, could the Shirveishagh tell us then, what he does intend to do with nearly 200 beds, considering the wind-down process he has flagged up and what will he do with his empty properties?

**Mr Houghton:** Hear, hear.

**The Speaker:** Minister to reply.

**The Minister:** The Department's policy is to refocus our residential centres on, in effect, domiciliary care and additionally respite care. This is what the people tell us that they want, the service users, that they want, and this is the direction of travel, sir.

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

**Mrs Cannell:** Thank you, Mr Speaker.

Can I ask the Minister then, if his whole policy is shifting towards the provision of not just long-term care in these

homes but also respite beds, what is the optimum level of respite beds he is hoping to achieve out of the total number of 180 that are currently provided for long-term care and also what would be the requisite amount of long-term beds that he would want to maintain and sustain over a period of time? (*Interjection by Mr Houghton*)

**The Speaker:** Mr Teare.

**The Minister:** I think really it is like asking how long is a piece of string, Mr Speaker. What we are doing is we are reacting to a demand that we know is there and over a period of time it will settle down into a clearer picture, but at the moment the situation is evolving, sir.

**The Speaker:** Mrs Cannell.

**Mrs Cannell:** Thank you, Mr Speaker.

Is the Minister actually saying to the Members of the Keys this morning that he has no policy and that he runs his Department using a piece of string? (*Laughter*) Will he please explain the thoughts and the deliberations and considerations that went in before he made such a bold statement of wanting to change this very good policy that has been in place for a long time that the people rely upon?

**Mr Houghton:** Hear, hear.

**Mr Cannan:** Hear, hear.

**The Minister:** We have consulted with various bodies, including Age Concern, who are very positive about this move, sir. The Department does have a policy and the Department is implementing that policy, sir.

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

**Mr Karran:** Vainstyr Loayreyder, could the Shirveishagh, allowing for the fact that in the late 1980s we changed these residential homes from geriatric hotels into actually residential homes, can he give us an example of how many ESMI beds are in these homes? How many beds are for secure... how many beds are actually just there as residential home beds out of these developments? (**A Member:** Hear, hear.)

Vainstyr Loayreyder, the Hon. Minister needs to clarify that the fact that he might have 82 beds in Glenside but of which there are a number in a secure unit: as far as the mentally infirm is concerned, there are a number that are in a confused unit up there, as far as that is concerned and... can the Shirveishagh explain to this Hon. House how many of these beds that have people sleeping in them actually could live in the community because, would he not agree that the fact is that the residential homes now are doing what nursing homes used to do 10, 15 years ago?

**Mr Cannan and other Members:** Hear, hear.

**Mr Henderson:** That's right. Hear, hear.

**Mr Karran:** Will the Shirveishagh also tell us what is he going to do with the policy of getting rid of geriatric hospital beds, which were supposed to go into nursing home beds, with the fact that we have now closed down all the private

sector because we will not pay the going rate, as far as that is concerned? How can he justify the issue of his policy, as far as putting more in the community when we have got too many in the community that are not being looked after at the present time?

**Mr Houghton:** 151.

**The Speaker:** Several supplementaries, Minister.

**The Minister:** Yes, I think it is a test of memory, Mr Speaker. (*Interjection by Mr Karran*)

If we take the latter part first, where he talks about ESMI beds, I think the Department has demonstrated its commitment here. The Department has recently started to build, through our contractors, a new ESMI unit in the Douglas area, at Farmhill, which will provide 32 beds when completed. At the outset 16 will be occupied and they will provide for further growth: it is part of the Department's long-term planning.

Additionally to that, there are ESMI beds in Southlands and we are meeting and trying to meet the demand there. The debate and the discussion that we are having does relate to residential beds and really there seems to be some confusion in some Hon. Members' minds between residential accommodation and nursing accommodation. The Department does not provide nursing accommodation, that is provided by the private sector, (*Interjections*) so it is a completely different thing altogether.

**Mr Houghton:** What is the *Coughlan* judgment?

**The Minister:** I will deal with that at the sitting of the Hon. Tynwald Court next month, the *Coughlan* judgment, sir. But as we stand at the moment the Department is responding to increasing demand for its services and the only way that we can meet that demand is to provide more help in the community. It is a more focused approach, sir.

**The Speaker:** After the Members who have caught my eye have spoken, I wish to curtail what is turning again into a long debate. The Question, factual, has been answered. Appreciating that there are supplementary questions, there will be further opportunity for debate on another occasion. Mr Houghton.

**Mr Houghton:** Thank you, Mr Speaker.

Can the Minister provide us, this House, with written documentation supporting his contention that there is a growing requirement for respite care and that is the reason why they are doing away with permanent allocations in order for the growing number of respite care beds? Can he provide fact-based evidence to support that, sir?

**The Speaker:** Mr Teare.

**The Minister:** If my memory serves me correct, sir, his colleague, the Hon. Member for Douglas North, did bring it up in this very House that there was a demand for respite care, so maybe he should have a discussion (*Interjections*) with his colleague because I am sure that he would not mislead the House.

**The Speaker:** Hon. Member, Mrs Cannell.

**Mrs Cannell:** Thank you, Mr Speaker.

Is the Minister aware that Douglas East, which comprises most of the capital of Douglas, at one time provided 11 residential and some nursing care homes (*Interjections*) and that if he closes Reayrt ny Baie to long-term residents that we will be down to just four? Is that satisfactory for the capital of the Isle of Man?

My final supplementary, Mr Speaker, can he advise the House what his contingency will be in terms of if a person goes to stay in a respite bed for a period of time, but then it is discovered that that person is not capable of returning home but will have to stay where they are. Will he be able to accommodate that?

**The Speaker:** Mr Teare to reply.

**The Minister:** We will certainly try to find them a bed, but I did say that nobody would be, as it were, thrown out, nobody will be denied. We will have to be flexible here. There are no homes going to close, as I said, there is nobody going to be turned out of the home. Our existing service users will not be affected and there is no impact on elderly mentally infirm or, indeed, nursing care, sir.

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

**Mr Karran:** Vainstyr Loayreyder, can the Shirveishagh inform this Hon. House out of the 82 places in Glenside, out of the 48 places in Reayrt ny Baie and the 50 places in Cummal Mooar, could the Shirveishagh inform us how many of those people could actually be realistically transferred back into the community?

**Mr Houghton:** Yes.

**Mr Karran:** Would he also not agree with me that the fact is, with an ageing population, that the fact is it is going to get worse, not better –

**Several Members:** Yes.

**Mr Karran:** – and would he not agree that his policy, as far as trying to provide the facilities to keep people in the community longer, is something to be applauded, but it should not be an either/or policy and would he not agree that this is trying to find money from one vulnerable section of the community (**Mr Houghton:** Hear, hear.) in order to give it to another section of the community (**Mr Houghton:** Hear, hear.) who need money? Would he not be better coming back to Tynwald to get them to address the issues of finding the money from other places instead of hitting the weak, the poor and the sick (**Several Members:** Hear, hear.) in our society?

**The Speaker:** Minister to reply.

**The Minister:** I am not transferring... the Department is not transferring anybody back into the community. I have made it abundantly clear that existing service-users –

**Mr Karran:** Point of order, Vainstyr Loayreyder.

I am talking about the client base that is going into this place and the fact that they would have to be replaced by a similar client base, allowing for the fact that many of the

initiatives that were put in that place –

**The Speaker:** That is not a point of order.

**Mr Karran:** – like the secure unit for the confused, I –

**The Speaker:** Hon. Member, Minister to continue.

**The Minister:** I will reply on the basis of the original Question, because I do not see any clarification or point of order there, sir.

We are not transferring anybody back to the community, I have made that abundantly clear. What we are trying to do is to position the Department to cope with the increasing demand and to use the Department's resources, which are limited, as effectively as possible.

**The Speaker:** Hon. Member for Michael.

**Mr Cannan:** Acknowledging the Minister's reply that he is not going to remove anybody already in residence in these homes, a supplementary based on his Answer: what in the future is he going to do with elderly people living alone who become incapable of looking after themselves, have nobody resident in the house and previously would have gone to Cummal Mooar or Glenside or wherever? Now what is he going to do to give those people their 24-hour care that they receive in the residential home, in the future?

**The Speaker:** Minister to reply.

**The Minister:** If they need care, their needs will be assessed, appropriate care will be provided and if it does transpire that they need to come into a residential home, there is residential home capacity available in the Island, sir.

**Mr Houghton:** In the private sector, (*Interjections*) at further cost.

**The Speaker:** Final supplementary, Mr Henderson.

**Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.

Will the Minister come clean and be totally honest with this House and the people of the Isle of Man with regard to this policy, in relation to these points: that it is a ruse to use the respite care as the blackmail tool to get this socially unjust policy into place; (**Mr Houghton:** Hear, hear.) that the bed capacity he speaks of in reality will be in the private sector?

Will he further confirm that, in fact, the homecare that he says will be put in place for people in the future, will be asset-tested, so it will not be free for everybody?

And the last final point, Vainstyr Loayreyder, which does annoy me greatly and the Minister is going to have to confirm this: will he confirm that, in fact, when he says care agencies and care workers and everybody in the Island are asking for folk to stay at home, which we all support, none of those people or agencies have ever asked for the closure of long-stay residential beds?

**Mr Houghton:** Hear, hear.

**The Speaker:** Minister to reply.

**The Minister:** I have come clean, I have been up front, I have explained the Department's proposals.

There is no change in the provision of home care. Where people are self-funding, that will continue. There is no change there, so there is nothing different there.

In respect to residential care, there is no change in the funding mechanism there, as well, sir.

### Mobile telephone masts Committee report on public health

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

*Have you received a report from the Committee appointed to investigate the effects mobile telephone masts may have on public health?*

**The Speaker:** We turn to Question 6. Hon. Member for Douglas North, Mr Houghton.

**Mr Houghton:** Thank you, Mr Speaker.

I beg leave to ask the Question standing in my name, sir.

**The Speaker:** Again, I call Minister for Health and Social Security, Mr Teare.

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

I can confirm that the Committee established to investigate the health effects of mobile phone masts chaired by the Director of Public Health has concluded his work and the final report is imminent. The final document will be presented to the Council of Ministers and then to Tynwald, sir.

**The Speaker:** Mr Houghton.

**Mr Houghton:** Thank you, Mr Speaker.

Can the Minister confirm: has he had the report; has he got the report on his desk?

**The Speaker:** Minister.

**The Minister:** I have not got the report on my desk. I keep a clear desk, sir. (*Laughter*)

**The Speaker:** Hon. Member, Mr Quirk.

**Mr Quirk:** Thank you, Mr Speaker.

Can I ask the Minister for Health, how many times does this actual Committee meet and is he aware of how many organisations or groups of individuals actually submitted evidence to this Committee or were brought before them for questioning?

**The Speaker:** Minister to reply.

**The Minister:** That is outwith the original Question, sir. (*Interjections*)

**Mrs Cannell:** Point of order, Mr Speaker.

**The Speaker:** Hon. Member.

**Mrs Cannell:** Is it not, sir, you who are the presiding officer in this place and therefore is it not inappropriate for a Minister of the Isle of Man Government to be standing up and telling the House that it is not a point of order, sir?

**The Speaker:** The Minister is entitled to answer a question any way he wishes. The question was in order, (**Mr Houghton:** Hear, hear.) but the Minister may reply as he sees fit.

Mr Houghton.

**Mr Houghton:** Mr Speaker, perhaps I will rephrase the question to assist the Hon. Member for Onchan, for the Minister. Is the Minister aware of the level of consultation that this Committee has taken?

**The Speaker:** Minister to reply.

**The Minister:** The Committee has undertaken detailed research from numerous sources, academic research. This has been the subject of concern right across the world and that is really why the report has been some time in the gestation, sir.

I am sure that Hon. Members would expect the Department and the Director of Public Health to do a full detailed report and to undertake as much research as possible, which I feel the Director of Public Health has.

**The Speaker:** Hon. Member, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, could the Shirveishagh... allowing for the fact that he is a very busy Minister and he has a lot of responsibilities, would he not agree that the situation is that I wrote to the Chief Minister's Office about two months ago and, as far as I am aware, the Action Committee had not met, up to about two months ago, even though it had promised to meet several months ago?

Can he assure us that it will be actually done properly and it will not be done as a matter that we are all supposed to leave our brains at the entrance of this place, and just nod it through because we are part of the executive?

**The Speaker:** Minister to reply.

**The Minister:** The report has been prepared, sir, and I have been impressed by the diligence and the work that has been undertaken by the Department –

**Mr Houghton:** How do you know, if you have not seen the report?

**The Speaker:** Hon. Member, no questioning across the floor of the Chamber, please; through the Chair.

**The Minister:** Mr Speaker, so the report, as I say, has been prepared and it will be presented to the Council of Ministers and Tynwald in due course, sir.

**The Speaker:** Just to be helpful to the Hon. Members, the question was actually 'have the Committee met?' not

whether the Report was prepared. That was the original supplementary.

**The Minister:** Do you want me to deal with that, sir?

**The Speaker:** Yes, please.

**The Minister:** I do not have details of the Committee's individual dates of the meetings. If it would be helpful, I can go back and get that, sir.

## TOURISM AND LEISURE

### TT 2008 Organisation

2.7. The Hon. Member for Peel (Mr Crookall) to ask the Minister for Tourism and Leisure:

*Are you happy with the way your Department and other partners, other than Government Departments, ran this year's TT races?*

**The Speaker:** We now turn to Question 7. I call Hon. Member for Peel, Mr Crookall.

**Mr Crookall:** Thank you, Mr Speaker.

I beg leave to ask the Question standing in my name, sir.

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

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

Mr Speaker in the period immediately after the TT and up to early July, the Department will be involved in a process of de-briefing with its partners in both the public and private sectors to review performance to ensure the TT ran effectively, which I believe it did.

There is, however, always room for improvement and we have a philosophy of continuous improvement for the event. Early indications from the competitors, the teams, the fans and the media are that TT 2008 was a success and we look to continue building on that for the future.

**The Speaker:** Mr Crookall.

**Mr Crookall:** Thank you, Mr Speaker.

I thank the Minister for his Answer, but would he not agree with me that the TT that was once billed, sir, as probably the greatest free show on earth has now become somewhat mercenary, to the point of years of goodwill and friendships that have been built up now basically mean nothing and are being lost, to the detriment of the event, just to make a few pounds?

I think the Minister would also agree with me that we should be looking to spend £10 to make £100 and not spend £100 to make £10.

**The Speaker:** Minister to reply.

**The Minister:** I am not altogether sure what the question was there, but if it is regarding commerciality of the event, I agree that there has been greater commerciality of the event. A lot of that has been put into event safety. There has been a huge amount spent on the safety of the TT over the last few years, by both my predecessor and it is policy which I have continued with the Department since I took over.

So there are aspects of that which some people may find a little bit distasteful, but I think that is a lot of the reason for it, Mr Speaker.

**The Speaker:** Hon. Member, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, would the Shirveishagh take the assurance of some in this House that we have been told that the TT was not as successful as it was in previous years, even allowing for the fact for the Centenary? What new policies is his Department going to take in order to create new initiatives? Could his Department consider taking a policy of diversifying the TT event into more of a motorsport event to try and get more motorsports facilities on to the Island, in order to try and broaden the appeal basis, as far as the TT celebration is concerned?

Will he also be looking at ways of putting some sort of control, even allowing for the stupid User Agreement that this Hon. House supported, as far as the User Agreement is concerned, in order to stop people being ripped off as far as getting here in TT week, in order to stop the situation of the North West becoming a more prominent event than the TT, which is vital for the tourism of this Island?

**The Speaker:** Minister to reply.

**The Minister:** Yes, I thank the Hon. Member for his question, Mr Speaker.

I think we have got to look at the reality of the situation regarding the spike that occurred with the Centenary TT in 2007. We were never going to match the figures that arrived for 2007.

I have not got all the final figures for this year's TT yet. I will certainly make sure they are made public as soon as I get those, but I do not expect the TT to be a lot different to TTs prior to TT 2007.

The Hon. Member refers to new initiatives and I think there were... there were three extra races this year. There was one extra race on the mountain circuit and to try and maintain some of the momentum from 2007 and to add variety to the event, we reintroduced 125cc and 250cc racing at Billown. That was the only way that we were able to exploit that opportunity and early days yet, but I thought it was a reasonably good start and I have not any reason to doubt at this point in time, that we will not continue that next year.

I would be very pleased to receive ideas from both my colleague, Mr Karran and from anybody else regarding how we might make more of the TT for the future. It is an event and I said this in my original answer, I think the words that I used were: 'There is always room for improvement. We have a philosophy of continuous improvement for the event'. So if he would like to write to me or come and see me about that, I would be pleased to hear that.

The final point he raised was regarding the User Agreement and the Steam Packet Company. The Steam Packet Company is a commercial outfit and we have regular meetings and a good relationship with the Steam Packet

Company, but there is only a certain amount of influence that I have in that respect. It is not something that I can control.

**Mr Karran:** I agree with you there.

**The Speaker:** Mrs Cannell, a supplementary.

**Mrs Cannell:** Thank you, Mr Speaker.

Is the Minister aware and will he accept that, in fact, there is a great deal of disharmony out there, particularly with the local people, in terms of the charges that were made upon them to use facilities prior to race week which they have always enjoyed free of charge?

In respect of that, can he advise the House that when he came to Tynwald, or his predecessor did, seeking monies from Tynwald for the refurbishment of the rear of the Grandstand and the car park etc, was it explained to Members of Tynwald then that there would be charges imposed to finance that particular scheme, given that Tynwald approved the monies?

Finally, when he does get the figures and they do come to him by the beginning of July and he is going to make them public, will he also give us the comparative figures for 2006, so we can compare whether his Department has been as successful this year as it was in 2006?

**The Speaker:** Minister, Mr Earnshaw, to reply.

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

I do not agree with the Hon. Member that there was a great deal of disharmony amongst local people about the charging. (*Interjections*) I think there has been some disharmony but not a great deal, so I think we should keep our comments in perspective. Some people are not very happy with some of the charges that have been made. They have written to me. I have responded to that. We will be reviewing the situation and taking into account their views.

But I have already explained some of the reasons why we have to make some of these charges.

**Mr Houghton:** No charges next year.

**The Minister:** Regarding the rear of the Grandstand, the development that took place there, there was no comment made at the time that the extra... the additional finance was sought regarding Grandstand charges, I do not think the two were directly linked, as far as I am aware, but I do believe that the rear of the Grandstand is a far more presentable area now than it was a couple of years ago.

Since it was built in 1986, it had looked in rather a rundown state and I think that has been vastly improved, I thought the back of the Grandstand area, which is very much a... It was very well used by spectators, very, very popular with spectators this year, I thought it looked first class and I was very pleased with the appearance of it and the way that it operated and I had no adverse comments whatever from anybody that I can recall regarding that. Comparative figures: very happy to share those with the Hon. Member and with the public when they come to light.

**The Speaker:** Final supplementary, Mr Crookall.

**Mr Crookall:** Thank you, Mr Speaker.

Will the Minister please circulate to Members copies

of the contracts of all private companies involved in the running of the TT, or if he will not, which I suspect he will not or cannot, can we have copies of the specification letters inviting tenders, please, for those that were involved, not only in this year's but last year's TT?

Again I just go back to... we need to get back, if the TT is to continue succeeding, sir, to keeping the local people involved and working on a level playing field, sir, as has not happened this year and last year I believe.

**The Speaker:** Minister to reply.

**The Minister:** Yes, well I will not be circulating any contracts, Mr Speaker. Regarding the invitations to tender, I will certainly give that some consideration and see what I can do.

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

**The Speaker:** Hon. Members, we have reached 11 o'clock, our allotted time. I call the Hon. Member for Douglas South, Mr Malarkey.

**Mr Malarkey:** 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.*

**The Speaker:** Hon. Member for Peel.

**Mr Crookall:** I beg to second, Mr Speaker.

**The Speaker:** Is that agreed, Hon. Members.

**Members:** Agreed.

**The Speaker:** Division called. Sixteen votes necessary to suspend Standing Orders. Please vote now, Hon. Members.

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

<b>FOR</b>	<b>AGAINST</b>
Mr Quirk	Mr Earnshaw
Mr Karran	Mrs Craine
Mr Crookall	Mr Bell
Mr Anderson	Mr Watterson
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 Gawne	
Mr Gill	
The Speaker	

**The Speaker:** Hon. Members, 19 votes for, 4 against. The motion therefore carries.

**TRANSPORT**

**Tables and chairs on Douglas streets  
Licensing authority**

2.8. The Hon. Member for Douglas South (Mr Malarkey) to ask the Minister for Transport:

*Could you please clarify who has the authority to license and police the siting of tables and chairs and other obstructions outside shops, cafés and bars on the streets of Douglas?*

**The Speaker:** We turn to Question 8 and I call the Hon. Member, Mr Malarkey.

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

**The Speaker:** I call on the Minister for Transport, Hon. Member for Glenfaba, Mr Anderson.

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

In answer to the Hon. Member's Question, the existing legislation gives the power of licensing to the local authority and the power for enforcement of contravened licences to the local authority, the Department and any statutory undertaker affected by the contravention. Section 78 of the Highways Act 1986 deals with the licensing enforcement of furniture placed on the highway. Furniture in this instance is further defined as goods for sale, advertising boards, kiosks, posters and pavement cafés.

**The Speaker:** Mr Malarkey.

**Mr Malarkey:** I thank the Minister for his Answer, although I find it a little confusing. So can the Minister explain to me, then, when situations arose during the TT period, where obstructions were being caused by cafés and various other places that the enforcement officer for the Douglas Town Council had no powers to enforce anything upon the people that were actually breaking the byelaws, so this is rather contrary to the answer he has given this House this morning.

**The Speaker:** Minister for Transport.

**The Minister:** Mr Speaker, I do not believe it is. I think the Hon. Member is alluding to people who do not have licences on the pavements. Quite clearly, where there are licences granted by the local authority, they have the enforcement powers. Where no licences have been granted, then the enforcement comes under a different section of the highways legislation, in which case the Department of Transport have the powers to enforce.

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

**Mrs Cannell:** Thank you, Mr Speaker.

Would the Minister take my advice this morning and go back and ask his officers to review the legislation and will he also accept that, in fact, the Chronically Sick and Disabled Persons Committee, on which I served for five years, identified anomalies within his legislation which clearly need amendment.

**The Speaker:** Minister to reply.

**The Minister:** Mr Speaker, my understanding is that we are in consultation with the working group that the Hon. Member mentions that she is a part of and that we look forward to constructive dialogue with them.

**The Speaker:** Mr Malarkey.

**Mr Malarkey:** Thank you, Mr Speaker.

Would the Minister not agree with me that, really, how he has explained it this morning is a bit of a nonsense, where the Council can issue licences and police the licences, but if anybody does not have a licence, they have no authority whatsoever, so we then have to go to the DoT to ask them to... This is a total rubbish of the whole situation. Either the local authorities have the powers to enforce the Act, whether it be people with licences or without, rather than having to turn to the DoT and then waiting for their prosecution.

**The Speaker:** Minister.

**The Minister:** It is an area that is a little grey, Mr Speaker. However, I explained to the Hon. Member the licensing of the furniture is in the power of the local authority. If there is contravention of those licences, the local authority has the powers to continue enforcing those regulations. However, I take on board the point the Hon. Member makes about a contravention outside that licensing system and it is something we are pleased to have dialogue with the local authorities with.

## LOCAL GOVERNMENT AND THE ENVIRONMENT

### Douglas town centre Protection of retailing

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

*Will you give your assurance that Douglas as a retailing centre is protected so that –*

*(a) the town centre is not further depleted by retailers moving to out of town business park locations or greenfield sites; and*

*(b) that the proposed Eastern Plan includes an independent study of retail uses in the town centre aimed at the retail regeneration of the town centre by the use of brownfield sites and redevelopment sites?*

**The Speaker:** We turn to Question 9, Hon. Member for Onchan, Mr Karran.

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

**The Speaker:** Minister for Local Government and the Environment, Mr Shimmin.

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

With regard to the first part of the Hon. Member's Question, I would advise that the policies contained within the adopted Isle of Man Strategic Plan direct that retail development should go to town centres for several reasons. These being: so that such centres are accessible to all members of the community, staff and visitors alike. Secondly that the activity and range of services contribute to the vitality and success of centres; and, thirdly, that the investment in property can be used to renew the ageing fabric of our town centre buildings.

As such, business policy 10 of the Strategic Plan to which the Department has regard in determining planning applications, states, retail development will be permitted only in established town and village centres, with the exceptions of neighbourhood shops in large residential areas, unless the items to be sold could not reasonably be sold from a town centre location, because of their size and nature, in which case business policy 5 allows for retailing where, firstly, the items to be sold could not reasonably be sold from a town centre location because of their size or nature, or secondly, that the items to be sold are produced on the site and their sale could not reasonably be severed from the overall business, in respect of these two points, where it can be demonstrated that the sales would not detract from the vitality and viability of the appropriate town centre shopping area.

Mr Speaker, with regard to the second part of the Question, I would assure the Hon. Member that when work commences on the preparation of an area plan for the eastern sector of the Island a study of retail uses in the town centre will need to have been undertaken in order to assist in the formulation of policies in respect of land designation.

**The Speaker:** Hon. Member, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, can the Shirveishagh assure us that we will not end up with a situation where, as questions in the past, where one was looking for windfall tax as far as any proposal for the re-zoning of land on the other side of Cooil Road, that this land will not end up being allowed to be used for big corporations to be able to move out of Douglas, namely Tesco, and destroy Douglas's viability to reduce it more like Ramsey.

**The Speaker:** Minister to reply.

**The Minister:** It is difficult to get into specifics and obviously there is an eastern area plan which is to be developed towards the end of this year and the start of next year, which is the appropriate place.

However, in general terms, there will always be a conflict between large premises, such as a large supermarket inside Douglas or, indeed, a large superstore outside on the outskirts of Douglas in actually allowing vehicles to get to and from that location. The more vehicles that are brought into the centre of Douglas the more congested it becomes and we

can all see, on a regular occasion, that large superstores on the outskirts of towns with a large availability of parking do attract a large number of public support.

Our intention – and certainly, hopefully, this will be reflected through the local area plan – is that we need to protect the main towns we have and their shopping and retail centres (**Mr Houghton:** Hear, hear.) and even if the members of the public would like the convenience of shopping on the outskirts of town, my Department currently do not believe that is sensible (**Mr Houghton:** Hear, hear.) and although it might be popular to begin with, I think in some years' time we would realise what we had actually lost. (**Mr Houghton:** Hear, hear.)

Therefore, as a general sentiment, I can endorse that my personal view is that we should not be moving large retail sector outside of the main shopping towns (**Several Members:** Hear, hear.) unless the items to be sold are of a sufficient nature and suitability that it would be inappropriate to have those in the centre of towns.

**The Speaker:** Hon. Member, Mr Quirk.

**Mr Quirk:** Thank you, Mr Speaker. It is easier to answer a question than warm up in this particular building.

Could I ask the Minister regarding... he mentioned the eastern plan there: would it not be easier, Minister, if you assessed the eastern section in separate parts, as Douglas is the largest conurbation and if the eastern plan is to include the likes of Braddan, Onchan, Laxey and Lonan, by bringing that in it may expand these particular plans further out into a rural area. Would the Minister not agree with me that the eastern plan should be split up for even convenience?

**The Speaker:** Mr Shimmin to reply.

**The Minister:** Without wishing to stretch into the next Question, Mr Speaker, I think that the Hon. Member for Onchan has fundamentally missed the very point of the area plan system. What we have had for many, many years are small, non-cohesive local plans which have taken many years to be reformed and updated and bore very little, if any, rationale or association with their adjoining neighbours. We are a small but proud nation and we do not need to have the variations that can be caused by dissecting this into small areas and making it so parochial.

What will be far better for the Island will be to actually have regional areas which will actually account for the needs of the Island and those areas, but not into and isolated down into small partitions which will actually be counterproductive because, as we have all known, one of the priorities of Government is housing and if we reduce the size of these area plans then we will find that there is opposition in all of the small areas to any provision of housing. You cannot have it both ways, Mr Speaker.

#### **Southern Area Plan Local authorities included**

2.10. The Hon. Member for Malew and Santon (Mr Cregeen) to ask the Minister for Local Government and the Environment:

*How did your Department decide which local authorities to include in the Southern Area Plan?*

**The Speaker:** Question 10, 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:** Again I call Minister for Local Government, Mr Shimmin.

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

I can advise that the composition of the four area plans was formulated as part of the spatial strategy in chapter 5 of the Isle of Man Strategic Plan. This strategy was first set out in the modified draft plan in 2004 for consideration at the public inquiry in 2005 and was, of course, included in the plan which was approved by Tynwald in 2007.

Generally each area is based on a principal town which supports a range of employment opportunities, facilities and amenities which serve a rural catchment area including villages and hamlets, although the south of the Island is served by a network of smaller settlements, rather than a single principal town.

There are, on the Island, many examples of groups of parishes being formed for different purposes. Often they can provide joint facilities such as swimming pools or civic amenity sites, but sometimes they are separated for administrative, ecclesiastical or electoral purposes. These groups vary in composition in response not only to the reason for them getting together, but also to changes in the needs of the community.

The pattern of areas being used for planning purposes has also been formulated for this particular purpose and this should not be taken to have any implications in other fields of administration or governance. The area plans are designed for the purpose of planning, Mr Speaker.

I should take the opportunity to reassure all those with an interest in the plans that whilst each plan will, of course, address area-wide issues, it will also address the role of the area within the Island as a whole, cross-boundary issues between areas and the special nature and character of each of our traditional parishes. Indeed, Mr Speaker, one of the principal objectives of each plan will be the protection and enhancement of the individual character arising from the geographical position, history, culture and social background of each parish.

**The Speaker:** Hon. Member, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, could I ask the Shirveishagh, and I understand the difficulties of not prejudging these things, but can he give us an assurance that, if options by landowners have been given on land, that will not end up in a situation where that will have an effect as far as the planning process is concerned? I am particularly interested to make sure that the people of the south of the Island keep their option as far as the long-hold option of the recreational area for the south of the Island at Ballakilly and that there is options being given that that will have no effect on the planning process?

**The Speaker:** Minister.

**The Minister:** I would like to unequivocally state, Mr Speaker, that the land use in terms of planning has nothing to do with ownership under any circumstances. It is the use of the land and the ownership of that is totally disregarded. It is the suitability of the land for particular uses and indeed this process is engaging large numbers of people who still have the opportunity of getting their views forward in order to try and determine what they believe is right for any particular area and that should, if it has not already been done, be submitted to my Department.

**The Speaker:** Mr Cregeen.

**Mr Cregeen:** Thank you, Mr Speaker.

I would like to thank the Minister for his answer, but is he aware of the concerns of Santon Commissioners particularly regarding the Southern Area Plan, that they wish to be in the south, where they have always been in the south, and as we saw earlier on this month with the recycling for Douglas and the east, Santon was not included, so I take it for that plan it was in the south?

For the swimming pool it is in the south and the concern for the Commissioners in the south is that if Santon was in the Eastern Plan it could be deemed that the number of houses that you require in the east could be put into Santon just for ease.

**A Member:** Surely not!

**The Speaker:** Minister to reply.

**The Minister:** I think the Hon. Member for Malew and Santon has got to consider that we live on an Island and we have requirements for the Island and the expectations of the majority of people has been, historically, to be centred around the capital Douglas, both for business and housing. It is my Department more than probably any other, which is attempting to diversify that population around the Island and is therefore very sympathetic to the concerns the Hon. Member makes in order to see where the suitable development can take place.

He needs only look across the floor from myself to Peel to see the large scale levels of development which Peel has taken in recent years, far more, I would have thought, than most other areas on the Island and, indeed, there is a need for our local people to be housed. I am aware of the concerns of Santon because the Hon. Member has raised it with me on a number of occasions on behalf of the Commissioners.

I respect that he has attempted to persuade us, but indeed he has already argued against his own case in listening to my answer that areas will be put into geographical areas for different purposes, such as the swimming pool. This is a planning location, it has nothing to do with any cultural aspect of Santon, but I think that he also needs to realise that, like Onchan before it and Braddan, anywhere which is in close proximity to the capital will be under pressure from people to try and develop and Santon will have the key opportunity to put forward their case when it comes to the area plan sections.

**The Speaker:** Mr Cregeen.

**Mr Cregeen:** Thank you, Mr Speaker.

I think the Minister has just answered my concern. It has been put in the Eastern plan because they need to ease the pressure on Douglas and –

**The Speaker:** Question?

**Mr Cregeen:** That is the point. It should have been in the south. You should not be just putting there to ease the problems of Douglas.

**The Speaker:** There is no question there.

**The Minister:** I would like to respond if possible, Mr Speaker?

**The Speaker:** Minister.

**The Minister:** I am sorry. The Hon. Member has a valid reason for wanting it to be in a particular area, far more of a valid reason than I have for putting it into the east. He wants to protect his area for his electoral potential. Certainly, that is understandable, but I have a wider responsibility to the Island and I have already said that there will be pressure on all areas to provide the resources necessary for our Island and I am not prepared to sanction it just because Santon believe they would have a better opportunity of avoiding housing if they were in the south. I do not believe that is true, but from a planning purpose it is suitable that they, along with Lonan, Laxey and elsewhere are on the east of the Island and that is where they will be, sir.

**The Speaker:** Final supplementary question.

**Mr Cregeen:** Thank you, Mr Speaker.

Is the Minister happy with the consultation with Santon Commissioners regarding whether they should be in the Southern or the Eastern Plan, as in the Government consultation document?

**The Speaker:** Minister to reply.

**The Minister:** Sorry, Mr Speaker. This goes back to 2004. The consultation document the Hon. Member refers to has come out within the last few months and this is trying to unpick something which started some years ago.

If Santon have got any concerns regarding the situation, they are able to contact my Department which is titled Local Government and the Environment. They have not made direct contact with me. They have made representations through their Member, which is perfectly acceptable, but they are aware that this is not going to change and, indeed, we are some considerable distance down the road of the Southern Area Plan and any variation now at this stage would simply delay even more the real pressures we have on developing a planning system which benefits the Island, rather than what many people see of as planning is a disadvantage to the Island because we are not yet able to assist development in the right places.

**HOME AFFAIRS****New prison, Jurby  
Date fully operational**

2.11. The Hon. Member for Michael (Mr Cannan) to ask the Minister for Home Affairs:

*When do you anticipate the new prison at Jurby becoming fully operational?*

**The Speaker:** Question 11. Hon. Member for Michael, Mr Cannan.

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

**The Speaker:** I call on the Minister for Home Affairs, the Hon. Member Mr Quayle.

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

I believe Hon. Members will understand that moving prisoners from the old prison to the new prison is an extremely complex matter and should be considered in the context that using the same staff to keep a prison running whilst training them to open a new prison has, I believe, rarely been undertaken before and is probably unique to the Isle of Man situation. Normally in the United Kingdom a prison opens with new staff who have had many months of training before prisoners are received and there is no necessity for those staff to continue to operate another prison.

We are, therefore, facing a huge task in providing training whilst continuing to run the existing prison. However, staff training and familiarisation programmes are continuing which aim to deliver a minimum of 15 hours training to each member of staff. This training will cover critical security procedures and familiarisation with the site and routines. Specialist staff will receive more training in their individual areas.

To date, 26 staff have received their full training, 67 staff have received part of their training and 37 staff are yet to commence their training. It is anticipated that all staff will be trained by 1st August 2008 and this will ensure that all staff are able to operate at the basic level in a safe environment. Weekly meetings which will focus on the tactical management and operations of the move to the new prison commenced recently. Once the transfer of prisoners and staff is achieved, which we anticipate can be safely done in one day, a basic but safe regime will operate.

The move to the new prison at Jurby is, in part, contingent upon the resolution by the Joint Negotiating Committee for the Civil Service of payments for staff as a consequence of relocation. I understand a meeting took place on Friday last and a further meeting is to be held later on today. An agreement should facilitate the secondment of prison staff from the United Kingdom to advance training plans for staff. The plan is to speed up training of staff by using United Kingdom prison officers to staff the old prison whilst allowing more officers to receive training at the new prison. Regrettably, because of the unresolved matter in relation to the mileage payments, the Prison Officers' Association will not allow United Kingdom officers to assist in the manner that was envisaged.

Thank you, Mr Speaker.

**The Speaker:** Hon. Member for Michael.

**Mr Cannan:** Mr Speaker, the Question was a very short and simple Question. When do you anticipate the new prison at Jurby becoming fully operational? The Minister did not reply. Will the –

**The Minister:** Point of order, Mr Speaker. I did reply. The Hon. Member for Michael did not listen –

**The Speaker:** The Hon. Member for Michael has the floor.

**Mr Cannan:** Thank you, Mr Speaker.

The Question I ask the Minister is, firstly, will he agree he has been in post now for 17 months? Will he agree that he was aware that the prison would be completed in March? Was he aware that he had a duty during the past 17 months to get the training of prison officers completed, to bring to conclusion the negotiations on relocation and to bring a facility of which he was informing this House and Tynwald would become operational by May at the latest and why, finally, why are these protracted negotiations unresolved by himself and a highly-paid Chief Executive, with no resolution in sight?

**The Speaker:** Minister for Home Affairs to reply.

**The Minister:** Yes, thank you, Mr Speaker, a number of questions there. I will attempt to deal with each and every one of them.

I think it was always envisaged that we had hoped that the prison would be operational by May or June, but of course it was an unfolding series of events and because, as Hon. Members will be aware, whilst we were happy to bring the prison scheme in within budget, Hon. Members were well aware that the time had slipped due to a number of factors outwith our control. That is why, to an extent, there has been a delay in the movement of the prisoners and, of course, the Hon. Member for Michael has alluded to some of the other reasons.

The Department has been working extremely hard to try and overcome the problems that it has faced and there are ongoing negotiations through the JMC to resolve a number of the issues. In particular, the one I ought to mention is the one about the mileage allowance. As I have indicated so far, the training, it is anticipated all staff will be trained by 1st August 2008 and, from that, it is understood that the prison would then become operational shortly after, so that is why the information was contained in the original Answer to the Question.

Of course, I would agree that I have been in post for 17 months and certainly we will hope to ensure the swiftest movement of the prisoners to the new facility at Jurby and that is what we are working towards.

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

**Mr Karran:** Vainstyr Loayreyder, would the Shirveishagh son Cooishyn Sthie not agree that the fact is that the situation as far as the mileage allowance is not some great new revelation, but is something that was raised even at the last

General Election when I was canvassing my constituents that happened to be prison warders?

Can the Shirveishagh inform this Hon. House also, before the new prison is opened, is there going to be any new policies in order to try and stop it being the alternative social services in the fact that this penal review that was promised since the late 1990s will actually come about, in order that it is not full of drunks, drug addicts, homeless individuals and other social misfits that should be dealt with –

**The Speaker:** Hon. Member, Hon. Member, that last part of the question is completely outwith the original Question. Minister.

**Mr Karran:** It would save the taxpayer a lot of money.

**The Minister:** Thank you, Mr Speaker.

In terms of the first part of the Hon. Member for Onchan's questions, then, relating to the mileage allowance, this has not been the sole issue that the Department, as part of the Civil Service Commission sub-group of the JMC, has had under consideration and the impact of the revised shift pattern, for example, and the protracted discussions on that matter, have impacted upon the progress of the mileage issue over the previous months. It has not been a particularly easy task to overcome these considerable difficulties.

Work is ongoing; discussions have been held as recently as last Friday and will happen later on today and I wish those well involved in the discussions now every success in hopefully bringing them to a swift conclusion.

**The Speaker:** Hon. Member for Michael.

**Mr Cannan:** Notwithstanding the Minister's answers, now that he states that training will be completed in August, the question asked was when does he anticipate the prison will become fully operational? How can it become fully operational if the UK prison staff will not come to the Isle of Man while there is a dispute over travel allowance, while the current Isle of Man staff will not work unless they get a satisfactory resolution of their travel allowance? Will he give a date, anticipated date when the prison will become operational?

**The Speaker:** Minister to reply.

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

If the Hon. Member for Michael had listened carefully to the original Answers I had given –

**Mr Cannan:** I have!

**The Minister:** – he would have understood that the training envisaged at the time, without anybody else coming from the United Kingdom, will allow for the staff to have the requisite training by 1st August 2008. It really is not for me now, in this place or any other, to specify the exact date thereafter when the move of prisoners will happen from Douglas to Jurby for operational and security reasons and I am sure the Hon. Member will appreciate that, having been a Member of the Home Affairs Department.

**Mr Cannan:** Mr Speaker.

**The Speaker:** Mr Cannan.

**Mr Cannan:** The Question is on the Order Paper 'When does he anticipate', it did not ask for a specific date. Will the Minister give a broad figure or will it become operational October, November, December? When will he bring his difficulties to a conclusion, that the prison becomes fully operational?

**The Speaker:** Minister.

**The Minister:** Mr Speaker, I really feel as though the Hon. Member for Michael is making a mountain out of a molehill.

**Mr Cannan:** No he's not!

**The Minister:** I clearly said in the original Answer it is anticipated that all staff will be trained by 1st August 2008. It therefore follows that we will be able to transfer the prisoners very quickly thereafter. We are not talking about September, October, November, – there is the month of August, I would suggest to the Hon. Member for Michael, if he has not yet been able to work that out. Thank you.

**Mr Cannan:** Oh, I have!

**Members:** Ooh!

### Old prison building DHA plans

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

*What are your Department's plans to dispose of the old prison after the building has been vacated?*

**The Speaker:** We move on, Hon. Members. Question 12, Hon. Member for Douglas North, Mr Houghton.

**Mr Houghton:** Thank you, Mr Speaker.

I beg leave to ask the Question standing in my name, sir.

**The Speaker:** Again, Minister for Home Affairs.

**The Minister for Home Affairs (Mr Quayle):** Yes, thank you, Mr Speaker.

I thank the Hon. Member for Douglas North for his Question and I would say that consideration is being given to the overall needs of Government in relation to future use of the site. However, no final decision has yet been made currently as to its usage.

**The Speaker:** Mr Houghton.

**Mr Houghton:** Thank you, Mr Speaker.

I thank the Member for his Answer thus far, but would he join with me in seeing that that building is demolished just as soon as possible, rather than switching the lights out as soon

as the last detainee leaves? Would he tie a rope around the building onto his prison vehicle and pull the thing down?

**A Member:** Hear, hear. (*Laughter*).

**The Speaker:** Minister for Home Affairs.

**The Minister:** Thank you, Mr Speaker.

I feel sure that many people around the Island would agree with the Hon. Member in wishing for the prison to be demolished. However, we are in an on-going process to consider its use and I am not in a position at this stage to indicate the final decision; it is yet to be made.

**The Speaker:** Hon. Member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

Will the Shirveishagh make an undertaking and an agreement this morning, to liaise with his colleague in the Council of Ministers, the Hon. Member, Mr Shimmin, with regard to the old prison site and progress ideas for an elderly persons' sheltered housing complex or units that will fit, in keeping with the area (**A Member:** Hear, hear.) and will he also recognise and research the fact that this has been long-standing North Douglas policy.

**Mr Houghton:** Hear, hear.

**The Speaker:** Minister to reply.

**The Minister:** Thank you, Mr Speaker.

I think it will be understood that the Hon. Minister for the Department for Local Government and the Environment, my colleague, will be aware of the Department's views on this matter and, of course, we are working (*Interjection*) with all those involved to bring this situation to a conclusion.

In terms of use of the site, then as is required, my Department has actually circulated to other Departments, as to whether or not they have any interest in the site should it become available. (*Interjections*) The Department is assessing that and no doubt I am aware that some Departments have expressed certain ideas that could be forthcoming for the area.

**The Speaker:** Hon. Member for Michael.

**Mr Cannan:** Will the Minister confirm that the prison service will have no further use of the building after 1st September this year? (*Laughter*)

**The Speaker:** Minister to reply.

**A Member:** Hear, hear.

**The Minister:** Thank you, Mr Speaker.

I congratulate the Hon. Member for Michael for sliding in such a helpful supplementary. (*Laughter*) However, it is not envisaged that the Prison Service will require the old prison when they have moved to the new prison and I am sure he will agree with me on that one. (*Laughter*)

**Mr Cannan:** I asked after 1st September!

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

**Mr Karran:** Vainstyr Loayreyder, can the Shirveishagh son Cooishyn Sthie, inform this Hon. House how many people have written in, as far as this building's further future is concerned. Will he consider the fact that nobody seems to be wanting the homeless units around Douglas? Could this facility be used for that?

**Mr Henderson:** Sheltered elderly only.

**Mr Karran:** And would the Shirveishagh reassure this House that the registration of buildings legislation will be treated without fear or favour, whether it is owned by Government or not Government and not have another fiasco and charade as far as the Ramsey Pier is concerned. (*Interjection*)

**The Speaker:** We are not broadening out to Ramsey Pier. Minister.

**The Minister:** Thank you, Mr Speaker.

Well, I would like to clarify. Several Departments have approached the Department of Home Affairs in respect of utilising the current accommodation at Victoria Road when it becomes vacant.

**A Member:** For elderly MHKs! (*Laughter*)

**The Minister:** However, if any Hon. Member wishes to put forward any particular views then they are welcome to do so and in terms of the registration process, well that is a matter for another Department and we await the outcome of the final decisions when they are made.

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

**Mr Quirk:** Thank you, Mr Speaker.

Could I ask the Minister, would he not agree with me although the prison itself is old, there is a modern building attached to it which is only maybe less than 20 years old (*Interjection by Mr Houghton*) – well, it could be even less than that. Could I ask the Minister, does he have any plans for that particular building and has that been circulated separately?

**Mr Henderson:** Demolition.

**The Speaker:** Minister to reply.

**The Minister:** Thank you, Mr Speaker.

In terms of the overall usage of the site, then my own personal view is that I would hope the registration of the cell block would not proceed. In terms of the modern building, as vis-à-vis the old building, I would say to maximise the potential and the value to the Government and the taxpayers of the Island, then my own personal view would be hopefully that the site could be cleared, which could then maximise the value and the benefit to the people of the Island.

**Members:** Hear, hear.

**The Speaker:** Hon. Member for Rushen, Mr Watterson.

**Mr Watterson:** Welcoming the views of the Minister,

would he therefore agree that there is no useful means in registering any part of that site?

**Members:** Hear, hear.

**The Speaker:** Minister to reply.

**The Minister:** Thank you, Mr Speaker. Well, as I had (*Interjection by Mr Karran*) – indicated previously –

**A Member:** Like another farce.

**The Minister:** Sorry, Mr Speaker.

**The Speaker:** Order. Minister has the floor.

**A Member:** Hear, hear.

**The Minister:** As I had indicated earlier, Mr Speaker, the process of registration is in being at the moment and we will await the final conclusion when a decision is made.

**The Speaker:** Mr Braidwood. (*Laughter*)

**Mr Braidwood:** Thank you, Mr Speaker. Mr Speaker, could the Minister confirm that, in actual fact, the gatehouse is already registered?

**Mr Houghton:** Oh, God!

**Mr Braidwood:** And would he agree with me that that would have to be de-registered (**A Member:** Yes.) before the site is cleared, a valuable, very valuable site, even if it is used for an elderly persons' complex or for housing?

**The Speaker:** Minister.

**The Minister:** Thank you, Mr Speaker.

And I thank the question from the Hon. Member for Douglas East. In terms of the gatehouse already being registered and would it need to be de-registered in order to use the rest of the site, well, I do not think that that is necessarily the case. I would say the rest of the site could be utilised to great advantage for the people of the Island –

**A Member:** What nonsense.

**The Minister:** – in a number of ways, even if the gatehouse were to be determined to be registered.

## OFFICE OF FAIR TRADING

### Air fares for flight changes Protection for Manx residents

2.13. The Hon. Member for Douglas South (Mr Malarkey) to ask the Chairman of the Office of Fair Trading:

*What powers does the Office of Fair Trading have to prevent airlines charging exorbitant prices to Manx residents who are forced to change their flight times due*

*to circumstances outside their control such as delayed connecting flights?*

**The Speaker:** We turn now to Question 13, final Question on the Order Paper. Hon. Member for Douglas South, Mr Malarkey.

**Mr Malarkey:** Mr Speaker, I rise to ask the Question standing in my name, sir.

**The Speaker:** I call the Chairman of the Office of Fair Trading, Hon. Member, Mr Henderson.

**The Chairman of the Office of Fair Trading, (Mr Henderson):** Gura mie eu, Vainstyr Loayreyder.

The straight Answer to the Question, Vainstyr Loayreyder, is that the Office of Fair Trading do not have any real powers to interfere in the prices which the Hon. Member for South Douglas refers to. When a person purchases an air ticket, basically they are entering into a formal legal binding contract with that airline and, as a consequence of that, they are accepting, maybe unwittingly, but they are accepting all the rules and regulations that go with that contract and ticket, including small print, and therefore whatever circumstances go with that, they are also accepting and this is true also in the UK, Vainstyr Loayreyder.

**The Speaker:** Mr Malarkey.

**Mr Malarkey:** Thank you, Mr Speaker.

How would the Chair of the Office of Fair Trading then justify a family of four that arrived at a European airport being told that their flight is some five hours plus delayed, who then notify their next carrier and in this case I have no problem in naming – it was Flybe, that they will be unable, giving them six hours notice, to make their connection flight to the Isle of Man.

How does the Chair justify the family of four being told an additional £421 on top of the initial £589 already paid, would have to be paid if they were to move their flight forward and does the Chair not agree with me it is time that the Island took tighter control of its airways to stop the people of the Isle of Man being ripped off in such a way of having to pay such prices? (*Interjections*)

**Mr Cannan:** Hear, hear.

**The Speaker:** Chairman to reply.

**The Chairman:** Gura mie eu, Vainstyr Loayreyder.

I thank the Hon. Member for his further clarification on this matter. Personally speaking, Vainstyr Loayreyder, that does not sound good at all, but having said that, our Office in examining the situation in the round, airlines offer varying amounts of passenger seats at various prices and it may be that what has happened here is that the cheap seats have all been taken, to put it bluntly, and that in effect what was left were the more expensive banding brackets and that was what was offered to the people who have contacted the Hon. Member, Mr Malarkey.

However, as I say, Vainstyr Loayreyder, having heard that, I am unhappy with that and certainly I would invite the Hon. Member to contact our Office with the full details of what it is that he is talking about this morning – times, dates

etc and certainly we can give a small undertaking of looking into the matter, albeit given my initial answer, Vainstyr Loayreyder, with regard to how the legislation stands at the minute and the fact of contract law.

**The Speaker:** Hon. Member, Mr Anderson.

**Mr Anderson:** Thank you, Mr Speaker.

Would the Chair agree with me that, as a result of these sort of problems and ongoing problems the general public are having, the advice should be to make sure that people have got adequate travel insurance for circumstances like this?

**The Speaker:** Chairman to reply.

**The Chairman:** Gura mie eu, Vainstyr Loayreyder.

I thank the Shirveishagh for the DoT putting that and that is quite true. People should be more aware than ever in these circumstances and certainly with regard to a double connecting flight or further, that they should allow adequate – or more than adequate these days – time in advance so that they will be able to make the connections that they so wish.

Having said that, I would invite the Hon. Member for South Douglas to get in touch with our Office, because we will try and follow it up as best we can with the constraints we have, but it will be on a goodwill basis. So with the legislation that we have, that is the best we can do at the minute, Vainstyr Loayreyder.

**The Speaker:** Hon. Member for Rushen, Mr Watterson.

**Mr Watterson:** Thank you.

Given the views of the Chairman and his unhappiness and his sympathy for Mr Malarkey's constituents, will he be returning to this House in October to seek new powers in order to do this?

**The Speaker:** Chairman to reply.

**The Chairman:** Gura mie eu, Vainstyr Loayreyder.

Yes, it is easy to advance these questions this morning because the public are, no doubt, suffering from price hikes in and around with the various businesses and it is hitting people in the pocket. As the Hon. Member for Rushen knows, it is not straightforward and simple just to bring a raft of legislation to this House in October, it is a physical impossibility.

However, one of the first things I have done on accepting this appointment, is to review the Office of Fair Trading's legislation here in the Isle of Man and compare and asked for a comparison study with what is available to the OFT in the UK. I am quite keen, if it is possible, Vainstyr Loayreyder and I stress that, if it is *possible*, to arm the Isle of Man OFT with further teeth to its own legislation. I would be keen to progress that but it will not be in October of this year, Vainstyr Loayreyder.

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

**Mr Malarkey:** Thank you, Mr Speaker.

I thank the Chair for his Answer and would he not agree

with me, when he says that given time between flights, that six hours between flights is adequate to allow for somebody ongoing and also six hours informing an airline that they would be unable to make a flight which allows them to resell the seats on that airline on top of the £421 that they want to charge, is totally unacceptable and the fact at the time that it was known to me at the time 29 empty seats on that aircraft and when the aircraft touched down at Ronaldsway it had 24 empty seats upon it?

**The Speaker:** Chairman, Mr Henderson.

**The Chairman:** Gura mie eu, Vainstyr Loayreyder.

Again, I can fully sympathise with the case that the Hon. Member for South Douglas is advancing and, as I say, I do have sympathy with him and his constituents on that matter. The information that he is providing for us this morning in public would be very useful in the Office of Fair Trading so that we can follow these lines up and the detail that he has provided.

Again I would say, personally speaking, I certainly find it completely unpalatable. As the Chairman of Office of Fair Trading, I find it something certainly worthy of follow-up and at least an explanation from Flybe as to why these occurrences happened, the issue with the extra charging. Airlines do make a charge for rebooking seats, now the reasonability of the charges is another matter which we could do with an explanation possibly of. As I say, the band instructions with which the airlines operate also will come into play here, which I am not making excuses for Flybe, I am just trying to provide a way of a helpful explanation, Vainstyr Loayreyder.

**The Speaker:** I have four Hon. Members who wish to put supplementaries. I simply ask that they are not repetitive.  
Hon. Member, Mr Houghton.

**Mr Houghton:** Thank you, Mr Speaker.

In welcoming my hon. colleague to his new position (*Cheers*) and with the support of this Hon. House, Mr Speaker, may I ask if the Chairman of the Office of Fair Trading would enter into negotiations with Flybe to have a customer services bureau set up here on the Isle of Man, rather than everybody having to refer their complaints to Exeter in Devon?

Would he feel that that would be an appropriate measure in order to ease even the Office of Fair Trading, also the Members of this House from complaints about this company, sir?

**The Speaker:** Mr Henderson.

**The Chairman:** Gura mie eu, Vainstyr Loayreyder.  
(*Interjection by Mr Cretney*)

The Hon. Member for South Douglas is quite cool with his barracking but the fact of the matter is the Office of Fair Trading cannot enter into negotiations with an airline, but what we can do is enter into a consultative process and see what the airline feel about the idea that my hon. colleague has advanced which, on the face of it, would seem fairly reasonable, but again there will be operational difficulties, no doubt, and other points that the airline will advance backwards, should they so wish to answer the queries in the first place.

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

**Mrs Cannell:** Thank you, Mr Speaker.

Would the Chair of the Office of Fair Trading agree with me that, in fact, the advice submitted on the floor by the Minister for Transport is incorrect, in that insurance covers cancellation only, covers the individual if the carrier cancels the trip or the flight and, in fact, the insurance cover does not cover the cancellation if it is undertaken by the client?

**The Speaker:** Chairman to reply.

**Mr Anderson:** Different policies.

**The Chairman:** Gura mie eu, Vainstyr Loayreyder.

As I understand it, it depends on what kind of policy, in fact, you wish to take up prior to your travel. They can be individually tailored and, depending on the kind of clauses you wish to be put in, I think I am correct in saying that such situations could be covered, but that is something that needs to be looked into. Certainly, I can give an undertaking to this House that the issue of insurance and what may or may not be available for the travelling public of the Isle of Man, I can circulate that to Hon. Members so that they are fully aware and be able to advise their constituents accordingly.

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

**Mr Karran:** Vainstyr Loayreyder, would the Chair, the Chairman of the Office of Fair Trading, look into the fact that taxpayers' money has already been used by the DoT to financially support these air companies, as far as they are lowering the fares, landing fees in other ways and whether that could be a lever that could be used in order for them to act a little bit more responsibly and reasonable as far as this being an Island community and there is not a choice that you cannot walk home from the United Kingdom, as far as coming over from the UK. (*Interjection by Mr Watterson*)

**The Speaker:** Chairman to reply.

**The Chairman:** Gura mie eu, Vainstyr Loayreyder.

As I said, we will look into this matter and I would urge Mr Malarkey to supply the Office with what detailed information he can, copies of any correspondence, documentation and otherwise and we will certainly try our very best with the legislation that we have got in relation to the final point of Mr Karran's question, Vainstyr Loayreyder. I hear what he is saying.

**The Speaker:** Finally I call on the Hon. Member for Malew and Santon, Mr Cregeen. I will give the original questioner a final supplementary. Mr Cregeen.

**Mr Cregeen:** I welcome the Chair's promise that he will go and review legislation and also compare it to the UK, but will he also look into other jurisdictions for best possible practice because the UK has not always got the best focus towards customers?

**The Speaker:** Mr Henderson.

**The Chairman:** Gura mie eu, Vainstyr Loayreyder.

Yes, Vainstyr Loayreyder, as I said in one of my previous supplementaries, one of the things was to look at our legislation and certainly compare it with the UK. That is not my only option and certainly as I said, I am not making any promises because that would be wholly inappropriate for me to do so and to advance any form of legislation would take a long time and with a consultative process but it is something I am looking at.

I can assure Mr Cregeen that I most certainly in my tenure at the Office, however long or short that may be, I want us to see that we are operating at the highest Isle of Man standards, but I would advise the Hon. Member that the OFT cannot be the whipping-post for every single problem that comes along because the Office can only do so much with the legislation that it has or may have in the future.

**The Speaker:** Hon. Members, that brings us to the end of Question Time.

I beg your pardon, I did say Mr Malarkey, you may have the final –

**Mr Malarkey:** I will be brief. Firstly, Mr Speaker, I would like to thank the Chair of the OFT for inviting me. I would be happy to give him all the information I have with regard to this incident, but while we have the opportunity and we have the press and we are on the radio, would the Chair – this is not a unique situation – would he not like to take this opportunity to invite anybody else who has had similar experience of this to also contact the Office of Fair Trading so that we can get a much wider picture, a much wider picture of just how much of this is actually happening to other residents of the Isle of Man?

**The Speaker:** Chairman.

**The Chairman:** Gura mie eu, Vainstyr Loayreyder.

I have no problem in acceding to Mr Malarkey's request. The Consumer Affairs Office already receives numerous letters over time with regard to air fares, as does the OFT in the UK and OFTs elsewhere across Europe with air travelling problems, as it is not unique to here. The travelling public, pan-European, pan-global, I suppose, suffers similar issues and they are addressed and tackled as time goes on and, certainly, we will try our best with this one, Vainstyr Loayreyder.

## Procedural

### Ruling by the Speaker on Written Question 2

**The Speaker:** Hon. Members, that does bring us to the end of Question Time and the Written Answers will now be distributed.

Members will see that the Minister for Health and Social Security has, in effect, declined to reply to Question 2, giving his reasons as the cost and difficulty of doing so.

I have to say, however, that the Minister has not complied with the requirements of Standing Order 3.10, notifying me 24 hours in advance of his effective refusal, so that I might report to the House whether or not I consider that refusal justified. In relation to Question 2 for Written Answer, the Minister for Health and Social Security is, therefore, in breach of Standing Order 3.10. I would call upon him to

notify me formally of his reasons for declining to provide the information requested by Question 2 and I will report on the matter at the sitting of the House when we assemble in Tynwald Court for the monthly July sitting.

**Mr Henderson:** Point of order.

**The Speaker:** You may not, sir. The rulings to this effect are not open to debate on the House. That is the end of that matter.

## Questions for Written Answer

### CHIEF MINISTER

#### Attorney General's Chambers Advocates and legislative drafters

3.1. The Hon. Member for Douglas West (Mr Corkish) to ask the Chief Minister:

*What is –*

*(a) the establishment of advocates, both civil and criminal, and legislative drafters in the Attorney General's Chambers;*

*(b) the current position in relation to the establishment;*

*(c) the comparative establishment in the Channel Islands of Guernsey and Jersey?*

**Answer:** (a) The establishment of advocates and legislative drafters in the Attorney General's Chambers is as follows:

(i) Criminal (including financial crime and in anticipation of taking over all summary prosecutions) – 9

(ii) Civil (including commercial) – 7

(iii) Drafters – 4

(b) Insofar as the lawyers in the Criminal Department are concerned, there are currently only two who are able to work. The senior prosecutor is absent because of illness and one of the lawyers who has recently been recruited must give three months' notice before commencing in post.

All the other positions within the establishment have been filled and the postholders are working in Chambers.

(c) Insofar as Guernsey and Jersey are concerned, the position is as follows:

Guernsey:

(i) Criminal lawyers (including mutual assistance/international co-operation) – 7

(ii) Civil (including Solicitor General and Director of Legal Services) – 14

(iii) Legislative drafting (including two consultants) – 10

Jersey:

(i) Criminal (including assistant legal advisers (not legally qualified)) – 9

(ii) Civil (including conveyancing etc) – 13

(iii) Legislative drafting – 5 (this is a separate department from Chambers)

### HEALTH AND SOCIAL SECURITY

#### Residential or nursing establishments Bed spaces lost over 30 years

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

*(a) How many residential or nursing – short or long-term and rehabilitation – establishments/units/wards under DHSS ownership/control have been closed, run down or used for other functions other than their original purpose over the past 30 years, including long-term care of the confused elderly and long-term residential care in all categories of residents and patients requiring such in patient/residential care as the Department used to provide; and*

*(b) if the answers above are in the affirmative, how many bed spaces in total have been lost in this period?*

**Answer:** We are being asked to gather and assess data and information going as far back as 1978, which date even precedes the creation of Social Services Division as it exists today. This work would involve various members of staff from Social Services, Mental Health Services and Health Services in researching this matter and would clearly be disproportionately time consuming, diverting resources away from the essential day to day running of the Department. I am therefore unable to answer this Question.

### TOURISM AND LEISURE

#### Manx Radio Costs of advertising

3.3. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Tourism and Leisure:

*(a) What were the costs of advertising on Manx Radio for the last two financial years;*

*(b) did the Department go out to tender; and*

*(c) what would be the comparable costs in respects of similar advertisements in the UK?*

**Answer:** (a) During 2006-07, the Department spent £6,040 (excluding VAT) on advertising on Manx Radio; for 2007-08 the comparative figure was £14,700 (excluding VAT).

In addition, in 2007-08 as part of an overall package

of TT promotion, the Department purchased Manx Radio advertising for Radio TT on behalf of the event sponsors, the cost of which was met from their sponsorship packages.

(b) The Department does not go out to tender for on-Island radio advertising. The three on-Island radio stations have very different audience profiles and the Department uses the most appropriate station depending on the target audience for the advertisement.

(c) The Department does not have any comparative costs in respect of placing similar advertisements on local commercial radio stations in the United Kingdom. Such information would appear to have little relevance because there are no stations with similar audience profiles.

## Orders of the Day

### BILL FOR FIRST READING

#### Gender Recognition Bill

**The Speaker:** I now call the learned Secretary: Bill for First Reading.

**The Secretary:** Mr Speaker, the Bill for First Reading is the Gender Recognition Bill, introduced by the Hon. Member for Castletown, Mr Brown.

#### Tribute to Mr Malachy Cornwell-Kelly, retiring Secretary to the House

**The Speaker:** Thank you, learned Secretary.

Hon. Members, before we adjourn for Speaker's Lunch at 1 o'clock – and I am delighted to welcome you all to that. Hon. Members – today's sitting of the House is, in fact, the very last occasion, or we anticipate will be the last occasion, when we shall have in attendance here in our own Chamber, our Secretary to the House, Malachy Cornwell-Kelly, prior to his forthcoming retirement. It is right, therefore, that at this sitting we publicly acknowledge the outstanding service given by Malachy for the past seven years (**Members:** Hear, hear.)

Malachy, as a servant of the House, you have at all times given us wise counsel, careful guidance and impartial advice. As a House and as individual Members of it, we have all benefited and we have cause to be most grateful to you for your work as our learned Secretary, for myself specialist counsel to the Speaker, but also as Clerk of Tynwald and with your responsibilities for the smooth running of the parliamentary administration.

Hon. Members, there will, of course, be future opportunities to recognise and to thank Malachy before he does finally leave us, but I know you would want me today, on your behalf, to say to Malachy, thank you and well done and we wish you, with Heather, many years of happy retirement (**Members:** Hear, hear.) (*Applause*)

With that, Hon. Members, the House will now stand adjourned until the next sitting which will take place on 7th July in the Chapel at St John's.

Thank you, Hon. Members.

*The House adjourned at 11.57 a.m.*