



HOUSE OF KEYS OFFICIAL REPORT

RECORTYS OIKOIL
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PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 3rd December 2013

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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);
Mr P Karran 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 C Thomas (Douglas West);
Mr R A Ronan (Castletown); Hon. G D Cregeen (Malew and Santon);
Hon. J P Watterson, 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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House of Keys

The House met at 10.00 a.m.

[MR SPEAKER *in the Chair*]

The Speaker: Moghrey mie. Good morning, Hon. Members.

5 **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 today to the Hon. Member for Onchan, Mr Hall.

Welcome to visitors from Laxey School

The Speaker: It is my pleasant duty to welcome to our sitting this morning the Headteacher, staff and pupils of Laxey School. (**Members:** Hear, hear.) I hope you will enjoy your visit to the Legislative Buildings this morning.

Questions for Oral Answer

TREASURY

1.1. Depositors' Compensation Scheme – Licensed credit unions

The Hon. Member for Douglas West (Mr Thomas) to ask the Minister for the Treasury:

What the implications of admitting a licensed credit union to the Depositors' Compensation Scheme would be?

15 **The Speaker:** Turning to Item 1 on the Order Paper, Questions for Oral Answer, I call on the Hon. Member for Douglas West, Mr Thomas.

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

20 **The Speaker:** I call on the Treasury Minister, Mr Teare, to reply.

The Minister for the Treasury (Mr Teare): Thank you, Mr Speaker.

The Depositors' Compensation Scheme (DCS) protects certain deposits held with firms holding a banking class 1 financial services licence. Such banking licence-holders, which include building societies, have to comply with the formal prudential supervisory regime and they must pay levies to fund the scheme if the scheme is activated in the case of an insolvency.

25 The DCS does not cover money placed in a credit union. That is because a credit union is not a bank or building society. The money is not in deposit and the person placing it is not a depositor: they are a member of the credit union.

30 As something other than a bank, a credit union is therefore not covered by the DCS regulations. If Tynwald wished to establish a compensation scheme for money placed with credit unions, it would need to amend primary legislation, enabling such a scheme to be established, and then either amend the current DCS regulations or establish a new bespoke compensation scheme for credit unions.

35 The implications arising out of providing a compensation scheme for credit unions include but are not limited to the potential impact of a credit union failure on the public purse... *[Inaudible]* the risk of moral hazard and determining an appropriate sum to levy against them.

If there was likely to be an increased use of credit unions on the Island, there would need to be a much enhanced regulatory framework and new legislation to provide for the suitable prudential and conduct of business regime.

40 Thank you, sir.

The Speaker: Supplementary, Mr Thomas.

45 **Mr Thomas:** Thank you, Mr Speaker, and to the Minister for that comprehensive reply.

Can the Minister confirm that the Financial Services Rule Book and *a* or *the* depositors' scheme compensation law and regulation could be modified so that taking deposits includes a subscription for shares in a credit union, and thus credit union deposits would be recognised and regulated as regular DCS deposits?

50 Moreover, could the Minister direct his officers and ask FSC commissioners and existing participants in the DCS to work out how this can be done so that the timetable of the active credit union working group, with which our Island is blessed – people who are giving up their time in the public interest to prepare the launch of a credit scheme – can actually meet some success by 2015?

55 **The Speaker:** Quite a lengthy supplementary question. Mr Teare.

The Minister: I think it is going to test my memory, sir, but here goes.

60 The first thing is we need to amend the credit unions legislation and I have already said here and in another place that that is work which is well underway. So that is the first step.

The Hon. Member who has just resumed his seat keeps talking about credit union deposits and I must once again state the credit union does not accept deposits. It has shareholders and it is those shareholders' money that the Hon. Member is trying to protect.

65 Going back to the first part of his question, yes, the FSC Rule Book could be modified, but we have to work out who is going to pick up the tab in the event of something going wrong. In the Republic of Ireland and also in the UK that rests with the taxpayer.

We have competing priorities for the taxpayer's funds – health, social care, education – and what the Hon. Member is saying to me is we should also be allocating funds to cover the potential failure of a credit union. So it comes down to prioritisation of resources as well, sir.

70

The Speaker: Hon. Member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh Tashtee not agree that the fact is that the UK taxpayer does have a depositors' compensation scheme on the lines of a banking... covering credit unions in the United Kingdom?

75

Does he not agree that... allowing for the fact that when the late Member for Garff actually brought this legislation in, we had the situation where we had the playground politics where they made sure it would not work?

80

Can we see this Treasury Minister rise above that playground level and actually get this important facility for a very vulnerable section of the community... to actually be allowed to work for that section of the community?

The Speaker: Mr Teare, reply.

85

The Minister: Thank you, Mr Speaker.

I did say that it would be necessary to completely review and amend the 1993 credit union legislation, and that is work in progress, so that is one side of it underway.

90

I did mention in my previous answer to a supplementary question posed by the Hon. Member for West Douglas that yes, the UK has a scheme in place, but – and I will repeat this – it is funded by the taxpayer. It is not funded by the industry.

The Speaker: Mr Thomas.

95

Mr Thomas: Thank you, Mr Speaker.

To pick up, then, on two points that the Hon. Minister has made, the first one is that in my original supplementary I did say deposits including the subscription for shares in a credit union, which is what is used on our adjacent island.

100

My second question is that... I want to build on the point about taxpayer funds. What is Treasury's estimate of the resource and cost implications of the establishment of a credit union, which caused Council of Ministers, in 2012, to start believing that there might be a significant cost to the taxpayer? By my calculation, the potential liability and the risk is not actually as large as is being pretended.

The Speaker: Mr Teare.

105

The Minister: Let's have a look at it a different way. The maximum shareholding under the existing legislation is £5,000, as is the maximum loan. It does not take many customers to get into the millions of pounds. The difficulty is that if there was a call on the scheme, we could, in a worst-case scenario, be facing claims which would be into seven figures.

110

Our finances are very finely balanced, to put it politely, at the moment, and I would not know, at the present time, where those funds would come from if we had a call.

The Speaker: Mr Karran.

115 **Mr Karran:** Vainstyr Loayreyder, would the Minister not agree that, allowing for the fact that this Hon. Member was the only one who actually raised concerns about the issue of having no upper limit as far as the exposure of the taxpayer, I am fully aware of the problems, of the liabilities?

120 Would he not agree that many outside this Hon. House will be saying here we have a situation where, when it suits, you can do three readings with a nod of a hat in one day of sittings, and when it deals with important issues from a section of the community that is not fashionable, is not wanting to be promoted by this Government, you can find any excuse not to get on with this important facility for that section of the community?

125 **The Speaker:** Mr Teare.

The Minister: As I said in two previous supplementary answers, sir, work is already underway. It was underway before he raised the issue.

130 We have to find, firstly, drafting time and also it has to fit in with the other priorities. I can see that the allocation of priorities which the Hon. Member might have will be different from mine, but that is... Not everybody's perception is the same, sir.

The Speaker: Mr Thomas.

135 **Mr Thomas:** Thank you, Mr Speaker.

Can the Minister confirm that we are not talking about cost here; we are just talking about a potential liability?

140 Can his officers actually investigate whether existing DCS participants actually might contribute in some sense to underwriting credit unions as part of their corporate social responsibility to move things forward according to the timetable of the working group?

The Speaker: Mr Teare.

145 **The Minister:** We have got to recognise too that we have got to be careful we do not destabilise the overall financial market for financial services on the Island.

I hear what the Hon. Member is saying, but at the moment Treasury has many priorities, including rebalancing the budget.

We are moving forward on this and I will continue to monitor the legislation.

150 **The Speaker:** The last supplementary on this Question, Mr Karran.

155 **Mr Karran:** Vainstyr Loayreyder, would the Shirveishagh Tashtee not agree that I raised this issue about credit unions when I was the Minister for Education; and would he not agree that the priority is to get these out of the hands of the loan sharks, the payday loans, which we have washed our hands of with the latest report that was given out by the Office of Fair Trading?

Does he not see this as a priority? Debt is a social cancer and we have a responsibility to this section of the community to get a fair rate of interest.

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

The Minister: Debt is a social cancer... The management of debt can be very difficult and I will certainly concede that, but debt does give people the opportunity, for example, to buy their own homes through mortgages.

165 I know and I acknowledge that this is a potential social issue. I have said that we are bringing forward legislation which will at least put the framework in place, but then we will have to also

work out how we put a depositors' protection scheme in place, if it is felt appropriate to put a depositors' protection scheme in place for it.

**1.2. Income Tax data –
Analysis by postcode**

The Hon. Member for Douglas West (Mr Thomas) to ask the Minister for the Treasury:

Whether Income Tax data can be analysed by postcode?

The Speaker: Question 2. Mr Thomas.

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

The Speaker: Treasury Minister to reply. Mr Teare.

175 **The Minister for the Treasury (Mr Teare):** Thank you, sir.
I can confirm that Income Tax data could be analysed by postcode as a postcode is normally held as part of the correspondence address record of a taxpayer.

The Speaker: Mr Thomas, a supplementary.

180 **Mr Thomas:** Thank you very much, Mr Speaker.
That is so good to know and I am delighted that things like the Child Benefit income thresholds were made using this data.
Can the Minister advise whether Government could use this information to publish reliable
185 official statistics about the actual number of social housing residents who have high incomes to
squash myths about the extent of the abuse of social housing, if it is a myth? This would enhance
consensus and harmony in our community, rather than politics based on resentment.

The Speaker: Mr Teare.

190 **The Minister:** 'No' is the short answer, sir.
Under section 106 of the Income Tax Act 1970, we would be coming very close to disclosing
information which could identify an individual taxpayer. Some of the postcodes only cover one
or two properties, and really I want to reassure taxpayers that their private information is
195 protected.

The Speaker: Mr Thomas.

200 **Mr Thomas:** Thank you, Mr Speaker.
Could the Minister then not investigate combining postcodes until the dataset was large
enough not to risk revealing personal information?

The Speaker: Reply, sir.

205 **The Minister:** No, I will not give that undertaking, sir.

**1.3. PR and media –
Number of staff involved**

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

How many staff in each Department have responsibility for PR and media (a) as part of their employment; and (b) full time?

The Speaker: Question 3. Hon. Member, Mr Karran.

Mr Karran: Vainstyr Loayreyder, I ask the Question standing in my name.

210

The Speaker: Minister for the Treasury, Mr Teare.

The Minister for the Treasury (Mr Teare): Thank you, sir.

215 Based on the information provided by Departments, there are only two full-time public and media relations staff and these are in the Department of Health.

As the Hon. Member for Onchan will be aware, the Chief Secretary's Office also has three full-time public and media relations staff providing professional advice and support to the Council of Ministers and their Departments.

220 Elsewhere in Government the situation is less well-defined as each Department approaches the delivery of media liaison and public relations activities in the manner most appropriate for the specific requirements and its resources. This means that some Departments make use of the advice and support provided by the Chief Secretary's Office and others spread any relevant tasks among staff who have other responsibilities as their primary role.

225 Economic Development has indicated that it has two staff providing media and public relations services and that together their work accounts to 1.5 full-time equivalent.

The Department of Education and Children has one officer, with approximately 70% of their time dedicated to public and media relations activities.

Community, Culture and Leisure has two officers who have media responsibilities as part of their wider roles, and together their time spent equates to less than 1.5 full-time equivalent.

230 Social Care has indicated that about 30% of one officer's time is dedicated to public and media relations activities.

In the Department of Infrastructure, two staff are involved with PR and media relations activities as part of their wider duties, but for each it forms less than 5% of their responsibilities.

235 Environment, Food and Agriculture has six people who are, as part of their wider responsibilities, involved in public and media relations, which equates in total to about 0.3 full-time equivalent.

In Treasury, there are up to 17 senior officers who from time to time are involved in media or PR activities as a small part – 2% or less in each case – of their specific roles.

240 Home Affairs has no dedicated PR or media relations staff, although the Constabulary has an officer with media relations responsibilities which amount to approximately 10% of the role.

In addition to this, there are numerous officers across Government who may at some point have involvement in the production and approval of press releases and media activities or in co-ordinating the issue of a press release via the Communications Unit in the Chief Secretary's Office.

245 Thank you, sir.

The Speaker: Mr Karran.

250 **Mr Karran:** Vainstyr Loayreyder, would the Treasury say it was rather bizarre that we seem to have more media staff than the media have in the Isle of Man? (**Mr Houghton:** Hear, hear.)

Would he not agree that this needs to be looked at and brings into question the situation of why some of us have complained so much about spin by Government?

The Speaker: Mr Teare.

255

The Minister: Can we just go to the final part first, spin by Government: there have to be clear communication channels between the Government, the Departments of Government and the media. We need people who can be the focal point for the access to public information by the media.

260

He did say that there are more media staff in the Government now. I have done a full-time equivalent estimate. Going through the details that I read out in the primary Answer, there are approximately 10 full-time equivalent staff dealing with media for Isle Of Man Government in one way or another. Manx Radio newsroom has 10, Isle of Man Newspapers has 12 journalists, so it is not true when he says there are more in Government than there are in the wider industry.

265

The second part of his question was it needs to be looked at. The Business Change Steering Group is currently looking at it.

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

270

Mrs Beecroft: Thank you, Mr Speaker.

Given that there are 10 full-time equivalents which are necessary for the clear communication channels that the Minister referred to, does he have any explanation why Ministers – and in particular the Chief Minister – have stated on occasion that they cannot get their message out?

275

The Speaker: Minister to reply.

The Minister: I think one of the problems is there are none as deaf as those who will not listen. We need people. We put the information out, but then it is up to the media to decide what they use, what they do with it, because we have no editorial control, quite rightly – that is their function, that is a decision that must rest with the media.

280

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

285

Mr Ronan: Thank you, Mr Speaker.

I listened to the Minister's original reply and it seems that media and PR is all over the place. Does he feel that this function needs to be within Government, or does he feel as though it could be outsourced?

290

The Speaker: Reply, sir.

The Minister: There is an argument that it could be outsourced, certainly, sir; but as things stand at the moment, we have people who, as part of their roles, have a responsibility for media and PR, and because they are embedded within the Department they quite clearly understand how the Department works, and if there is a request from the media for information, they know exactly where to go to so that the request for information from the media can be dealt with in a timely manner, acknowledging that the media have deadlines or timescales to keep.

295

The Speaker: Hon. Member for Douglas North, Mr Houghton.

300

Mr Houghton: Yes, thank you, Mr Speaker.

305 Does the Minister not really agree that people in the Island are being overwhelmed by a litany of spin and rubbish on a daily basis – mainly coming out of the Department of Health, closely followed by the Department of Social Care and others – which is not even been picked up by the media? Manx Radio play very little of it, and thankfully the Isle of Man newspapers even less. So does he not really agree with me and Members of this House that what it really needs is its neck winding in?

310 **The Speaker:** Reply, sir.

The Minister: That was a technical expression, sir!

Mr Houghton: One everybody understands.

315 **The Minister:** Nevertheless, I did make it clear in my previous answer that the Business Change Steering Group is currently considering the media.

I do not regard what information we are putting out as spin and rubbish, as the Hon. Member has somewhat graphically stated.

320 **Mr Houghton:** Do you read it?

The Minister: Yes, I do read it.

325 **Mr Houghton:** Have you really got the time?

The Minister: I do read it, but I have to say that not all of it is of interest to me, and that is exactly the same view that the media takes. They have to decide what is of interest to their listeners (**Mr Houghton:** Absolutely.) or to their readers.

330 I have, at times, signed off press releases thinking to myself that this will not be picked up by the media, and it has been; so I and my colleagues who are dealing with media cannot judge the reaction of the media until we make the press releases available. (*Interjection by Mr Houghton*)

The Speaker: Mrs Beecroft.

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

I am actually quite pleased to hear the Minister acknowledge that he is not interested in all the media releases, because that would explain his previous statement possibly.

340 Could he confirm, does he not agree with me that to say there are none so deaf as those who will not listen is actually a real insult to the public, given that he has stated that he does not read them all?

The Speaker: Minister.

345 **The Minister:** The Hon. Member who has just resumed her seat must have been aware I was thinking of her when I framed that...

Mrs Beecroft: No, I wasn't. (*Laughter*)

350 **The Speaker:** Mr Karran.

Mrs Beecroft: A matter of clarity, Mr Speaker.

The Speaker: Mr Karran.

355 **Mr Karran:** Vainstyr Loayreyder, (**Mr Henderson:** Next question.) will the Shirveishagh not agree that this is a serious issue? It is a concern about having the balance right, not only that the parliament has over the executive to hold to account, but the media.

360 Would he not agree that his figures seem to be very generous, particularly as far as Isle of Man Newspapers is concerned, because I am led to believe that they have five full-time members of staff who are purely journalists, and maybe it would be more beneficial for him to actually get rid of the middleman and takeover Isle of Man Newspapers –

The Speaker: Question, please.

365 **Mr Karran:** Would the Minister not agree that the fact is that the priorities... by the reply of the Hon. Member is the fact that we have an out-of-joint amount of staff dealing with PR when the PR within the Isle of Man is actually getting to a point where there are more PR working for Government than there are working in the rest of the media industry?

370 **Mr Houghton:** Hear, hear.

The Speaker: Mr Teare.

375 **The Minister:** Our PR staff do a very good job, sir. They are on call 24/7. They have to be available for the media and they are quick to respond so that at times they can deal with an issue before it becomes a matter of major concern – not to Government but the wider public. I have been impressed with the way that they work and the way that they respond to the requests of the media.

380 It is a serious issue, I would not deny that, but it is important that Government continues to make the information available as widely as possible to the media, who act as a conduit to get that information out to the general public.

The Speaker: Hon. Member, Mrs Cannell.

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

Would the Minister agree with me that, in fact, it is essential that staff in all Government Departments are trained to be able to issue press releases, interviews etc, and that it is more cost-effective to do it that way than going out to the private sector and getting a consultancy firm in?

390 Would he further agree, though, given the number of individuals who do partake within each Government Department responsible for issuing of press releases, that it is reviewed in terms of seeking quality rather than quantity, because there is the odd Department that does perhaps oversupply the press and media with information that is not easily understood? (*Interjection*)

395 Further, would he follow the example of DEFA, (*Laughter and interjections*) where staff in DEFA, who are gainfully employed doing important work anyway day-to-day, actually attended a media training course (*Interjection by Mr Houghton*) on how to deal with the media and the press –

400 **Mr Anderson:** Delivered by whom?

Mrs Cannell: – and that perhaps that ought to be rolled out across Government –

The Minister: It has been.

405 **Mrs Cannell:** – so that we have uniformity across the board, thereby being even more cost-effective than we are now?

A Member: Vote!

The Speaker: Mr Teare.

410

The Minister: Certainly at DEFA I know that they can see the wood for the trees, but anyway...

It is difficult. As I said in one of my answers to one of the other supplementary questions, what is of interest to one person may not be of interest to another, and it is important that our PR officers act as, in effect, a winnowing process to make sure that the information is presented in a format that can be quickly and readily understood by the average person who is not an expert.

I agree that those people who are dealing with the media should be trained, but additional to that, to keep their skills up to speed, people need exposure to the media. For that reason, I would not advise or feel that everybody right across Government – there are 8,000 employees – should be trained to speak to the media. I think that we should have people who are skilled and who have a good line of communication –

Mrs Cannell: I didn't say that.

425

The Minister: – with the media, who can work with them. That is the important thing.

A Member: Didn't say that. (*Interjection by Mrs Cannell*)

430

The Speaker: Two further supplementaries only.
Mr Ronan.

Mr Ronan: Thank you, Mr Speaker.

Given yesterday's very welcome announcement from the Chief Minister, does he not feel that media and PR should be delivered centrally and not through the silo Departments we have got now?

A Member: No.

440

The Speaker: Minister.

The Minister: There is certainly an argument to that, but I just go back to something I said in a previous supplementary: with media and PR officers embedded in Departments, even though it may not be a full-time role, they have the depth of knowledge and the background of how the Department operates so that when they are faced with enquiries, which may come outside normal working hours, they have the depth of knowledge to be able to respond to the media.

As I said before, we are having a look through the Business Change Steering Group, which the Hon. Member is a member of, (**A Member:** Hear, hear.) and we will take this into account, sir.

450

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, will the Shirveishagh not agree that everyone in this House knows it is important for anyone to get their PR over, especially Government? But does he not agree that, with the way things are, with the way that cutbacks in the media outside Government have been, there is the danger now that the press officers within Government Departments are actually writing the press for the different installations as far as Government is concerned, both the written word and also with broadcasting?

460 What safeguards are we going to have that we have journalism that actually holds Government to account when there are more journalists effectively being paid *in* Government than outside Government?

The Speaker: A matter of opinion. Mr Teare.

465 **The Minister:** I think that we are in danger of not seeing the real issue here. The real issue is that we are making information available to the public in a form that can be understood and disseminated. I think it is part of the testimony to this Government's commitment to be open and transparent, sir.

ECONOMIC DEVELOPMENT

1.4. Flights to London – Service for business users

The Hon. Member for Onchan (Mr Karran) to ask the Minister for Economic Development:

What action he has taken to ensure an effective and secure air service to London for business users?

The Speaker: Question 4. Mr Karran.

470 **Mr Karran:** Vainstyr Loayreyder, I ask the Question standing in my name.

The Speaker: I call on the Minister for Economic Development, Mr Shimmin.

475 **The Minister for Economic Development (Mr Shimmin):** Thank you, Mr Speaker. As the previous Question has just pointed out, communication in these important areas is really critical. Certainly the business community unfortunately will not be listening to this statement today, but we will attempt to get the information out, because it is so serious.

480 I can confirm that my Department works very closely with that business community in order to listen to their ideas and concerns, so that we, as a Government, can provide appropriate support to help to build the economy.

As a result, we are very clear on the criticality of good air links, including the need for a service each working day to London that allows business people from both the Island and the United Kingdom to travel to the other jurisdiction, have a full day of meetings and then return home the same day.

485 We continue to work with the Department of Infrastructure and several airlines to ensure the Island maintains effective air links with London and elsewhere.

We are currently engaged in very productive discussions with British Airways CityFlyer (BACF). Ministers and senior officers have met with senior representatives on several occasions in recent months, including once last week and again yesterday.

490 As a result, I and the Minister for Infrastructure remain optimistic that BA will restore its services with three flights to London City, Monday to Friday, including an early flight and a late flight (**A Member:** Hear, hear.) that will allow business travellers to and from London to have a productive day of business meetings and return on the same day.

495 This should ensure there is no loss of such a service between the cessation of the Flybe flights to Gatwick and the recommencement of the BA flight to London City, which I expect will both occur when the summer schedule commences in March 2014.

500 The Minister for Infrastructure and myself hope that we can finalise details with BA and make a public announcement well before the end of December. Indeed, given the intense public scrutiny on this matter, we have asked BA to issue an interim public statement that our talks are progressing, in order to reassure the business community. They are considering this request and I am hopeful they will respond positively next week.

505 My Department has been keeping the business community informed of progress. On Friday, I personally briefed the financial services partnership, which includes representatives from all the major financial and professional services sectors, so they in turn can reassure their members. Likewise, I and my Chief Executive have visited the Chamber of Commerce in order to discuss the same matters.

Therefore, we are satisfied that Government is doing all we can, as fast as we can, to ensure we continue to have the air links our community needs to continue to thrive.

510 I do acknowledge all Members' interest in this important area.

Mr Cretney: Hear, hear.

The Speaker: Mr Karran.

515 **Mr Karran:** Thanking the Shirveishagh for his reply and thanking the Shirveishagh for returning my phone call on the issue, could the Shirveishagh tell us will there be a very early flight out of the Island as part of these proposals, as it is vital that there is a very early flight out to London and back –

520 **A Member:** He said that.

Mr Karran: – because the loss of jobs from the air operator stopping is one thing, but the loss of jobs from this important principle, allowing for the 90-day rule, apart from the added costs (*Interjection*) if people cannot get in and out early enough... Will it be at a reasonably early time, as far as the service is concerned? (*Interjections*)

The Speaker: Hon. Member, I think that question was answered in the main body of the Answer; (**Several Members:** It was.) but it is up to you, Minister.

530 **The Minister:** The comment I would make, Mr Speaker, is that, just like in any organisation, negotiations and discussions are very delicate. We remain optimistic, but that is as far as I can go until such time as these things are confirmed.

535 The airline understands fully the points the Hon. Member and many others have already made to them. We are working towards that outcome; however, that is ultimately a decision for BA CityFlyer and we must await their final board decisions.

540 A lot of the speculation that I am attempting to try and close down today is... We remain very optimistic. The timescale is one which is not of our making, and continual speculation in this area has been quite damaging to the confidence of business. (**Mr Anderson:** Hear, hear.) We understand that, we are attempting to reassure businesses, and we hope that, next week, BA will be able to make some statement, which will come from their voices rather than mine.

The Speaker: Mr Karran.

545 **Mr Karran:** Thanking the Shirveishagh for his reply, maybe the issue of looking at other airports in the London area, if we cannot get into the ones that we have got, might be a way forward if we cannot get a service early enough in the morning to satisfy the business community.

The Speaker: Mr Shimmin.

550

The Minister: Mr Speaker, I think it would be unhelpful at this stage to publicly look at those issues, but as a Government that is attempting to prepare for a whole range of scenarios, one can assume that we have had to look at alternatives.

555 However, the way the negotiations are going, and indeed the desires of the business community mean that London City and Gatwick remain the two most important London airports, and therefore we would prefer to keep those operational for as long as we can.

The Speaker: Mr Thomas.

560

Mr Thomas: Thank you very much, Mr Speaker.

I remain optimistic, because if anyone can do it this is the Minister who pushes what is possible in the national interest.

A Member: Hear, hear.

565

Several Members: Oh!

The Speaker: Question, please.

570

Mr Thomas: On that basis, BA and Flybe make franchise arrangements and have joint ventures, so is Isle of Man Government investigating with BA and other people the possibility of using such an arrangement to keep a base with staff and planes in the Isle of Man, or at least encouraging the private sector to take advantage of such an opportunity if it can be arranged?

575

The Minister: Mr Speaker, I am overcome! It is 17 years and I have yet to have such a good endorsement in this House, so I am very grateful to my good friend and colleague from West Douglas. *(Interjection by Mr Houghton)*

580 However, he will be disappointed to find that my answer to him is not going to actually go into any public discussion as to where we are with regard to any of the airlines he mentions, or others.

The whole issue of airlines to and from the Isle of Man has been a long-held difficulty for the Isle of Man. Indeed, the Hon. Member for Ramsey, Mr Singer, for at least a dozen years now has been looking at this issue of open skies, closed skies and what is the best way forward.

585 We are aware of the wet-leasing type of operations, we are familiar with all of those aspects; but at the moment I really do think we should focus on the prime purpose, which was the original Question, which is London access for business, which is so essential to our Island. All other matters are ones which are under consideration as alternatives, should we find the situation changes.

SOCIAL CARE

1.5. Reayrt ny Baie and Cummal Mooar – Plans for replacement accommodation

The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Social Care:

What plans he has to close Reayrt ny Baie and Cummal Mooar and to build new residential accommodation in their place, which will have a similar number of beds?

590 **The Speaker:** Question 5. Hon. Member for Douglas North, Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
Ta mee shirrey kied yn eysht y chur ta fo my ennym. I beg to ask the Question in my name.

595 **The Speaker:** Minister for Social Care, Mr Robertshaw, please.

The Minister for Social Care (Mr Robertshaw): Thank you, Mr Speaker.
In consideration of the Question, I would like to say that I believe that I have answered the Question to the very best of my ability in my Answer to the Hon. Member in another place on 19th November under Question 17; but I will be more than happy to help him with any supplementary.

600 **The Speaker:** If that is your Answer, that is a perfectly valid answer.
Mr Henderson.

605 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.
As far as I am concerned, it is not. He could have elucidated on the overall issue that we are talking about here. I would invite him to do so again, to give us a little bit of information and reassure the staff, if nothing else.

610 **The Speaker:** Mr Robertshaw.

The Minister: Mr Speaker, I am satisfied that I answered a significant number of wide-ranging questions and supplementaries in another place. I stand by my previous answers.
If the Hon. Member has a specific question which alludes... and expands on his Question, I am more than happy to answer it.
Thank you.

The Speaker: Mr Karran.

620 **Mr Karran:** Vainstyr Loayreyder, would the Shirveishagh not agree that, in the case of Reayrt ny Baie, if it was in the private sector it would be actually operating illegally?
Is it not an example of where we have a situation –

625 **Mr Henderson:** Patients' homes, Peter, you are talking about.

Mr Houghton: Hear, hear.

Mr Karran: – where Government, in the past, thought it was above the law and allowed it to be developed when it did not –

630 **Mr Henderson:** It is people's homes you are on about.

Mr Karran: – design them to the proper criteria?
Can the Minister reassure this House of the timescale for the replacement of such buildings?

635 **Mr Henderson:** It is people's homes you are on about.

The Speaker: Mr Robertshaw.

640 **The Minister:** Mr Speaker, that supplementary does not relate to the Question on the paper.

The Speaker: Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

645 Could I ask the Minister, then, regarding finance for the projects he is trying to bring forward:
(a) when is he seeking planning permission; and (b) has he got the finance in place and are there
any elements of this finance in the Pink Book – in the current one?

The Speaker: Minister.

650 **The Minister:** Mr Speaker, that supplementary question does not relate to the Question on
the Order Paper.

I refer the Hon. Member to all my previous answers in another place and remind him that
this has come into the public arena in front of Members because it is part of a desire on the part
of my Department to keep staff and staff representatives fully informed *well* in advance.

655 I do caution Members against asking far too many detailed questions too early on. It is not
appropriate.

Thank you, Mr Speaker.

The Speaker: I am quite satisfied that the supplementary question was in order. (**Several**
660 **Members:** Hear, hear.) It related to the planning permission, so I am satisfied it was in order;
but, Minister, you may answer in any way you wish.

Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker, for clarifying that situation, because I was under the
665 impression *you* were the presiding officer of this sitting, *not* the Member for Douglas East, the
Minister for Social Care. (**A Member:** Hear, hear.)

Can I ask the Minister, then, why will he not answer this particular Question, because it is
different from the one that he has answered previously. This one deals with not only plans to
close these two particular facilities; it is requesting information about the building of new
670 accommodation, and it further goes looking for reassurance that, in fact, the replacement or
new accommodation will have a similar number of beds.

Why is he refusing? Is it purely based on negotiations with staff? If that is what he is
suggesting, then he is being less than open and transparent with the public.

675 **The Speaker:** Minister.

The Minister: Mr Speaker, we have been open, transparent –

Mrs Cannell: You have not.

680 **The Minister:** – and detailed, as far as we can, *well* in advance. It is very difficult for me to go
any further.

With regard to that particular point about the number of beds, may I ask my fellow Hon.
Member for Douglas East whether she has read the Answer to my Question 17, dated
685 19th November in another place?

The Speaker: Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

690 This relates to the second part of the Question, about a similar number of beds. I just wanted
the Minister to advise why it became necessary to change the minimum room dimensions and
the requirements for en-suites in 2013.

The Speaker: Reply, sir. (*Interjection*)

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

Because the current dimensions in, for example, Cummal Mooar, give approximately 6 m² of living space and the new requirements are something in the region of 12 m², which is very necessary for all sorts of reasons, including comfort for the resident and the necessity from time to time to bring equipment in, medical equipment sometimes, to assist the individual. Also now
700 there is a significant increase in the en-suite bathroom size, which is up to the sort of standards we all expect in this modern age.

A Member: Hear, hear.

705 **A Member:** Well said.

The Speaker: Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

710 Could I ask the Minister, then, are the potential sites based in Douglas? Is there any site, for example, that is in the ownership of the Government, like the prison site or Glenside – which is actually in his portfolio at the minute and is standing idle? Are those the particular sites we are looking at; or could the Minister give us an indication which sites he is looking at?

715 **The Speaker:** Reply, sir.

The Minister: Mr Speaker, I repeat again: we are four years approximately before this process comes to fruition; and no, we have not.

720 **The Speaker:** Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

Would the Minister agree that the appropriateness of this Question is entirely correct, given the national importance of the issue?

725 Would he agree with me that insulting people's intelligence is not the way forward on this matter? (**Mrs Cannell:** Hear, hear.)

Would he welcome several debates on the matter next year in Tynwald?

The Speaker: Minister.

730 **The Minister:** I wholeheartedly agree with the Hon. Member: this is a matter of extreme national importance, (**A Member:** Hear, hear.) which is why we have brought it forward early.

I am insulting nobody's intelligence in referring Hon. Members to previous Answers given in as fulsome a way as I could.

735 **The Speaker:** I do not want a debate on this. There are a number of Members indicating they wish to put supplementary questions. Please confine them to the original Question.
Mrs Cannell.

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

Does the Minister appreciate that Reayrt ny Baie lies within the constituency of Douglas East, which he shares along with me; and that because of the limited amount of information he is prepared to bring into the public... other than his desire to have this replaced, it is causing an awful lot of undue worry and concern?

745 Does he not appreciate that I and other Members of this House are embarrassed when members of the public are asking what Government plans to do and we have to throw our arms up and say we have no idea because the Minister will not tell us? Does he appreciate that?

The Speaker: Reply, sir.

750

The Minister: Thank you, Mr Speaker.

Yes, I do, and I am bringing out as much information as I can as early as I can. I do not see I can do very much more than that.

755

The Speaker: Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

760 Can the Minister give some clear and unequivocal comments as to his Department and his future commitment to residential care? Is he, and his Department, committed to still providing residential care on this Island?

The Speaker: Reply, sir.

The Minister: The short answer, Mr Speaker, is yes.

765

I refer him to all my previous answers on this. If he collects them and sees them in the whole, he will understand very clearly the absolute commitment to high standards in residential care on the Isle of Man. *(Interjections by Mrs Cannell and Mr Houghton)*

The Speaker: Final supplementary, Mr Quirk.

770

Mr Quirk: Thank you, Mr Speaker.

Can I ask the Minister, then, has he got any plans in his Department for the replacement of these particular units? Has he engaged any consultants? Has he engaged any architects? Are there any plans forward?

775

Also, can I ask once again, if it is not in the Pink Book, Minister, for the future, where are you going to get the money?

The Speaker: Reply, sir.

780

The Minister: Mr Speaker, I refer the Hon. Member to my previous answers on this. In their totality, they answer all the questions that we can, as far as we can.

1.6. Residential care – Plans for accommodation and staffing

The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Social Care:

Whether any new residential care accommodation will be owned and operated by his Department and staffed by the Department; and, if so, whether current staff will have first option to transfer to any new building?

The Speaker: Question 6. Mr Henderson.

785 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.
Ta mee shirrey kied yn eysht y chur ta fo my ennym. I beg to ask the Question in my name.

The Speaker: Minister for Social Care.

790 **The Minister for Social Care (Mr Robertshaw):** Mr Speaker, I am grateful for the Hon. Member's Questions, but I am satisfied that I answered them in terms of Questions 18 and 19 asked of me by the Hon. Member on 19th November in another place.

The Speaker: Mr Henderson.

795 **Mr Henderson:** Gura mie eu, Vainstyr Loayreyder.
Could the Shirveishagh remind us of what he said in a few – *(Laughter)*

A Member: Hear, hear.

800 **The Minister:** Mr Speaker, have I actually got to keep repeating Answers?

Mr Henderson: Yes.

805 **The Speaker:** You have been asked a Question which is in order.

Mr Henderson: Stop being so arrogant.

The Speaker: You may respond as you wish, as you see fit.

810 **The Minister:** I refer the Hon. Member to my previous Answers to Questions 18 and 19 in another place, Mr Speaker.

The Speaker: Mr Quirk.

815 **Mr Quirk:** Thank you, Mr Speaker.
Could I ask the Minister, then, regarding – as the Question quite clearly states – the transfer to the new building? When will the new building be built?

A Member: Jesus!

820 **The Speaker:** Mr Robertshaw.

The Minister: Mr Speaker, I refer him to my previous Answers. If he would like to study them, I am sure he will be satisfied.

825 **The Speaker:** Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.
I thank the Minister for his very comprehensive replies this morning.
830 Could he confirm that, in the meantime, all he is doing is reconfirming the view with the families, residents, staff and staff sides themselves, that the whole intention here is to completely privatise residential care?

The Speaker: Reply, sir.
835

The Minister: Mr Speaker, the only Hon. Member here who is inflaming the situation with his inappropriate language is the Hon. Member for Douglas North in his question, when he knows full well that we have made it absolutely clear, in my Answers in another place, that it is not our intention to privatise, and I regret the tone of his question.

840

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, does the Shirveishagh not agree that some of us who sympathise with the legacy that has been left, as far as the sizes and them not being acceptable for standards in a caring and prosperous society –

845

Mr Henderson: When was the last time you were in there?

Mr Karran: I signed up with the Chief Minister 10 years ago... that he is actually helping to inflame the situation by not making a simple undertaking to tell people that there is no timescale at the present time? Does he not feel it would be far better just to come out and say that?

850

Even the likes of Hon. Members like myself, who sympathise with the Hon. Member... He is not helping the situation with the response to the Hon. Member for North Douglas.

855

The Speaker: Reply, sir.

The Minister: Mr Speaker, thank you.

There is an outline timescale – which again has been articulated in previous Answers – which is why we have brought this forward, as it is something we have submitted to the high-level Scope Review.

860

I am not refusing to answer, Mr Speaker. What I object to is answering the same question again and again; and because I fail to answer the same question again and again, I am somehow not being open and full with Hon. Members, when in fact I do not think it is possible for me to have been any more than open and full about a long-term programme than I have.

865

I am really at a loss to know what more I can do. (*Interjection*) I cannot just keep repeating the same things again and again, (*Interjection by Mr Karran*) unless it is the case that the Hon. Members do not understand what I am saying.

870

The Speaker: Final supplementary, Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

Is it not a fact, Minister, that what you have expressed so far is a desire to look forward, in terms of alternative accommodation for these elderly and formidable people, and that that is all it is at the moment – a desire by you that is not backed up with planning consent or financial provision going forward, but remains a desire for which you hope to reach target? Is that not the case, really?

875

The Minister: It is certainly a desire, but it is also a determination. It is also a submission to the high-level review and it articulates the determination that we have to improve the facilities for those in residential homes in the Isle of Man. That is (**Mr Anderson:** Laudable.) a position that I am wholly comfortable with and, as the Hon. Member for... (**Mr Anderson:** Glenfaba.) says, it presumably is wholly laudable.

880

**1.7. Transfer of DSC services –
Options for affected staff**

885

The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Social Care:

Whether staff within his Department who are affected by changes as a result of services being taken on by a social enterprise organisation or otherwise may (a) retain their existing terms and conditions with any new employer; (b) take early retirement; (c) take a redundancy package; or (d) be redeployed within the Department or Government?

The Speaker: Question 7. Mr Henderson.

890

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

Ta mee shirrey kied yn eysht y chur ta fo my ennym. I beg to ask the Question in my name.

The Speaker: Mr Robertshaw.

895

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

Mr Speaker, it is too early in the process to be able to give a definitive Answer to this Question. Clearly, there is much discussion yet to take place with the Office of Human Resources, staff-side organisations and potential providers. What we can quite clearly state is that there will continue to be a need for suitable qualified and experienced staff, which the Department undoubtedly has.

900

With regard to part (a) of the Question, it would be our intention that all of our staff, as the most valuable service asset, transfer to a new provider to ensure continuity of care, and we will take the necessary steps to ensure that happens.

905

With regard to part (b) of the Question, it is too early to say anything with regard to early retirement beyond that we will take advice from the Office of Human Resources and the Pensions Authority.

With regard to part (c), the same applies, except there will clearly be a need to staff the facilities long term.

910

With regard to part (d) of the Question, if staff request redeployment, we will explore all possible options.

We can and will commit to ensuring that staff are kept fully informed, which is why we have already taken the step of informing the staff of our recommendations in response to the Scope of Government Report.

Thank you, Mr Speaker.

915

The Speaker: Mr Henderson, a supplementary.

Mr Henderson: No, thank you, Vainstyr Loayreyder. The Minister was very comprehensive with that.

920

The Speaker: Hon. Member for Michael. Sorry, I thought you caught my eye.

**1.8. Social enterprises –
Definition and future status**

The Hon. Member for Douglas West (Mr Thomas) to ask the Minister for Social Care:

What a social enterprise is; and how organisations of this form will be encouraged or favoured when the Department is commissioning services?

The Speaker: In that case, Question 8. Mr Thomas.

925 **Mr Thomas:** Thank you very much, Mr Speaker.
I beg leave to ask the Question standing in my name.

The Speaker: Minister for Social Care, Mr Robertshaw.

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

Social enterprises are businesses which exist to address social or environmental need. Rather than maximising profits to shareholders or owners, profits are reinvested into the community or back into the business. It is this which makes social enterprises the most exciting and inspiring business movement in the world.

935 The official DTI UK definition of a social enterprise is:

'A social enterprise is a business with primarily social objectives whose surpluses are principally reinvested for that purpose in the business or in the community, rather than being driven by the need to maximise profit for shareholders and owners.'

– that is the DTI in 2002.

The Department wishes to encourage these by several means, including careful construction of the tender documentation for development of a joint strategic needs assessment, co-production of services, the development of a market position statement and the establishment of a provider forum.

940 The tender documentation that will be issued has been carefully constructed to contain 50% quality and 50% value questions. In all tenders for care services, providers will be asked to demonstrate and evidence how they will fulfil the requirements of a social enterprise.

It is proposed to develop a provider forum involving public providers, private providers and third sector providers. This will allow the Department to inform providers of its intentions
945 around commissioning services. This transparency will allow providers to be proactive in planning their strategic and operational priorities.

Alongside this, Adult Services wishes to publish an assessment of the market to run in tandem with the priorities identified in the Joint Strategic Needs Assessment (JSNA). This should encourage the market to develop to meet the needs identified in the JSNA and providers to
950 change and develop services to meet need. If a provider is serving an area where there is overrepresentation of providers, then they can modify and review services in order to allow them to change to meet the needs of the population on the Island in an informed way.

It is important for the Department to recognise and be aware of the interdependencies in care services, the significant impact commissioning decisions could have on other providers, and
955 the impact of social care commissioning on large groups of vulnerable people in our community.

The Department must maintain strategic oversight and monitoring of the social care market on the Island in order to develop and become an expert commissioner to promote constantly evolving, effectively targeted, cost-effective services. This will include noting where services are being developed in all sectors, noting the potential impact on key commissioned providers, and
960 working with key providers to ensure excellence in the service we commission.

Thank you, Mr Speaker.

The Speaker: Mr Thomas.

965 **Mr Thomas:** Thank you very much, Mr Speaker, and also to the Minister for his comprehensive Answer.

I was interested to hear about the 50% quality, 50% value criteria, and interested to hear about the provider forum.

970 Has the Minister been in discussion with Treasury – in particular its Procurement Services – about the procurement he envisages? As yet, I do not find any mention of how social enterprise can be encouraged or favoured in the 2012 Government policy on procurement, and I worry that things like working with the people who will bid for it to draw up the tender specification might be difficult.

975 **The Speaker:** Mr Robertshaw.

The Minister: Thank you, Mr Speaker.

Yes, we are in discussion with Treasury on this on an ongoing basis.

980 **The Speaker:** Mr Thomas, a further supplementary.

Mr Thomas: Thank you very much, Mr Speaker, and for that further answer from the Minister.

985 Can the Minister just clarify whether a social enterprise is a workers' co-operative or a consumer co-operative? How will the users of the services that are commissioned be involved in this social enterprise arrangement?

Also, just by the way, is a credit union a social enterprise? Perhaps when he is seeing the Treasury Minister he could encourage him to set up the credit union... *[Inaudible]*

990 **The Speaker:** Reply, sir.

The Minister: Mr Speaker, I think the second part of the question is probably outwith the nature of this Question.

995 **The Speaker:** That being said, the first part is in order.

The Minister: Thank you, Mr Speaker.

1000 I think the best answer I can give is that there is no defined single entity which represents a social enterprise. There are a variety of different models which are built according to the circumstances that they find themselves in.

So I cannot give a definitive answer to that; however, in time, I will be in a position to describe the profile of the social enterprises which will be appropriate in this situation.

Thank you, Mr Speaker.

1005 **The Speaker:** Mr Quirk, a supplementary.

Mr Quirk: Thank you, Mr Speaker.

I wonder if the Minister would provide the model or circulate it to Hon. Members.

1010 **The Speaker:** Minister.

The Minister: Yes, Mr Speaker, but in due course; not yet.

**1.9. Housing deficiency –
Estimate for 2012-13**

The Hon. Member for Michael (Mr Cannan) to ask the Minister for Social Care:

What the budgeted housing deficiency estimate is for 2012-13?

The Speaker: Question 9. Hon. Member for Michael.

1015

Mr Cannan: Thank you, Mr Speaker.

If it is not too much trouble for the Minister this morning, I would like to ask the Question standing in my name.

1020

Mr Henderson: Hear, hear.

The Minister for Social Care (Mr Robertshaw): Mr Speaker, no trouble at all; it is a delight, as always.

The budgeted housing deficiency for 2012-13 was £6,909,900; however, I think the Hon. Member may well have wanted the budgeted figure for the current year, which was £6,256,800.

1025

The Speaker: Mr Cannan.

Mr Cannan: Thank you very much, Mr Speaker.

1030

Given that the actual and budgetary figures are often variable, and working on last year's actual figure, which was £6.4 million, can the Minister tell me how he predicts this figure to rise over the next five years?

Also, how does he intend to deal with the deficiency payments when he creates his new housing structures?

1035

The Speaker: Minister.

The Minister: Mr Speaker, the Hon. Member for Michael is correct in the sense that there is a degree of variability between the budgeted and the actual outturn, but in the end these roll out to be quite marginal.

1040

With regard to the other part of his question, I take him back to earlier discussions where the deficiency levels were expected and projected to rise very significantly due to the Island's quite correct determination to invest a significant amount of capital in new houses and refurbished houses. It was that determination, resulting in significant increases in the deficiency levels – because the two are completely interrelated, obviously – that was the significant cause for concern and was part of the reason why there was a need to go back and review the rental levels that were being applied to public sector housing.

1045

The best answer I think I can give him is that the ambition is that we stabilise the deficiency level whilst at the same time continuing to reinvest.

1050

Thank you, Mr Speaker.

The Speaker: Mr Cannan.

Mr Cannan: Thank you.

1055

Just to pick up on something the Minister said, how can the Minister say that the difference between budgeted and actual is minimal, when in 2011-12 it was £1.4 million, in 2010-11 it was £1.1 million, and in 2009-10 it was actually £2 million? Does he regard these as marginal errors and figures?

The Speaker: Reply, sir.

1060

The Minister: No, Mr Speaker, I do not; but aggregated over time they roll out because it is the way the financial year ends in relation to how these items are being claimed and recovered.

The Speaker: Hon. Member, Mr Karran.

1065

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh, then, if he has not got the information, actually give us a breakdown when he is talking about the deficiencies? How much of this deficiency is for sheltered accommodation that is open to all citizens in this Island after a certain age? Will he be able to break it down?

1070

If he cannot do it now, can he give the deficiency for public sector housing, sheltered accommodation and first-time buyers and per-unit cost as far as the subsidy is concerned; and if he has not got the information, circulate it to Hon. Members to stop this attack on local authority housing tenants that is constantly happening as far as this section of the community?

1075

The Speaker: Will you circulate the information, is the question.

The Minister: No, Mr Speaker, because I have already done it. I do not want to upset the Hon. Member for Michael in my answer, but it was answered in a Written Answer to Question 41 on 19th November in another place. *(Interjection by Mr Quirk)*

1080

The Speaker: Mr Karran.

Mr Karran: Vainstyr Loayreyder, would the Shirveishagh not agree that it would be important that he give that information out, especially with the vicious campaign against the section of our community... that somehow they are the subsidised ones in our society, when everyone has got some sort of subsidy from this Government?

1085

The Speaker: Hon. Member, you are repeating the previous question and it was answered. 'The information (**Mr Anderson:** Is out there.) is in a previous Written Answer' was the answer.

1090

That brings us to the end of Questions for Oral Answer.

**Standing Order 3.5.1(2) suspended
to allow continuation of Question Time**

The Speaker: Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

I beg to move:

That Standing Order 3.5.1(2) be suspended to enable the remaining Questions for Oral Answer to be taken at this sitting.

1095

The Speaker: Mr Quirk.

Mr Quirk: I beg to second, sir.

The Speaker: I put the question. Sixteen votes required. We go straight to our vote.

1100 *Electronic voting resulted as follows:*

FOR	AGAINST
Mr Quirk	Mr Anderson
Mr Karran	Mr Robertshaw
Mr Ronan	Mr Shimmin
Mr Crookall	Mr Watterson
Mr Singer	
Mr Quayle	
Mr Cannan	
Mr Cregeen	
Mr Houghton	
Mr Henderson	
Mrs Beecroft	
Mrs Cannell	
Mr Thomas	
Mr Cretney	
Mr Skelly	
Mr Gawne	
The Speaker	

The Speaker: With 17 votes for and 4 votes against, the motion carries.

COMMUNITY, CULTURE AND LEISURE

1.10. DCCL expected overspend – Explanation

The Hon. Member for Michael (Mr Cannan) to ask the Minister for Community, Culture and Leisure:

Why his Department has an expected overspend of £500,000 this financial year?

The Speaker: We move to Question 10. Hon. Member for Michael, Mr Cannan.

Mr Cannan: Thank you, Mr Speaker.

1105 I ask the Question standing in my name.

The Speaker: Minister for Community, Culture and Leisure, Mr Cregeen, please.

The Minister for Community, Culture and Leisure (Mr Cregeen): Thank you, Mr Speaker.

1110 I assume the Hon. Member is referring to the recently published estimates made as at 30th September 2013, where there was an estimated £500,000 shortfall in net expenditure. This was based on an early year forecast exercise using the best available figures at that time. The figure does not take into account any corrective action which the Department may make.

1115 The estimated shortfall arose as a result of projected savings that are unlikely to materialise due to not implementing articulated buses and delays in procuring a system necessary to introduce revised fare structures and reduced lost ticket moneys on buses.

The Department had been made aware of this issue prior to the publication of the half-year figures and continues to work with Treasury to agree a methodology by which the impact of unachievable savings can be recovered.

1120 At present, discussions are ongoing; however, the Department is confident that, as a result of efforts with management and the co-operation of Treasury, a supplementary vote is currently

viewed as being unlikely. However, as we are still less than eight months through the financial year, any prediction regarding the year-end position remains an estimate. The position will become much clearer as the year-end approaches.

1125

Mr Cannan: Thank you, Mr Speaker.

Isn't it the truth, Minister, that the reason why your Department is in a mess at the moment is not anything to do with failed bendy buses, although that is part of the reason – it is because the Department is out of control with its capital spending programme? Twelve new buses in 1130 2011; 12 new buses in 2012; failed bendy buses programme; new double-decker buses; more expenditure on minibuses... This continued Rolls-Royce attitude towards public transport is costing public transport dearly on this Island, and that is part of the reason why services are being hit and you do not have any money left in your Department – isn't it?

1135

The Speaker: Mr Cregeen.

The Minister: Thank you, Mr Speaker.

Quite a rant there!

I would have thought, as a businessman, he would have realised he has just said capital 1140 expenditure. This is not capital expenditure. The buses were capital – they went out of the budget – so I would have thought the Member would have realised that.

One of the issues that we do have is regarding school buses. We currently have people in Ballaugh going to Ballakermeen School. That is costing the Department buses. There is out of catchment area, which is costing the Department money.

1145

As I said, the savings that we predicted, which I have already given, we have missed; but we have actually tried to get on side.

1150

If I go back to year-on savings for public transport, the Villa Marina, the NSC and the Wildlife Park, the actual budget, less loan charges, for each of those years was £12,385,928 in 2010-11; in 2011-12 it was £12,043,952; in 2012-13, £11,580,805. The budget for this year is £10,045,000. The Department is making savings and we are trying our best to get within our targets.

The Speaker: Hon. Member, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

1155

Could the Minister clarify – and I am referring to revenue expenditure – why on earth he would put proposed savings from bendy buses, these articulated buses, into the budget when virtually every member of the public could have told him it was not going to work, (**Mr Houghton:** Hear, hear.) and even the Director of Highways has stated it? (**Mr Houghton:** Hear, hear.) Can he explain what on earth he put those savings in the budget for?

1160

The Speaker: Minister.

The Minister: Mr Speaker, it is quite clear that our budget has been reduced. We have to look at areas to try and make savings. I have made it a priority across the Department to reduce 1165 costs and try and improve efficiencies before reducing services.

From what I understand from the Hon. Member for South Douglas, she wishes us to decimate the bus service to all her people to try and get within budget. (**Mrs Beecroft:** Rubbish!) Well, I cannot see –

1170

Mr Anderson: Closing the Wildlife Park.

The Minister: – any other reason for saying those figures if she is not prepared to accept that we are trying to get within budget. (*Interjection by Mr Karran*) To try and get within budget,

1175 *(Interjections)* you have to make savings, and we have tried to look at the areas where we can make the savings.

If the Member has any better idea on how we can actually get within that, instead of just standing, come to the Department and tell us where she thinks the cuts would... *[Inaudible]* because I am more than open for anybody to come there and ask.

1180 **Mr Quirk:** You've got three months.

The Speaker: Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

1185 In the Minister's opening remarks he mentioned about the bus ticketing machine, which of course he got Tynwald's vote for. Can he update this Hon. House (**Mr Thomas:** Hear, hear.) on progress on that ticketing machine?

Mr Anderson: Out of order.

1190

The Speaker: That is a very specific question, loosely related to the original.

Mr Anderson: *Very loosely. (Interjection by Mr Houghton)*

1195 **The Speaker:** I shall move, therefore, to...
Hon. Member for Middle, Mr Quayle.

Mr Quayle: Thank you, Mr Speaker.

1200 I would just like to point out to the Minister that capital repayments still have to be made every year, so it is not a case... They might well be capital for the first year, but they still have to be repaid, and I am just looking for confirmation from him that he feels his Department has delivered on value for money, when we have examples of the diesel locomotive that was going to cost £800,000... being assured that everything had been looked into and all of a sudden we get one for half that price.

1205 Can he assure the House that all the other capital projects that have gone ahead – the expenditure on the Steam Railway, for example, recently, which the Hon. Member for Michael did not mention in his alleged rant – were costed fully? *(Laughter and interjections)*

The Speaker: Minister to reply.

1210

The Minister: Thank you, Mr Speaker.

I have no problem with answering the question from the Member for Douglas North. We are, through procurement. It is out to tender at the moment, so that is where we are with the bus ticketing.

1215

The Speaker: We are on a different answer now.

The Minister: To go on to the Hon. Member for Middle, the diesel... The figure that was in there was actually for a new one. We have got a second-hand one – that is what the difference is.

1220

Regarding savings on the buses, as I replied last week, the answer was out there. With these new buses we are making savings. If I go to the answer... The projected parts bill for 2009-10 was £448,000. It is now projected at £230,000, a saving of £218,000. There is an additional saving in fuel: £200,000 per year. So, by bringing in new buses, we are getting better efficiencies.

1225

The Speaker: Mr Cannan.

Mr Cannan: Thank you very much, Mr Speaker.

1230 Despite the Minister's spin – and he is pretty good this morning at spinning (*Interjections*) – the focus of this is actually really the attitude – and particularly the bus part of his Department, where there has been such incredible expenditure... whether it is capital revenue that is still coming from the same pot...

The taxpayers are still wanting to know why they are being hammered left, right and centre, and yet we have got Departments in Government carrying on – spend, spend, spend.

1235 Shouldn't we be following the attitude of Blackpool, to whom we sold 21 of these buses last year, who were absolutely delighted to get such excellent value and can see a further 10 years out of the buses?

The Speaker: Mr Cregeen.

1240

The Minister: Mr Speaker, I do not think Blackpool would actually go out and say that they have bought something for £25,000 which possibly needs another £50,000 spending.

1245 They are going to have to spend £25,000 just rectifying the bodies on each one of these. These are old buses that need lots of maintenance. An axle of one of these buses can be in the region of £20,000.

If I look at the Member's own car, I notice it is not an old car, so he must realise that by actually having a new car it reduces your ongoing costs.

1250 We are actually looking across... If we look at the breakdowns of the buses previously, before the new buses came in, I understand there were about 30 breakdowns a month.

Mr Cannan: The bendy buses.

A Member: No.

1255 **The Minister:** Thirty breakdowns of the double-deckers a month. That has reduced to possibly one a week, so I would say that is a far better investment.

The Speaker: Mr Cannan, a further supplementary.

1260 **Mr Cannan:** A final supplementary from me, Mr Speaker.

Isn't the answer to all these problems, Minister, to either privatise or corporatise the bus services? (**A Member:** Hear, hear.) Shouldn't we have started this two years ago, and shouldn't we have completed it by now?

1265 Let's have the bus service running properly and efficiently, and let's get it out of Government and into hands where it is going to be run in a proper commercial manner. (*Interjections*)

A Member: No services then.

The Minister: Mr Speaker, one of the issues you have with privatisation is that you will get –

1270

Mr Cannan: Or corporatisation.

1275 **The Minister:** With privatisation you would get Arriva, Stagecoach, any of those companies coming over here, and they would want to make at least a 15% profit on any running, and that will be money that will be going off the Island.

Currently, we are looking at corporatisation of the buses. That is an active stream that is going through the Business Change Steering Group, I understand; so we are looking at those areas.

1280 **The Speaker:** Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

1285 Would the Minister acknowledge that I have never actually criticised any Minister for trying to make savings? What I am critical of is when he puts ridiculous pie-in-the-sky savings, that he knows he cannot achieve, in his budget and then wonders why he is not going to achieve his budget figures.

Mrs Cannell: Hear, hear.

1290 **Mr Houghton:** Just admit it, Graham.

The Minister: Mr Speaker, it was not pie in the sky; it was actually trying to preserve services.

1295 If the Member looks at the services we are trying to provide, if articulated buses had been brought in, for every one of those it would have taken a double-decker bus out. That is a saving. *(Interjection by Mrs Beecroft)*

We are now having to look at the consequences of that, and if we cannot make the savings to keep the services going that we have got, that money has to come from somewhere. There is no magic pot out there that you can go and put your hand in and say, 'We will carry on with all the services we have got.'

1300 To try and find the savings, we are doing our best. We are working with Treasury.

The Speaker: Mr Karran.

1305 **Mr Karran:** Vainstyr Loayreyder, would the Shirveishagh not agree that the fact is, especially with his reply, that it gives more concern that the management is out of control in his Department and he has not got a grip as far as bringing the political accountability as far as the management is concerned? **(Mrs Beecroft:** Hear, hear.)

1310 Does he not agree that the fact is that, with the staffing problems that he has, they would more likely highlight their concerns about the bad management practice, and that he is not fully in the picture as far as what is going on in his own Department?

The Speaker: Minister. *(Interjections)*

1315 **The Minister:** Mr Speaker, we always get these allegations from the Hon. Member for Onchan. *(Interjections)*

I have asked him on numerous occasions in this place and in another place: please come to the Department and give us evidence. I have asked him on numerous occasions. He has failed to do it. *(Interjections)* Nobody has come to me in my Department and given me any evidence about the management and the behaviour.

1320 The problem we had was... I understand that when we were coming to this year's –

Mr Karran: A point of order.

I would be happy to get the staff... *[Inaudible] (Interjections)*

1325 **The Speaker:** Hon. Members –

The Minister: Sorry, Mr Speaker, but –

A Member: Point of order –

1330 **The Speaker:** The Minister has the – (*Interjection by Mr Karran*)
Hon. Member, the Minister is in the middle of delivering an answer. (**Several Members:** Hear,
hear.) It is not your place to stand up and halt him in mid-flow.
Minister, carry on.

1335 **Mr Cretney:** Very important.

Mr Karran: You are not supposed to mislead the House either.

Several Members: Ooh!

1340 **The Minister:** Mr Speaker, I beg for your ruling on the comments from the Hon. Member for
Onchan.

The Speaker: The Hon. Member knows, or he ought to know, that that sort of allegation is
unacceptable. That is not parliamentary language, and I ask him to withdraw it.

1345 **Mr Anderson and another Member:** Hear, hear.

Two Members: Withdraw!

1350 **Mr Karran:** Vainstyr Loayreyder, as the situation in this House is that only two of us are
independent, I will withdraw it, because the people outside this House –

The Speaker: Thank you, sir.

1355 **Mr Karran:** – need somebody to stand up for them.

The Speaker: Thank you, sir.

Mr Houghton: There are more than just a few people.

1360 **The Speaker:** Minister.

The Minister: Mr Speaker, do you consider that a withdrawal of the comment, considering
the rant afterwards?

1365 **The Speaker:** Minister, you have the floor now. I am satisfied the comment has been
withdrawn. (**Mrs Cannell:** Hear, hear.) You have the floor, sir.

1370 **The Minister:** Mr Speaker, we were very close to an agreement with the union prior to the TT
strike. With the intervention of the Member, we actually ended up in a worse position because
he aggravated the situation.

We are trying to address the situation regarding the dispute with the drivers and it is
currently at a tribunal. We are now having to wait until November for the final outcome of that
tribunal.

1375 **The Speaker:** Hon. Member, Mr Singer.

Mr Singer: Thank you, Mr Speaker.

1380 If I could come back to the Minister's previous answer, the Minister obviously believed what he was told by his officer, that he needed to replace his buses because the old buses were just too expensive to repair.

1385 In that case, does he think that he conned Blackpool Corporation, (**A Member:** Hear, hear.) an experienced transport authority? Why should they believe that it was worthwhile buying those buses and spending the money on them to keep them going for 10 years, when we did not believe that here?

Mrs Cannell: Hear, hear. Well said.

1390 **A Member:** Hear, hear.

Mr Quirk: They went for tender.

Mr Houghton: It is called being sold a pup.

1395 **The Minister:** Mr Speaker, it is interesting how, when you go out to dispose of a number of buses and people bid openly and they know what vehicles they are and they know what age they are... (*Interjection by Mr Quirk*)

1400 One of the problems that we had with the buses previously was that when they were specified, to make certain savings to get them within budget, one of the areas that they cut back on was undersealing the bodies of the buses. So, what you had were timber floors which were not undersealed and the floors rotted at a cost that had to be replaced. We have actually gone for a better specification of bus.

1405 When you look at Blackpool, the problem that they had was they had to comply with the disability access issues for there. They are going along the promenade – it is an easy issue. We have sold those buses. It has been through the process, through Tynwald approval on the budget for the replacement.

1410 We do not get any complaints regarding these new buses. They are far safer than the buses that we have had, and surely a better quality of travel and safer buses is what we want for the people of the Isle of Man, rather than us going out and buying second-hand buses which have the liability of all the maintenance issues and possible expense. We would still get criticised if we went out and bought second-hand buses and they were breaking down and further expense was incurred. (*Interjection*)

1415 **A Member:** Hear, hear.

The Speaker: I am taking one final supplementary. Mr Skelly.

Mr Skelly: Gura mie eu, Loayreyder.

1420 The Minister highlighted how rural children travel to school for free. Can I ask the Minister if he has considered and done any analysis with regard to urban children and what the potential savings might be there? That would also be a healthy option for our children, to walk to school.

The Speaker: Minister.

1425 **The Minister:** Thank you, Mr Speaker.

It is one of the issues that we are discussing with the Department of Education. The main issue is that a lot of children are actually out of catchment. The number of children who are actually living in Douglas and going to QEII; in Peel, going into Douglas – *vice versa*; in from Ballaugh – instead of going to Ramsey, they are going off to Ballakermeen or St Ninian's.

1430 They should be in their own catchment area, or what they should be doing is making their own way there.

A Member: So it's your fault.

1435 **The Speaker:** Question 11 –

Mr Karran: Mr Speaker, I just feel that I should have the opportunity of a supplementary...
[Inaudible]

1440 **The Speaker:** No, I do not feel you should, Hon. Member –

Mr Anderson: Twenty minutes on this Question.

1445 **The Speaker:** – because we have spent a lot of time on this Question. (**Several Members:** Hear, hear.) (*Interjection by Mr Karran*) This Question has been answered. In fact, I have given the latitude to let it stray into particular detail, away from the generality of the original Question; but I feel that that was the mood of the House that that should happen and I am satisfied the questions have been answered.

HEALTH

1.11. Noble's Hospital – Protecting staff from assault

The Hon. Member for Middle (Mr Quayle) to ask the Minister for Health:

What procedures are in place in Noble's Hospital to protect staff from assault by people who are under the influence of alcohol or drugs?

1450 **The Speaker:** I shall go on now to Question 11. Hon. Member for Middle, Mr Quayle.

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

1455 **The Speaker:** I call on the Minister for Health, Mr Anderson, to reply.

The Minister for Health (Mr Anderson): Thank you, Mr Speaker.

Noble's Hospital endeavours to ensure a safe working environment for all its staff, and consequently takes a zero-tolerance approach to violence and aggression against staff.

1460 Our management of violence and aggression, regardless of cause, includes risk reduction, avoidance, securing assistance, and control and restraint. This is clearly identified in our policy 'Violence and Aggression Management'.

With regard to risk reduction, it is primarily through the use of posters advising on acceptable behaviour within clinical areas.

1465 Our techniques of harm avoidance are managed through training of staff, de-escalation and breakaway techniques.

In the event of an incident or a potential incident, staff can secure assistance from the portering and security team, identifying their location and requesting help. Portering and

security personnel, trained in control and restraint techniques to UK Home Office standards, will attend and will remain with the staff until the situation is controlled.

1470 Finally, and where necessary, the Police can be called at any stage to assist and support staff. The Department, along with the Isle of Man Constabulary, will, where it is deemed appropriate, prosecute perpetrators.

Regrettably, in an environment such as a hospital, no system can guarantee to protect staff from assault by people who are under the influence of alcohol or drugs.

1475 I would like to note, however, that recorded in our incident report system between November 2012 and November 2013, there have been 16 incidents reported of violence against staff. However, 15 of those 16 related to elderly, confused and demented patients behaving outwith their control as a consequence of their underlying medical condition. Only one of the cases was as a consequence of an intoxicated individual attending the Accident and Emergency department.

1480

The Speaker: Mr Quayle, a supplementary.

Mr Quayle: Thank you, Mr Speaker.

1485 I may well ask the Minister to revisit how that data is recorded, because the information I am receiving from the nursing staff is that they continue to feel intimidated and threatened by the number of people attending hospital under the influence of alcohol or illegal drugs. In fact, I had a meeting with a trauma doctor visiting the Island, who stated that Noble's was as bad as any A&E in Glasgow, where she practised.

1490 Will the Minister agree that, given the cost of treating people under the influence of alcohol or drugs and the precarious state of his Department's finances, now is the time to send out a message that a small minority of society that is costing the taxpayer a small fortune – and stress and anxiety for the staff... that this behaviour is totally unacceptable and you should have to pay towards the cost of your treatment if you are presenting yourself, or the Police are bringing you, to Noble's Hospital under the influence of alcohol or drugs, and also that you will receive – and I think it needs to be publicly stated, rather than just posters – a lengthy prison sentence for any assaults on staff?

1495

Two Members: Hear, hear.

1500

The Speaker: Minister to reply.

The Minister: In relation to the Hon. Member's question about the data, that data I will revisit within the Department. My understanding is that there has only been one serious incident in the last 12 months at A&E. I would be interested if he can find evidence to bring to me to show me that that is different.

1505

However, we do show zero tolerance. That individual who caused that incident is waiting for a conviction in court and, as a result of that incident, we have put into place improved systems to give confidence to our staff that we support them in such an environment that they are working in.

1510

I would stress to Hon. Members that these incidents are relatively rare in A&E. If the Hon. Member has evidence contrary to that, I would be very pleased to meet with him. I am sure if that was the case the unions would be making representations as well.

The Speaker: I am conscious that a question is focused on an individual case that may be before the courts. Certainly that was the reference in the answer. I caution against any further discussion along those lines.

1515

Mr Ronan.

Mr Ronan: Thank you, Mr Speaker.

1520 I recently heard the Deputy Director of Health giving evidence to the licensing court on the social and financial cost of alcohol misuse. Would the Minister agree that alcohol misuse is on the increase in the Island?

The Speaker: Minister.

1525

The Minister: Mr Speaker, I am not qualified to answer that. However, I believe there is evidence to show that that might be the case and that it is a worse problem than the drug-related problems.

The Speaker: Mr Ronan.

1530

Mr Ronan: Thank you again, Mr Speaker.

I recently noted that part of the rationale being given by the Department of Health recently for expanding the neonatal unit at Noble's Hospital was the number of babies being born to parents who misuse drugs and alcohol.

1535

Will the Minister undertake to circulate to Members the extent of the problems (*Interjection by Mr Henderson*) and an estimate of the additional cost being incurred by his Department in dealing with health issues caused by alcohol misuse; or, will the Minister undertake to circulate to Members the extent of the problems and an estimate of the additional cost being incurred by his Department in dealing with health issues caused by alcohol misuse?

1540

The Speaker: We are wandering a little bit from the particular... but, Mr Anderson.

The Minister: Mr Speaker, I think it would be very difficult to give exact additional costings on this, but I will look into it and find out if we can put any costings on this.

1545

We have to accept that, within our society, there are those who do have this problem and therefore we have to respond. I will try and find out if we have any financial figures to put to that.

The Speaker: Mrs Beecroft.

1550

Mrs Beecroft: Thank you, Mr Speaker.

Could the Minister confirm that the figures that he has given this morning were, in fact, for serious incidents; and if so, could he give a definition of what is classed as a serious incident?

1555

Do they keep records of incidents that are not serious but are nonetheless incidents and possibly just threats to staff? Is there any record of these maintained?

The Speaker: Reply, sir.

The Minister: Mr Speaker, obviously I have not got the detail of how serious an incident is required to be to be recorded, but I will get that information for the Hon. Member.

1560

The Speaker: Mr Quayle.

Mr Quayle: Thank you, Mr Speaker.

1565

In my first supplementary, I did ask the Minister if he would consider introducing a charge for people who are attending A&E under the influence of alcohol or drug use. I am just wondering if he would be prepared to give his thoughts to introducing a charge.

The Speaker: Mr Anderson.

1570

The Minister: Mr Speaker, I have raised this issue in the Department before and the clear guidance I have been given is that it will actually cost more than the money we will recover because there are relatively few incidents and it would take a lot of bureaucracy to capture the money required.

1575

The Speaker: Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

1580

In order to assist the Minister on occasions... And I think they are rare occasions, but at the peak times when flare-ups can happen, which is a Friday and Saturday evening and so on, he could himself consider approaching the Department of Home Affairs to see whether a contingent of special constables could be stationed at Noble's Hospital at those peak times in order to give a presence and also to reassure and stop or avoid any type of violent incident that could indeed flare up.

1585

Would he take that on board? For reassurance, if nothing else, for staff and vulnerable patients, I think it would be quite acceptable.

The Speaker: Minister.

1590

The Minister: Mr Speaker, I do not think the resources of the Minister for Home Affairs probably stretch to that.

I am very pleased to say we have a very good working relationship with the Police and they attend very quickly when we have an incident, but I am sure if the Minister for Home Affairs would like to relocate members of his staff from Willaston to the Hospital, we could go along with that.

1595

The Speaker: Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

1600

Could the Minister confirm that the new neonatal project that is taking place at Noble's is a result of enhanced national criteria and that we would, in fact, have to reduce our care at the unit if we carried on in the way we are, and it is nothing to do with alcohol, which was just levelled at him before?

1605

Could he reassure the public that Casualty, as we know it, or A&E as some people refer to it, is not an open battleground on Friday and Saturday nights (*Interjections*) and that it has always been thus on frontline services – that occasionally, unfortunately, some members of the public persist in abusing alcohol and drugs and persist in turning up at A&E and do cause problems on a score of one out of 10, and on the rare occasion 10 out of 10, (**Mr Houghton:** Hear, hear.) as we have here?

1610

The Speaker: Minister, the first part of the supplementary question, related to the neonatal unit – I am not sure that that has any connection at all with the original Question. Over to you, sir.

1615

The Minister: Mr Speaker, I think reference was made by supplementary from another Member, but basically we are responding to changing standards, as the Member alludes to.

In relation to activity in A&E, our frontline services, wherever they are, will come into contact with areas of danger now and again, and it is not just people who are working in A&E. Our members of staff working in the community are just as vulnerable.

INFRASTRUCTURE

**1.12. Douglas schemes –
Use of local building materials**

The Hon. Member for Douglas West (Mr Thomas) to ask the Minister for Infrastructure:

Which local building materials are being used in (a) the first phase of the promenade scheme; (b) the Peel Road scheme; and (c) Douglas regeneration schemes?

1620 **The Speaker:** Question 12. Mr Thomas.

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

1625 **The Speaker:** Minister for Infrastructure, Mr Cretney, to reply.

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

Taking the Hon. Member's questions in turn, I am advised that the Douglas promenade refurbishment project uses a variety of construction materials. All sand, aggregate and unbound stone is produced and supplied from local quarries. Premixed concrete and bagged mortar and all bound and bituminous materials are locally supplied. With regard to kerbs and drainage-channel products, there are no local manufacturers; therefore, these have to be brought in from outside the Island through local agents and merchants. The specialist paving slabs and sets used on the footways are purchased and imported using a framework agreement with local builders' merchants. Plant and labour are supplied locally.

The Peel Road major maintenance project is using aggregate materials sourced from local quarries, premixed concrete from local concrete batching plants and pressed concrete products sourced off Island but imported using local builders' merchants through a framework agreement. Stone for wall building has been sourced from local quarries, and plant and labour are supplied locally.

For the Douglas regeneration scheme, granite slabs, sets and benches are sourced off Island but imported using local builders' merchants through a framework agreement. The locally supplied construction materials comprise sand, gravel, unbound stone, premixed concrete and bagged mortar. Plant and labour are supplied locally.

1645 **The Speaker:** Mr Thomas.

Mr Thomas: Thank you very much, Mr Speaker, and to the Minister for his full reply.

He says on top of the aggregates and the basic materials we have things like metalwork. Perhaps more could be done by co-ordination between the Department of Infrastructure, and DED possibly, to start encouraging firms in sectors that we used to have on the Island but we no longer have.

So my question to the Minister is can he do more to localise building materials by encouraging metalworkers and other such products?

1655 **The Speaker:** Minister.

The Minister: Yes, I am pleased to agree with the Hon. Member. Indeed, there have been elements of the regeneration work in central Douglas – which I chair – where local people have been encouraged to work with others who do certain elements of the work so that they can

acquire the skills so that in the future that kind of thing can be progressed. So I entirely agree with the Hon. Member: wherever that is possible, it is something we should do.

The Speaker: Mr Karran.

1665

Mr Karran: Vainstyr Loayreyder, could the Shirveishagh inform this Hon. House... have any representations been made, not just about local building materials, but also the specification of materials, particularly with the Peel Road scheme at the present time?

1670 If he has not, I would be interested to know, if no-one has made representation to him, about the standard of the materials that are being used.

The Speaker: Nobody has made any representation to me on that.

1.13. Highway Code of Great Britain – Application in the Isle of Man

The Hon. Member for Douglas West (Mr Thomas) to ask the Minister for Infrastructure:

How the Highway Code which applies to England, Scotland and Wales applies in the Isle of Man?

The Speaker: Question 13. Mr Thomas.

1675 **Mr Thomas:** Thank you very much, Mr Speaker; we have moved on quite quickly. I beg to ask the next Question standing in my name.

The Speaker: Minister for Infrastructure to reply.

1680 **The Minister for Infrastructure (Mr Cretney):** I try to be helpful. (A Member: Thank you.)

In answer to the Hon. Member's Question, the Isle of Man is its own jurisdiction and therefore issues its own Highway Code.

1685 The Highway Code of Great Britain has no direct legal standing in the Isle of Man; however, Isle of Man legislation provides for the option of using the Highway Code for Great Britain together with information highlighting any local rules that apply.

1690 Section 31 of the Road Traffic Act 1985 provides the legal authority for the Department to issue a highway code. It stipulates the process the Department must follow to issue a code and possible forms the highway code may take. The highway code can simply be the Highway Code that exists in Great Britain with modifications to suit the Island situation, or a bespoke Isle of Man version of the Code. Either can be modified in such a way as the Department thinks fit.

The guidance contained in the Island's Code will be similar to that followed in Great Britain because the design standards relating to roads, including road markings and signs and their meaning, is mainly the same as in Great Britain.

1695 For many years, the Isle of Man has simply used the Great Britain Highway Code along with a separate sheet identifying the difference between GB and Manx law. One obvious difference is in relation to the horse trams, for example.

1700 A failure on the part of a person to observe a provision of the Highway Code issued for use on the Island does not of itself render that person liable to criminal proceedings of any kind, but any such failure may be relied on in legal proceedings by any party to the proceedings as tending to establish any liability which is in question.

A new Manx Highway Code is currently in development and I hope to issue this new volume shortly. Once it is completed, it will be the first new Manx Highway Code since 1993.

The Speaker: Mr Thomas.

1705

Mr Thomas: Thank you very much, Mr Speaker, and to the Minister for his general remarks. I particularly appreciate hearing that we will have a Manx Highway Code after 20 years of waiting... working on it.

1710

Can the Minister comment on how residential parking-zone parking bays need to be marked, as I do see many issues with application in the constituency I represent? For instance, do the requirements of statutory diagrams 1028 to 1032 for use in a controlled residential parking zone apply in the Island, or not? It is particularly confusing, given that traffic wardens seem to be using more and more discretion in this regard.

1715

The Speaker: Minister.

The Minister: I am sorry, I do not have that detail to hand. If the Hon. Member had picked up the phone, I could have answered him. I will obviously come back to Hon. Members and let them know what the answer to that point is.

1.14. User Agreement – Meeting to discuss extension

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

Whether there has been a meeting to extend the User Agreement with the Isle of Man Steam Packet Company; and who has attended?

1720

The Speaker: Question 14. Mr Karran.

Mr Karran: Vainstyr Loayreyder, I ask the Question standing in my name.

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

1725

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

My officers have regular meetings with the management of the Steam Packet Company, and indeed I myself, along with the Department's Chief Executive, meet with the Steam Packet Company every six months, if not more regularly if required.

1730

At all of these meetings, the User Agreement is amongst a wide range of discussion items. Hon. Members will, of course, recall the Chief Minister's Statement at the October 2012 sitting of Tynwald, entitled 'Government Priorities', when he advised of the intention to review the Steam Packet User Agreement by March 2014 and start work on renewing the linkspan in Douglas Harbour by 2016.

1735

My officers are currently working with the management at the Steam Packet Company as part of that review.

The Speaker: Mr Karran.

1740 **Mr Karran:** Vainstyr Loayreyder, can I ask the Minister for some clarity? Does this mean there are private meetings going ahead on the extension of the User Agreement to 2040? Can he assure this House that that is not the case?

The Speaker: Reply, sir.

1745 **The Minister:** I can assure the House that the meetings between the Department of Infrastructure, on behalf of Government, and the Steam Packet Company have been taking place for some time.

1750 What happens, when you have a partnership and there is a possibility of an extension to that partnership, is one side will put forward what its preferred issues are and the other side will put forward what its preferred options are, or what may not be acceptable.

We are currently in that situation. We are currently discussing a number of options and – as has been said at least three times in the House of keys and Tynwald, and publicly – anything will clearly come back to Tynwald Court before anything is progressed.

1755 **The Speaker:** Mr Karran.

1760 **Mr Karran:** Vainstyr Loayreyder, thanking the Shirveishagh for his reply... but just allowing for the recent news events yesterday with the reorganisation of Government, where you have got three weeks to put any input in before the Tynwald Order Paper is going to be printed, there is little or no chance for Hon. Members... Can he give some sort of time period, if there are these behind-closed-doors negotiations... that Members will be given suitable time in order to see the full detail and consequences, like the horrendous User Agreement that has happened up to now?

1765 **The Speaker:** Reply, sir.

The Minister: I am not sure that I need to describe... The description was given that the User Agreement up until now has been horrendous –

1770 **The Speaker:** No, that is a matter of opinion. It is quite superfluous information. (*Interjection by Mr Karran*) I think the question related to the timescale for the digestion of information in advance of Tynwald. That was the core of the question, not what came after.

1775 **The Minister:** Yes. I thank you for that clarification, Mr Speaker, because of course in a matter as important as this, if it is decided that there will be any changes or amendments to the User Agreement – and nothing has been decided at this stage... If it is agreed – and the Hon. Member has spoken on the radio about possible extensions of time – with that would be the requirement for exceptional investment in terms of additional capacity by the company, but that is just one matter which is being put forward.

1780 The response to the Hon. Member and to Tynwald Members is that if we come forward with any changes, of course ample time will be given for Hon. Members first of all to consider that and then for them to express their opinion to a vote in Tynwald court.

1785 **The Speaker:** Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

The Minister very helpfully started putting up minutes of former liaison meetings and also officer-level liaison meetings, but the last minutes that are public are dated 5th November 2012 and 8th February 2013; so could he undertake to find out why those minutes are not up?

1790 Secondly – it is about the timetable; a very precise question – what is happening by March 2014? Is the current User Agreement being reviewed, or will we receive a proposal for a new User Agreement?

The Speaker: Mr Cretney.

1795

The Minister: The response to the final point: that is yet to be determined. Nothing has been agreed, one way or the other.

1800

Both sides have put forward suggestions. For example, with the last User Agreement, one of the things that was felt very important, as far as Government is concerned, is that Department approval would be required prior to any change of beneficial ownership which would result in increased debt for the company. That is something that, in a number of people's opinions, was a failure in terms of the User Agreement (**A Member:** Hear, hear.) in the last situation. That is something that we would like to see, if there are to be any changes to the User Agreement.

1805

In response to the start of the Hon. Member's question, I am very sorry if things are not appearing, because I have indicated previously that things will be on the website. I do not know why that has not happened and I do apologise sincerely and will make sure that is rectified.

Mr Speaker: Mr Quirk.

1810

Mr Quirk: Thank you, Mr Speaker.
Could I ask the Minister has he met with any other shipping companies?

The Speaker: Reply, sir.

1815

The Minister: The Ellan Vannin Line proposed... I have met with the principal of that potential operation. That is the only one I have met during this period of time.

The Speaker: Mr Thomas.

1820

Mr Thomas: Thank you, Mr Speaker, and to the Minister for that information.

I am of the view that there should be competition for the market, if not in the market.

The regulations about procurement and tenders are in FD8 section 11, and I think they say unless Treasury approval is sought the maximum length of any contract or partnering arrangement will be five years, after which the service must be subject to competitive tender.

1825

I wonder what the Government has advised the Isle of Man Steam Packet about this particular financial regulation during its meetings.

The Speaker: Reply, sir.

1830

The Minister: The original User Agreement was from 1995 for 10 years, subject to an option for either party to extend it for a further 10 years.

In 2002, the Steam Packet exercised this option, so that the original Agreement would run for 15 years until 2010.

1835

In 2004, an extension was agreed for a further 10 years with an option for a further six years. If the option is exercised, the current Agreement can run until 2026.

The Speaker: Mrs Cannell.

1840

Mrs Cannell: Thank you, Mr Speaker.

Will the Minister agree, prior to agreeing any fundamental changes with the Steam Packet on the User Agreement, that he will provide a presentation for Hon. Members?

The Speaker: Mr Cretney.

1845 **The Minister:** Absolutely. In something as important as this, I hope that Hon. Members accept that the Department and Government would treat this with the seriousness that it deserves and would, of course, facilitate such presentations for Hon. Members.

The Speaker: I will take a final supplementary. Mr Thomas.

1850 **Mr Thomas:** Thank you, Mr Speaker, and to the Minister for being so open.
Can the Minister agree that the Steam Packet, if it were to win a competitive tender, would be in a stronger position until 2041 with the public and the users than if it did not actually win a competitive tender?

1855 **The Speaker:** The Minister may...

The Minister: I think that is really an academic point, which I do not feel I can add anything to at this stage.

1860 We are where we are. I hate that expression, but that is a matter of fact: we are where we are, until 2026, with the current arrangements. We are looking to see whether or not amendments should be made. That is where we are.

1.15. Local authority reform – Member responsible; remit; timescale

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

Who the Member of his Department is with responsibility for local authority reform; what his remit is; and what the timescale for the reform project is?

The Speaker: Question 15. Mr Quirk.

1865 **Mr Quirk:** Thank you, Mr Speaker.
I beg to ask the Question standing in my name, sir.

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

1870 **The Minister for Infrastructure (Mr Cretney):** Thank you.
My Department is one of several within Government which holds a remit for engagement with local authorities.

1875 Following the Government restructure in April 2010, the Department gained responsibility for the former Department of Local Government and the Environment's Local Government Unit and responsibility for ensuring compliance with some of the provisions of the existing local government legislation.

Other Departments – such as Social Care, the Department of Community, Culture and Leisure, and Treasury – also have a remit to engage with local authorities and may have delegated political Members who fulfil this role.

1880 Within the Department of Infrastructure, Richard Ronan, Member of the House of Keys, has delegated responsibility for the Local Government Unit. Mr Ronan came into government at the last election, and one of his manifesto priorities was the restructure of local authorities, which is a longstanding position I share. With his work in both Infrastructure and Social Care, up until

recently, Mr Ronan has been actively working with Departments to enable them to change the way in which they engage and work with local authorities.

1885 At the present time, the financial and structural imperatives on Government need to be addressed by work to review and modernise the local authority provision – a point which was also made as a recommendation in the Scope of Government Review 2012, which was to see local authorities restructured in such a way that they are able to take on the delivery of more services from the centre. As a Member of the House of Keys and a Member of the Council of
1890 Ministers, I of course support the majority of the recommendations of the Scope Review, and this recommendation included.

Mr Ronan has spent significant time discussing reform of local authorities and has visited all local authorities, at their invitation, to discuss this matter; and he has also attended meetings of the Municipal Association on the same issue. In addition to this, he has worked with the
1895 Department of Social Care, ensuring that synergies between the housing review and reform agenda are accommodated.

The remit with regard to local authorities is that Government is committed to delivering Scope. This includes the reform of local authorities and the devolution of appropriate services from the centre for delivery by local authorities.

1900 There is no rigid timetable for the delivery of local authority reform, as it is not in the gift of any one Department or agency to determine. It is, however, important to note that all key stakeholders are to be involved and informed of any proposals to enable both meaningful discussion and progress to be made across a number of areas of work, and local authorities are a key partner in determining and delivering any outcome. (**A Member:** Excuse me.) Bless you!

1905 I can offer the Hon. Member some comfort by informing him that, as the public are also key stakeholders, they will be consulted, through the appropriate channels, on matters of reform.

The Speaker: Mr Quirk.

1910 **Mr Quirk:** Thank you, Mr Speaker.

I thank the Minister for his comprehensive Answer, but can I ask the Minister is there any direction coming from the Council of Ministers? Has the issue actually been discussed? Is there any timescale coming forward from the Council of Ministers that has been given to the remit from your Member?

1915

The Speaker: Mr Cretney.

The Minister: No, there is no timescale being put forward from the Council of Ministers to Mr Ronan. Mr Ronan has reported once to the Council of Ministers.

1920 The Council of Ministers have discussed the subject of local authorities, and local authority reform in particular, and I think it is fair to say that, as things stand at the moment, there is a mixed view in the Council of Ministers as to this issue.

The Speaker: Mr Quirk.

1925

Mr Quirk: Thank you, Mr Speaker.

Can I ask, in the 'mixed view', is the majority view then the five platforms?

The Minister: It has not been tested.

1930

The Speaker: Mr Quirk, a final supplementary.

Mr Quirk: Thank you, Mr Speaker.

1935 Can I ask, then, a couple of questions of the Minister? The remit that was given to the Member – who I believe now is not in Social Care – will that affect it?
Also, can I ask, regarding waste, what are the instructions or remit on the waste element?

The Speaker: Minister.

1940 **The Minister:** Thank you, Mr Speaker.

The Hon. Member, Mr Ronan, is no longer, since yesterday – and I did refer in my Answer – a Member of Social Care, but I do not think that that will affect his work, in terms of my Department's responsibilities, at all.

1945 In relation to waste, there is a discussion about to commence with local authorities and the Municipal Association with regard to more efficient ways that these services can be delivered by local authorities in the future.

The Speaker: Mr Thomas, you have a final supplementary.

1950 **Mr Thomas:** Thank you very much, Mr Speaker, and to the Minister.

I start from the timescale for the reform project, and my question is... The Minister said that it was quite hard for the local authorities... Well, he did not say it, but he implied that it was quite hard for local authorities, because they had to deal with DEFA, DSC, Treasury, various parts of Dol, and the Local Government Unit might be lost in the Department of Infrastructure because it is such a big Department.

1955 So my question is what does the Minister, or the departmental Member responsible, think about modernising ministerial government; and what could be done to give a better focus to local government?

1960 **The Speaker:** Minister.

Mr Thomas: From central Government.

1965 **The Minister:** The Hon. Member may feel that I implied something. I can say quite clearly that the Local Government Unit within my Department is one which I think is of great importance.

I am a firm believer in local authorities. However, I do believe that reform of local authorities to give more powers from the centre to local authorities at a local level, for them to deliver, is an essential item. It is very important and, in my opinion, long overdue.

1970 We will be doing whatever we can to facilitate that in the time we have available.

Procedural – Object of Questions

The Speaker: Now, Hon. Members, as we come to the end of Questions for Oral Answer, I think it would be worth my referring you to Standing Order 3.3(1):

'The proper object of a Question is to obtain information.'

1975 That also applies to supplementary questions and I would encourage Members to keep supplementary questions free of personal opinion, or indeed inviting opinion from the Minister. The object of a question is to obtain information.

Equally – and I raise this because the manner in which questions were raised this morning came under scrutiny – if a Minister... if he or she chooses to provide the information by

1980 reference to information given in a previous Answer, either here or in another place, that is entirely a matter for the Member him or herself. If the Minister chooses to answer in that way and provide the information in that way by directing the House to information given previously, that is entirely up to the responder to do so. I simply make that point.

Hon. Members, we move now to Questions for Written Answer, and there are 12 Questions. The replies will be distributed.

Questions for Written Answer

CHIEF MINISTER

2.1. Multilateral treaties – Island's contribution

The Hon. Member for Douglas West (Mr Thomas) to ask the Chief Minister:

On what basis the Isle of Man contributes to reports and submissions concerning (a) the European Social Charter; (b) the UN Convention on the Rights of the Child; and (c) UN International Covenant on Economic, Social and Cultural Rights?

1985 **Answer:** Before turning to the specifics of the Question it may be helpful to provide some background information.

Some multilateral treaties adopted by international bodies, such as the Council of Europe (in the case of (a) in the Question) and the United Nations (in the case of (b) and (c)), include a requirement for the governments of the States Parties that have ratified (formally agreed to be bound by) them to provide periodic reports on their compliance with the articles of the treaty.

1990 Under the European Social Charter a State Party is obliged to submit periodic reports on a number of the Charter's articles on an annual rolling basis, with a repeating four-year cycle to complete reporting on all of the substantive articles to the Council of Europe's European Committee of Social Rights.

1995 Under the UN Convention on the Rights of the Child a State Party is obliged to submit periodic reports to the UN Committee on the rights of the child two years after the entry into force of the Convention for the State Party and every five years after that.

2000 Although the UN International Covenant on Economic, Social and Cultural Rights does not specifically set out a reporting timetable, in practice a similar reporting schedule to that of the UN Convention on the Rights of the Child, i.e. approximately every five years, applies for the submission of State Party reports to the UN Committee on Economic, Social and Cultural Rights.

In each case, after the initial report the periodic follow-up reports generally just describe substantive developments since the previous report.

2005 As a Crown Dependency, the Isle of Man is not an independent sovereign state and it cannot be a member of international bodies, such as the United Nations or the Council of Europe in its own right. It also cannot be a State Party to the treaties adopted by those bodies. The United Kingdom, on behalf of the Crown, is responsible for the Island's international rights and, with the agreement of the Isle of Man Government, the UK's ratification of international treaties, such as those referred to in the Question, may be extended to the Island.

2010 When the UK's ratification of an international treaty has been extended to the Island, the Isle of Man Government is responsible for compliance domestically, but the UK, as the State Party,

remains responsible to the treaty body for compliance, including for matters such as periodic reporting obligations.

2015 Therefore the UK Government submits a single periodic report to the relevant treaty body that covers the jurisdictions of the UK and any of the Crown Dependencies (CDs) and Overseas Territories (OTs) to which the treaty has been extended and this is the basis on which the Isle of Man contributes to reports and submissions concerning each of the international treaties referred to in the Question.

2020 The Isle of Man Government is invited by the UK to provide it with updates well in advance of the submission date and, depending on the requirements of the treaty body and the style of the UK's report, the information provided by the Island (and that provided by governments of the other CDs and the OTs) may either be incorporated into the main body of the report or attached as an annex to the UK section of the report.

SOCIAL CARE

2.2. Southlands Resource Centre – Plans for change

The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Social Care:

What changes he plans to make to Southlands?

2025 **Answer:** Southlands Resource Centre is different to Reayrt ny Baie and Cummal Mooar in that, as our most recently built facility, it meets all current regulatory requirements to qualify for a new registration under the Regulation of Care Act.

Therefore it is the Department's intention to outsource the residential care element of this service, using the Social Enterprise model, in 2015-16. This affects 60 beds in Surby, Langness, Rushen, Cregneash and Barrule units.

2030 As is the case for the replacement buildings for Reayrt ny Baie and Cummal Mooar, it is the Department's intention to retain ownership of the estate.

2.3. Cummal Mooar, Reayrt ny Baie and Southlands – Expenditure on buildings and interiors

The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Social Care:

What money has been spent on the buildings and interiors of Cummal Mooar, Reayrt ny Baie and Southlands in the last five years?

2035 **Answer:** The expenditure detailed below includes repairs, room decoration when they become vacant, white goods replacement and other similar such expenditure. The Department does not have the information pre-2011-12, but can state that the average expenditure for Cummal Mooar was £12,313 per year, and for Reayrt ny Baie £3,528.

No major items of refurbishment took place in Reayrt ny Baie, Cummal Mooar or Southlands between 2009 and 2011.

From 2011 the spend is outlined below:

Cummal Mooar

2011-12	2012-13	2013-14
£37,697	£16,696	£36,782

2011-12 expenditure was primarily replacement of barge boards and fascia and £13,345 on improving disability access.

2012-13 expenditure was to improve external environment and replacement of ground floor patio doors.

2013-14 expenditure was for redecoration.

Reayrt ny Baie

2011-12	2012-13	2013-14
£81,147	£20,393	£165,412

2011-12 expenditure was primarily replacement of the kitchen.

2012-13 expenditure was general refurbishment.

2013-14 expenditure was redecoration, recarpeting and remodelling the communal lounges plus replacement baths.

Southlands

2011-12	2012-13	2013-14
£13,164	£15,180	£14,000

2011-12 expenditure was for redecoration.

2012-13 expenditure was for redecoration and refurbishment of the Surby unit.

2013-14 is committed expenditure to refurbish three shower rooms.

2040 All of these works were required to ensure improvement in the living environment for residents and maintain standards while making our properties as accessible as possible for people with disabilities.

**2.4. Reayrt ny Baie and Cummal Mooar –
Completion of buildings and opening dates**

The Hon. Member for Douglas North (Mr Henderson) to ask the Minister for Social Care:

When Reayrt ny Baie and Cummal Mooar were (a) built; and (b) open for residential care?

Answer: Reayrt ny Baie Resource Centre building work was completed in November 1990. It was officially opened to provide residential care in January 1991.

2045 Cummal Mooar Resource Centre building work was completed in 1981. It was officially opened to provide residential care in October 1981.

In both instances residents moved in several months before the official opening.

**2.5. Poverty on the Island –
Needs assessment process**

The Hon. Member for Douglas West (Mr Thomas) to ask the Minister for Social Care:

What form the needs assessment of poverty on the Isle of Man takes; and to whom it will be submitted?

Answer: At present there is no formal measure of poverty in the Isle of Man, and therefore no assessment of it. However, work is being done on a Joint Strategic Needs Assessment (JSNA) which will collect data from a wide range of sources to allow Isle of Man Government to assess the different needs of the Isle of Man's population. This will inform policy making in the future and ensure scarce resources are targeted to those most in need.

This is an important piece of work and we are confident that it will be of significant assistance in targeting our most vulnerable people.

**2.6. Strategic and financial needs –
Form of assessment**

The Hon. Member for Douglas West (Mr Thomas) to ask the Minister for Social Care:

What form the strategic and financial needs assessment takes, which will identify those requiring services and inform the Department's commissioning; and to whom it will be submitted?

Answer: A comprehensive need assessment is a key element and prerequisite for effective strategic planning. A Joint Strategic Needs Assessment (JSNA) is the basis from which Government and its partners may decide on priorities and actions that will help improve outcomes and make the best use of available resources.

The JSNA has been commissioned by the Social Policy and Children's Committee, who will receive the final report.

The purpose of the Joint Strategic Needs Assessment is to:

- identify the current health and wellbeing needs of a local population
- inform the priority targets: identify service and/or Departmental interdependencies and opportunities for collaboration in tackling key social policy issues
- agree commissioning priorities that improve outcomes and reduce health inequalities.

The JSNA is intended to assess population need over the next three to five years, but should also include a longer term assessment (5 to 10 years) to take account of anticipated changes in demography and infrastructure developments, and inform strategic planning.

The JSNA takes the form of collation of a core data set of information, and then analysis of that information by appropriate officers from the relevant Government Department.

**2.7. Manx Housing Trust –
Cost to DSC; remit**

The Hon. Member for Onchan (Mr Quirk) to ask the Minister for Social Care:

What the cost is to the Department of the Manx Housing Trust; and what its remit is?

Answer: The Department provides grant funding to a number of third sector organisations that provide services that are closely linked with the objectives of the Department of Social Care. The Department provided grant funding of £25,000 to the Manx Housing Trust in 2013-14.

In addition, the Housing Division of the Department of Social Care works with Manx Housing Trust to deliver short to medium-term accommodation to those in housing need. The Manx Housing Trust has the use, rent free, on a rolling basis, of four two-bedroom Department public sector properties in the Strang, Braddan. The Trust allocates to these properties from their housing waiting list and has responsibility for all day-to-day repairs and maintenance and housing management issues. The annual rental loss to the Department for these four properties is set out in the table below.

	Weekly rent per property	Total Annual Rent 2013-14
2 x 2 bed cottages	£59.47	£6,184.88
1 x 2 bed cottage	£61.19	£3,181.88
1 x 2 bed bungalow	£65.41	£3,401.32
Gas certification costs (annual)		£400.00
TOTAL		£13,186.08

The primary aim of Manx Housing Trust is to provide short-term affordable, decent accommodation for local families with at least one dependent child, who are in housing need and awaiting housing on the Island's public sector housing waiting lists. The Trust has worked closely with the Department for many years and deals with urgent housing problems that a housing authority cannot always accommodate under the normal allocation process due to the limited turnover of public sector properties on the Island. With these aims in mind the selection process for the Trust initially mirrors Government criteria in terms of income and general eligibility. Thereafter, those families considered to be in greatest need are given priority subject to availability of suitable accommodation. Applicants are only housed if they are at the upper ends of the public sector waiting lists as the aim of the Trust is to provide short-term accommodation only and this allocation strategy results in greater throughput and the ability to assist larger numbers of applicants within the limited resources available.

The Trust are currently managing 30 units of accommodation comprising: a small portfolio of 18 properties owned by the Trust; the use of four DSC properties (as above); and eight flats in Ramsey purchased in partnership with DLGE (now DSC).

Whilst redevelopment works have been in progress on Janet's Corner and Clagh Vane, Manx Housing Trust has also been given short-term temporary access to suitable properties, emptied as part of these redevelopment schemes, for the provision of emergency housing. The Trust is currently using five properties on Clagh Vane for short-term housing with full responsibility for day-to-day repairs and maintenance and housing management. This has removed the Department's need to secure and maintain these properties whilst mothballed for redevelopment, thereby reducing costs, and has kept the units in housing use for longer than would be possible otherwise.

HEALTH

**2.8. GP and hospital patient records –
Retention after death**

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

How long GP and hospital patient records are retained after a patient's death?

Answer: Acute (hospital) health records for adults are retained for eight years after completion of treatment or death. For children, the records are held until that child would normally have reached the age of 25.

GP records are retained for 10 years after a patient's death.

This is in accordance with the UK Department of Health Records Management NHS Code of Practice which is the guidance on best practice.

**2.9. Lymphoedema patients –
Number, treatment and costs**

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

How many known lymphoedema sufferers there are by (a) age group; (b) those under NHS treatment; and (c) those refused treatment; what the reasons are for refusing lymphoedema treatment; and where lymphoedema treatment is given and at what cost?

Answer: The number of lymphoedema patients treated in the last three and a half calendar years is as follows:

Year	Accepted referrals	Cancer-related (treatment provided by Hospice)	Primary or non-cancer-related (funded by Dept. of Health where appropriate)	Specific Dept. of Health Funding	Cost to Dept. of Health £	Number of declined cases
2010	36	35	1	3	1064.55	3
2011	50	46	4	2	1233.21	1
2012	69	61	8	0	0	0
First half of 2013	40	38	2	2	244.23	3

The age of patients is not easily accessible, although it can be manually extracted by examining each patient record, it would be too time-consuming for Hospice staff. The average age of patients referred to the Hospice is, however, 68.

Treatment of cancer-related lymphoedema is part of the overall care provided by Hospice. The provision of that care is supported by the general funding and support which the Department provides to the Hospice via our Service Agreement. Primary and non-cancer related lymphoedema is treated by the Hospice on behalf of the Department and specific funding is provided for those cases as indicated above.

2115 In addition, where a clinician at Noble's might deem it necessary, a patient can be referred for tertiary care in Liverpool.

Finally, treatment can be refused for a number of clinical reasons, including obesity or where there are clinical contraindications.

INFRASTRUCTURE

2.10. Parking permits for Douglas residents – Review of operation and location of disc zones

The Hon. Member for Douglas West (Mr Thomas) to ask the Minister for Infrastructure:

When the most recent review of the operation and location of disc zones for resident parking permits in Douglas took place; and when the next review is scheduled?

2120 **Answer:** Reviews of on-street parking provision generally take place in the following circumstances:

1. In response to a request or a series of requests.
2. Prior to changes in associated traffic or highway legislation; or
3. When changes to the physical characteristics of the highway maintainable at public expense are carried out by the Department or developers.

In 2009, prior to the commencement of the preliminary design work on the Douglas Regeneration and Douglas Promenade projects, a review of the parking in lower Douglas was undertaken. The extent of the lower Douglas study area covered:

- South Quay to the south
- Circular Road and Bucks Road to the west
- Windsor Road, Crellin's Hill and Church Road to the north; and
- Douglas Promenade to the east.

2125 The Department's traffic and transportation officers have reviewed on-street parking in Ramsey, Peel and Castletown in support of the town centre regeneration projects and in the context of the wider parking studies that have been carried out around the Island. There is no date set out for the next formal review.

2130 The Department occasionally receive requests from individual members of the public and their elected representatives for new disc zones to prevent long-stay commuter parking between 8 a.m. and 6 p.m. in residential areas. The evaluation of these requests must consider both the need for management of the on-street parking in these areas and the additional enforcement costs associated with introducing a disc zone. In the first instance, the need is tested by asking the person(s) promoting the new disc zone to provide evidence the imposition of parking restrictions is supported by the majority of residents within the area under consideration. The Department supplement this information by undertaking a survey which
2135 assesses the availability of parking in the area from 8 a.m. to 6 p.m. Monday to Friday. In the majority of cases the person(s) promoting the disc zone are unable to gain sufficient support for their proposal within their local community and/or the survey indicates sufficient on-street car parking is available to meet local residents' requirements during the operating hours of the
2140 proposed disc zone.

John Shimmin MHK Member for West Douglas contacted the Department about concerns in the Somerset Road and surrounding areas and we would invite the questioner to liaise with his colleague in this regard.

**2.11. Vehicle licences and residents' parking permits –
Annual renewal; administration costs**

The Hon. Member for Douglas West (Mr Thomas) to ask the Minister for Infrastructure:

What the cost is of administering the annual renewal of (a) vehicle licences; and (b) residents' parking permits?

Answer: (a) Approximately 72,000 vehicle licence transactions are processed each year. These cost approximately £183,000 to administer. This equates to a transaction cost of approximately £2.54 each.

(b) Approximately 3,700 residents parking permits are issued or re-issued each year, including special parking permits, reserved parking place permits and residents parking permits. These cost approximately £42,000 to administer. This equates to a transaction cost of approximately £11.35 each.

**2.12. Planning applications –
Interested party status**

The Hon. Member for Douglas West (Mr Thomas) to ask the Minister for Infrastructure:

Under which powers he made the Government Circular dealing with the determination of interested person status in a planning application; and whether the Attorney General's Chambers has given an opinion about this?

Answer: Government Circular 46/13 sets out the internal departmental guidance for determining interested person status. The Government Circular at issue is not a development order or regulation requiring the approval of Tynwald in terms of Section 44 of the Town and Country Planning Act 1999.

In common with other Departments, the Government Circular format serves to provide further guidance as to procedures and material considerations above and beyond primary and secondary legislation which each have to be approved by Tynwald. As with other Government bodies the Department retains implied powers to further guide the performance of its statutory functions.

In this instance the Government Circular serves to flesh out the sufficiency of interest necessary in terms of the Town and Country Planning (Development Procedure) (No 2) Order 2013 (SD 238/2013) to determine whether somebody is ordinarily to be accepted as an 'interested person'.

Within the Order 'interested person' means any person whom the Department decides under article 6(3) of the 2013 Order, has sufficient interest in the subject matter of the application to take part in any subsequent proceedings relating to it and any person mentioned in article 6(4) of the 2013 Order. The Government Circular, as its terms make clear, sets out those persons who are generally to be accepted as having a sufficiency of interest (paragraph 2(1)) and also

2170 those persons who are generally to be accepted as not having a sufficiency of interest (paragraph 2(2)).

The phraseology of 'generally [to] be accepted' accordingly vests a discretion to include or exclude (as the case may be) those persons who do not fall within paragraph 2(1) or paragraph 2(2); to this extent it is clear that the Circular provides guidance and a degree of certainty without necessarily being binding. The terms of a development order or regulation i.e. 2175 secondary legislation requiring approval under section 44 would of course be binding.

I can confirm that the appropriate advice has been sought and received by the Department in issuing the Government Circular and the Town and Country Planning (Development Procedure) (No 2) Order 2013.

Order of the Day

3. BILLS FOR FIRST READING

3.1. Representation of the People (Amendment) Bill 2013

3.2. Control of Employment Bill 2013

2180 **The Speaker:** Bills for First Reading. I call on the Secretary of the House.

The Secretary: Bills for First Reading: Representation of the People (Amendment) Bill 2013, Member in charge, Mr Anderson; Control of Employment Bill 2013, Member in charge, Mr Shimmin.

2185 **The Speaker:** Thank you.

4. BILL FOR SECOND READING

4.1. Post Office (Amendment) Bill 2013 – Second Reading approved

The Speaker: Item 4, Bill for Second Reading: Post Office (Amendment) Bill. I call on the mover, Mr Ronan.

Mr Ronan: Thank you, Mr Speaker.

2190 I am pleased to be able to move the Second Reading of the Post Office (Amendment) Bill for the Department of Economic Development.

Firstly, I would like to remind Members that the Department of Economic Development acts as the link between the Post Office and the Council of Ministers. As such, it falls to the Minister of the Department to lead and take through any consultation and legislation changes.

2195 Turning to the background for this Bill, I must advise that the current legislation relating to postal services on the Isle of Man, namely the Post Office Act 1993, is now over 20 years old. We all know that the world has moved on a long way in that time. When Tynwald last considered the powers and duties of the Post Office, letters were still the main method of written communication.

2200 Electronic mail started to emerge around this time, and changes since have transformed the world we live in and the postal industry. Customers' expectations over the type and sophistication of products offered by a modern post office have radically changed the postal industry. New technologies, not least of which is the introduction and the continuing development of the internet, have revolutionised communication means and methods. These, together with e-commerce, have effectively removed the geographic physical boundaries postal operators traditionally had.

2205 As with most change, the changing environment and technology in use poses a threat and an opportunity. Postal services around the world have faced significant challenges to their profitability. Some of the largest postal services in the world have posted losses – for example, Royal Mail and USPS.

2210 To highlight how this is affecting us on the Island, in the last five years Isle of Man Post Office have lost 22% of the volume of mail posted on the Island. In round numbers, this equates to a shortfall in revenue of over £2 million.

2215 Postal services around the world have therefore had to change. To protect their universal service obligation, they have sought to modernise and seek to extract more value from each piece of mail they handle and seek new opportunities.

In order to maintain profitability and to be able to support services on the Island, it is vital that our Post Office is able to continue its strategy of diversification and expansion into international markets.

2220 In view of the changing environment and to protect future service delivery, the Post Office board made representation to the Department, to take forward a Post Office (Amendment) Bill. This was drafted and the Department published a consultation document on 24th August 2012, for which responses closed in October 2012. The opportunity was taken to consider the draft Bill further and the Bill amended.

2225 Moving on to the main points in the Post Office (Amendment) Bill itself, the Bill clarifies the main duty of the Post Office and its powers. The main duty of the Post Office remains conveyance of letters, as provided for in the 1993 Act. This ensures that the focus of the Post Office remains on this vital area and that the provision of other services, as noted in clause 2, is available to the Post Office to allow it to introduce new products and services in a similar manner to other postal services around the world.

2230 The Bill also proposes to modernise the powers of the Post Office to take account of technologies introduced over the last 20 years, including such areas as digital communication and data management, hybrid mail solutions to production management of physical mail from electronic data and vice versa, and other similar services and products.

2235 The amendment of powers of the Post Office Bill has been introduced to allow the Post Office's legal duties or powers to be updated in the future without the need for further primary legislation. Tynwald approval is required for such changes.

2240 The Bill therefore provides the Post Office with the tools it needs to effectively seek new revenues to protect the universal services it provides. By removing the uncertainty over the Post Office's ability to seek revenue outside the Isle of Man, it enables the Board to access much larger markets to retain and bring work to the Island, reversing the trend over recent years where the work has migrated to the UK and elsewhere as multinational businesses rationalise their operations.

2245 The introduction of this Bill is brought forward now to allow revenues to be sought whilst leaving open future potential options for a review and operating model of the Post Office, such as corporatisation. Consideration of the future operating models of the Post Office will be a matter for the Council of Ministers to consider and ultimately Tynwald Court. It is not a matter for this Bill.

2250 It is essential that wider issues on the future of the Post Office do not delay opportunities to increase revenues and that the universal service obligation – a duty to provide service for the conveyance of letters – continues to be viable.

Members will be aware that a presentation on this Bill was planned in November but was regrettably cancelled. Invites to all Members have now been circulated for a presentation on 15th January 2014 in advance of consideration of the clauses reading, which is expected to be on 28th January 2014.

2255

Mr Speaker, I beg to move that the Post Office (Amendment) Bill be read for a second time.

Mr Speaker: Mr Shimmin.

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Mr Shimmin: I beg to second and reserve my remarks.

Mr Speaker: Mr Karran.

2265

Mr Karran: Vainstyr Loayreyder, I will not be opposing the Second Reading, but it does greatly concern me.

I understand it has been out to consultation, but this is supposed to be the parliamentary assembly. We have a situation where we have to wait until 15th January for the presentation and then this Bill will be back in this Hon. House on 28th January.

2270

If people have substantial new clauses to this Bill, then the problem will be the difficulty of actually getting those new clauses or amendments being drafted up; and I do feel that we need to see the presentation. If there is to be a presentation, it should be before the Second Reading of a Bill, so that Members can have a broader approach as far as the contents of the Bill.

2275

One of my deepest concerns about this Bill, Vainstyr Loayreyder, is will it be just used as an excuse to pay excessive fees to people on a Statutory Board. What I would like to know from the Hon. Member is how are we going to make sure that we do not end up with the gravy train scenario, and how are we going to safeguard the taxpayers' interests so that we do not then find there is a reason to vastly inflate fees for people who are selected to be Members of the Statutory Boards in the future. I would like that assurance.

2280

I have raised this issue. I have written to the Post Office Chairman that this is what concerns me. It concerns me in light of the issue that we now see with the MEA. It concerns me greatly with that issue – with the MEA – where we ended up with this spending spree; we ended up with directors on unrealistic amounts; we had staff who ended up on unrealistic amounts at the top end of the scale.

2285

What assurances can we have that – whilst the hon. mover, I believe, is one of the most well-meaning Members in this House – he actually has a grip of what he is actually going to end up bringing in, if we are not careful? I do ask for that because I will be looking for safeguards on fees, on the safeguards that... We end up with far too many top management. They want private sector pay, but they do not want private sector accountability as far as being able to be got rid of when they do not do their job. We saw that when we were talking about Question Time today, with other Departments.

2290

The other thing that is important, which to be fair to them they should be applauded for, and maybe we should have tried to get the issue as far as the pension is fully-funded at the Post Office, which I think is something we should be proud of and we need to follow ourselves, even though some of us have tried to bring in the odd initiative years ago to try and help the newer Members having to face, and the future Members in this Hon. House, the liabilities of that.

2295

What safeguards will there be as far as this pension fund... cannot be damaged as far as its fine record – that I must give praise to the predecessors of the Post Office Members in the past – allowing for the fact that now I find that, in the Water Authority, where we went out on a limb to bring a principle as far as a sinking fund for the rates so there was no debt for future generations when it is paid off, is now being sidled off in order to try and sort out the mess of the MEA? What assurances can we have that there is going to be some protection, there is going to be some way of making sure that that is not another feeding-frenzy situation as far as the Post Office pension scheme?

2300

I am just asking these points. These are the points I will be asking at the presentation.

2305 I see this Bill as actually a glorious opportunity. Post offices should be used as local hubs for the community, and I do not think – this is not a criticism of the mover or of the present Chairman of the Post Office authority – but I think we are missing a trick as far as this is concerned.

2310 One of the things that I have got next week is the issue of whether we should be expanding the Post Office more into a small business bank and a penny bank, like it was once – the opportunity there of the local hub again, working with local schools, trying to get kids involved in saving.

2315 I see this as a way forward, as far as the Post Office is concerned, and what I would like to see is whether there is a need for some sort of statutory undertaking to put this sort of facility in, as far as the Island is concerned.

We have only seen in the adjacent isle the other day that they are now trying to put more priority on how they are going to create more money for small business to try to get jobs. The self-employed and small businesses are going to be our backbone if we are to make sure we do not end up experiencing the horrors of high unemployment in the future.

2320 So I would be interested to know whether the mover has any views as far as the idea of developing its banking services, because I think we have something here that could be of real use, real benefit as far as the Island is concerned, especially with the fact that we have got them as local hubs throughout the community.

2325 The last thing that I am really thinking about is we have the problem that many in the adjacent island... local authorities are paying to fund welfare rights organisations for the likes of benefits. The problem we have over here is obviously it is all one situation. I am considering whether we should be making the Post Office able to have the right to develop an agency, a welfare rights organisation... whether it is done within house or outside house, being independent of Social Care, to make sure that our citizens are actually provided with the benefits they are entitled to. Far too often it is not that the benefits are being given out too much; it is benefits not being applied for, and I see the idea of the Post Office as a valuable hub for that organisation being throughout the Island.

I think I have spoken enough (**A Member:** Hear, hear.) in this House, but somebody needs to be asking these sorts of questions.

2335 This is about primary legislation. I am interested in these amendments. I do not expect the mover to have answers for me, but I would like to see those sorts of things being considered, because I do feel that... We have seen the presentation from Government, as far as reorganisation of Government. This Post Office (Amendment) Bill could be a valuable resource for helping Government in these fraught times, as far as trying to bring about changes and services not directly employed by Government, as far as the Island is concerned.

2340

The Speaker: Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

2345 I will not be as long as the previous speaker, but I think scrutiny of legislation is an important role for every Member of this Hon. Chamber. That is our primary function and we all should do more.

2350 I am a little bit disappointed that the mover is going for the in-principle reading today and waiting for a presentation before clauses stage, which is rather unusual. Normally speaking, if a Bill comes forward to the House and the mover feels that there should be a presentation, that presentation is usually before the Bill gets to the floor to debate whether or not to accept the principle of what that new law is going to contain.

2355 Today we are being asked to accept the principle, or an amended principle to the 1993 Act, before learning about all the potential scenarios that might flow as a consequence of adopting this particular Bill to go as an Act in the future.

So I am disappointed at the planned process. I do not blame the mover, but then perhaps in hindsight and going forward the Member might consider in future not agreeing to take Second Reading until he has held his presentation, thereby making him feel confident in the House feeling confident that what he is proposing is workable and is good law for the Island.

2360 Really, without being able to flush out the meat on the bone... because of the lack of a presentation, one cannot really say very much about it, other than I appreciate that it is to bring up to date the legislation, bearing in mind that we are in the digital and computer era. I can appreciate that, so I will give him support; but I cannot guarantee that I will give him support post-presentation (*Interjection*) when he gets to the nitty-gritty of the legislation. I wish him well.

2365

The Speaker: Mr Thomas.

Mr Thomas: Thank you, Mr Speaker, and to the mover.

2370 I want to associate myself with the remarks of both the previous two speakers inasmuch as scrutiny is valuable and the timetable is unfortunate.

I just wanted to put down on record two points I would like to follow up with the mover in the coming weeks.

2375 The first one is about the definition of banking services. Perhaps we can talk about that and perhaps we can visit the Treasury together, because there might be two 1993 pieces of legislation that could be amended at the same time: the Credit Unions and also the Post Office.

The second thing I wanted to say is that we are now in the situation in this Island where the majority of Manx Telecom is now owned by a private equity investor, HgCapital, alongside Telecom's management company, CPS Partners. From April 2013, Sure is owned by Batelco. I wanted to see whether this legislation could be used, in some senses, to make sure that we could include telephone in the future as a contingency strategy, if we ever needed to do so.

2380

The Speaker: Mr Cannan.

2385 **Mr Cannan:** Thank you very much, Mr Speaker.

I will be brief, but again I too want to associate my comments to a degree with what has been said before.

2390 I am concerned that we have not had a full presentation for this, and although I am going to give my support today to this reading, I am just highlighting my concern now that we are giving the Post Office powers that are going to directly interfere with private enterprises on the Island to such a degree. I do not agree and I will not be in favour of giving a Government-run body such wide powers that they will directly interfere with commercial enterprises that have been developed and started up outside of Government, because I do not believe that it gives a level and equitable playing field.

2395 So, in giving my support for this, I do warn the mover that I have a lot of questions about the whole issue of the Post Office and that I will not be giving my support to the next reading unless there are substantial reassurances about how the Post Office intends to develop and the framework that it intends to develop within.

Thank you, Mr Speaker.

2400

The Speaker: Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

On a similar vein to the other Members, it is a shame we did not have the presentation.

2405 Although the Post Office does great sterling work – or the Isle of Man Post Office does – there are synergies to be had, and the corporatisation element... although the mover of this particular Bill says it is not part of it, it has to be in the back of Members' minds, and I am sure it

is in the back of Members' minds... *[Inaudible]* that I would say too the concerns that other Members do have.

2410 I give it tentative support, but reserve my judgement and encourage, hopefully, that either the mover or the Minister of that particular Department encourages a presentation, which could be quickly done, I am sure, within this House.

The Speaker: The mover to reply. Mr Ronan.

2415

Mr Ronan: Thank you, Mr Speaker.

A lot to go through here. Firstly, Mr Karran... I think a couple of the Members said that they were disappointed that the presentation is not before the Second Reading. I can only apologise for this. I am sure you are aware there has been a lot going on within Council of Ministers and in the Departments. I cannot give you the exact details of exactly why this has not come to you before now –

2420

Mr Quirk: Have you been influenced?

2425 **Mr Ronan:** – but what I will say is that there is still time to come and speak to the Department of Economic Development and speak to the Post Office if you have got any concerns. There is nothing getting hidden; I can absolutely assure you of that. I would, please, encourage any of the Members who have got concerns to come and see me, the Chairman, the Chief Executive or the Minister for the Department. I am sure we can answer satisfactorily any concerns that you have.

2430

If I just move on to Mr Karran, he said about the taxpayers' interests and he is also concerned about the possible excessive fees which could be paid to board members. I think the fees paid to board members are set in statute; there is set legislation. There is nothing we can do about that.

2435

What I will say is that, as someone who has served on the board for two years, I think what we have got to do is take our eyes off the minutiae here and concentrate on the bigger picture. We can get caught up in this... what will individuals get out of it? What we will get out of it is what we set in this Hon. House, and what we have got to focus on is the growth and well-being of the Post Office and the Isle of Man in general. It is something which, in my time with the Post Office, we have been absolutely keen to deliver home, and I am totally satisfied that the Post Office can move forward in the right way and certainly in a modern world.

2440

We touched on... the Bill is over 20 years old, and I think what we have to say to ourselves also is that we have got to give credit to the original drafters of this Bill, (**A Member:** Hear, hear.) the people who formulated this Bill, because it has stood the test of time. Let's go back 20 years and think what we were doing: writing letters everywhere. Now, mobile phones... This Bill has stood the test of time in this period, but the time is coming now where we have got to move on – the Post Office has got to move on, the Isle of Man got to move on.

2445

So I would, please, ask Members to think of the bigger picture and also think about the opportunities which the Post Office can get with this – not just for itself... We need inward investment in the Isle of Man. This is the whole idea now of what we are trying to bring forward. New inward investment will not just help the Post Office but will help the Isle of Man in general, as will other businesses, so we have got to have legislation that is flexible and nimble – to use a phrase from my Chairman here – to enable us to bring new investment to our shores; and whereas the old Act has done well, it has certainly had its day and we are playing catch-up with our competitors.

2450

2455 I will also give Hon. Members a little bit of information, really, regarding something that has fascinated me in my time at the Post Office: our competitors Europe-wide. A map of Europe came up and it showed all the postal... basically, all the countries around Europe. It was coloured up, and the Isle of Man, Gibraltar and Cyprus were the only three post office networks left within government ownership. The rest were either privatised or corporatised. So you have got

2460 to ask yourself... We are lagging behind here and we have got to be able to... and I know this Bill is not about corporatisation in this fact, but we have got to think where we are going to go, and this Bill certainly enables the Post Office to, hopefully, move forward.

Mr Karran also mentioned pensions – the fully-funded pension the Post Office has got. Again, I am pretty confident that the pension set-up at the Post Office is good. I cannot give full details
2465 on that to him – I am not fully briefed on that – but again, if you have got any concerns with that, I drag you back to what I said before regarding coming to speak to the Post Office or the Department. We can give you information on that.

You also touched on small business banks. Again, I think we are all aware... There have been many questions raised in this House regarding what the Post Office could and could not do, but
2470 this Bill – I have got to be honest with you – is not really what this is about in that area. It could take part of that in future.

I think what we have got to say to ourselves is why this Bill is necessary. As I said before, credit must be given to the people who drafted the Bill. It has served the Post Office very well.

We have got to also say to ourselves... I draw you back to what I said in the speech regarding
2475 the growth of the internet and related technology. It means that the Act had to be updated to ensure that the Post Office can take opportunities to generate new revenue in today's and future businesses, and we must not take our eye off that. I know certainly Mr Karran raised concerns. I would hope in the next couple of weeks and months we can certainly satisfy his concerns on this. I certainly know Mr Karran is forward-thinking enough realise that the Isle of
2480 Man cannot stand still, and I would hope that we can move with this.

He also mentioned about the threat to private enterprise, and this is something which I can assure you I share. The Island's postal market has fallen over recent years, and as I indicated in my speech, the Post Office's main focus is on expansion outside the Island, therefore providing economic growth in the Isle of Man. The Post Office strategy is to provide services which extend
2485 the postal value chain. This Bill provides the clear vires for it to attract new customers by providing new competition solutions to them.

Inward investment like this can only lead to opportunity for our Island, and as I said before, we have got to be careful. Certainly in my two years... we have got to be careful the detail of things does not get in the way of the bigger picture. What I will say to you, as a Member of the
2490 Post Office – and the board share this with me – is this is about opportunities not just for the Post Office. The Post Office can feed others as well.

Mrs Cannell talked about scrutiny. We all agree with that, and I am sure in the short time you have known me... I totally agree with you, Mrs Cannell. Again, I can only apologise for the presentation not being before the Second Reading. I will take on board your advice, certainly in
2495 future. I suppose I have still got a bit of an L-plate on my back – I would like to think it is an R-plate now – but I certainly... She shakes her head, but I certainly take your advice on that and thank you.

Again, I think we have touched on the banking services with Mr Thomas.

Regarding Telecom and Sure, I am not in a position to expand on that, but again the offer is
2500 open to come and talk. I think this is for the future, really – where the Post Office goes and how broad it gets and what services it delivers. I think one thing is clear – that it can be a mechanism for a lot more things. Time will tell with that, and it depends on what happens in time with that as well.

Just again, finally, touching on Mr Quirk, he said that corporatisation has to be in people's
2505 minds. I think we can say that there is corporatisation... We were talking about the buses before. It is the general topic: do we go, or do we not go?

As I say, this Bill is very important. This Bill is to enable the Post Office to move forward as it is now. Corporatisation is not part of this Bill. Corporatisation would be ultimately for the Council of Ministers and ultimately for Tynwald Court to decide.

2510 Thank you, Mr Speaker.

The Speaker: Hon. Members, I put the question that the Post Office (Amendment) Bill be read for the second time. Those in favour, please say aye; against, no. The ayes have it.

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

FOR

Mr Karran
Mr Ronan
Mr Crookall
Mr Anderson
Mr Singer
Mr Quayle
Mr Teare
Mr Cannan
Mr Cregeen
Mr Houghton
Mr Henderson
Mrs Beecroft
Mrs Cannell
Mr Robertshaw
Mr Shimmin
Mr Thomas
Mr Cretney
Mr Watterson
Mr Skelly
Mr Gawne
Mr Speaker

AGAINST

Mr Quirk

The Speaker: With 21 votes for and 1 against, the motion therefore carries.

5. BILL FOR THIRD READING

5.1 Foreign Companies Bill 2013 – Third Reading approved

2515 **The Speaker:** Item 5, Bill for Third Reading: the Foreign Companies Bill. I call on the mover, Mr Teare.

Mr Teare: Thank you, Mr Speaker.

2520 This Bill is the Foreign Companies Bill 2013. As I have mentioned in the previous readings, this is the first phase of a wider company and insolvency law review project.

The Bill will replace part XI of the Companies Act 1931 with separate and stand-alone legislation. The Treasury consulted extensively with industry over a protracted period. The resultant Bill updates and simplifies the existing provisions of part XI.

2525 This Bill exemplifies the Treasury's commitment to reducing the burden of unnecessary red tape and bureaucracy wherever possible.

I remind Hon. Members that while the Bill refers to foreign companies, the scope of application is wider than just companies: it applies equally to other types of legal persons, such as foundations and limited partnerships with separate legal personality which are incorporated outside the Isle of Man.

2530 The register of foreign companies has become known as the F-Register.

The Bill will simplify the current regime under part XI. Hon. Members will remember that the scope of application will continue to apply to all foreign companies that have established a place of business in the Island or own land in the Island.

2535 The Bill now makes provision for companies that meet neither of these criteria to simply make an election for the legislation to apply to them.

The Bill contains three parts with 27 clauses.

I will now briefly remind Hon. Members what is set out in the provisions of the Bill.

2540 Part 1 sets out the opening provisions of the Bill. This part includes provisions for the short title of the Bill and for its commencement, as well as the interpretation of certain words and phrases.

Clause 4 defines what is meant by the term 'foreign company'.

Clause 5 brings certainty to circumstances in which the Bill applies to foreign companies.

2545 Part 2 sets out the practical matters in respect of the registration and operation of foreign companies. This includes the following matters: placing an obligation on the Department of Economic Development to maintain a register of foreign companies; giving the Department the power to accept or refuse an application for registration; requiring an applicant for entry to the register to submit documents that comply with the legislation; requiring a foreign company to make a return to the Department annually; giving the Department the power to remove a company from the Register for failure to make this return; and requiring a foreign company to notify the Department of the occurrence of certain specified events – crucially, this part requires
2550 foreign companies to inform the Department of the address and person to whom service of process and notices can be made.

The information that must be disclosed to the Department represents a significant reduction in the information currently required at part XI of the Companies Act 1931. Information that is
2555 not absolutely necessary is no longer required.

I remind Hon. Members that this is consistent with the Treasury's commitment to cutting unnecessary red tape and bureaucracy.

Part 3 of the Bill sets out various matters under the heading 'Miscellaneous Provisions'.

2560 There is a right to appeal a decision of the Department under this part. Both the appellant and the Department will be bound by any decision of the High Court.

Clause 19 creates the offence of giving information to the Department when this is known to be false.

2565 Clause 20 sets out the penalties for an offence under the Bill. Provision is made to apply offences to both individuals and legal persons. This clause also provides a defence for any person who took steps and precautions to avoid the commission of the offence.

This part gives the Treasury the power to make regulations on a wide range of matters related to the detail of the operation of the Bill. An express requirement to consult is included. Any regulations made by the Treasury under this part require the express approval of Tynwald.

2570 The Department is given the power to determine the form in which information must be submitted to it. It also has the power to set these by order. Such an order must be approved by Tynwald before it comes into operation.

Part 3 also gives the Department the discretion to determine how it stores and records information submitted to it. The Department may do so in any manner that it determines, provided any data stored by the Department can be reproduced in legible form.

2575 Various consequential amendments are made to other legislation in the schedule to this Bill.

Clause 26 provides for the automatic repeal of this clause and schedule to which it refers on the day after the last amendment takes effect. This is simply a matter of good housekeeping to avoid unnecessary provisions remaining on the statute books.

2580 I remind Hon. Members that the Treasury has engaged with industry for a protracted period to agree the scope of application of the Bill. This Bill now encompasses only what is absolutely necessary for inclusion on the register of foreign companies. The opportunity has been taken to significantly reduce the level of bureaucracy and red tape that currently surrounds the F-Register.

Mr Speaker, I beg to move the Third Reading of this Bill.

2585 **Mr Watterson:** I beg to second, sir, and reserve my remarks.

The Speaker: I put the question that the Foreign Companies Bill be read for the third time.

2590 **Mr Watterson:** Those in favour?

The Speaker: Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

6. BILL FOR CONSIDERATION OF CLAUSES

6.1 Limited Liability Companies (Amendment) Bill 2013 – Clauses considered

The Speaker: The Limited Liability Companies (Amendment) Bill, clauses stage. I call on the mover, Mr Teare.

2595 **Mr Teare:** Mr Speaker, Hon. Members, this Bill is the Limited Liability Companies (Amendment) Bill 2013.

During the previous reading of the Bill, I hinted at why the changes that this Bill proposes to make might be desirable. As the Bill is extremely short, I will take the opportunity to elaborate on this point.

2600 The limited liability company (LLC) is an American concept, with each state having its own variation of the legislation. At their most basic, LLCs have traditionally been thought of as resembling partnerships with added protection against liability for the members. This is much the same as the protection afforded to the members of any other limited company.

2605 The Isle of Man introduced LLCs in 1996 under the Limited Liability Companies Act 1996. The Act currently requires every LLC to have a minimum of two members. This is consistent with the traditional treatment of LLCs as quasi partnerships.

The tax treatment of LLCs in the Isle of Man is consistent with their close resemblance to partnerships: it is the members themselves who are taxed and not the LLC.

2610 In the USA, a single-member LLC can make the election to be treated as a corporation or do nothing and be treated as a disregarded entity. The latter achieves tax treatment consistent with that of the Isle of Man: it is the member that is taxed and not the LLC.

2615 Subclasses of assets that are either located in the USA or registered in the USA are regulated by the US state and federal authorities. As a general rule, the US authorities require these types of assets to be owned by US citizens. It is common practice for some classes of US assets to be held in single-member LLCs that are disregarded entities for tax purposes.

The amendments proposed in this Bill should enable a US citizen to satisfy the US authorities that the US assets held in a Manx LLC are indeed owned by a US citizen. An example of where this might be used is where goods need to be imported into the European Union.

2620 Most goods imported into the European Union are liable to import tax and duties; however, some may have specific customs relief associated with them – for example, end-use relief, which under specific circumstances reduces the duty rate to 0%.

The EU requirements that must be met in order for a company to take advantage of the special reliefs include that the importing company should be established in the European Union. For these purposes, the Isle of Man meets the definition of being within the EU.

2625 Use of a single-member LLC will go some way towards demonstrating that the company being established in the Isle of Man meets one of the EU's criteria. While it may be insufficient on its own, the use of a Manx corporate vehicle, particularly one that requires the engagement

of an appropriate licensed registered agent, will go some way to supporting the requirement for a company to be established in the Island.

2630 There are some basic requirements that must be met to ensure that companies established in the Isle of Man are eligible for the special reliefs and do not fall within the definition of an abusive practice. There is no change to the existing policy and this Bill does not seek to circumvent the existing requirements and conditions for qualification for special reliefs.

This Bill contains four clauses.

2635 When the branches of Tynwald support this Bill, it will come into operation on the day on which Royal Assent to it has been announced at Tynwald by the President of Tynwald.

Mr Speaker, turning to the Bill, clause 1 provides the short title of the Bill. I beg to move that clause 1 do stand part of this Bill.

2640 **Mr Watterson:** I beg to second, sir, and reserve my remarks.

The Speaker: I put the question that clause 1 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

2645 **Mr Teare:** Clause 2 sets out the proposed amendments to the Limited Liability Companies Act 1996.

Clause 2(2) replaces the existing words 'a body of persons' with 'a body of one or more persons'.

2650 Clause 2(3) inserts a new clause 1A into the Act. This new clause makes express provision for a limited liability company formed under the Act to have only one member. This clause also expressly applies any existing provisions equally to single-member LLCs and to LLCs with two or more members.

Clause 2(4) amends section 6 to remove the requirement for a limited liability company to be formed with two or more members.

2655 Mr Speaker, I beg to move that clause 2 do stand part of this Bill.

The Speaker: Mr Watterson.

Mr Watterson: I beg to second, sir, and reserve my remarks.

2660

The Speaker: I put the question that clause 2 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 3, sir.

2665 **Mr Teare:** Thank you, sir.

Clause 3 amends the Income Tax Act 1970.

Section 2M of the Act considers the tax treatment of the members of limited liability companies. New sections 2A and 2B will be inserted. These confirm that where an LLC has only one member, that member is liable for taxation on all distributions of profits from the LLC.

2670 Mr Speaker, I beg to move that clause 3 do stand part of this Bill.

The Speaker: Mr Watterson.

Mr Watterson: I beg to second, sir, and reserve my remarks.

2675

The Speaker: I put the motion that clause 3 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 4.

Mr Teare: Thank you, Mr Speaker.

2680 Clause 4 makes provision for the automatic expiry of the resultant Act on the day after the amendments have taken effect. This will not affect any amendments that have been made by the Bill. This is simply a matter of housekeeping.

Mr Speaker, I beg to move that clause 4 do stand part of this Bill.

2685 **The Speaker:** Mr Watterson.

Mr Watterson: I beg to second, sir, and reserve my remarks.

2690 **The Speaker:** I put the motion that clause 4 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

7. Webcasting of proceedings – Motion carried

Mr Cretney to move:

That arrangements be made for a live and listen-again audio facility to cover all proceedings of the House commencing with the sitting on 28th January 2014.

The Speaker: We turn now to Item 7 – motion: webcasting – and I call on the Hon. Member for Douglas South, Mr Cretney.

Mr Cretney: Thank you, Mr Speaker.

2695 I am moving this motion today on behalf of the Tynwald Management Committee.

It is an important principle of parliamentary democracy that proceedings of the legislature should be open and accessible. In ancient times, this meant holding our sittings on a hill, where the Lord of Mann, with his Council and Keys, would be clearly visible to all. Today we meet indoors, but there are public galleries in all three Chambers and anyone is welcome to attend.

2700 People cannot always come in person. Whether they come in person or not, people may wish to find out about our proceedings after the event.

Since the late 19th century, we have been able to rely on *Hansard* as a public record of what has been said here. Today, *Hansard* from 1887 to the present is available on the Tynwald website.

2705 In the late 20th century, we introduced a new way of bringing our proceedings closer to the public, and that was radio. Questions have been broadcast from this House since 1992 and from Tynwald Court since 1995. In 2003, we began broadcasting the proceedings of Tynwald Court in full.

2710 Apart from Questions, we do not broadcast any other proceedings of the House of Keys, we do not broadcast any proceedings of the Legislative Council, we do not broadcast any committee proceedings and we do not televise anything.

Mr Speaker, technology moves on. Today, broadcasting is not the only method of distributing sound. Sound can also be webcast over the internet, and this technology is being adopted by many other parliaments.

2715 In 2010, the Tynwald Management Committee investigated the options for parliamentary webcasting in the Isle of Man and laid a report before Tynwald. The Committee's recommendation was approved by Tynwald in October of that year. The resolution was:

'That as part of the development work being undertaken to modernise the Tynwald website that a live and listen again audio facility be provided with Manx Radio continuing to broadcast proceedings on the radio and via their webpage; and that both websites be monitored, to measure usage, over a period of twelve months before reconsidering the expenditure to upgrade to a video service.'

2720 Mr Speaker, the launch of the new Tynwald website was announced in May 2012. Since that time, further work has been done and we are now in a position to launch an audio webcasting service.

2725 This system gives us the ability to webcast all proceedings, not just those which are currently on the radio. In the House of Keys, this would mean that for the first time people who are not actually in the Chamber could listen to all of our proceedings, not just Question Time. It also means that people will be able to go back and listen again to Questions and other proceedings at a later date.

Mr Speaker, this is not just a technical innovation; it is a way of letting more people listen to more of our business. It is for that reason that the Tynwald Management Committee has decided to seek the consent of the House before switching the new system on.

2730 I therefore move that arrangements be made for a live and listen-again audio facility to cover all proceedings of the House, commencing with the sitting on 28th January 2014.

Mr Speaker, can I say that the other branch – the Legislative Council – has been considering this matter this morning and I am pleased to confirm that they have agreed with such.

I beg to move.

2735 **The Speaker:** Mr Henderson.

Mr Henderson: Gura mie eu, Vainstyr Loayreyder.

2740 I beg to second and fully concur with the comments made by the Hon. Member for South Douglas on this matter.

A Member: Hear, hear.

The Speaker: Hon. Member, Mrs Cannell.

2745 **Mrs Cannell:** Thank you, Mr Speaker.

I would like and would be obliged to know how much it is going to cost in terms of putting up this new system and any anticipated maintenance of the same going forward.

Also, if the Legislative Council have agreed to be webcasted, what will happen in the event that they move to sit in private, which they do on a pretty regular basis, I am led to believe.

2750 That is really all I have got to ask. If the House determines that it should be done... I am all for openness (**A Member:** Vote!) and transparency, but I am a bit concerned about cost, bearing in mind that we are strapped for cash as we speak.

The Speaker: Mr Anderson.

2755 **Mr Anderson:** Thank you, Mr Speaker.

My question is along the same lines as the Hon. Member for East Douglas: to make sure that the costs incurred are from within existing budgets. Maybe the Minister, the Hon. Member, can confirm that when he replies.

2760 Thank you.

The Speaker: Mr Thomas.

Mr Thomas: Thank you very much, Mr Speaker.

2765 Just three very brief points. The first point is that I wanted to say that I hoped this would not be a substitute for Manx Radio's broadcasts, because they are a very valuable mechanism and means for dissemination and for encouraging discussion.

That leads on to my second point, which is that I think I heard the Minister say that the public will be able to listen. It is more than just listening; it is about taking part, and if you have more
2770 information, which this provides, I hope the general public and the community can take part more – not speaking, of course, but in terms of engaging with the discussions.

My third point is that I do actually think that this will change the way the House of Keys (**A Member:** Yes.) and the committees and Tynwald go about their business, because it will give due weight (**A Member:** Hear, hear.) to the debates and to the committees and that sort of
2775 thing, and the focus from Question Time will change, and I think that is a very positive direction.

Mr Anderson: Wishful thinking!

The Speaker: Mr Ronan.

2780

Mr Ronan: Thank you, Mr Speaker.

I totally support this. I think what we have got to ask ourselves here, or say to ourselves here, is this is an inevitability. It is going to happen one day. We have the technology now; we just might as well get on with it.

I appreciate the concerns regarding cost. I do not think it is going to cost that much, but this
2785 will certainly make us more visible and accessible to the public here on the Isle of Man; and I think, more importantly, will make us more accessible to a worldwide audience, (*Interjections*) which can only be encouraged.

I suggest we vote in favour of this and I do absolutely agree with Mr Thomas's comments:
2790 this will probably change the way we conduct our sittings, which I do not think is such a bad thing.

Thank you, Mr Speaker.

The Speaker: Mr Cretney to reply.

2795

Mr Cretney: Yes, thank you, Mr Speaker, and I thank all Hon. Members for their contributions.

In response to the Hon. Member for East Douglas, Mrs Cannell, and the specific point about the Legislative Council from time to time going into private, I think that is something that is a
2800 long-overdue reform. I do not think that a branch of Tynwald Court – either the Keys, which decided a long time ago, or the Legislative Council – should sit in private.

Mrs Cannell: Hear, hear.

2805 **A Member:** If they have the permission.

Mr Cretney: In relation to the costs of this matter, which are the ones which have principally been raised by Hon. Members, I am pleased to confirm that they will be held within the current budget. The set-up costs are £3,475 and the running costs £600.

I do believe that this is an important step forward in terms of our connection with the public,
2810 whom we are here to serve. I do hope Hon. Members will support it.

I beg to move.

The Speaker: Hon. Members, the motion is set out at Item 7, on webcasting, in the name of
2815 the Hon. Member, Mr Cretney. Those in favour of the motion, please say aye; against, no.

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

FOR	AGAINST
Mr Quirk	None
Mr Karran	
Mr Ronan	
Mr Crookall	
Mr Anderson	
Mr Singer	
Mr Quayle	
Mr Teare	
Mr Cannan	
Mr Cregeen	
Mr Houghton	
Mr Henderson	
Mrs Beecroft	
Mrs Cannell	
Mr Robertshaw	
Mr Shimmin	
Mr Thomas	
Mr Cretney	
Mr Watterson	
Mr Skelly	
Mr Gawne	
The Speaker	

The Speaker: With 22 votes for and no votes against, the motion carries unanimously.
2820 *(Interjection by Mr Cretney)* Thank you, Hon. Members.

That concludes the business of the House today. The House will now stand adjourned until the next sitting, which will take place at 10.30 a.m. on 10th December in Tynwald Court.

The House adjourned at 12.48 p.m.