



**LEGISLATIVE COUNCIL  
OFFICIAL REPORT**

**RECORTYS OIKOIL  
Y CHOONCEIL SLATTYSSAGH**

**P R O C E E D I N G S**

**D A A L T Y N**

**(HANSARD)**

**Douglas, Tuesday, 30th June 2009**

**Present:****The President of the Council (The Hon. N Q Cringle, OBE)**

The Lord Bishop of Sodor and Man (The Rt Rev. R M E Paterson), The Attorney General (Mr W J H Corlett QC),  
Mr D Butt, Mr D A Callister, Mrs C M Christian, Mr E A Crowe,  
Mr E G Lowey, Mr J R Turner and Mr G H Waft,  
with Mr J King, Clerk of the Council.

**Business transacted**

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*The Council sat in private at 10.51 a.m.*

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## Legislative Council

*The Council met at 10.30 a.m.*

[MR PRESIDENT *in the Chair*]

### PRAYERS

*The Lord Bishop*

#### Leave of absence granted

**The President:** Hon. Members, we have a very short Order Paper this morning. Nevertheless, I think, with Mr Downie being away, we could not continue with the legislation, with the Gambling (Amendment) Bill.

## Questions for Oral Answer

### LOCAL GOVERNMENT AND THE ENVIRONMENT

#### 'Royal Buildings', Royal Avenue, Onchan Future of site; scaffolding near pedestrian crossing

1.1. The Hon. Member of the Council, Mr Waft, to ask a representative of the Department of Local Government and the Environment:

*With respect to 'Royal Buildings' at the top of Royal Avenue, Onchan:*

*(1) If he or she will make a statement as to the future of the site; and*

*(2) how long the scaffolding under which children have to queue to gain access to the pedestrian crossing will remain in place?*

**The President:** In that case, Hon. Members, we have the Question from the Hon. Member of Council, Mr Waft.

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

**The President:** And we have the response from, this time, Mrs Christian.

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

Detailed planning approval was obtained in 2005 for the erection of a block of 25 apartments and refurbishment of existing building to provide two shops or office units with a duplex apartment over this site at the top of Royal Avenue. All the development was intended for commercial open-market sale and did not include any affordable housing or public facilities.

Work commenced in 2007 and progress was made until the autumn of last year, when the open market for apartments in the Island reduced quite dramatically. It is understood that the developer is seeking to complete the project for sale for a commercial return, albeit at a reduced rate of progress. Currently, work is concentrated on the corner block based around the original retained building.

The developer has advised that the scaffolding on the main road for the main elevation of the new building is phased to be dismantled in the near future, due to the slower progress of the main works. This will be re-erected at some stage in the future to facilitate completion of the building, but the developer has no certain knowledge at present what timescale will be involved. When the scaffolding is removed, it should reduce the constraints on the use of the pedestrian crossing referred to by the Hon. Member.

**The President:** Mr Waft.

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

Is the Department aware of the history surrounding this site and the rear of this site, which has lain derelict for nearly 20 years? There are 20-year-old Onchan residents who have never seen this site being developed, and now that work has begun, the work has stopped and nothing appears to have been done since last August.

Will the Department examine the situation with regard to the health and safety of the public passing by such a site and the protection of it from the existing scaffolding?

**Mrs Christian:** Mr President, the Director of Estates and Housing has regular meetings with all developers, including Hartford Homes, the developers on this site, and the last meeting with them was held on 19th May, when the progress of the scheme was discussed.

With regard to the scaffolding, as I have indicated, some of the scaffolding is coming down and will be re-erected when they are in a position to go ahead with further work. Other than that, Mr President, I have no additional information in respect of the scaffolding. The fact that the site has been derelict for a number of years probably is a consideration for the Commissioners of the area if they want to take action, but it is a privately-owned site and therefore it is not something which DoLGE, I think, has any authority over in respect of the site.

**The President:** Mr Crowe.

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

Can I ask the Hon. Member, has the developer offered this site to Government for housing for first-time buyers or that sort of opportunity?

**The President:** Mrs Christian.

**Mrs Christian:** Yes, Mr President, the Department and the Department of Health and Social Security have explored with Hartford Homes the possible use for affordable or assisted housing, but they have to consider what is value for money for the taxpayer and, at this point, they have not come to an agreement with Hartford Homes.

Hartford Homes have not been able to provide a value-for-money solution, but they are awaiting further proposals from Hartford Homes after the May meeting.

#### Leave of absence granted

'Royal Buildings', Royal Avenue, Onchan – Future of site; scaffolding near pedestrian crossing

**The President:** Mr Lowey.

**Mr Lowey:** Could I remind the Hon. Member, when Freedom to Flourish was launched, part of that was to tidy up the Island and to make it presentable. Would she agree that developments that have been stopped halfway through – and there are a growing number of these throughout the Island – should be of concern to the Department because they have an overall responsibility, although they are in private ownership? Would she not agree that we are not meeting the requirements of Freedom to Flourish?

**The President:** Mrs Christian.

**Mrs Christian:** I have no comment to make about Freedom to Flourish, Mr President, but I will say that the Department does have a concern. The Department is anxious and has been negotiating with developers, particularly where development has slowed down, to try and regenerate activity in respect of producing homes, but there is a price which should not be paid, Mr President, simply because a developer has slowed down in his own work.

I think the Department also has to look to value for money for the taxpayer and that is what it is seeking to do and hopefully, it can come to an agreement on this particular site; but we have to remember that part of this site was not developed for affordable or assisted housing and will require some modification to the scheme. In fact, I think the top floor was developed as a single-layer, very expensive penthouse and that is of no use, as it stands, to the Department.

So it is not a lack of willingness, Mr President; it is a lack of, at this point, coming to a reasonable agreement with the developer.

**The President:** Commercially viable.  
Mr Waft.

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

Taking the theme from Mr Lowey, at the time when each local authority is being asked to look at the enhancement of their local areas, would the Department liaise with the Department of Transport to establish a way forward to make the existing property more presentable while its future is determined? I am thinking on the lines of the broken windows that are still lying on the window frames in full view of Royal Avenue and the residents passing by. Also, could she establish when the licence for the scaffolding is due to be renewed?

**The President:** Mrs Christian.

**Mrs Christian:** Mr President, as far as the appearance goes, it seems to me that that lies within the powers of the local authority. Where a building is in apparently derelict condition, local authorities have powers to make them tidy them up and it should not fall to the Department to deal with that issue.

So far as the licence for scaffolding is concerned, I am not quite clear what the Hon. Member is referring to, but I can give him no more information than I have and that is that it will be erected at some stage in the future to complete the building, but the developer, like other developers, at the moment cannot say when that will be.

**The President:** It will be taken down and then re-erected, yes.

**Mrs Christian:** It is being taken down. The Hon. Member wants it taken down and it is being taken down; but it will have to be put up in the future in order to complete the building.

**The President:** Mr Waft.

**Mr Waft:** Is it not the Department of Local Government and the Environment's role to examine the situation when things like this arise in the local community, to liaise with the local authority to find out what pressure can be put on the owner of the property?

**The President:** Mrs Christian.

**Mrs Christian:** No, Mr President, I do not believe it is. I believe it is for the local authority –

**Mr Waft:** So you have got no responsibility for local authorities? I cannot believe that.

**Mr Lowey:** Or the environment.

**Mr Waft:** I really cannot believe it.

**Mrs Christian:** I believe it is the responsibility... The local authority have powers to take action where there are derelict buildings, and if the local authority considers that this building is derelict and is concerned about the broken windows, it can take action.

**Mr Waft:** Can I ask, through you, Mr President, when was the last time the scaffolding was looked at?

**Mrs Christian:** I have no idea, Mr President.

**Mr Waft:** If the licence is due to be renewed, Mr President, there appear to be different scales of adherence to Health and Safety with regard to scaffolding and the lugs that are used to hold up the scaffolding, how they are treated, so they do not come in the way of passers-by. Would she look at the situation with regard to scaffolding and examine whether this scaffolding conforms with the Health and Safety standards expected in 2009?

**The President:** Mrs Christian.

**Mrs Christian:** Mr President, the scaffolding, I believe, is coming down, so the problem should go away, but I will refer his concern to the Department, of which I am not a Member, so that they can consider the question of the lugs on the scaffolding when it is re-erected.

**Mr Waft:** Through you, Mr President –

**The President:** Mr Waft.

**Mr Waft:** – the padding does not appear to be in place sufficiently to stop any accidents taking place with regard to passers-by. I would like to point out that passers-by are children, and plans are certainly adversely treated with regard to a thoroughway there, with the situation with regard to scaffolding.

Thank you, Mr President. I thank the Member for

answering the Question on behalf of the Department.

**The President:** Do you wish to reply to that, Mrs Christian?

**Mrs Christian:** No, Mr President, except to say that, yes, if there is a concern about passers-by, I will refer the matter back to the Department and the Health and Safety Division there.

#### TT 2009 entertainment Additional information

**The President:** Now, Hon. Members, Mr Turner, I understand has now received further clarification or further information with regard to an Answer which was given here in the previous week and he wishes to put further information on the record, Hon. Members, so I invite Mr Turner so to do at this stage.

**Mr Turner:** Thank you, Mr President. I thank you for allowing me the opportunity to give this additional information to Hon. Members.

Hon. Members have had circulated a letter from the Department of Tourism and Leisure and it is in relation to answers I gave to a Question at our last sitting, and the Question was from the Hon. Member of Council, Mr Lowey.

For the purposes of putting this information on the record, I would like to read out the additional information which has been circulated. The letter is from the Minister for the Department of Tourism, on behalf of whom I was answering.

‘During the Legislative Council sitting on 23rd June 2009, Mr Turner MLC, Member for Tourism and Leisure, informed Members that 815 people gained admission to the TTXGP Concert. It is now known that the total audience was, in fact, 551 people. Hon. Members, I express my apologies for the incorrect information that was presented by my Department: it was believed to have been factually correct at the time but following a full reconciliation with the event promoters, the error has been identified.

I would also like to take this opportunity to provide information in relation to the additional supplementary questions that were asked’.

The first item concerned the Jazz Club and the offer to provide entertainment at TT 2009.

‘The Jazz Club did not offer to provide entertainment during the TT 2009. The Jazz Club did offer to organise a Jazz group to attend the Island in July/August and proposed that this could be funded through monies owed to the Tourism Event Development Scheme. Unfortunately, it was not appropriate to accept this proposal under the terms of the Scheme and the monies have subsequently been returned.’

With regard to the query of data protection – this is the next item – and the sale of reduced-price TTXGP concert tickets via the Isle of Man Government internal e-mail system:

‘I can advise that the Department was asked by the concert organisers to assist in the promotion of a “special offer” as a means of increasing last minute sales. At this request, and on behalf of the promoter, this was advertised by the Department on the Government Intranet, not by e-mail. E-mail addresses were not released to an outside party, so there is no potential issue over a breach of Data Protection.’

The letter is signed by the Minister, Mr Quayle.  
Thank you, Mr President.

**The President:** Now, Hon. Members, that is a letter read out for clarity, but I am prepared, if Mr Lowey wishes to make a comment, but we will stick strictly to the letter, Mr Lowey, if we can, please.

**Mr Lowey:** I do. The Member, in his opening remarks, said that Members have received a letter. I regret to say, again, they seem to have awful difficulty in contacting me, because I have not been in receipt of any letter.

**The President:** It is on your desk in front of you.

**Mr Lowey:** It is on my desk... Well, I have not opened it. I appreciate that and I withdraw that I have not received the letter, but I have not *seen* the letter.

Can I just come back to the figures. The figures that were given last week were specific and perhaps the reader of the letter could tell us how they were arrived at to give parliament, i.e. this Council, official figures which are, what, 40 per cent out? It does give rise to the query, is the loss that was given to us... I know it was only estimated at £115,000. If they are 40 per cent out, we are looking at even more substantial losses.

Would the Hon. Member take back to the Department... as far as my recollection of Mr Callister’s intervention regarding the jazz festival, it was never suggested last week that the Club would have put on a jazz festival in TT week, but he could have put a concert on at any time during the summer, which was rejected. That was the point that was made. (**Mr Callister:** Yes.) It was not that it would be appearing on there. So you are answering a question that was not even posed.

**The President:** Mr Lowey, I do not expect Mr Turner specifically to answer this.

**Mr Lowey:** No, I don’t, either!

**The President:** I have allowed Mr Turner to read the letter from Mr Quayle, which was there for clarity. Your comments, sir, I am sure you can take up with the Department at some future time, should you so wish, in regard to the detail. (**Mr Lowey:** Yes.)

Mr Turner now appears to be anxious to give some sort of a response.

**Mr Turner:** Yes. I take on board the comments of the Hon. Member regarding the jazz festival. I will certainly take that back to the Department.

I do think it is important that the Department, when answering parliamentary Questions, do check their facts and figures before they are presented, so that is another comment I will reinforce.

I do actually have the breakdown on how the figures were incorrectly interpreted, and if I may explain that, it may just help Members understand what happened. The details from the Leisure Division advised the figure of 551 was... and I will explain how we ended up at the 815 figure. There were 205 tickets sold through the Villa/Gaiety Box Office, 264 tickets provided to the event promoter to sell directly to fans at the Grandstand, 82 VIP tickets, with 551 attending.

The mistake had occurred because the 551 was thought to be exclusive of the 264 tickets provided to the event promoter, and the two figures were added together.

**The President:** Mrs Christian.

**Mrs Christian:** Mr President, could I just clarify a point following on Mr Lowey's concern that there is a lower number now and therefore a greater loss. Was this not a private hire, and therefore does the lower number have a consequence for the Department?

**The President:** Mr Turner.

**Mrs Christian:** Or for the private hirer?

**Mr Turner:** The Hon. Member, Mrs Christian, is quite right: it was a private hire. However, there was, as I mentioned in the original Answer, an application to the Arts Council for a ticket subsidy up to the value of £20,000. At a late stage, it was decided by the Minister and a number of officers that this support would change from a ticket subsidy up to the value of £20,000 to a £20,000 grant from the Arts Council. So in effect that is where the additional funding has been provided by the Department, through the Arts Council.

**Mr Lowey:** A further supplementary.

**The President:** The further we go, Hon. Members, the more difficult it becomes, and I am sure at this stage... Mr Callister, I think was...

**Mr Callister:** Thank you, Mr President.  
I just want to have confirmed that the money which went for this particular concert – the £20,000 from the Arts Council

– was money that had been removed from the budget of the Erin Arts Centre for their performances in the Festival this year.

**The President:** Mr Turner.

**Mr Turner:** I believe the Minister is answering a Question in another place regarding this matter. What I can do is look into that particular specific and...

**The President:** We can all pick up the Answer which the Minister will give in the other place.

**Mr Turner:** I am sure that will obviously be on the record, Mr President. Thank you.

### Procedural

**The President:** Hon. Members, with no legislation to deal with, I think that will actually draw to a conclusion the public sitting part of the Legislative Council today.

I have, Hon. Members, put onto our Order Paper for private sitting two items, which is our Standing Orders update and the 90th anniversary of the Isle of Man Constitution (Amendment) Act 1919. In particular, Hon. Members, I just wish to have a general discussion, but as you are aware, we have had meetings with the Standing Orders Committee in another place and we will deal with those private sitting matters now.

Thank you.

*The Council sat in private at 10.51 a.m.*

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