



**STANDING COMMITTEE
OF
TYNWALD COURT
OFFICIAL REPORT**

**RECORTYS OIKOIL
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**PROCEEDINGS
DAALTYN**

**ENVIRONMENT AND INFRASTRUCTURE
POLICY REVIEW COMMITTEE**

DOUGLAS PROMENADE SCHEME

HANSARD

Douglas, Thursday, 5th November 2020

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Members Present:

Chairman: Mrs C L Barber MHK
Mr C R Robertshaw MHK
Mr R J Mercer MLC
Mrs J P Poole-Wilson MLC
Mr M J Perkins MHK

Clerk:

Miss F Gale

Assistant Clerk:

Mr J Gibney

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Standing Committee of Tynwald on Environment and Infrastructure

Douglas Promenade Scheme

*The Committee sat in public at 3.30 p.m.
in the Legislative Council Chamber,
Legislative Buildings, Douglas*

[Mrs BARBER *in the Chair*]

Procedural

The Chairman (Mrs Barber): Good afternoon and welcome to this public meeting of the Environment and Infrastructure Policy Review Committee. I am Clare Barber, MHK and I am chairing the Committee. With me today are the other members of the Committee, Chris Robertshaw, MHK and Robert Mercer, MLC, along with the alternate members for this inquiry,
5 Martin Perkins, MHK and Jane Poole-Wilson, MLC.

Before we begin, can I request that we please ensure that any mobile phones are off or on silent and for the purposes of *Hansard*, I will be ensuring that we do not have two people speaking at once.

10 Today's session will focus on the latest developments with the Promenade Scheme. We last heard evidence on this topic at the beginning of June, when the Minister was newly appointed to the role. We then issued a short interim report on our findings, which was debated by Tynwald in July. The aim of today's hearing is to find out more about what has happened over the summer months and how the scheme is currently progressing.

EVIDENCE OF

**Hon. Tim Baker MHK, Minister
and Mr Nick Black, Chief Executive,
Department of Infrastructure**

15 **Q206. The Chairman:** For the record, could you please each state your name and position.

The Minister for Infrastructure (Mr Baker): Tim Baker, Minister for Infrastructure.

Mr Black: Good afternoon. Nick Black, Chief Executive, Department of infrastructure.

20 **Q207. The Chairman:** Thank you both for coming today. I wonder if we can kick off with the question that if you were starting again, what would you do differently?

The Minister: Crikey! That is a big question; that could take a while!

25 Clearly, I was not the Minister when the scheme started, so I was not party to all the detailed thoughts and discussions at that time, but I think, there are a couple at key points for me, looking back at that time. One was I think we should have better expected a significant degree of

disruption from the scheme. I think it was always going to be painful and disruptive. We could perhaps have prepared for that better and managed people's expectations.

30 The second observation I would make was that we would have benefited from a longer period of early contractor involvement, which was relatively limited at the start of the scheme, and I think that would have helped perhaps iron out some of the design issues, and got some of the benefits that early contractor involvement is designed to do.

35 Then I think there are a number of things that we have learnt as we have gone along, which clearly it is better, once you have learnt them, to have applied them earlier. So we had some challenges around communication, around engagement. I would contend that, actually, we have got to a far better place with those things now than we had, but it would have been better to have got there earlier and I think about the way now we are engaging with businesses in particular and the joined-up approach that we have got with particularly the help of colleagues from the Department for Enterprise. I think we have a good working model now with the steering groups
40 that are overseeing the project. Clearly, if you were starting again, you would put those things in place from the start.

The final comment I would make, Chair, is the way the scheme was presented to the public is perhaps something that we could reflect on. I think the public saw it as a regeneration scheme and maybe even a highways scheme. The reality is that it is essentially an infrastructure and services scheme. The vast amount of both value and risk in the project is actually under the
45 ground. It is very difficult for the public to really appreciate the subtleties of that and the challenges that that brings. Of course, that is where the challenges have come and without that right frame of reference, it has been hard to take the public with us on the journey, which has been a very difficult journey.

50 Those would be my thoughts. I do not know if Nick has got anything he wanted to add?

Mr Black: Thank you, Minister.

Chairman, I obviously endorse the Minister's points. Obviously, there are things that we learn. I suspect there will still be things that we will need to do as we go along. The Minister has asked
55 us clearly to give key milestone dates to people. You as the Committee have said all along that the businesses need certainty the nearer we get. The Minister has asked us to have certain dates in. Some of those we have been able to deliver, like at Summerhill. Others, we have had to say, 'Actually, there is a reason for a change; we are going to be brave', and the Minister has been brave, in my view, and said, 'We're going to have to change that. We will move that back a bit',
60 and I refer, of course, to Broadway.

Those dates are now programmed. We are very aware of them, and it is important that we do not end up rushing at the end, that we try to hit those dates as we go forward.

I think if I were able to give an opinion, I asked my longest-serving prom colleague this morning, 'When exactly did you start the prom scheme?' 'In 2006.' So we have been doing this as a
65 Department for 14 years now, and we have had lots of changes in between. There might be some room to reflect on whether major capital schemes fit easily into the way we plan and budget because, as I know some of you will recall, we had examples where we had the cones and the barriers out for the next phase, and then we changed Minister and they all came back in again. That is not wrong at all; but it makes it difficult to deliver a scheme.

70 I think you will recall that my previous Minister made it very clear he wanted the work done by the election. Some people, in my personal view unfairly, felt that that was him in some way looking for votes, and I can absolutely assure you as a Committee – and I have done before – that that was not his motive in any form at all. His motive was to get it done before another election created a change of national policy and a different approach.

75 It has been a very difficult scheme politically and our work in this area, as the Minister has quite rightly said, we were always going to be disruptive. In fact, we are making better progress now that we have accepted more disruption. There were people at the start – I think probably some were on this Committee – saying, 'Just get in and get it done!' You know, it is the eggs and the

80 omelette, isn't it? We tried very hard to say we will always have two-way traffic; we will minimise
the disruption on people; we will not have noisy working at these times. That was all well intended
and well meant, but we are making better progress with fewer restrictions. People tend to look at
the fast lane of the M6 and say, 'Well, you're not doing it as quickly as they are.' The Minister is
right: that is largely because the services are in the ground; it is because there are frontages of
properties; there are businesses trying to survive and work. That is always going to make it much
85 more than a highway scheme.

It is a regeneration scheme, in that we are working at people's front doors. It is a highway
scheme, in that the end result will be a highway, but it is very much a service-led scheme and the
challenges have been underground. We are now finally getting to the point where most of that
work is done. Most of the new mains are in. We are still connecting to properties as we go. There
90 are still challenges – absolutely there are – but the further we go, the better we will get. My efforts
are not particularly on looking back, though we will review every project as we finish it, but to say,
'Let's keep driving on.' The Minister has been very clear, he wants us to keep going. He wants us
to do it well and to get on.

We do have challenges still, as you know. We do not have open borders. There are resource
95 challenges and there are a whole range of things that you as a Committee may wish to explore.
But, as I hope you see – and I know that at least a number of you see regularly what is happening
there – there is a lot more happening in a lot more places. The bills I sign are bigger. The work is
to a greater amount. The number of hours spent each month are greater, and we have seen work
through the night when needed. It is a last resort because it is disruptive, but we have done that.

100 **Q208. Mr Robertshaw:** The Committee obviously has two areas of concern. One is, like you,
getting to the finishing line; and the other one is lessons learned, which is where we were actually,
and I think perhaps we need to hold that thought before us for a little longer.

I want to come back to the Minister's observations, and I concur with them, in the sense that
105 did we see it in the first instance as it really was? Was it an improvement, or was it quite a
fundamental engineering challenge? That challenge was presented to an operational Department
that was used to doing an awful lot of operational things. How do you think that we might improve
the process in that early period? I do not mean politically changing the design but recognising
what it actually was, which was a complex, quite sophisticated, service-driven engineering
110 challenge, as well as being re-presenting the promenade from what it was to what it is going to
be.

How would you want us to approach something like this in the future to make sure we do not
trip over ourselves the way we have here?

115 **The Minister:** There is a lot in there, Mr Robertshaw, to try to unpack and, I think, a couple of
big ticket items for me would be around communication. Communicating what the scheme was
all about to, if I can call it, the 'uninitiated' I think was a real challenge because you have got a
team of very capable, committed professionals involved in delivering the scheme. Intuitively, they
know exactly what it is and why it is a certain way and how the bits all fit together, but translating
120 that into the language that I as a layman would understand is a real challenge. I think you have to
have that. If you are going to take people with you, you have to be able to speak the language that
they understand. I think one of the takeaways from this scheme has been the value of that liaison.
We have an individual, Karl Millar, who I am sure many of you know, and his job is to be the
interface between the project and the community that is affected by the scheme. I suspect, if we
125 were to go back in time, he would have perhaps been seen as a luxury item because he does not
directly produce anything, he is not an engineer, he is not as part of a tangible solution, but the
value he adds is immense. I have had the opportunity of doing my monthly prom walks with him
and some more intermittent interaction with businesses and residents. He adds a huge amount
of value to the scheme. He holds the project team to account as the voice of the customer, but he
130 also explains to people who do not have a full understanding of what they are looking at, or why

things are the way they are. He explains it in language that they understand. So I think that, right from the start, would be part of that of the key lessons learned.

135 I think the other part from me would that multi-agency aspect to this. Everybody sees it as a Dol scheme. In reality, yes, Dol leads it as the client, but Manx Utilities, Manx Gas, Manx Telecom, Douglas Corporation – there are probably others, Nick, as well? (**Mr Black:** Sure.) Sure Telecom – they are all key stakeholders in this scheme, and it is that holistic approach that, again, is there now and should be a basic building block of future schemes, particularly complex and lengthy ones such as this.

140 **Q209. Mr Robertshaw:** Okay. I just want to try to explore this a little bit more. It is the perception in the first instance as to whether this was an operational piece of work or whether it was a big strategic, complex programme; and whether we had the capability, or whether your Department had the capability as an operational department, to fully grasp the complexity of it. We have heard in previous meetings – I think we have had a review – that one kept coming across things that extended the time and made it more complicated and involved more different elements to it. One has to ask the question, why didn't we see that? Why didn't we grasp it?

145 Is it not fair to say, 'Well, why would an operational department that acts, in normal circumstances, much more iteratively and responsively?' Was it fair to ask your Department to fully grasp this as an operational deliverer?

150 **The Minister:** I think you make some fair points in that question, Mr Robertshaw. I would suggest that whoever had delivered this scheme would have faced some major challenges, however they were structured. The reality was the biggest issue has been the ground conditions and what we actually found, when exploring the ground and digging it up. Unless you had perfect knowledge of that, it would have been an extremely complex project to deliver. So I do not think that that was a failing of the fact that it was the Dol; this was a scheme that, from an Isle of Man plc point of view, was hugely challenging. It is of a scale that certainly I am not aware of in the recent past.

155 It has been played out in the full glare of public view. It has been tried to be delivered with a lots of constraints on the delivery of the scheme, whether it is two-way traffic or operating hours or the fact that people are still effectively living and running businesses on the site. I think it would have been a challenge, whoever it was that was delivering it, whether it was a Department or ... In reality it is a number of entities coming together. It is overseen by the Department, but Nick, there are joint working arrangements with the various bodies and it would be worth clarifying that.

165 **Mr Black:** If you wish, Chairman, I am happy to do that. From the very start, we have had involvement with important partners such as Treasury, Manx Utilities – indeed all the utilities – the local authority Douglas Council, the regeneration groups. The Minister has already said that we should have somehow involved the community, directly, earlier. We did consultation after consultation after consultation, but that was about the big picture. That was about 'where do you want the tramway?' That was about 'what sort of street do you want when it is finished?'

170 I think there have been a number of schemes that, as Mr Robertson quite rightly states, we have talked about before – and I understand your direction of travel, Mr Robertshaw. On one hand, you have this 'how does it fit into the big strategic policy direction and what is really important to people?' On the other hand, we have to make sure we talk to the person who has got a shop that may lose their parking out the front. Whilst we might provide them with parking 200 yards away, if they are a shop where you pop in for five minutes, we might think that looks good on paper, but they may say it does not work for them.

180 Subject to the usual will of Tynwald and of the provision of budgets, as you will know, we have recently taken responsibility for flooding works. We will have some very major schemes to do all round the Island, but Laxey is probably the one that is in most people's minds as the one that is

185 most pressing in need of attention – I do not think that Mr Perkins will disagree with me. We are going to use exactly the same approach, but we are going to transfer the lessons that we, as the Minister said, perhaps did not get quite right at the start, and make sure we put them in at the start. There will be a residents and business representative for the people when we are ... Unfortunately, the works we do are disruptive, and I know you individually recognise that, but we do have people who want the finished product, but understandably the getting there is something they would rather we did not do or would rather we did very quickly.

190 The promenade, as the Minister said, had something like close to 100 years' worth of infrastructure. Some of it we thought was live and it was not; some of it we thought was dead and it was live. So with all the maps in the world, all the drawings, all the services, all the trial holes we dug, all the slit trenches you will remember being put across the promenade to find things, we struggled. When we go to places like Laxey and build flood defences and improve drainage, we will have different challenges, but they will still affect the local people, so we need to be better at explaining, we need to take our displays to the community, as we have done in fact already in that area. We need to be telling people and asking their view, because then I think they will feel we are doing it for and with them, rather than to them.

200 That is where the Minister has asked me to go: that we engage the community, but as Mr Robertshaw and you all will know, we have to balance the taxpayer as an individual or a small group and the taxpayer as the body corporate, if you like, that funds the whole scheme.

Q210. Mr Robertshaw: Can I stop you there, because you have said these things before, Nick. You are not going to let me go where I really want to go, and I will try one more time. Nick, you are right, we have had a number of these conversations in the past, and it is: should a Division that should be expected and capable of delivering normal operational issues also be capable of handling highly technical and infrastructure issues within its normal day-to-day competence? I put it to you that it should not and therefore why did it feel that it could in the first instance?

210 That is my last effort at this one today, but you will no doubt recognise I keep coming back to this issue.

Mr Black: Mr Robertshaw, you and I will no doubt talk about this many more times yet. *(Interjection by Mr Robertshaw)* I can absolutely see that there is sense in there being one part of Government that holds cutting-edge, really good skills in the management of complex projects. As you know, we took in from the Treasury the then Capital Projects Unit's more operational side. The supervision of the financial governance remains in the Strategic Asset and Capital Investment Committee (SACIC) group with Treasury, but colleagues came to us and that has changed a few times since. I know you have kept a close eye on that.

220 I actually think that our projects are informed by what we can deliver, and without wishing to sound like I read your whiteboard, it is about working together to deliver something for the public but the need of the public comes first. We are providing infrastructure for people's social and economic well-being.

Do I think there should be a central projects unit of some sort? Yes. Do we currently have that? We do. Of course we must learn.

225 The prom scheme, however, was not really delivered by that team. It was already a highways project in advance, so, yes, I would move a big scheme like the prom into more of a central team. That is how we are delivering the Liverpool unit, and we are having more support. We are delivering a lot of schemes across Government. I would put all projects in one place. That is a very personal view, of course, and it is not for me to make any sort of policy judgement. That is entirely for the Minister to say.

230 Operationally, I do believe that the Department is absolutely capable of doing both routine maintenance and major schemes. I think the two inform each other and work well together. We do not have the luxury of having one highway engineer for very big schemes and one highway engineer for very small schemes. We share our knowledge and we work well together.

235 I think it is right that our project unit is with us, but it is the Minister's choice, if you, policy-wise, feel differently. As you say, there is a clear operational interest here. So would I place that separate from the Department and somehow have the people who do big schemes separate from people who do small schemes? No, because they are doing both at the moment.

240 Would I keep learning and trying to do our projects better, to reflect the policy objectives, to reflect the conditions in each environment? What we have learnt on the prom may not apply in Laxey directly, but I think it will inform our view that the community's needs ... We are there for the community. We do not forget that. We are providing infrastructure that people need for their lives. We are not doing it for fun.

245 **Mr Robertshaw:** Well, I did try but there you go. Chair.

Q211. Mrs Poole-Wilson: Yes, just picking up on this area of discussion, I am interested that one of the 'what we would do differently' from the Minister at the beginning was early contractor involvement, particularly around design issues. Where we seem to have moved to in the last bit of discussion, Mr Black, you have just talked about 'our projects are informed by what we can deliver.' You have talked about highway skills. Actually, I am wondering, without putting words into your mouth, whether therein lies the disconnect: that there are very skilled, technically competent individuals in the Department for Infrastructure, who may know a huge amount about highways. We see people out on our roads all the time, but do they need highly detailed technical design, civil engineering plans specified to the highest level before they even open the ground? Arguably, no. Is this a major civil engineering projects that really did need that level of design and detail before entering the ground? I just wonder whether therein lies some of the challenge and some of the disconnect. Perhaps what the Minister was alluding to in his initial reflections on this –

260 **The Minister:** I think Nick is in a better place to comment about the technical skills. My view on that is that it is a spectrum, isn't it? We have some quite simple pieces of work that are done, but there are actually some quite complex schemes that are done as part of business as usual in the Department. But I will let Nick answer that.

265 My point on the early contractor involvement (ECI) is that I do not think there was enough time given for that. I think that there is a key lesson there, that the reality was that that should have been seen as an investment in the project. I think there was a desire to get on and start making things happen, to show the public that this money was being spent and activity was happening. I think sometimes you actually are wiser just to take a step back and engage to a greater extent and try to hone what you are going to do before you actually start. So it was just simply that not enough time was given to that, and I think we may have flushed out some of the issues, had there been more time for that.

270 But fundamentally the ground conditions were far more complex and challenging than I think it would have been possible to identify early on, so we would still have had a lot of challenges with this scheme. I do not know whether you agree with that, Nick?

275 **Mr Black:** I think, Mrs Poole-Wilson, that you would probably be surprised at how many of our jobs are built to a full design. It is not the case that we rock up, have a look and dig a hole. In most cases we are very conscious of safety issues, like services, traffic and working in live traffic, but we also work to defined standards. We have a Manx roads manual. There are some standard designs, yes, there are, but we have a significant design team with great competence, and a lot of our work is indeed to design. In the case of this scheme, the design has been a particular issue because, without changes to the design, the contractor, in his words, does not get paid. So they regularly ask for designs to change, so even though they could build it, and they could say, 'It is a bit different than how it was on the drawing and we will now do an as-built drawing', the change of the design drives the payment under the contract, so design has been a bigger problem than we had anticipated.

290 If the Minister is right and that ECI would have been a good investment, that time could have been used to get ahead with design work, so I think we would coalesce around that, the Minister and I, but perhaps for slightly different reasons. With hindsight, the ECI being longer, I would not disagree with the Minister.

The other angle that I think we would also have looked at – and again, our improving our capability – is the link into the commercial angle. Of course, we used the procurement services with the Attorney General’s, but these are complex contracts. We do have an expert retained to support the AG’s and ourselves, an NEC contracts expert, but it is a long-standing theme of
295 Committees such as yours, that the interface between the public service and the commercial world is an opportunity for learning.

Q212. Mr Perkins: Just coming back to the design thing, if I may, did you involve the contractors very much? Obviously it is easy to design something, but when you actually come to make it, it is
300 a different story altogether. Right at the outset, did you get the contractor talking to the design people?

Mr Nick: Mr Perkins, the early contractor involvement phase is exactly what it says: ECI is early contractor involvement. The aim is very much to work with the contractor to find ways in which
305 the contractor’s operational experience says, ‘If you did that differently, we could build it more quickly and save you some money’, and it is meant to be a win-win. They are given a scheme that is easier to build with less risk, they can take less risk on and therefore feel more likely to make the return they do; we get something that is going to be right first time; and the joint aim is not to end up, as so many schemes did in the past, as I know you will recall, you build it and then you spend the next seven years in court arguing about who owes who what. The NEC contracts suite was designed very much so that as you go through, you have lots of little discussions rather than ending up with one big row in court. It does not prevent people going to court, but it does provide routes for arbitration for dispute, for saying, ‘This design has changed, it is going to take us longer now,’ or ‘We need this,’ or ‘You’ve not done that.’ So yes, the contractor was involved. The
310 Minister is right, more time in that phase would have helped.

Would it have meant that we were finished any quicker? I do not know. We may simply have found longer time planning, shorter time delivering, but the same end point. The Minister is right, the motive/incentive was that we need to get in, we need to get going, people are waiting for this.

The Minister: I think Nick may well be right that it might not have changed the end-to-end time, but actually what it would have meant was potentially, once we started, things progressed more quickly and slightly more smoothly.
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My sense was that part of the frustration from the public, and particularly businesses, was that they saw things started but not much sign of activity, whether it was Heras fencing going up and not enough activity going on. That is clearly disconcerting.
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I think people now – the tone I am getting when I am going out and talking to businesses – is: ‘Yes, it has been really hard; however, there is real momentum now; we can see the light at the end of the tunnel, and we know it will be great when it is finished. We have got people that we can talk to, we can communicate.’ It is a very positive reaction because they know that
330 fundamentally it is going to be a better place to live and to have leisure time and to have a business after this scheme is done. People are starting to see that.

It was really interesting for me when I did my last walk, which, from memory, was Friday afternoon last week: a conversation with somebody who I had had a long conversation with on the first Minister’s walk I had done, who had had a really difficult time. He was still having a really
335 difficult time, but his whole demeanour had changed because he could see the end coming. Also, the interesting thing was he was talking about how he was investing in his business with the opportunities that he could see coming now, despite the fact that his turnover was significantly reduced against where it had been previously and where he wanted it to be. I think for me that is

340 validating the value in this scheme, that it will make the prom a much more attractive place to
come. The potential it brings, particularly around the cultural quarter, is huge and people are
starting to respond to that.

Mr Perkins: Thank you.

345 **Q213. Mr Mercer:** Nick, sorry, can we just go back a little bit there? You were talking about the
design deciding how the contractor gets paid – they could build it without design. Is that not then
heading straight to court when they are building that at their own risk? If it then does not meet a
standard or a design, we are going to end up in court.

350 **Mr Black:** Mr Mercer, yes, I see your point indeed. Of course, the scheme needs to be designed.
Of course, the details need to be designed – the levels, the heights of the various services, the
interplay between them and a whole raft of other things to produce the finished levels, surfaces
and qualities that we want. The sort of thing I am referring to is where a contractor is working and
perhaps a pipe is in a slightly different place, and as a result, they need to move something by a
355 few hundred millimetres or to raise it across and come down. We have tried to arrange a system
whereby small decisions like that can be taken at site level to improve the speed of delivery and
effectively, you take the design and you mark up the as-built one, and submit that into the process.
If they have had to use, let us say, two metres more pipe, they can claim for that two metres –
absolutely. Those go through as compensation events based on the design, and they are then
360 determined and they are allowed either more time or more money or sometimes both to
complete.

So there is an element by which on our side we are saying, ‘But as a competent contractor you
could deal with that and simply we give you that level of authority to make a small change.’ Our
staff are there, we are working together. It is not that they are ducking responsibility. This is not
365 an adversarial position. We are trying to get it built right as quickly as possible, but there does
need to be some record of that change, and that then is used to drive the payments and claims
under the contract.

Perhaps I did not explain it quite clearly. It is absolutely not the case that we should be sitting
there in a year’s time with ‘Well, we did that.’ ‘No, you didn’t.’ ‘Yes, you did that.’ Clearly you are
370 right. That would be a poor place.

Q214. Mr Mercer: Am I right in suggesting that that is not working as well as it could do, at the
moment?

375 **Mr Black:** I think what we have tried to do as a contractor is ... Design is an issue that we discuss
regularly. It is an issue that I suspect the contractor would raise with you as one of the challenges
that it has had. The design has to be adequate to meet the needs both of the finished product and
of the people constructing it. There is always going to be a grey area between ‘that is within the
core competence of any good contractor’ and ‘that, you need formal instructions on’. So there
380 has occasionally ... I do not think it is friction at site level. People work together and deliver, so I
do not think it is that, but if you move up a level, you will have seen people like Mr O’Mahony and
Mr Callister, those are the sorts of discussion that our senior staff will be engaging in with them
to say, ‘Look, we have to do this differently.’ But at site level, the feedback I get regularly, and I
think you see, is that it is hard to tell who works for the contractor and who works for DoI; it is
385 hard to tell who is a ‘subbie’. We are all in there together trying to solve the problems, so I do not
think it is a day-to-day problem, but you are absolutely right, Mr Mercer, we have to keep working
on that to make sure we do not create a contractual position. We have tried very hard to say this
is a partnership. There will still be little niggles within that partnership. There will still be ‘You owe
us this week.’ ‘No, we don’t.’ But we are working together for the benefit of the public.

390 A success for us does not involve the contract completely losing a fortune and going broke. That is no success at all. Nor do we want to pay over the odds, so it is about a fair and balanced outcome where it is delivered properly to the times required, to the values priced.

The Minister: If I could add something to that, there was almost a reset opportunity around the COVID period, where we sat down with the contractor and looked at it collectively to say, 'How could we make this more deliverable? How can we eliminate things that are not helping?' Certainly my perspective, Nick, is that that conversation over those months has led to a far slicker and quicker process around some of these things.

If you were making these comments about the early phase of the scheme, I suspect that they would probably be correct. I think now there is that much more pragmatic approach and it is helped by that reset and the contractual variation that was brought in at that point. Sometimes having what looks like a very good strong contractual arrangement does not always drive the best outcomes, and I think that reset period gave everybody an opportunity to have some good, honest conversations, to make sure we ended up with the right outcome from this.

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Q215. Mr Robertshaw: Thanks, Chair. For very good reasons, Minister, you made the case that you wanted to get the job done by March. What is the finishing date now?

The Minister: I still want to get the job done. The 31st March date was a very specific date, and that was designed around the needs of the businesses on the prom in particular and linked into the visitor season. We all recognise that this current year was not a good year for various different reasons for the visitor economy. The decision was we want to push on as fast as we can to get the prom scheme done so that we are not inhibiting those prospects for those businesses for next year. So 31st March was a very definite date and it united people around a common goal. It was always an ambitious and very clear goal, and it has driven the focus that I wanted it to drive.

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To deliver that, of course, Mr Robertshaw, as you know, we had to take some items out of the scope of the original work package. We also had to deploy some DoI resources to take some of the elements of the scheme and deliver that in parallel with the main scheme. That was all about delivering as prompt an outcome as we possibly could.

420

Clearly we are five months down since we last came in front of you. There has been a huge amount of progress made in that time, but that has not been without challenge. Nick has already touched on Broadway, where we have had a particular issue around the gas main, and that has pushed our deadlines and anticipated timescales backwards. Currently, the contractual position, Nick, is that the contractor is still working to that 31st March as the official contractual date. (**Mr Black:** Correct.) However, we are clearly looking at the work that needs to be done and effectively looking at how long that is going to take and what options we have around that.

425

Clearly, if you have a delay on something like Broadway, which is for very good reasons – I am sure the Committee will recognise that you cannot take chances with decommissioning a gas main which is in very poor condition – clearly there are delays around that, and that is going to push back. I do not have a precise date I can give you give you today, Mr Robertshaw –

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Q216. Mr Robertshaw: Do you want to guess? Give us some idea, go on – a clue!

The Minister: I do not like guessing, Mr Robertshaw. What I would say is the key point was the reason for that focus was to get the project done and out of the way of the businesses, the hotels and restaurants, to make the most of the tourist season that is coming. Clearly we are now in November and we are still very uncertain about what the prospects look like for next year. Our borders are currently closed, which is not helpful for the visitor economy, so that may give us some opportunities to look again more flexibly at the scheme and what is left to be done.

440

I know it is very important to you in terms of the tramway and the single-track extension down to the Sea Terminal. I did make it very clear in our last meeting and I was pleased to see your

pleasure in that, in terms of the Committee's report, that I was committed to getting that done, albeit that we would need to come back the following winter to do that because we could not carry on and deliver that before 31st March. It may be that if the tourist season is going to have a slow start, as looks possible at this stage, we may be able to come and actually bring some of that work forwards.

Q217. Mr Robertshaw: When will you make that decision?

The Minister: We have got some ongoing conversations going on at the moment with the contractor. Clearly, there are some conversations going on elsewhere in Government and in the sector around what our prospects are for the TT period next year. What I would like to see is some clarity around that before we then come back with a revised plan for the prom scheme.

Q218. Mr Robertshaw: Okay. I, like you, have been pushing for clarity around that worrying issue, but it seems that there is a disinclination for Council of Ministers to indicate, at least at this stage ... The last thing I heard was 'before Christmas' and I have argued no, make that decision quickly, because if you are going to try and adjust the framework of your project timings, you do not want to wait until just before Christmas, do you?

The Minister: No. That is absolutely right. The earlier the clarity, the better, from my point of view. Clearly I cannot speak on behalf of Council of Ministers, but I think the benefits of bringing clarity are clear not just to the Department in delivering this scheme, but to other people making plans for the new year. **(Mr Robertshaw:** Quite. Everybody.) I think the Minister for Enterprise is aware of a desire to try to bring some clarity as soon as he is able.

Mr Robertshaw: Thank you.

Q219. The Chairman: You talked about the single-track line. Can you confirm where you are up to in terms of the designs, the budgets and all the detail around that? Last time we talked, you were discussing a couple of options.

Mr Black: Chairman, I am happy to answer that detail.

In terms of the budgets, you recall in our last discussion that you were concerned that the money would not be there in the future, and you urged us to engage with Treasury and to get some certainty about that – and in fact, I think about the scheme as a whole. The Minister has achieved two things in respect of that. As you all know, Tynwald in July at the same time put in some extra money to the scheme, but we also indicated clearly to Treasury that additional funds for the tramway would be found from within our rolling budgets, so we have two of note. Each year, under current arrangements – and obviously, I cannot guess the will of Tynwald in adjusting budgets, but if the current provisions happen – we have a rolling £4½ million a year for rail infrastructure, and the Minister has made it clear that he wants an amount of that next year to be ring-fenced to make sure we have the funds to complete it; and I can assure you that that is enough to complete and still do most of our other work.

Similarly, we have a budget of £3½ million a year for highway strategic work, and again the Minister has indicated that when the roundels need doing, he expects that to be funded from that. So we have said to the Treasury, we will not be making additional bids for those items because we have reset the total and we have identified the source of funding.

In terms of the design, we had two issues. We all know where the route is, that is clear. We have established that, that is in the planning permission and it is being built out. We were interested when we last spoke in the possibility of a greener design and I think we had a discussion and, indeed, your report said, 'Don't spend too much money on the landscaping because it is not permanent; we're coming back.' We take note of that. As you notice, we had one area near the

495 Bottleneck where we were thinking of some really quite lovely plans for landscaping. We have gone for sowing natural poppies. So you perhaps might have seen the area up at White Hoe, where the MUA's contractor did some demolition recently, and for a few weeks there was a lovely bloom of local wild flowers. We are aiming for that as the short-term measure. It is looking a bit grim, a little barren at the moment as bare earth, but it is seeded, and it will be nice next year.

500 In terms of design, the standard approach is to continue with what we have got – so the concrete, the rail, exactly as you see now. The alternative we have looked at is something that is greener and softer. We have looked at photos from around the world where people have green tramways. They do not usually involve the horse and its potential for adjusting the surface, so it may be that we need a solid section between the tracks and something softer and green on the outside. We are still looking at both those options. We do not need to decide just yet. The standard design, however, is the one that we have planned in but subject to ... I have not asked the Minister
505 for a decision on that yet because we are not in a position to show him proposals, but we are still looking at whether that softer, greener would fit better with a sort of sustainable environmental message. We will obviously need to engage with the planners if we do change it and, of course, potentially with representatives of community.

510 So the default position is what we have got, what is in the planning permission, which is what we promised to build. This is what we said.

The Chairman: Just prior to moving on to the next part, Mr Perkins, if you want to mention your position?
515

Mr Perkins: As Chair of Planning, I will be withdrawing from any discussion on this item.

Q220. The Chairman: Thank you.

520 Just following up around planning permissions, obviously there has been a wide discussion around the changes to the track layout in front of the Esplanade/Clarence Terrace area, where it is now a dual track. So the track is staying as a double track for longer than was originally in the plans. I wonder if you could comment further on that.

525 **Mr Black:** I am not sure I quite understand what you mean. We have a section of interlaced track there, where the dual track comes into one, to move across round Broadway. That has been like that for quite some time.

Q221. The Chairman: The way it has been laid appears that it is now coming round as two tracks, not interlaced. It has been reported in the newspaper and widely across social media.
530

Mr Black: Shall I come back to you in writing with a detailed answer?

The Chairman: I think it would be helpful to understand.

535 **Mr Black:** Yes, if it looks wrong, then we will explain what has changed.

We have been engaging with the railway safety inspector, and we have tried to make sure that everything is absolutely right. We have particularly had to look at some of the changes to some of the crossing areas. We have looked at changes to the signalling to drive the cost down.

540 I think, rather than risk misleading you, Chair, I would rather come back in writing with a detailed explanation, if I may.

The Chairman: Yes, if you could expand that, then, to look around any cost changes, change of use and then any parking impact there might be, if there is a change, that would be most helpful.

545 **Mr Black:** In Clarence Terrace area?

The Chairman: Specifically the Esplanade and Clarence Terrace.

Mr Black: I am happy to do that, Chair.

550 **Q222. The Chairman:** Then also, if we can touch on some of the issues around the red concrete
you mentioned just before. The last time we spoke you had large areas that were proving a
challenge, I think it is safe to say. In the Strategic Project Board meeting on 14th August at Item 9,
there were questions raised about the concrete cracking, concrete durability, what you were
going to do for other sections. I note that there are areas where the concrete is now being lifted –
555 drilled up and dug up. Can you go into some detail around what is happening there?

Mr Black: Chairman, it is perhaps best if I answer, rather than the Minister. There is a team of
people doing the remedial works on the concrete. They started work this morning. There is a resin
injection solution, so there have been some trials. Some sections were removed to see what has
560 been going on. The remedial work started today. We very much hope, given that is being dealt
with between the rail designer and the contractor, that is a satisfactory solution that gives us the
longevity we want. We will obviously keep a close eye on that. We know that changes have been
made, as we know already, to the design going forward.

My colleagues only briefed me on that this morning and in readiness for this meeting. I cannot
565 tell you yet whether it has been successful. The work was done this very morning. I am happy to
give you a written update when it has had the chance to prove whether it is a good or a bad
solution. I am hopeful it is a very good one, of course. I will happily give you more comments on
the detail of the technology if that suits?

570 **Q223. The Chairman:** Yes. And what about the areas where the concrete has been drilled and
taken back out? Could you give any update on those areas?

Mr Black: Which ones are you thinking of? Where is it that is worrying you?

575 **Q224. The Chairman:** There is an area outside Villiers Square, I think - the Villiers area – which
has actually now been drilled out. It would be helpful to understand what has happened there.

Mr Black: I will come back to you on all those issues.

580 **Q225. The Chairman:** Thank you. I think that would be really helpful.

I wonder then, if you could touch on whether there has been any ... Just a comment that is put
into the project board meeting minutes again – the same one, 14th August – where it was talking
about Summerhill, but it is just an interesting comment. I would be interested for the Minister
probably to have an opportunity to comment, where verbatim it says: 'The Minister was adamant
585 that a solution must be delivered for 8th September, even if not perfect, to build public credibility
in the scheme.' I just wonder if you could talk to that.

The Minister: Yes, absolutely. Nick touched on, very early in this session, around interim
milestones. I very much believe in that. You are looking at a big project here, over a significant
590 period of time. It was fine me saying 31st March, as Mr Robertshaw has touched on, as being the
deadline. That is fine, anybody can pick a date out, but you have got to have key milestones as
you go along. The first key milestone was that 8th September date, which was around Summerhill
in particular and also on Broadway. I felt that it was really important that the Department ... and
the contractor, in order to preserve its credibility and confidence in the scheme, was able to show
595 that it could hit deadlines. I made it really clear to the contractor that that was not just a date on
a piece of paper; that was a real deadline and missing that was not an option.

I was delighted to see that Summerhill was reopened in the very early hours of the morning of the 8th, which was about 22 hours earlier than I probably expected it to be. The team had worked through the night and delivered that reopening, which showed what could be achieved with a burst of energy and a real focus.

I think only a few days prior to that, the contractor had been talking about how difficult it was going to be to achieve that. There were some real challenges around it, but they were able to deliver and it was really important for their credibility, for my confidence in the contractor and for the public confidence in the scheme, to see a deadline achieved.

What did they need to deliver? They needed to deliver the junction reopened, because clearly we had had some interim traffic arrangements, which did gather a lot of public comment, particularly around the St Ninian's junction and Governor's Dip, as many of us will recall, so we had said very clearly that those were temporary arrangements. They were not universally liked by the public. They were always temporary, and they were there for the period to 8th September. They were linked to the arrangements on the prom. So it was really important that we hit those deadlines.

But if there was a fear in the Committee's mind that we might have compromised the quality of the scheme by that focus on the deadline, I think I can allay that in the sense that that 8th September deadline had applied originally to Broadway as well, and clearly we did not reopen Broadway on 8th September. What we did do was look at what our options were on the prom, and we were able to bring back two-way traffic movements on the prom.

So while I was disappointed that we did not re-open Broadway at that point in time, actually, the far bigger prize was that two-way traffic on the prom. Certainly conversations that I had with the businesses was that they started to notice an uptick in trade, admittedly from a low level, from that two-way traffic. So that was very much welcomed, even though it was not what we had originally said.

I would also highlight that as we have wrestled with this project over the summer, we have heard the voices that have highlighted issues to us. One of the concerns was around the difficulty for businesses at the Loch Prom end of the prom, particularly those who had diversified into home deliveries and making deliveries to their customers. The prospect of driving all the way to Onchan, to then head back south or out to Saddlestone was causing them a real issue. That was raised. It was raised through Karl Millar, who came to the team and said, 'We have a problem; what can we do about it?' Very quickly that went from being a problem to a solution being identified and implemented within two or three days the following week, to introduce the return lane using part of the walkway. Those businesses were delighted with that.

I would highlight that we did not just find a solution for the businesses at the expense of other users of the problem. We managed to segregate the walkway so that people who wished to walk and cycle and enjoy the prom as a leisure place were able to do that, whilst at the same time meeting the functional needs of the businesses. So we have listened and tried to resolve things, as long as we could do that without compromising the overall scheme.

Q226. Mrs Poole-Wilson: Just picking up from the same Strategic Project Board minutes, you mention that to deliver that opening deadline of Summerhill, the contractor had a number of issues to contend with and managed to do so. You have talked about the gas main at Broadway, but that is a separate issue. The other thing that comes out of the minutes, which is at 9.1, is the contractor expressing concern regarding daily changes required to the programme. In response to the Minister's request for clarification, the contractor provided the example of an initially simple plane and overlay becoming a total reconstruction with kerbing. Is part of the contractor's problem part of the ongoing issues with design, and was that part of the problem with Summerhill?

The Minister: I think Nick can probably better comment on the engineering detail than I can, but part of the contractor's difficulty – and it is highlighted by the change requests – is the fact

650 that the ground conditions create issues. Once you realise what you are dealing with, and perhaps
that services cannot go where they were supposed to go, or there is something in there that
should not be there or was not known about, that has a knock-on effect. You have to deal with
what you find. I do not recall the precise example that you referred to there, Mrs Poole-Wilson,
but sometimes if you find things are more complex and more difficult to resolve than you first
anticipated.

655 **Mr Black:** I think I can assist slightly, Mrs Poole-Wilson: the contractor was referring to a
section of what we would collectively between us call the Summerhill junction with the prom.
There was a section that was designed just to be plane and overlay and should have been fine,
but in fact, the services work – I think in this case it was water, but I will correct it by letter if I am
660 wrong – meant that actually the whole lot had to come out and it was reconstructed. It became a
much bigger job.

I know that another occasion the contractor referred to an element of water main that had to
be moved. The opportunity was taken to improve it, fix it, while it was there, to do a proper job.
We agree with the contractor that was the right thing to do, but it cost us time and money; but
665 something that was to be avoided from the start of the project was coming back in a few months
or years and digging the thing up again. None of us want that, it would make a mess, it would cost
money and the public would think we had not done the job right.

So we have had to take those opportunities. In that case, the bottom of Summerhill is now
better because it has been reconstructed. As you recall, there are sections of the prom that even
670 now we could just bung an overlay on, and you might come to an opening party that Mrs Barber
might put on and you might think it looks fantastic. But if you came back in a year for its first
birthday, you would think it was not wearing very well; and in two years you would be thinking it
is decidedly bubbly. We tried that: you recall, we put a strip down and people said, ‘Why don’t
you just do that?’ Because it just will not last because it is the foundations and the services.

675 As the Minister so correctly said, if we had started off by saying to people, ‘This is a major
infrastructure renewal of services and structural works’, they would have perhaps had a better
idea of just how tough it was going to be.

The Minister: If I could just add to that, Mrs Poole-Wilson, the balance I have had to strike, as
680 the Minister, has been to provide that focus and that drive to get the job done, but to make sure
we are not taking short-term decisions around this. It would be very easy to chop things out, and
that would take time and cost out, but if you do that you repent further down the line.

I know, quite rightly, the team have challenged everything and said, ‘Do we really need to do
this? What are the implications of not doing it?’ Those things are healthy, but it is not healthy if
685 you become a slave to that and take things out that really do add value.

My mindset has been to try to strike the right balance without allowing the scheme to drift,
and it is quite a difficult balance to strike. For me, it is the long-term success of the scheme is going
to be what we will be judged by. Obviously, everybody wants it done sooner rather than later,
that goes without saying, but nobody will forgive us if we make poor choices as we go along there.
690 That is the balance I try to strike.

Q227. Mrs Poole-Wilson: Just one final question on the minutes: one of the things that struck
the whole Committee is that the Strategic Project Board does not have the contractor in its
meetings from the outset. You have talked a lot about the reset and the partnership working and
695 trying to resolve things. It just struck us as interesting that the contractor comes in at the very
end. I do not know whether you share the minutes with the contractor before they are published,
but I would just be interested in your thinking as to why that is.

The Minister: I think it is important that we are able to, as the client side, talk about the project
700 and actually agree as a team what are the things that concern us and then to have that direct

conversation with the contractor. Of course it is not the only interaction between the contractor and the management team. There are a number of different interactions operationally, day-to-day and periodic, but I think ultimately the contractor is the contractor and we are the client and customer. Sometimes I think you need to have that ability to talk about and agree a position and then engage with –

Q228. Mr Robertshaw: I think the Committee was surprised by this, because by this time it would have been assumed that the contractor would be intimately engaged with you. Without wanting to personalise it from my own perspective, where I have acted as project manager I have had the client the contractors in with me in a pretty intimate sort of way, and it works.

The Committee is perhaps suggesting, would you rethink that, even at this stage?

Mr Black: Mr Robertshaw, I think it would reassure the Committee: I can tell you that if I walk down to the prom offices I am as likely to see somebody from the contractor as I am someone from our own team. I could almost, from memory, tell you the number plate on Mr O'Mahony's car, it is so regularly at the Sea Terminal.

Mr Robertshaw: That's good to hear.

Mr Black: I will not, though, for the sake of publishing, but I bet I could get it right! They are in and out of our premises all the time. At site level, there are not just working relationships, but good colleagues working together to deliver the result.

However, that strategic meeting is my time as the accountable officer to brief the Minister in a proper minuted way on what is happening. He has to have the right to question his officers. He has to be able to hold ... His role, as he said to you so clearly, is the policy direction and scrutiny. I have to be accountable to him for the work we are doing. The contractor is involved, absolutely, and we have had some full and frank discussions with the contractor, but ultimately there is still always the potential ... This is a commercial contract, as the Minister said. Ultimately, we could yet end up, while we are trying not to, with a dispute. We need to be able to resolve that to protect the taxpayer's interest. We very much hope not. Of course we do.

Q229. Mr Robertshaw: But you will accept the fact that the Committee consider it slightly defensive in its construct. There might be an opportunity to brief the Minister after the joint meeting, rather than necessarily keep the contractors out.

However, we must not labour that point. It is an observation we have made and we have asked you to come to deliberate on it.

The Minister: I am happy to do that, Mr Robertshaw – happy to look at it. If there are things that make the job more likely to succeed, then of course I want to do that.

Q230. Mr Robertshaw: I am grateful.

I do not want to drag us back to trying to finish by March, because there were very good reasons that you have articulated as to why that was set as a target, but given that we know that it is going to be impossible to do that and recognising the fact that certain works were held back in order to get to March, are you now reasonably reconsidering that as to actually going to a finish? We are talking about roundels and things like that were taken out to give you the end of March. If that is not happening – I am repeating myself, sorry – are you going to review the process of getting to final completion?

The Minister: Absolutely. We are going to review that, Mr Robertshaw. Clearly, once we know what the opportunity in front of us is, then we need to make sure that we make best use of that.

755 There were two key elements that were effectively deferred. One was the single-track horse-tram extension which I have already touched on; the second being the roundels. I think both of those need considering in their own merits, and it may be that the answer for one is different from the answer for the other, potentially – without prejudging the issue.

I am a great believer in assessing what you have got when you know what the landscape looks like. At the moment we can hypothesise, but we do not know at the moment –

760 **Mr Robertshaw:** But you are open-minded.

The Minister: Open-minded, absolutely.

765 **Q231. Mr Perkins:** We have been made aware of some equality issues on the crossings and different heights for disabled people. Are you aware of any problems arising from that?

770 **Mr Black:** Mr Perkins, that is new to me. We involved the various equality groups in the design of the crossings. We had very much hoped that they were absolutely right for people. We have worked with, for example, the charity most well-known for working with blind people and partially sighted people on the Island. We had a lot of changes in design early on. They very kindly brought over a guide dog, and various of the design teams, including myself, had the experience of working with what it was like, so we were very keenly aware of the needs of people with additional needs.

775 If there are any things that have gone in at the wrong level, they will have to get back to the right level. It is that simple, because this was designed from the start, from a succession of Ministers actually, to be a place for people to enjoy, not just a big road. You look at the surface finishes and, thankfully, now people can see some areas where it is finished and people are saying how nice they look and we are getting very positive feedback. The Minister had a number of comments on his last walk up the prom that it is good to see the finished product; it is looking good. But we want that to be for everyone. This is not a road scheme. This is a sort of long neighbourhood improvement scheme. It is regeneration. It is economic. Our infrastructure, as I have said before, is about providing social and economic support for the well-being of the Island. We are trying to help people have what they need to lead their lives socially and economically successfully. So we want it to be for everybody. Absolutely we do.

785 So if either Mrs Poole-Wilson has been made aware of anything in her role as Equality Champion, or you have, Mr Perkins, please let me know, because it was designed to be for everyone, and if it is not like that, then that is a mistake and it needs to be rectified. If it has been done wrong, it needs to be done right.

790 **Mr Perkins:** Thank you.

795 **Q232. Mr Mercer:** Just a little bit earlier, Minister, you talked about the things that were taken out of scope and pushed into phase 2. From memory, some parts of that were to do with the cultural sector and some of the build-outs which were going to be done in a temporary setting. Would that now fall into ...? If you end up with the luxury of more time to complete this, would those kinds of things come into the scope of it?

800 **The Minister:** I will let Nick answer the detail, but in principle, absolutely. The things that were deferred were deferred purely to deliver on the commitment. There is absolutely no desire or no intent to downgrade what we are delivering here. It was a pragmatic response to the constraints of making sure that the tourist sector had the best possible opportunity for the coming season.

Nick, the details in that?

Mr Black: Mr Mercer, the cultural area has been regarded as a jewel in the crown of the promenade scheme. We have very much tried not to take areas out of that. I think the builds

805 actually referred to are possibly the side roads off Loch Prom – places like Granville Street – where
in fact, we discussed at the last Committee meeting, those are things that we are now delivering –

Q233. The Chairman: Sorry, just to interject. It is the parking build-outs on the seaward side.
It is not the side streets. (*Mr Black:* Ah, right.) Initially, they were going to be actually built out
810 with granite. You are now going to nail something into the floor, a plastic replacement, I think,
was my understanding. ‘Surface mounted build-outs could be installed. These would not be as
aesthetically pleasing as the original design but could be replaced at any time in the future.’
Sorry...

815 **Mr Black:** I suspect you are reading from something that was there as an option to be
considered. I would suggest that we have chosen not to do that.

Mr Mercer: Is the opportunity now –

820 **Mr Black:** Sorry, Mr Mercer, perhaps if the Chair at some point could point me at that
document, I will exactly tell you where that has come from. We have looked at a lot of cost- and
time-saving options in the time, but a lot of them have been rejected – as the Minister has already
said, not worth ruining the job for a rush.

825 **Q234. The Chairman:** That was the briefing note for the Douglas Prom early completion – so it
was the tram corridor, which we obviously know is the case, roundels, pedestrian crossings, side
streets and parking build-outs. So if this is the only thing that was not chosen to be progressed,
then ...

830 **Mr Black:** Let me look. Thank you.

Q235. Mr Mercer: I think the point I am trying to make is that if you have the luxury of more
time, it is possible to do the job once rather than twice.

835 **Mr Black:** Absolutely.

The Minister: Absolutely, and I think until it is all done, people will always wonder: is it really
the intention to get it all done? I have made it very clear from the day I was appointed that my
commitment is to deliver the will of Tynwald, which is to deliver the scheme. Frankly, I want to
840 get it done and get as much of it done as I possibly can, so if we do have a bit more time then I
would absolutely want to push on and make the best use of the time.

Q236. The Chairman: I think for the record, I would say I do not think this Committee is
doubting your integrity and your intention. I think it is just that, obviously, the more delays there
845 are, the more risk there is to all elements of the project being able to happen, and then
inadvertently causing increasing damage to the businesses and the residents on the promenade
by virtue of further closures and traffic restrictions.

The Minister: We are very mindful of that, and we absolutely do not take those things for
850 granted. The businesses and residents have put up with an awful lot. They have stuck at it, and in
my sense of comparing what I am hearing and seeing now from them, compared to when I first
took over as Minister, they are definitely moving into a far more positive tone, which is great to
see. I am absolutely certain that they are going to love the end product. The pain will have been
worth it, but that is not diminishing the amount of pain that there has been, because clearly it has
855 been painful for many businesses and residents.

Q237. Mr Mercer: That takes us quite nicely back to one of the things you said at the start, with liaison being a key value-add, I think it was, you said? (*The Minister:* Yes.) I am looking at this from: there has been a website, the MyProm initiative, right from the start. Was the initial
860 intention that that that was how the communication was going to happen? Has that now been superseded by the fact we have someone with boots on the ground and that face-to-face is proving to be more valuable? Can you dig into that a bit?

The Minister: Absolutely. I think the boots on the ground and that face-to-face contact of the
865 person that you can have on your phone as a speed dial and just call up when you have a problem has been hugely valuable, and the decision to bring him into the project, I would suggest, if you valued it, would have paid back multiple times.

It is very much a multi-dimensional approach. We have still got the website. We have got the MyProm Facebook site. We have got a Twitter presence, we have got a WhatsApp group. We have
870 also got the formal press releases, etc. that go out. We have essentially got a suite of options for different people, so some of us would prefer to be able to phone somebody up and say, 'What is happening with this situation outside my business?' Others are quite happy to just browse on the website or Facebook site.

I think if we were to be doing the scheme again now, we would immediately embrace all of
875 these things, and probably others as well. We have also, as I have mentioned, got the ongoing monthly walks. We have drop-in sessions, which have been on a broadly monthly basis, again. We are guided by the attendance at that and the fact that Karl in particular is so accessible has actually seen the number of people attending those meetings reduce.

Also we have fixed some of the issues that people have flagged. One of the big bones of
880 contention, as I think the Committee will be aware, was car-parking in Douglas. Clearly the prom had a big impact in reducing the car parking, but actually we have done a number of things to compensate for that, as time has passed, particularly these past few months. We have got the arrangements in Chester Street, in particular, with the disc parking. We have got arrangements around Christmas that are coming, and we are working very closely with Douglas Borough Council
885 in that. Indeed, I had a meeting earlier this week with one of the local, well-known restaurateur/coffee house operators who came to discuss his particular concerns. An idea came from that dialogue that we are now exploring, which might help provide a bit more short-term car-parking.

I am not saying for a moment that we are getting everything right, but our intentions are right
890 to try to accommodate wherever we can.

Q238. Mr Mercer: Just one observation, as part of me preparing the background, because I am new to the Committee, I did use the MyProm site quite extensively, but I also noticed that there is a project impact report on there, which is now a year out of date, because I was looking at the
895 impact of this. That is where I naturally went to, to find –

Mr Black: We have a revised one, Mr Mercer, which was done when we changed the way of working so I will absolutely ensure that is uploaded. My apologies.

900 **Mr Mercer:** That is okay.

Q239. Mr Robertshaw: This is before your time, Minister. I am not necessarily, Nick, looking for an answer now, but you will recall when the issue about cracking first started to raise its head, it was also accompanied by commentary about acoustic impact of the trams, and there was some
905 talk about polishing the rails or something. What I am curious to know is – and I do not expect an answer now – out of that it became evident that it was pretty normal to put sleeves on rails as a matter of course. Could you perhaps write to the Committee and explain why the decision was made not to put sleeves on the rails, at some stage?

910 **Mr Black:** I am happy to. We have some specialist reports on that topic, so I can provide quite a lot of information.

Mr Robertshaw: Thank you very much, I appreciate that.

915 **Q240. Mrs Poole-Wilson:** Just moving on to the Douglas 15 Year Road Map document, which includes reference to the promenade walkway, are you able to tell us when plans will come forward for the work that is planned to upgrade the promenade walkway?

920 **The Minister:** The 15 Year document that you refer to, we published relatively recently. (Mrs Poole-Wilson: September.) That is quite a broad document. In terms of the particular prom, we are looking at doing that next year – the promenade walkway. There is also the wall, as well – raising the sea wall – so there are a number of different activities/projects that all need to take place, all part of effectively creating the environment we need for the challenges that we face at the moment with the climate, etc.

925 **Q241. Mrs Poole-Wilson:** The sea wall defence: in the document, it talks that planning has been approved and construction is due to start later in 2020. Is that still the case?

Mr Black: Would you like me to answer, Minister?

930 Mrs Poole-Wilson, both these schemes are advanced and ready to be commenced, but, as the Minister has already said and I think Mr Robertshaw has agreed, a decision on next year's visitor season is really quite important to us. So if there is to be a delayed start, we may get more done early.

935 Because we are currently using the walkway as our return lane and our running lane, it is intrinsically linked with what we do on the prom. The schemes are, as you said, the planning, the design – I know that we are ready to start on the walkway early next year, but I have not given the go-ahead to do it yet because it could all change. I think we just go back to the Minister's earlier point of when we are able to be clear as to next year's visitor season, and whether it is a slow start or whatever we find, we will adjust the timings of those schemes.

940 The bit of the sea wall that I think is the first section is the area around the war memorial, from memory, but there is a whole lot of work to do and again, we have engaged with the community on that.

I can confirm that in writing, if I am in any way wrong.

945 **Q242. Mrs Poole-Wilson:** I think what the Committee can take from that is: your timing around the walkway and the sea wall defence is very much bound up in consideration of the impact on tourism and use of the promenade.

950 **Mr Black:** Yes, it is a single space really, Mrs Poole-Wilson, isn't it? I think the public would expect us to be able to see the 25 yards the two schemes are apart and to link them together. We will obviously have resources that we need to apply. We have priorities. All three schemes need to interplay, and all of those interplay with what the area is being used for and what the priorities are.

955 So yes, if the visitors rush back in April and we are all much relieved, then we do less. If they do not come back as early as we thought, we would possibly, if the Minister asked us, do more.

Q243. Mrs Poole-Wilson: I think the Committee probably would appreciate anything you can give us in writing about your planning for that.

Mr Black: I will happily do that.

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Q244. The Chairman: I think it would be most helpful to understand, because there is the effect obviously, as you rightly say, on the visitor economy and tourism, but also a better understanding of how you would zone that. If you are taking out whole elements of the walkway, would you then be seeking to displace the walkway on to the road way, thereby reducing traffic flow again?

965 I think that there needs to be understanding in terms of how that planning will work, because there is a fear among those people who are running businesses and living on the promenade that there will be an additional impact to them, there will be additional digging, additional noise and no end in sight, I suppose. That would be the plea I would give is that if we can advise people on what may or may not happen there, it would be very helpful.

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The Minister: I would agree with that. Clearly, it is great for Douglas that there is all this investment going in to modernise and create a better environment, but it is disruptive and we need to be able to communicate. I come back to where I first started, really: the communications are absolutely integral. Whilst these are not part of the core prom scheme, as we define it, they are clearly schemes that are on the prom, so we have to embrace that. We have not got the clarity that we need yet to have that clear communication. What we do not want to do is come out saying 'It might be this; it might be that.' We need to be really clear. As soon as we have got a better fix on what the visitor season might look like and what opportunities that gives us, we can then re-plan what is left of the core prom scheme and these additional elements, and then come back with a clear presentation to obviously the Committee but, arguably more importantly, to the public as a whole and the people of Douglas.

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Q245. The Chairman: When do you envisage bringing those to Tynwald for funding? Will they be separate capital?

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Mr Black: I think they are already approved. I would have to check the Pink Book, but I do not think we need to come back for the walkway. I think the walkway is approved.

Q246. The Chairman: Not the walkway. I think the walkway is approved, but I am not sure the sea wall is.

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Mr Black: Shall I put that in the answer as well?

The Chairman: That would be helpful; and also a commitment obviously to the point that was raised very well by the Minister earlier, which is around the early contractor involvement, because I think that would be fundamental in terms of how are you progress.

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I think with that, if we can thank you for your time today, thank you for your answers, and we look forward to receiving answers to the additional questions.

Thank you. We will now sit in private.

The Committee sat in private at 4.53 p.m.