



**SELECT COMMITTEE  
OF  
TYNWALD COURT  
OFFICIAL REPORT**

**RECORTYS OIKOIL  
BING ER-LHEH TINVAAL**

**PROCEEDINGS  
DAALTYN**

**Code of Conduct for Public Servants  
(Petition for Redress)**

**HANSARD**

**Douglas, Thursday, 28th November 2019**

**PP2019/0166**

**CCPS, No. 1**

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**Members Present:**

*Chairman:* Mr T M Crookall MLC  
Ms J M Edge MHK  
Mrs K A Lord-Brennan MLC

*Clerk:*

Mr R I S Phillips

*Assistant Clerk:*

Miss I Perry

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## Select Committee of Tynwald on Code of Conduct for Public Servants (Petition for Redress)

*The Committee sat in public at 2.00 p.m.  
in the Legislative Council Chamber,  
Legislative Buildings, Douglas*

[MR CROOKALL *in the Chair*]

### Procedural

**The Chairman (Mr Crookall):** Good afternoon, ladies and gentlemen, and welcome to this public meeting on the Code of Conduct for Public Servants. My name is Tim Crookall MLC; I am the Chair of this Committee. With me are the other members of the Committee, Mrs Kate Lord-Brennan MLC and Ms Julie Edge MHK. We are assisted by the Clerk to the Committee today.

5 Please ensure that any mobile phones are turned off or on silent, so we do not have any interruptions. For the purposes of *Hansard*, I will also be ensuring that we do not have more than two people talking at once.

This Committee was established to consider the Petition for Redress of Grievance of Mrs Dorothy Salmon and Mr Philip Salmon on the Code of Conduct for Public Servants. Today we will be taking evidence from the petitioners.

**Mrs Lord-Brennan:** Thank you, Chair.

I would, at this stage, like to declare an interest, as I hold the role of Vice-Chair of the Office of Fair Trading.

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**The Chairman:** The reason for stating that obviously is it was mentioned in your letter – just so we are aware of that.

### EVIDENCE OF Mr Philip Salmon and Mrs Dorothy Salmon

**Q1. The Chairman:** For the record, please state your names and in which capacity you are with us today when talking. We welcome you here to the Legislative Council Chambers this afternoon, and I will pass over to you to inform us of your Petition. We are very grateful for the paperwork that you submitted to us earlier, but obviously anybody else listening in at the moment has not had the benefit of reading that, so if you would like to make a statement?

**Mr Salmon:** Is the Petition not going to be read out?

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**Q2. The Clerk:** No, not normally, because that is a matter of record. Perhaps I could help you by saying that maybe, because your Petition is about how the Code of Conduct for Public

Servants issued by the Isle of Man Government is not fit for purpose, you might explain why you think it is not fit for purpose.

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**Mr Salmon:** It is not, because when you go and ask a question of somebody in any position they have never gone out of their way to help, to say there is a concern over why that is ... They have just put barriers in the way, and it seems to be everywhere I have gone. They just purposely make things difficult. For things it should be simple to get answers to, they send you off here, there and everywhere: no answer. That is about it.

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**Q3. The Chairman:** Going by the information you sent us, this obviously goes back at least to 2007, (**Mr Salmon:** Yes.) and in that time you have had conversations with various officers about the way you have been –

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**Mr Salmon:** There are various things. I have been given different advice on different ... One minute the advice is right for somebody, and the next minute it is wrong for me. There is the law, there are the rules; there are rules that they have to follow, and they change as and when they suit.

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**Q4. The Chairman:** The Code of Conduct obviously is a written document, so my question to you would be is the Code fit for purpose, or is it that it is ...? If I were to say yes, it is fit for purpose, but is it being adhered to ...?

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**Mr Salmon:** You just took the words out of my mouth. The Code is fit for purpose but it is not being adhered to.

**Q5. The Chairman:** In which case, I would say to you that is probably a case for you to present to the Ombudsman and get them to take that up for you. If you believe the Code is not being followed, then that would be for the Ombudsman to take up on your behalf.

55

**Mr Salmon:** It is not just the Ombudsman, is it? There are others, but the Ombudsman is –

**Q6. The Clerk:** That is right. There are many avenues of –

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**Mr Salmon:** In my submission not just the Ombudsman is mentioned, but that is one. I will give you an example of the Ombudsman and the Code of Conduct. I had a letter from Lloyds two days ago, telling me that they are not going to reply to any more of my letters because it is now in the hands of an independent arbitrator.

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**Q7. The Clerk:** Sorry, that is from Lloyds Bank, did you say?

**Mr Salmon:** From Lloyds Bank.

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**Q8. The Clerk:** That is not really something that this Committee can look at, because this is about public servants.

**Mr Salmon:** No, but I have been going, from my side, from a civil servant point of view.

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**Mrs Salmon:** We have not been told.

**Mr Salmon:** I have not been told, so why have Lloyds been told before I have? I am the complainant, so why have Lloyds been informed that it is in the hands of an independent arbitrator when I have not, and who has told them?

80 **Q9. The Clerk:** Is that a complaint relating to Lloyds Bank?

**Mr Salmon:** Yes, it was.

85 **Q10. The Clerk:** Well, they will have been told about the complaint if it is about Lloyds Bank, won't they?

90 **Mr Salmon:** I have not been informed that it is in the hands of an independent arbitrator. I have asked for it, I have filled the forms in, but I do not know. So, the first I am informed is when Lloyds tell me.

**Q11. The Clerk:** Yes, okay. I think the Committee cannot second guess a process that is already under way, so that is something –

95 **Mr Salmon:** So, is it part of the process, not to keep people informed and –?

**Q12. The Chairman:** But that is what I was asking before –

**Mr Salmon:** That is in the Code of Conduct.

100 **Q13. The Chairman:** If something is not happening that it says should happen in the Code of Conduct, then there is obviously a way of following that up and finding out where the system is falling down.

**Mr Salmon:** We have done that.

105 **Q14. The Clerk:** The Code of Conduct is structured and divided into three sections. It is about openness, it is about integrity and it is about accountability, and what you are talking about is the way in which –

110 **Mr Salmon:** It is not openness if they are informing Lloyds that adjudicators are involved; they have not informed me, and I am the one making a complaint.

**Q15. The Clerk:** Well, okay, that is a specific issue that is not necessarily relating to public servants but to Lloyds Bank, isn't it?

115 **Mr Salmon:** Well, who informed Lloyds Bank?

**Q16. Ms Edge:** Has your complaint gone into the FSA?

120 **Mr Salmon:** Yes.

**Q17. Ms Edge:** So, you are following their process now and you do not feel that they have complied with –?

125 **Mr Salmon:** The point is they have never come back with any ... Bar an official 'I have got your letter', nobody has phoned me and said, 'What is your problem? Have you got a problem? Can I speak to you?' Nothing.

130 **Q18. The Chairman:** So, that would go to the Financial Services Ombudsman, then, rather than the Tynwald ombudsman, (**Mr Salmon:** Yes.) but there is definitely a path for you to take there, if that is what has happened.

**Mr Salmon:** I have taken the path with it.

135 **The Clerk:** I think that one of the difficulties that I should underline is that Petitions for Redress of Grievance of Tynwald are only able to be looked at if they relate to matters of policy rather than individual complaints. If there is already an alternative complaint process, then the Petition would not be in order. This Committee really ought not to look at, or cannot look at things where you could sue or you could undertake a complaints process, as you are actually undertaking now, because that is an alternative to the Petition for Redress, you see.

140 **Q19. Ms Edge:** Obviously you have sent us quite a lot of detail. What I did not see within the detail you sent is which areas of the Code you felt were failing. You did say that they are not helpful and there are barriers. Can you explain which areas within the Code of Conduct you feel have failed, or is it the whole policy?

145 **Mr Salmon:** Pretty much the whole lot of it, just the communication and keeping you in the loop, telling you that you are right or wrong. They just put barriers up all the time. I do not feel I have had any help from many a civil servant.

150 There is not just the bank case involved there. There is Argyle House and the rates. There are two places I know, next door to me, that have not paid their rates for six years. They have affected my life. I have gone to places and I have said, 'Why have the rates not been paid? I paid mine.' They do not want to know. I pay my rates.

155 That is why I have given you a broad sweep of it. If you think they have followed the procedures, I do not think they have.

**Q20. Ms Edge:** Has the communication been written, or has a lot of it been verbal?

160 **Mr Salmon:** I have been to places and asked questions, and I have a lot of written questions going back down the years, and I have had no help. I am just a businessman. I have a shop to run every day and I have not got time to spend all day out ... I should be able to ask a simple question: why am I paying my rates on that building and he is not; why am I being asked why the company form is not in that day, but he can get away with six years?

165 **Q21. The Chairman:** I think on the rates one, you mentioned in your submission to us that you had been to the Corporation and I think that had been to court. They followed that up?

170 **Mr Salmon:** The Corporation took it to court eventually, six years later, but in the meantime I lost the back end of all my building for six years because it was raining in and they would not do anything about it. Six flats down the building and I lost the back room of six of them because it was raining in.

**Q22. The Chairman:** But as far as rates were concerned, Douglas took that to court but did not follow it up because they did not collect on it?

175 **Mr Salmon:** They did not follow it up for six years, but they followed me up after one year.

**Q23. The Chairman:** What I am saying is the procedures are in place but they are not being followed up, so –

180 **Mr Salmon:** They are not being followed up.

**The Chairman:** – that is, again, something you need to follow up with Douglas Corporation, why they did not do that.

185 **Mr Salmon:** Like I said, I have got a shop to run and a business to run, and that should just be said. And I got a letter back from the Corporation telling me 99.7% of rates are collected. Why does the 0.3% live next door to me?

**Q24. The Chairman:** I am not saying it excuses it.

190 **Mr Salmon:** I know, but why does the 0.3% live next door to me, then? It cannot possibly be 99.7%. I paid mine. They did not have an issue with it. I told them that building was going to fall down. They put scaffolding up for two years. Who paid for it? Me, with the rates. I cannot get away with not paying my rates for six years, and I should not.

195 **Q25. The Chairman:** It sounds, Mr Salmon, as though there are certain people you need to be in contact with again, just asking why the procedures have not been followed and why, as a ratepayer or as whatever –

200 **Mr Salmon:** I do not want to spend my life writing letters. I went to the ratepayers and I asked them, and I got a letter back saying basically, ‘How very dare you ask me a question like that? How very dare you?’

**Q26. The Chairman:** And in that circumstance you should be taking that up with the council as to why –

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**Mr Salmon:** I have not got time to do that. The people have not got time to do that. It is the rules and the regulations. It is in there: ‘We will collect your money because that is what we do: we collect the money off everybody.’

210 **Q27. Ms Edge:** Can I just ask, obviously you have been in communication with Douglas Corporation and you feel that their officers have failed you. Obviously there are regulations around –

215 **Mr Salmon:** I totally get that, yes.

**Ms Edge:** – disclosing personal information, but there is process in place so that if you feel policy has not been adhered to and you have exhausted every option under the policies, you can go to the Tynwald Commissioner and you can submit your issues with that and they would investigate where policy has failed, because it is not just the Code of Conduct –

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**Mr Salmon:** I fully appreciate what you are saying but I do not want to spend my whole life writing letters. I have got a job to do, I have grandchildren, I have a life. I do not do litigation; that is the last thing I want to do. The last thing on earth I want to do is be here today, but I feel I have been pushed into a position where I have to be.

225

**Q28. Ms Edge:** I fully appreciate that and I know how difficult it must be, but when you started you did say that the Code, you felt, is fit for purpose but is not being adhered to, and in some of the comments that you have given us in your documentation you have highlighted that. But if the organisations are not aware of the policy failures, they will never be able to satisfy your needs, so there is a process there that needs to be followed, and once that is exhausted you then have the other option. Obviously the Petition is the Code of Conduct for Public Servants, which you say is fine; it is just that individual officers are not adhering to it.

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235 **Q29. The Chairman:** And, if I could say, the only one who can follow that up with those people is you – whether in the case of Lloyds Bank, Douglas Corporation or Government, to take that to the particular Ombudsman, Commissioner, or whoever.

240 **Mr Salmon:** I do not feel I should have to. If they follow the Code of Conduct, I should not have to have to do that, should I?

**Q30. The Chairman:** But if there is an official complaint to make, you are the one to make that.

245 **Mr Salmon:** I do not want to spend my life making official complaints; I just want ... No, I do not. With all due respect, you have given me two people to write official complaints to already in the 10 minutes I have been in here. It is a lot of work and it is a lot of stress. I should be able to go and ask my questions. I do not expect people to bow, but just do your job. Why am I paying my rates; why are you not? Why have I not been informed that there is an independent arbitrator judging my ... after the Ombudsman I have been to, but Lloyds have? They are all the same questions that seem to keep coming back. I am getting no help. I am not asking them to do me a favour. I have put the evidence there. I have not asked anybody to change the law for me. I have just pointed out the law, using their laws, using the statement, using ...

255 **Q31. The Chairman:** Have you got anything else you would like to say?

**Mr Salmon:** Everything I want to say is in there. I just think you should seriously have a look at it. It cannot be just me being affected by it; it is a lot of people, and people who have not got money ... You go there for their help. They are there to help both sides, and whatever is right is right. They point you towards a lawyer. A lawyer is ten grand just for walking in the door, as well as a day setting it up, a day doing that, and a day ... It is simple; it should just be done.

260 As I say, I am not asking for any favours. If I am wrong, I am wrong, and I will go in and say, 'Why is that ...?' But I expect, if I am right, that they just do their job, follow the Code.

265 It is not for me to write in and complain. There are people above them, the chief executives, who can look at that: 'Is that being done? Are we following that?' And maybe they might say, 'Oh, we have not had a complaint,' and so I have had to write a complaint, so they ... But it is not right.

**Q32. The Chairman:** Have you written in the past and complained? You have written, that is all I am saying.

270 **Mr Salmon:** I have got a trail of letters. I can provide you with more, if you want, going back to probably 2003. It has been a lot of work. I have had little help.

275 **Q33. Ms Edge:** When you have done the written complaints and you have received correspondence back, do you feel it was finalised; or you do not feel you have ever had a conclusion?

280 **Mr Salmon:** It is not ... 'Don't dare write to me. How very dare you? You are wasting my time.' It was not, 'Well, I appreciate your ...' I will give you letters back ... My MHK – I have forgotten her name now; she got married. (**The Clerk:** Clare Barber.) Clare – I could not think for a second there! I wrote to Clare and she said, 'I can't believe the tone of some of those letters.' It should not be. I have just asked a question. Just give me an answer.

**Q34. Ms Edge:** They can be shared with the Committee if you are willing to share them.



285 **Mr Salmon:** Yes, you can have anything you want. I have got a trail of letters. I do not like writing letters, but I have got a trail of them.

**Q35. The Chairman:** Okay, if that is all you have to say this afternoon?

290 **Mr Salmon:** That is pretty much all, yes. Everything is there. I will just let you go and have a look at it and see what you think.

**Q36. The Chairman:** Okay, well, we will certainly have a look at that, Mr Salmon.  
If you want to forward any extra paperwork, like Ms Edge has just mentioned, we are happy  
295 to have a look at that.  
Thank you very much for your time this afternoon.

**Mr Salmon:** I will forward you some paperwork.

300 **Ms Edge:** You have got a stack big enough there!

**The Chairman:** Mr Salmon, Mrs Salmon, thank you very much indeed.

**Mr and Mrs Salmon:** Thank you.

*The Committee adjourned at 2.18 p.m.*