



HOUSE OF KEYS OFFICIAL REPORT

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PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 28th April 2015

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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 Z Hall and Mr D J Quirk (Onchan);
Hon. R H Quayle (Middle); Mr J R Houghton (Douglas North);
Mrs K J Beecroft (Douglas South); Mr C R Robertshaw (Douglas East);
Hon. J P Shimmin and Mr C C Thomas (Douglas West);
Hon. R A Ronan (Castletown); 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.

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

The Speaker: The Chaplain will lead us in prayer.

PRAYERS

The Chaplain of the House of Keys

Leave of absence granted

The Speaker: Hon. Members, I have given leave of absence to Mr Gawne, Hon. Member for Rushen; to Mr Karran; and to Mrs Cannell.

Condolences to Mrs Cannell and family

10 **The Speaker:** Members will by now know that Mrs Cannell was widowed last Friday. I am sure that the whole House will wish to send its condolences to her and her family. (**Members:** Hear, hear.)

I propose to instruct the Secretary of the House to record the House's condolences to Mrs Cannell in its Votes and Proceedings. Does the House agree to this? (**Members:** Agreed.)
15 Thank you, Hon. Members.

1. Questions for Oral Answer

Procedural –

Questions 8, 9 and 10 to be answered in writing

The Speaker: We turn now to Item 1 on the Order Paper, Questions for Oral Answer. In the light of Mr Karran's absence, Questions 8, 9 and 10 will be answered in writing. I invite Hon. Members to read out their Questions as before for the benefit of radio listeners.

CHIEF MINISTER

**1.1. People's Republic of China –
Agreements and MoUs**

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

What (a) official agreements and (b) memoranda of understanding have been signed by statutory bodies of the Isle of Man and the People's Republic of China; and which official signed for the parties in each case?

20 **The Speaker:** I call on the Hon. Member for Douglas West, Mr Thomas, to ask Question 1.

Mr Thomas: Thank you, Mr Speaker.

I beg leave to ask the Chief Minister what official agreements and memoranda of understanding have been signed by statutory bodies of the Isle of Man and the People's Republic of China, and which official signed for the parties in each case.

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

30 **The Chief Minister (Mr Bell):** Mr Speaker, in April 2013 an MoU with Shanghai Small and Medium Enterprise Development Centre for the People's Republic of China (SME) was signed by John Shimmin, former Minister of Economic Development and Gu Yue Ming, Vice President of SME Shanghai.

In April 2013 an MoU with the China Banking Regulatory Commission (CBRC) was signed by Mr John Aspden, Chief Executive of the Isle of Man Financial Services Commission and Mr Shang Fulin, Chairman of the CBRC.

In April 2014 I signed an MoU with the Administration Commission of Tianjin Binhai Hi-Tech Industrial Development Area, signed on their behalf by Mr Ni Xiangyu, Chairman of Tianjin Binhai Hi-Tech Industrial Development Area.

40 In June 2014 an MoU with China Securities Regulatory Commission (CSRC) was signed by Mr Geoff Karran, Chairman of the Financial Supervision Commission and by Mr Xiao Gang, Chairman and Mr Jiang Yang, Vice Chairman of the CSRC.

In March 2015 an MoU with the China Insurance Regulatory Commission (CIRC) was signed by Mr David Vick, Chief Executive of the Isle of Man Insurance and Pensions Authority and Mr Chen Wen Hui, Vice Chairman of CIRC.

45 Lastly, in April 2015 I signed an MoU with the Wuxi Municipal Bureau of Commerce, signed on their behalf by Mr Wang Xue Xin, Director of Wuxi Municipal Bureau of Commerce.

The Speaker: Supplementary question, Mr Thomas.

50 **Mr Thomas:** Thank you, Mr Speaker, and to the Chief Minister for that comprehensive Answer.

Would the Chief Minister agree with me that it is also important to have softer relationships, and would he welcome the establishment of the independent Confucius Classroom for deepening our Island's economic relationship with the People's Republic of China? This is a Chinese culture and language resource for the whole Island, located at Ballakermeen High School.

Would the Chief Minister agree that his officers and also the staff and students at Ballakermeen High School deserve credit and our gratitude and increasing official encouragement to support these important economic relationships?

60

The Speaker: Chief Minister to reply.

The Chief Minister: Mr Speaker, the prime reason for our visits to China has been initially to promote business links between the various Chinese business agencies, the private sector in China and the Isle of Man; but alongside that we have been promoting and trying to stimulate interest in cultural co-operation between the Isle of Man and various agencies in China, and there has been a lot of interest in that.

We have also a very strong relationship with the Chinese Ambassador in London – who, as we know, has visited the Island on two occasions – and are developing stronger relations there. He has been a strong encourager of the Confucius Classroom and information about the Confucius Classroom has been given to all the agencies I have met certainly in China as an indication of the commitment the Isle of Man has, not just at government level but at all levels, to develop closer relations with China and a better understanding.

We warmly welcome the initiative at Ballakermeen School and I look forward to that developing an interest right across the education system on the Isle of Man in due course, because undoubtedly the long-term relationship the Isle of Man needs to cultivate now is with China.

The Speaker: Mr Thomas, a supplementary.

Mr Thomas: Thank you, Mr Speaker, and to the Chief Minister for that expression of appreciation.

Obviously, the economy of China and its foreign investment is hugely important for the Island, given that there is £100 billion overseas investment now from China, including 25,000 enterprises established by 15,000 investors. In BVI and the Cayman Islands, some of our competitors have been very important in that.

How is the Isle of Man, in the Chief Minister's opinion, perceived in China?

In what capacity is he, as our Chief Minister, perceived in China? Does the Chief Minister worry about the status the Isle of Man is acquiring through the direct involvement of his role in these negotiations? Is the Chief Minister merely what was described back in the first days of British involvement in China as a conveyor of tribute?

The Speaker: Minister.

The Chief Minister: I do not understand the point of the question, Mr Speaker.

Conveyor of tribute... I really do not... Perhaps the Hon. Member would like to expand on his interpretation of that.

The Isle of Man's status in China until very recently has been virtually zero. There has been very little visibility. The private sector individually have built up some of their own business contacts, but the Isle of Man has a huge place, and in terms of offshore China has had a very longstanding relationship, for reasons we are still not very clear of, particularly with BVI but also with Cayman. We are now trying to break into a new market altogether, and the initial reaction from most of the meetings we have had is, 'We don't know anything about the Isle of Man, we don't know where it is – tell us more.' When the contacts we make learn more about the Isle of Man, learn what we have to offer and the unique position the Isle of Man has in relation to encouraging Chinese exports, then there is a great deal of interest.

Chinese relations, though, Mr Speaker, take a number of years to grow and develop and expand, and we are still in the early stages of that. On the second visit, which we have had this last week, undoubtedly we have found a warmer, more welcoming environment than we had 12 months ago. So relationships are moving and business contacts are being developed, and I very much hope that that will continue into the future.

115 Also, though, I understand that the status of the Chief Minister of the Isle of Man – or indeed the Chief Minister anywhere, particularly in the Isle of Man – can open doors that the business community cannot. China is a very hierarchical society and very much focused on status, and therefore the Chief Minister of the day of the Isle of Man is in a unique position to open doors politically in the first instance, which then allows the business community to develop their own trade links beyond that. So the Chief Minister has a vitally important role to play in developing strong relations with the Chinese business community.

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

Mrs Beecroft: Thank you, Mr Speaker.

125 While acknowledging that relationships with China do take a while to build up but the rewards can be substantial if that relationship is successful, could the Chief Minister clarify whether he is looking at any other countries to build relationships with outside of Europe that could be beneficial to the economic development on the Island?

The Speaker: Chief Minister.

130 **The Chief Minister:** Yes, the Department of Economic Development, Mr Speaker, is developing a country strategy, worldwide, and there are a number of other countries which have been focused on as well – various countries in Europe, obviously; India is going to be very important – but at the moment China has been given the priority.

135 We need to understand that we have very limited resources, not just financially but also physically to visit these places, and we have to fish in waters, I guess, where we think we can get the best return.

1.2. Planning Committee – Absence of political chair

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

Whether any review has been carried out of how the Planning Committee is working without a political chair; and if so, what the findings and consequences of this review are?

The Speaker: Question 2. Hon. Member for Douglas West, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

140 I beg leave to ask the Chief Minister whether any review has been carried out of how the Planning Committee is working without a political chair; and if so, what the findings and consequences of this review are.

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

The Chief Minister (Mr Bell): Mr Speaker, the Planning Committee has had a non-political chair since 1st July 2014. However, I believe we need to revisit this arrangement and I have asked the Chief Secretary to instigate such a review.

150 **Two Members:** Hear, hear.

The Speaker: Supplementary question, Mr Thomas.

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

155 Planning policy has obviously traditionally been primarily a function of the Department and through the years it has become more and more diverse in terms of the implementation and even the policymaking for planning.

160 Would the Chief Minister agree that the best way to go forward is to have clear policy, clear strategy from the Government, so that the people like the Planning Committee and planning officers can work efficiently, using the least possible resources to make good decisions in line with Government policy, exactly as intended in the law and the Strategic Plan?

The Speaker: Chief Minister.

165 **The Chief Minister:** Mr Speaker, I would agree with the Hon. Member. There are plans to review planning policy, but it is absolutely vital that the planning officers, the Planning Committee and the Department fully understand the role that planning has to play in the economic development of this Island, and the support that planning has given economic development in the past has been deficient in many areas. Indeed it has cost the Isle of Man investment and is currently doing so as well.

170 Therefore, it is vitally important that we ensure that planning... and I have spent an inordinate amount of time over the last four years trying to persuade various planning officers and politicians that we have to focus on this. But to achieve the end, we need to review the whole of the planning policy to make sure it is fit for purpose, which frankly at the moment I do not think it is.

175

The Speaker: Hon. Member for Malew and Santon.

Mr Cregeen: Thank you, Mr Speaker.

180 Will the Chief Minister state under whose direction there was no political chairman of the Planning Committee, and what is the reason for that?

The Speaker: Chief Minister.

185 **The Chief Minister:** It was a decision taken initially by the Minister, but also with my concurrence.

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

Mr Quirk: Thank you, Mr Speaker.

190 Could I ask the Chief Minister then, would he like the views from Members?

Also, can I ask the Chief Minister, is he concerned that, like a lot of Members in this House at the minute, we have planning in three or four different places? We have it in DED, we have it in DoI and we have it in the Cabinet Office.

195 Is he concerned that we are actually getting mixed messages, instead of giving one out?

The Speaker: Chief Minister.

200 **The Chief Minister:** No, planning is not in DED, but DED has a major role to play in making sure that the planning officers appreciate the importance of some of the applications which are coming forward which can stimulate further economic development.

I cannot emphasise enough, Mr Speaker, that every single Member of Tynwald and every officer of Government has a role to play in stimulating economic development in the Island.

Our commitment externally is seen to be lukewarm, and we have to do our best now to rebuild confidence with the business community, to assure them that we are committed to

205 economic growth, because without economic growth we will not be able to achieve all the other ambitions that we have for Government.

The Speaker: Final supplementary, Mr Thomas.

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

Does the Chief Minister not accept that there are risks to politicise the planning process?

Secondly, does the Chief Minister not agree that the Strategic Plan, the planning policy and the planning law are all aimed to provide a land-use planning framework for the future development of the Island, in line with the overall aims and objectives of Government which include economic progress, which is defined as 'aimed to pursue manageable and sustainable growth based on the diversified economy'?

215 What is wrong, then, Chief Minister, with planning just being made more efficient and leaving politicians out of planning?

220 **The Chief Minister:** I believe it is vitally important that politicians do have a say in planning. I have to say that, whilst I agree to a certain extent about the local plans, I think the Island Strategic Plan has been one of the biggest mistakes this Government has made in the last few years. We have lost a lot of (**Mr Quirk:** Time.) business investment and also frustration for our own community because of it.

225 We are getting overburdened with bureaucracy, red tape, (**Two Members:** Hear, hear.) and we are losing sight of what we have to achieve. No-one owes the Isle of Man a living, Mr Speaker. We have got to get out and get back in the market place again, to attract new business to our shores. Every other country is doing the same at the moment, and if we can only look at the United Kingdom, which was once a sleeping giant on our doorstep, it has streamlined its approach to economic development, stimulating support for enterprise, streamlining planning, all to assist growth in the economy. As a result, in a very short period of time, the UK now has the fastest-growing economy in Europe.

230 At the same time, we sit back complacently and expect everything to land on our doorstep. We need to wake up, smell the coffee: that is not going to happen anymore! And if we do not wake up, Mr Speaker, the Isle of Man is going to have a very difficult future.

Mr Robertshaw: Hear, hear.

1.3. Council of Ministers summary of proceedings – Publication

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

When the summary of proceedings in the Council of Ministers during February 2015 was published on the Government's website; what caused the delay; and what criteria are used when deciding which decisions to include and what information to provide about each decision?

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

240

Mr Thomas: Thank you, Mr Speaker.

I beg leave to ask the Chief Minister when the Summary of Proceedings in the Council of Ministers during February 2015 was published on the Government's website; what caused the

245 delay; and what criteria are used when deciding which decisions to include and what information to provide about each decision.

The Speaker: Chief Minister.

250 **The Chief Minister:** Mr Speaker, the Summary of Proceedings in the Council of Ministers for February 2015 was published on the Government's website, along with the March 2015 summary on Friday, 17th April.

The publication of the February summary was delayed due to staff sickness at the time, when the summary would have ordinarily been prepared and submitted for approval to the Council of Ministers for publication.

255 I would like to take this opportunity to apologise to Members for any inconvenience this may have caused.

Under section 6(2) of the Council of Ministers Act 1990, the Proceedings of the Council of Ministers are confidential. When determining which decisions to include and what information to provide about each decision, the approach taken endeavours to strike a balance between compliance with the Act and the provision of a comprehensive and useful summary of proceedings to Hon. Members and to the public.

The Speaker: Supplementary, Mr Thomas.

265 **Mr Thomas:** Thank you very much, Mr Speaker, and to the Chief Minister for those apologies and also for an explanation.

Does the Minister agree that as 'submitted by the Cabinet Office' becomes more and more frequently quoted in the Proceedings, it becomes more confusing to understand which Departments are actually behind specific proposals made to the Council of Ministers?

270 Secondly, does the Chief Minister agree that sometimes reasons are given for decisions but sometimes they are not, and that actually adds to confusion about the decisions on the background? For instance, Planning and Building Control is being moved to reduce conflict of interest in planning application, but there is no reason given for the movement of the Housing Division between Departments.

275

The Speaker: Chief Minister.

The Chief Minister: I would have thought the Hon. Member would have had a good idea of those issues as he is the Member in charge of Planning in the first place.

280 Mr Speaker, I do not agree with a lot of what the Hon. Members says. We try to be as open and transparent as possible, and if the Hon. Member has a particular concern about one of the items I would simply suggest he comes to see me or the Chief Secretary and we will explain the details further.

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

Mr Houghton: Yes, thank you, Mr Speaker.

290 Would the Chief Minister acknowledge that it is the thought of very many Members of this House that those minutes – when we get them – of the proceedings of the Council of Ministers are, at the very least, vague and certainly are meaningless?

If they are going to continue like that, would he either decide to put a bit more meat on the bones and provide us with some further information – I think he will agree with what I am saying – or withdraw the service completely because they are not worth reading at this time?

295 **The Speaker:** Chief Minister.

The Chief Minister: I would be reluctant to withdraw the service that we provide. We have made this commitment to greater openness and transparency in Government matters; that includes the Council of Ministers.

300 We have put now the Summary of Proceedings on the Government website to make sure the general public has access to this information. It does not go into all the details because certainly certain aspects of consideration of particular issues are confidential and that has to remain the case. But again I appreciate the point made by the Hon. Member. If he has a particular concern on matters, if he would like to come and chat with me about it, we will see what we can do.

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

Mr Thomas: Thank you, Mr Speaker.

310 Just for the record, I actually requested cut-ups of the Council of Ministers' meetings in respect of Housing and Planning, as they directly involve me, and I was not allowed to be given them up until they were published on the website.

315 My question for the Chief Minister is whether or not the proceedings in the Council of Ministers' Committees or Sub-Committees – the National Strategy Group, Government Reform Group, Environment Infrastructure Committee and so on – are actually sufficiently transparent in the Council of Ministers' proceedings, because they are very rarely mentioned in the proceedings and obviously we have got a whole new layer of Government, therefore, which is not given the same degree of transparency as the Council of Ministers itself?

320 **The Chief Minister:** The Hon. Member is a Member of the Department of Infrastructure, Mr Speaker, and I would have thought if he has got concerns about decisions made in Council he will have spoken to his Minister to get clarity on what those decisions are, as other people do.

325 Mr Speaker, the work of the various Committees in Government... the outcomes of that work are passed on to the Council of Ministers from time to time when decisions are needed, and that will continue.

The Speaker: Hon. Member, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

330 Would the Chief Minister acknowledge that whilst one Member may understand what is missing from an area and would like further detail published, it would help all Members if it was?

Would the Chief Minister undertake to try and provide more detail as far as possible in the summary of proceedings?

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

The Speaker: Minister.

340 **The Chief Minister:** We do that at present, Mr Speaker, but if Members still feel that there are deficiencies then I am happy to look at it again.

ECONOMIC DEVELOPMENT

**1.4. TT World Series –
Meetings with potential partners**

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

Whether the Sports Consultancy has met appropriate heads of Government or local authorities in countries which may have been identified as a participating partner in the TT World Series; and if not why not?

The Speaker: Question 4. Hon. Member for Douglas North, Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

345 I beg leave to ask the Minister for Economic Development whether the Sports Consultancy has met appropriate heads of government or local authorities in countries which may have been identified as a participating partner in the TT World Series; and, if not, why not?

The Speaker: Hon. Member, Mr Skelly.

350

The Minister for Economic Development (Mr Skelly): Gura mie eu, Loayreyder.

As part of the original feasibility study, the Sports Consultancy engaged with governments, city authorities, private organisations and venues across the globe to test interest in the TT series concept. This yielded positive responses from the Middle East, the Far East, Europe, Africa, Australasia and South America. However, no specific locations have been agreed yet.

355 The promoter will be responsible for developing the series, including choosing the locations, subject to some restrictions set by the Department and Government in advance in order to protect the interest of both the TT and the Isle of Man. It is important that the promoter develops the TT Series, including the location of individual events, as it is the promoter that will be responsible for delivering the series.

360 As no locations have yet been chosen, it cannot be part of the Sports Consultancy's remit to have discussions with potential hosts. It is important to remember that at this stage we are exploring whether we believe the proposed TT Series is the right way forward for what is such an important part of community, our economy and international awareness.

365 Until we are satisfied that the TT Series is the choice, it is inappropriate for us to enter into commitments with other locations. Having said that, the Sports Consultancy has been having ongoing briefings and updates with those national federations, motorsport promoters and city authorities which have demonstrated an ongoing enthusiasm of hosting a TT Series event.

370 **The Speaker:** Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

The Minister will understand that there is some £¼ million being spent on this so far and they have not been able, as he states, to discuss with potential hosts... the Sports Consultancy.

375 Can he really tell me exactly, precisely what they have done for £¼ million, other than, it appears, send them out... enter into a bit of correspondence with each of those potential hosts?

The Speaker: Minister to reply.

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

It is a considerable amount of money, I fully accept that, and that has been spent over a number of years – first of all, with regard to the feasibility study and, as the Hon. Member will know and hopefully all Members will appreciate, we are at a stage at the moment of looking at the pre-qualification questionnaire with potential promoters, and that has yielded 12 substantial and credible interests and we are now moving towards the shortlisting of that.

385 Host cities, of which we actually had one contacting us only yesterday, asking for an update... is very keen for ongoing active interest with that... but we do not wish to choose those ahead of choosing a promoter.

It is well worth recognising that it will be Tynwald that will actually decide if we do go forward with the TT World Series.

390 Going back to the original feasibility study, all the indicators there said there is significant opportunity here to expand this very strong and positive economic brand for the Isle of Man, and that is what we are trying to pursue.

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

Mrs Beecroft: Thank you, Mr Speaker. I have two supplementaries, if I may.

The first one is referring to the original feasibility study which the Minister referred to. Could he clarify who that belongs to; does it belong to the Department or to Sports Consultancy; if it is available publicly and, if it is not, will it be?

400 The second one – is he saying that they have spent £250,000 with Sports Consultancy to date over many years? Could he clarify just how many years it is up to now?

The Speaker: Minister to reply.

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

Yes, with regard to the feasibility study, I will investigate if we can publish that and I will certainly make it available to Members. It does make, in my mind, actually some quite compelling reasons why we are pursuing it, but I will see if I can actually share that.

410 Over the actual times, that has been over a number of years and it goes before my time even in DED when this was first started. So what I can say is it has been ongoing work and it has been engaging with a whole series of stakeholders. Destination host locations are only one of many stakeholders that are involved with us.

What we need to do is to ensure that if we are to progress with this – and I say it is ‘if’ because Tynwald will decide that – it is going to have the Isle of Man’s reputation protected, we do not dilute the existing event because we understand how valuable that is to our local economy right here and the reputation of the Isle of Man is secured in the jurisdictions that would take that on. That would be part of the governance that we would have in place should we go forward with this Series.

420 **The Speaker:** Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

425 Notwithstanding the Minister’s continued assurances that he is giving this Hon. House that the World Series is a good idea etc... It may well be a good idea, but can the Minister actually put further information into this domain?

When he stated that one of the host cities only contacted his Department yesterday, (**A Member:** Further update.) why on earth was that? How come the Sports Consultancy has not kept them informed on an extremely regular basis?

430 Also, Mr Speaker, if the Minister can provide this Hon. House with some tangible evidence to show what has actually been done for all of this cost. There does not appear to be anything... the whole scheme does not appear to be any further than its embryonic stage, bearing in mind...

435 The final supplementary that I have for the Minister is: knowing previously that the Sports Consultancy had very little understanding of the fact that the FIM rules were being disregarded at that early stage, what has been done to make sure that that now has been put on a firm footing?

The Speaker: Minister to reply.

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

I think I counted four supplementaries there.

445 The issue with regard to a jurisdiction contacting us most recently, just as yesterday, is because that jurisdiction wants an exclusive in that particular area of the world. We cannot give that assurance, clearly, because what we want to do is to give that opportunity to the promoter to actually have – hopefully, potentially – a bidding process so that we do get maximum economic benefit.

What I want to point out is that the interest is still very active at this particular time, and that is not just one location; there are numerous locations.

450 I would point out, if Members remember back, I did actually give a briefing to Members to explain the process of where we are, the timescales where we are, and we are looking at this coming forward to Tynwald by the end of this year. The briefing also highlighted the scales with regard to test events, the observation period and when we would move forward with this.

455 FIM is one of the issues that we are working with and we are in discussions with them as to whether the FIM will actually sanction this. If they do not, I can actually advise this House that we can still proceed with the series. However, we do want to have support and engagement with all appropriate stakeholders and FIM is one of those stakeholders.

The Speaker: Mr Quirk.

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

I am sure the Minister will agree with me that the biggest stakeholder is actually Tynwald and the biggest risk will probably be Tynwald. Can I ask the Minister then when is he likely to bring any firm proposals to Tynwald Members so we can make that decision and have some clarity?

465 **The Speaker:** Minister.

The Minister: Gura mie eu.

470 Yes, by the end of this year – October, November – would be the estimated time. At this moment in time we are moving towards the shortlisting after the prequalification questionnaire, so what we need to do is to ensure that we do have potential credible partners, in terms of the promoter, before we come forward with any recommendation.

475 So there is ongoing work. I accept what the Hon. Members are talking about with regard to detail, but please rest assured there will be no decision made... and I do agree with Mr Quirk that Tynwald will be the ultimate stakeholder and will make the ultimate decision.

The Speaker: Final supplementary, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

480 I thank the Minister for giving us assurance that he will investigate whether we can see and whether the public can see the original feasibility study, but he did not clarify actually who has

ownership of that. Is it the Department or is it Sports Consultancy? Does he have to ask Sports Consultancy whether they will allow it; or is it within the gift of the Department?

The Speaker: Minister.

485

The Minister: Gura mie eu.

As far as I am aware, the Department does own that and therefore, if we can, we will actually publish that and certainly share it with Members first and foremost.

1.5. Planning – Effects of Budget and policy statements

The Hon. Member for Douglas West (Mr Thomas) to ask Minister for Economic Development:

How the former Minister's 2012 Budget statement and parallel issuance of the Draft Planning Policy Statement on Planning and the Economy affect planning decisions about (i) houses in the countryside, including greenfield housing estate development (ii) urban backland development and (iii) Central Douglas Master Plan projects in Lower Douglas?

490 **The Speaker:** Question 5. Hon. Member for Douglas West, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

I beg leave to ask the Minister for Economic Development how the former Minister's 2012 Budget statement and parallel issuance of the Draft Planning Policy Statement on Planning and the Economy affect planning decisions about houses in the countryside, including greenfield housing estate development; urban backland development; and Central Douglas Master Plan projects in Lower Douglas.

500 **The Speaker:** I call on the Minister for Economic Development, Mr Skelly.

The Minister for Economic Development (Mr Skelly): Gura mie eu, Loayreyder.

I understand that the former Minister referred to is the former Minister for Infrastructure who introduced the draft Planning Policy Statement on Planning and the Economy in the 2012 Budget debate.

505 The Department fully supported this proposed new policy, which was intended to help stimulate the economy and enabled the economic benefits of a project to be formally considered alongside environmental and social considerations. The policy enables DED to support projects by evidencing the likely economic benefits for the Island. The Department considers each application and request for support on its individual merits. Where we have formally supported proposals we have done so in a balanced and responsible way. We have declined to support a number of applications where there was insufficient evidence of economic benefits.

510 Since the policy was introduced in 2012, the Department has been actively involved in 99 cases, of which 52 have been approved. Fifteen of these cases have already commenced building works with a total cost of over £30 million, providing a very valuable contribution to the Island's construction sector.

With regard to the reference to urban backland development, it is unlikely that the Department would support applications of this nature, as the sustainable economic benefit created from such developments would be unlikely to be classed as significant.

520 In terms of Central Douglas Master Plan projects in Lower Douglas, again it would be unlikely that the policy would be applied to projects in this area, which by their scale and nature would be contentious and inevitably require the benefit of the full planning process.

Loayreyder, I believe the Planning Policy Statement has had a positive effect in formally enabling the economic benefits of projects to be taken into consideration where appropriate and ultimately helping to grow the Island's economy.

The Speaker: Supplementary question, Mr Thomas.

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

530 I acknowledge in particular the slightly different emphasis on the Lower Douglas Masterplan projects, which back in summer 2012 were included in the scope of the Planning and Economy, and I think it is excellent – would the Minister agree – that they are now excluded, given the huge public nature of those projects?

535 Would the Minister agree with me then that if his Department does its job well – which it is doing, it seems – there is no need to emphasise any more economic development than there already is in the planning process, and in actual fact it is best to stick to the law and to the policy and the Strategic Plan?

The Speaker: Minister to reply.

540

The Minister: Gura mie eu.

First of all, I would agree with the Hon. Member with regard to the Central Douglas Masterplan. It is probably the biggest development, I believe, this Island needs to concentrate on; and I would agree also with what the Chief Minister said earlier, that we do need to get political support behind us. And it is not just here in this House; we obviously need to have Douglas Borough Council support it, who have been involved with the process all along. I welcome, actually, that co-operation across government – both local and central government.

545 The question with regard to there is no need for economic benefit to be added to planning applications – no, I disagree. I believe economic benefit does need to be measured alongside it and it is about the significant economic benefit that we try to promote, but it does obviously need to be balanced with regard to the social and the environmental side of it. That is exactly what does happen, and I think the case to date... the number of applications that Economic Development has put forward that have been supported is a credit and a much needed benefit to our construction industry on this Island.

550

The Speaker: Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

555 Would the Minister agree that the former Minister's 2012 Budget statement, where he included economic benefit, was just that – it was a statement, it was not a debate, and it has not had Tynwald approval?

The Speaker: Minister to reply.

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

565 Yes, there was a statement. And did it have Tynwald approval? That I am not certain of. However, what I can say is that since this has actually come into play we have been actively involved – I say 'we'; Economic Development – with nearly a hundred cases, of which 52 have been approved. I think that shows that... I would point out that that does not mean that over half of those have been not approved. It means that we have been involved with the process, and sometimes that is about qualifying whether there is real economic benefit or not before it

570

does come forward. So yes, in terms of it being a statement, yes, I agree with that statement and I believe it has been effective.

575 **The Speaker:** Supplementary, Mr Quirk.

Mr Quirk: Thank you, Mr Speaker.

Can I ask the Minister for Economic Development is he not concerned that the Strategic Plan has not even come out to Members? Is he concerned about that? Is that part of the package?

580

The Speaker: Reply, sir.

The Minister: Gura mie eu.

Am I concerned about the Strategic Plan? Yes, I would suggest I am. I think we all need to be concerned with the Strategic Plan because that is actually going to hold up the Eastern Area Plan, which I know Mr Quirk has consistently questioned about the progress of the Eastern Area Plan. It is absolutely vital for our economy that we bring this forward as swiftly as we can. We have processes in place and sadly the Strategic Plan needs to be determined with regard to its housing and there are population issues around that. *(Interjection by Mr Quirk)* Yes, absolutely. So I am concerned about that because of the effect that that might have on the all-important Eastern Area Plan.

590

The Speaker: Mr Thomas, a supplementary.

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

Just for clarity, of course economic benefit is important, but other benefits are also important and I actually gave a compliment to the Department of Economic Development for having supported properly 100 applications and a balanced process. So therefore I ask the Minister: if his Department is working properly, why do we need to actually change the way that officers and the Planning Committee work and re-politicise the Planning Committee process?

600

Will the Minister not agree with me that now spending nearly £400,000 on planning outside the Planning Department is potentially a waste of resources? Also, would the Minister not agree with me that we should learn from places like Guernsey and Jersey, where they have planning centralised and they have gone from starting behind us to finishing before us, in terms of strategic plans and areas plans?

605

The Speaker: Reply, sir.

The Minister: Gura mie eu.

Thank you very much, first of all, for the compliment that it is working, and I very much accept that it is working in terms of the economic benefit put towards it.

610

Active political: I would suggest that the Member does need to be much more active. **(A Member: Hear, hear.)** He is the political Member **(Several Members: Hear, hear.)** responsible for planning and if there are issues with regard to the Strategic Plan that we can improve, we can become more efficient, I would very much welcome that.

615

So what we do here is... in this House, and I think politically, we do need to be active in actually trying to refine and make that more effective going forward, because it is the process that tends to slow things down. That is what we need to do. We need to address that and work with across pan Government and obviously with the executive to resolve that.

620

The Speaker: Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

625 First of all I would like to point out that this is not about whether I agree with the proposed policy in the 2012 statement or not. But would the Minister agree that a Budget statement by another Minister does not get voted on in Tynwald, it is the Budget itself? It is not each individual Minister's contribution to that.

630 I appreciate that he might not have the information with him today, but could he please circulate when the proposed new policy that was mentioned in the former Minister's Budget statement in 2012 went to Tynwald for approval? If he could circulate that it would be appreciated.

The Speaker: Minister.

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

Yes, I accept that contributions obviously in a Budget statement are that exactly: statements. The issue here is really about a policy. What I will do is actually circulate when that policy was enacted so that we can be absolutely clear about it.

640 But I would just reiterate once again, I agree that this policy is working and can work better and there is more work to be done, but I think we must work across Government to make that more effective.

The Speaker: A final supplementary, Mr Thomas.

645 **Mr Thomas:** Thank you very much, Mr Speaker.

Would the Minister agree then that the Draft Planning Policy Statement that resulted from Mr Cretney's intervention should actually be cancelled? That would make things clearer for everybody and we can put in place, working together, an excellent planning policy strategy and law for this Island all located in one Department, wherever that is.

650

The Speaker: Mr Skelly.

The Minister: Gura mie eu.

655 I am not too sure about cancelling any draft policy statement. What I would accept and agree with the Member is that we must work together to actually try and improve and make the process more efficient, because that is a deterrent actually with regard to development.

660 We do understand and I hope we appreciate here in this House that the construction industry is not only just starting to grease its wheels and we do need development. Government no longer has the capital budget like it did in the past. We are relying on private sector investment and this development does need to come forward. It is not at all costs and it is always balanced with regard to the environmental and social impact. So what we need to do is work together to improve the process and the system and I welcome the Member's support with that.

1.6. Ballavartyn Equestrian Centre planning application – Economic benefit

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

Pursuant to information provided in Tynwald in June 2012 regarding the planning application for the Ballavartyn Equestrian Centre (PA12/00028/B), how the actual economic benefit

(especially Income and Value Added Tax and National Insurance contributions) compared to that estimated in the Government's supporting letter issued during the planning process?

665 **The Speaker:** Question 6. Hon. Member, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

I beg leave to ask the Minister for Economic Development, pursuant to information provided in Tynwald in June 2012 regarding the planning application for the Ballavartyn Equestrian Centre, how the actual economic benefit, especially income and value added tax and national insurance contributions, compared to that estimated in the Government's supporting letter issued during the planning process.

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

The Minister for Economic Development (Mr Skelly): Gura mie eu, Loayreyder.

The Department provided a letter supporting the planning application for the Ballavartyn Equestrian Centre outlining the estimated economic benefits *likely* to be created by the centre under the Draft Planning Policy Statement on Planning and the Economy. I am pleased to report that the particular development has been substantially completed, other than the residence, which for operational reasons is to be completed in the future.

680 The Department was unable to provide a detailed confirmation of the actual economic benefit as there is no obligation on the supported company to provide statutory accounts. However, the Department, in preparing this Answer, has spoken to the company concerned and as a result I can report the following.

The construction costs to date have *exceeded* those forecast and are likely to finish approximately 20% higher.

The Equestrian Centre was opened by the Princess Royal in January 2014 and now has 100% occupancy of 65 livery stables with a growing waiting list.

690 The centre has achieved the necessary accreditations to enable competitions to take place that will attract visiting riders and their horses.

The majority of new jobs which were forecast have been created: 15 staff are now employed, with recruitment for an additional staff member underway. I am particularly pleased that the centre is also a great supporter of the Department's scheme to aid young unemployed, with three people now in full-time employment at Ballavartyn.

695 The holiday cottages became operational in 2014 and have achieved a mix of four-star gold and five-star self-catering status. Other indirect benefits to the wider community include the building of an MUA electricity substation, while in addition the equine community has benefited from the opening of a horse hospital and an isolation unit. The owner of the site is also a supporter of riding and driving for the disabled. **(Two Members: hear, hear.)**

700 In summary, the project has led to significant sustainable economic and wider benefits for the Island.

Several Members: Hear, hear.

705

The Speaker: A supplementary, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker, and that is excellent news.

Ballavartyn deserves the full recognition that I am sure this whole House will give. This is the first example of use of the Planning and Economy Policy Statement and at the time it was stated that the use of the detailed information that this project –

The Speaker: A question, please.

Mr Thomas: – of over £1 million would be reviewed.

715 Has the Department actually reviewed how they present the information into the planning process? And if not, does the Minister agree with me that that is actually the way forward to see how the benefits of economic development are actually captured inside the planning process so we make decisions, excellent ones, like the case here?

720 **A Member:** They won't give any more –

The Speaker: Reply, sir.

The Minister: Gura mie eu.

725 Yes, I would fully accept that this is an excellent example and I appreciate the Member actually raising that point. Yes, it does highlight, I think, that the process does actually work and this is why Economic Development does contribute to planning applications. So I fully accept that. Of course we do need to look at sometimes the *wider* benefits – it is not just the economic benefit – and this is one of those excellent examples.

730 **The Speaker:** Hon. Member for Middle, Mr Quayle.

Mr Quayle: Thank you, Mr Speaker.

735 I rarely ask questions in this House, but I am brought to my feet because I just cannot understand where these series of questions are going.

Can the Hon. Member advise me how many times the person with delegated authority for planning has approached his Department to discuss planning policy and working together to do this? If it was any other backbencher I would understand these questions, but maybe the Hon. Minister can advise me how many times this has been discussed between the two authorities because I am surprised that we are getting questions from the person with delegated authority on planning. So if you could just update me on how many meetings you have had to discuss the problems that are being raised.

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

The Minister: Gura mie eu, Loayreyder.

Yes, I fully appreciate what the Hon. Member from Middle is saying. No, I am afraid we have not had any discussion about it.

750 However, I do think that there is a point here that is being made and the point is the process, the economic development and DED's involvement with planning, because that is questions by a number of sources at different times. What we can do here is actually highlight how it does actually work the system.

I take the point that the Hon. Member from Middle is saying here. This could have been dealt with, not here, but actually with regard to planning process.

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

Mr Thomas: Thank you, Mr Speaker.

760 I have to disagree with the Minister inasmuch as the officers and the office for which I have political responsibility has actually seconded Members to his Department and we took –

The Speaker: Question Time. It is not a debate.

765 **Mr Thomas:** Will the Minister agree that, based on the valuable experience of Economic Development for the Equestrian Centre, we should now look to cost the benefit from the

environment and culture and heritage in a similar way, so that we can actually have a good planning process and policy in law, working in one place with efficient use of resources to actually make things work for business and for everybody else in society?

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

The Minister: Yes, the Hon. Member disagrees with the secondment to the planning officer in DED. I would suggest that that is very much needed and is actually an evolvement of where this actually started in terms of DED's involvement with the planning process, but it has to be
775 balanced with the environment and the community, and that really falls on the Planning Department and the planning officers, who I would think would be working directly under the political Member responsible. So he does need to review that, I would suggest, with his officers to see how that can be refined and improved, going forward.

POLICY AND REFORM

1.7. Digital Strategy – Government notices in traditional media

The Hon. Member for Douglas West (Mr Thomas) to ask Minister for Policy and Reform:

How any decision already taken about Digital Strategy will affect the provision of information pointing people to official Government notices in traditional media?

780 **The Speaker:** Question 7. Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

I beg leave to ask the Minister for Policy and Reform how any decision already taken about the Digital Strategy will affect the provision of information in traditional media, pointing people to official Government notices.
785

The Speaker: I call on the Minister for Policy and Reform, Mr Shimmin.

The Minister for Policy and Reform (Mr Shimmin): Thank you, Mr Speaker.

The Digital Strategy that will be laid before this House in June has no specific decisions that will affect official Government notices in traditional media.
790

The Strategy will not mandate the end of the use of traditional media. Instead, it will increase the choices available to Government in how it can better deliver services and choices for our citizens and businesses on how they wish to interact with Government.

The Council of Ministers is committed, as set out in the Agenda for Change, to use technology to reduce bureaucracy and make it easier for people to get access to the information and services they need from Government.
795

The Digital Strategy will outline a range of principles and initiatives that will support this vision. We know that there is a strong public demand for more services and information to be delivered online and we are responding to that need. It will also recognise the digital services are not the only channel, or that all of society can or will choose to use them. Consequently, it will not directly affect the provision of information pointing people to official Government notices in traditional media.
800

The Speaker: Supplementary question, Mr Thomas.

805 **Mr Thomas:** Thank you very much, Mr Speaker, and to the Minister for that helpful reply.
Does the Minister acknowledge that decisions about how the law administered by particular
Departments... how the information and notices are given out as a function of that Department
and, in particular, how notices are actually disseminated is a matter for the Departments
involved, for the time being at least?

810 **The Speaker:** Minister.

The Minister: I would fully concur with that, Mr Speaker.

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

Mr Thomas: Does the Minister agree then that it would be helpful to have a prior
information notice process run so that we can explore how traditional media can actually be
used in conjunction with a Digital Strategy to make sure that we have a fully digitally inclusive
820 society and also save money in so doing?

The Speaker: Minister.

The Minister: Mr Speaker, this Government is committed to improving the efficiency of
825 Government, we are committed to reducing the level of bureaucracy and I am afraid
Departments are, at times, thwarting those efforts.

There has got to be a culture change within our Government to realise that we can do things
better, which will improve things for the people of the Isle of Man. That does not mean we
attempt to disguise or keep information away from the people, but we need to do things
830 smarter and quite often introducing more process, more governance, is the very reason we have
so much bureaucracy.

On these sorts of issues, we have... a Department made a decision with regard to its own
affairs. That has nothing to do with the Digital Strategy. The Member will have the opportunity
to discuss the Digital Strategy in June. If he has any concerns in advance of that, I would suggest
835 he takes it up with those Departments that he has particular issues with.

The Speaker: Thank you, Hon. Members. That brings us to the end of Questions for Oral
Answer.

As I have indicated, for Questions 8, 9 and 10 those answers will be circulated in writing in
840 due course.

There is one Question for Written Answer and that will be provided shortly.

Questions for Written Answer

HEALTH AND SOCIAL CARE

1.8. Fuel poverty – Definition; solution

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

What steps he has taken to define fuel poverty; and what action he has taken to solve it?

845 **The Minister for Health and Social Care (Mr Quayle):** While it might be argued that subdividing poverty into separate ‘causes’ or ‘drivers’ helps identify needs and allows us to shape policy, there is a clear danger that arguments about definitions can divert and delay while officers can spend more time measuring than helping. We want to address poverty as a whole, not in part.

850 As an example, the UK has now replaced its earlier definition of fuel poverty as it was ‘over sensitive to fuel prices’ and now uses a ‘low income, high costs’ definition. Does this make all policy based on the old measure moot? Was all the old work wasted or mistargeted? No-one is certain.

855 However, we can be certain that calculating and re-calculating took time and effort and we can be certain that the UK – after all that work – does not proffer any different welfare support to people in need than we do.

In the Isle of Man, Social Security provides welfare assistance to households in poverty. People on low incomes receive a personal allowance intended to meet their day-to-day essential expenditure – including heating. In addition, low income households receive a targeted winter payment of £300, which is intended to assist with extra fuel costs during the coldest periods.

860 I do not suggest that we provide a perfect solution but I would repeat that, for all the work they have done on identifying fuel poverty, the UK still operates the same welfare system but we will continue to monitor their changes.

HOME AFFAIRS

1.9. Road safety – Protection of budget

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

What plans he has to ensure that the budget on road safety will be protected, following its transfer to his Department?

865 **The Minister for Home Affairs (Mr Watterson):** Whilst the responsibility and staff have been transferred from the Department of Infrastructure to the Isle of Man Constabulary, the budget is in the process of being transferred.

The Chief Constable has assured me it will continue to be spent on road safety matters, although as yet I have been unable to talk through the strategy which I am scheduled to do this Friday at our monthly meeting.

CHIEF MINISTER

**1.10. Sea travel –
Compensation for service disruption**

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

What plans he has to introduce legislation to give compensation for sea travellers who are affected by disrupted services?

870 **The Chief Minister (Mr Bell):** European regulation 1177/2010 covering rights of passengers when travelling by sea and inland waterway apply to the Isle of Man Steam Packet Company through Article 2(b) as defined by Article 3(e) of the regulation.

I do not therefore have plans to introduce further legislation in this area.

TREASURY

**2.1. MiCard –
Security measures**

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

Whether the MiCard pin code is on the card itself, or operates between the card reader and the post-office server; whether Advanced Encryption Security is used when transferring data; what photo-ID controls are in place for use of the MiCard; and how the security measures have been assessed and approved?

875 **The Minister for the Treasury (Mr Teare):** The customer Personal Identification Number (PIN) is stored encrypted on the card, and is required to authenticate the user. The PIN Entry Device (PED) reads the contactless encrypted card when held in proximity, and then decrypts the code on the PED using a common key installed in the PED. PIN data are not transferred over any network, and post office staff and servers do not have access to PIN data.

880 The information shared between the card and the PED is encrypted to 'Triple DES' (also known as '3DES') encryption standard. A programmed card holds only two pieces of data; PIN number and card ID. The card ID is a unique number that does not contain any personal data. This is read and decrypted by the PED, and only the card ID is communicated over the Post Office Wide-Area Network to the Post Office MiCard servers. All post office network connections are secure, protected and encrypted where necessary.

885 All MiCard users will be required to provide photo identification on enrolment, and then either:

- (a) Provide photo identification every time the MiCard is presented at a post office to receive benefit; or
- 890 (b) If the customer agrees to do so their photograph is captured on enrolment, printed on their card and stored securely on the Post Office system. The stored photograph is recalled on presentation of a MiCard, and is then used by the Post Office counter assistant to verify the identity of the person presenting the card.

895 We consider that the combination of photo-ID – whether through the MiCard system, driving licence or passport – and the encrypted PIN will provide a satisfactory and suitable level of ID protection for our customers. However, if the pilot scheme proves successful, we intend to further extend protection by moving to AES encryption for the full roll-out.

900 The MiCard project team comprises Social Security Division, GTS and IOM Post Office and, where appropriate GTS has undertaken security measures assessments. In addition the process has been subject to consultation with the Data Protection Supervisor, the FSC and the Government Smart Card Steering Group.

We have considered the potential vulnerability of the system to hacking and the risk to customer and government of any unauthorised access. The card itself will contain no personal data relating to the owner and information actually on the MiCard has been kept to a minimum.

905 While we have confidence that the combination of photo and encryption will provide sufficient protection at present, we will continue to monitor risks and ensure that we are working to well-regarded standards.

Order of the Day

3. BILL FOR CONSIDERATION OF COUNCIL AMENDMENTS

3.1. Interpretation Bill 2014 – Council amendments approved

Mr Watterson to move.

The Speaker: We turn to Item 3, consideration of Council amendments, Interpretation Bill, and I call on the mover of that legislation, Mr Watterson.

910 **Mr Watterson:** Mr Speaker, the amendment made in the Keys, which inserted into the
Interpretation Bill a consequential amendment to the European Communities (Isle of Man) Act
1973, referred to the wrong line number in the Bill – line 20, rather than line 32. The
amendment did have a locator – subsection 7 – at the beginning, so it was obviously to go after
the existing subsection 6. In consequence, it would, reading it literally, have split another
915 amendment in half. Whilst a commonsense approach would say it was obvious where the
amendment was supposed to go, I must say to Members that we are not dealing with
commonsense, we are dealing with the law; hence the amendment in Legislative Council.

All the substituting amendment made by the Acting Attorney General does is to relocate the
existing text of the Keys amendment to the 1973 Act in the right place in clause 107. I therefore
920 ask that the House agrees to the Council amendment and I beg to move.

The Speaker: Hon. Member for Peel, Mr Crookall.

925 **Mr Crookall:** Thank you, Mr Speaker.
I beg to second, sir.

The Speaker: Hon. Members, I put the question that the Council amendment to the
Interpretation Bill be agreed. Those in favour, please say aye; against, no. The ayes have it. The
ayes have it.

4. BILL FOR SECOND READING

4.1. Public Health (Tobacco) (Amendment) Bill – Second Reading approved

Mr Quayle to move:

That the Public Health (Tobacco) (Amendment) Bill be read the second time.

930 **The Speaker:** Item 4, Bill for Second Reading, Public Health (Tobacco) (Amendment) Bill.
I call on the mover, Hon. Member for Middle, Mr Quayle.

Mr Quayle: Thank you, Mr Speaker.

935 I am pleased to be able to move the Second Reading of the Public Health (Tobacco) (Amendment) Bill for the Department of Health and Social Care.

The Isle of Man Tobacco Strategy stated everything possible should be done to prevent young people from easily accessing cigarettes, and one of the key policy drivers of the Public Health (Tobacco) Act 2006 was to reduce the visibility of tobacco products.

940 The Department of Health and Social Care has recognised the success of the 2006 Act in reducing the use of tobacco products on the Island and protecting people from secondhand smoke and, as a consequence, in reducing the burden of ill health. However, more needs to be done to shield people, and particularly young people, from the influence of tobacco product promotion in order to achieve a further reduction in the numbers taking up smoking and to provide a public health incentive to existing consumers to further reduce their consumption.

945 The aim of this Bill therefore is primarily to extend the provisions of part 1 of the 2006 Act to introduce further controls to ban tobacco advertising, tobacco displays and the sale of tobacco products from vending machines.

There is good evidence that tobacco advertisements and cool, fun and attractive displays do influence young people to take up smoking, and studies have shown that impulse buying of tobacco products as a result of seeing a display remains high, especially amongst young people.

950 There is also international concern that underage sales of tobacco products are increasingly being made from self-service vending machines, which are often not directly supervised, with no routine age checks prior to purchase.

955 Additional controls have already been established in English and Scottish primary legislation to further restrict tobacco advertising, including online and displays, and to ban tobacco vending machines. The Department felt that similar controls might be appropriate for the Isle of Man. A comprehensive public consultation exercise was undertaken in 2012 and the majority of respondents supported these further controls, so the Department obtained Council of Ministers approval for a Bill to be drafted.

960 As part of the same consultation exercise, the Department also asked the public for their views on introducing legislation to ban smoking in cars when children were present. This was also supported and the Council of Ministers subsequently supported proposals for new regulations to be introduced by the Department of the Environment, Food and Agriculture, to this effect.

965 Following discussions with the Department of Home Affairs, it was proposed and subsequently agreed with the Council of Ministers that, in order to reduce the cost of enforcement and to increase the likelihood of enforcement action, provision should be included in part 2 of the Act for fixed penalties to be imposed for smoking offences, where appropriate, as an alternative to court action.

970 Mr Speaker, I beg to move that the Public Health (Tobacco) (Amendment) Bill be read for the second time.

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

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

I am more than happy to second this and, hopefully, when Members do engage with the Bill through its passage there... that all the Departments actually engage when an enforcement takes place.

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

Mr Singer: Thank you.

I am fully supportive of the Bill, Mr Speaker, and I am pleased to hear the Minister say that there are proposals to bring in legislation to prevent smoking in cars, particularly when children

985 are in the car, but can he tell me – this has been a subject for discussion for many years now –
why there was no consultation maybe between necessary Departments to include it in this
particular Bill and we could have covered it all at once.

The Speaker: The Hon. Member, Mrs Beecroft.

990

Mrs Beecroft: Thank you, Mr Speaker.

I have no hesitation in supporting this Bill, but I think it has wider implications – actually more
savings health-wise than just with our young people.

995 I know from personal experience, having tried a number of times to give up smoking... and I
was doing quite well on one occasion when I went into a shop to buy a paper and I had to stand
in the queue for a long time, and facing me all that time were the rows and rows of cigarette
packets. And I buckled at the end of the day; my willpower was not good enough –

Mr Singer: Oh, she's got no self-control! (*Interjection and laughter*)

1000

Mrs Beecroft: If that happens to me it must happen to an awful lot of other people, and I
think it would help people who are trying to –

Mr Singer: [*Inaudible*]... chocolate.

1005

Mrs Beecroft: I am allergic to chocolate, thank you, Mr Singer!

I think it would help a lot of people as well, who are trying the very difficult job of actually
giving up smoking. So I welcome any initiative that helps that.

1010

The Speaker: I call on the mover to reply, Mr Quayle.

Mr Quayle: Thank you, Mr Speaker.

May I first thank my seconder, Mr Quirk, for his support in this matter.

1015 Moving to Mr Singer's comments, the Hon. Member for Ramsey – and I thank him for his
support – asked why not do it now in this Bill. I think the simple reason is that the Department of
Environment, Food and Agriculture are responsible; they have Environmental Health under their
control and it is that area that has to bring this legislation forward.

1020 However, there are umbrella clauses in this Bill which enable any Bill brought forward by
DEFA to impose this policy, and I would draw his attention to clause 20 and clause 25 of part 2 of
the Act which enables that to be set up. So that is the reason.

I thank Mrs Beecroft for her support and how hard it is to give up smoking. It is hard. I am
sure the stresses of her job ensure that it is even harder sometimes to give up smoking, but –

Mrs Beecroft: I gave up before I came in here! (*Laughter*)

1025

Mr Singer: Probably started again!

1030 **Mr Quayle:** It is something, joking apart, we have to improve on (**Mr Quirk:** Yes.) and I have
been heartened by the e-mails that I have received from members of the public, including one
member of the public who had recently buried his wife and who had been smoking all their lives,
where a cigarette had been part of daily life. He said to me in his e-mail that the suffering that
his wife went through dying from lung cancer he would not wish on anyone and, as someone
who had been a smoker all their life, he totally supported what the Department are doing.

I beg to move.

1035

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

Hon. Members, that concludes the business of the House today. The House will now stand adjourned until the next sitting, which will take place at 10 o'clock on 5th May in this Chamber.

The House adjourned at 11.03 a.m.