

### **3.2. Landlord and Tenant (Private Housing) Bill Report – Debate commenced**

The Chairman of the Landlord and Tenant (Private Housing) Bill (Mr Thomas) to move:

*That the Landlord and Tenant (Private Housing) Bill Report [PP No 2015/0005] be received and that the following recommendations be approved –*

#### *Recommendation 1*

*We recommend that landlords should have specific powers in the Bill (in addition to the general right to refuse to deal with a prospective tenant):*

*to decline to let properties to tenants who are bad risks from the point of view of paying rent on time or looking after the property; and  
to demand satisfactory references.*

*The standards which landlords are entitled to expect from tenants should be made clear in the Bill.*

#### *Recommendation 2*

*We recommend that the Bill be amended to allow particular basic standards to be set for the behaviour of tenants, including:*

*paying rent on time; and  
not damaging the property or furnishings.*

*A tenant's failure to observe basic standards ought to entitle a landlord to obtain summary judgment for possession in a timely and cost effective manner and this should be expressed in the Bill.*

#### *Recommendation 3*

*The Bill is attempting to control the management of lettings. It is a weakness in the Bill that this is separate from more general provisions relating to property management in general, particularly estate agents. The provisions of this Bill should be reincorporated in the planned legislation covering estate agents as originally envisaged.*

#### *Amendment*

*The Hon. Member for Onchan (Mr Quirk) to move –*

*In recommendation 3, leave out the words 'The provisions of this Bill should be reincorporated in the planned legislation covering estate agents as originally envisage' and insert instead, 'This Bill and the Property Agents Bill should be developed in parallel to avoid the risk of overlap and inconsistency.'*

#### *Recommendation 4*

*We recommend that the Bill should apply to all tenancies, including public sector and agricultural tenancies, thereby creating a basic guarantee of standards that all tenants have a right to expect.*

#### *Recommendation 5*

*We recommend that:*

*standards be defined in a Schedule to the Bill;*

*all changes be subject to approval of Tynwald, by way of subordinate legislation;*

*and that communication of changes to the standards should be made direct with all landlords electronically, not just posted on the website.*

*Amendment*

*The Hon. Member for Douglas East (Mr Robertshaw) to move –*

*In recommendation 5, to leave out the words: ‘standards be defined in a Schedule to the Bill’.*

*Recommendation 6*

*The drafting errors which we have identified should be corrected before the Bill is allowed to proceed to Third Reading.*

*Recommendation 7*

*We think that the Bill should be sent back to the Attorney General’s Chambers for a complete rewrite in order to make it more intelligible.*

**The Speaker:** We turn to Item 3.2. I call on the Chair of the Landlord and Tenant (Private Housing) Bill Committee, Mr Thomas, to move.

**The Chairman of the Landlord and Tenant (Private Housing) Bill Committee (Mr Thomas):** Thank you, Mr Speaker.

Hon. Members, as Chair of this Committee I rise to move that the Landlord and Tenant (Private Housing) Bill Report be received and its seven recommendations be approved.

The need for this Bill was established at Second Reading, with only three votes against; in particular, the need to remedy serious shortcomings in some parts of housing provision, which seems to be contributing to excess winter deaths.

Our Committee shares the Bill promoter Mr Robertshaw’s concern that the law should enable fit and proper landlords to operate in the private rental sector and that there should be basic guarantees with minimum standards both of behaviour and of the accommodation itself, but our Committee recommends that the drafting errors we have identified be corrected before the Bill is allowed to proceed to Third Reading. That is our recommendation 6. We think that the easiest way to do this is to send the Bill back to the Attorney General’s Chambers for a complete rewrite in order to make it more intelligible – our recommendation 7.

Unfortunately, the Bill’s substance and style are flawed, as was concerned during the helpful evidence session involving the then Bill drafter, Miss Evans. Miss Evans accepted that the Bill was difficult to read. Moreover, serious shortcomings in particular areas were uncovered particularly by our Clerk, whom I would like to thank for having applied his expertise and diligence so thoroughly in this task. (**A Member:** Hear, hear.)

It has to be said that the conditions for preparation of the Bill were not ideal. Mr Beale prepared the consultation draft during the course of a one-year contract in 2012, and then Miss Evans – also now moved on, I believe, unfortunately – was allocated the task of finalising the Bill in early 2003 with some significant and substantial constraints, which she told us all about in her evidence. So we have made 23 drafting recommendations. Mr Shimmin, my good friend from West Douglas, has persuaded me not to go through them, (*Laughter*) so I will move on.

Graih, the charity for the homeless, has written in a letter to the *Manx Independent* on 29th January that it is ‘saddened’ by the recommendation to rewrite the Bill in its entirety, which it describes as ‘effectively killing this vital piece of legislation’. It calls for ‘political will’ to have amendments at the clauses stage.

I think our Committee – I hope they do not mind me speaking for them – are saddened too to be where we are. Like Graih, we hope there is political will to step up to the mark to come back quickly with legislation that is fit for purpose. Our Committee has not kicked this important legislation into the long grass.

Of course our Committee does not want tenants to have – again, the Graih letter – ‘no heating, no access to cooking facilities, no proper sanitation, no laundry facilities, no tenancy agreement’; nor

is it upholding 'the *status quo* continuing to allow powerful landlords to fleece the taxpayer and exploit the vulnerable', as Graih put it. Rather, we have pointed out necessary improvements in the Bill's substance and style, and in fact in policy more generally.

Beyond that, and as we pointed out in April when moving for this Committee, regardless of the drafting resource available, any 69-clause two-schedule Bill like this was always going to need careful committee scrutiny, as we have given it, because a bad Bill could muddy the waters as this Bill interacts with other law and all over the place. The Landlord and Tenant Bill 1988 went to committee and the Estate Agents Bill 1998 Bill went to committee, and that is the right approach regardless for this type of legislation.

Please can this House focus on the several opportunities in this with where we are now, rather than getting dragged into a battle. Things have moved on since 2012. A need for a tribunal has arisen in environmental health work. At the moment, this is going to be extra-statutory; it would be better to be statutory. The OFT is now set to go with its parallel legislation for estate agents after it had been widened to include property management companies. More data is now available at Treasury with the encouragement of our investigation from the Committee. The third sector and Government are better prepared across the piece in the various Departments. The Cabinet Office itself is now further down its regulation and enforcement project work, which could lead to some useful developments which should be taken into account. Local and central Government scope and structure are being reviewed, and more elegant models could be developed in this area, I believe. And finally, the Bill could play a greater role in modernising and consolidating all the law relating to landlords-tenants standards, which is generally acknowledged to be necessary.

These opportunities provide the context for our Committee recommendations 3 and 4.

Recommendation 3 is:

'The Bill is attempting to control the management of lettings. It is a weakness in the Bill that this is separate from more general provisions relating to property management in general, particularly estate agents. The provisions of this Bill should be reincorporated in the planned legislation covering estate agents as originally envisaged.'

That is what our Committee recommends, or at least butted up tightly against the other legislation from the Office of Fair Trading, which I see is an amendment which is going to be moved from the Office of Fair Trading.

Our recommendation 4 is that the Bill should apply to all tenancies, including public sector and agricultural tenancies, thereby creating a basic guarantee of standards that all tenants have a right to expect.

Despite the objections of the Department, we do not consider that the application of the Bill to all tenancies would create significant complexity; rather, it would be a significant strength if the Bill set down certain basic standards which all tenancies had to meet. This would represent a direct route to ensuring the universal application of decent standards of housing on the Island.

Moreover, we think that the necessary standards for accommodation which should apply to all rented accommodation should be clearly set out in statute – thus our recommendation 5, which is that standards be defined in a Schedule to the Bill, all changes be subject to approval of Tynwald by way of subordinate legislation, and that communication of changes to the standards should be made direct with all landlords electronically.

There are some more general points that I want to make. During our investigation it became clear to me that the Department has exaggerated the lack of data in this area and also overstated the difficulties in obtaining it. Moreover, the Department has not acknowledged sufficiently that the Isle of Man situation is different from across and has thus weakened its own policy direction to an extent. For instance, Tolson wrote:

'Evidence from the UK shows that the sector has nearly doubled in the last 10 years'

but in fact the proportion of private rented units in the Isle of Man seems to have stayed the same since 2006 – about 12% of households in the Household and Income Expenditure Survey 2013 estimates, just as it was in 2006, although there was this figure of 16% in the census.

Moreover, the conclusions of the Private Sector House Condition Survey back in 2007-08 remain valid, and they were that there are no significant differences in unfitness between tenures, but the owner-occupier sector, not the private rented sector, actually exhibits the higher levels of disrepair. They had a different policy outcome. They recommended £60 million expenditure on that issue, rather than merely a landlord and tenant registration process, or even just a landlord registration process.

Members were told by the Minister, his consultants and officers that the private rented sector is especially important for 'many people working in lower-paid jobs, the only option for young people who are unable to live with their parents and those coming out of care'. Undoubtedly, it has always been true that poor housing conditions impact more strongly on households suffering social or economic disadvantage, but it turns out – the figures in the Household and Income Expenditure Survey 2013 – that in actual fact private renting is most important for those in the second quartile of household income, where 15% rent, and in fact it is only as important for the poorest, the bottom quartile, as it is for the richest in the top quartile at 8%. In fact, owner-occupiers are the poorest in this area. Nearly half of those in the worst household income situation actually own their houses without a mortgage and another 35% occupy social housing. So the problem is different from the one that was described to us three years ago. However, the private rented sector is expensive for many people – for example, with a rent of £900 per month it is hard to afford it unless you are in those quartiles as just described.

Now for the biggie: the lower end of the private rented market, especially that accessed by people on income-related benefits. In fact, our Committee discovered that the situation here is different from that described initially and in fact since 2012 by Minister Robertshaw. A great deal more is spent on housing benefit than Mr Robertshaw first mentioned – between 70% and 400% more. Mr Robertshaw told us that there was £4 million per annum spent on benefits. The figure in actual fact is £20 million – £6.72 million on private rented sector Income Support related to housing. Amazingly, 50% is on people living in the public sector and 15% is actually on owner-occupiers, with only 35% on the private rental.

Most worryingly for me, and perhaps also for the rest of the Committee, is that Treasury could not comment on our questions about the value of this Social Security spend:

'I have no comment to make in relation to the Committee's suggestion that landlords possibly raise rent levels as they know the taxpayer will fund the amounts. Treasury does not hold any evidence to either support or refute the Committee's suggestion.'

This matter is not within the scope of this Bill as it stands, but it is an issue of vital importance which places a question mark over the basic approach taken by the Bill.

Grain is right in its letter of 29th January:

'It seems perverse that the Government is seeking to save money and yet remains willing to spend taxpayers' funds on substandard accommodation through the benefits system.'

As John Houghton put it, back in April when the Committee was established, what was sought was 'targeted legislation at those landlords who were specifically and ruthlessly out of order'. This comes to the need for policy alongside legislation. What if landlords sell up, as Mr Abrahams and many others have described; and, as OFT has described, it becomes a spiral of lower-end rented accommodation sales, increasing rents with, potentially, social ramifications?

I conclude the situation is precarious and we need excellent policy and law, not flawed policy and law. (**Mr Quirk:** Hear, hear.) We have not taken extensive evidence on this issue in our Committee, but rather refer the views that we have heard and we have presented to the House for further consideration later.

One point that did emerge during the three years of this Bill is that some landlords were unaware of their responsibilities under existing legislation. The process of educating landlords, which has been a by-product of... [*Inaudible*] has not really been useful, although rather a longwinded and expensive way of going about it.

Yet another point is the need for enforcement in respect of property and landlord-tenant matters; but there has been, it seems to me, an apparent exaggeration of the difficulties – an exaggeration by officers involved in this enforcement. It is undoubtedly true that there is reluctance by some tenants to come forward, but officers could have addressed this in other ways. Also, we were surprised that there were obstacles to finding out who the owner of a property was because there are records held already on that in the Land Registry or in the offices handling rates, or in the rent book which should be there by law. (**Mr Henderson:** Yes.) We noted – although we did not present this, unfortunately, to the Department – that the Minister for Home Affairs advised us that a different approach seemed to have been taken to fire regulations, where an operational database had been put together to help the enforcement process. A register is better, but we do not need a register; we could have just had an operational database.

In summary, we note that the Departments identified housing which is poor and landlords who do not act appropriately and that tenants do not get the support that they deserve in many cases, and we accept that a clearer statement of tenants' rights is desirable, but the shortcomings in the current legislative framework are centred on lack of enforcement and we are not certain in our Committee that this Bill will remedy these problems unless increased and enhanced resources are devoted to enforcing standards. Moreover – and you will be pleased to know I am coming to the end – various landlords raised various issues that the legislation did not address. In fact, these were discussed back in April when the House moved this to Committee: bureaucracy, which might affect profitability and therefore drive many landlords out of the business; the difficulty arising from problematic tenants, especially the obstacles to recovery of property.

As Mr Houghton put it back in April:

'I can tell you of dozens, and I am sure the other Members in this Hon. House can tell you of dozens of complaints about tenants making a mess of properties, ill-treating them and leaving the premises, when they have left usually owing thousands in debt, in unpaid rent... the property has been smashed to pieces.'

The Bill is quiet in these areas. The most important power of the landlord is to be able to select tenants freely. The law relating to this is likely to be changed dramatically with the advent of an Equality Act. In the light of this expected change in the law, our Committee notes the uncertainty surrounding the ability of landlords to decline to rent properties to particular tenants.

To conclude, the Committee basically wants a balanced and fair approach between landlords and tenants, the issues to be addressed equally and fairly between the two groups. To address this we have made two specific recommendations.

Recommendation 1 is that landlords should have specific powers in the Bill in addition to the general right to refuse to deal with a prospective tenant: to decline to let properties to tenants who are bad risks from the point of view of paying rent on time or looking after the property; and to demand satisfactory references.

Also, in our recommendation 2 we recommend that the Bill be amended to allow particular basic standards to be set for the behaviour of tenants, including paying rent on time and not damaging the property or furnishings. It was not for us to suggest exactly how that should be incorporated in the legislation, that is for Government, but it is clear that our Committee concluded collectively that such an objective should be achieved in the legislation.

Finally, the Bill does not define what standards apply, except by reference to the current voluntary registration scheme document, which troubles us in our Committee. The Minister was resistant to including the standards in the Bill; however, we do not see any serious objection to inclusion of the standards in the Bill and the schedule. Since there are criminal penalties associated with failing to maintain appropriate standards we are firmly of the view that such standards should be set out in the Bill. We also believe that a public statement of clear standards set out in the schedule would be much more accessible. We do not see the advantage of having two different routes by which the standards may be amended and we also note that, since all registered landlords will have contact details held by the Department, it should be possible to ensure they are all communicated with directly, thus recommendation 5.

In conclusion, there is some concern about the extent to which properties may be inspected. There are strong indications that the current law is not sufficiently enforced. We are also concerned that the tribunal may decide on the suitability of landlords on the basis of decisions made elsewhere, which may seem to be conclusive but which are not actually able to be adequately appealed. Progress is being made, but more needs to be done.

I move that our legislative Committee Report is received and implore the House to support our Committee recommendations unless good case – for instance, by the Office of Fair Trading – is made for any amendments.

Again, I thank my colleagues and officers of this House for all their experience, diligence and application in preparing this difficult 1,000-page Report about an important subject: Mr Cretney, Mr Singer, Mr Phillips, all the Library and administrative staff. You should be given credit for enhancing this important piece of legislation and contributing to the development of better policy. Lastly, I thank the 60 or so people from Government but also from every part of Manx society for having submitted evidence to us.

Housing policy and law needs to develop: let's do it with better legislation.

I beg to move.

**Two Members:** Hear, hear.

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

**Mr Singer:** Mr Speaker, I beg to second the proposal and reserve my remarks.

**The Speaker:** I call on the Hon. Member, Mr Robertshaw.

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

We have heard from the mover this morning and I have to say that I was somewhat confused about the message. On the one hand he seemed to be saying that landlord and tenant regulations are important and that we had to get to a solution, and yet most of the comments that he made were actually almost suggesting that we did not want to do it at all. I think this is going to be a very important debate this morning and Members are going to have to consider some very important points.

The mover went on a bit of a grand tour in some places and started pulling issues in that were not relevant to the Report or the recommendations, so I will try and limit my remarks to the seven recommendations.

One of the three priorities of this Government is to protect the vulnerable in our community, and this was the initial driver for the Bill. The vulnerable in this case are a silent group living in substandard private accommodation with little or no recourse to any kind of legal assistance that would improve their basic living conditions. This light-touch Bill will give a voice to those tenants, compelling those landlords who are providing substandard accommodation to raise their standards to a minimum level, without being too onerous for the many landlords who provide decent accommodation. Very simply put, it is the right thing to do.

It should be noted that the Island has fallen way behind neighbouring jurisdictions in this matter – Northern Ireland has the Housing Act (Northern Ireland) 2011, Scotland has its 2004 Act, Wales completed its work last year on its Housing Act 2014, and England has the Housing Act 2004 – each of which have developed legislation to ensure the vulnerable are protected from unfit landlords. The Island is the last to do so, but this Hon. House today has the opportunity to take an important step forward to protect our vulnerable tenants.

Why am I stating they are vulnerable? Because they are not in a position to help themselves, fearful of the consequences, such as eviction from their home, if they complain about their property or their landlord. For this reason it would be very difficult for individual tenants to feel secure

enough to share their experiences with the Committee for fear of any repercussions. Evidence in the Committee's Report acknowledges this.

A comment from the Office of Fair Trading also exemplifies the thinking behind the Bill when it states:

'The nature of the relationship between landlord and tenant means that it can never be a relationship of equals. The landlord is in a position of power within that relationship and that balance is accentuated in situations where the tenant is facing disadvantaged circumstances.'

I believe, as Hon. Members, we need to understand that this is why the Committee's Report contains so much information from landlords, while there is so very little representation from the tenants, and therefore the Report – I have to put to Hon. Members, Mr Speaker – is biased in favour of the landlord.

Let's just look at the thickness of it: that is the thickness of the Report. I congratulate the Committee for all its work, but how many times did we hear from vulnerable tenants in this Report? The answer is we did not at all. How many substandard properties did the Committee see? None.

The Report highlights that various landlords complained about the bureaucracy of having to register, but it should be noted that the Manx Landlords Association have indicated in their evidence that they have no problems with registration.

It also states that overregulation would affect profitability and therefore drive many landlords out of business, thus creating a housing shortage. Hon. Members, this Bill is a light-touch landlord registration scheme with minimal cost and does not impact on the core business of private landlords. In reality, such a statement is nothing short of scaremongering by some landlords that this will create a housing shortage. In fact, evidence from other jurisdictions suggests exactly the opposite is happening. For example, a recent *Environmental Health News* investigation of English Councils which have introduced licensing found that overall there has been little or no reduction in private properties for rent. In addition, the introduction of licensing had seen less churn in properties and fewer empty ones.

Examples include Hartlepool. Hartlepool has said statistical analysis indicated that there had been a reduction in anti-social behaviour, a reduction in long-term empty houses and a reduction in the number of complaints about disrepair and housing.

Newcastle for their part have said a number of landlords have sold their properties and more reliable landlords have started to carry out refurbishment work. Landlords are keen to work with the council and they report fewer complaints about property conditions and management practices since licensing standards were introduced.

Middlesbrough has said that the number of anti-social behaviour incidents fell by 26% between 2006 and 2008.

Blackpool has said a number of landlords failed its fit-and-proper test and the inspection programme led to improved conditions.

Gateshead has said the turnover of residents in the licensing area has reduced over the five-year period and that the number of empty properties in the area has nearly halved.

I put it to Hon. Members that this evidence shows that, quite contrary to the suggestion that there will be a housing shortage, there will actually be a decrease in the amount of substandard rental accommodation whilst more becomes available at a higher standard as a direct result of this Bill.

An added benefit identified in areas where registration has been introduced is a reduction in levels of anti-social behaviour, perhaps because with higher standards there is less turnover of tenants and the community becomes more stable as tenants become more proud of their homes and their communities in general.

I should say here that I have been most reliably informed that there are off-Island investors who will only put money into the Island when we have a registration scheme in place. It is perhaps worth noting here that the YouGov investment adviser, Old Mutual Wealth, reported two days ago that, as a consequence of the removal in the UK of the opportunity to convert pension pots into annuities, a

boom is expected in the buy-to-let market. The number of pensioners expected to buy into second homes is expected to jump from 6% who do so to 11%, which I think is an extraordinary figure. Having looked into this a little bit, I believe for a number of reasons that this trend will also have some impact on the Isle of Man. To those coming into the market I would say this: at the last count, 147 landlords have already joined the voluntary scheme, representing 310 properties. I would commend the scheme to new landlords as a most helpful guide that will assist them in avoiding a variety of pitfalls. It and the Bill before Hon. Members represent an inexpensive process. It is not intrusive, nor is it bureaucratic.

Turning to the recommendations themselves, I would like to respond to recommendations 1 and 2 together because they are similar in nature and enjoy a number of parallels.

Recommendation 1 proposes the Bill should give powers to landlords to decline to let properties to tenants and to demand satisfactory references.

Recommendation 2 proposes the Bill should be amended to include basic standards expected of the tenant.

As Hon. Members should be aware, provision for these recommendations already exists, either in the landlord's right to let his or her property to whomsoever he or she chooses – this in the same way an employer can choose who he or she employs; or the standards contained in a tenancy agreement – this in the same way the detail of a contract of employment sits outside the relevant primary legislation. Sitting outside the Employment Act in no way weakens the effectiveness of employment law, any more than it would do so with this Bill.

The tenancy agreement is a formal legally binding contract which determines the terms and conditions of a tenancy. That agreement is drawn up by a landlord; therefore he or she will always be the more powerful in the relationship, as I indicated earlier. The Bill does not alter that contractual relationship.

The tenancy agreement can and must include clear standards expected of the tenant by the landlord in relation to the payment of rent, care of property, behaviour etc, and this Bill does not erode those expected standards; rather it gives them clarity and focus. In the minimum standards as part of the landlord registration it states the tenancy agreement should include all of the following: the rent due and period of payment; the method of payment; any review period for changing the rent; the responsibility of the tenant for service charges, rates, utility costs and any other charges for which the tenant is responsible; a statement of the repair and maintenance duties of both parties; a statement of the standard of cleaning and of the conditions in which the property should be kept, reasonable wear and tear excepted, throughout the tenancy; a statement that the tenant must not act in an anti-social manner – that is to say in a manner that has caused or is likely to cause harassment, alarm or distress to one or more persons not of the same household as himself or herself; and finally, a requirement for the tenant to have a minimum of occupier's negligence and liability insurance.

The law already entitles a landlord to issue a notice to quit if the tenant fails to adhere to the tenancy contract, which is principally contained in the Landlord and Tenant Act 1954. However, I appreciate actually getting to court is a lengthy process for a landlord and usually the last resort for both parties, so an early resolution of any problem would be welcomed by all parties during the escalated process before reaching the court. However, being able to demonstrate to the court that the landlord is registered and therefore compliant with minimum standards would, I believe strongly, go a long way to demonstrate to the court that the landlord is operating in a fit and proper manner and makes it significantly easier for the courts to see that the landlord is the aggrieved party.

As Hon. Members will be aware, a number of landlords have formed the Manx Landlords Association in response to this Bill, which is a very positive step. They have already spoken about ensuring landlords obtain true and accurate references from prospective tenants, but this is an operational matter for individual bodies or their representative body or bodies and not for legislation. There is nothing to prevent the landlords collectively drafting a standardised tenancy

agreement or reference form which all landlords on the Island could use, thus encouraging consistency within the private rented sector.

I would therefore seriously question whether enshrining these rights already established in law would do anything extra to protect landlords. Landlords are already within their rights to decline entering into a contract with a prospective tenant if they so desire, and standards expected by the tenant are contained in the tenancy agreement.

With these points in mind, Mr Speaker, I ask that recommendations 1 and 2 are not approved by the House as they are simply quite unnecessary.

Turning to recommendation 3, recommendation 3 suggests going back to the beginning all over again whereby two distinctly separate Bills – this Bill and the Bill sponsored by the Office of Fair Trading – should again be consolidated. All this because the Committee suggest there is a perceived overlap of a single provision, or more accurately a single definition of a letting agent.

In 2011 the former Department of Social Care and the Office of Fair Trading, in conjunction with advice received from the Attorney General's Chambers, gave detailed consideration to a joint Bill to deal with registration of landlords and estate agents. However, after much deliberation it was ultimately decided that the whole issue regarding estate agents would be better dealt with in a separate OFT Bill. This would enable the Department to progress the Landlord and Tenant (Private Housing) Bill within a reasonable timescale.

The report suggests the Bill is weak because it provides that a landlord who is not considered a fit and proper person to operate as a landlord is then able to appoint an agent to manage the tenancy on their behalf. This is not substantiated in the evidence gathered by the Committee. (**A Member:** No, it wasn't.) Let me be clear: this is to provide protection for the tenants and to ensure a landlord's business is not adversely affected, which is only right and proper. If the owner of a property is not a fit and proper person to register as a landlord in their own right under the Bill, then we have to be pragmatic as to what they are supposed to do with the property. Should they be banned from renting it; forced to sell? This would not be compliant with human rights legislation. It is far better to allow and identify a third party, who is fit and proper, to act as an agent and to be the responsible landlord.

In addition, the OFT have outlined that there is potential for there to be overlap between the Landlord and Tenant Bill and their prospective Bill. At this stage I have to say that this is completely irrelevant. As I have outlined previously to the Committee, the drafter involved in both Bills is the same, and at the point the Landlord and Tenant (Private Housing) Bill was introduced there was no overlap with the initial draft of the proposed OFT Bill. If the Office of Fair Trading take forward a Bill, minor amendments may have to be considered to ensure consistency. However, as they stated in their evidence – and I would concur – the two Bills are distinct standalone pieces of legislation.

Mr Speaker, I therefore totally reject the proposition that the Bill is too weak and ask that recommendation 3 is not approved.

Turning to recommendation 4, recommendation 4 proposes applying the Bill to include public sector and agricultural tenancies. As I have made clear to the Committee and this House on a number of occasions, the private and public rental sectors in the Island are very different markets. The public sector rented properties are already covered by existing legislation to meet all property conditions. In addition, the expected management standards ensure that the landlord contact details are contained in every letterhead and every tenant has contact details and every tenant is provided with a tenant's handbook which includes office opening hours, how to report a complaint or repair, and emergency repair numbers. (*Interjection by Mr Quirk*) A request for a repair can be done online, by telephone, by letter or in person across all local housing authorities. Occupancy levels for public sector properties are determined by the size of the property in square floor meterage and are guided by the affordable housing standards.

Let me be clear: the existing provisions for public sector rented properties already exceed the minimum standards for accommodation as laid out in this Bill. As I have outlined, public sector tenants already have a wealth of information concerning their landlord, but private sector tenants

have far less reliable information available to them. The Committee, in its Report, suggest that this disparity in information can be simply addressed, as outlined this morning, with information available in the Land Registry or rates office. However, what if the owner of a property was an anonymous company, or not resident on the Island? It may eventually be possible to trace who the person receiving the rent was, but it is time-consuming and does nothing for the tenant, who in the meantime may need assistance with the substandard condition of their rented accommodation as a matter of some urgency. Oral evidence from environmental health officers on 9th September confirms the difficulty in locating some landlords:

‘The most difficult ones that we have come across are ones where the landlord or the owner is not a resident of the Island, they are elsewhere. The text number or the half an address that the tenant may have has expired – so that landlord has actually moved on; he is living somewhere else.

Then we have to explore... to try and locate that landlord and we do use the likes of Treasury rates, Douglas Corporation, sometimes the Utilities Authority, in trying to establish who owns a particular property.’

This is key here:

‘It is not always successful and sometimes it can take up to a year or two years before we establish who actually owns a property.’

Thus the suggestion in the Report is wholly inadequate and flies in the face of the Committee’s own evidence. This Bill would enable environmental health officers to know who the registered landlord of a particular rented dwelling was – a specific person, not some unidentifiable individual in a company or someone living off Island – and it would enable them to take prompt action to ensure compliance with the minimum standards. This can only be a good thing for the tenant and the Island’s reputation.

Turning to agricultural holdings and farm premises, these properties also have to meet all existing property condition standards set out in current legislation. Tenancy arrangements for those properties are very different and are contained in legislative provisions under the Agricultural Holdings Act 1969 and Agricultural Tenancies Act 2008. These provide unique conditions and rights for the tenants of those properties – for example, notice to quit periods, a tenant’s right to remove fixtures and fittings, rent reviews and compensation for improvements.

The Report suggests that the Bill should apply to all tenancies so that tenants can easily see what they are entitled to and landlords of all types can understand the basic minimum standards of decent housing. As I have stated, the public sector and agricultural holdings already meet and, as outlined, often exceed the minimum standard that the Bill is trying to establish for tenants in the private sector, so inclusion would be totally unnecessary.

I fully understand the spirit of intent behind this recommendation that there should be a level playing field for all. I agree with that principle, but the problem is that there is not one at the moment with the private sector way behind that of the public sector. Even after its introduction it would still leave the private sector some way behind, but at least it is trying to narrow the gap. *Nothing whatsoever* would therefore be achieved by including the public or agricultural accommodation sectors in the scope of this Bill.

Mr Speaker, it is inappropriate, for the reasons I have outlined, to include public sector tenants and agricultural tenancies in this Bill and I beg that recommendation 4 of the Report is not approved by Hon. Members.

Turning to recommendation 5, recommendation 5 is unnecessarily complicated. It is actually three separate recommendations: firstly, it proposes that the minimum standards are defined in a schedule to the Bill; secondly, it proposes that all amendments to the minimum standards are subject to Tynwald approval; and finally, it proposes the Bill should include provision whereby all landlords are notified by e-mail.

Mr Speaker, as you are aware, I have put down an amendment to this recommendation as detailed on page 7 of the Order Paper.

The minimum standards for registration are not contained in the Bill and registered landlords are expected to comply with them. This is because the minimum standards are not just one item to be

contained in a single schedule, as suggested. They are drawn from existing legislation contained in various other Acts and secondary legislation brought together in one single document with guidance which landlords have to confirm they are meeting in order to register. That is the right way to do it.

When drafting the Bill, the Department did give this option detailed consideration and decided it would result in complex cross-referencing, thus making the Bill *more* difficult for those subject to the regulations to actually understand them. Mr Speaker, I would draw your attention to the fact that not putting the minimum standards in the Bill or requiring them to be a statutory document is exactly the same approach that has occurred in other recent legislation. The Regulation of Care Act 2013, for example, has minimum standards which a registered care provider has to adhere to but which are not contained in the Act itself. This in no way weakens the minimum standards in the Care Bill, any more than it does in this Bill.

Turning to the point about requiring all amendments to the standards to be made subject to Tynwald approval, the Bill provides that only changes to the minimum standards that may prejudice anyone's rights or interests must be approved by Tynwald, and minor corrections and changes that have no material impact can be simply amended and notified to registered landlords. This provision is designed to save Hon. Members time not having to consider minor consequential changes to the standards which may be necessary over time – for example, small errors or consequential amendments to cross-references following changes to other legislation. However, I understand Hon. Members' concerns and would agree that the Bill be amended prior to clauses stage such that all changes must be laid before and subject to Tynwald approval.

The final point relating to the Committee's recommendation to notify landlords of any changes to the minimum standards electronically I accept and agree. However, not all landlords have e-mail addresses, so whilst I accept the proposal I would suggest that it is better to state that any changes to the minimum standards should be notified in writing to landlords. For clarity, I would like to confirm the mechanism for doing so does not need to be included in the Bill. I would suggest this is an administrative provision where the Department notifies any registered landlord in writing, and such notification in writing would include electronic communications where possible and available.

My amendment therefore accepts recommendation 5 with the exclusion of the words 'standards be defined in a Schedule to the Bill'. I beg to move my amendment, Mr Speaker:

*In recommendation 5, to leave out the words: 'standards be defined in a Schedule to the Bill'.*

Turning to recommendation 6, recommendation 6 proposes that errors identified by the Committee should be corrected before the Bill proceeds to the Third Reading.

I am happy to accept that the typographical errors helpfully identified in the Bill will be corrected ahead of consideration of clauses by the House. Those relate to drafting recommendations 1, 6, 9, 13, 19 and 23.

Other drafting recommendations are simply cosmetic changes throughout the Bill to make it easier to read and are contained in drafting recommendations 2 and 3, which will also be accepted and addressed ahead of the clauses stage of the Bill.

The remaining drafting recommendations can be dealt with in detail at the clauses stage, and I suggest recommendation 6 is approved so that the remaining drafting recommendations can be appropriately considered by the House at that time.

Turning to recommendation 7 finally, the Committee suggests in recommendation 7 that a complete rewrite is necessary. Whilst I accept *some* of the drafting recommendations contained in the Committee's Report, I do not accept the suggestion that it needs to be a complete rewrite, nor that it is unintelligible. Following the drafting changes identified, I believe the Bill to be more than intelligible for those persons using it or subject to the provisions it contains.

I am afraid to say some of the Committee's comments appear to be focused more on style rather than substance. I would point out to Hon. Members that the drafting style in this Bill is similar to two other recent Bills which have passed through this House without amendment: the Regulation of Care

Act 2013 and the Flood Risk Management Act 2013. In fact, the Regulation of Care Act, which had over 200 clauses in it, went through the House in just over two hours.

**Mr Singer:** We didn't understand it.

**Mr Thomas:** And has been amended twice since.

**Mr Robertshaw:** When it passed through the Legislative Council comment was made on the ease of reading, with Mr Turner commenting:

'I think the way it is laid out is excellent. Although a weighty Bill, the way the sections are laid out, they seem very easy to follow.'

Hon. Members, like several recent Acts, this Bill has been drafted in a more modern style so it is easier to follow and understand. For this reason I strongly disagree with recommendation 7 and ask that it is not approved.

In closing, let me say that I would ask Hon. Members to vote on the recommendations very carefully indeed – and here I speak very openly and have thought very carefully before saying so: if you vote for any of the recommendations other than an amended recommendation 5, and 6 as it stands, then the Bill is likely to fall, being pulled into a process that will see it run out of time in the life of this House.

Mr Speaker, I now place the future of the Bill in the hands of Hon. Members and trust that they will be mindful when voting of the beneficial effect our Director of Public Health, in his evidence to the Committee, firmly believes that applying minimum standards will have on asthmatic onset in children due to indoor dampness, home injury linked to housing conditions, mortality and indoor cold, and mental health issues linked to housing quality.

Hon. Members, please only vote for amended recommendation 5 and recommendation 6.

Thank you, Mr Speaker.

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

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

I would like to thank the Committee for the sterling work that they have done (**Several Members:** Hear, hear.) under the chairmanship of Mr Thomas. They have done an absolutely excellent job. A thousand-page Report, which was very wordy indeed – it took me an awful long time to work my way through it.

I have to agree with everything they have said. They have tried to do it in a helpful way. I do not think I would have provided a thousand-page Report; I would have provided a one-page report – 'Kick the Bill out!' – which is what they have said in a thousand-page Report.

Without going through that lengthy Report, Mr Speaker – which I think has the support of the House when it comes to voting – I would like to look at some other areas in which that Report was flawed.

The hon. mover of this motion touched upon certain areas indeed in the way the Bill was flawed in its drafting in many areas, which is a matter that this House must take some very serious concern and cognisance of, (**Mr Quirk:** Hear, hear.) because the Bill *was* flawed.

I have an awful lot of experience in the drafting of Private Member's Bills. I have, in my time in this Hon. House, had quite a significant amount of Bills and dealings with legislative drafters and I have seen – what has already been pointed out by the hon. mover of this motion here – differences in styles of a Bill and areas in Government Bills that I have brought forward to this House. Indeed, as the Hon. Member for East Douglas, Mr Robertshaw mentioned, the Flood Risk Management Bill, which he said flew through the House... Yes. I brought that Flood Risk Management Bill through as a Government Bill during my time as Chairman of WASA. (**A Member:** Consultation.) That Bill – I spent

an *enormous* amount of time behind the scenes getting it rewritten because the style of the Bill was poor. Indeed, I went to the chief legislative drafter to have that Bill, in lots of areas, redrafted because it was stale, it was ill thought through and so on – in its *drafting*, not in the policy of the instruction that had been given to it over the years and the amendment and everything else over the years by various administrations before my time in the Water and Sewerage Authority, who were of course the sponsors of the Bill. That actually reflects back on this particular Bill where it, I can see, had changed style, run out of steam and so on. Over the years, you have different drafters. There is no doubt that the drafter that the hon. mover of this motion referred to was not the first drafter of that Bill. The style changes and of course it gets unfinished, it gets disjointed and it is indeed stale.

There are many problems with the situation at this point in time with the legislating drafters' department. We have serious problems there and I would warn other Members who are bringing Bills to this Hon. House that they must be diligent in what they look at, as far as what drafting instructions were given to the Attorney General's department and what the actual finished product is, before it is put before this Department. It is so serious. Those problems in the Attorney General's drafters' department need to be sorted out. They need to take cognisance that there is concern in the draft and the styling of drafting that is coming out of there simply because, I think, of the change of personnel that is happening in those offices and other drafters are having to pick up work from the work of previous drafters. So there is certainly a caution in that area that needs to be looked at, Mr Speaker. This is in addition to the issues that are before this House this morning.

One other point I would like to make that has not been covered this morning – and I thank Ms Reeve, who has advised me as best as possible; who is sitting in the Public Gallery this morning – is that there have been a number of landlords who have filled in application forms and paid that initial fee that we were all advised about by the Hon. Member for East Douglas, Mr Robertshaw, when he moved the Bill.

**Mr Quirk:** Not many though.

**Mr Houghton:** Well, I understand from Ms Reeve that there are 147. I stand corrected on all this information and so does she, so it is just advisory at this point, but there have been fees paid by 147 landlords to date, on 310 properties, which I am advised about.

**Mr Quirk:** I would want to see the figures.

**Mr Houghton:** I have asked for those figures and they will come back. So we stand on that. Just count this as provisional because it does not necessarily matter as far as however many people have paid them, but if the Bill is indeed killed off today – which it needs to be – that those fees be refunded immediately back to those applicants. That is the point (**Mr Quirk:** Hear, hear.) I strongly wish to put forward: that those fees *must* be returned to those applicants who paid those fees in good faith. That is that point.

Mr Speaker, turning to the recommendations, recommendations 1 to 5 I have no problem in supporting.

I would see that recommendation 6, which says:

'The drafting errors which we have identified should be corrected before the Bill is allowed to proceed to Third Reading.'

I feel that that recommendation is not really necessary, because if the Bill is killed off and we need to start all over again – which again I feel that is the mood in this Hon. House, but we will find out when we get to drafting – of course the whole thing needs to be killed off and started all over again. That recommendation 6 therefore will not be necessary.

In respect of recommendation 7, that is the one that is the nub of the issue. Recommendation 7 states:

'We think that the Bill should be sent back to the Attorney General's Chambers for a complete rewrite in order to make it more intelligible.'

I could not support the Committee more, but I would like... and I think before Hon. Members... there is an amendment that I have placed in front of Hon. Members today in order to make a reform of wording on recommendation 7 to give us a little bit more power in the way that I hope that will be supported by the mover to this motion, Mr Speaker.

Recommendation 7's current wording is:

'We think that the Bill should be sent back to the Attorney General's Chambers for a complete rewrite in order to make it more intelligible.'

As I say, I agree with that but the legislative drafters have to be advised by instructions for them to rewrite the legislation in the areas that the Department so wishes.

My amendment states:

*In recommendation 7, leave out all the words and insert the words 'That the Bill be sent back to the Department for review and that fresh drafting instructions be issued to the Attorney General's Chambers to provide an intelligible form of legislation.'*

I think that is fair, in the circumstances that we have, that 'fresh drafting instructions' – clear and comprehensive drafting instructions – are sent to the Attorney General's Chambers for them to draft the legislation in which the Department thinks at the time that this House will support. Mr Speaker, I feel that recommendation 7 should have that slight change in its form of words in order for the Department to take this back and have a rethink.

This matter is before the House. I think that – and I am pretty sure – this Bill will be killed off by Hon. Members today, so I think, in the form of words that I have put in my amendment to this House, that will give the clear message: 'Go back, rethink what you are doing, put a fresh form of words in as far as legislative instructions for the Attorney General's department to re-legislate, re-draft the legislative words that are required from *all* of the advice that has been given by this thousand-page Report in an admirable way, that has been brought forward to this House, in order for us to have a Bill that is worthy of support by this Hon. House.'

I beg to move.

**The Speaker:** I call on the Hon. Member for Ramsey, Mr Singer.

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

The first thing I would like to say to Members is – if they look at page 2 of the Report – I have declared an interest.

The Committee Chairman gave a thorough review of the Committee's deliberations, so I would like to give a more simple, overall, general review.

The conclusions of this Report, in my view, divide into two main sections, which relate to the unbalanced proposals within the Bill and the method of its drafting, and the ability to clearly interpret what it says.

The title of the Bill is quite clear: 'The Landlord and Tenants (Private Housing) Bill'. Mr Robertshaw, I think, said that the Committee did not get the message. Well, I will give Mr Robertshaw the message. After reading the Bill and hearing evidence that was presented by Mr Robertshaw and both tenants and landlords, it was obvious to me that this was a Bill leaning towards protecting the tenant from a landlord's failings – and I am in full support of that – but not supporting the landlord from a tenant's unacceptable behaviour. There is not the creation of a balance between the rights of the tenants and those of the landlords, which is a stated aim of the Bill. Therefore, recommendations 1 and 2 are important statements to bring a balance into the landlord-tenant relationship.

The Hon. Minister, in his evidence and his responses to the subsequent questioning by the Committee, did not seem to accept this principle – and it seems almost the same this morning – which, I would say to Hon. Members, is a priority of ensuring a fairness in the aspect of protection. In fact, I think this morning Mr Robertshaw showed very little sympathy for the need of a tenant to accept their responsibilities.

The Committee – and I am sure Hon. Members too – are fully behind the need to protect tenants' rights, to protect the vulnerable, but I hope also that Members are fully behind the rights of a landlord to ensure that he or she is able to have a form of action against tenants who fail to observe basic standards and rules and regulations.

Evidence was given by local authorities that they should not be included in the Bill because they already upheld high standards in regard to their tenants. We are all no doubt aware of complaints from local authority tenants to us, as MHKs, (**Mr Quirk:** Hear, hear.) when there is a delay or inaction to their complaints to the town hall. I am sure we are all aware of those.

My response to the local authority evidence is that, as you believe you have high standards – higher than maybe specified – there is no reason for you not to be included in this Bill, (**A Member:** Hear, hear.) because there will be nothing for you to do.

Similarly, for agriculture tenancies, whatever the reason for the tenant being in those premises they are entitled to protection at a standard equal to any other tenant... and for all to have decent standards.

We also recommend – opposed, as we have heard, by the Minister and the Department – that the standards should be included and a schedule within the Bill. We were told and we have been told that the standards are available in other documents and online. Is it not common sense to have one point of reference; particularly, as the Chairman emphasised, that there are criminal penalties associated with the failure to maintain appropriate standards? So surely they should be freely and easily accessible to everyone, and if they are in this Bill that is basically one point of reference.

In regard to recommendations 6 and 7 and the interview we had with the second drafter when we asked her to interpret some of the sections drafted by the first drafter, she said she was unable to give complete answers. Our expression of surprise immediately brought the usefulness of the Bill into question. It set bells ringing. That is why, taking into account the errors in drafting, the fuzziness of the terminology and definitions and the overall difficulty to interpret the Bill, the Committee have recommended that the entire Bill needs to be redrafted.

The Hon. Minister has repeated again that he felt that we concentrated more on style rather than substance. I would say to Hon. Members that if a professional drafter cannot understand parts of the Bill, how can Members of this House, the Legislative Council, advocates and the public be able to make sense of it all? It would be a total nonsense to allow the Bill to proceed in its present form and call it good legislation.

I know the Hon. Member for North Douglas talked about 'killing off the Bill'. We are not there to kill off the Bill. We support the Bill – absolutely support the Bill. There is no doubt that the Bill is necessary to protect the tenant *and* the landlord, but the last thing needed is to rush it through the legislative process with major errors and omissions. (**A Member:** Hear, hear.)

I hope Hon. Members will support the recommendations and that we receive in due time a Bill which corrects the errors, puts the necessary balance into the Bill, and above all is drafted to an acceptable standard. I would say to those Members who are thinking of voting against the proposal today: can you really justify voting for something not fit for purpose, which this Bill as drafted is not?

I asked the Hon. Minister, when he was the final witness: 'Having listened to or read the evidence on both sides, have you come to any conclusions that certain things that you had proposed maybe should be altered, or are you still adamant that your initial statement, considering all the evidence we have taken, is still your same statement?' His one-word answer was yes. I would say: had he really considered all the evidence given to the Committee with an open mind?

I would therefore ask Hon. Members to support the recommendations as printed in the Report.

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

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

First of all, I have a dual role here today – speaking as an individual Member for Onchan but also as the Chairman of the Office of Fair Trading. To that effect, I did circulate to the House my notes, which I will bring towards the end.

First of all, I wanted to thank those Members who some time ago supported it to go to a Committee. I think in this particular House we need to use that mechanism more often, because what it has proved here today is poor legislation, defective legislation, is no good for anybody.

I think the Committee itself has done a really good job – better than that, it has done a service to the population of the Isle of Man and to this particular House – and I will be supporting all of them, but asking for a small amendment on number 3, which I will come to towards the end.

I spent quite a considerable time listening to the Committee, getting the evidence in at the same time as the Committee did, listening to Government Departments trotting up and giving their spiel.

I was really disappointed in some of the comments that were made from – if I can say it – Mr Warden, from the Environmental Health. We have a stack of legislation on the Island which is not fit for purpose. We should have looked at all these rolled into one, making it, as Mr Singer from Ramsey said, a one-stop shop, which usually the Minister goes on about – somewhere where you can get all the information together. I was really amazed at some of the comments from the local authorities when they said there was an influence there they could be included in something, which is legislation for everybody on the Island – local authorities, private tenants or whoever; companies or whatever. It is like the Member for Ramsey just said, if that is so good they are not worried about it, they need to be in it.

That applies to agricultural tenancies as well. Our comment from the OFT side was there were concerns there because persons who occupy an agricultural tenancy are more at risk anyway. It is part of their job normally. It is probably in the specification. So they need to be protected a lot.

I need to really round off – and I was not going to speak too much on it but can I just say, regarding the Attorney General's office... and I do not blame the Attorney General's officers at all. I blame the instigator of the Bill. At that time, the Minister was in... I was not in Social Care – I am in Health and Social Care now – and I did not have a preconceived idea, but I do now. But I would just like to say to Hon. Members here today and to the public, the money we have actually wasted, in the Attorney General's advice to the Department, is between £80,000 to £100,000. Also the Minister has been using, to my recollection, two officers from Health and Social Care to support this issue going forward. *(Interjection by Mr Robertshaw)* You have. *(Interjection)* The estimated time of that has probably cost us £50,000 to £60,000.

So we have a Bill here that was launched in an embryonic stage, was defective – known on the way through – and sorry, Minister, you did not do anything about it. The people who gave you advice from the Attorney General's office, which was clear in the evidence indicated from Mr Beale's style to the lady who took over.... There was a clear indication she was really unhappy with it.

I just comment – back to the Committee – that that was the best money we ever invested, in having that internet link with that particular lady who was actually in Brussels at the time. To me, that actually put the icing on the cake, never mind put the... It put the icing on and all the candles on it! It was clearly – but nobody would accept it, including the Member who was pushing it forward – defective.

I now move on – and I did not want to be really critical of you, but I have to be because of some of the comments you have made here today. I thought that maybe you would have taken it gracefully. I thought you would have taken it on the chin. But you haven't. You want to come back at us all the time.

Mr Speaker, in my role as Chairman of the Office of Fair Trading, I would just like to comment briefly on the Report from an OFT point of view *[A siren was heard.]* – before the fire brigade come!

**A Member:** And they take us away!

**Mr Quirk:** In doing so, I should make it clear that the Committee Chairman, who is of course the Office of Fair Trading's Vice-Chairman, quite rightly absented himself from the decision-making, so it was nothing to do with him at all. This is an OFT point of view. It is me and my lay members, Mr Robertshaw.

The OFT was pleased to assist the Committee in general terms and is supportive of the Report. That is the main thing. There is, however, one concern regarding recommendation 3, namely, that the Bill and its property agents Bill should be merged into a single Bill. Whilst we appreciate the Committee has made that recommendation, we believe that resulting from the Bill is going to be heavily... and very complex. Indeed, there is a risk that such a large Bill would not even reappear, let alone complete its passage before the House is dissolved for the next General Election.

There is an urgent need to resolve the problem with the Estate Agents Act 1975. Whilst it may have been relevant to the way in which the estate agents operated 40 years ago, it is wholly unsatisfactory in a modern world. If the two Bills are to be merged, there are likely to be even greater delays.

Overall, the Office of Fair Trading believes that a more effective approach will be to develop the Bills in parallel so that there are no overlaps but rather that they butt up against each other and at no conflict in this regard. The OFT believes that the matter of the property management agents, which offers a greater scope for overlap, should properly be dealt with in a property agents Bill.

Mr Speaker, I therefore would like to propose my amendment to recommendation 3, which was circulated to the House *prior*. I just wanted to warn Members too we made that conscious decision to give this information to Members a lot earlier, and I hope Members appreciate that and I hope the Government appreciates that too, because at the end of the day we are working towards a common goal, but if that common goal is legislation which is poor, ineffective and does not give the nation – our population we are here to represent – a fair playing field, it is wrong.

That is all I wanted to say. I will be supporting, as an individual, all the way through, all the recommendations from the Committee. I cannot say how much of a job they have actually done. You have done us proud here today and I wish that Members would use this a little bit more often. It is up to Ministers, as the Chief Minister is not here today; but he did say to us some time ago, 'It is up to Ministers to make sure that Members are fully informed of legislation that is going forward' and we know what is right and what is wrong and what is defective and what is good for the Island. Today, sir, your Bill that you brought forward is defective.

I beg to move:

*In recommendation 3, leave out the words 'The provisions of this Bill should be reincorporated in the planned legislation covering estate agents as originally envisaged' and insert instead, 'This Bill and the Property Agents Bill should be developed in parallel to avoid the risk of overlap and inconsistency.'*

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

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

I will not be as long as previous speakers, but I am actually happy to second the amendment that has been moved by the Hon. Member for North Douglas, Mr Houghton, because whilst being happy with the actual recommendation 7, it is kind of letting the Department off the hook. It is the Department that initiated, although it was under different leadership, this whole process of putting together legislation to regulate this area, so I do feel that it ought to go back to the Department. So I am happy to second that because, as Mr Houghton said, it does in fact strengthen that particular recommendation.

I would like to congratulate the Committee for doing video conferencing during their oral public session. I was unable to go and listen and watch, but I spoke to others who did and they said it was intriguing and it was very good, and that clearly the second legislative drafter who had worked on Mr Robertshaw's Bill was very uncomfortable with the process of the first legislative drafter. That was a huge problem, in that you had two people working on the same piece of legislation from two different backgrounds with two different types of expertise, and of course the two different styles and the interpretation of the Bill did not match well at all.

But other than that, let's not forget why we had a Committee of the House. We had a Committee of the House because not only were the majority of Members in here concerned about the way in which this legislation was leaning, but the general public out there were concerned too. It is all very well the Minister to my right, Minister Robertshaw, giving us a lecture this morning about the vulnerable and how we have to regulate this area; nobody would disagree about that, nobody would disagree that we have to look after the vulnerable in our society. (*Interjection*) And nobody better than I, as his colleague for Douglas East, can testify to the dreadful private sector accommodation that still prevails today in Douglas East and also public sector accommodation which is in Douglas East is not above minimum standard in my view.

We do not need to learn the lesson. We have learned the lesson. What we need to do though is to be responsible legislators and put together a Bill that is both balanced and fair to all parties. And why should it not include public tenancies? Why should it not include farming tenancies? If we are protecting the vulnerable and we are making it fair and balanced, why should it not include those tenancies too? The reason is it *should* include those tenancies if it is going to be fair and it is going to be balanced. The Committee have recognised that and they have made appropriate recommendations for it.

The Minister said it is only light touch with minimal cost, but the impact of it has been major. The impact of this across the community has had major consequences for what is deemed to be 'light-touch' legislation.

The Minister also said that 147 had joined the voluntary register. Mr Houghton said they had paid their fee too. The Minister said 147 landlords, which covers 110 properties. (**Several Members:** Three hundred and ten.) Oh, 310 properties – well, there you are, but that just shows you, does it not, how responsible the majority of our landlords are? I said at the time when we were considering this Bill that they were using a sledgehammer to crack a nut.

Having served in DEFA on two separate occasions for a period of seven years in all and a large proportion of that time on Environmental Health, I know of the existing problems within legislation in terms of enforcement of poor housing standards, poor environmental standards in stock, both public and private. I know of the enforcement problems and the delays there. They are effective in terms that they are there and they are in statute and they have to be adhered to and enforced, but it is very long, it is a very lengthy protracted process in order to try and find, in some cases, who is the landlord.

So we welcome – I think all of us – the idea of having a register so that we know where the property is, what the property is and who in fact is the direct owner, and whether or not that owner has appointed a manager. It would be very useful and I do not think that the sector – the public and the private, and DEFA who looks after the farming tenancies – should have any fear of any of that, but the whole thing has got to be balanced.

In the Bill as written there are all sorts of fines for a landlord of up to £20,000. For some of the smaller landlords, who are probably only renting one or two flats and may be living in a property that is shared and is proportioned into flats, to get a fine like that, of £20,000, would probably break them and that would be it. There is a lot more to it, obviously; there is a lot more to that.

What the Committee have done is a *very* good job. They have come back and they have been very polite – extraordinarily polite, in my view. When the Chairman was moving he could have said a lot more, he could have gone a lot further, but he did not. He kept to the points. But he did say, which disturbed me, that... When the Minister was moving the Bill and selling the idea of the Bill –

this was in the in-principle reading, the Second Reading – he quoted statistics and figures identifying who the vulnerable were and how that level was growing; and he got his stats and his figures wrong. According to the Chair of the House Committee today, all those figures are wrong. When I hear that there is a query and a difference of opinion in terms of the stats and the figures, that gets me worrying. That gets me very worried that the research has not been appropriately and carefully conducted enough before getting into the position of having to write law in order to legislate and regulate an area.

I think this is pretty much all I have to say, other than I have no problem with the amendment moved by the Office of Fair Trading because all they are saying and what they are acknowledging is that to put all of the concerns – the housing and lettings concerns – into one consolidated Bill, it would be too heavy, it would be too big, it would be too clumsy. Previous Houses that I have been a Member of have always said don't bring it in one big Bill, split it up into small Bills. What this amendment is saying though is be mindful that another piece of legislation might need to dovetail with it when drafting, when redrafting. That does not harm the Report, it does not harm the Bill as far as I am concerned, or the intention to legislate.

Mr Houghton's adds strength to recommendation 7 and it bounces it back to the Department, where it should rightfully go, under now a new leadership and a new team there (**Mr Quirk:** Hear, hear.) for a fresh look at this. Let's get the legislation going, but let's get it written properly, let's get it right. All too often, and the Minister mentioned this – the Regulation of Care Bill, the Flood Risk Management Bill... As the Chairman piped up, the Regulation of Care Bill has required amendment since it went through this House, several amendments. The Flood Risk Management Bill did not, because it was under the power of the Hon. Member for North Douglas, Mr Houghton, who does take the reading of legislation *very* seriously, thank goodness.

So I would ask Members to support the two amendments moved by Mr Houghton and Mr Quirk and the rest of the recommendations and I would disregard and ignore everything that Minister Robertshaw has said. (*Interjections*)

**The Speaker:** In relation to Mr Quirk's amendment, that has not as yet been seconded.

**Mr Quirk:** Any minute now, Mr Speaker.

**The Speaker:** Mrs Beecroft.

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

I do not intend to go over everything that everyone has said, but I would like to add my congratulations to the Committee and to the Chairman for his excellent opening speech on this matter.

My main concerns with the original legislation were that it was leaving central and local government... [*Inaudible*] outside of the law and I do not think that is right. We have to have a level playing field and I do not see why government, whether local or central, should be exempt from complying.

I am also glad to see suggestions that it strengthens things for landlords against bad tenants, and that has been outstanding for some while.

Most of the points have already been raised so I do not intend... I would just like to raise something that has not been mentioned today. Members may have noticed notes going back and forward between myself and the Clerk. I had concerns that the amendment to recommendation 5 was actually out of order, because I was under the impression that you cannot have an amendment that negates the original completely. I have been assured that it is in order because it is only the first bullet that is being removed. But I think it is a bit like the legislation. Members have said that the original Bill was not fit for purpose. To my mind – and I am open to being corrected if I am wrong – if you remove that first bullet it makes a nonsense of the rest because the second bullet says:

'all changes be subject to approval of Tynwald, by way of subordinate legislation;'

But we are changing standards that the first bullet has said are not going to be defined. So, if there is going to be no definition, what is going to Tynwald to change? There is nothing. How can you change something that is not even there? If we have got no defined standards, how can Tynwald change it?

The same goes for the final bullet. It says:

'and that communication of changes to the standards should be made direct with all landlords electronically, not just posted on the website.'

If we are not defining the standards, how are we going to make –

**Mr Shimmin:** Mr Speaker, if the lady will give way?

**Mrs Beecroft:** Certainly.

**Mr Shimmin:** If the Member will give way.

I do not think there is any intention that the standards would not be written and supplied to all parties; it is just whether it should be constitutionally part of the Bill or not. So the standards would still exist and they would need to be changed by Tynwald. The Hon. Member seems to have misunderstood that there would be no standards. That has never been portrayed by anybody, as far as I am aware.

**Mr Quirk:** Not defined.

**The Speaker:** Mrs Beecroft, you have the floor.

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

Well, if they are not going to be defined in the Bill but they are going to be (**Mr Shimmin:** Defined.) defined, would they be going to Tynwald if it is not subordinate legislation, and then communication of the changes...? I am really very confused on this, Mr Speaker. When I sought clarification from the Clerk he seemed to feel, like me, that particularly the third point, (*Laughter*) the bullet, was not very useful, the wording of that. I would go a bit further. Because it is in this, this is what we are actually voting on today. I still do not see how this is relevant.

**The Speaker:** We have got recommendation 5 – the amendment has not as yet been seconded.

**Mrs Beecroft:** So I should not be speaking to it, sorry.

**The Speaker:** You should not be speaking to it, no.

**Mrs Beecroft:** My apologies, Mr Speaker.

**The Speaker:** You may carry on.

**Mrs Beecroft:** I think I have made my point to that, and *if* it is seconded I would urge Members not to vote for the amendment.

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

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

Firstly, I am pleased to second the amendment by Mr Quirk.

It is very interesting. The work done by the Committee – they are to be commended for the huge amount of hard work that they have put into this. (**Two Members:** Hear, hear.)

The one criticism that we get from Members of the Legislative Council is that we pass legislation here, hoping that it is going to be amended in the Legislative Council. I think it is an absolute disgrace if Members actually approve the Bill to go forward in the form that it is, because we are supposed to get it right here, (**A Member:** Yes.) not rely on the other place to come back with amendments. Surely the best thing to do is have a Bill come to this Hon. House correct, and rather than muddle by and throw amendments in I actually think it would be quicker to redraft the whole Bill (**A Member:** Hear, hear.) than move through all the amendments, how it is going to impact, and then it goes to the Legislative Council, who then may put other amendments in, which will then have to come back to this Hon. House.

I think it is an absolute disgrace that we are actually thinking of approving a Bill which is deficient, and it is disgraceful that the Minister actually thinks it is the right thing to do. I understand that he has put a lot of work into this and it is his personal goal to pass this through, but it is deficient in what he wants it to do.

I would urge Members to put it back to the drafters. I am sure it will be dealt with far more efficiently from the start than having to mess about on how to get it to fit in. I hope the Minister will give guidance to his ministerial colleagues, who no doubt have got the whip out on them to vote for this on their behalf, and advise them it would be better in the eyes of the public to actually step down from this gracefully and say that there have been mistakes made and vote for this to go back to the drafters and come back to this Hon. House in the correct order.

**Two Members:** Hear, hear.

**The Speaker:** Hon. Member for Castletown, Mr Ronan.

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

I am going to be a little bit of a lone voice here, if I am honest.

I think, first of all, I would like to second the amendment (**Mrs Cannell:** Oh, dear.)

I think I would also like to thank the Committee for the work they have done in scrutinising the draft Landlord and Tenant Bill.

It is pretty clear the purpose of the Bill is to ensure that the private sector landlords are properly registered, the accommodation they provide meets the minimum standards required and that a tenant will always have a tenancy agreement and the tenant will always know the landlord will be able to address any issues with the accommodation without fear of being evicted.

Certainly during the hearings I was disappointed that the voice of the tenants basically was silent in the evidence heard by the Committee and that some of the changes recommended are either already included in existing legislation or should be dealt with by a tenancy agreement, which is a legally binding contract.

At the Tynwald Members' meeting last Thursday it was talked about who the vulnerable are and those people who can be vulnerable in a whole series of different ways. Tenants who have to live in substandard accommodation, too scared for fear of eviction to approach the landlord to deal with the problems, or on too low an income to move are truly vulnerable and we should be supporting moving this Bill forward to protect them. [*An electronic sound was heard.*] I apologise about this, Mr Speaker; I do not know what is causing that.

**A Member:** You've got an e-mail!

**Mr Ronan:** I believe to delay this important piece of legislation further because the Committee and Members do not like the way it is drafted, even though... even through this House, which they

are part of, recently agreed legislation drafted in a similar way, which has been talked about in the Regulation of Care Act, to me is not... I disagree with.

I agree with the points raised by Minister Robertshaw and I will be voting against most of the recommendations so that we, as elected Members, can show what we really want to do is to protect the vulnerable.

I would just like to touch on a few things, Mr Speaker. I was involved in the very early stages of the Landlord and Tenant Bill when I was a Member of the Department of Social Care, and to me... I can understand that the gallery... there are very many here today. It is true there are two sides to every argument, and this debate is a classic case of that. To some landlords, the income they receive from rent is critical to their annual income and they are obviously concerned about any potential change and have clearly lobbied hard to stop this Bill. We have got to say fair play to them and I believe this has been fundamental in where we have arrived today. But I believe this is an area which desperately needs regulation and I am pleased to see the other argument agree with that. We have got to support the most vulnerable in our society.

Mr Speaker, finally, we should be embracing raising standards, not trying to kick the Bill into the long grass, which is to me the inevitability if this Bill fails today. (**A Member:** Hear, hear.)

Thank you, Mr Speaker.

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

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

We have heard the phrase 'vulnerable' and 'protecting the vulnerable' about four or five times, half a dozen times this morning, and it is part of the problem that Government has got itself into with this phrase 'protecting the vulnerable' as reflected in this Bill today.

The Hon. Minister who originally brought this Bill forward has genuinely set out with the best of intentions because he has focused on one element of what he perceives as 'the vulnerable', but in bringing forward the Bill – and I think it has been clearly identified by the Committee – he has taken this one element in complete isolation without thinking of the broader impact of what he has been trying to do on the rest of elements of society.

I want to congratulate the Committee, and the Chairman for his speech this morning, because I think they really have gone to town, so to speak, on this Bill and done a thorough and effective job on behalf of the House and indeed on behalf of our constituents.

I have tried to take a fairly impartial view on this – I am not from the areas where I think this Bill is most targeted in terms of the constituency level – but what has become apparent to me, and from reading the Report and from listening to the comments today, is that the balance of the Bill was wrong primarily. I think we are not here, in terms of balance, to beat landlords with a stick but rather recognise their importance to society. The vast majority of landlords do manage their properties responsibly and maturely, often operating at low margins of return. May I remind Members that the financial crisis of recent years has impacted significantly in the housing market and property renting has become much more the norm and more commonplace. I think that landlords are to be valued and not devalued and we must therefore ensure fairness. I think fairness, with this type of legislation, is ensuring that the same standards apply to the public sector and to the other sectors as well as just private sector landlords, and indeed fairness is about ensuring that the tenants – the vulnerable tenants we have been talking about – are protected as much as the landlords are protected, and that is why I think the balance overall of this Bill is wrong.

Again, the Committee, in identifying that – and I think that is probably one of their overarching conclusions – has really identified that a number of clauses of this Bill are wrong or written incorrectly, or in one or two cases unintelligible. I do not think that is acceptable. I do not think it is acceptable that we should be taking forward legislation which has parts or elements of it which we regard to be unintelligible, and I concur with the sentiments that have been expressed about expecting the House to take the Bill forward and then start dealing with it clause by clause. It is going

to be a long drawn-out process and, as one Hon. Member suggested, it would be quicker, cheaper and easier to go back to the drawing board and have this put back in a sensible manner to the House.

I agree with the Minister and his overriding objective here, but I think that when we are looking at these policy issues, when we are looking at solving some of these problems we have got to get much better at assessing the overall impact that our decisions are having on other elements of society. That is why I am getting more and more concerned that this phrase 'protecting the vulnerable', which is really well meaning and something we must always be striving for as an overarching policy objective, is becoming very disjointed and causing us more problems than it is actually solving.

Mr Speaker, the Select Committee have handled this matter correctly. In redrafting this Bill, however, we must accept – and I hope the Minister will accept – this is an opportunity to bring forward a better piece of legislation and legislation that is fit for purpose and is fair.

**The Speaker:** Hon. Members, we will conclude at this point and the House will adjourn until 2.30. I would remind Members that there is a presentation in the Barrool Suite at one o'clock.

*The House adjourned at 1.04 p.m.  
and resumed its sitting at 2.30 p.m.*

**Landlord and Tenant (Private Housing) Bill Report –  
Debate concluded –  
Amended motion carried**

**The Speaker:** Please be seated, Hon. Members.  
Mr Watterson.

**Mr Watterson:** Mr Speaker, I think there is little doubt that, after we have heard things in this Chamber this morning, this Bill is in need of some serious CPR. I think it is important that we do have the opportunity to take this further but, however you stand on the recommendations, I think it is important that this Bill lives to see another day.

We have all talked about how important it is – how important the principle is – and to lose an entire Bill over wrangling about recommendations in a Report, to me would be a travesty. (**A Member:** Hear, hear.)

The important thing is to ensure that this Bill is not timed out – that is the big danger. We really only have until next June to get this Bill all the way through in all its stages. To require it to be completely redrafted is completely unachievable. This is not Government's sole priority and this is not Government's only way of protecting the vulnerable.

I would like to think that, whatever happens with the vote on the recommendations, the Bill can go forward at clauses; people can make of it what they will at clauses, so that a modified Bill can continue to progress. If the principle of protecting the vulnerable is so important then we may need to accept some of these changes in order for it to proceed. But I think that is a price worth paying in order to protect the most vulnerable, whom this Bill seeks to protect.

**The Speaker:** Mr Teare.

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

I share the comments of the previous speaker: certainly all the speakers I have heard in this debate so far have accepted the principle of this Bill and that there is a need for the Bill.

You argue why should we have this Bill, why is it necessary – and you could extend that argument to any piece of legislation we have.

The legislation is in place to deal with those who do not act responsibly. We are not talking about the 90% to 95% of people who act responsibly, who have due care and consideration for others. We have to legislate as a body to ensure that a small section of the community does not take advantage of another section of the community. We have to take care of them; they are the vulnerable, they are the people we need to look after.

I appreciate at times there is a feeling that we put too much bureaucracy in place, but I am afraid that is a consequence of us as a caring society. We *are* a caring society and we demonstrate that by putting social legislation in place.

As I said before, the need for this Bill has been accepted – I think. I share that passion. We need to move forward on this Bill. The argument here is that the Bill should be sent away, have a look at it again; and, as my hon. friend has said, it is not going to go anywhere. Is that what we want to see? I would suggest it is *not* what we want to see. What we want to see is good, quality legislation on the statute books which deals with an issue that we all accept needs to be dealt with. (**Two Members:** Hear, hear.)

So let's not put off the evil hour. What I would suggest to Hon. Members is we proceed with the clauses reading of that Bill; and if I can just remind Hon. Members, when it comes to the clauses stage that is the time that we go through the Bill and we make sure that the Bill is fit for purpose. We can bring forward amendments then to deal with any of the issues.

From a Government point of view we work with you to deal with any perceived issues; but please let's not derail it, let's keep it moving forward, let's go to clauses. We have not got much time now. Take out the holidays and we have got less than a year to actually deal with this, and that is not much in legislative terms.

So I would just ask Hon. Members to think about those people I am sure we are all thinking about. Let's think about the vulnerable, let's do something which is in their interest. Let's work for the good of the community and the good of society.

Thank you, Mr Speaker.

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

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

We all get elected to this place to act without fear or favour, and we come in here believing we are here to do the right thing by our people. In this context that is the vulnerable; some of the most vulnerable people who have been mentioned quite a lot already this morning.

So we understand what the problem is and the existing system does not work. The existing system does not protect some of those whose voices cannot be heard because of the situation that they are in. I think the Minister for Policy and Reform explained this morning about the fact that it is easy to get those who have a loud voice to fill 1,000 pages, but it is very hard for those who are the most vulnerable to get their voices heard without potential negatives.

But I got really concerned when I started hearing the likes of Mr Houghton, the Member for North Douglas, talking this morning: 'Kill it off and start again'. That is where the real dilemma comes. He genuinely believes that this legislation is 'not fit for purpose' and other terminology people have said this morning. If it is not fit for purpose you have to vote against it. (**A Member:** Hear, hear.) People genuinely believe that, because of where they are coming from, it is not fit for their purpose; they do not believe the balance is right. There is language like 'disgrace' and 'mistakes have been made'.

One of the things we have learned from this is by taking it from a Department, from the Keys into a Committee, there is a real potential benefit there. There is a benefit for people to have another look at this without their preconceived ideas. We gave it to a Chairman who is well known for the

minutiae that he will go through, and so we do have a longer Report than we would normally expect for such a situation.

When it comes down to it, this is a fairly simple matter: the legislation to protect the most vulnerable is not adequate and the Minister himself has said that this is light touch at minimal cost. How many times in parliament, in Government, have we said 'too bureaucratic' or 'too expensive'? Indeed, many of the fiercest critics who have been lambasting Government over the initiation of this legislation are the same people who will condemn and criticise the bureaucracy of trying to work with Government.

You cannot have it both ways. There is an in-built dilemma here that if you want to try and bring something in which is a light touch... A few of us here still remember the fire safety regulations: it was meant to be light touch and then we ended up having to bring in six full-time members of staff to go and monitor those fire safety regulations.

The Minister, in good faith, identified a problem, came forward with what he saw as a solvable way forward which would not have the whole bureaucracy. We have now got the counterargument from the Committee saying, 'You cannot have an out-of-balance piece of legislation. You need all that bureaucracy to go in. You need to put in the rights and responsibilities with the tenants and the public sector landlords.'

Once we have had that in our faces it is a compelling argument that is very hard to ignore; because, from my point of view, if you look at recommendation 4, we have made the comment often enough that this should not be a major impact on the public sector, because they already reach that standard, therefore why do we not include them? It is inclusive, it seems to make more sense to have them in than to die on the battlefield trying to keep them out of it.

You then look at other aspects of this and there is a fundamental imbalance regarding tenant and landlords' responsibilities. If we are all honest with ourselves, many people feel that the pendulum has swung too far towards those vulnerable people on benefits and the people who get everything from society without contributing. So here, in recommendations 1 and 2, the Committee is attempting to turn round and say, 'With responsibility, accountability, you have to be responsible for your actions. If you are a tenant going in, you have to conform to certain set standards.' What we are saying to the landlords is: how can it not be fair to balance that up and say the same to the tenants? So we expand it – and that is going to be a nightmare to try and get legislation to do that, but it seems perfectly balanced that landlords have responsibilities and rights, as do the tenants. So we have taken it from a light touch, minimal cost, into a bureaucracy which is going to be very difficult to get within the timescale.

So you then decide: who are we going to listen to? I am increasingly concerned that one person's voice – in this case the legislative draftsman over the video link – becomes the voice that everybody listens to.

A number of us have been here long enough that we remember every time we used to change somebody for public transport, the guy would come in and say, 'What we need are more double-decker buses.' And that voice would be listened to and we would buy more double-decker buses. After three years they would leave and then the next guy would come and say, 'What have you got all of these double-decker buses for? We need single-decker buses. We have got far too many of those. Sell them and get some small ones.' And we did. (**Mrs Cannell:** Bendy buses.) (*Laughter*)

What we end up doing is having advisers, whether it be Minister Quayle this morning when he is talking about people going through the procurement process... We either do it ourselves or we trust people to do it on our behalf for the good of the people of the Isle of Man.

We had a legislative draftsman who had drafted this in an acceptable manner, as evidenced by the fact they had done previous legislation. Somebody else has a look at it and says, 'Oh, no, I don't like it; that is not my style.' I do not know who is right, I do not know whose voice should be the loudest. In politics we end up listening to the loudest, or the last one we came across.

So, is the legislation acceptable? I do not believe it now has much chance of going through without significant change. We then look at the recommendations and say: what is it that we can do

which is going to make this achievable so we can all get what we want, which is a level of protection?

I have so much sympathy for Minister Robertshaw, and I do not see he can win this without giving in on some parts of it. He says to us that recommendations 5 and 6 are effectively acceptable. I do not care whether the standards are in the Bill or whether they are outside of the Bill. If they are in the Bill it is clearer, that is the way it all gets put together – but actually it is harder to change. So be it, I do not mind; if it will get it through the net I do not mind that the standards go into the Bill.

Drafting errors: he has already accepted that can be looked at. So we do have a few weeks now to look back at those drafting errors, provided we do not kick this out now.

I will go with the amendment of Mr Houghton to send it back to the Department rather than to the Attorney General's Chambers – because we all have our views about the Attorney General's Chambers. (**A Member:** Which Department?) We all have our views about the legislative drafts-people and the difficulties, and yet here we are sending it off to them, as if they are the place who are going to solve our problems. This is our problem, Members, we have to do it for the people of our Island, the best way we can.

So I shall be supporting recommendation 5, with the standards in the Bill – I do not think that is a die-in-a-ditch issue.

Recommendation 6, fine.

Recommendation 7, with the amendment –

**Mr Quirk:** What about mine, John?

**Mr Shimmin:** It then comes to the more thorny ones as to how and why do we want this Bill and legislation to come. I can comfortably go along – I think everybody would – with recommendation 3, that is the Office of Fair Trading. (**Mr Quirk:** Thank you.) A reputable body, we give them the power and responsibility to make some of these decisions to look after the consumer; therefore, again it would be negligent on our part just to ignore their advice and guidance on this.

You then look at the tenancies, including public sector agricultural tenancies. I do not see that that is a deal-breaker. I think it is an inconvenience and a bureaucracy that I personally would prefer we did not have to go down, but if it saves the Bill I will give them that.

My big dilemma is I want tenants to be responsible. I want tenants to have a responsibility to their landlords to make sure that they leave it in a suitable fashion, and if not then they have the full weight of the law coming down upon them as if they were vandalising another person's property – which is exactly what is happening.

I am appalled that, even after 18 years in this place, our legislation seems to be so poor with regard to dealing with bad people doing bad things, and the weight of the law seems to be on their side so many times and decent people doing decent things end up picking the tab up for it, whether they be landlords, taxpayers or members of the public.

I am not convinced that it is possible within the terms of this Bill to get recommendations 1 and 2 incorporated within it, but I believe that there is an overwhelming feeling that that balance is missing. Therefore, at the moment, I will listen to the summing up; but I am veering towards the side of saying, 'Let's get a balance in this, let's have it inclusive for all parties, let's have tenants *and* landlords as in the legislation title' – but let's keep this alive by pulling together. I think 90% of what is going on we all agree with and, as ever, we spend all our time fighting over the 10%. And, quite often, that is enough to kill something.

Let's try and agree with what we agree with: the majority of this is good legislation to protect the most vulnerable. Please try and go along both from the Department's point of view, but also from those supporting the Committee's Report to make sure that we actually get this legislation through before the turn of this House.

**The Speaker:** Hon. Members, we proceed to the summing up of the debate. The movers of the amendments have right of reply. I shall –

**Mr Robertshaw:** Mr Speaker, I was hoping to respond to some of the –

**The Speaker:** I beg your pardon. Hon. Member.

**Mr Robertshaw:** I wanted to speak to some of the amendments, Mr Speaker.

**The Speaker:** You wish to speak to the amendments?

**Mr Robertshaw:** The amendments, yes. Thank you, Mr Speaker, I do apologise – I had not caught your eye properly.

The amendment in the name of Mr Houghton concerning recommendation 7: if you were to read it, you would consider that it was a reasonable and fair proposal, but we actually heard from the Hon. Member that what he wants to do is kill the Bill.

Then we got an amendment from Mr Quirk, the Hon. Member for Onchan, who effectively says that the two Bills... the Landlord and Tenant (Private Housing) Bill should be paralleled with the Bill from OFT. Again, it sounds reasonable and fair – and why not? But where is the OFT Bill and how long is it going to take? The reason they were separated in the first place was that the OFT Bill had not come forward. The OFT Bill for estate agents was first discussed, from my understanding, as early as 2002 and before. And we still have not got it.

So it *sounds* good, doesn't it, to line it up? It *sounds* good on the other amendment that we should take it back to the Department. (*Interjection*)

Then we have had a tremendous amount of conversation today about how everybody *supports* the concept, 'We believe in it'; and then off we go saying, 'Well, actually it is badly drafted.' I am sorry to repeat this point, but because you do not like the message in so many cases, let's kill the messenger – and that is the mechanism that is being used here.

Hon. Members, please this afternoon be absolutely honest and open with yourselves: you either want this Bill or you do not – it is as simple as that.

We even heard one Member this afternoon stand up – I could not believe I had heard it... that we have a situation where we are talking about the vulnerable too much. Let me tell you this: as far as the Council of Ministers is concerned, we have not done *half* as much as we should do to protect the vulnerable (**A Member:** Hear, hear.) and we have an awful long way to go.

What message are we sending out from here this afternoon if we cannot support something that really matters – and that is protecting vulnerable tenants? It is as simple as that! And with these recommendations 1 to 4, if you support them, I am sorry, you are pushing it out to the long grass one way or the other.

Please do not support recommendation 7, or the amendment that goes with it. Please follow the request that I have made that we support amended recommendation number 5 and support number 6.

If we lose this afternoon, we lose, and I will be sorry to see the Bill go, but it is time to stand up and be counted about whether you support the concept of supporting vulnerable tenants in a fair, light-touch, inexpensive way, or not.

Thank you, Mr Speaker.

**The Speaker:** I invite the mover of the amendment, Mr Quirk: you have the right of reply.

**Mr Quirk:** No.

**The Speaker:** You do not wish to reply, sir?

Mr Houghton, do you wish the right of reply?

**Mr Houghton:** Yes, thank you, Mr Speaker.

Just briefly, I thank the support of the Hon. Member, Mr Shimmin. We note what everybody has said and we note what the previous speaker has said but the Bill, just as it currently is, is a dog's dinner. It needs to be (**A Member:** Rubbish.) brought back in a proper written fashion that is acceptable – not to be amended on the hoof in this House, upstairs, when we know there are errors in it.

The work has been done by the Committee. I am sure the Department will take cognisance of the Committee's work and come back with a refreshed Bill. That is all I am looking for in this, in my amendment, simply for the matter to be referred back to the Department with some clear decisive and concise instructions issued to the legislative drafters, (**A Member:** Hear, hear.) for them to get on with the job and bring a refreshed Bill back.

Thank you, sir.

**The Speaker:** Mr Robertshaw, do you wish the right of reply?

**Mr Robertshaw:** No, thank you, Mr Speaker.

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

In that case I call on the mover to reply. Mr Thomas.

**Mr Thomas:** Thank you, Mr Speaker, and to the House for such an interesting and important and significant debate this morning and this afternoon.

I thank my seconder first for having seconded, and I thank each of the movers of amendments for having taken the trouble to put them down – and I will comment on them individually as I go through individual responses.

The first point I wanted to state is that I was a bit disappointed when Mr Robertshaw dismissed some of what I said as being a 'grand tour'. Basically, my approach is: you look at the problem, you understand the problem and then you come up with a solution. I hate myself doing this, but another approach would be to decide the solution and get a consultant to find the evidence to support the solution that you already believed in (*Interjections*). And I am sure that is not what Mr Robertshaw did, but that is what occurred to me at the time when he was saying it.

The second point is that I want to dismiss a few myths propagated by Mr Robertshaw in his opening speech. The first one is that we were biased and did not hear from vulnerable people who were tenants in property. I spoke a lot, and profoundly and deeply from my heart, about Graih's public letter to the newspaper. We heard from Housing Matters; we had Housing Matters in. We went out of our way to get the Citizens Advice to come. We talked to Environmental Health officers.

Of course we understand that a particular vulnerable tenant is not going to accept an invitation to come into a committee to give us evidence, but we went out of our way and I can assure you that the 800 pages of evidence from people are not biased in any way whatsoever. We received valuable information from every part of Manx society, as I stressed in my opening speech.

The second point I wanted to say is that I just do not like the scaremongering that is being put around. It is not our intention – and I can categorically speak, I believe, for all of my colleagues on the Committee... It is *categorically* not our intention to kick this into the long grass (*Interjections*). We just want a serious Bill that is appropriate and will actually provide a solution to a very serious problem that troubles us.

It was deeply insulting, Mr Robertshaw, to suggest that the three Committee members have never been around substandard houses, meeting substandard landlords, meeting substandard tenants; because each of us in our communities has done that many times in public social housing, in privately-tenanted houses in the countryside. And if we go back to the 2007 factual analysis, this is

not a problem of East Douglas: this is a problem of pre-war housing, this is a problem of owner-occupiers in the countryside. People who die, the 40 extra people who die in the winter, excess deaths, most of them... it has never been suggested they are living in private rented houses. Some of them might be, but there are a hell of a lot of substandard houses elsewhere in the Island and we have got to address that whole problem.

I also thought some of the information put around by Mr Robertshaw was deliberately misleading, in the sense that it is not the case that we are behind: Jersey is still considering this issue and taking the time to actually work up a proper response. (*Interjection*) The UK has a different system from the one that is being proposed in England, with local authorities having lots more discretion. So we need to get the right system for the Isle of Man at the right time, but before June 2016, to address this problem properly in our own circumstances.

Also, in respect of recommendation 3, I do actually fully accept the Office of Fair Trading recommendation that we need two proper pieces of legislation butted up against each other (*Interjection from Mr Quirk*) and I do not know whether it is the case that they have been working on it and talking about it since 2002, but I hope that the Chairman and the officers and the board will actually work wholeheartedly to now put something in place.

I am worried that property management companies will slip through the net because that is a serious issue that has not been addressed properly to date, and I am surprised at Mr Robertshaw not to have taken this line this morning and earlier. With his new role it is his job to co-ordinate different Departments and different officers and different things to be actually working together collectively to come up with an integrated holistic approach to this problem.

In terms of recommendation 4, again it was just disingenuous what you are saying, Mr Robertshaw. Everybody believes in the Register, I do not think anybody told us that we did not want the Register. Of course the Register is helpful, but we could have been tackling the problem already, with putting together a database and with doing some of the other things that I talked about in my opening remarks.

So I can see nothing wrong with public sector and agriculture tenancies, and your argument was not persuasive at all – I am sorry, sir.

Also the conclusion that you have come up to is different to the one that you came up to in 2007, where a different group of officers from a different background looked at it, and that makes me suspicious in itself. We need an integrated holistic approach led by this Government, encouraged by this very Hon. House.

I appreciate Mr Robertshaw's support for changing the typographical and cosmetic, and even some points of substance, through his acceptance of recommendation 6; and likewise with recommendation 7.

I am still in two minds about Mr Houghton's amendment: it was quite clear that we need proper instructions to go to the drafters. I am probably going to be persuaded by Mr Shimmin's thoughts on this, as an experienced Douglas West man: if he says it is the right thing to do, it must be the right thing to do. (*Laughter and interjections*) Initially I was minded that words like – in Mr Houghton's amendment – 'to provide an intelligible form of legislation' were a bit provocative, and I believe that we can achieve that with the original form of the motion and actually get a substantial profound redraft of this legislation, as it needs.

To move on now to Mr Houghton, I thank him very much for his contribution. I have to say I do not quite see it, as I have made clear, as kicking the Bill out. At this point I am going to put the phrase as I see it really: the Bill seems to be dead; long live the Bill. We actually need a proper, good Bill to come back to address this problem. (*Interjections*) This one is flawed in its drafting, (**A Member:** Hear, hear.) this one is flawed in many aspects of its substance, and we actually need a proper Bill to come back and deal with vulnerable people's situation, and so on.

So trust me, Mr Robertshaw, (*Interjection by Mr Robertshaw*) and trust me as well that every member in the Committee was minded the same way. We all acknowledged right up front that we

had a problem, we had to deal with it; and this unfortunately was not the right way to deal with it in our view. (**A Member:** Hear, hear.)

I am also not so hung up as Mr Houghton is about criticising the voluntary scheme: it could be that there are aspects of the voluntary scheme that *are* helpful and we need to explore that. Also, the Landlords Association has been formed during this process: that, even Mr Robertshaw has said, is a helpful development. So I do not want to throw out the bathwater – (**A Member:** The baby!) the baby with the bathwater. For six months effectively, given that we were working over the summer, our Committee has been working and we have done something worthwhile. Two and a half years the Department was working – there must be something worthwhile that has come out of that and I hope we can take it forward. The Bill is dead; long live the Bill.

Mr Singer helped me greatly with the summary of what I was trying to say and got the quintessentially important points in his brief exposition, and I appreciate that. I think I heard you talking about needing to get the balance right, needing to bring in agricultural tenancies and the local authority, and most importantly supporting schedule 1, given that it needed to be including all the legislation, given how important that is.

Likewise with Mr Quirk, who made very sensible suggestions on behalf of the Office of Fair Trading. I appreciate that and recommend to this House that we actually support the amendment proposed by Mr Quirk. I would not go so far as Mr Quirk to criticise the officers from different parts of Government – especially as with another hat on I am responsible for some of those officers that Mr Quirk was criticising. But to me the most important thing is for Environmental Health to come together with the Office of Fair Trading and to come together with the Housing Division, and to come together with all the other people involved to work together to put together a good legislative response to the problem.

Mrs Cannell talked very helpfully, and she also started talking about the process that we had gone through and congratulating us on that – and I appreciate those congratulations, Mrs Cannell. There seems to be a consensus that the Legislative Committee has been a valuable process – thank you for that. I think so, and I hope in this sort of situation, in this sort of legislation, it is something that should be repeated. People have mentioned the video conference and bringing in the legislative drafter. That obviously seems to be a good way to tackle that situation. We heard from the policy people in the Department and in politics and we heard from the legislative drafters – and that seems to be a valuable innovation that our Committee recommends to the House for future investigation of legislation.

There were two other initiatives that we took, and I hope the House does not mind me telling you about them very briefly because I think they could be valuably incorporated into the future work of the House.

The first one is... and we got into trouble for this, and I had to take a lot of flak and work with the Clerk to address letters, but we published evidence as we got it, and that seemed to me to be very helpful to encourage the dialogue. So 800 pages was the evidence that we got and we published it online as we were going on so other people could react to what other people had said, and that seemed to me to be a very helpful process.

The second innovation is we tried to break down the barriers between Government and those giving us evidence by the way we used the Legislative Council in terms of seating. That seems to me to be commendable and a valuable initiative to repeat in the future, because Government should be working together with its Members in the House and with outside experts.

I agree completely with Mrs Beecroft when she cast doubt on the... if not the validity, at least the point and purpose of Mr Robertshaw's amendment, and it does make a mockery of the revision of notice of changes and also getting changes approved by parliament – if it has not been agreed, what is being changed. So I thank Mrs Beecroft for having brought that to our attention.

Likewise with Mr Cregeen. In essence he began the exit stage from this Bill, I believe – very helpfully for Government – because he talked about stepping down gracefully and actually coming together to make sure we have good legislation for the purpose. I found that intervention, Mr

Cregeen, very helpful indeed. Basically nobody has lost here: this is about putting together the right legislation. The Bill is dead; long live the Bill.

Mr Ronan again tried to propagate some myths, because you are in a desperate situation. You propagated myths that this would be delayed further, as if in some sense the Committee had delayed it. But we have only been working on this for six months *de facto*, and I think we have achieved a great deal. The Department, as I said earlier, had it for two and a half years.

We are not 'on behalf of' anybody, the Committee. That is not how we saw ourselves. We liked to see ourselves as running with all the packs involved. I have been accused of that in public recently: 'Make up your mind; who are you running with?' That is not the job of a Chair. The job of a Chair and the job of a Committee is actually to try and put together the right solution from the evidence (*Interjections*) and the analysis that has been presented, and so I object – I resent any suggestion that we were delaying something further or kicking something into the long grass, because that is not our intention.

Mr Cannan continued Mr Cregeen's line of saying that he was sure that the Bill had started off with the best intentions, the people involved had the best of intentions, but it went wrong and he offered us reasons for that; and I appreciate his contribution.

Then we get to the closing speeches, which basically I think helped us to summarise the whole debate, probably better than my attempt here now.

Mr Watterson talked about CPR and the need for serious attention. You are right, and that is what it can now get.

Mr Teare said do not throw it out. You are right, we all accepted the principle by you voting – except for three of us – at the Second Reading stage to go ahead with this legislation. Moreover, unanimously this House asked our Committee to consider this Bill in the way that we have done it – it was a unanimous referral to the Committee. So Mr Teare is right, this is a very serious matter and it has got to be dealt with properly. Unfortunately that means supporting the Committee recommendations differently from Mr Teare's conclusion.

Then, bringing it all together was Mr Shimmin's suggestion that –

**A Member:** An olive branch.

**Mr Thomas:** – he could live with some compromise from his first reactions, and despite some of the language he was prepared to, it seems, support most if not all of the Committee's recommendations.

For some reason Mr Shimmin chose to bring in the Fire Service and gave one version of what has happened at the Fire Service, but I would like to update him six years on and talk about how that group of six people has developed new processes and new methods and slimmed down, and we are in a very different situation to the one he described. (*Interjection*) And that is what this is all about. This is about putting together good regulation, good legislation, good policy, working together between Departments for appropriate, fit-for-purpose legislation. It is not about killing off this Bill, it is not about a nightmare, it is not about building bureaucracy, it is not about including people in it who should not need to be included in it. It is just about good legislation.

I will sit down then, moving all the recommendations, including the amendment from Mr Quirk. And I have still not made up my mind... I am going to ask my Mr Cretney here how I should vote...  
*[Inaudible] (Laughter)*

Thanks very much.

**The Speaker:** Hon. Members, we turn then to voting on the recommendations which are on the Order Paper, and we will deal with the amendments as we proceed.

The motion is that the Landlord and Tenant (Private Housing) Bill Report be received and that the following recommendations be approved.

So, dealing with recommendation 1, those in favour, please say aye; against, no. The ayes have it.

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

**FOR**

Mr Anderson  
Mrs Beecroft  
Mr Cannan  
Mrs Cannell  
Mr Cregeen  
Mr Cretney  
Mr Crookall  
Mr Hall  
Mr Henderson  
Mr Houghton  
Mr Quirk  
Mr Singer  
The Speaker  
Mr Thomas  
Mr Watterson

**AGAINST**

Mr Gawne  
Mr Quayle  
Mr Robertshaw  
Mr Ronan  
Mr Shimmin  
Mr Skelly  
Mr Teare

**The Speaker:** With 15 votes for and 7 against, recommendation 1 therefore carries.  
Recommendation 2: those in favour, say aye; against, no. The ayes have it.

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

**FOR**

Mr Anderson  
Mrs Beecroft  
Mr Cannan  
Mrs Cannell  
Mr Cregeen  
Mr Cretney  
Mr Crookall  
Mr Hall  
Mr Henderson  
Mr Houghton  
Mr Quirk  
Mr Shimmin  
Mr Singer  
The Speaker  
Mr Thomas  
Mr Watterson

**AGAINST**

Mr Gawne  
Mr Quayle  
Mr Robertshaw  
Mr Ronan  
Mr Skelly  
Mr Teare

**The Speaker:** With 16 votes for and 6 against, recommendation 2 therefore carries.  
Recommendation 3, dealing with the amendment in the name of Mr Quirk: those in favour of Mr Quirk's amendment, please say aye; against, no. The ayes have it.

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

**FOR**

Mr Anderson  
Mrs Beecroft  
Mr Cannan  
Mrs Cannell  
Mr Cregeen  
Mr Cretney  
Mr Crookall  
Mr Hall  
Mr Houghton  
Mr Quirk  
Mr Shimmin

**AGAINST**

Mr Gawne  
Mr Henderson  
Mr Quayle  
Mr Robertshaw  
Mr Ronan  
Mr Skelly  
Mr Teare

Mr Singer  
The Speaker  
Mr Thomas  
Mr Watterson

**The Speaker:** With 15 votes for and 7 against, the amendment therefore carries.  
Recommendation 3, as amended: those in favour, please say aye; against, no. The ayes have it.

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

<b>FOR</b>	<b>AGAINST</b>
Mr Anderson	Mr Gawne
Mrs Beecroft	Mr Quayle
Mr Cannan	Mr Robertshaw
Mrs Cannell	Mr Ronan
Mr Cregeen	Mr Skelly
Mr Cretney	Mr Teare
Mr Crookall	
Mr Hall	
Mr Henderson	
Mr Houghton	
Mr Quirk	
Mr Shimmin	
Mr Singer	
The Speaker	
Mr Thomas	
Mr Watterson	

**The Speaker:** With 16 votes for and 6 against, recommendation 3 as amended carries.  
Recommendation 4: those in favour, please say aye; against, no. The ayes have it.

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

<b>FOR</b>	<b>AGAINST</b>
Mrs Beecroft	Mr Anderson
Mr Cannan	Mr Gawne
Mrs Cannell	Mr Quayle
Mr Cregeen	Mr Robertshaw
Mr Cretney	Mr Ronan
Mr Crookall	Mr Skelly
Mr Hall	Mr Teare
Mr Henderson	
Mr Houghton	
Mr Quirk	
Mr Shimmin	
Mr Singer	
The Speaker	
Mr Thomas	
Mr Watterson	

**The Speaker:** With 15 for and 7 against, recommendation 4 carries.  
Recommendation 5. Putting first the amendment in the name of Mr Robertshaw: those in favour of the amendment, please say aye; against, no. The noes have it.

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

**FOR**

Mr Crookall  
Mr Gawne  
Mr Quayle  
Mr Robertshaw  
Mr Ronan  
Mr Skelly  
Mr Teare  
Mr Watterson

**AGAINST**

Mr Anderson  
Mrs Beecroft  
Mr Cannan  
Mrs Cannell  
Mr Cregeen  
Mr Cretney  
Mr Hall  
Mr Henderson  
Mr Houghton  
Mr Quirk  
Mr Shimmin  
Mr Singer  
The Speaker  
Mr Thomas

**The Speaker:** With 8 votes for and 14 against, the amendment therefore fails to carry.  
Turning to recommendation 5, those in favour, please say aye; against, no. The ayes have it.

**FOR**

Mr Anderson  
Mrs Beecroft  
Mr Cannan  
Mrs Cannell  
Mr Cregeen  
Mr Cretney  
Mr Crookall  
Mr Gawne  
Mr Hall  
Mr Henderson  
Mr Houghton  
Mr Quayle  
Mr Quirk  
Mr Shimmin  
Mr Singer  
Mr Skelly  
The Speaker  
Mr Thomas  
Mr Watterson

**AGAINST**

Mr Robertshaw  
Mr Ronan  
Mr Teare

**The Speaker:** With 19 votes for and 3 against, recommendation 5 therefore carries.  
Recommendation 6: those in favour, please say aye; against, no. The ayes have it.

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

**FOR**

Mr Anderson  
Mrs Beecroft  
Mr Cannan  
Mrs Cannell  
Mr Cregeen  
Mr Cretney  
Mr Crookall  
Mr Gawne  
Mr Hall  
Mr Henderson  
Mr Houghton  
Mr Quayle

**AGAINST**

None

Mr Quirk  
Mr Robertshaw  
Mr Ronan  
Mr Shimmin  
Mr Singer  
Mr Skelly  
Mr Teare  
The Speaker  
Mr Thomas  
Mr Watterson

**The Speaker:** With 22 votes for and none against, recommendation 6 carries.

Recommendation 7. First the amendment in the name of Mr Houghton: those in favour of the amendment, please say aye; against, no. The ayes have it.

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

**FOR**

Mr Anderson  
Mrs Beecroft  
Mr Cannan  
Mrs Cannell  
Mr Cregeen  
Mr Cretney  
Mr Crookall  
Mr Gawne  
Mr Hall  
Mr Henderson  
Mr Houghton  
Mr Quirk  
Mr Shimmin  
Mr Singer  
Mr Thomas  
Mr Watterson

**AGAINST**

Mr Quayle  
Mr Robertshaw  
Mr Ronan  
Mr Skelly  
Mr Teare  
The Speaker

**The Speaker:** With 16 votes for and 6 against, the amendment therefore carries.

Recommendation 7 as amended: those in favour, please say aye; against, no. The ayes have it.

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

**FOR**

Mr Anderson  
Mrs Beecroft  
Mr Cannan  
Mrs Cannell  
Mr Cregeen  
Mr Cretney  
Mr Crookall  
Mr Hall  
Mr Henderson  
Mr Houghton  
Mr Quirk  
Mr Shimmin  
Mr Singer  
Mr Skelly  
The Speaker  
Mr Thomas  
Mr Watterson

**AGAINST**

Mr Gawne  
Mr Quayle  
Mr Robertshaw  
Mr Ronan  
Mr Teare

**The Speaker:** With 17 votes for and 5 against, recommendation 7 as amended therefore carries.

Putting in totality for vote under Item 3.2 the recommendations as amended: those in favour, please say aye; against, no. The ayes have it.

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

**FOR**

Mr Anderson  
Mrs Beecroft  
Mr Cannan  
Mrs Cannell  
Mr Cregeen  
Mr Cretney  
Mr Crookall  
Mr Hall  
Mr Henderson  
Mr Houghton  
Mr Quirk  
Mr Shimmin  
Mr Singer  
The Speaker  
Mr Thomas  
Mr Watterson

**AGAINST**

Mr Gawne  
Mr Quayle  
Mr Robertshaw  
Mr Ronan  
Mr Skelly  
Mr Teare

**The Speaker:** With 16 votes for and 6 against, the Report as amended therefore carries.  
Thank you, Hon. Members.