



# HOUSE OF KEYS OFFICIAL REPORT

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# PROCEEDINGS

## DAALTYN

### HANSARD

**Douglas, Tuesday, 14th February 2012**

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**Present:**

The Speaker (Hon. S C Rodan) (Garff);  
The Chief Minister (Hon. A R Bell) (Ramsey);  
Hon. D M Anderson (Glenfaba); Mr L I Singer (Ramsey);  
Hon. W E Teare (Ayre); Mr A L Cannan (Michael); Hon. T M Crookall (Peel);  
Hon. P Karran, Mr Z Hall and Mr D J Quirk (Onchan);  
Mr R H Quayle (Middle); Mr J R Houghton and Mr R W Henderson (Douglas North);  
Hon. D C Cretney and Mrs K J Beecroft (Douglas South);  
Hon. C R Robertshaw and Mrs B J Cannell (Douglas East);  
Hon. J P Shimmin and Mr C G Corkish MBE (Douglas West);  
Mr R A Ronan (Castletown); Mr G D Cregeen (Malew and Santon);  
Mr L D Skelly and Hon. P A Gawne (Rushen);  
with Mr R I S Phillips, Secretary of the House.

**Business Transacted**

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*The House adjourned at 10.35 a.m.*

## House of Keys

*The House met at 10.00 a.m.*

[MR SPEAKER *in the Chair*]

5 **The Speaker:** Moghrey mie, good morning, Hon. Members.

**Members:** Good morning, Mr Speaker.

**The Speaker:** The Chaplain will lead us in prayer.

### PRAYERS

*The Chaplain of the House of Keys*

### Leave of absence granted

10 **The Speaker:** Hon. Members, I have given leave of absence to the Hon. Member for Rushen, Mr Watterson, for this morning's sitting.

## Questions for Oral Answer

### CHIEF MINISTER

#### Isle of Man Steam Packet Company Ltd Guaranteeing strategic lifeline

1.1. The Hon. Member for Onchan (Mr Hall) to ask the Chief Minister:

*What contingency plans and risk management framework the Government has in place to guarantee the Island's strategic lifeline provided by the Steam Packet Company?*

15 **The Speaker:** We turn now to Item 1 on the Order Paper, Questions for Oral Answer. I call on the Hon. Member for Onchan, Mr Hall.

**Mr Hall:** Thank you, Mr Speaker.  
I beg leave to ask the Question standing in my name.

20 **The Speaker:** I call on the Chief Minister, the Hon. Member for Ramsey, Mr Bell, to reply.

**The Chief Minister (Mr Bell):** Mr Speaker, the Department of Infrastructure continues to maintain close operational and strategic-level contact with the Company to monitor performance and ensure that it is aware of the various risks involved in the provision of the ferry service, and that it has contingency plans to ensure that the required ferry service is provided.

25 I am aware that the Steam Packet Company undertakes a high level of maintenance to ensure that both *Ben my Chree* and *Manannan* are maintained in fully operational condition. The *Manannan* was purchased and upgraded in order that it could provide both a passenger and limited

30 freight service should it need to substitute at short notice for *Ben my Chree* in the event of a  
breakdown or dry docking, as occurred successfully prior to Christmas 2011.

The Department of Infrastructure is aware, from information that it has received from both the  
Steam Packet Company and other sources, that replacement freight vessels and fastcraft would be  
35 available should it be necessary to acquire a vessel for a long-term charter. Ro-Pax vessels of  
similar size and capacity to the *Ben my Chree* are much more difficult to obtain and it would be  
likely that a mix of substitute vessel types would be required. Such replacements may take several  
days to relocate to the Isle of Man, which presents obvious difficulties for short-term breakdowns  
but would be less relevant for long-term breakdowns etc.

The difficulties experienced by the Steam Packet in the recent past have been due to it only  
40 requiring a replacement charter vessel for a very short period, i.e. a few days. In such  
circumstances, the owners of the vessels are not willing to compromise their long-term income  
opportunities by agreeing to a short-term charter. Also, the time to get a replacement vessel to the  
Isle of Man may be longer than the charter period.

It has become apparent in the past few months that the ferries operated to the Scottish islands  
45 and owned by the Scottish government may become more available for charter. This is a change of  
policy by the Scottish government and its ferry operator, with a view to obtaining additional  
income. However, such a change is of potential benefit to the Steam Packet Company, in that the  
types of vessel that may be available would be smaller and may be better suited to the Isle of Man  
ferry service.

50 Finally, as Hon. Members will be aware, adverse weather conditions impact on all ferry  
operators and cancellations of sailings are to be expected in conditions such as to present an  
unacceptable risk of damage or injury to the vessel, its cargo, or passengers or harbour  
installations.

55 **The Speaker:** Mr Hall, supplementary.

**Mr Hall:** Thank you, Mr Speaker. I would like to thank the Chief Minister for his reply.

60 What information is he receiving about the Steam Packet's situation? In particular, it is its  
financial position which is of concern to me. Does he believe that the Government needs to at least  
consider establishing some sort of *ad hoc* reserve fund which could be used either to rescue, if  
necessary, or secure the Island's strategic lifeline? Perhaps the Steam Packet is very much solvent,  
but it could be the companies surrounding it which are giving the impression to a lot of people of a  
precarious situation.

65 **The Speaker:** Chief Minister to reply.

**The Chief Minister:** Mr Speaker, as I said in my Answer, the Department of Infrastructure  
meets on a very regular basis with the Steam Packet Company to monitor all aspects of the  
Company's performance.

70 Clearly, there have been concerns, and especially with the turmoil in and around Portugal and  
the European banking system at the moment, bearing in mind that the Portuguese bank is the main  
owner of the Steam Packet debt; but we have not considered it necessary at this stage to set aside a  
specific fund for any future activity. Of course, the Isle of Man does have extensive reserves,  
anyway, to draw on, should an emergency occur.

75 **The Speaker:** Hon. Member for Douglas South, Mrs Beecroft.

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

80 Does the Chief Minister regret, with hindsight, that Government actually sold its shares back in  
1985, and also that the Isle of Man Steam Packet (Regulation of Shares) Bill was not introduced,  
because this would have limited the holding to 15%? Would he now consider Liberal Vannin's  
proposed contingency plan, which allows Government to retain the golden share, thereby retaining  
control of the company and limiting the shares that can be held by others?

85 **The Speaker:** Chief Minister.

**The Chief Minister:** Mr Speaker, what happened in 1985 is irrelevant to the present situation  
that we find ourselves in today, except to say that Government owned 10% of the shares and  
ended up with the worst of all possible worlds. It was of no benefit whatsoever, and in fact it was

90 generally seen at the time as being a major handicap to Government and its ability to respond to the even worse situation that existed in the early 80s with the Steam Packet.

I have no further comment to make about the possible legislation, Mr Speaker.

**The Speaker:** Mr Hall, supplementary.

95 **Mr Hall:** Thank you, Mr Speaker.

It has often been said that there is only room for one ferry operator to serve our Island. That being the case, is it not that we need competition for the market, not necessarily in the market?

100 Would the Chief Minister therefore agree that competitive tendering could be the way forward, have a role to play, for a proposal for arrangements to manage and deliver the provision of sea freight and passenger services? More specifically, would he agree that the process of negotiating any extension or renewal of the User Agreement should follow a wider call of interest and negotiation with a wider group of potential providers of such a service?

105 **The Speaker:** Chief Minister.

**The Chief Minister:** I think the question, Mr Speaker, assumes there is a queue of potential operators out there ready to step in and take over from the Steam Packet. If the Hon. Member has identified that queue, I think that we would be very interested to hear it.

#### **Defence contribution Negotiation of reduction**

1.2. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Chief Minister:

110 *If he will negotiate a reduction in the Isle of Man's contribution to defence proportionate to the reduction in the defence budget in the UK?*

**The Speaker:** Question 2, Hon. Member for Douglas South, Mrs Beecroft.

115 **Mrs Beecroft:** Thank you, Mr Speaker. I ask the Question standing in my name.

**The Speaker:** Again, I call on the Chief Minister to reply.

120 **The Chief Minister (Mr Bell):** Mr Speaker, it may appear that the Hon. Member's Question reflects a misunderstanding of the nature of the contribution the Isle of Man makes for defence and other common services. The contribution has never been based on the actual cost of services provided to the Island, which would be very difficult to quantify in any event, and the Manx Government has no intention of seeking to change an arrangement, which has worked well for many years.

125 The annual payment made by the Isle of Man Government to the United Kingdom government under the 1994 Contribution Agreement is in respect of both defence and other common services, and this includes emergency assistance from British embassies overseas for holders of British passports issued in the Isle of Man. Under the Agreement, both governments recognise and accept that the contribution made by the Isle of Man Government to the United Kingdom government is not based on a calculation of the actual cost of those services. The Agreement is a reflection of our status as a Crown dependency, and of course, as such, the Island has a proud tradition of providing personnel for the British Armed Forces.

130 I believe that the people of the Isle of Man are well served under this Agreement and that it would not be in the Island's interest to seek to change it at this time.

135 **The Speaker:** Mrs Beecroft.

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

140 Would the Chief Minister not agree that, given that we have such severe financial constraints at the current time, where we are contributing to common services and where those common services are being reduced, we should be looking to seek a reduction in what we are paying? I am not

saying it should be *pro rata*, but if we are not getting the amount of service in that common service arrangement that we were, surely we must be entitled to some consideration.

145 **The Speaker:** Chief Minister.

**The Chief Minister:** There is no indication, Mr Speaker, that the services which the Isle of Man draws on are being diminished in any way.

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

**Mrs Cannell:** Thank you, Mr Speaker.  
Can I ask the Chief Minister what the Isle of Man's contribution is, in monetary terms, please?

155 **The Speaker:** Chief Minister to reply.

**The Chief Minister:** Yes, Mr Speaker. This current payment was set in 1992, at an agreed figure of £1,750,000 per annum and has increased in line with the GDP deflator ever since.

The payment is made annually in February and, for 2011-12, this figure will be £2,823,573.13.

160 **The Speaker:** Mrs Beecroft.

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

165 Is the Chief Minister aware that the defence budget in the UK is getting cut by 8% over the next four years? How can he say that it is not our share, or our services that we are receiving under this are not being cut, when they clearly are?

**The Chief Minister:** I think this is an entirely irrelevant line of questioning, Mr Speaker.

170 This is a fixed payment; it is not directly linked to the size of the UK Armed Forces. It is an Agreement which was settled some 20 years ago on a round figure which provides a whole raft of services to the Isle of Man, not just the overall defence. It provides embassy services right throughout the world and other related matters. The fact that the Armed Forces are being trimmed in the United Kingdom is totally irrelevant to this figure that we are talking about.

## SOCIAL CARE

### Fuel poverty Definition

1.3. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for Social Care:

*What plans he has for defining the meaning of fuel poverty for residents of the Isle of Man?*

175 **The Speaker:** Question 3, again, Hon. Member for Douglas South, Mrs Beecroft.

**Mrs Beecroft:** Thank you, Mr Speaker. I ask the Question standing in my name.

180 **The Speaker:** To reply, I call on the Minister for Social Care, the Hon. Member, Mr Robertshaw.

**The Minister for Social Care (Mr Robertshaw):** Thank you, Mr Speaker.

185 The Hon. Member for Douglas South brings into focus something which is a matter of concern to us all. The Question might appear to presume, however, that I accept the wisdom of adopting the narrow UK definition of 'household fuel poverty' as a significant policy tool. I do not.

For any Member not clear what the UK definition of fuel property is, it is as follows: any household which spends more than 10% of its income on fuel, where the heating regime provides a temperature of 21°C in the living room and 18° in the remaining rooms, is considered to be in fuel poverty.

190 I am very cautious indeed about adopting such a narrow measure in isolation, but in order to explain why, let me step back from this specific issue for a moment, in order to place the matter

into a slightly broader context. Our existing benefits system is, by definition, in part wasteful – this through its clumsy use of universality. Additionally, the use of certain indices, in order to make certain benefit payments also produces an element of duplication and waste. None of this is new to Hon. Members and this administration has made it clear that there will be a full and thorough review of our benefits system.

To that end, I and my hon. colleague, Minister Teare, have jointly instructed a group of senior officers to commence an analysis of Island household incomes, as a prelude to a deeper and more focused study. It is our intention that, from this beginning and over time, a much more holistic and targeted approach will emerge.

It is in such a context that household income and expenditure will be better understood. I believe to focus now on a narrow, isolated indicator such as the concept of fuel poverty will be to take a step backwards. It would perpetuate what is clearly a flawed approach. By way of example, two separate households have very similar incomes and similar fuel expenditure, thus both would produce the same score using the UK fuel poverty measure. Despite this, the first household pays a low rent, resulting in a comfortable lifestyle, whilst the second is subject to a high rent, such that it is placed in severe budgetary stress and a form of poverty. What use here the UK form of measurement? Outside of the relationship of fuel cost to income of a given household at a given moment must be the importance of the heat insulation characteristics of Manx homes, be they public sector or private properties, and this will remain a focus for my Department.

In summary, then, I am firmly in favour of a holistic understanding of household income. I am supportive of the need to encourage the continued insulation of homes to reduce fuel costs and carbon emissions. I cannot support the over-emphasis of an arbitrary, narrow measure – which I believe the UK fuel poverty measure to be – as an essential tool for policy development.

Thank you, Mr Speaker.

**The Speaker:** Supplementary, Mrs Beecroft.

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

I thank the Minister for his comprehensive response. Would he confirm that, when he has finished the review of all the rent and the energy efficiencies and everything else, he will be coming up with an Isle of Man fuel poverty figure, so that in future we can actually compare how we are doing: are we progressing, are we taking more people out of the fuel poverty situation? I do agree that it has to be based on Isle of Man circumstances, but we do need a figure to benchmark ourselves in the future to see that we are progressing.

**The Speaker:** Minister to reply.

**The Minister:** To some degree, I can agree with the questioner, Mr Speaker, but I am sure she will agree with me that it is far more important to get an in-depth and comprehensive understanding of the overall position of poverty in a given household. If the household is in poverty, in the general sense of the word, then the likelihood is that it is going to be in poverty in a fuel circumstance. What I am trying to say is it is very difficult to isolate the two from each other and it is important that we understand, in a quite fundamental sense, where each household is. So, to overemphasise fuel poverty in isolation is, I would suggest, not as helpful as it might appear on the surface.

Nonetheless, the concept of ratios of fuel cost to household income, once we fully understand them, will of course be taken into account.

**The Speaker:** Mr Hall.

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

I would like to thank the Minister for his reply to my original Written Question, which was on at the end of January, but I do find it somewhat alarming that we have got no measurement whatsoever. (**Mr Houghton:** Hear, hear.)

Would the Minister agree with my concerns on a particular group and from a fuel poverty perspective, and that relates to those who are low income, who are working age, single-person households, and in particular in the private rented accommodation, where landlords have got little or no incentive to increase the energy efficiency of the property? It is this group of people that is at real risk of being forgotten about by the Government in this area, where we have tended to focus, quite rightly, on people with children and older people, and I do think that something needs to be done about this as a matter of priority. We need to have good measurements.

255 The UK model has come into criticism, I do accept that, but either way, we need to have measurement in this area, and perhaps he would set up a review team so that we can get something into action here.

**The Speaker:** Minister.

260 **The Minister:** Thank you, Mr Speaker.

In part, I agree with the Hon. Member in the sense that the most exposed group of three, if you broke them into three sections of public sector housing, private sector owned and in the central group, the rented sector, that last group is, without a shadow of doubt, both in the UK and here, the most exposed. I absolutely acknowledge that.

265 Can I draw a few strands together here and ask him to understand that our concern for that group is specific. We are concerned about household incomes and moving towards a situation where we can properly identify it. Historically, we have not been able to do that and that has been a serious flaw. Once you understand household income, you better understand fuel costs related to it. That is the first point.

270 The second point is you will be aware of the determination of the administration to pursue the landlord and tenant regulations, which will bring better into focus for us the owners of property and the relationships that we have with them. I particularly would draw your attention to the 'Cosy Home' review initiative which took place, which was not taken up as much as had been hoped because, in certain circumstances, we were not able to engage with the landlords because they refuse to do it.

275 Please do not think for a second that we are not very sensitive, because we are and we will continue to be so.

**The Speaker:** Supplementary, Mrs Cannell.

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

285 If the Minister is going to do a review, can I advise him to look at the report that was produced through the Office of Fair Trading some years ago, which was a study into whether or not the Isle of Man people suffered fuel poverty? Its findings were that they did suffer fuel poverty, but little has happened and Government has provided very little since that time. So that might be a good benchmark from which to start.

Further, can I ask him, he says that he has instructed officers to do an in-depth review: when will that review be completed and will he be holding a presentation for Members?

290 **The Speaker:** Minister to reply.

**The Minister:** The process where the senior officers are engaged between my Department and Treasury has commenced. The initial process will take a number of weeks. At that particular stage, both myself and the Treasury Minister will have to decide if it is appropriate or helpful to bring our findings out at that stage.

295 That is, as I have said, though, a prelude to further work. There is an awful lot of work to do here to get a real fix on the real situation of each household, which is why I am anxious not to grasp at one particular measure in isolation. As I have said in my original Answer, that would be a mistake.

300 I am aware, with regard to the Fuel Poverty Report, that there is actually another report coming out. The contents of parts of that I am somewhat aware of. I do not think anything in that report contradicts, in any shape or form, the spirit of my Answer this morning.

**The Speaker:** Mrs Beecroft.

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

Would the Minister confirm that when the review has been finalised – and I do welcome that it is going to be more all-encompassing and relevant to us – will then the benchmarks and the ratios that he is in support of be put in place, so that actual monitoring of our progress can be made in future years?

310 **The Speaker:** Minister.



315 **The Minister:** Well, I hope what I have got to say now will be encouraging. Once we have a proper understanding of household income, then it becomes easier to understand the relationship of that to fuel costs.

## INFRASTRUCTURE

### Parking of large vehicles Introduction of regulations

1.4. The Hon. Member for Douglas North (Mr Houghton) to ask the Minister for Infrastructure:

*When he will introduce regulations to control on-street parking of motor homes and large vans?*

320 **The Speaker:** We turn to Question 4. Hon. Member for Douglas North, Mr Houghton.

**Mr Houghton:** Thank you, Mr Speaker. I beg leave to ask the Question standing in my name.

**The Speaker:** Minister for Infrastructure, Mr Cretney, to reply.

325 **The Minister for Infrastructure (Mr Cretney):** Thank you, Mr Speaker.

The Department has recently revisited the existing overnight and weekend waiting provisions contained in section 2 of the Road Traffic Regulation Act 1985 for the control of on-street parking of motor homes and large vans. It has been determined that the primary provisions should be amended to cater for more flexibility for the vehicles to which the overnight and weekend waiting prohibition relates by allowing categories of vehicles to be prescribed by regulation. These changes will enable the overnight restrictions to include motor caravans and large vans.

330 Hon. Members may be aware that, at present, the overnight and weekend waiting provisions can only be enforced by the Constabulary and therefore, it is proposed that, in future, enforcement could also be undertaken by traffic wardens or parking controllers. We will, however, continue to encourage enforcement of the existing provisions pending this change, but it is a matter for the Constabulary to prioritise ultimately.

340 The Department has issued drafting instructions to these changes to primary legislation as part of a Road Traffic and Highways (Miscellaneous Provisions) Bill, which is currently being considered by Chambers. The Department is currently consulting with the public and stakeholders and a further amendment to the existing regulations, which will ensure that larger goods vehicles, e.g. six metres long and two metres high, are covered by the regulations. The consultation ends on 7th March 2012.

345 We anticipate that the amendment regulations will be submitted for consideration later this year, and I would hope that they can be in place as soon as practical thereafter.

**The Speaker:** Mr Houghton, supplementary.

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

350 I thank the Minister for his Answer. Can he clarify, when he mentions regulations, that he actually has to bring forward the power for those regulations by a provision of a Bill before this Hon. House, as it was my previous understanding that there is sufficient ability for those appropriate regulations in current Acts of Tynwald, sir?

355 **The Minister:** Our revision has indicated, Mr Speaker, that the law would benefit from further enhancement. There are existing measures in place, but it would benefit from further enhancement.

That is what I have indicated in the response and that is what we are hoping to bring forward at an early stage.

360 **The Speaker:** Mr Hall.

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

365 I would like to thank the Member for his reply. Can he just explain, for the benefit of a relatively new Member, this change to the overnight and weekend waiting regulations? It was highlighted in the consultation, but this was over a year ago, in January 2011. Can he explain why it is taking so long for this change to happen?

370 The second question I have is regarding the statement that his Department had the intention to introduce operator licensing, which would require all goods vehicle operators to have suitable off-street parking for vehicles, because I can assure him that this problem does spill into my constituency of Onchan, and recently, within about 100 metres, there were some eight or nine goods vehicles and motor homes. So I would like this matter to be moved on as a matter of priority.

375 **The Speaker:** Minister to reply. (*Laughter*)

**The Minister:** Well, thanking the Hon. Member for his supplementary questions, I have been in position since October. I am moving forward the legislation now, via the Attorney General's Chambers. I hope to get it to this place later this year, then obviously into law as soon as practical thereafter. I am not responsible for what happened before I was in that position.

380 In relation to the operators' licence, there is a consultation out at the moment, which has had a mixed reception. I understand the point the Hon. Member is making in relation to vehicles sometimes parked in residential areas which can cause concern. I think that is part of what the consultation is about. I will take note of the consultation and we will decide which way to go forward, pending its conclusion.

385

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

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

390 Can I ask the Minister, would he consider in his Department, which is a role he can actually work upon, implementing some 16/24 zones in particular areas, which does not conflict with any major legislation? It is just a pure regulation for the Department to do, which is in the power of yourself as the Minister. Would he consider that?

395 **The Minister:** Yes.

**The Speaker:** Hon. Member, Mrs Cannell.

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

400 Can I ask the Minister, in terms of the operator licence issues – and he said it has received a mixed reaction – whether or not he is prepared to hold a public meeting with all the stakeholders in respect of this so that he can fully appreciate all of the views of those who would be affected by such a change? (*Interjection by the Minister*)

405 **The Speaker:** Reply.

**The Minister:** It is my understanding that a meeting of the organised body which covers those in this business has already been arranged. Certainly officers will be in attendance at that. Whether my attendance is necessary I will decide in due course. We are at a consultation stage at the moment – no more, no less.

410

**The Speaker:** Mr Quirk.

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

415 Just to help the Minister if I could, would the Minister not agree that, some time ago, when he was not the Minister, there were extensive consultations done by the Department? Maybe he is not aware of that, and maybe he would like to check?

**The Minister:** About what?

420 **Mr Quirk:** Owner-operators.

**The Speaker:** Minister to reply.

425 **The Minister:** Yes, I am well aware that there has been ongoing discussion about other  
operators and this is something which was raised a number of years ago. At that time, there was  
concern. There has since been an organisation formed, which represents the interests of people in  
this [*Interruption*] industry, and presently, from some in particular owner-operators, I am receiving  
430 concern because, at the present time, the economy in terms of their business is not wonderful, and  
they see a further imposition on them as a restriction and as a burden. So I have to measure up  
those concerns set against the concerns of people, generally, in neighbourhoods, when we  
sometimes do see vehicles parked inappropriately, which would be better parked in other  
locations.

Now, I do know that, on a separate basis, Douglas Corporation is presently examining as to  
whether behind the Grandstand could be used (**Mr Houghton:** Hear, hear.) for this purpose. I  
435 certainly agree that if they can do that, that would be a good thing and a step in the right direction.

**Mr Henderson:** Absolutely.

**The Speaker:** Hon. Members, that brings us to the end of Questions for Oral Answer.

There are 19 Questions for Written Answer and the replies to these will be distributed later this  
morning.

## Questions for Written Answer

### CHIEF MINISTER

#### Statutory Boards and bodies Applications to join

2.1. The Hon. Member for Onchan (Mr Hall) to ask the Chief Minister:

440 *With regard to the recent public invitation for applications to join various Statutory Boards  
and Bodies –*  
*(a) how many people applied for information packs with regard to each of the public  
appointments;*  
*(b) how many of these resulted in formal applications;*  
445 *(c) what invitations were made for individuals to apply for each of the public appointments,  
other than those resulting from the advertising in the public media, and, of these, how many  
resulted in formal applications;*  
*(d) whether there has been a change in the number and quality of applications since the  
beginning of the previous Tynwald;*  
450 *(e) how many applicants were shortlisted, and how many were interviewed, for each of the  
public appointments; and*  
*(f) which criteria, with weights, standards and measurement terms, were used objectively for  
the short-listing and interview processes to determine appointments or nominations for each  
public appointment?*  
455

**Answer:** The Council of Ministers was impressed with the number, a total of 254, and the  
extremely high quality of applications received for the latest round of appointments to Statutory  
Boards and Bodies. It is an encouraging reflection of the community spirit of the Island that so  
many individuals are prepared to put their talents and experience to the service of the public in this  
460 way.

This was an open recruitment process and information about the opportunities to serve was  
made widely available. Applications were processed through a fair and consistent procedure  
designed to treat all candidates equally and to find the best person for the post. Existing members  
were invited to apply but could not be guaranteed reappointment; those who were unsuccessful  
465 deserve warm thanks both for their service so far and for their willingness to continue serving.

470 The information below is provided with respect to Council of Ministers' appointments of lay members to the Manx Electricity Authority; Isle of Man Water and Sewerage Authority; Isle of Man Post Office; Isle of Man Office of Fair Trading; Road Transport Licensing Committee and Public Sector Pensions Authority, as issued in October 2011. In addition, the information relates to Chief Ministerial appointments to the Civil Service Commission, also issued at this time. The information does not relate to Treasury's appointments to the Financial Supervision Commission or Insurance and Pensions Authority.

475 Members may be aware that subsequent invitations have been issued for other Statutory Bodies and for Trustees of the Manx Museum and National Trust.

(a) In order to maximise the public's accessibility to relevant information packs and application forms for these appointments, the Chief Secretary's Office ensured that all information was made available in a variety of ways. The information was available on request from the Chief Secretary's Office or by 'self-service' means via the Chief Secretary's Office website or public counter. As a result, there is no definitive information held on those who were in receipt of application packs or how many of these resulted in formal applications.

480 (b) Please see (a). The total number of applications received was 254. A number of applicants applied for appointment to more than one Statutory Board or Body.

(c) The following policy underpins all the public appointments made by Council of Ministers:

485 'The appointment of the most suitable candidate available for the post; selected by merit, using fair, open, transparent and appropriate procedures. All candidates will be treated in the same way, expected to provide the same information and will be subject to the same selection procedures.'

490 Unless existing members had expressly indicated that they did not wish to apply for reappointment, letters were sent to all existing Statutory Board and Bodies members, inviting them to re-apply for positions. The letters stated that applications from existing members would be considered in line with all other applications, but existing members would not be guaranteed reappointment by virtue of their current role. Thirteen applications were subsequently received.

495 In addition to coverage in the local media, details of the appointments were forwarded to a number of professional associations on the Island, for the information of their members. Details of the appointments went on the front page of the Gov.im website, the Chief Secretary's Office website, and in the IoM Government e-newsletter which goes to all local authorities, Isle of Man Champions and selected local business contacts.

500 (d) The number of applicants has increased since the beginning of the previous Tynwald. A direct comparison to the quality of previous applications cannot be made; however, the Council of Ministers has noted that the overall quality of applications has been extremely high on this occasion.

(e) For the Manx Electricity Authority, five applicants were short listed and interviewed.

505 For the Isle of Man Water and Sewerage Authority, eight applicants were short listed and interviewed.

For the Isle of Man Post Office, seven applicants were short listed and six were interviewed. One applicant withdrew before interview.

For the Isle of Man Office of Fair Trading, eight applicants were short listed and interviewed.

510 For the Road Transport Licensing Committee, seven applicants were short listed and interviewed.

For the Civil Service Commission, six applicants were short listed and interviewed.

For the Public Sector Pensions Authority, three applicants were short listed and interviewed.

515 (f) All applications were scored against set criteria based on the person specification for the positions. Elements were weighted as follows: 0 – not met; 1 – partially met; 2 – fully met. The scoring informed the list of those short listed for interview. Interviews were an opportunity for the individual to expand and add depth to their application and also allowed the interviewer(s) to further explore the candidate's core skills, experience and potential conflicts of interest, to inform final nominations for appointment.

**TREASURY**

**Financial Supervision Commission  
Applications to join**

2.2. The Hon. Member for Onchan (Mr Hall) to ask the Minister for the Treasury:

520 *With regard to the public invitation for applications to join the Financial Supervision Commission –*

*(a) out of the total number of formal applications how many persons (i) have had and (ii) have not had any connection either personally or through an immediate family member or close associate with any organisation regulated by the FSC;*

525 *(b) how many members are retiring from the board of the FSC; how many of these are seeking re-appointment to the board of the FSC; of those seeking re-appointment, how many have any connection either personally or through an immediate family member or close associate with any organisation regulated by the FSC; and*

*(c) when appointing or re-appointing members to the board of the FSC, what weight the appointment panel gives to –*

530 *(i) previous membership of the board of the FSC;*

*(ii) any current or recent connection either personally or through an immediate family member or close associate with any organisation regulated by the FSC; and*

*(iii) any other conflicts of interest?*

535 **Answer:** The Answers provided in parts (a) and (b) of this response do not take into account any personal finance/banking arrangements that the individuals may have i.e. personal bank accounts.

540 (a) Four existing members of the Commission applied for reappointment. In addition to these, 57 applications were received from new candidates. In total, therefore, 61 applicants were considered.

Under section 8 of the application form, candidates were requested as follows:

**‘8. Potential Conflicts of Interest**

545 Please give details of any business or any private, voluntary, charitable, political interest or personal connections which might be material or relevant to the work of the body concerned or which, if you are appointed, could be misconstrued or cause embarrassment to the body or Isle of Man Government. These could include financial interests or share ownership, membership of societies, activities, associations or employment of a partner or friend in the particular field in which the public body operates. [...]

550 Any potential conflicts of interest detailed here will not prevent your application being considered but may, if inappropriate, be explored with you as part of the appointments process.’

In accordance with the information provided by applicants:

(i) Twenty-five had a recent connection with an organisation regulated by the FSC;

555 (ii) Thirty-six did not have a recent connection with an organisation regulated by the FSC.

(b) All seven members of the Commission are retiring. Five sought, and are being recommended for, reappointment. Two have declared connections with organisations regulated by the FSC.

560 All members of the Commission are required to disclose any conflict of interests, in accordance with the FSC’s ‘Commissioners’ Code of Conduct Regarding Conflicts of Interests’.

(c) Although the Treasury did not apply a specific weighting to each of the elements set out in the Question it did take them into consideration during the application process, as described below:

(i) The experience and demonstrable capability of existing Commissioners was a material element in the consideration of appointments.

565 (ii) In accordance with the extract set out in part a) of this response, any current or recent connection either personally or through an immediate family member or close associate with any organisation regulated by the FSC did not prevent any of the applicants from being considered for appointment to the Commission.

570 However, during interview, any potential conflicts were examined further and if it was recognised that they were of such significance that they could not be managed within the ‘Commissioners’ Code of Conduct Regarding Conflicts of Interests’, then it would have prevented that individual from being recommended for appointment.

575 The primary concern throughout the recruitment was to select and appoint a Commission which is capable of delivering the FSC's functions to the highest of standards. With the finance industry being of such significance to the Island's economy, it would be irresponsible of the Treasury to completely disregard from the outset any candidate who declared a potential conflict of interest without further exploration of the nature of that conflict and whether it could be managed professionally within the FSC's published 'Commissioners' Code of Conduct Regarding Conflicts of Interests'.

580 (iii) Any other conflicts of interest would be managed in the same manner as that described in part (ii) of this Answer.

**Insurance and Pensions Authority  
Applications to join**

2.3. The Hon. Member for Onchan (Mr Hall) to ask the Minister for the Treasury:

*With regard to the public invitation for applications to join the Insurance and Pensions Authority –*

585 (a) *out of the total number of formal applications how many persons (i) have had and (ii) have not had any connection either personally or through an immediate family member or close associate with any organisation regulated by the IPA;*

590 (b) *how many members are retiring from the board of the IPA; how many are seeking re-appointment; and of those seeking re-appointment, how many have any connection either personally or through an immediate family member or close associate with any organisation regulated by the IPA; and*

(c) *when appointing or re-appointing members to the board of the IPA, what weight the appointment panel gives to –*

(i) *previous membership of the board of the IPA;*

595 (ii) *any current or recent connection either personally or through an immediate family member or close associate with any organisation regulated by the IPA; and*

(iii) *any conflicts of interest?*

**Answer:** The Answers provided in parts (a) and (b) of this response do not take into account any personal insurance products that the individuals may hold, i.e. home or car insurance products.

600 (a) Three existing members of the Authority applied for reappointment. In addition, 32 applications were received from new candidates. In total, therefore, 35 applicants were considered. Under section 8 of the application form, candidates were requested as follows:

605 '8. Potential Conflicts of Interest

Please give details of any business or any private, voluntary, charitable, political interest or personal connections which might be material or relevant to the work of the body concerned or which, if you are appointed, could be misconstrued or cause embarrassment to the body or Isle of Man Government. These could include financial interests or share ownership, membership of societies, activities, associations or employment of a partner of friend in the particular field in which the public body operates. [...]

610 Any potential conflicts of interest detailed here will not prevent your application being considered but may, if inappropriate, be explored with you as part of the appointments process.'

In accordance with the information provided by applicants:

615 (i) Nineteen had a recent connection with an organisation regulated by the IPA;

(ii) Sixteen did not have a recent connection with an organisation regulated by the IPA.

(b) All four members of the Authority are retiring and sought reappointment. Three are being recommended for reappointment. One has a declared connection with an organisation regulated by the IPA.

620 All members of the Authority are required to disclose any conflict of interests, in accordance with the IPA's 'Code of Conduct Regarding Members' Interests and The Register of Members' Interests'.

(c) Although the Treasury did not apply a specific weighting to each of the elements set out in the Question it did take them into consideration during the application process as described below:

625 (i) The experience and demonstrable capability of existing Commissioners was a material element in the consideration of appointments.

(ii) In accordance with the extract set out in part a) of this response, any current or recent connection either personally or through an immediate family member or close associate with any organisation regulated by the IPA did not prevent any of the applicants from being considered for appointment to the Authority.

630 However, during interview, any potential conflicts were examined further and if it was recognised that they were of such significance that they could not be managed within the Authority's 'Code of Conduct Regarding Members' Interests and The Register of Members' Interests', then it would have prevented that individual from being recommended for appointment.

635 The primary concern throughout the recruitment was to select and appoint an Authority which is capable of delivering the IPA's functions to the highest of standards. With the insurance industry being of such significance to the Island's economy, it would be irresponsible of the Treasury to completely disregard from the outset any candidate who declared a potential conflict of interest without further exploration of the nature of that conflict and whether it could be managed professionally within the IPA's 'Code of Conduct Regarding Members' Interests and

640 The Register of Members' Interests'.

(iii) Any other conflicts of interest would be managed in the same manner as that described in part (ii) of this Answer.

#### **Local authorities Borrowings**

2.4. The Hon. Member for Onchan (Mr Hall) to ask the Minister for the Treasury:

645 *What the (a) current and (b) 2008 (i) short and (ii) long term borrowings by the Island's local authorities were, broken down by local authority; and what Douglas Council borrowings were made between 2008 and 2012, and what related bank loan facility was made in each case, including –*

- (i) *the interest spread to the reference rate;*
- (ii) *the actual interest rate;*
- 650 (iii) *maturity;*
- (iv) *the lender;*
- (v) *Government sanction for each borrowing; and*
- (vi) *what security is provided to the lender?*

655 **Answer:** In compiling this Answer within the timescale, Treasury has relied upon the information readily available through its management and oversight of the borrowing facility made available to the local authorities through the Isle of Man Bank Ltd, part of the Royal Bank of Scotland International group.

660 Tables 1, 2 and 3 below set out the current schedule of loan agreements held by each local authority in respect of both the long-term borrowings and short-term overdraft relating to each scheme. This schedule includes Douglas Council and the related borrowings that the Authority has made over the period 2008 to 2012.

The tables include the following details for each category of loan, i.e. Fixed Rate (Table 1), Variable Rate (Table 2), and Overdraft (Table 3).

665	Column 1	Local Authority/Customer
	Column 2	Date of Loan Drawn Down (not applicable to Table 3)
	Column 3	Borrowing Term (not applicable to Table 3)
	Column 4	Original Amount of Loan
	Column 5	Current Balance Outstanding as at 07/02/12
670	Column 6	Original Interest Rate/Reference Rate
	Column 7	Current Interest Rate

675 The various loan agreements that are included in the tables are supported in detail by the individual borrowing petitions which have been subject to the formal approval process administered through the Department of Infrastructure in respect of loans raised and funded through local authority rates and the Department of Social Care in respect of loans funded via the housing deficiency arrangements. Prior to the restructuring of Government Departments, the

former Department of Local Government and the Environment was responsible for the approval of all Government loan sanctions, in conjunction with the Treasury.

680

Each of the loans actually drawn down may consist of a number of individual borrowing petitions: this is especially pertinent in the case of Douglas Council.

There is no security provided to the lender, Isle of Man Bank Ltd, other than the fact that each loan is supported by a Letter of Comfort provided by the Treasury.

685

The Treasury has not examined and collated other sources of long-term and short-term borrowings that may be held in respect of local authorities as at 2008 or the present time and they are, therefore, excluded from these tables. Hon. Members may wish to refer to the audited accounts and financial statements in respect of each local authority for any further information.

Table 1: Fixed Rate Loans

Customer/Local Authority	Date Drawn	Borrowing Term (Years)	Original Amount Drawn (£)	Current Outstanding Balance (£)	Original Rate of Interest (%)	Revised Interest Rate (%)
Arbory Parish Commissioners	01-Feb-10	15	50,000.00	45,238.06	4.8800	5.13
Braddan Commissioners	01-Sep-08	30	7,240,902.90	6,853,163.10	5.3000	5.55
Braddan Commissioners	01-Sep-08	15	856,067.51	728,051.90	5.4500	5.70
Braddan Commissioners	01-Sep-08	15	1,010,063.12	859,019.14	5.4500	5.70
Castletown and Malew Elderly Persons Housing Board	31-Mar-08	30	2,016,376.00	1,908,967.73	5.2500	5.50
Castletown and Malew Elderly Persons Housing Board	10-Jul-09	20	178,500.00	164,099.24	4.7800	5.03
Castletown Town Commissioners	08-Feb-06	19	2,372,378.00	1,842,459.65	4.8500	5.10
Castletown Town Commissioners	31-Mar-08	30	1,348,807.00	1,276,958.77	5.2500	5.50
Castletown Town Commissioners	31-Mar-08	15	1,835,442.00	1,528,013.99	5.4000	5.65
Castletown Town Commissioners	31-Mar-08	15	199,611.00	166,177.06	5.4000	5.65
Castletown Town Commissioners	27-Aug-08	10	202,956.00	146,068.37	5.8000	6.05
Castletown Town Commissioners	27-Feb-09	30	538,000.00	512,489.12	4.3600	4.61
Douglas Borough Council	20-Jun-08	28	7,427,000.00	6,261,227.00	5.7200	5.97
Douglas Borough Council	30-Jan-09	29	5,239,051.00	4,562,002.00	4.2700	4.52
Douglas Borough Council	15-Jan-10	29	2,577,908.00	2,082,464.00	4.9900	5.24
Douglas Borough Council	25-Mar-11	29	4,237,035.00	3,997,687.00	5.1300	5.38
Douglas Borough Council	26-Sep-11	29	3,044,410.00	3,044,410.00	4.7700	5.02
Douglas Borough Council	21-Dec-05	30	42,077,623.00	31,376,961.00	4.7300	4.98
Douglas Borough Council	13-Nov-06	29	9,237,323.00	7,654,900.00	5.0800	5.33
Douglas Borough Council	16-Jan-12	29	2,674,361.00	2,674,361.00	4.9000	4.90
Malew Parish Commissioners	25-Aug-06	20	1,028,000.00	853,207.47	5.2700	5.52
Marashen Crescent Housing Committee	12-Jan-06	30	3,041,303.36	2,717,473.62	4.6500	4.90
Marashen Crescent Housing Committee	19-Jan-09	14	114,300.00	90,742.08	3.8500	4.10
Marashen Crescent Housing Committee	07-Mar-11	30	2,000,000.00	1,981,434.61	5.8500	6.10
Marashen Crescent Housing Committee	16-Sep-11	30	2,287,844.00	2,277,214.56	4.9300	5.18
Northern Local Authorities Swimming Pool Board	20-Mar-08	29	2,000,000.00	1,889,882.83	5.2500	5.50
Northern Local Authorities Swimming Pool Board	17-Nov-08	29	2,000,000.00	1,881,424.78	4.7500	5.00
Northern Local Authorities Swimming Pool Board	24-Mar-10	27	1,000,000.00	973,184.66	5.0400	5.29
Northern Local Authorities Swimming Pool Board	23-Mar-11	26	707,022.00	700,620.39	5.2000	5.45
Onchan Commissioners	29-Jun-07	25	11,231,804.00	10,209,217.88	5.8500	6.10
Onchan Commissioners	29-Jun-07	25	1,945,945.00	1,768,778.78	5.8500	6.10
Onchan Commissioners	29-Jun-07	15	1,684,403.00	1,329,429.54	6.1500	6.40
Onchan Commissioners	29-Jun-07	10	529,254.00	331,454.16	6.3100	6.56
Onchan Commissioners	05-Feb-09	28	1,161,423.00	1,003,210.49	4.2500	4.50
Peel and Western District Housing Committee	02-Jul-08	28	1,813,377.00	1,710,661.71	5.6500	5.90
Peel and Western District Housing Committee	02-Jul-08	12	161,623.00	125,160.73	5.6500	5.90



HOUSE OF KEYS, TUESDAY, 14th FEBRUARY 2012

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Peel and Western District						
Housing Committee	05-Sep-08	22	991,000.00	915,772.52	5.6200	5.87
Peel Town Commissioners	24-Mar-06	29	1,813,970.00	1,429,551.02	4.7500	5.00
Peel Town Commissioners	02-Feb-06	30	1,390,232.00	1,239,161.19	4.6500	4.90
Peel Town Commissioners	02-Feb-06	15	555,251.00	382,494.99	4.9000	5.15
Peel Town Commissioners	02-Feb-06	15	492,635.00	339,360.80	4.9000	5.15
Peel Town Commissioners	19-Jan-07	15	463,135.00	369,248.57	5.5400	5.79
Peel Town Commissioners	31-Oct-07	20	600,000.00	521,259.49	5.5400	5.79
Peel Town Commissioners	30-Oct-08	29	4,550,000.00	4,305,114.69	5.0000	5.25
Peel Town Commissioners	14-Sep-09	10	991,665.00	768,995.64	4.0800	4.33
Peel Town Commissioners	01-Feb-10	14	1,278,278.00	1,144,267.96	4.8800	5.13
Peel Town Commissioners	21-Jan-11	29	653,269.00	628,559.08	5.4500	5.70
Port Erin Commissioners	19-Jan-09	15	381,494.00	296,125.48	3.8500	4.10
Port Erin Commissioners	12-Jan-06	20	2,200,989.07	1,744,092.68	4.8000	5.05
Port Erin Commissioners	12-Jan-06	20	736,723.02	583,789.01	4.8000	5.05
Port Erin Commissioners	12-Jan-06	15	786,872.10	538,076.00	4.8500	5.10
Port Erin Commissioners	31-Jul-07	29	456,309.54	371,403.68	5.9400	6.19
Port Erin Commissioners	07-Mar-11	18	927,129.00	898,089.70	5.9000	6.15
Port Erin Commissioners	16-Sep-11	15	1,075,535.00	1,062,601.74	4.2600	4.51
Port Erin Commissioners	12-Jan-06	30	1,623,937.96	1,451,025.44	4.6500	4.90
Port St Mary Commissioners	31-Aug-06	30	1,691,621.77	1,546,147.46	5.0500	5.30
Port St Mary Commissioners	30-Oct-06	15	148,553.00	109,357.46	5.3500	5.60
Port St Mary Commissioners	30-Oct-06	15	178,869.00	131,674.65	5.3500	5.60
Port St Mary Commissioners	20-Aug-09	27	1,165,348.00	1,114,506.86	4.7000	4.95
Ramsay and Northern District						
Housing Committee	09-Nov-06	15	1,042,500.00	761,574.06	5.2600	5.51
Ramsay and Northern District						
Housing Committee	01-Jul-08	28	1,723,443.00	1,624,946.58	5.6500	5.90
Ramsay and Northern District						
Housing Committee	25-May-10	29	1,500,000.00	1,463,373.25	4.8900	5.14
Ramsay Town Commissioners	30-Jun-06	30	2,750,000.00	2,507,431.12	5.2200	5.47
Ramsay Town Commissioners	29-Dec-06	30	4,244,796.00	3,901,221.36	5.0800	5.33
Ramsay Town Commissioners	29-Dec-06	23	2,555,204.00	2,225,851.30	5.2200	5.47
Ramsay Town Commissioners	29-Jun-07	29	1,382,304.00	1,287,528.22	5.7800	6.03
Ramsay Town Commissioners	29-Jun-07	29	5,000,000.00	4,595,936.22	5.7800	6.03
Ramsay Town Commissioners	06-May-08	29	5,000,000.00	4,625,725.60	5.4100	5.66
Ramsay Town Commissioners	15-Sep-08	29	2,500,000.00	2,328,104.68	5.1500	5.40
Ramsay Town Commissioners	10-Jul-09	29	3,200,000.00	3,049,689.46	4.7800	5.03
Ramsay Town Commissioners	10-Jul-09	28	800,000.00	717,945.26	4.5800	4.83
Ramsay Town Commissioners	10-Jul-09	26	556,050.00	526,628.39	4.7800	5.03
Ramsay Town Commissioners	28-May-10	29	3,800,000.00	3,697,514.82	4.8700	5.12
Ramsay Town Commissioners	12-Jan-11	30	1,500,000.00	1,468,171.19	5.8600	6.11
Ramsay Town Commissioners	12-Jan-11	28	3,200,000.00	3,141,596.09	5.3000	5.55
Ramsay Town Commissioners	30-Aug-11	29	2,600,000.00	2,552,334.65	5.1100	5.36
Rushen Parish Commissioners	30-Oct-06	15	196,103.00	144,361.53	5.3500	5.60
Southern Local Authorities						
Swimming Pool Board	07-Apr-09	13.5	841,000.00	699,019.89	3.8800	4.13

**Table 2: Variable Rate Loans**

Customer/Local Authority	Date Drawn	Borrowing Term (Years)	Original Amount Drawn (£)	Current Outstanding Balance (£)	Ref. Rate	Present Rate (%)
Arbory Parish Commissioners	28-Sep-06	7	66,868.00	17,648.24	Base Rate	0.95
Laxey Village Commissioners	19-Apr-09	15	44,738.00	36,833.66	Base Rate	1.15
Laxey Village Commissioners	21-Jan-08	10	82,873.00	37,564.27	Base Rate	0.95
Malew Parish Commissioners	30-Aug-06	10	302,000.00	177,287.65	Base Rate	0.95
Peel and Western District						
Housing Committee	02-Oct-08	10	122,105.00	74,384.79	Base Rate	1.15
Lezayre Parish Commissioners	03-Sep-07	15	50,000.00	33,231.06	Base Rate	0.95
Michael Commissioners (pre LA lending scheme)	26-Mar-03	20	94,000.00	56,550.25	Base Rate	1.5
Peel Town Commissioners (pre LA lending scheme)	29-Sep-01	10	160,000.00	9,049.05	Base Rate	1.5

Table 3: Overdraft Facilities Pending Conversion to Loans

Customer/Local Authority	Overdraft Amount (£)	Current Outstanding Balance (£)	Ref. Rate	Present Rate (%)
Braddan Commissioners Castletown and Malew Elderly Persons Housing Board	249,123.00	–	Base Rate	1.15
Castletown Town Commissioners	405,600.00	404,740.91	Base Rate	1.75
Cooil Roi Housing Authority	641,908.00	460,155.15	Base Rate	1.75
Douglas Borough Council	1,069,092.00	1,038,888.26	Base Rate	1.15
Marashen Crescent Housing Committee	5,000,000.00	–	Base Rate	1.75
Onchan Commissioners	1,303,020.00	462,696.80	Base Rate	1.75
Peel and Western District Housing Committee	2,967,561.00	1,415,679.35	Base Rate	1.75
Peel Town Commissioners	617,050.00	467,514.40	Base Rate	1.75
Port Erin Commissioners	3,330,136.00	1,923,019.73	Base Rate	1.75
Port St Mary Commissioners	1,311,699.00	1,287,761.29	Base Rate	1.75
Ramsey and Northern District Housing Committee	3,534,329.00	3,337,819.65	Base Rate	1.15
Ramsey Town Commissioners	1,043,187.00	786,306.64	Base Rate	1.15
Ramsey Town Commissioners	624,573.00	178,792.09	Base Rate	0.95
Ramsey Town Commissioners	1,304,963.00	597,819.37	Base Rate	1.15
Ramsey Town Commissioners	1,970,009.00	1,496,670.01	Base Rate	1.75

**Internal Audit  
Remit and recent reviews**

2.5. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for the Treasury:

*What the remit of Internal Audit is and what financial systems reviews it has carried out in the last twelve months?*

690

**Answer: Remit**

The Accounts and Audit Regulations S.7 specify the requirement for Internal Audit for those bodies falling under the scope of the Audit Act 2006, as shown below.

695

‘7. Internal audit

(1) This regulation applies to every specified body except —

(a) a burial authority; or

(b) a local authority or joint board whose gross income or gross expenditure (whichever is the higher) in each of the preceding two years was less than £200,000.

700

(2) A body to which this regulation applies shall maintain in accordance with proper practices an adequate and effective system of internal audit of its accounting records and of its system of internal control.

(3) Any officer or member of a body to which this regulation applies shall, if the body so requires —

(a) make available such documents relating to its accounting and other records as appear to that body to be necessary for the purpose of the audit; and

705

(b) supply the body with such information and explanation as that body considers necessary for that purpose.’

Therefore a system of Internal Audit is required for the following bodies:

- central Government Departments/Boards and Offices;

710

- non-revenue-funded Statutory Boards (Isle of Man Post Office, Manx Electricity Authority and Water and Sewerage Authority); and

- local authorities except those falling under the scope of S.7(1)

Each of these bodies is required to make their own arrangements to maintain the system of Internal Audit.

715

Treasury has issued further guidance to clarify the meaning of ‘proper practices’ as specified in S.7(2) by way of the following, both of which are available from the Chief Internal Auditor on request:

- Government Internal Audit Standards, which apply to Central Government, including the Statutory Boards

- Local Government Internal Audit Guidance

720 This response provides information from this point forward in relation to Central Government and the Statutory Boards only.

The Government Internal Audit Standards, which are based on the Institute of Internal Auditors International Framework, states the purpose of Internal Audit as follows:

725 **Definition of internal auditing**  
Internal auditing is 'an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes'.

730 (The Definition of Internal Auditing © 1999 by the Institute of Internal Auditors, Inc., 247 Maitland Avenue, Altamonte Springs, Florida 32710-4201 U.S.A.)

735 Thus the remit of Internal Audit is to consider the adequacy of the management of risk, controls and governance in respect of all significant activities of an organisation. This will include, but is not limited to, systems of financial control. Indeed, as the role of Internal Audit has developed, particularly over the past 10 years or so, the trend has been for the Internal Auditor's focus to move away from the traditional finance based audits, towards wider operational activities which can be of a higher risk to the organisation and, of course, would have a significant financial implication should the controls fail. Nevertheless, financial reviews continue to form an important part of the audit programme.

740

**Activity**

745 From the period January 2011 to January 2012 the following financial systems reviews have been carried out. For clarity 'carried out' has been interpreted as: the final report was issued in the period, work was completed in the period or the audit was in progress in the period. This analysis includes 27 follow-up reviews.

This work has been undertaken in Departments/Boards and Offices across Government:

<b>Financial System</b>	<b>Number</b>
Asset Management	6
Procurement/Purchasing/ Contract Management	19
Investments and banking/Cash Collection and handling/Petty Cash	14
Debtors/Taxation/Rates	6
Financial Management	3
Finance Shared Services implementation	1
Grant Payments	7
Use of specific reserve funds	3
Payroll	5
Schools Delegated Financial Management	14
Stocks	5
<b>Total</b>	<b>83</b>

**Government bodies  
Rest and recuperation payments**

2.6. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for the Treasury:

750 *What rest and recuperation payments to staff or contractors Government bodies have made in each of the last five years; how many received such payments; what the total amount paid was; and what the reason for these payments was?*

**Answer:** I am not aware of any payment to members of staff classed as 'rest and recuperation', but if the Hon. Member was able to give greater clarification then I would be pleased to look into the matter.

**Local authority houses  
Rateable values**

2.7. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for the Treasury:

755 (a) How many residential properties were (a) occupied and (b) unoccupied in the previous financial year; broken down by local authority; and  
 (b) how many residential properties in each category were subject to temporary downward rateable adjustments; how many permanent gross value appeals there were broken down by (i) ratepayers; and (ii) rating authorities; and how many rateable values were adjusted (A) upwards; and (B) downwards, in the previous three financial years, broken down by local authority?  
 760

**Answer:** It is not possible to answer part (a) of the Question because, as a result of Section 2 of the Rating and Valuation (Amendment) Act 1981, the requirement to monitor unoccupied property was removed and unoccupied property is now liable to the full payment of rates, as if it was occupied.  
 765

Similarly, the request for a breakdown of temporary rating reductions analysed between occupied and unoccupied categories cannot be given because, since the introduction of the Rating and Valuation (Amendment) Act 1981, there has been no requirement to monitor that information.

The total number of appeals to the Rent and Rates Tribunal is shown at Figure 1.  
 770

The total numbers of upward and downward adjustments in rateable value for the last three years are shown at Figures 2.1 and 2.2.

Although there is no statistical evidence in respect of breakdown between occupied and unoccupied residential property, there is a record of residential properties unoccupied and temporarily removed from the Valuation List.  
 775

One of the determinants as to whether a property is to be assessed for rating purposes is whether or not the property is fit for beneficial occupation in its existing physical state in accordance with the provisions of the Rating and Valuation Act 1953 (as amended). If the property is determined by the Valuation Office, and/or the Rent and Rates Tribunal, not to be fit for beneficial occupation the numerical assessment is removed from the relevant Valuation List until the property is again deemed to be capable of beneficial occupation and therefore assessment.  
 780

At present there are a total of 299 properties deemed to be not fit for beneficial occupation and total numbers for each rating authority are shown at Figure 3.

**Figure 1:**

	2009-10	2010-11	2011-to date
Number of ratepayers appeals	10	31	13
Number of local authority appeals	1	0	0
<b>Total number of appeals</b>	<b>11</b>	<b>31</b>	<b>13</b>
Rateable value increases	1	1	1
Rateable value reductions	6 (5 temporary, 1 permanent)	10 (7 temp., 3 perm.)	6 (4 temp., 2 perm.)
No change	4	20	6

**Figure 2.1:**

**Number of properties where rateable values were adjusted upwards in the previous three years**

	1st list 2009	2nd list 2009	3rd list 2009	1st list 2010	2nd list 2010	3rd list 2010	1st list 2011	2nd list 2011	3rd list 2011	Total
Andreas	19	9	2	23	9	3	13	1	5	84
Arbory	9	5	6	23	9	4	12	10	4	82
Ballaugh	13	11	0	7	7	0	9	0	2	49
Braddan	15	17	39	134	55	35	18	16	16	345
Bride	5	1	0	3	2	2	1	1	1	16
German	4	3	2	5	3	1	7	3	3	31
Jurby	4	2	2	5	2	0	2	0	1	18
Lezayre	17	9	1	25	7	1	6	5	2	73
Lonan	5	5	3	7	5	5	18	7	8	63
Malew	23	7	6	21	8	5	23	28	4	125

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Marown	11	5	3	9	7	5	8	7	8	63
Maughold	6	6	1	10	4	2	7	1	3	40
Patrick	10	6	4	7	8	17	8	11	5	76
Rushen	10	10	8	20	6	7	1	7	3	72
Santon	4	6	2	8	5	6	3	1	4	39
Castletown	13	13	16	145	16	14	15	15	16	263
Douglas	104	241	117	147	91	58	333	66	116	1273
Peel	99	20	20	113	11	19	42	10	14	348
Ramsey	59	59	34	53	42	48	50	24	64	433
Laxey	6	5	5	7	6	3	5	6	5	48
Kirk Michael	12	6	1	7	3	1	19	5	1	55
Onchan	19	12	37	30	14	23	43	28	21	227
Port Erin	35	11	39	39	16	11	10	8	9	178
Port St Mary	8	3	4	14	11	5	2	8	8	63
<b>Total</b>	<b>510</b>	<b>472</b>	<b>352</b>	<b>862</b>	<b>347</b>	<b>275</b>	<b>655</b>	<b>268</b>	<b>323</b>	<b>4064</b>

Figure 2.2:

**Number of properties where rateable values were adjusted downwards in the previous three years**

	1st list 2009	2nd list 2009	3rd list 2009	1st list 2010	2nd list 2010	3rd list 2010	1st list 2011	2nd list 2011	3rd list 2011	Total
Andreas	4	1	0	1	2	3	2	2	0	15
Arbory	0	1	3	0	4	1	0	2	2	13
Ballaugh	1	1	0	0	1	0	3	0	0	6
Braddan	2	2	4	4	4	5	3	7	2	33
Bride	1	1	0	0	1	1	0	1	0	5
German	1	0	0	0	1	0	1	2	2	7
Jurby	1	8	0	0	1	0	0	0	2	12
Lezayre	0	4	0	4	3	1	1	1	0	14
Lonan	0	0	1	0	1	0	2	0	1	5
Malew	2	5	3	2	3	4	4	13	11	47
Marown	0	1	2	0	0	0	0	3	0	6
Maughold	0	5	0	1	3	1	0	2	0	12
Patrick	1	0	3	6	0	0	2	0	2	14
Rushen	0	4	0	0	1	0	1	7	2	15
Santon	0	1	0	0	0	1	0	1	0	3
Castletown	7	16	10	4	3	5	4	46	12	107
Douglas	26	37	14	31	25	47	80	28	25	313
Peel	4	5	7	3	5	9	8	2	5	48
Ramsey	16	12	18	6	39	24	7	33	9	164
Laxey	3	0	0	0	0	0	3	1	1	8
Kirk Michael	1	1	0	0	3	1	19	2	0	27
Onchan	0	3	1	1	6	1	5	6	4	27
Port Erin	4	3	4	5	5	3	3	1	5	33
Port St Mary	1	10	2	2	2	2	2	1	2	24
<b>Total</b>	<b>75</b>	<b>121</b>	<b>72</b>	<b>70</b>	<b>113</b>	<b>109</b>	<b>150</b>	<b>161</b>	<b>87</b>	<b>958</b>

Figure 3:

**Temporarily removed from rating assessment as on 8th February 2012**

German	6
Patrick	1
Lonan	3
Laxey	2
Braddan	7
Onchan	15
Peel	12
Marown	7
Douglas	109
Andreas	7
Ballaugh	2
Bride	4
Jurby	2
Lezayre	8

Malew	11
Maughold	4
Kirk Michael	5
Arbory	5
Rushen	4
Santon	1
Castletown	17
Ramsey	45
Port Erin	11
Port St Mary	11
<b>Total</b>	<b>299</b>

**HEALTH**

**NHS consultants  
Pay range**

2.8. The Hon. Member for Ramsey (Mr Singer) to ask the Minister for Health:

- 785 (a) *What the range of NHS pay for consultants in the various disciplines is (i) for basic pay; and (ii) with overtime; and*  
 (b) *what the range of NHS pay per hour overtime for consultants is?*

**Answer:** Detailed below is the pay scale for consultant staff, which is applicable for all consultants within Noble's Hospital, no matter which specialty. This reflects a 40-hour working week and is on an incremental scale of 1 – 20.

790 In response to parts (a) (i) and (ii) of your Question, the payscale below is applicable for both basic pay and overtime. There is no 'overtime' rate, as with many other grades of staff. Any additional responsibilities or hours worked are remunerated at the standard rate, without enhancement.

1	74504
2	76837
3	79170
4	81502
5	83829
6	87032
7	90236
8	93439
9	96642
10	105386
11	105386
12	108590
13	108590
14	111793
15	117334
16	120537
17	120537
18	123741
19	123741
20	129276

795 In response to part (b) of your Question, below are the hourly rates for standard consultant pay for each incremental point. As you will appreciate from above, the same standard rate is applicable for any additional hours worked – there is no overtime rate.

1	35.68
2	36.80
3	37.92
4	39.03
5	40.15

6	41.68
7	43.22
8	44.75
9	46.28
10	50.47
11	50.47
12	52.01
13	52.01
14	53.54
15	56.19
16	57.73
17	57.73
18	59.26
19	59.26
20	61.91

**GP practices  
GPs; patients; appointments**

2.9. The Hon. Member for Onchan (Mr Hall) to ask the Minister for Health:

*If he will list each GP practice on the Isle of Man, indicating for each practice*

- 800 (a) the number of permanent GPs;  
 (b) the number of patients currently registered;  
 (c) the number of on the day only appointments available;  
 (d) the number of appointments which are bookable in advance;  
 (e) the number of missed appointments which have occurred in each of the past six months;  
 and  
 805 (f) the number of missed appointments which have occurred in each of the past three years?

**Answer:** The table below contains the majority of the information requested.

All the GP practices had to be contacted to obtain some of the information.

With regard to (e), the month-on-month figure does not vary widely so we have included the total for the six-month period. This information could be provided if desired.

810 To assist the Hon. Member, as each practice has different procedures, we have added some general information.

Practice	No. of permanent GPs	No. of registered patients as at 01/01/12	Approx no. of on-the-day appts each day	Approx no. of appts bookable in advance each day	No. of missed appts Aug 11 - Jan 12	No. of missed appts Jan-Dec 09	No. of missed appts Jan-Dec 10	No. of missed appts Jan-Dec 11
	(a)	(b)	(c)	(d)	(e)	(f)	(f)	(f)
Kensington	6 (5.5 wte)	11548	38	164	634	1456	1522	1204
Palatine	6 (5 wte)	9514	45	120	673	1049	1149	1124
Snaefell	4 (2.75 wte)	5911	32	32	151	104	287	291
Hailwood	4	7922	35	60	540	885	1038	926
Promenade	2	4134	16	32	500	1007	1017	994
Finch Hill	2	3681	18	24	222	342	417	416
Ramsey	8	14234	52	58	1232	913	1554	1793
Laxey/Onchan	5 (4 wte)	7061	24	99	594	1283	1101	1035
Castletown	2	3815	10	32	251	430	436	379
Southern	4 (3.5 wte)	6905	42	74	340	<i>Not recorded</i>		565
Ballasalla	3 (2.75 wte)	4334	32	28	120	321	331	310
Peel	5 (4.5 wte)	8126	0	121	719	1044	1281	1439

**Notes in general**

It should be noted that these are GP appointments only. Each surgery employs practice nurses who also undertake consultations for a variety of patients. For example, some practice nurses are

815 nurse prescribers and can prescribe according to their competency, some are qualified in  
midwifery, so they would see patients for antenatal and postnatal appointments. Other tasks the  
nurses would undertake include taking blood pressure and the management of chronic diseases  
such as diabetes and asthma.

820 In terms of emergency appointments most of the practices operate a system for urgent  
appointment requests, where anyone who asks for an urgent appointment that day will get one.  
Additional appointments are often slotted in at the end of the GPs' surgery in the morning and then  
again in the afternoon. The figures given are an average; this varies according to the day of the  
week and is decided by usual demand pattern.

825 Although we have provided statistics above, it should be noted that each of the GP surgeries  
operates in a slightly different way to best deal with the needs of their individual practice  
population. The notes below may assist in understanding some of the differences:

830 **Kensington** – Offers more appointments on a Monday due to demand. Each Monday one  
complete surgery (19 appointments) is bookable on the day in the morning and one surgery in the  
afternoon (a further 19 appointments). Tuesday to Friday they offer one surgery in the morning for  
booking on the day appointments (19 appointments). On a Friday at 5 pm they have a one-hour  
surgery, bookable on the day for any urgent appointments.

On average there are 820 GP appointments available each day (this includes bookable on the  
day and pre-bookable. Some appointments are bookable six weeks ahead, some open 48 hours  
ahead and some bookable on the day.

835 This practice is currently going through the recruitment process, currently without much  
success.

840 **Palatine** – Also offers the ability for messages to be left for the doctor to phone back the same  
day. These numbers vary; for example, in one week the numbers were 48, 34, 37, 42 and 34  
telephone consultations on successive days. They allow booking for up to six months ahead. If the  
'bookable on the day' appointments are used up and the problem is medically urgent, they add the  
patients on to the end of the surgeries as 'urgent'.

**Snaefell** – This practice opens up appointments for pre-booking ten working days in advance.  
They find that, because of this, their rate of missed appointments is reduced.

845 **Hailwood** – In terms of emergency appointments the practice initially has three appointments  
per GP available in the morning; however, more are added if necessary.

**Promenade** – Offers more appointments on a Monday due to demand. Each Monday there are  
16 'bookable on the day' appointments available. Tuesday to Friday there are 12-14 bookable on  
the day appointments. In addition, the GPs are happy to undertake telephone consultations.

850 On average there are 48 GP appointments available each day (this includes bookable on the  
day and pre-bookable).

Some appointments are bookable three months ahead, some open 48 hours ahead and some are  
bookable on the day.

855 **Ramsey** – Their practice nurses take 12-16 triage calls per surgery, i.e. 32 per day. If during  
the triage it becomes apparent that the patient needs to be seen by a GP they are given an  
appointment that day. In addition, each GP undertakes 5-15 telephone consultations per surgery  
(i.e. between 10-30 each day each).

860 **Laxey/Onchan** – For Monday 6th February 2012, 24 bookable on the day appointments were  
available (urgent extras) over both booked surgery appointments. The practice policy is that if a  
patient says they need to be seen same day and cannot wait until the next regular appointment they  
are offered an appointment. They add patients onto the end of surgery as necessary. On 6th  
February 35 urgent extras were seen over both surgeries.

In terms of pre-booking appointments they can be booked up to 12 months in advance.

865 **Southern** – Has 14 emergency appointments daily (on call doctor) plus 28 appointments at the  
end of surgeries for additional emergency appointments.

They have 46 x 48 hour access appointments daily plus 28 bookable up to six weeks in  
advance.

870 **Ballasalla** – Have had one full-time partner vacancy since 1st September 2011. An average  
day gives patients 28 pre-bookable appointments – 16 on the day attendance appointments and 16  
telephone consultations. Appointments can be made up to six weeks in advance. No two weeks are  
the same as they alter the number of appointments and use locums to adapt to patient-led need.

**Peel** – Has no 'on the day appointments', but instead offer daily triage which enables patients  
to call the surgery, the receptionist takes the details, brief outline of problem and a contact number  
and the GP rings them back. After speaking on the phone, if the GP feels the patient needs to be  
seen they are given an appointment for that day. To give an example, on Monday 6th February,



875 Peel had 56 triage appointments where patients were spoken to by a GP and assessed; 21 of those required a follow-up appointment on the same day.

Of the 121 pre-bookable appointments, half are bookable 4-6 weeks ahead and half are pre-bookable 48 hours in advance.

880 They have three bookable telephone consultations with each available GP each day.

On average each GP sees 30 patients each day, minus triage appointments.

## HOME AFFAIRS

### CCTV

#### Crime prevention and detection

2.10. The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Home Affairs:

*What value his Department places on the deployment of CCTV as a prevention and detection tool; how valuable CCTV has proved up until now in the prevention and detection of crime; and if he will make a statement?*

885 **Answer:** I consider the effective, proportionate and controlled use of CCTV systems to be an effective tool in the prevention of crime and anti-social behaviour, the detection of crime and in reducing the fear of crime.

890 A considerable body of academic research exists in other jurisdictions to show the effectiveness of CCTV in terms of crime prevention, crime detection and in making people feel safe.

It is impossible to determine precisely how many crimes the deployment and use of CCTV systems actually prevent. However, as research shows, CCTV makes a real difference to the safety of a community, to how people feel and, importantly, to helping detect crimes.

895 Not only does my Department consider CCTV to be an essential tool in preventing crime, increasing feelings of safety and in helping detect crime, but its use within the Isle of Man has had a significant and positive impact. Several very serious offences, including murder, have been detected on the Island wholly or in part by use of images obtained from CCTV systems. Without CCTV there is a real possibility that perpetrators of awful crimes could go undetected.

900 It is important that CCTV is used effectively and appropriately and I am keen that its use should be directed at higher crime areas and that recorded or live footage should not be publicly accessible. I am currently undertaking a review as to whether CCTV should be regulated in legislation, and whilst this is relatively low on my current priorities, I would welcome the thoughts of any Hon. Members on this subject.

### CCTV footage

#### Use as evidence

2.11. The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Home Affairs:

905 *How many criminal cases have been sent to the prosecutions section of the Attorney General's Chambers in the past 24 months; and how many of those cases the Attorney General has brought to trial which used CCTV footage as part of the evidence?*

910 **Answer:** It is not possible to provide the number of cases sent by the Constabulary to Her Majesty's Attorney General's Chambers without a more detailed definition being given as to what is meant by 'case'. However, I will undertake to circulate the figure for the number of defendants that have appeared in Court in the last 24 months as soon as it can be ascertained.

915 It is not possible to say how many cases that went to trial (which is taken to mean those that were subject to trial at Courts of General Gaol Delivery or to hearings at summary courts) involved the use of CCTV. Material from CCTV cameras is automatically sought by the police in cases where its existence is known or suspected and where its use may be relevant to the matter under investigation. Defence advocates also ask the police to secure any such material if it is believed that it may help the defendant's case. It is fair to say that such requests are now made on

almost every case, as advocates for example routinely ask to see CCTV images from the police custody block.

920 CCTV material seized as part of an investigation then falls into two categories: used or unused material. Used material is automatically disclosed and may be used in evidence; unused material is almost always disclosed but may not necessarily be used in evidence.

The Constabulary has to obtain significant quantities of CCTV material. It is not possible to say how many cases involved such material on a used or unused basis.

### **Facebook Abuse**

2.12. The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Home Affairs:

925 *How many local reports of Facebook abuse have been brought to police attention in the last twenty-four months; what action his Department can take against such abuse; and whether any actions have been taken against anyone?*

930 **Answer:** The Constabulary does not keep specific records of ‘abuse’ involving the use of Facebook or other social networking sites. It is, therefore, regrettably not practicable to examine every ‘police incident’ over a two-year period which would be required to identify specific Facebook abuse.

935 However, the Constabulary is aware that the increasing use of social networking sites by a significant part of the population is bringing with it growing policing problems. There is evidence to show that such sites are being used to threaten, harass and alarm people and to facilitate crimes, including drug trafficking. Additionally, they pose a risk to the security of information and the integrity of public and private sector organisations and to the individuals working for them. These problems do not necessarily offset the considerable benefits of such systems, but they present many challenges, which are likely to grow in scale, complexity and intensity.

940 The Constabulary uses various statutory provisions whenever it receives a complaint from a member of the public about the misuse of a social networking site. Legislation that is utilised includes provisions of the Protection from Harassment Act, the Telecommunications Act, the Criminal Code and the Computer Security Act, depending on the nature of the alleged conduct.

945 Periodically offenders have been prosecuted for their criminal use of social networking sites. Such cases have included instances in which the use of such a site has been the sole conduct involved, or instances in which misuse of a social networking site has simply been part of a course of criminal conduct.

### **Surveillance cameras Code of practice and licensing**

2.13. The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for Home Affairs:

950 *If he will implement a code of practice and licensing system for the use of surveillance cameras?*

955 **Answer:** A single, generic and legally codified document setting out guidelines for the installation and management of CCTV systems does not exist in this or any neighbouring jurisdiction. Efforts to produce such have been made in the United Kingdom for a number of years, but they have thus far been unsuccessful. However, in many respects the Isle of Man has a more advanced approach than its neighbours.

960 In 2003-04 the Isle of Man Constabulary developed a set of guidelines for the installation and use of CCTV by the licensing trade. The guidelines were effectively adopted by the Licensing Court and any existing or putative licence holder is now required to adhere to them. The guidelines can be made available to Hon. Members and it is important to note that the Data Protection Supervisor played an important and helpful role in quality assuring them. His input has been important in ensuring the rights of the public are upheld.

965 An early assessment of the effectiveness of the guidelines led to the Constabulary producing an extended version, which could apply to systems used outside a licensing environment, including public systems installed and maintained either by central or local government bodies. By working with the security industry the Constabulary was offering advice to individuals, companies and agencies which were contemplating the installation of a CCTV system. As a result, all public systems and many private systems installed since 2004 operate to the guidelines.

970 The work of the Constabulary in respect of CCTV has been significant and it has been predicated on the need to protect the rights of the individual, whilst deploying CCTV systems in a way that prevents and detects crime. For several years the Home Office provided a link on its website to the Constabulary's guidelines, which it considered to offer best practice. Furthermore, at least six Police Forces in England and Wales use the Constabulary's guidelines as a template for their own CCTV policies.

975 I am reviewing whether the code of practice needs to be placed on a statutory footing, and whilst this is low on the Department's list of priorities, it may be that any review of data protection legislation on the Island will provide an opportunity for this to be pursued.

## INFRASTRUCTURE

### User Agreement Validity

2.14. The Hon. Member for Onchan (Mr Hall) to ask the Minister for Infrastructure:

980 (a) *Whether the User Agreement is void because the Extension Agreement between his Department and the Isle of Man Steam Packet Company Limited dated 21st December 2004 was made with Isle of Man Company Reference Number 73 and the Isle of Man Company Registry records that Company Number 73 has been dissolved; and if not, why not;*

(b) *whether his Department has entered into a binding agreement that the benefits that Company Reference Number 73 enjoyed by way of the User Agreement have been transferred to another company or Manx vehicle; and, if so, when and why the agreement was entered into and what the agreement contains; and*

985 (c) *whether his Department has sought legal advice in relation to part (a) of the Question; and if so, when was it obtained, from whom it was obtained; and if he will make a statement?*

**Answer:** (a) The User Agreement allows for the assignment of the Agreement with the other party's consent.

990 The 2004 Agreement was to vary specific clauses of the User Agreement but otherwise for it to remain unchanged, therefore the clause allowing for an assignment would still apply to the User Agreement as varied in 2004.

995 However, in this case when the Isle of Man Steam Packet Company Limited company number 73c was dissolved on 31/12/07, it was then re-registered under the Companies Act 2006 with the same name. The Companies Act 2006 s1 allows for a company to be incorporated or continued under that Act. As such, the change had no impact on the validity or continuation of the User Agreement or the extension to it.

(b) See the Answer to (a) above.

1000 (c) Department officers did obtain legal advice when they became aware of the change and that it did not impact on the validity of the User Agreement.

### User Agreement Tynwald Library file

2.15. The Hon. Member for Onchan (Mr Hall) to ask the Minister for Infrastructure:

(a) *If he will publish on the internet the documents in the Tynwald Library Steam Packet User Agreement File which were either deposited for consultation in the Tynwald Library or put in the folder of Steam Packet documents for public inspection;*

1005 *(b) why the document of 15th November 2005, which deals with the use of about £8 million of public money to purchase land from the Steam Packet or an associated company is not in the Tynwald Library file; and if he will place it in the file; and*  
*(c) whether other documents which form part of the Steam Packet User Agreement will be supplied to the Tynwald Library and be available for publication?*

1010 **Answer:** (a) As the documents relating to the User Agreement have been publicly available via Tynwald Library for many years, the Department is, of course, content to make them available, if technically practical, via an appropriate website. Whether this is the Department's website or Tynwald website is a matter that can be the subject of discussion between the Department and the Clerk of Tynwald's Office.

1015 There could be technical problems due to its size as it will have to be uploaded as a pdf file and there is a limit on the size of uploads. This, in turn, could cause problems for anyone trying to download the documentation.

1020 (b) The document of 15th November 2005 to which the Hon. Member refers concerns the purchase of the land previously occupied by the Steam Packet's warehouses and is now the Department's Parade Street car park. This land was purchased by the Department from a company owned by Macquarie Bank, and related to the Steam Packet, in order to secure a strategic area of land immediately adjacent to the Circus Beach marshalling area. By purchasing this land the Department secured the ability of Douglas Harbour to accommodate a significantly greater volume of freight and vehicle traffic which would be vital to the Isle of Man in the future. The purchase of this land is, therefore, separate to the User Agreement and part of the Department's normal business. The records referring to it are consequently retained by the Department. That said, this document can also be the subject of the discussions with the Clerk of Tynwald's Office, as indicated to the Answer in (a) above.

1025 (c) To the best of the Department's knowledge all of the core documents that make up the current User Agreement with the Steam Packet have been already supplied to Tynwald Library and have been available for public inspection there for some years now. The documents which make up the current User Agreement are:

- 1030 (1) The original 1995 User Agreement.  
1035 (2) The 2002 extension.  
(3) The 2004 extension.  
(4) The Victoria Pier linkspan siting licence.

### **Douglas Harbour Plans for deepening**

2.16. The Hon. Member for Onchan (Mr Hall) to ask the Minister for Infrastructure:

1040 *(a) What investigations have been carried out by his Department into the costs and benefits of deepening Douglas Harbour for use of the vessels for provision of freight and passenger services to and from the Isle of Man; and if he will publish the results;*  
*(b) what discussions he has held with the Minister for Economic Development and his other colleagues in the Council of Ministers on the results of those investigations;*  
1045 *(c) what plans, if any, have been prepared to change Douglas Harbour to enhance provision for such vessels; and*  
*(d) what the estimated cost is of implementing any such plans?*

1050 **Answer:** (a) Whilst the Department has been looking closely at its options to improve Douglas Harbour in the future, the available depth in the harbour is not a significant matter as the current operating depths in Heysham are broadly similar. The limiting depths in other ports used by the Steam Packet, namely Liverpool, Belfast and Dublin are all greater than Douglas and therefore the Company's vessels can operate without restriction in these ports.

1055 Part of the construction work carried out by the Department in connection with the current Edward Pier linkspan involved localised deepening of the harbour on the approach to the berth. Should a new linkspan be built elsewhere in the harbour, for instance at the Victoria Pier, then similar localised dredging may be necessary. This work will be assessed at the detailed design stage for any future harbour improvements.

1060 (b) The Department's Harbours Division is presently finalising the outline master plan for the development of Douglas outer harbour and has consulted with harbour users and other relevant stakeholders, including the Department of Economic Development. Once the plan has been further assessed, particularly with respect to the wave climate inside the harbour in adverse weather, it will be presented to the Department for consideration.

1065 Once the Department has approved the master plan, copies and appropriate briefings will be made available to the Council of Ministers, relevant Government Departments including the Department of Economic Development, as well as the stakeholders that have been involved in the development of the plan to date.

(c) See the Answer to (b) above.

1070 (d) The work undertaken to date has been the development of the master plan, in order to ensure that any development that takes place occurs in a co-ordinated manner and, once developed, the harbour remains technically and operationally viable. Once this stage has been approved by the Department the various stages of development will be identified and each stage can be brought forward as separate capital schemes. In working up these separate schemes the appropriate level of costs will be established.

**Douglas Harbour  
Replacement or additional linkspan**

2.17. The Hon. Member for Onchan (Mr Hall) to ask the Minister for Infrastructure:

1075 (a) *What investigations have been carried out by his Department into the feasibility of constructing any replacement or additional linkspan, in Douglas or elsewhere; and if he will publish the results of those investigations;*

(b) *what discussions he has held with the Minister for Economic Development and his other colleagues in the Council of Ministers on the results of those investigations;*

1080 (c) *what plans, if any, have been prepared to construct any replacement or additional linkspan; and*

(d) *what the estimated cost is of implementing any such planning?*

1085 **Answer:** (a) The master plan presently being finalised by the Department's Harbours Division for the development of Douglas outer harbour contains provision for a new linkspan that would be located on the south side of the Victoria Pier, Douglas. Once this plan has been approved by the Department, relevant Government Departments and the stakeholders that have been involved in developing the plan to date, will be briefed on the outcome. The Department will also give consideration to an appropriate level of public consultation.

1090 (b) Senior officers within the Department of Economic Development have been briefed at an earlier stage of the development of a master plan for Douglas outer harbour. The plan has yet to be finalised, particularly with respect to the wave climate in adverse weather inside the outer harbour. Once the plan has been approved by the Department, further briefings will be made available to the Council of Ministers, relevant Government Departments and in particular the Department of Economic Development. It should be noted that, in developing the plan, representatives of all of the commercial and leisure users of Douglas harbour have been consulted and their feedback has been incorporated in the various amendments. The Department expects that this level of consultation and the important input from the stakeholders will ensure that a viable and acceptable development plan will be the outcome.

1095 (c) See the Answer to part (a) above.

1100 (d) As it is not yet required, no detailed cost estimation for any stages of the master plan have been undertaken. The work to identify the relevant cost details will be carried out in accordance with the Procedure Notes for Capital Schemes. Appropriate cost estimates will be compiled in order to progress the various phases of work in accordance with the above notes.

**Isle of Man Steam Packet Company Ltd  
Related entities**

2.18. The Hon. Member for Onchan (Mr Hall) to ask the Minister for Infrastructure:

- 1105 (a) *If he will publish information about the group, company and decision making structures covering all Isle of Man Steam Packet Company related entities, updating to present the information provided in November 2008 in appendix J of the Report of the Tynwald Select Committee on the Isle of Man Steam Packet Company;*
- 1110 (b) *which of these entities provides financial and strategic information to his Department and/or other parts of Government, why such information is not provided in this Answer, and whether the information provided is available to (i) Tynwald Members and (ii) the wider public; and*
- (c) *if he will publish the agendas of meetings between his Department and representatives of the Steam Packet Company?*

1115 **Answer:** (a) It is the Department's view that it is the responsibility of the Isle of Man Steam Packet Company to make available information in respect of the Group, Company and decision-making structures by the Hon. Member.

1120 (b) Any financial and strategic information that the Department requires in connection with the Isle of Man Steam Packet Company and its operations is provided by the Isle of Man Steam Packet Company Ltd. Some elements of the financial and strategic information given to the Department may be commercially sensitive. If they are and, at the request of the Company, they may not be publicly available. That said, both the Department and the Company are willing to make available as much information as can be practically achieved.

1125 The Company has regularly provided a range of information to Tynwald Members in the form of briefings, individual meetings and correspondence. The wider public has been provided with a range of information on the Company's website and in newsletters published by the Company. In addition, the Company deals with a range of queries and requests for information from individual members of Tynwald and the public.

1130 (c) I can confirm that the Department will place on the Department's website the agendas of:

- the officer-level monthly meetings between the Department and the Steam Packet Company
- the biannual meeting between the Department and the Board of the Steam Packet Company.

**User Agreement  
Options to extend or terminate**

2.19. The Hon. Member for Onchan (Mr Hall) to ask the Minister for Infrastructure:

1135 *Whether the Steam Packet Company has exercised its option to extend the User Agreement for a further six years from 2020; if so, when did it do so; if not, what the last date is on which the Steam Packet can exercise this option; in what circumstances his Department would (a) not be obliged to extend the period of the User Agreement to 2026; and (b) terminate the current User Agreement before 2020; and whether his Department has sought legal advice in relation to extension or termination of the Agreement; and if so, when it was obtained, from whom and what the advice said?*

1140 **Answer:** The Department can confirm that the Isle of Man Steam Packet Company has not exercised its option to extend the User Agreement for a further six years from 2020.

In accordance with the User Agreement the last date upon which the Company or the Department can exercise this option is twenty-four months prior to the expiry of the initial period.

1145 The Department would not be obliged to extend the period of the User Agreement to 2026 if the Company was in fundamental breach of the User Agreement or if the Company decided not to exercise its option.

The Department would have grounds to terminate the User Agreement before 2020 if the Company was in fundamental breach of the terms of the User Agreement and did not, within a reasonable period, rectify the breach to the Department's satisfaction.

1150 The Department has not had any grounds to consider that the Company was in breach of the User Agreement and has not therefore had the need to seek legal advice with respect to

terminating the Agreement. The Department would seek legal advice with respect to any issues relating to a termination or an extension of the User Agreement.

## Order of the Day

### BILL FOR CONSIDERATION OF CLAUSES

#### **Gambling Duty Bill 2012** **Clauses not moved**

1155 **The Speaker:** In respect of Item 3, Bill for Consideration of Clauses, I understand that Mr Henderson does not wish to move the clauses stage of the Gambling Duty Bill at this sitting. In which case, Hon. Members, that concludes the business of the House this morning.

The House will now stand adjourned until our next sitting at 10.30 a.m. on 21st February in Tynwald Court.

1160

*The Court adjourned at 10.35 a.m.*