

**Private Member's Bill to establish a Planning Committee –
Leave to introduce –
Motion not carried**

The Hon. Member for Douglas West (Mr Thomas) to move:

That leave be given to introduce a Private Member's Bill to amend the Town and Country Planning Act 1999 to establish a Planning Committee; and for connected purposes.

The Speaker: We move on to the final Item – Item 5, Leave to Introduce. I call on the Hon. Member for Douglas West, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

I have talked about this topic a number of times over the last 12 months, so I will make my remarks very brief, if that is okay by this House.

In essence, what we are talking about here is my request for leave to introduce:

'a one-clause amendment to the primary Act – that is the Town and Country Planning Act 1999 – in order to clarify the appointment of the Planning Committee.'

That is actually a quote that I just read out then, from the Minister for Infrastructure back in May, so it is quite clear what we are talking about. We have a slightly unclear situation, and in the interest of moving forward and placing the matter beyond doubt, to make sure the *vires* is clear, the Department of Infrastructure, the Minister for Infrastructure has assured the Court and its Members from this House, that the one-clause amendment he hopes will one day come forward.

But there are two ambiguities. The first one is the timetable, and the second one is whether the Council of Ministers will agree with him. So back in May, I announced my intention to put this request for leave to introduce on the Order Paper, and I announced that in my Tynwald speech back in May.

I would be delighted to work over the summer, so that by Christmas or soon thereafter we actually have removed all ambiguity by having this one-clause amendment to the Town and Country Planning Act. Over the summer, I will engage fully to support the Department of Infrastructure's plans to make sure there are not any financial implications, to work with the Attorney General diligently to carry out consultation so that immediately in October we can come back with this one-clause Bill.

If that is not desired by the House and I do not get leave to introduce, the alternative would be that we get a clear statement today from the Minister that this will happen on a certain date and everything is agreed and in place.

With that, I think I will actually sit down. I am hoping there will be a seconder for my leave to introduce, and I hope this House will actually give me the chance to work, to actually put this matter beyond doubt and move things forward to where we all want them to be.

The Speaker: Mr Skelly.

Mr Skelly: Gura mie eu, Loayreyder.

As Hon. Members will recall, Mr Thomas brought a motion in January 2014 and later in May, which sought approval for a select committee to be appointed to report to Tynwald in respect of issues regarding the authority and operations of the Planning Committee and the delegated authorities under planning legislation.

While I reaffirmed the Department's position and the Planning Committee acted lawfully, I gave a commitment to bring forward a one-clause amendment to the primary Act – the Town and Country Planning Act 1999. The amending legislation is intended to provide further clarity regarding the statutory footing of the Planning Committee. I hope Hon. Members will agree this is

a positive move on behalf of the Department in the interest of moving forward and placing the matter beyond doubt. It has been made on the advice of the Attorney General's Chambers.

I can now inform Hon. Members that on 12th June, the Council of Ministers considered a paper submitted by my Department and it was agreed that the Department could issue the relevant drafting instructions to the Attorney General's. I can confirm that my Department in the next week or two, latest, will be issuing those drafting instructions to the Attorney General's Chambers.

In light of progress that has been achieved, I believe Mr Thomas's motion will simply duplicate work that has already taken place and create an inefficient use of legislative drafters' valuable resource.

In that regard, I cannot support Mr Thomas's motion.

The Speaker: Now, Mr Thomas's motion has not been seconded.

Mr Quirk: Not yet, Mr Speaker.

The Speaker: I called you, sir – you caught my eye, I assumed you were going to second but you are not seconding.

Mr Quirk. (*Laughter*)

Mr Quirk: Thank you, Mr Speaker.

I am more than happy to support Mr Thomas, from West Douglas and second the motion on that.

I am glad and maybe... I am up for an intervention from the Minister for the DOI too. There is been a lot of speak, there has been a lot of talk on this particular issue. It has been running for a long time, and as I did say in the last debate we had in another place there, it would come back to bite you and haunt you. It is like a sore that has not been lanced and is still festering.

I am now – and I hope he is not listening, to tell you the truth – the butt of some e-mails from a certain individual from Peel. It is not going away. As far as I am concerned, the man has some very valid points, but until... And that is why I still want to support Chris Thomas, the leave to introduce there, in this because we were not giving...

The Council of Ministers have discussed this. Do we know whether the Council of Ministers give it a priority, whether they have flipped it at the top of the list, or just left at the bottom, where, in the natural cycle, it could be next September? I do not expect that and I did not expect that from the Minister reporting it to us to the House here today. I expected some clear views to say, the Attorney General's office have been instructed to do this particular issue. It is only a one clause issue – why could not it be done, put out there, sent to us, notified of it, put in some sort of mechanism there?

So I am sorry on this particular one. I do not believe the promises that have been given. I would rather believe the promises I can give to Mr Thomas to support him and his leave to introduce, and I would still encourage Members – although some people say it is a duplication of services. What could happen is, if there are two issues running at the same time, maybe they could get together...

It is like I did a few years ago when I did a Bill on special guardianship. Then, Mr Robertshaw was not the Minister; it was Minister Quayle – another Quayle. I spoke to them. We got together and we pushed a Bill forward, and everybody was happy. I was a bit long winded on the preambles going through, which the Speaker said I had a right to do, and I always remember that, Mr Speaker.

So I would say to you, (*Interjection*) support Mr Thomas, get it together, and move it along, and let us get the issue dealt with.

The Speaker: Hon. Member for Ramsey, Mr Singer.

Mr Singer: Thank you.

I take note of what the last speaker said, Mr Speaker, but the fact is that it is moving along. I think the Department has acknowledged Mr Thomas's point, and the fact is that it is being sent to the drafter within the next 7 to 10 days. Why duplicate? I think we have to take the Minister at his word, that that is going to happen.

The one problem that I have with the motion anyway, from Mr Thomas, is that whilst it says that leave be given to introduce a Private Member's Bill to amend the Town and Country Planning Act 1999 to establish a planning committee, and then it says 'and for connected purposes'. We have no idea what that 'and for connected purposes' means. I am not saying he would do, but with amendments etc, this could well go beyond the scope of the point that this Bill is trying to make and could well be a delay.

Accepting what Mr Thomas is putting forward and his sincerity in doing so, I would hope that Members would accept the word of the Minister that that is going ahead, and it is going ahead fairly quickly.

The Speaker: Hon. Member for Middle, Mr Quayle.

Mr Quayle: Thank you, Mr Speaker.

I have always held a principle of supporting any Member's leave to introduce but I would urge the Hon. Member for Douglas West, Mr Thomas, to withdraw his proposal. If the Minister for Infrastructure, Mr Skelly, has given his word to this House that he is introducing legislation, then surely this is purely a duplication and a waste of taxpayers' money.

Therefore, I would respectfully ask him to allow me not to have to break my principles of allowing Members to have the right to introduce legislation.

The Speaker: I call on the mover to reply, Mr Thomas.

Mr Thomas: Thank you very much, Mr Speaker.

I rise having not quite reached a conclusion of my speech in my own mind, but first of all, I would like to thank Mr Quirk, the Hon. Member for Onchan, for having seconded my motion.

I can assure all Members of this House that I would work together with the Minister for Infrastructure, as I have done repeatedly since October/November time with other Members.

Also, we heard this morning that resources are short in the Department of Infrastructure. We heard in Tynwald, in the other place in May that we have got Bills A, B, C and D, in terms of amending the Town and Country Planning Act, so the question raised by Mr Quirk is a valid one, which is: where does this come in the priority?

Genuinely, the Government's legislative programme is full – probably too full – and each Department has been asked to take out Bills. I would really hope that we have the Minister's assurance, not only that it is a personal priority for him, but that it is the Department's priority, because we keep getting told from the Department that there is no problem, there are *vires*, and that will be the situation until there is a successful legal challenge.

So therefore the situation is fragile, in one sense, so I really do hope that the Minister can keep his promise. I am sure he intends to, but there is that... it is only a promise and there are many other people involved in that promise.

I appreciate the comment from the Hon. Member for Ramsey, Mr Singer, but my understanding was that 'and for connected purposes' was standard drafting by the Clerk. There is nothing on my side for adding in 'and for connected purposes'. I understood that it was added in by the Office as a standard thing that was always there, and I did not have any influence whatsoever. I can absolutely assure people that I am looking to move a one-clause, perhaps two-

clause if it is needed, because the legislative drafter said it would look better in two clauses, solely to achieve the purpose of making the Planning Committee that exists exist in the statute, to make the work of the Department much easier, because then they will not have to worry about all the delegations that are flawed, because they have currently written to me to say that it is a great amount of work, putting in place all the delegations in a non-flawed way, and they will not have to do that if this Bill can be there, if there is a promise that it will be there in October.

So, in fact, I am not actually going to withdraw my request for leave to introduce. I believe the situation would be more certain, because I can promise myself and know that I will keep the promise, and I recognise that this is a very, very important issue.

But I do want to record that I do trust and I do believe the Minister for Infrastructure (**Mr Anderson**: However...) but from every good intention, there are many reasons why good intention could go wrong.

Thank you, Mr Speaker. I hope that this House will give me the leave to introduce.

The Speaker: Hon. Members, the motion before us is set out at Item 5, that leave be given to introduce a Private Member's Bill as set out by Mr Thomas. Those in favour, please say aye; against, no. The ayes have it.

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

FOR

Mrs Beecroft
Mr Cannan
Mrs Cannell
Mr Hall
Mr Karran
Mr Quirk
The Speaker
Mr Thomas

AGAINST

Mr Anderson
Mr Cregeen
Mr Cretney
Mr Gawne
Mr Henderson
Mr Houghton
Mr Quayle
Mr Robertshaw
Mr Ronan
Mr Singer
Mr Skelly
Mr Teare
Mr Watterson

The Speaker: With 8 votes for, 13 against, the motion therefore fails to carry.

Hon. Members, that concludes the business before the House today. The House will stand adjourned until the next sitting which will take place on Monday, 7th July in St John's.

Before that, I look forward to seeing you at lunchtime today and I hope you are able to join me in traditional manner.

Thank you Hon. Members.