



# HOUSE OF KEYS OFFICIAL REPORT

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# PROCEEDINGS

DAALTYN

HANSARD

**Douglas, Tuesday, 25th March 2014**

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**Present:**

The Speaker (Hon. S C Rodan) (Garff);  
The Chief Minister (Hon. A R Bell) (Ramsey);  
Mr 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, Mr Z Hall and Mr D J Quirk (Onchan);  
Hon. R H Quayle (Middle); Mr J R Houghton and Mr R W Henderson (Douglas North);  
Mr 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 G D Cregeen (Malew and Santon);  
Hon. J P Watterson and Hon. L D Skelly (Rushen);  
with Mr R I S Phillips, Secretary of the House.

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## House of Keys

*The House met at 10.00 a.m.*

[MR SPEAKER *in the Chair*]

**The Speaker:** Moghrey mie, Hon. Members.

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

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

### PRAYERS

*The Chaplain of the House of Keys*

### Leave of absence granted

**The Speaker:** Hon. Members, leave of absence has been granted to Mr Gawne, who is away on business; and also the Hon. Member for Castletown, Mr Ronan, who is unwell.

## 1. Questions for Oral Answer

### INFRASTRUCTURE

#### 1.1. Car parking – Future policy; identification of need in Douglas area

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

*What the scope and schedule of the work (a) to formulate future car parking policy and (b) to identify necessary car park development in the Douglas area are?*

10 **The Speaker:** Hon. Members, turning to Item 1 on the Order Paper, Questions for Oral Answer, I call on the Hon. Member for Douglas West, Mr Thomas, to ask Question 1, postponed from the last sitting.

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

15 **The Speaker:** I call on the Minister for Infrastructure to reply, Mr Skelly.

**The Minister for Infrastructure (Mr Skelly):** Gura mie eu, Loayreyder.

20 With reference to part (a), I can advise that, following receipt of the Douglas Town Centre Parking Study and Parking Policy Development Options Report, my Department has set up an officer-led working group to discuss key common areas and recommendations with the local authorities whose areas have been subject to similar studies.

In addition, my Department's Properties Division reported on proposals for the future direction for both on and off-street car parking to a meeting of the Department on Monday, 24th March. Amongst the recommendations approved at the meeting was to expand the officer-led working group to include a Highways Division representative and a representative of the Chamber of Commerce.

25 In addition, consultation will also be held with the relevant regeneration committees to factor in their views in the development of future policy.

A further report will be made in the summer to the Department, outlining recommendations from the working party. The Department will then review these recommendations to help us set future policy.

30 With reference to part (b) of the Question, I can advise that the Douglas Town Centre Parking Study and Parking Policy Development Options Report identified the need to look for additional parking provision with short-term recommendations. Those were: during the next five years consideration should be given to finding and planning suitable facilities where additional demand can be accommodated.

The Report suggests that by 2017 there will be a need for an additional 50 spaces, by 2022 a need for 450 spaces, and by 2027 a need for 750 spaces – all with reference to the current number of spaces

40 The second deck of the Tongue car park currently being developed will go towards meeting the short-term 2017 requirement. A business case for a further off-street car park will be developed to meet the medium and long-term requirements, considering of course the conclusions of the work referred to in part (a).

In developing future policy and strategy, the Department aims to provide adequate off-street parking. The strategy will have to consider possible changes to existing car parking on potential redevelopment sites. For example, if the various sites in the Parade Street and Lord Street area are redeveloped, it may well be necessary to develop a further multi-storey car park to accommodate this parking and accommodate the future demand identified in the Report.

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

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

I appreciate that the Department is now working on its strategy, as it has been for some time; and also I appreciate the officer-led working group information about that process and how that has been extended to include various bodies.

55 Can the Minister comment on the scope of the investigation by those two bodies? For instance, does it include things like exemptions to planning policy in terms of when buildings are converted and they are exempted from having car parking? Does it include consideration of alternative means of getting into town, rather than just driving in cars? Most importantly, does it include changes to Government policy in terms of providing car parking for its staff? For instance, will there be a reduction in the number of spaces provided for Government staff as the number of Government posts reduces?

**The Speaker:** Minister to reply.

65 **The Minister:** Gura mie eu.

With reference to planning, I would say yes, it will include consideration. I think we would all recognise – and not least of all myself, for the last year being Chairman of Planning – that when

70 we approve planning, parking comes up all the time, especially in the urban areas, here in Douglas and I know in Ramsey too: is there sufficient car parking? That will be taken into consideration.

Will we consider other options: park and ride, public transport, cycle-ways? Yes, we do need to encourage that as well, so that will be taken into consideration as we look at the wider context of this Report.

75 Lastly, he picked up the issue with regard to Government employees and their parking privileges. What I would say is we will take that into consideration. We will review that matter, but it will not be just a Department issue; it will be an across-Government policy that does need to be considered.

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

80

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

Could I ask the Minister is he reviewing the policy for off-street parking regarding charging? Could he give us an indication? Was that on the actual agenda when they met the other week?

85 **The Speaker:** Mr Skelly.

**The Minister:** Gura mie eu.

90 Yes, charging is an issue that will need to be considered. I think the debate will now open with regard to parking around the Island, and I think we need to take that into consideration. It is not just Douglas – this will be around the town centres around the Isle of Man.

**The Speaker:** Mr Thomas.

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

95 Does the Minister accept that car parking strategy is part of a general transport strategy? Indeed, when he arrived in his new job, was he given the Isle of Man transport strategy for in-Island transport as part of his briefing?

**The Speaker:** Reply, sir.

**The Minister:** Gura mie eu.

100 Public transport, of course, will become part of the Department of Infrastructure next week, so we will be having a very collaborative view with regard to public transport and parking – so that will be taken into consideration.

**The Speaker:** Mr Quirk.

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

Could I ask the Minister, when he mentions the car parking charges round the Island, is the policy now which exists within your Department that all car parking which is provided by your Department – that is right round the Island – is charged in a similar vein?

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

**The Minister:** Gura mie eu.

I think what you are pointing out there is should there be a structure fit for the different locations, and that will be part of the review.

115 We do need to take into consideration, I think, all the parking aspects – the disabled issues, the size of the parking space, the child-friendly parking, and also premium parking as well – so I

will tell the Member that we will be reviewing all those aspects as we take this forward before we come forward with a firm policy.

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

**Mr Karran:** Vainstyr Loayreyder, would the Shirveishagh just clarify to this House that when he talks about a charging policy he is not talking about an on-street charging policy? And if he is thinking of doing an on-street charging policy as far as parking is concerned, does he realise that it will almost certainly reduce Douglas to the same level as many of the outlying towns as far as retail is concerned, if he goes along with that madness?

125  
130 Secondly, when he is reviewing the issue of parking, would he look at the possibility that has been proposed for the last decade, where in zoned areas of high problem parking we look at maybe a rates reduction for individuals to create off-street parking on their own property and so lessen the congestion and allow for them not to then have zoned parking in that area to solve the problem in that neighbourhood?

**The Speaker:** Minister.

135 **The Minister:** Gura mie eu.

I did not say we *will* be introducing parking; I did say we will be considering paid parking and we do need to consider the wider context of that around the Island, not just the urban areas.

I fully recognise the issue with regard to retail and the potential damage that might have; however, we do need to consult widely on this, and that is why we are spreading this to the regeneration committees, and that does need to be taken into account.

140  
**The Speaker:** Mr Thomas.

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

145 Can the Minister confirm that I heard him correctly? After he gave information about the number of spaces needed in 2017, 2020 and 2027, he told us that the Lord Street and Parade Street sites were up for possible development. Did he say that no decision as yet had been made about who would be the operator of any car park that was developed in that area – it could be the Council, it could be the private sector, it could be Government?

150  
**The Speaker:** Reply, sir.

**The Minister:** Gura mie eu.

155 I would say, first of all, with regard to the short-term demand, we will meet that with the redevelopment of the Tongue. I think there are 79 spaces in total that will be met there.

With regard to any future multi-storey car park in the areas that the Member for West Douglas mentioned, Douglas Corporation are part of the working group, so we would be working very closely with them with regard to any developments in that area.

160 **The Speaker:** Mr Quirk.

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

Can I ask the Minister a plain question: does he have a preference where the bus station should be?

165  
**The Speaker:** We are widening out this topic. I am not going to allow that.  
Mr Karran.



170 **Mr Karran:** Vainstyr Loayreyder, allowing for the fact that previous administrations worked out that something like £26,000 of car parking space in the Marks & Spencer's development... Will he seriously look at the issue of whether we bring in some sort of rates holiday system to encourage local residents, particularly in the more congested areas of Douglas, to create their own off-street parking by creating a rates holiday in order to release the problem and also save a considerable amount of costs that would be in place to create car parking facilities in multi-storey car parks?

175

**The Speaker:** Minister.

**The Minister:** Gura mie eu.

180 I would say that car parking in Douglas... I think always we think about Marks & Spencer's and we think about Chester Street. It is well worth pointing out that Marks & Spencer's is highly utilised. The capacity is of a very high level. Chester Street is currently running at around about 60%, and I think that is a question we need to ask: how can we increase the utilisation? I think the Hon. Member from Onchan points out should we consider a range of different mechanisms to try and encourage that. We will look at all those aspects.

185

What I am trying to do at this particular point is start the debate. We are having an officer-led group. It will have regeneration, it will have local authority involvement, and I certainly would welcome Members' input as we take this forward.

### 1.2. School Road, Onchan site – Plans for development

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

*What plans he has for development on land behind GE Aviation at School Road Onchan?*

**The Speaker:** Question 2. Hon. Member, Mr Karran.

190

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

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

195 **The Minister for Infrastructure (Mr Skelly):** Gura mie eu, Loayreyder.  
The land in question is held as part of Government's land bank for future development, possibly for residential or educational purposes, although at present no detailed master plan has been developed for the site.  
The development of this site is not currently supported by funding within the capital budget, and business cases will need to be approved by Treasury if there is to be any publicly funded development of the site.

200

The Department will give detailed consideration for possible uses for this site in the forthcoming Eastern Area Plan, which I intend to bring forward as a priority.

Gura mie eu.

205

**The Speaker:** Supplementary, Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, thanking the Shirveishagh for his reply... Allowing for the fact that we have been on about this for about 15 years, would the Shirveishagh not agree that the fact is there has been a proven case that there are needed affordable small business units, incubator units, in order to try and create businesses? Would he agree that the only excuse for

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not developing that there is if there is a potential for growth in the engineering plant itself to expand... that we should get on with it, instead of procrastinating all the time about developing this area when it was supposed to be getting developed for small business units for the last 15 years?

215

**The Speaker:** Mr Skelly.

**The Minister:** Gura mie eu.

I would agree with the Hon. Member from Onchan: it is a prime site. There has been a very successful business there for many years. Having been a previous Member in DED responsible for engineering, I understand that acutely. There are issues with regard to Economic Development's supporting the long-term viability, because there are issues with the building, but this is a prime site.

I come back to the point that we will welcome input when we bring forward the Eastern Area Plan, which I am going to treat as a priority.

225

**The Speaker:** Mr Quirk.

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

230

Would the Minister consider, before the Eastern Plan comes about... or if he has a definitive date when the Eastern Plan will be up and running, because it will probably take about two years from when you start it.

Could he give us an indication too... Would he accept then to have a permitted development order placed on that particular land so that development can be encouraged and developed more quickly?

235

**The Speaker:** Reply, sir.

**The Minister:** Gura mie eu.

240

It has been ongoing for many years, the options for this land. We hold the land behind the engineering unit as a land bank proposition for Government as a whole. I think the business case needs to be put perhaps to Economic Development as to what you want to take forward with this; and as I stated it was to be publicly funded, we also need Treasury's concurrence to take this forward.

245

There is residential, there is possible educational, there is possible business use; but again, until we complete the Eastern Area Plan, I do not believe we will be able to formulate the long-term viability of this.

**Mr Quirk:** The date?

250

## CHIEF MINISTER

### 1.3. Public sector pay – Increase to help less well-off

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

*What plans he has, in view of recent pay increases in the United Kingdom, to implement an across-the-board pay increase throughout the public sector to help the less well-off employees?*

**The Speaker:** Question 3. Hon. Member for Onchan, Mr Karran.

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

255 **The Speaker:** I call on the Chief Minister, Mr Bell.

**The Chief Minister (Mr Bell):** Mr Speaker, as the Hon. Member is well aware, as a former member of Whitley Council, pay negotiations are a matter for individual joint negotiating bodies representing the relevant parts of the public sector workforce and are not within the gift of the Chief Minister.

260 I understand that where pay settlements have not yet been agreed for the forthcoming financial year negotiations are continuing, and those negotiations will, I am sure, have regard to the interests of the less well-off employees.

265 **The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, as the Ard-shirveishagh is well aware, I was not on there very long – unfortunately, not long enough as far as that issue is concerned, as far as Whitley Council is concerned.

270 Would he not agree that the fact is that a core principle maybe that we need to address, particularly as far as the imbalance as far as pay is concerned over the years at the top end of public service... that maybe we should be looking at the example set in the 1970s, where they had a £6 across-the-board pay increase for all public sector workers, to allow for the fact that we had the pay parity, instead of having 1% or 2% of a large amount of salary being a large amount  
275 of 1% or 2%, and a little being a little at 1% or 2%?

**The Speaker:** Chief Minister.

**The Chief Minister:** I am sure that is an option that will be considered in due course, Mr Speaker.

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**The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, would the Ard-shirveishagh not agree that it is the people at the bottom end who tend to spend the money in the economy? This was one of the reasons why we pushed for the low paid being taken out of Income Tax many years ago.

285

Would he not agree that this might actually help executive Government with the problems that we have got, especially with charges coming in, not with just sewerage but with rents and everything else... that we could prioritise that we would unilaterally come to an agreement, as far as public sector pay, that we would have an equal amount for a couple of years in order to make sure we pushed the people at the bottom up and we sorted out the vast differentials as far as pay parity is concerned?

290

**The Speaker:** Chief Minister.

295

**The Chief Minister:** I would point out, Mr Speaker, that there is a freeze on the overall pay budget at the moment which restricts the amount that can be awarded at any level.

I can only repeat my comment to the previous question, Mr Speaker, that all options, I am sure, will be considered going forward.

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**1.4. Arranged and forced marriages –  
Plans to introduce legislation**

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

*What plans the Government has to introduce legislation against arranged and forced marriages?*

**The Speaker:** Question 4. Hon. Member for Ramsey, Mr Singer.

**Mr Singer:** Thank you, Mr President – Mr Speaker. **(Mr Cretney: Not yet!)**  
305 I ask the Question standing in my name.

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

**The Chief Minister (Mr Bell):** Mr Speaker, the simple Answer to this Question is Government  
310 has no plans to introduce legislation against arranged and forced marriages.

That said, I am not aware of this issue having been raised as a problem on the Island before; and if the Hon. Member has any evidence of it being a problem, then Government would of course be willing to consider legislating about it in the future.

315 **The Speaker:** A supplementary, Mr Singer.

**Mr Singer:** I thank the Chief Minister for his Answer, but if I can say to him, in recognising that in the UK there are estimated to be 8,000 forced marriages and 15% of those persons are under the age of 15, 85% of the 8,000 are women and 15% are men; and acknowledging, also  
320 very importantly, that forced marriage protection orders are law in Scotland and are proposed for the UK, where a forced marriage breach can result in a two-year jail sentence, does the Chief Minister think that we should be considering adopting a similar policy to prevent the Island possibly being used as a jurisdiction (*Interjection*) where forced marriages carry no penalty?

325 **The Speaker:** Chief Minister.

**The Chief Minister:** I can only repeat again, Mr Speaker, my Answer: we have no evidence at all that there has been a problem with this on the Island.

330 Clearly, it is not something that we would condone in any way at all, and if it is deemed to be identified as an issue, then I am sure Government would include it in its legislative programme. I would just point out, though, we have a very heavy programme of legislation coming up and it will have to take its turn in the legislative process.

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

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

340 Whilst acknowledging and feeling somewhat relieved that this has not been a problem, would the Chief Minister not agree that if it suddenly became a problem, if we do not have the legislation in place, then we actually cannot enforce anything; or is there another route that can be used, if it does suddenly become a problem?

**The Speaker:** Chief Minister.

345 **The Chief Minister:** We cannot have every piece of legislation whenever anyone just raises a question, Mr Speaker. This has not been raised as a problem. There are plenty of legislative

controls already in place for the involvement of underage children in this sort of activity. If it is identified in any way at all as being a problem here, we will obviously consider it.

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

**Mrs Cannell:** Thank you, Mr Speaker.  
Does the Chief Minister then only legislate when we have a problem?

355 **The Speaker:** Chief Minister.

**The Chief Minister:** Mr Speaker, the Hon. Member has been here long enough, I would have *thought* at least, to know (**A Member:** Hear, hear.) that Government has a heavy workload in terms of bringing in legislation. There has to be a prioritisation of that legislation, and at the moment, because this has not been raised in any form at all, it is not one of our priorities.

360 **The Speaker:** Mr Karran.

**Mr Karran:** Vainstyr Loayreyder, would the Ard-shirveishagh not agree that in maybe the next Statute Law Revision Bill he could put a simple amendment in order to bring about the reasonable standards that a civilised society believes should be in place as far as forced marriage is concerned?

**The Speaker:** Chief Minister.

370 **The Chief Minister:** Again, if it is identified as a problem, Mr Speaker, it will be dealt with in the normal process.

**The Speaker:** Final supplementary, Mr Singer.

375 **Mr Singer:** Thank you.  
I accept what the Chief Minister says. At the moment, I have got no evidence of this happening, but as has been mentioned by other contributors, in this particular case I am asking him whether perhaps prevention is better than having to act when it is too late. I am not asking for an urgent... that it is a matter of urgency, but that it should be considered.

380 **The Speaker:** Chief Minister.

**The Chief Minister:** I can only repeat what I have already said, Mr Speaker. I cannot take this any further at all. If we identify it as a problem, it will be included in the legislative programme.

## TREASURY

### 1.5. Attorney General – Cost of trial

The Hon. Member for Douglas East (Mrs Cannell) to ask the Minister for the Treasury:

385 *What the cost has been to Government of the trial of the Attorney General, including preparatory work?*

**The Speaker:** Question 5. Hon. Member for Douglas East, Mrs Cannell.

**Mrs Cannell:** Thank you, Madam President.  
I beg leave to ask the Question standing in my name.

390

**The Speaker:** Minister for the Treasury, Mr Teare.

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

395 Although trial proceedings concerning the Attorney General have now been concluded, he remains under a precautionary suspension whilst established internal procedures continue. I am advised that releasing any information regarding costs may prejudice ongoing proceedings, and therefore it would be inappropriate to comment further at this time.

400 Although I cannot currently make available any figures, I can offer Hon. Members my assurance that I will provide a full detailed breakdown of the costs – to include legal fees associated with both the prosecution and the defence, salary costs to backfill and support the office of the Attorney General during his absence, together with other third-party and variable costs associated with the trial – once the matters have been finalised.

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

405

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

410 Whilst being a little bit disappointed – and I am sure the public will be as well, because they have taken a great interest in the failure of two court cases to actually determine a verdict one way or the other and the use of public funds in this way – has the Minister any idea at all of the likelihood of when he can come back to the House to give us the information?

Further, will he acknowledge that I am merely asking for the cost of the trial and any preparatory work? I am not asking for details of the recruitment of another to sit in place, or anything personal like that. It is merely the cost of conducting two trials which failed to come up with any kind of verdict.

415

**The Speaker:** Mr Teare.

**The Minister:** I too share the Hon. Member's disappointment, but it would be premature at this stage to release the figures.

420 I will repeat the undertaking that I gave in response to the main part of the Question: that I will do so as soon as I can. Unfortunately, I cannot be specific on when I will be able to come back with the detailed figures. The Hon. Member will be aware that the learned Attorney's appointment is a Crown appointment, and that further complicates the issue.

425 **The Speaker:** Mr Houghton.

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

430 The Minister, in his opening Answer, mentioned that the learned Attorney is subject to internal proceedings, and he appeared to have some knowledge of that. May I ask the Minister if he can say who is conducting such internal proceedings, and why? Any proceedings that have been dealt with in a court of law cannot be replicated in internal proceedings – is he aware of that, and could he explain, please?

435 **The Speaker:** That supplementary question is out of order. It is beyond the scope of the Question.

Hon. Member, Mr Karran.

440 **Mr Karran:** Would the Treasury Minister assure this House that there will not be any confidentiality clauses as far as this issue is concerned, so that the Hon. Member can get her answer?

445 Would the Shirveishagh Tashtee take on my congratulations in the fact that it shows that the criminal justice system has worked well? When entering into this House, when we used to talk about postcode justice, it shows that the Police have done their job without being politically interfered with by any section of the Isle of Man Government.

**The Speaker:** Reply, sir.

**The Minister:** I think it would be unwise for me to comment one way or another on the merits or otherwise of the case.

450 What I can say is that when matters have been concluded we will consider all relevant issues, sir. *(Interjection by Mr Karran)*

**The Speaker:** Hon. Member for Douglas South, Mr Cretney.

455 **Mr Cretney:** Could I ask the Minister, on a more general basis perhaps, given the development of the Isle of Man legal profession in the last 20 or 30 years, who is it or what body is it that authorises the bringing over of Queen's Counsel to represent persons in the Isle of Man?

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

**The Minister:** That is a more generalised question, and I thank the Hon. Member for that.

465 The licensing of QCs is decided by His Honour the First Deemster, so the First Deemster will review the case and then the First Deemster will decide whether it is appropriate. There are various guidelines and criteria that His Honour would use: firstly, whether there is any potential conflict of interest on the Island; and secondly, whether he feels that there is a very high level of specialised expertise required to actually deal with a case.

**The Speaker:** Final supplementary question, Mrs Cannell.

470

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

475 Can I ask the Minister... I understand in a way, and yet in another way I do not; so if he could be a little bit more specific as to the precise reasons why he will not answer the Question as put this morning, given that the head of prosecution services has said that that is the end of the matter and they will not be pursuing any more trials in respect of this particular individual.

480 Is he getting more involved in other things and it is because of that that he is reluctant to come forward and give us the basic cost of what the actual two failed trials is? I just fail to understand. Whilst I appreciate he has difficulty, I fail to understand why he cannot give us the actual cost of the two trials today.

**The Speaker:** Reply, sir.

**The Minister:** I have been advised that we should act very prudently in connection with this matter.

485 I would reiterate what I said in my original reply: the Attorney General remains under a precautionary suspension whilst established internal procedures continue. I would reiterate that once again, Mr Speaker.

HEALTH

1.6. Salaried Primary Care Dental Services –  
Treatment offered

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

*Why the SPCDS treat only dental patients who are in agony?*

**The Speaker:** Question 6. Hon. Member for Douglas North, Mr Houghton.

490

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

I beg leave to ask the Question standing in my name, sir.

**The Speaker:** I call on the Minister for Health to reply.

495

**The Minister for Health (Mr Quayle)** Thank you, Mr Speaker.

The salaried dental service has a dual remit: it provides continuing care services to registered patients and in-hours urgent care services for those patients who do not have a dentist. The clinics are organised so that an appropriate amount of time is reserved each day to cater for the number of patients who are expected to contact the clinics with toothache. These appointments are allocated on the day.

500

The balance between routine and urgent care appointments is closely monitored and adjusted where necessary and in line with fluctuations in demand. For example, in an average week, the level of urgent appointments is 20%, which reflects the significant demand for this type of appointment. There is no provision of urgent care for unregistered patients in General Dental Service practices.

505

If the Hon. Member has a specific example of where a patient has experienced a particular difficulty in this regard, I would invite him to contact the Department with details so that they may be investigated.

510

However, Mr Speaker, it would be remiss of me not to concede to this Hon. House that the salaried dental service has had well-publicised difficulties in relation to meeting demands for check-ups in recent years as a result of a combination of a shortage of dentists, difficulties in recruiting dentists, and long-term sickness. Measures were introduced to mitigate these difficulties and over a period of time the situation has greatly improved, to the extent that patients who ring for a routine check-up appointment are now able to book one.

515

**The Speaker:** Just before I call on Mr Houghton for a supplementary question, if any Members are using an iPad currently, the *Hansard* service is picking up noise – could they please make sure it is switched off, or on silent?

520

Mr Houghton.

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

In acknowledging the reply from the Hon. Minister, in his new position, in which I wish him very well, he did mention that there have been some well-publicised difficulties in respect of shortages of dentists. Is he aware that there are a number of non-clinically active dentists operating out of the SPCDS; and would he just make sure that, when he does have busy times, those clinicians who are simply behind desks in offices are brought back into service in order to keep the waiting lists down? I would be very grateful if he could do that.

525

530

**The Speaker:** Mr Quayle.



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

I will certainly take on board the Hon. Member for Douglas North's comments and discuss that with my officers.

535 However, if I could just point out that in the past, when we have had exceedingly large waiting lists of people in severe pain looking for immediate service, we have set up evening clinics to help with that situation, and because we have got on top of the situation we have not had to have any emergency evening clinics for the last few months. I think the last such clinic was in November 2013.

540 So, whilst there have been problems, we have got on top of it and we will continue to try our very best to improve the service to the public.

### **1.7. Blind and partially sighted registers – Number of patients registered**

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

*How many patients are registered on the blind and partially sighted registers?*

**The Speaker:** Question 7. Hon. Member, Mr Houghton.

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

**The Speaker:** Again, I call on the Minister for Health, Mr Quayle.

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

550 Whilst the entry to the blind and partially sighted registers is via an assessment undertaken by an ophthalmologists, the registers are maintained by the Royal National Institute for the Blind and not by the Department of Health. They show that there are currently 204 people registered blind and 210 registered as partially sighted – a total of 414.

555 **Mr Houghton:** I thank the Hon. Minister for his Answer.

### **1.8. Age-related Macular Degeneration – Off-Island treatment**

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

*How many patients currently attend the UK for ARMD related treatments; and what the average cost is for each off-Island treatment?*

**The Speaker:** Question 8. Hon. Member, Mr Houghton.

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

**The Speaker:** Again, the Minister for Health, Mr Quayle, to reply.

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

565 Whilst this may seem a very simple Question to answer, it is not as straightforward as it would appear.

As you are aware, ARMD assessment and treatment is ongoing for some time and therefore the costs will vary dependent upon where the patient is within their path of treatment. Patients will not complete their treatment within a calendar year, and each year we will have varying numbers of both assessments and treatment of patients contained within those numbers. A 570 patient's treatment cost in year 2 will halve, compared with the costs associated with year 1 on their pathway. This is due to the reduced number of injections and reduced drug costs, and therefore reduced attendances in year 2.

In order to obtain an accurate analysis of where patients are, in terms of their pathway, I would need to ask the UK trusts who treat patients to undertake clinical review of their health 575 records. This would require funding and time, and neither are available at this time.

However, Mr Speaker, what I can provide is information containing the costs of patient travel and volumes of patient referrals to English elective care centres as follows: in the year 2011, there were 137 unaccompanied visits at a cost of £21,646, and 526 accompanied patient visits at a cost of £166,216; in 2012, there were 256 unaccompanied patient visits at a cost of £40,448, 580 and 845 accompanied visits at a cost of £267,020; and in 2013, there were 300 unaccompanied patient visits at a cost of £47,400, and 938 accompanied patient visits at a cost of £296,408. These are in addition to the cost of treatment.

In terms of average cost per patient, using retrospective data of those patients treated, the average cost per patient would be approximately £8,300 per full course of treatment over the 585 number of years in which the patient is treated.

Mr Speaker, the cost of treating ARMD is increasing significantly year on year, and in 2013 alone an additional 137 new patients were being referred for treatment.

**The Speaker:** Mr Houghton.

590

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

I thank the Minister for his comprehensive Answer this morning.

I think, from the figures that he has given – that it averages out to around £8,000 per patient for a full treatment regime – the sooner these treatments are conducted on the Isle of Man the 595 better, and possibly the cheaper.

If I may ask the Minister if he would make a statement on the future care of patients suffering from Age-related Macular Degeneration within the next three months as to his Department's plan for treatment on the Island in the future.

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

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

I too share the concerns of this Hon. House and also the Upper House, the Legislative Council, that we have problems. It is a very costly business. It is not what we want, having to send so 605 many people off the Island, and we will of course look into looking at ways of improving our service and the experience that we are putting members of the public through. I will do my best to get back in three months and make a statement.

**Mr Houghton:** Thank you.

610

**The Speaker:** Mr Karran.

615 **Mr Karran:** Vainstyr Loayreyder, would the Shirveishagh not agree that the time periods are still totally unacceptable? People are having their sight irreparably damaged because of the delays.

620 Can the Shirveishagh assure this House that there are not staff already trained to do many of the important interventions on the Island... from doing it; and can he assure this House that throughout the Health Services his Department will not support any sort of sexual or religious discrimination to stop people from doing their job as far as their employment is concerned within the Department of Health and Social Security?

**The Speaker:** I cannot see this as having any relation to the Question on the Order Paper.  
Mrs Beecroft.

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

630 Whilst acknowledging the amount of information given in the Minister's response to the Question, I cannot see that he has actually addressed the Question itself, which says, 'and what the average cost is for each off-Island treatment?' So, whether a patient has eight visits in the first year and four in the second, it would still be the same average cost if transport costs and medical treatment costs were the same. I am surprised he has not been briefed with that; or if he has, maybe I missed it. Maybe he could just clarify that point, please

**The Speaker:** Mr Quayle.

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

640 I did give the individual costs of the actual eye treatment at Aintree at £8,300 over the course of that treatment (**Mrs Beecroft:** Per patient.) per patient, but the actual cost of them flying... The officers did not have the information, because when you go away for treatment you do not get four injections and then that is it. Some people can have three injections, some people can have six injections, and therefore the actual cost of the flights is obviously greater for some and lower for others. I have not been given, because I do not think the officers have, the individual breakdown of the individual cost per patient for the actual flights off the Island. I have just been able to give you the total cost per annum regarding that service, but £8,300 is for the actual treatment at Aintree.

645

**The Speaker:** Mr Karran, final supplementary.

650 **Mr Karran:** Vainstyr Loayreyder, can the Shirveishagh tell me that for many of the interventions that have to be done off Island there are staff trained to be able to do many of these interventions on Island? Can he explain, if that is the case, why they are not being asked to do the interventions if they have been trained and they have the qualifications to do them?

**The Speaker:** Mr Quayle.

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

I am currently, with my officers, working up a plan, and I will look into the concerns raised by the Hon. Member for Onchan, Mr Karran, to see whether there is any truth in what he is saying.

I have accepted that I will be making a statement in three months' time to this Hon. House, and I will include the answer in the statement.

660

**1.9. Hip operations –  
Waiting list**

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

*How many patients are listed as awaiting a hip operation; and what plans he has to reduce the waiting list?*

**The Speaker:** Question 9. Hon. Member, Mr Houghton.

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

665

**The Speaker:** Minister for Health, Mr Quayle, to reply.

**The Minister for Health (Mr Quayle):** Thank you, Mr Speaker.  
I thank the Member for the Question on the orthopaedic waiting times.

670

The figures we have are for hip joint replacements, not for any other hip operation. There are 69 patients waiting for hip replacement surgery at present. There are lengthy waiting times, particularly for surgery with one of the surgeons, who specialises in complex hip joint replacement operations. This consultant has started to use what was formerly a private operating session to reduce the waiting time for his NHS patients.

675

At present, the demand for orthopaedic services outweighs our current resources, and therefore a sub working group from the Waiting Time Management Group has been set up to look carefully at overall orthopaedic waiting times. This group is multi-professional, including a GP, orthopaedic consultant and clinical general manager, whose brief is to identify possible solutions to reduce orthopaedic waiting times. This group will report its findings in due course.

680

**The Speaker:** Mr Houghton.

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

685

I thank the Hon. Minister for taking the time to get the research that I have been asking the Hospital for, for quite some time. They do not seem to be able to tell you how long a specific patient has to wait and the position where he is on the waiting list.

Would he give an undertaking to return to his Department and ask the staff there if they would kindly inform patients or their representatives of such information, please?

690

**The Speaker:** Mr Quayle.

**The Minister:** I will indeed, sir.

**Mr Houghton:** Thank you.

695

**The Speaker:** Mrs Beecroft.

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

700

Could the Minister firstly take back our gratitude to the surgeon who is actually taking this initiative to reduce the lists?

Could he confirm how many, on average, hip joint replacement operations can be carried out in a year? What portion of a year do these 69, that is the figure that he has given us as actually on the list... What portion of a year does that relate to?

705 **The Speaker:** Mr Quayle.

**The Minister:** I am afraid, Mr Speaker, I have not got that information – it is slightly more technical than the information given to me – but I will look into it and come back to the Hon. Member for Douglas South.

710 **The Speaker:** Mr Karran.

**Mr Karran:** Can the Shirveishagh assure this House that, when we are talking about waiting lists for hip operations, the Accident and Emergency actions are not put into that waiting list to make it falsely lower than it actually is?

715 Can the Shirveishagh maybe consider the issue of a waiting list initiative, like we did when we originally set it up in the late 1980s, which certainly encouraged action and productivity in our own staff, as far as taking that action unilaterally in the late 1980s?

720 **The Speaker:** Minister.

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

725 As I have said in my Answer, Mr Speaker, we have a subgroup from the Waiting Time Management Group, and I will ask them to look into the concerns raised by the Hon. Member for Onchan, Mr Karran.

**The Speaker:** Final supplementary, Mrs Cannell.

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

730 Just a clarification question, really. The Minister said there are 69 patients waiting for a full hip replacement operation. He then went on to say that one of the surgeons, who does the specialist type hip replacement, is taking the opportunity to work additional hours using the private facilities. Can he indicate, therefore, that the 69 who are waiting are all waiting for this particular surgeon, or not? How many are actually waiting for him; and if they are not all waiting  
735 for him, all 69, why don't the other three orthopaedic surgeons do a little bit more extra work to get the list down?

**The Speaker:** Mr Quayle.

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

745 Just as a point of clarification, the Hon. Member said he was going to do more private practice: it is the other way round – he is giving up his private practice to do more National Health Service, which is most commendable. The gentleman in question has 43 patients waiting; and he does have the longest waiting list, obviously, due to the specialty of the type of work that he does. He has 43, another surgeon has 15, and another 11.

**Mr Houghton:** Hear, hear.

#### 1.10. 'Prevention is better than cure' – Focus of future DoH policy

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

*To what extent the future policies of his Department will focus on the presumption that prevention is better than cure?*

**The Speaker:** Question 10. Hon. Member for Ramsey, Mr Singer.

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

**The Speaker:** Again, Minister for Health, Mr Quayle, to reply.

755 **The Minister for Health (Mr Quayle):** Thank you, Mr Speaker.  
The Public Health Directorate has an extensive programme of health improvement activities to address the lifestyle factors responsible for ill-health, using a combination of behavioural approaches and legislative measures as appropriate.

760 There is a major smoking cessation programme to reduce the prevalence of tobacco smoking. Counselling and support are provided to assist smokers to quit. Initiatives are targeted at young people to prevent them from taking up smoking. Legislative measures such as banning smoking in cars with children and restriction on tobacco display are being progressed.

765 Programmes are also in place to promote physical activity, especially among young people. The skipping initiative in primary schools, exercise on referral and chair-based exercise for older adults are some examples. Other lifestyle factors such as diet, excessive alcohol consumption and drug abuse are also targeted with a number of programmes.

Our immunisation and vaccination programme has been highly successful with a high uptake. The Department recently added rotavirus vaccine to the childhood vaccination programme, since this vaccine is effective for reducing diarrhoeal disease in children. Our HPV vaccination programme to prevent cervical cancer has also had a very high uptake.

770 In addition, we have a comprehensive range of health screening programmes to identify diseases, or the risk of them, at the earliest possible stage. These include cervical, cytology, breast cancer and bowel cancer screening, with further programmes under consideration in the coming years. After a recent publicity campaign, the Department has seen a 5% increase in the uptake of bowel screening, bringing the total figure to 64.8%.

775 In common with all health economies, however, the Department faces the dilemma of... *[Inaudible]* in prevention versus treatment. Whilst in theory one could make a case for shifting resources to prevention, in practice this raises problems. To illustrate this with an example, one could argue that surgery for obesity should not be funded and the funds should be diverted to improving diet and physical activity, but this is often not possible for a combination of ethical and political reasons. The patient who requires surgery for obesity is visible and the results of the surgery are immediate. With regard to a programme to reduce obesity, the beneficiaries are unknown and the results are medium to long term. In addition, come what may, we are still required to treat the ongoing burden of ill-health in our community, and in a time of restricted growth in resources it is virtually impossible to stop treating ill patients in order to divert resources to prevention.

780 In short, whilst the Department of Health is committed to prevention, which is a theme echoed in 'A Strategy for the Future of Health Services in the Isle of Man', there are practical problems in shifting resources from treatment to prevention.

790 **The Speaker:** Mr Singer.

**Mr Singer:** Can I thank the Hon. Minister for his detailed Answer.  
I think we all appreciate the amount of work that is being done, and can I particularly congratulate the Department on the initiative to detect sufferers showing early signs of bowel cancer, which has been very successful.

795 Does the Hon. Minister recall the previous Minister refusing to implement a programme for the automatic recall of women over 70 for breast screening? Will the Minister reconsider that previous decision, as recent evidence clearly shows that one third of breast cancer sufferers are

800 over the age of 70 and early detection is obviously very important? Automatic recall is nothing more than a stamp on a letter, inviting them back to recall.

Does he also not agree that early detection will cut out much greater expense to the National Health Service if the early breast cancer is not detected and there is longer treatment, and the consequences to the patient and the patient's family?

805

**The Speaker:** Minister to reply.

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

810 Our current position on the possible extension of age 75 is that, in the UK, the Department of Health Cancer Reform Strategy announced that, from 2012, the National Health Service breast screening programme would be extended to cover women aged between 47 years and 73 years.

815 Within the NHS breast screening programme, a randomised control trial involving more than 70 breast screening units to evaluate the net effect of extending the age range for breast screening is now underway, with full roll-out to women aged 47 to 49 and 71 to 73 expected to be completed after 2016.

The above trials are being undertaken as there is currently no proven benefit to extension of the age range for breast screening. Extension of the lower age range for women aged 47 to 49 is being implemented in the UK because women are called for screening via GP practice, resulting in some women not having their first screen until they are 53 years old. We do not have this issue on the Island, as the women are called for screening by their year of birth, ensuring they receive their first screening at 50 years of age.

820 Ladies on the Isle of Man who are 70 years and over are actively encouraged to self-refer themselves for breast screening and there are no immediate plans to extend the age range for the programme. Extensions of the age range, however, will be under discussion as the results of the trials in the UK become available.

825

**The Speaker:** Mr Singer.

830 **Mr Singer:** I thank the Minister for his Answer, but they are expecting, therefore, women under 70 to get an automatic recall... Once you get to 70, then you have got to remember to put it in your diary and ask for a self-referral, and yet it is these particular women... One third of women, as I said, who suffer from breast cancer are over the age of 70. Surely it is not a great amount of work for the Department to actually continue to recall these ladies – they already have them listed because they were called when they were less than 70.

835 Surely, if we can stop even just one or two people suffering in the future from cancer because they have forgotten to self-refer, that would be worthwhile.

**The Speaker:** Minister to reply.

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

845 As I stated earlier in my previous answer, the evidence is not out there at the moment, which is why the trials are being done. If these trials come back and show that there is a benefit for having screening from 70 onwards as a matter of course, then I am sure on the Isle of Man we will take that on board and run with it. We are waiting to see the outcome of the trials, which we hope to get in by 2016, and if that is the case then I am sure we will look at it most favourably.

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

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

Would the Health Minister agree that what the UK are doing with the trial is not merely extending it to those females who are 70-plus, but they are also including younger women who are younger than the age of 50; and that the business of no proven benefit is arguable?

855 If the results come back and the trials prove to be very positive in the detection of more cancers by the extension of age in 2016, will he not ensure that the Isle of Man brings the same system in if the results are positive?

860 Further, in terms of breast screening, does he agree with me that, in fact, when women are called to have a mammogram, the take-up in the Isle of Man is very poor? What is the Department doing to boost the take-up and encourage more females to actually go for their mammogram screening?

**The Speaker:** Reply, sir.

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

865 I thank the Hon. Member for Douglas East for her question. It is a very important problem and we in the Health Service will do our utmost to improve the situation; and should this trial come back favourably, showing the benefits of the earlier age and the older age, then of course we are going to do our utmost to mirror the UK's stance on this.

870 I just wanted to point out that, because of our system of going on actual date when you hit 50, we have been giving a better service than in the UK previously, where they had people up to 53 years of age before they had their first test.

Regarding the uptake of the screening, if there is a poor uptake compared with other areas, then I will ask my officers to do further publicity explaining the benefits of this and trying to get it out to more people on the Island to take advantage of our service.

875 **The Speaker:** Hon. Member, Mrs Beecroft.

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

880 Given that the Minister said that there will not be any automatic recall because there is no evidence as yet that it is beneficial, I am just wondering if he can clarify why those aged over 70 are actively encouraged to self-refer – if he does not believe that there is any evidence that would support automatic recall; and also what that active encouragement actually consists of.

**The Speaker:** Mr Quayle.

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

890 Obviously the Hon. Member for Douglas South appreciates I am not a medical expert and have taken expert advice for my officers, so I am giving Hon. Members their wisdom on this problem. If the Hon. Member can come up with proof to the contrary – that the advice given to me is not correct – then I am more than happy to listen to what is said and amend it accordingly.

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

**Mr Singer:** Thank you.

895 I am sure the Hon. Minister will not have these figures, but perhaps he could find out for me and other Members: the number of women in the last 12 months who have self-referred; and of those women who have self-referred over the age of 70, whether any breast cancer has been detected.

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



**The Minister:** Sadly, I do not have that information, Mr Speaker, but I will find it out and contact the Hon. Member for Ramsey, Mr Singer, with the answer.

905 **The Speaker:** Hon. Member, Mr Thomas.

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

In the Minister's initial response, he talked about the health advantages of exercise and activity, and I wanted to congratulate the Department on things like 'Walk and Talk', which I  
910 know are a great success.

Earlier, the Infrastructure Minister talked about the parking strategy and the transport strategy. One thing that was noticeable in the consultants' report was that Strand Street had the lowest number of people in it, when surveyed, who had not come there by car – in the entire British Isles.

915 Would the Health Minister meet with the Infrastructure Minister and other interested parties, like the regeneration committees, to see what benefit a transport strategy can mean for health?

**The Speaker:** An interesting variation of what is on the Order Paper, but... *[Inaudible]*

920 **The Minister:** I have a very varied life, Mr Speaker!

Yes, of course, anything that can improve public health I will always have an open mind to; and I am more than happy to discuss with the Hon. Member, Mr Skelly, any plan that could benefit public health.

925 **Mr Cretney:** Entries are still open for the Parish Walk! *(Laughter)*

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

**The Minister:** It would kill me off, I think!

930

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

Whilst acknowledging that the Minister himself is not a medical professional, neither am I, so I am hardly likely to have any evidence that he would not be able to access. It was not really that, Mr Speaker; it was the fact that it was mixed messages that were coming over in the  
935 responses that he was giving.

Could he actually tell us what the 'actively encouraged' bit means, because that is not medically technical or anything else – it is what he said they were doing, that they were actively encouraging. If he could just clarify what that means.

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

My interpretation of 'actively encouraging' is press releases, advertisements and advice in doctors' surgeries etc to members of the public. If it is any different from that, I will get back to the Hon. Member.

945 **The Speaker:** Mrs Cannell, final supplementary.

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

In terms of the actual Question, which is talking about prevention being better than cure, and the Minister's acknowledgement of the same, what is the Minister's view in terms of the prevention of sexually transmitted diseases in young people? Does it vary from the former  
950 Health Minister, in that he was totally against the use of *(Interjection by Mr Anderson)* free

condoms, for example, for sixth-formers? Does the new Minister share the same policy view of the former Minister; or is he all for preventing sexually transmitted diseases in young people?

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

**The Minister:** Thank you, Mr Speaker. *(Laughter)*

**Mr Cregeen:** What's your experience?

960

**The Minister:** I am very... *[Inaudible]* I will be led by my officers' advice on what is best (**A Member:** Hear, hear.) for the people; and therefore, if it is felt that the request of Mrs Cannell is what is required, then I will acquiesce to it, but I will be led by the officers' recommendations to me, who have the necessary experience. *(Interjections by Mrs Cannell and Mr Anderson)*

965

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

**Suspension of Standing Order 3.5.1(2) to complete Questions 11 to 15 –  
Motion carried**

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

970 **Mr Karran:** I propose the suspension of Standing Orders to allow the rest of the Questions to be taken at this sitting.

**The Speaker:** Mrs Beecroft.

**Mrs Beecroft:** I beg to second, Mr Speaker.

975

**The Speaker:** I put the question that Standing Orders be suspended to allow Questions 11 to 15 to be answered. Those in favour, please say aye; against, no. The ayes have it.

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

<b>For</b>	<b>Against</b>
Mrs Beecroft	Mr Robertshaw
Mrs Cannell	Mr Shimmin
Mr Anderson	Mr Teare
Mr Cannan	Mr Watterson
Mr Cregeen	
Mr Cretney	
Mr Crookall	
Mr Hall	
Mr Houghton	
Mr Karran	
Mr Quayle	
Mr Quirk	
Mr Singer	
Mr Skelly	
Mr Thomas	
The Speaker	

980 **The Speaker:** With 16 for and 4 against, the motion therefore carries.

**HOME AFFAIRS**

**1.11. Licensed premises –  
Legislation to improve employee standards**

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

*What plans he has to introduce legislation to improve the standards required of persons who are employed in licensed premises?*

**The Speaker:** We turn to Question 11. Hon. Member for Douglas North, Mr Houghton.

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

985

**The Speaker:** Minister for Home Affairs to reply, Mr Watterson.

990

**The Minister for Home Affairs (Mr Watterson):** Mr Speaker, my Department has asked the Licensing Forum to examine the entire existing Licensing Act and the secondary legislation which is made under it, with a view to repealing the existing legislation and replacing it with a new Bill. This would include every aspect of liquor licensing law.

**The Speaker:** Mr Houghton.

995

**Mr Houghton:** Thank you, Mr Speaker.  
The Minister will be aware of one particular case that I am dealing with the Department on, where I wrote to him on 4th February this year and am still awaiting a reply. In view of the Answer he has just given, which appears very positive, how is it that the response has not come back to me at this time?

1000

**The Speaker:** Minister.

1005

**The Minister:** Mr Speaker, I can only apologise to the Hon. Member if there is a letter outstanding from 4th February. I have been in dialogue with the Hon. Member on this question. Perhaps I was labouring under the misapprehension that our conversations had superseded the correspondence, but I will certainly be happy to ensure that the Hon. Member receives a letter from me, outlining the points made.

1010

**The Speaker:** Mr Houghton.

1015

**Mr Houghton:** Thank you, Mr Speaker.  
I am very grateful for the answer, but no verbal conversation supersedes a written letter, especially a written letter that is detailed in such a way as it was, and I would be grateful for that reply from the Minister.

Also, he mentioned the Licensing Forum: are copies of those minutes available for public use? If they are, would he send me copies of those minutes from the Licensing Forum that make the suggestions he put in his opening Answer?

1020

Finally, Mr Speaker, if I may, in view of the concerns of this particular person, who is a constituent of his, would he be willing to meet with me and his constituent over this matter; and if he would, would he make the appropriate arrangements, for which I would be very grateful?

**The Speaker:** Reply, sir.

1025 **The Minister:** As the Hon. Member will know, I am always happy to meet with him and others, and I am always happy to meet with my constituents over any issues that they raise with me, and this is no exception.

1030 In terms of the minutes of the Licensing Forum, I will need to check that out. There are more than just Government on that forum. It covers not just the Department, but the Police, the Licensed Victuallers, Pubwatch and various parts of the industry. So it may be that consent is needed from more than just the Department in order to make those minutes public, but I will certainly look at that and get back to him.

**Mr Houghton:** Thank you.

## COMMUNITY, CULTURE AND LEISURE

### 1.12. DCCL vehicles – Money paid or committed

The Hon. Member for Douglas South (Mrs Beecroft) to ask the Minister for Community, Culture and Leisure:

*How much money has been paid or committed in respect of vehicles since the beginning of the year; and for what purposes?*

**The Speaker:** Question 12. Hon. Member for Douglas South, Mrs Beecroft.

1035 **Mrs Beecroft:** Thank you, Mr Speaker.  
I ask the Question in my name.

**The Speaker:** I call on the Minister for Community, Culture and Leisure, Mr Robertshaw.

1040 **The Minister for Community, Culture and Leisure (Mr Robertshaw):** Thank you, Mr Speaker.  
In the current financial year, we have paid £2,576,258.08 for new buses and vans.

1045 The individual price of a bus is confidential by contract, but in total we have received six Mercedes Citaros, two Mercedes City Sprinter 45s, six Volvo Wright double-deckers, two Vauxhall Vivaro vans – one of which was for the Wildlife Park – and we have upgraded six Streetlights.

These vehicles were within the Budget agreed by Tynwald and the business case agreed by Treasury. The business case was based on the vehicle condition, maintenance costs, secondhand value, vehicle availability and the reductions in operating costs that these achieve.

Thank you, Mr Speaker.

1050 **The Speaker:** Mrs Beecroft, a supplementary.

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

1055 Rather than just the financial year, could the Minister clarify what has actually been purchased or committed to in this year – the year 2014?

**The Speaker:** Minister.

1060 **The Minister:** The Question does ask, Mr Speaker, for the beginning of the year. The figures I have given are within the financial year. Would the hon. lady wish me to talk about – (**Mrs Cannell:** Member.) (**A Member:** Ooh!) Hon. Member, I beg your pardon.

**Mrs Beecroft:** I don't mind being a lady.

1065 **Mrs Cannell:** I do.

**The Speaker:** Carry on, Minister. (*Interjections*)

1070 **The Minister:** Would the Hon. Member wish me to comment on the proposed purchases for the following year?

**The Speaker:** Mr Karran.

1075 **Mr Karran:** Vainstyr Loayreyder, does the Shirveishagh not know who actually asked for the confidentiality – us, or the actual sellers of the vehicles? Is the Shirveishagh happy with the issues of these being shrouded in confidentiality? What does he feel is the justification for such a move?

1080 **The Speaker:** Minister.

**The Minister:** The confidentiality clause, as I understand it, Mr Speaker, was part and parcel of the contract and is normal in these circumstances. I see no problem with offering the overall price for the purchases made.

1085 I would also, in passing, say that in my short time as DCCL Minister, I have appraised myself of the capital programme and am satisfied with it.

Thank you.

**The Speaker:** Mrs Beecroft.

1090 **Mrs Beecroft:** Thank you, Mr Speaker.

Could the Minister confirm whether any of the budget for 2014-15 has been committed or used?

**The Speaker:** Minister.

1095 **The Minister:** Mr Speaker, I refer the Hon. Member for South Douglas to both my Answer this morning and to a Written Question that she posed in another place on 19th November. I suspect that she might be referring – and she will indicate to the contrary if I am wrong – to the difference between the actual laid-out budget for the year and that which is actually spent.

1100 **The Speaker:** Mr Karran.

1105 **Mr Karran:** Could the Shirveishagh clarify for this House who wants the confidentiality? Is this once again Government wanting confidentiality to cover up its own tracks, or is it about the issue of the other side? (*Interjections*)

**A Member:** Here we go!

1110 **The Speaker:** Hon. Member, it is the same question, and you answered it. (**A Member:** Hear, hear.) I do not think you probably have anything to add.

**Mr Karran:** I didn't get an answer.

**The Minister:** I did.

1115 **The Speaker:** The question was answered, sir.  
Mrs Beecroft.

**Mrs Beecroft:** Thank you, Mr Speaker.  
Specifically referring to the £1.3 million that was discussed in the Budget presented to us in  
1120 February, has any of that been committed or paid to date?

**The Speaker:** Reply, sir.

**The Minister:** Mr Speaker, the Hon. Member for South Douglas, I understand, takes  
1125 responsibility in a few days' time for this very area, and I am sure that she will appreciate the  
opportunity that that new post will offer to fully appraise herself of the full programme that –

**Mrs Beecroft:** Point of order, Mr Speaker.

1130 **The Minister:** I have every confidence in –

**Mrs Beecroft:** Point of order, Mr Speaker.

**Mr Shimmin:** Which one?

1135 **The Speaker:** Point of order.

**Mr Anderson:** What is the Order?

1140 **Mrs Beecroft:** Mr Speaker, I am not in that position now, so surely... Am I entitled to ask the  
question? (*Interjection*)

**The Speaker:** What is the point of order?

1145 **Mrs Beecroft:** The point of order is am I not allowed to get an answer to the Question that I  
have tabled?

**The Speaker:** That is not a point of order, Hon. Member.

1150 **Mr Karran:** Don't expect an answer!

**The Speaker:** You may have a supplementary question after the Minister has answered, if  
you are not satisfied. If you do not consider you are getting an answer, you will have the  
opportunity to say so.

1155 **Mrs Beecroft:** Thank you.

**The Speaker:** Minister.

1160 **The Minister:** I believe I have answered the question to the best of my ability, Mr Speaker.

**Mr Karran:** You don't know!

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

1165 **Mr Cregeen:** Thank you, Mr Speaker.

Would the Minister agree with me that, as the Member for South Douglas will be taking over public transport... and she is already aware of what that discussion has been in the new Department?

1170 **The Speaker:** Minister.

**The Minister:** I thank the Member for his comments, Mr Speaker. *(Interjection by Mr Shimmin)*

1175 **The Speaker:** Hon. Member, Mrs Beecroft.

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

I just wonder if the Minister could clarify why he is not prepared to actually answer my Question today.

1180

**Mrs Cannell:** Because he doesn't know.

**The Minister:** Mr Speaker, I have answered the Question to the best of my ability, and I would like to leave it at that. *(Interjection by Mrs Cannell)*

## INFRASTRUCTURE

### 1.13. New bus timetable – Proposed consultation

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

*What consultation the Road Transport Licensing Committee will carry out before deciding Bus Vannin's recent application for a new bus timetable?*

1185 **The Speaker:** Question 13. Hon. Member for Douglas West, Mr Thomas.

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

I beg leave to ask the Question standing in my name.

1190 **The Speaker:** Minister for Infrastructure, Mr Robertshaw – I beg your pardon! *(Laughter and interjections)*

**Mr Robertshaw:** Mr Speaker, I am moving around quite a lot, but I am not...

1195 **The Speaker:** It's a moving feast of Ministers at the moment! **(Mr Skelly:** Indeed, yes.)  
Mr Skelly, apologies.

**The Minister for Infrastructure (Mr Skelly):** Gura mie eu, Loayreyder.

1200 The Road Transport Act 2001 stipulates that the Road Transport Licensing Committee (RTLCL) has to consult on issues, including proposals for a new bus timetable.

Under section 26(2) of the Act, the RTLC has a statutory duty to invite objections or representations from the following statutory objectors: the Police, the Department of Infrastructure, local authorities and any public interest groups who appear to the Committee to be appropriate.

1205 The process for consultation is quite formal and involves the RTLC issuing what is known as an AD&N notice – applications, decisions and notices – which details the items to be consulted on. The notice is issued to the statutory objectors, and a copy is available to the public for review. Statutory objectors then have 21 days in which to make objections for representation to the committee.

1210 An AD&N notice can be issued at the discretion of the RTLC and can include details of applications for a licence to operate a bus service, a taxi operation, variation to services and operators, notes of actions from the Committee’s meetings, and so on.

Gura mie eu.

1215 **The Speaker:** Supplementary, Mr Thomas.

**Mr Thomas:** Thank you very much, Mr Speaker, and to the Minister for that exposition of the statutory basis.

1220 In this situation, given there is talk of a new timetable in May 2014, will the RTLC, to the best of the Minister’s knowledge, be actually using the AD&N notice process to invite representation and objections from the statutory consultees mentioned?

**The Speaker:** Mr Skelly to reply.

1225 **The Minister:** Gura mie eu.

To the best of my knowledge, yes, they will be following that procedure. It is quite a formal process, and they do follow that process.

**The Speaker:** Mr Thomas.

1230

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

At the end of 2013, there was talk of a consultation and review of bus services. Does the Minister think it is premature to actually change the timetable before we have had that review of bus services?

1235

**The Speaker:** Mr Skelly.

**The Minister:** Gura mie eu, Loayreyder.

1240 I am not sure that I hold a view on that at this particular time. The RTLC has the duty to consult with these various bodies, which I might point out does actually include public interest groups, which I know he has concerns on in that area. One in particular that jumps out, of course, is Travelwatch, which does represent the interests of the Manx public, and I think therefore they have an opportunity to make representation to the RTLC.

1245 **The Speaker:** A further supplementary, Mr Thomas.

**Mr Thomas:** Thank you, Mr Speaker, and to the Minister for his helpful replies.

1250 Local authorities are also a group of bodies that had a large role in the past in provision of bus services. Does the Minister agree that it would be valuable to engage the local authorities, particularly as the service provision changes in coming months or years?



**The Speaker:** Reply, sir.

**The Minister:** Gura mie eu.

1255 As stated, local authorities are one of the statutory objectors, so they will be consulted in this process.

**1.14. Extension of User Agreement –  
Call for expressions of interest**

1260

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

*Whether an open call for expressions of interest for roll-on roll-off vehicle transport to and from the Isle of Man will be made before any agreement is made with the Steam Packet Company to extend the current Douglas Harbour Linkspan User Agreement beyond 2026?*

**The Speaker:** Question 14. Again, Hon. Member, Mr Thomas.

1265 **Mr Thomas:** Thank you very much, Mr Speaker.  
I beg leave to ask the Question standing in my name.

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

1270 **The Minister for Infrastructure (Mr Skelly):** Gura mie eu, Loayreyder.

First of all, may I remind Hon. Members the User Agreement was originally for a period of 10 years from 1995, subject to an option for either party to extend it for a further five years.

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

1275 In 2004, another extension was agreed for an additional 10 years, with an option for either party to extend for a further six years. If the option is exercised, the current Agreement can run until 2026.

1280 Coming back to the Hon. Member's Question, I can assure all Members that any contractual arrangements going forward will comply as appropriate with Government's Financial Regulations.

I do recognise, of course, this is a matter of great interest for all Hon. Members, and will ensure that Members of this House and of Tynwald Court are kept informed as we go forward.

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

1285

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

The Minister said there that any negotiations with the Steam Packet would follow Financial Regulations and financial procedures. Can he advise this House that he will actually come back to this House before negotiations are entered into to extend the User Agreement to 2026?

1290 Can he also advise this House that he will invite other people to consider expressing an interest in any extension of the User Agreement beyond 2026?

**The Speaker:** Mr Skelly.

1295 **The Minister:** Gura mie eu.

As we take forward any negotiations, as stated, they will come to Tynwald. I think the Chief Minister has already confirmed that any extension of this Agreement will come before Tynwald. So, will it come through this House first? No, I think it will go to Tynwald.

1300 **The Speaker:** Final supplementary, Mr Thomas.

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

Does the Minister accept that the strategy with respect to the User Agreement relates to the strategy with respect to the skies and Open Skies and planes coming in and out of the Airport?

1305 Does the Minister think that we should perhaps have an off-Island transport strategy in addition to the on-Island transport strategy he is considering at this stage?

**The Speaker:** Minister.

1310 **The Minister:** Gura mie eu.

'Open Skies, closed seas' I think it is part of the question there. It is an interesting question, and I know with regard to the Select Committee that has reviewed the Open Skies policy and endorsed that going forward, it does raise the question about open seas.

1315 I think we have two *very* different transportation links to consider there. Open Skies means that you can have planes of any size operating out of our airport. Open seas is not the same case, and I think we all recognise the limitations with regard to our harbour and the limitations with regard to potential competent operators – and that is one of the reasons the User Agreement came into being in the first place. So there is a very strong case, I think, to remain closed seas.

1320 However, what I would point out is that we will take forward any review, any options with the User Agreement, and come back to Tynwald Court.

**The Speaker:** Mr Quirk, you had a supplementary?

1325 **Mr Quirk:** Thank you, Mr Speaker.

Would the Minister not agree with me that we do not have closed seas; we have a number of ports in the Isle of Man, and although the User Agreement is with the Douglas port, there is nothing stopping any other operator coming into any other port or providing a new linkspan or whatever in another port round the Island? (*Interjections*)

1330

**The Minister:** Indeed, yes, I would agree with the Hon. Member from Onchan. That is an option. Obviously, the focus is always on the User Agreement, it is always about Douglas. There is an operation in Ramsey and has been for many years; so yes, that is open for an operator.

## WATER AND SEWERAGE AUTHORITY

### 1.15. Peel sewage treatment works – Investment required to comply with EU and blue flag standards

The Hon. Member for Onchan (Mr Karran) to ask the Chairman of the Water and Sewerage Authority:

*How much additional investment would be required to ensure that the sewage treatment works at Peel complies with the same health standards enjoyed by EU countries and the blue flag criteria?*

1335 **The Speaker:** Question 15. Hon. Member for Onchan, Mr Karran.

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

**The Speaker:** I call on the Chairman of the Water and Sewerage Authority, Mr Houghton.

1340 **The Chairman of the Water and Sewerage Authority (Mr Houghton):** Thank you, Mr Speaker. I apologise for the long reply in answer to this Question.

A feasibility study is currently being undertaken to determine the most appropriate location and sewage treatment process for a sewage treatment plant to serve the Peel sewerage catchment. The flow and load surveys are currently being undertaken within the sewer systems, and tidal monitors have been installed on the seabed to provide information for a tidal dispersion model.

1345 This information is required to determine the impact that the treatment of effluent will have on the marine environment and compliance with the standards adopted by Tynwald. The standards for sewage treatment on the Island are those which were adopted as an objective by Tynwald on 20th March 1990, and are as defined in the 1976 EU Bathing Water Directive. A revised 2006 Bathing Water Directive was introduced into the European Union in 2006 and members of the EU have until 2015 to comply with the revised standard.

1350 At this stage, the location of the sewage treatment has not been determined, nor has the sewage treatment process, as these depend on the results of the flow and load surveys. Also, the length and position of the sea outfall has not been determined, as this depends on the results of the tidal dispersion modelling. As such, it is not possible to confirm the additional costs that might be incurred to construct a sewage treatment plant at Peel which conforms to the 2006 standard, rather than the 1976 standard adopted by Tynwald.

1355 It is likely that the following additional work will be required: (1) the construction of increased volumes of storage for sewerage storm flows in order to achieve the stricter controls on spills into the marine environment – concrete storage tanks are expensive to construct; (2) the construction of additional plant for the tertiary treatment of sewage, probably through the installation of ultraviolet disinfection of the sewage prior to discharge to the marine environment – this equipment is very costly to operate; (3) additional sampling and testing of the bathing waters to accord with the stricter testing regime – this will require additional resource; (4) the introduction of a defined beach management plan with the designation of a responsible person for the beach – this will require additional resource; (5) the erection of adequate signage and information boards and ongoing and regular information dissemination through multimedia outlets; and finally, investigations are required into the potential contamination from agricultural run-off within the catchment, and where such contamination is identified, enforcement to ensure that offending parties address such contamination – this will be both difficult and costly, having regard to the landscape and countryside through which the River Neb flows.

1360 Mr Speaker, in summary, whilst it is not possible at this stage to confirm the actual costs that would be incurred, should the 2006 standard be adopted by Tynwald, I can confirm the capital and operational costs will be considerable.

1365 Turning now to the question of the blue flag criteria, beaches are awarded this status based on compliance with 32 different criteria covering the following.

1370 Environmental education and information: information about the blue flag must be displayed; environment education activities must be offered and promoted to beach users; information about bathing water quality must be displayed; information relating to local ecosystems and environmental phenomena must be displayed; a map of the beach indicating different facilities must be displayed; a copy of the conduct that reflects the appropriate laws governing the use of the beach and surrounding areas must be displayed.

1385 In respect of water quality, the beach must fully comply with the water quality sampling and frequency requirements. The beach must fully comply with the standards of requirements for water quality analysis. No industrial waste water or sewage-related discharges should affect the beach area. The beach must fully comply with the blue flag requirements for the microbiological parameter... *[Inaudible]* coli or E. coli conditions and other bacteria. The beach must comply with the blue flag requirements for physical and chemical parameters.

1390 In respect of environmental management, Mr Speaker, the local authority beach operator should establish a beach management committee. The local authority beach operator must comply with all regulations affecting the location and operation of the beach. *(Interjection)* The beach must be clean. Algae, vegetation or natural debris should be left on the beach. Waste disposal bins and containers must be available at the beach in adequate numbers and they must be regularly maintained. Facilities for the separation of recyclable waste materials should be available at the beach. An adequate number of toilets or restroom facilities must be provided. The toilets and restroom facilities must be kept clean. The toilet or restroom facilities must have controlled sewage disposal. There should be no unauthorised camping, driving or dumping of waste on the beach. Access to the beach by dogs and other domestic animals must be strictly controlled. *(Interjection)* All buildings and beach equipment must be properly maintained. A sustainable means of transportation should be promoted in the beach area.

1395 Finally, Mr Speaker, safety and services. An adequate number of lifeguards and/or lifesaving equipment must be available on the beach. *(Interjection)* First-aid equipment must be available on the beach. Emergency plans to cope with pollution risks must be in place. There must be management of beach users and events to prevent conflicts and accidents. There must be safety measures in place to protect beach users. A supply of drinking water should be available at the beach. At least one blue flag beach in each municipality must have wheelchair and accessory facilities. Wheelchair access and accessibility features must be in place.

1400 Mr Speaker, it is not possible to accurately provide a cost estimate for implementing these additional items at present in order for the beach at Peel to comply with the requirements of obtaining blue flag status, other than to say that it would likely require significant additional resource and represent a substantial and unplanned cost for Government. Furthermore, all blue flags are awarded for one season at a time, and if the criteria are not fulfilled during that season or the conditions change, the blue flag status may be withdrawn.

1415 Thank you, Mr Speaker.

**The Speaker:** Mr Karran.

1420 **Mr Karran:** I thank the Caairliagh for his reply.

The Peel Commissioners have declared that they want the blue flag standard as their mission statement.

1425 Since the protection of the waters extend one nautical mile seawards, and therefore no sewage or sewage-related discharge in this area... what guarantees has the Chairman given to the Commissioners that that blue flag objective will not be compromised as far as the sewerage side of it?

1430 Would the Chairman not agree that the fact is that his responsibility has nothing to do with the other aspects as far as the local authority is concerned, but can he keep his word and his commitment that they will end up with a situation where sewage will not be a factor which stops the Commissioners managing to get their blue flag status?

**Mr Watterson:** For as long as he's Chairman! *(Laughter)*

**The Chairman:** Thank you, Mr Speaker.

1435 A number of questions. The basis of this question is more for answer by the Hon. Member, Mr Gawne, and his Department; (*Interjection*) not for the Water and Sewerage Authority Chairman and the future Manx Utilities Authority Chairman to answer, to be quite honest.

1440 All of those requirements that Peel Commissioners wish to see in order to adopt a blue flag standard on their beach... Most of that will have to be down to the Commissioners, I am pretty sure, because Government will not be able to pay for that. (*Interjection*) Not a problem, and I support the Hon. Member's view.

1445 All I can state is because we are undertaking all of the appropriate studies etc in order to make sure that there is no sewage coming back up onto the beach in Peel, which of course happens at this time... So, Mr Speaker, the whole issue and efficacy of this Question really is at variance with what actually takes place now.

Peel is a wonderful place to be, (**A Member:** Hear, hear.) but you are bathing in Peel with raw sewage floating around. We are trying to do something about that, (**A Member:** Hear, hear.) and the Hon. Member is at variance with that.

1450 **A Member:** Absolutely.

**The Speaker:** Mr Karran.

1455 **Mr Karran:** Vainstyr Loayreyder, would the Caairliagh not agree that if his mission statement is to make sure that there is not going to be sewage floating around and it has the standards as far as blue flag status, then there is no argument within this Hon. House?

1460 Would he not agree that what people get disappointed with is that we get promised certain standards by our consultants time and time again when it comes to public works – and what happens? We end up with a situation where we have to compromise as far as that... [*Inaudible*] is concerned.

I thank the Chairman. If he is going to make sure that there is going to be a sewage-free area in the Peel bathing area, then I will be happy with that support from the Member as far as his future development in his Authority.

1465 **The Speaker:** The Chairman to reply.

**The Chairman:** Thank you, Mr Speaker.

1470 All I can assure the Member is that once this development is put in place, tested and commissioned, it will be a *whole* lot better for Peel, (**Several Members:** Hear, hear.) and the sooner it is brought into being, the better.

**Several Members:** Hear, hear.

1475 **A Member:** Thank you, Mr Chairman.

**The Speaker:** Hon. Members, that brings us to the end of Questions for Oral Answer. The four Questions for Written Answer have had the replies circulated.

## 2. Questions for Written Answer

### TREASURY

#### 2.1. Estimate of deposits in Isle of Man banks – Non-sterling; from emerging markets

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

*What estimate he has made of the proportion of the total value of deposits in Isle of Man banks which are (a) held in non-sterling currencies and (b) from emerging market economies?*

**The Minister for the Treasury (Mr Teare):** (a) Non-sterling currencies

1480 The total value of deposits held in the Isle of Man offices of banks (excluding interbank flows between banks in the Isle of Man) as at 31st December 2013 was £41.90 billion. Foreign currency deposits comprised 35.46% (£14.86 billion) of total deposits as expressed in sterling equivalent.

Of total deposits, 24.20% was held in US Dollars, and 8.09% in Euros.

1485 (b) Emerging market economies

By value of the deposit, and based on the residence of the counterparty of record, 17.09% of deposits were received from emerging market economies.<sup>1</sup>

<sup>1</sup> According to BIS (Bank for International Settlements) country definition

### HEALTH

#### 2.2. SPCDS Manchester Study – Total cost

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

*Pursuant to his Answer of 4th March, what the total cost was of the (SPCDS) Manchester Study?*

1490 **The Minister for Health (Mr Quayle):** The Hon. Member will have noted from the previous response relating to this matter, that the project papers were initially kept for three years, in line with Government policy. Information regarding the costs was prior to the introduction of the Axapta accounting system and is now held in archive by the Treasury.

A request has been made to locate the information; however, it is not yet available. If the information becomes available, it will be circulated to Members in due course.

**INFRASTRUCTURE**

**2.3. Planning applications for the Isle of Man Territorial Sea –  
Allowance for an examination hearing or appeal**

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

*How the process for planning applications for infrastructure projects in the Isle of Man Territorial Sea will differ from the six-stage process for other Irish Sea national infrastructure planning applications; whether the Isle of Man process allows an examination hearing like that which took place in relation to the Walney extension on 18th March 2014; and whether the Isle of Man Government could appeal against the eventual Walney Offshore Wind Farm extension planning decision?*

1495 **The Minister for Infrastructure (Mr Skelly):** The procedures for determining a marine planning application will be defined in forthcoming secondary legislation. This is currently being finalised prior to being brought to Tynwald for approval later this year.

As such, within the context of the Town and Country Planning Act (Extension to the Territorial Seas) (No.2 ) Regulations 2013, it is intended that the process will be similar to the Departmental planning application process used within the existing land based system, with all applications being considered by the Council of Ministers.

1500 This approach will not be the same as the processes adopted in the other jurisdictions around the Irish Sea, so there will not be an 'examination hearing' in the same format as occurs under the UK Planning Legislation.

1505 The Development Consent Order application for the Walney Extension Wind Farm has been submitted under UK Planning Legislation – the Planning Act 2008 (as amended) – as it is a 'Nationally Significant Infrastructure Project'. The Isle of Man Government has been actively involved in making representations on this application and officers participated in both the aviation issue specific and the open hearings that took place on 18th March 2014.

1510 The process for determining this application does not include legal provisions for anybody to appeal against the final decision made by the UK Secretary of State. As such the Isle of Man Government cannot appeal the eventual decision.

**2.4. Medical driving licences –  
Reason more expensive than regular driving licences**

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

*Why medical driving licences are more expensive per year than regular driving licences?*

1515 **The Minister for Infrastructure (Mr Skelly):** A medical driving licence currently costs £14 for a three-year licence or £9 for a licence issued on a one or two-year reduced term. The duration of the licence is dependent upon the advice received on the applicant's medical condition. A three-year medical driving licence costs the same amount as the standard three-year licence for a driver over 72 years of age, who does not have any notifiable medical condition.

1520 Comparing the current annual costs for driving licences shows that a standard 10-year driving licence costs £35 for the period of issue (equating to £3.50 per annum) and the cost for licences to drivers over the age of 72 years, or to those issued with a medical driving licence equates to £4.67 per annum.

1525 The Department, through its licence fee charges, carries the costs associated with the administration of a driving licence application. However, where a medical driving licence is required, the Department is charged an additional fee by medical practitioners who are requested to give their opinion on an applicant's medical condition and whether a driving licence should be issued. This medical advice fee varies in relation to the complexity of an applicant's medical condition but can be up to £100 if specialist medical advice or an on-road driving assessment is required. The Department does not currently seek to recover all these costs from the applicant but recovers a nominal amount through the fee for the licence itself.

1530 Therefore in carrying out a straight comparison with the annual cost of a licence, the medical licence does cost more, but there are significantly higher costs to the Department in processing the application.



## Order of the Day

### 3. BILLS FOR FIRST READING

#### 3.1. Trusts (Amendment) Bill 2014; 3.2. Landlord and Tenant (Private Housing) Bill 2014

1535 **The Speaker:** Item 3, Bills for First Reading. I call on the Secretary of the House.

**The Secretary:** Bills for First Reading: Trusts (Amendment) Bill 2014 – Member in charge, Mr Henderson; Landlord and Tenant (Private Housing) Bill 2014 – Member in charge, Mr Robertshaw.

### 4. CONSIDERATION OF COUNCIL AMENDMENTS

1540

#### 4.1. Copyright etc (Amendment) Bill 2013 – Council amendments agreed

Mr Skelly to move the following:

*Amendments approved by the Legislative Council on 25th February 2014*

*Page 15, omit subsection (1).*

*Page 15, in subsection (2), for 'that Act' substitute 'the Design Right Act 1991'.*

*Page 15, in subsection (2)(a), for the definition of 'qualifying person' substitute —*

*' "qualifying person" means —*

*(a) an individual habitually resident in a qualifying country, or*

*(b) a body corporate or other body having legal personality which—*

*(i) is formed under the law of the Island or another qualifying country, and*

*(ii) has in any qualifying country a place of business at which substantial business activity is carried on.'*

*Page 16, for subsection (4) substitute —*

*'(4) In section 8 of that Act (qualification by reference to first marketing) —*

*(a) in subsection (1)(a), omit "who is exclusively authorised to put such articles on the market in the Island";*

*(b) in subsection (2), for "requirements" substitute "requirement";*

*(c) in subsection (3), for "those requirements" substitute "that requirement"; and*

*(d) omit subsection (4).'*

**The Speaker:** Item 4, Consideration of Council amendments: the Copyright etc (Amendment) Bill, and I call on the mover of that Bill, Hon. Member for Rushen, Mr Skelly.

**Mr Skelly:** Gura mie eu, Loayreyder.

1545 The Copyright etc (Amendment) Bill 2013 amends the Copyright Act 1991, the Design Right Act 1991 and the Performers' Protection Act 1996, as part of the Department of Economic Development's wider programme of intellectual property modernisation.

1550 The Bill completed its progress through this House on 4th February this year. However, during its subsequent progress through the Legislative Council, the Bill was amended. It is therefore necessary for the House to consider those amendments.

1555 All four amendments were proposed by the Department of Economic Development. All the amendments were made to clause 14 of the Bill and all had a single purpose. The intention of the clause is to simplify the criteria for protection of designs by making protection dependent either on where the designer or the employer is economically active or where the designs are first marketed. If the designer or employer is economically active in a qualifying country or the articles made to the design are first marketed in a qualifying country, then the design will be protected.

1560 The clause closely mirrors a provision in the UK Intellectual Property Bill which is currently nearing the end of its progress through Parliament there. At the end of January 2014, the UK Government proposed and Parliament agreed to amendments to the clause. The amendments were a result of concerns that the clause would inadvertently give undue protection in the UK to designs by businesses based in foreign countries, even though reciprocal protection would not be available to UK businesses in those countries.

1565 The same situation would apply in the case of the Isle of Man, should the Bill not be amended, and so it is in the interest of the Island that the amendments be made.

The first amendment omits subsection (1) of clause 14.

The second amendment amends subsection (2) of clause 14.

1570 The third amendment substitutes a new definition of 'qualified person' in subsection (2) to ensure that businesses must have legal personality under the law of a qualifying country for their designs to receive protection on the Isle of Man.

The fourth amendment ensures that any designs protected on the basis that they were first marketed on the Island are by the qualifying person as referred to in subsection (2).

Loayreyder, I beg to move that Council's amendments be agreed and the Bill do now pass.

1575 **The Speaker:** Mr Shimmin.

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

1580 **The Speaker:** I put the question that the amendments as set out in the Order Paper approved by Legislative Council be agreed by this House. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

## 5. BILL FOR SECOND READING

### 5.1. Cabinet Office (Legislative Amendments) Bill 2014 – Second Reading approved

Mr Robertshaw to move:

*That the Cabinet Office (Legislative Amendments) Bill 2014 be read a second time.*

**The Speaker:** We turn to Item 5, Bill for Second Reading, the Cabinet Office (Legislative Amendments) Bill. I call on the mover, Mr Robertshaw.

1585 **Mr Robertshaw:** Thank you Mr Speaker.

I am pleased to be able to move the Second Reading of the Cabinet Office (Legislative Amendments) Bill on behalf the Council of Ministers.

1590 This Bill is a short technical Bill resulting from the Modernising Ministerial Government proposals approved at the January sitting of Tynwald, and is the result of one of the Report's recommendations relating to the creation of a Cabinet Office consisting of the current Chief

Secretary's Office, Economic Affairs Division of Treasury, Information Systems Division of the Department of Economic Development and the Office of Human Resources.

As Hon. Members know, the creation of the Cabinet Office is intended to bolster Government's strategic long-term planning, giving central direction to the work of Government by driving forward into departmental policy development, service delivery and the co-ordination of departmental work programmes.

I am pleased to advise Hon. Members that work continues to progress well with the establishment of the Cabinet Office and we will be ready to hit the ground running on 1st April.

This Bill is only concerned with references to the Chief Secretary's Office in Manx enactments which require primary legislation to amend. The Cabinet Office (Legislative Amendments) Bill 2014 therefore amends other enactments to substitute references to 'the Chief Secretary's Office' for references to 'the Cabinet Office'.

The Bill also deals with references where applicable to the Chief Secretary's Office in other legislation, for example, secondary legislation and UK legislation applied to the Island. Any such references are to be read as a reference to the Cabinet Office.

Given the short technical nature of the Bill arising from the proposals which were approved by Tynwald, and which have previously been subject to consultation with Tynwald Members, the Council of Ministers decided not to release the Bill for public consultation in the usual manner.

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

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

**Mr Teare:** Thank you, Mr Speaker.  
I beg to second and reserve my remarks, sir.

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

**Mrs Cannell:** Thank you, Mr Speaker.  
Normal practice when a Bill comes before the House of Keys for consideration is it will have an element in that says whether or not there is going to be any additional cost in bringing in the legislation. That is the normal course of things. There is nothing in here, other than in the explanatory memorandum at paragraph 11, it says:

*'In the opinion of the member moving the Bill its provisions are compatible with the Convention of Rights within the meaning of the Human Rights Act 2001.'*

So, okay, it complies with the Human Rights Act, but I just wonder what the actual cost of putting together a Cabinet Office is going to cost the taxpayers.

I think this whole idea is absolutely ridiculous. It is empire building. It is creating a new empire by putting together a Cabinet Office. I realise that the Bill is to amend certain pieces of legislation to give recognition to the fact that there will be a Cabinet Office. I accept that is what the Bill is about, but I think it is an absolute waste of space, unless the Cabinet was going to replace the Council of Ministers system, which clearly it is not.

So, I would like to know what it is going to cost the taxpayer, how effective this move is going to be, but I will not be supporting it.

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

**Mr Karran:** Vainstyr Loayreyder, I would be interested to know the rationale of – the mover of the Bill is such a one for business – why he feels that business should not be exempt from jury service and why the likes of he feels... Maybe we should be looking at the issue of turning back to... turning away from the general exemption, as far as public staff is concerned.

1640 I would also like the Shirveishagh, the mover of the Bill, when he talks about the personal liabilities of Ministers, Members and officers, I would be interested in his reply if he would just explain to this House what is the present *status quo*, as far as that is concerned, and if he does not have that, maybe he can discuss that when he comes to the clauses stage.

1645 I will not be voting against the Bill. I have no reason to vote against the Bill, but what I do feel is that it is interesting to see, when we talk about the personal liabilities, the complete and utter imbalance that we have got, as far as Government has got all the cover in the world, and yet backbench MHKs – apart from inside this House – have got no cover as far as liability of the threat of vexatious litigation against them.

1650 **The Speaker:** I call on the mover to reply, Mr Robertshaw.

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

1655 Turning to the Hon. Member for Douglas East, Mrs Cannell's comments, she may very well have her own views about the future importance and role of the Cabinet Office, but that is really a matter which I am sure she will have mentioned during the Tynwald debate when Members supported the concept. This is simply a technical Bill concerning the renaming and I think she really is stretching the debate a little bit too far.

1660 **Mrs Cannell:** Freedom of speech.

**Mr Robertshaw:** As far as the Member for Onchan is concerned, I will consider *Hansard* in due course and come back to him with my comments later.

1665 **Mrs Cannell:** The costs.

**Mr Robertshaw:** Thank you, Mr Speaker.  
I beg to move.

1670 **The Speaker:** Hon. Members, I put the question that the Cabinet Office (Legislative Amendments) 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:*

<b>For</b>	<b>Against</b>
Mr Anderson	Mr Karran
Mr Bell	Mrs Beecroft
Mr Cannan	Mrs Cannell
Mr Cretney	
Mr Crookall	
Mr Hall	
Mr Henderson	
Mr Houghton	
Mr Quayle	
Mr Quirk	
Mr Robertshaw	
Mr Shimmin	
Mr Singer	
Mr Skelly	
Mr Teare	
Mr Watterson	
The Speaker	

**Mr Watterson:** 'I'm not going to vote against the Bill; I've got no reason to vote against the Bill.'

1675

**The Speaker:** With 17 votes for, 3 votes against, the motion therefore carries. Hon. Members, that concludes the Order Paper today.

**Procedural –  
Leave of absence granted to the Speaker for next sitting**

**The Speaker:** I would be grateful for your concurrence for absence next week to enable me to attend, on behalf of Tynwald, the British-Irish Parliamentary Assembly in Dublin. Is that agreed? (**Members:** Agreed.) Thank you, Hon. Members.

1680

I have also been asked to remind Members that there will be a presentation on the Landlord and Tenant Bill this lunchtime in the Barrool Suite.

With that, the House will now stand adjourned until the next sitting, which will take place at 10 o'clock, 1st April in this Chamber with the Deputy Speaker, Mr Singer in the Chair.

1685

*The House adjourned at 11.42 a.m.*