

HOUSE OF KEYS OFFICIAL REPORT

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PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 25th June 2019

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Present:

The Speaker (Hon. J P Watterson) (Rushen);
The Chief Minister (Hon. R H Quayle) (Middle);
Mr J R Moorhouse and Hon. G D Cregeen (Arbory, Castletown and Malew);
Hon. A L Cannan and Mr T S Baker (Ayre and Michael);
Hon. C C Thomas and Mrs C A Corlett (Douglas Central);
Miss C L Bettison and Mr C R Robertshaw (Douglas East);
Hon. D J Ashford and Mr G R Peake (Douglas North);
Mrs K J Beecroft and Hon. W M Malarkey (Douglas South);
Mrs D H P Caine (Garff);
Hon. R K Harmer (Glenfaba and Peel);
Mr R E Callister and Ms J M Edge (Onchan);
Mr L L Hooper (Ramsey);
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 a.m.

[MR SPEAKER *in the Chair*]

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

Members: Moghrey mie, good morning, Mr Speaker.

5

The Speaker: I call on the Chaplain to lead us in prayer.

PRAYERS

The Chaplain of the House

Leave of absence granted

The Speaker: Hon. Members, leave has this morning been granted to Mr Boot, Dr Allinson and Mr Perkins, who are away on DEFA and MUA business; and to Mr Shimmins, who is away on Treasury business.

1. Questions for Oral Answer

CHIEF MINISTER

1.1. Young Manx athletes – Improvement to perceptions of the Island

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Chief Minister:

What recent assessment he has made of how young Manx athletes have improved the perception off-Island of the Isle of Man?

10 **The Speaker:** We turn then to Questions for Oral Answer, Question 1, and I call on the Hon. Member for Arbory, Castletown and Malew, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr Speaker.
I would like to ask the Chief Minister what recent assessment he has made of how young
15 Manx athletes have improved the perception off-Island of the Isle of Man?

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

The Chief Minister (Mr Quayle): Thank you, Mr Speaker.

20 There has not been any formal assessment made of how young Manx athletes have improved international perceptions off the Isle of Man, as this is something that would be very hard to quantify and measure. However, I personally know that our athletes, of all ages, competing internationally do an enormous amount to boost the reputation of the Isle of Man and the Manx people.

25 In the last few years Manx athletes have competed at the highest level of international sport, including the Olympics, Winter Olympics, Commonwealth Games, European Swimming Championships and European Indoor Athletics Championships.

It was a great privilege for me to support the Isle of Man team at the Commonwealth Games last year in the Gold Coast, Australia. Many people from around the world remarked to me how impressed they were by the determination and also the professionalism of our athletes. I know our young athletes in particular are very proud to fly the flag for our Island and we should all be rightly proud of them. (**A Member:** Hear, hear.)

I would also like to take this opportunity to wish the best of luck to the Isle of Man team who will be travelling to Gibraltar next week to compete in the 2019 Island Games.

35

Several Members: Hear, hear.

The Speaker: Supplementary question, Mr Moorhouse.

40 **Mr Moorhouse:** Thank you, Mr Speaker, and thank you, Chief Minister, for probably one of the most positive Answers we have heard in here, thank you very much. (*Laughter*)

Are you actually aware that the three Manx athletes who are younger than 16 are currently ranked either top or very close to top in the UK but currently receive no financial support to attend national athletics championships in the UK?

45

The Speaker: Chief Minister to reply.

The Chief Minister: Thank you, Mr Speaker.

I am sure the Minister for Education, Sport and Culture will give a detailed Answer to Question 8 on the Order Paper about financial assistance to young athletes.

50 I would just say that I know there is a wide range of support in various forms available to our young athletes from numerous different providers and I know that careful consideration goes into the way in which support is offered to people in that age group.

TREASURY

1.2. Successful Manx athletes – Research into economic benefits

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for the Treasury:

Whether Treasury has carried out any research into the benefits to the local economy of successful local athletes who represent the Island?

55 **The Speaker:** Question 2, I call on the Member for Arbory, Castletown and Malew, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr Speaker.
I would like to ask the Treasury Minister whether the Treasury has carried out any research into the benefits to the local economy of successful local athletes who represent the Island?

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

The Minister for the Treasury (Mr Cannan): Mr Speaker, whilst Treasury has not undertaken any specific research, nor does it have any plans to do so, I would echo the Chief Minister's comments and agree that any benefits would be very hard to measure.

65 Mr Speaker, I am sure we can all agree that all our local athletes are superb ambassadors for the Isle of Man and I am sure everyone in here fully congratulates each and every one on their achievements and successes in representing the Island in national and international levels.

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

The Speaker: Supplementary question, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr Speaker, and thank you, Minister for another incredibly positive Answer.

The gold post boxes and the phone box are beacons of past success, as is the photograph of Mark Cavendish outside your office. Does the Minister agree the positive feel-good factor associated with these achievements really are the pinnacles in a can-do economy, really showing what is achievable, and future athletes with this potential should be supported?

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

The Minister: Mr Speaker, I am not sure whether that was a direct bid for any money, but what I would say is that I believe that over the years the Island has received hugely positive publicity for many successes on the athletics track, on the sporting field, in the shooting galleries, and we continue to do so. It is great to see so many positive initiatives taking place across all sports as they push forward and in some respects professionalise.

I think that there is huge reliance in the sporting world on sponsorship, on money from other sources, trust funds, lottery trusts, etc. and one would hope that this continues well into the future. I believe the Island does an incredibly good job, with its limited resources, of supporting a huge number of athletes across a range of different disciplines, and long may that continue.

Mr Thomas: Hear, hear.

1.3. Currency (Tourist Trophy) (£2 Coins) Order 2019 – Timing when laid before Tynwald

The Hon. Member for Douglas East (Miss Bettison) to ask the Minister for the Treasury:

Why the Currency (Tourist Trophy) (£2 Coins) Order 2019 [SD No 2019/0233] was laid before Tynwald Court after the coin was placed on sale and put into circulation?

The Speaker: Question 3, I call on the Hon. Member for Douglas East, Miss Bettison.

95 **Miss Bettison:** Thank you, Mr Speaker.

I would like to ask the Minister for the Treasury why the Currency (Tourist Trophy) (£2 Coins) Order 2019 [SD No 2019/0233] was laid before Tynwald Court after the coin was placed on sale and put into circulation?

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

The Minister for the Treasury (Mr Cannan): Mr Speaker, very simply, the Order referred to is not one that actually requires approval from Tynwald Court. The approval for coins involves a number of stages, including approval from Buckingham Palace. The final stage in the process is Treasury approval, and the Order is effective from this date. It is at this point that the coins are minted.

105 In this instance, final Treasury approval was given on 17th May 2019, and the coins did not go into general circulation until 22nd May 2019. However, legislation states that the Order must be laid before Tynwald now to allow Members transparency and give sight of the Order and enable a chance for review.

110 **The Speaker:** Supplementary question, Miss Bettison.

Miss Bettison: Thank you.

115 I would like to ask the Minister whether he feels the intention of the Currency Act is that currency orders should be laid prior to circulation of a new coin or coin set, for Hon. Members' attention?

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

The Minister: I think, Mr Speaker, that the process of minting our coins and producing them for sale or to put them into the general marketplace is working incredibly well. I think there is no need for Tynwald to give specific approval to relative coin issues and that the process of informing Tynwald by laying the orders before Tynwald is in itself sufficient.

125 The timing issue sometimes does not always correlate. Coins may be issued, for example, during summer recess period and therefore I believe that presently the process for the coin issue is working well.

130 **The Minister:** Supplementary question, Miss Bettison.

Miss Bettison: Thank you.

135 Is there, in fact, any point at all laying the currency orders before Tynwald or should we look to change the law and remove this section if the oversight is already given through a number of other channels?

The Speaker: Minister to reply.

The Minister: I think it is a matter of having due respect to Tynwald and ensuring that Tynwald does have proper sight of the process that has been followed and the coin that is in issue. That will, of course, give Hon. Members a chance to question the Treasury if they believe that there is anything inappropriate with the coin issue. It is a matter purely of transparency. I believe it is right that Tynwald should have sight of what Treasury has done, even if that is an historical action.

145 **The Speaker:** Supplementary question, Ms Edge.

Ms Edge: Thank you, Mr Speaker.

I just wonder, would the Minister circulate the business plan around what issues are coming forward, because that would perhaps be helpful to Members?

150

The Speaker: Minister to reply.

The Minister: Mr Speaker, I am happy to circulate to Hon. Members the plans for coins. I would certainly be happy to give Members an update, both what has been happening in the recent past and what is planned for the future.

155

If Hon. Members want a regular update on coins, then I would be happy to provide that on a regular basis, although one does feel that would add more paperwork to Hon. Members' already heavy assessment of legislation and orders that come before Tynwald.

160

The Speaker: Perhaps some free samples as well, Minister.
Supplementary question, Miss Bettison.

Miss Bettison: Thank you.

The Minister mentioned before that it allows Hon. Members the chance to have oversight and to pass any comment if there are any concerns and yet it seems that is a little too late in the day, because were there any concerns it is already minted, so I am just struggling to get my head around the process. I do not want to create huge amounts of extra paperwork; I am just asking if we could try and get these before the Court in a timely fashion?

165

170

The Speaker: Minister to reply.

The Minister: Mr Speaker, I will always try and ensure that legislation is before the Court in a timely fashion. I will endeavour to address some of these points with the Treasury coins team to see whether there are any improvements we can make to the process. But one is effectively starting to move towards a process where we approve the coin order before we actually then take that through to issue and clearly in doing so, one would envisage there may be added timescales attached to that, but I will look into this matter for Hon. Members.

175

The Speaker: Final supplementary, Miss Bettison.

180

Miss Bettison: Thank you.

Can I ask if the Peter Pan currency order will be coming before the July Tynwald?

185

The Speaker: We are straying off the Question in terms of what the Minister is expected to know. Minister, do you have the answer to that?

The Minister: I believe, Mr Speaker, that will indeed be the case.

POLICY AND REFORM

**1.4. DHSC Children and Family Services case management –
Implementation of recommendations from 2017**

The Hon. Member for Onchan (Ms Edge) to ask the Minister for Policy and Reform:

What progress has been made with the implementation of the recommendations of the Report into allegations relating to the management of case files and relationships with service users in the Department of Health and Social Care, Children and Family Services and associated action plan approved by Tynwald, October 2017; and where the June 2018 and June 2019 progress reviews are published?

The Speaker: Question 4, and we turn to the Hon. Member for Onchan, Ms Edge.

190 **Ms Edge:** Thank you, Mr Speaker.

I would like to ask the Minister for Policy and Reform what progress has been made with the implementation of the recommendations of the Report into allegations relating to the management of case files and relationships with service users in the Department of Health and Social Care, Children and Family Services and the associated action plan approved by Tynwald, 195 October 2017; and where the June 2018 and June 2019 progress reviews are published?

The Speaker: I call on the Minister for Policy and Reform to reply.

200 **The Minister for Policy and Reform (Mr Thomas):** Thank you, Mr Speaker.

I thank the Hon. Member for Onchan for her Question, which provides an opportunity to update on progress in lieu of a statement at the forthcoming July sitting of Tynwald.

205 Recommendations were incorporated into a unified Combined Action Plan for Children And Young People. Regarding progress, Members may recall the plan was last laid before Tynwald for information in July 2018 and is published on the Cabinet Office website. The latest version will be published soon and is intended to be moved for Tynwald debate in October 2019, the second anniversary of the pledge I made to do just that.

210 Delivery of this action plan is overseen by the Council of Ministers' Social Policy and Children's Sub-Committee, which assumed oversight of the recommendations from the former Children's Services Partnership. Actions and progress are monitored by its lead officer group, reporting and reviewed quarterly by the Sub-Committee reporting to the Council of Ministers. The Committee is currently engaged in assessing the feasibility of an independent external assessment of the combined action plan, which envisages a targeted review of the document alongside feedback on the effectiveness of evaluation and monitoring to date.

215 **The Speaker:** Before I turn to supplementary questions, I will just pick up on a comment the Minister made there about 'in lieu of a statement to Tynwald'. I will say, as a courtesy to another place, if the Minister has committed to a statement to Tynwald, he should provide – (**Mr Thomas:** I haven't.) In which case, that is not a problem.

Now, supplementary question, Ms Edge.

220

Ms Edge: Thank you, Mr President.

225 The Minister commented there with regard to the Social Policy and Children's Sub-Committee. However, he did not refer to the Social Affairs Policy Review Committee, which I believe my hon. colleague for Ramsey, Dr Allinson, who is not with us here today, moved a successful amendment at the Tynwald sitting in October 2017 to ensure that these reports do go there. Can the Minister make any comment on that?

The Speaker: Minister to reply.

The Minister: Thank you very much, Mr Speaker.

230 Yes, I can assure the hon. questioner that the reports have gone to the Social Affairs Policy Review Committee regularly, and also the Children's Champion receives the reports and will take them into account when preparing the Children's Champion report.

The Speaker: Supplementary question, Mr Hooper.

235

Mr Hooper: Thank you very much, Mr Speaker.

Can the Minister just clarify, he said that this report to Tynwald will be coming in October: is that correct, because the Programme for Government specifies that the annual report will be laid before Tynwald in July? I would just like an explanation for the delay.

240

Thank you.

The Speaker: Minister to reply.

245 **The Minister:** It is a Government report, it is a Government monitoring report, it is evaluated by a Council of Ministers' Sub-Committee for the Council of Ministers. The report will be published over the summer and the debate, the two-year anniversary of the debate is October 2019. And I do hope for the debate in October we will also have some initial peer evaluation from around Government or perhaps beyond that of the report before we get to the debate.

250 So in one sense, it would have been great to have everything available for 1st July deadline for July Tynwald, but primarily this is a Government report and the report will be available for Tynwald Members and the general public a long time before the debate in October, as it was last year.

The Speaker: Supplementary question, Ms Edge.

255

Ms Edge: Thank you, Mr Speaker.

I would just like to state to the Minister that there are still feelings in families within my constituents, and with other Hon. Member's constituency areas, that there has been no improvement. I am just wondering, through his Committee, how many case file audits have been carried out? Is he aware of that? If not, he can certainly circulate it afterwards.

260

Also, with comments in the report with regard to PDRs for employees, can the Minister confirm that no employee is working on the bank system that causes conflict in their roles?

The Speaker: We are getting down to a level of detail but, Minister.

265

The Minister: The 14 case files were very specific case files that were provided to the independent safeguarding chair, a consequence of the very confusing motion that ended up with a resolution amended by Mr Malarkey from Peter Karran, whereby we had to set up an independent report around the Social Affairs Policy Review Committee and also the ongoing Scottish Care Inspectorate Reports, so we ended up with three parallel considerations of Children and Family Services.

270

275 Those 14 case files have been closed off. I do remember that there are some of those cases that were in Onchan and obviously in other places around the Island. The combined action plan covers just more than following up those cases, it covers everything to do with HR, digital, the way that we organise independent evaluation, the way we do monitoring, the way we change the law. And if the hon. questioner is interested, I encourage her to go and read the July 2018 review of where we were on actions at that point, and I am looking forward to the debate in October.

280 In terms of PDRs, there have been profound changes in terms of the HR system, in terms of
use of non-full-time social workers and other social work professionals. Yes, sadly, as throughout
the healthcare sector and unfortunately throughout many other parts of the public service in the
Isle of Man, we do have an over-reliance on people on that basis. We all want to change that
and I can absolutely assure the hon. questioner that we have done everything we can to get
285 round the difficulties of being a social worker in general and also to make sure that we continue
to make permanent our profession so that we can do the best by people in society who are
going through difficult times for all sorts of reasons.

The Speaker: Supplementary question, Ms Edge.

290 **Ms Edge:** Thank you, Mr Speaker.

Just to go back to the actual action plan that was approved by Tynwald, obviously, it says:

Case file audits will include seeking feedback directly from family members on worker performance and
experience of the service.

I would actually like to meet with the Minister, and perhaps with the Clerks of the Tynwald
office, because certainly some the information that is being provided today is not the same with
regard to the issuing of the reports, so I would like the Minister to agree to meet with me and
295 the Clerk of Tynwald's Office.

The Speaker: Minister to reply.

300 **The Minister:** Of course, I will meet any time with the hon. questioner, as I always do, and
with the Clerk of Tynwald, as I always do, regularly.

But the point is that we are mixing up here the 14 case files as the discrete piece of work
carried forward by the former chair of the Safeguarding Board and that report was laid; the
combined action plan is different. The combined action plan is following up the
recommendations that came out of that alongside the recommendations that came out of the
305 Social Affairs Policy Review Committee third report, from memory, and also alongside the June
2016 Scottish Care Inspectorate Report. So it is a working document of Government which is
provided to the Children's Champion to help us with certain types of children, which is provided
to the Social Affairs Policy Review Committee.

310 Disappointingly, I have never been called in to give evidence to that Committee, which
surprised me to some extent, given that we have laid the information before it. I do not recollect
that Dr Allinson is a member, but I might be corrected on that, so we might be mixing up several
things into this Question, but I would be delighted to accept an invitation from the Chair,
Mr Cretney, or I believe Mr Perkins is a member and I believe you are a member as well.

1.5. Means testing – Introduction

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Policy and Reform:

If he will make a statement on the introduction of means testing?

315 **The Speaker:** Now, we turn to Question 5 and I call on the Hon. Member for Ramsey,
Mr Hooper.

Mr Hooper: Thank you very much, Mr Speaker.

I would like to ask the Minister for Policy and Reform if he will make a statement on the introduction of means testing?

320

The Speaker: I call on the Minister for Policy and Reform to reply.

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

The Programme for Government commitment to develop a high-level policy for means testing has been taken to public consultation for feedback and commentary. The results of the consultation were examined carefully, published before the end of 2017, and by the end of 2018 a final draft of a high-level policy for means testing was being prepared.

However, as I am sure Hon. Members will appreciate, means testing is a complex undertaking that requires a high degree of preparation and care. To be truly effective, for instance, to avoid creating cliff edges within the structure of social security benefits, any means-testing policy would rely upon the necessary information technology in order to lower the administrative burden, while also protecting the privacy of personal data.

Before a policy for means testing can be finalised we need to assure ourselves of our technological capabilities, including taking all necessary steps to safeguard personal information. The Social Policy and Children's Committee will consider a paper on this issue at their next meeting, before the matter is considered by the Council of Ministers. The Hon. Member will appreciate that I am not in a position to pre-judge these considerations. I hope, Mr Speaker, to be able to take the policy to Tynwald Court for the October 2019 sitting.

340 **The Speaker:** Supplementary question, Mr Hooper.

Mr Hooper: Thank you very much, Mr Speaker.

I would like to thank the Minister for that Answer and for that update.

One of the high-level principles included in the December report was that more detailed means testing policies will be prepared by the Council of Ministers Social Policy and Children's Sub-Committee. The Minister has just mentioned that there is now a single detailed means-testing policy being presented, which seems to be somewhat at odds with the idea that you would have means testing policies that were appropriate to the circumstances. So could the Minister please advise how many individual, detailed means testing policies have been prepared or are currently being prepared and which services they relate to?

350

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

There is one high-level policy on means testing which provides for five principles, as the hon. questioner well knows. And then it is up for individual applications to assess the applicability of those principals and the particular situations.

The hon. questioner is well aware that the student awards system has changed and that changed alongside the evolution of the high-level means-testing principles, only he will know, and the other members of the Department will know, to what extent they had in mind the five principles as they were making decisions to come to the Hon. Court upstairs about means testing for student awards.

Likewise, for prescriptions things have evolved inside the Department of Health and Social Care alongside the existence of means-testing principles and other applications in Health and Social Care, like the funding of residential and nursing care, the funding of social care more generally and so on and so on.

And finally in housing, another major area of public focus, back in April-May 2017 some decisions were taken about financial needs assessment which are now coming to a fruition, and

370 those policies have evolved alongside the high-level principles of means testing. So this system is developing in terms of political principles.

375 But the most important thing I have said today is that if we are going to take full advantage for one public service, for 'tell us once' ideas, we have got to make sure that the IT infrastructure and the governance and administration around that IT infrastructure is suitable and high level enough to be able to really take advantage of what we can do potentially with the delivery of public service when we get into a 'tell us once' regime, when we get a One Treasury IT system, when we get the fact that we can use information properly from benefits, tax and other sources of information about financial means.

380 **The Speaker:** Supplementary question, Ms Edge.

Ms Edge: The Minister just commented there with regard to IT systems, we seem to hear that mentioned quite a lot in here. How does the Minister monitor the progress that is being made on gathering all of his data and getting his facts so that he can come forward? I am just interested. If he cannot come forward with a date as to when he is going to introduce any form of means testing, if he is going to, or if his Hon. Court agrees to it, I am just wondering how IT can be a barrier to that.

The Speaker: Minister to reply.

390 **The Minister:** I think there are several questions in that. Firstly, Cabinet Office gets a monthly report on Digital Strategy, we actually get a progress report monthly and we monitor it very closely.

I believe inside each of the Departments where there is a big Digital Strategy project going I would hope that there is monthly monitoring at departmental meetings. So, for instance, in Treasury, which is responsible for the One Treasury project, for social security and tax and all of the other systems at Treasury, I am sure they have adequate systems to monitor it and are on top of it.

400 In terms of the next part of the hon. questioner's question, the assertion is that IT is easy. Well, I think the whole of the experience of IT projects in these parts is that IT is not easy and it is best to make sure of the building blocks before you start constructing something on foundations which are not solid, and that is where we are in terms of putting together slowly a system that is compliant with the data protection personal information issues, does not fall over in terms of IT and is managed properly across Government, across public service, so that we can have one public service based on 'tell us once', based on adequate assessment of needs, including financial needs.

ENTERPRISE

1.6. Local athletes and local businesses – DfE role in encouraging to work together

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Enterprise:

What role his Department has in encouraging local businesses to work with local athletes for the benefit of both?

The Speaker: Question 6, and I call on the Hon. Member for Arbory, Castletown and Malew, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr Speaker.

410 I would like to ask the Minister for Enterprise what role his Department has in encouraging local businesses to work with local athletes for the benefit of both?

The Speaker: I call the Minister for Enterprise to reply.

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

The Department would encourage all Island businesses to consider the benefits of working with local athletes. We know, for example, that businesses have supported many local athletes through the Sport Aid Academy and sponsored the Island's other sports people.

420 However, the Department has no formal role in this area and the best way the Department can encourage local businesses to support good causes is to create the conditions and environment for local businesses to grow, be viable and be profitable. We recognise that these decisions are for businesses themselves, for local causes and local athletes.

Gura mie eu.

425 **The Speaker:** Supplementary question, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr Speaker, and thank you, Minister.

430 I would like to ask the Minister whether he recognises how effective local athletes can be as ambassadors of local businesses? And would the Minister be prepared to broker a one-off meeting – you said in your previous Answer it is not part of the existing Department's structure and plans – between Manx athletes and local business people to see whether more companies would be prepared to assist in this area?

The Speaker: Minister to reply.

435

The Minister: Gura mie eu.

As stated previously by the Chief Minister and the Treasury Minister, I would suggest that many of our local athletes and sports people are excellent ambassadors for the Isle of Man.

440 I do question as to what the Department's actual formal role will be in terms of encouraging more support, therefore sponsorship, but I am willing to meet and discuss with any of them.

Thank you.

1.7. Government financial assistance to companies – Knowledge of beneficial ownership

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

Further to his Written Answer of 11th June, whether beneficial ownership of a company, incorporated under the Companies Act 2006, is known to Government when financial assistance is provided by a Government Department?

The Speaker: Question 7, I call on the Hon. Member for Douglas South, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

445 I would like to ask the Minister for Enterprise, further to his Written Answer of 11th June, whether beneficial ownership of a company, incorporated under the Companies Act 2006, is known to Government when financial assistance is provided by a Government Department?

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

450

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

Applications to the Department for financial assistance, under the Enterprise Act 2008 and the Enterprise Development Scheme 2018, must disclose the beneficial ownership of the business seeking the support.

455

Both the Enterprise Act 2008 (Eligible Businesses) Regulations 2018, under the Enterprise Act 2008, and the Enterprise Development Scheme 2018 require that they must disclose a beneficial owner or class of beneficial owners who owns or controls more than 10% of the beneficial ownership. This requirement applies regardless of how the company is incorporated. If details are not provided at the time of application, the Department pursues the information during the early processing of the application.

460

I should emphasise that although the Department will know the identity of the ultimate beneficial ownership this does not extend to the general public, although Government's recent commitments to the public register may, of course, alter this going forward.

Gura mie eu.

465

The Speaker: Supplementary question, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

470

Could I ask the Minister how far back his due diligence goes? For instance, if the company is owned by a trust how does he establish who the beneficial owner in that case is, what stages does this checking on the beneficial owner go through and how far back does it go?

The Speaker: Minister to reply.

475

The Minister: Gura mie eu, Loayreyder, I thank the Hon. Member for her further question on that.

Yes, of course, this is part of the due diligence process. In terms of the depth of that due diligence that is dependent, I would suggest, on the applicant themselves and if we do have any further queries to the individuals after we have found out who that beneficial owner actually is.

480

The Speaker: Supplementary question, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

485

So could I ask the Minister, in cases where it is not clear exactly who the beneficial owner is then the Department would decline to give that assistance? And could I further ask him does he agree with me that in cases where it is taxpayers' money that is being used to provide financial assistance to any companies, should this be on the public record or should the secrecy, if you like, that is maintained within the Department, should that be allowed when it is not the Department's money, it is taxpayers' money?

490

The Speaker: Minister to reply.

The Minister: Gura mie eu.

495

This obviously falls under the Companies Act 2006 and I take the point that the Hon. Member is making here. If there is any issue there that we would have to query further, we would absolutely not pursue the application if we could not determine who that beneficial owner is.

And just to clarify that and make that crystal clear, we do seek that ownership of that beneficial owner and if there is an issue we do not progress the application.

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

Mrs Beecroft: Thank you, Mr Speaker.

I think maybe it is because I asked two questions at the same time the Minister did not quite catch my second one, which was: does he think it is actually acceptable that where taxpayers' money is involved, the secrecy of a beneficial owner should be kept secret within the Department, rather than open to the public, even though regulations allow for that at the moment? Does it mean that maybe the regulations or legislation should be changed so that where public funds are used, the beneficial owner is a matter of public interest and should be in the public domain?

510

The Speaker: Minister to reply.

The Minister: Gura mie eu.

Yes, I appreciate the Hon. Member asking that question again. That obviously falls into the commitment that was made last week by this Government in terms of its public register going forward. As always, we followed international standards and that is exactly what we will be doing going forward.

515

The Speaker: Mrs Beecroft, supplementary.

520

Mrs Beecroft: Thank you, Mr Speaker.

Would the Minister accept that because of the timescale involved, I have actually tabled this Question before the release about beneficial ownership last week, and it is not so much it is complying with international standards; it is a question of complying with acceptable Isle of Man standards?

525

Does he feel that it is acceptable for taxpayers' money to be used where the public, whose money it is, do not know where that money is going?

The Speaker: minister to reply.

530

The Minister: Gura mie eu

I would suggest that the public do know, because we do issue a report to Tynwald on each of our schemes that highlights who has actually been granted support for those schemes and so therefore the companies are highlighted.

535

This is an issue with regard to the actual ultimate beneficial owner and that, as stated, is a new Government commitment that was just made last week.

The Speaker: Final supplementary, Mrs Beecroft.

540 **Mrs Beecroft:** Thank you, Mr Speaker, final supplementary, certainly, because I do not seem to be getting very far!

545

I am well aware of the report that the Minister refers to which states the companies, but it does not state who owns them. Now, in the question of any company, you can look up and see who owns it, in the question of a 2006 company you cannot. This does not fall under the statement by the Government of beneficial ownership that was released last week; this is a matter of what is acceptable in the Isle of Man, to Isle of Man residents, whose money we are spending.

The Speaker: Minister to reply.

550

The Minister: Gura mie eu

This has not actually been an issue, as far as I am aware, and we are complying with the current law.

EDUCATION, SPORT AND CULTURE

1.8. Manx athletes under 16 – Number qualifying for financial assistance in last five years

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Education, Sport and Culture:

How many Manx athletes under 16 have qualified for financial assistance in each of the last five years?

The Speaker: Question 8, and I call on the Hon. Member for Arbory, Castletown and Malew, Mr Moorhouse.

555

Mr Moorhouse: Thank you, Mr Speaker.

I would like to ask the Minister for Education, Sport and Culture how many Manx athletes under 16 have qualified for financial assistance in each of the last five years?

560

The Speaker: I call on the Minister for Education, Sport and Culture to reply.

The Minister for Education, Sport and Culture (Mr Cregeen): Thank you, Mr Speaker.

Formalised, individual financial support is provided to the Isle of Man's high performance athletes through Isle of Man Sport Aid, a registered charity established a number of years ago by Isle of Man Sport. Funds are provided by a grant from my Department, private sector companies, other registered charities and trusts and private individuals.

565

In 2018, following an extensive review, which looked at sports support and assistance in a number of countries, and following best practice, it was agreed not to provide direct funding for any athletes under the age of 16, who are not already part of an Isle of Man Sport Aid programme, unless they are already achieving results at a national level as a senior competitor.

570

Instead, young athletes are being directed into Sport Aid Academy, established as a private and public sector partnership in 2015. Since the Sport Aid Academy launch, over 150 young people have benefited from this programme. The programme offers a series of workshops, advice and support, although there are no individual financial rewards offered. This change is reflected in the reduction of athletes who are under 16 years of age in receipt of an individual financial reward by the Sport Aid Programme over the past two to three years. The numbers of people who are funded are: 2015-16, 16; 2016-17, 11; 2017-18, 5; 2018-19, 3; and 2019-20 was 0.

575

Mr Speaker, following on from comments made earlier, I would also like to point out that support from private companies to Isle of Man Sport comes from: SMP Partners; Newfield; Microgaming PlayItForward; Duke Video; – these are sponsorships – TLC Solutions; CTH Insurance; Top Spec Fencing; Tower Insurance; Ramsey Crookall & Co; Nedgroup Investments; JR Moore Trust Scholarship; Elizabeth Clucas Charitable Trust Scholarship; Hadrian's Charity Scholarship; Aston International Scholarship; Albert Gubay 'Chase Your Dream'; Cavendish Scholarships. There are around 60 athletes who are supported through Isle of Man Sport.

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585

Mr Speaker, as well as that, there is significant investment in our sporting facilities and some of that support goes out to clubs as well.

590 **The Speaker:** Supplementary question, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr Speaker, and thank you, Minister for such a comprehensive Answer.

In 2017 all support was reviewed to ensure we have the best chance of delivering against the Isle of Man Strategy for Sport, Objective 8. However, we now have at least three premier athletes with no access to funding. The decisions of managers are now thwarting athletes. Rather than having a full review, would the Minister consider allowing those reaching the National Athletic Championships in the UK, and there are only five of these a year, to be able to opt in to the current system of funding so they could actually have the opportunity to go and compete?

600

It is all about the future, and at the moment you have suggested we have got no athletes receiving funding in that age group and potentially a very small amount of money would make a massive difference.

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

The Minister: Thank you, Mr Speaker.

The information I have here is that a review was taken in 2018, not 2017.

If the Hon. Member can give us some idea of which sports he is talking about because, as I have previously mentioned, as Chairman of Isle of Man Gymnastics, Isle of Man Sport does support the club, who then support athletes who go off to competitions. So if the Hon. Member can give us a bit more detail of the specific cases, I may be able to give him a clearer answer.

610

HEALTH AND SOCIAL CARE

1.9. Medicinal cannabis – Licensing production

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

What consideration has been given to licensing the production of medicinal cannabis?

The Speaker: Question 9, and I call on the Hon. Member for Ramsey, Mr Hooper.

615 **Mr Hooper:** Thank you, Mr Speaker.

I would like to ask the Minister for Health and Social Care what consideration has been given to licensing the production of medicinal cannabis?

The Speaker: I call on the Minister for Health and Social Care to reply.

620

The Minister for Health and Social Care (Mr Ashford): Mr Speaker, as the House will be aware, on 6th February 2019 the Department of Health and Social Care commenced a six-week consultation with local residents on the medicinal use of cannabis. The consultation closed on 20th March and the findings were published on 17th June.

625

The numbers of responses to the consultation were extremely high, with a total of 3,285 replies from local residents and organisations, and I would like to take the opportunity to thank

all of those who took the time to fill it out. Further, the findings showed strong support for allowing cannabis to be cultivated and processed on the Island subject, of course, to suitable regulation.

630 So where we find ourselves now, Mr Speaker, is I, as Minister, the Department and political colleagues will need to consider what the next steps will be, in light of the findings of the consultation, and I can assure the Hon. Member for Ramsey that consideration of licensing the production of medicinal cannabis will form an important part of that process.

635 **The Speaker:** Supplementary question, Mr Hooper.

Mr Hooper: Thank you, Mr Speaker.

I am reassured to hear the Minister is considering licensing; I would much rather a stronger statement.

640 Is the Minister aware of a report that was published last week by the ratings agency S&P that analysed the potential for growth in the worldwide legal cannabis production markets? In that report a market research company, Euromonitor, forecast the legal market for cannabis may grow from around \$18 billion worldwide currently to \$166 billion by just 2025. Does the Minister agree that this highlights the huge potential opportunity that could exist for the Island if we are
645 able to move quickly enough to attract companies to the Island in this space? The core of that attraction will, of course, be an appropriate regulatory regime.

The Speaker: Minister to reply.

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

Yes, I am happy to acknowledge that. In fact, it is a huge market as it is, as the Hon. Member has laid out, and growth across the world is expected to rise spectacularly in the next five to six years. I think it is a huge opportunity. My own personal views are on public record, and have been many times, and I know the Hon. Member for Ramsey and myself have had a chat in
655 relation to that, so I think there are huge opportunities.

I myself have been approached by companies who are interested potentially in opening up on the Island in relation to this. I know, and I am sure the Hon. Member for Ramsey, as a Member of the Department for Enterprise, will be aware as well, that the Department of Enterprise has also been approached. I think the important thing is that if we do it, we get it
660 right, with anything that we are going ahead and doing. I have my personal views, but that is not going to influence the outcome and we will wait and see where we go from here.

But I think the important thing is we have got the responses in, there is clearly public appetite for it. That has come out very clearly from the consultation. And now we have to decide a
665 strategic approach going forward.

The Speaker: Supplementary question, Mr Hooper.

Mr Hooper: Thank you, Mr Speaker.

I am glad the Minister is enthusiastic about this. Given that around 95%, I think, of the
670 consultation responses were in favour of enabling this on the Island, and one of the strengths that is often touted about the Isle of Man is our agility, and our ability to move quickly when the need arises or where opportunities present themselves, so given the overwhelming level of public support, the huge possible potential for the Isle of Man, just how quickly does the
675 Minister think he will be able to move in this space?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

680 I would hope that we can get things moving over the summer period, while this House and another place is in recess, and I would hope to come forward with an update to Tynwald in October.

The Speaker: Hon. Members, that concludes Questions for Oral Answer.
Item 2, Questions for Written Answer: those will be circulated in the usual way.

2. Questions for Written Answer

CHIEF MINISTER

2.1. Delegations of statutory functions and departmental responsibilities – Publication of list; frequency of updates

The Hon. Member for Douglas East (Miss Bettison) to ask the Chief Minister:

Where a list of delegations of statutory functions or departmental responsibilities, made by each Minister to any Members, collectively and individually, is published; and how frequently it is updated?

685 **The Chief Minister (Mr Quayle):** The delegations of statutory functions or departmental responsibilities made by each Minister to Department Members are held by each Department.

A list of these is not held centrally and is not published or updated regularly.

However, each Department does publish information about the Minister and Department Members, which includes delegations and responsibilities, at the following links:

Department	Web Link
Cabinet Office	https://www.gov.im/about-the-government/departments/cabinet-office/co-minister-and-member/
Education, Sport and Culture	https://www.gov.im/about-the-government/departments/education-sport-and-culture/minister-and-members/
Enterprise	https://www.gov.im/about-the-government/departments/enterprise/dfe-minister-and-members/
Environment, Food and Agriculture	https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/defa-minister-and-members/
Health and Social Care	https://www.gov.im/about-the-government/departments/health-and-social-care/dhsc-minister-and-members/
Home Affairs	https://www.gov.im/about-the-government/departments/home-affairs/dha-minister-and-members/
Infrastructure	https://www.gov.im/about-the-government/departments/infrastructure/doi-minister-and-members/
Treasury	https://www.gov.im/about-the-government/departments/the-treasury/treasury-minister-and-members/

2.2. Mr Anthony Webber case– Outcome of Tribunal proceedings

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

If he will make a statement on the outcome of the Tribunal proceedings relating to Mr Anthony Webber?

690 **The Chief Minister (Mr Quayle):** Mr Anthony Webber appealed to the First-tier Tribunal (General Regulatory Chamber) (Information Rights) against a decision by the United Kingdom Information Commissioner that the UK Home Office had properly applied section 36(2)(c) of the Freedom of Information Act 2000 (of Parliament) when refusing to disclose information requested by Mr Webber that related to the Syrian Vulnerable Persons Resettlement Scheme in
695 relation to the Isle of Man, Jersey and Guernsey.

In a decision dated 1st August 2018, the First-tier Tribunal allowed Mr Webber's appeal, subject to the redaction of personal information prior to disclosure. The full judgment, which sets out the reasons for allowing the appeal, is publicly available and can be found at:

700 [http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i2288/Webber,%20Anthony%20EA-2017-0281\(01.08.18\).pdf](http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i2288/Webber,%20Anthony%20EA-2017-0281(01.08.18).pdf)

The UK Home Office, supported by Her Majesty's Attorneys General of the Isle of Man, Jersey and Guernsey, sought the permission of the Upper Tribunal to appeal the decision of the First-tier Tribunal but permission was refused in February 2019.

705 The UK Home Office subsequently released information, with the redaction of certain personal information, to Mr Webber in March 2019. I understand that Mr Webber challenged the extent of the redactions and that, after it took further legal advice, the Home Office unredacted the email domains (for example @homeoffice.gov.uk and @gov.im) in the correspondence on the basis that, on its own, this does not constitute personal information. I have been advised that the Home Office provided the revised information to Mr Webber earlier
710 in June 2019.

This matter has been determined in accordance with the relevant UK law and legal process and the Isle of Man Government now considers this matter to be closed.

2.3. Mr Anthony Webber case – Cost of FoI intervention

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

What the cost of intervening in the Freedom of Information case between Anthony Webber and the Home Office was, broken down by officers of Government, the Attorney General and his officers?

The Chief Minister (Mr Quayle): Dealing with this matter was part of the day-to-day work of officers in the Cabinet Office and the Chambers of Her Majesty's Attorney General.

715 In the normal course of events the number of hours and minutes that officers spend on particular tasks within their day-to-day duties is not recorded in the Cabinet Office. However, in common with many legal practices, time provided in legal support advising client Departments is recorded by officers at the Attorney General's Chambers. The time recorded in relation to this was provided partly to the Cabinet Office on external relations generally and partly on Crown
720 Officer liaison with the Attorneys General of Jersey and Guernsey and with Counsel in the UK, so the detail of this particular case does not permit extraction of an accurate time or the attributable cost. It is therefore not possible to quantify the cost of officers' time related to this specific issue; however, Mr Attorney estimates it to be less than five hours in total in relation to his Chambers' role.

725 Hon. Members will recall that, when I responded to the Written Question in this House from the Hon. Member for Ramsey, Mr Hooper, on 26th March 2019, I provided information on the cost to the Island's Attorney General of instructing counsel in the United Kingdom in respect of seeking the permission of the Upper Tribunal to appeal the decision of the First-tier Tribunal in favour of Mr Webber. As I stated in that response, the cost of instructing counsel was shared
730 between the Attorneys General of the Isle of Man, Jersey and Guernsey. In my response to Mr Hooper I said that the cost so far was £720 and there was the possibility of a further cost to the Attorney General in respect of this matter for work done since 18th February 2019. I can confirm that the Attorney General's Chambers subsequently received a further invoice for an additional £35, bringing the total expenditure on Counsel's representation to £755.

735

TREASURY

**2.4. New school for Castletown –
Business case timing**

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for the Treasury:

When the business case for the new school in Castletown will be assessed; and when the Minister for Education, Sport and Culture will be informed of the decision?

The Minister for the Treasury (Mr Cannan): The Strategic Brief has been received and is on the agenda for the Strategic Asset and Capital Investment Committee on 27th June. It is expected that there will need to be further consideration and discussion with the Department of Education, Sport and Culture which will occur in the following weeks. Thereafter it is expected that the Department of Education, Sports and Culture will revert with a finalised project proposal for the consideration of Tynwald.

**2.5. Land Registration Fixed Fees Orders 2019 –
Impact upon properties; photocopying charges structure**

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for the Treasury:

What impact the 2019 Land Registration Fixed Fees Orders will have on a property, including the current and new charges for (a) up to £500,000 (in increments of £50,000 from £5,000-£500,000); (b) from £550,000 to £1 million (in increments of £50,000); (c) from £1.1 million to £5 million (in increments of £100,000); and what the justification is for the photocopying charges structure?

The Minister for the Treasury (Mr Cannan):

Land Registration charges

The charges prescribed for transactional services are contained not in the Land Registration Fixed Fees Order 2019 but in its companion orders the Deeds and Probate Registries (Fees and Duty) Order 2019 and the Land Registration General Fees and Duty Order 2019.

The charges for transactions at the values the Hon. Member for Arbory, Castletown and Malew has enquired about are set out in the following Table 2.5A. I trust he finds this useful. I have also added a graph demonstrating visually the areas of benefit for those able to qualify for the new Owner Occupier rate.

To demonstrate the impact on individual transactions the variance figures in the table indicate the difference in fees payable to register a deed or effect Land Registration in the Deeds Registry or Land Registry as appropriate before and after the implementation of the new charging regime on 1st September 2019. The revision of the fees was conducted with the intention of benefiting low and middle income owner occupiers and we are confident that this sector of society will see a benefit from the reduction of transactional fees.

Based on sampling taken from last year's transactions and applying the new fees, 80% of applicants would have paid lower fees for Registration services. This reduction in fees will represent a real benefit to those in low to middle earners the revised fee policy seeks to benefit.

The Land Registry has prepared a fee calculator which can be seen at www.gov.im/landregistry

Co-habiting partners' relief

In addition the new fee orders have reduced the fees payable by co-habiting couples on registration and separation to a flat fee of £250. This will remove a financial burden at a time of great joy or private grief.

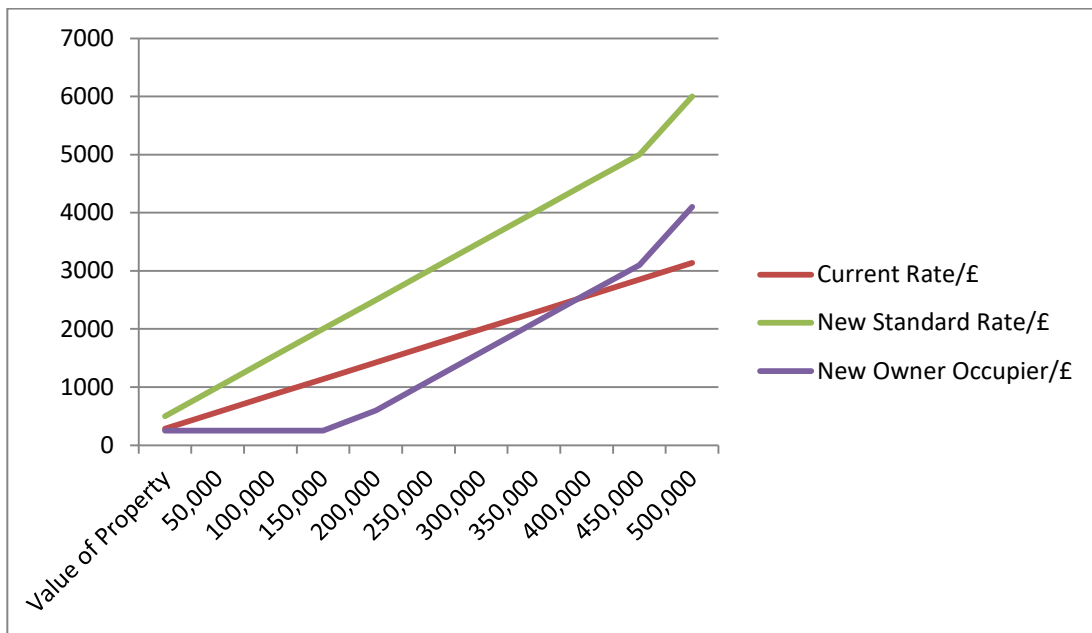
Photocopying Charges

The 2019 Land Registration Fixed Fees Orders makes no change to the photocopying charging structure.

The photocopying charging structure is intended to cover the cost in time and materials of providing the services. The current charges came into force on 1st July 2013 and have been frozen at the 2013 rate.

The Land Registry is committed to working in a more environmentally friendly manner and has adopted a 'Digital by default' approach. Wherever practical, documents are issued in electronic format by default. The 2019 Land Registration Fixed Fees Orders reduces the cost of this service to £3 per scanned deed or document (currently £5 per scanned deed or document, as introduced on 1st July 2013).

Graph showing comparisons current rate, new standard rate and new owner occupier rate:



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Table 2.5A

Value of Property (£)	Current rate (£)	New owner occupier rate (£)	Variance (£)	New Standard rate (£)	Variance (£)
50000	285	250	-35	500	215
100000	570	250	-320	1000	430
150000	855	250	-605	1500	645
200000	1140	250	-890	2000	860
250000	1425	600	-825	2500	1075
300000	1710	1100	-610	3000	1290
350000	1995	1600	-395	3500	1505
400000	2280	2100	-180	4000	1720
450000	2565	2600	35	4500	1935
500000	2850	3100	250	5000	2150
550000	3135	4100	965	6000	2865
600000	3420	5100	1680	7000	3580
650000	3705	6100	2395	8000	4295
700000	3990	7100	3110	9000	5010
750000	4275	8100	3825	10000	5725
800000	4560	9100	4540	11000	6440
850000	4845	10100	5255	12000	7155
900000	5130	11100	5970	13000	7870
950000	5415	12100	6685	14000	8585
1000000	5700	13100	7400	15000	9300
1100000	6270	n/a		17000	10730
1200000	6840			19000	12160
1300000	7410			21000	13590
1400000	7980			23000	15020
1500000	8550			25000	16450
1600000	9120			27000	17880
1700000	9690			29000	19310
1800000	10260			31000	20740
1900000	10830			33000	22170
2000000	11400			35000	23600
2100000	11970			37000	25030
2200000	12540			39000	26460
2300000	13110			41000	27890
2400000	13680			43000	29320
2500000	14250			45000	30750
2600000	14820			47000	32180
2700000	15390			49000	33610
2800000	15960			51000	35040
2900000	16530			53000	36470
3000000	17100			55000	37900
3100000	17670			57500	39830
3200000	18240			60000	41760
3300000	18810			62500	43690
3400000	19380			65000	45620
3500000	19950			67500	47550
3600000	20520			70000	49480
3700000	21090			72500	51410
3800000	21660			75000	53340
3900000	22230			77500	55270
4000000	22800			80000	57200
4100000	23370			82500	59130
4200000	23940			85000	61060
4300000	24510			87500	62990
4400000	25080			90000	64920
4500000	25650			92500	66850
4600000	26220			95000	68780
4700000	26790			97500	70710
4800000	27360			100000	72640
4900000	27930			102500	74570
5000000	28500			105000	76500

POLICY AND REFORM

**2.6. Assessment of tender processes –
Efficacy; compliance with requirements; breaches or failures of provision**

The Hon. Member for Douglas East (Miss Bettison) to ask the Minister for Policy and Reform:

What mechanism is followed to assess: the efficacy of a tender process; compliance with requirements listed in the initial tender; and breaches or failures of provision following the tender being awarded?

The Minister for Policy and Reform (Mr Thomas): The Procurement team at the Attorney General's Chambers supports organisations within the public service to ensure that all parties strive to continuously improve the way that commercial contracts are procured and managed.

780 All procurements have to be undertaken to comply with the provisions of the Isle of Man Government Financial Regulations, the Procurement Policy and any other relevant Tynwald policy such as, for example, the Tynwald policy regarding Single Use Plastic Reduction for the Isle of Man Government. The steps required in the tender process are set out in full in Financial Practice Note C.08 in the Financial Regulations.

785 Contracting organisations are encouraged to evaluate the whole process of procurement and contract management to ensure that any perceived or real issues are appropriately addressed.

When tenders are received, the mechanism to assess the efficacy of a tender itself is made up of a number of matters which include competition, fairness, value, and transparency.

790 Competition is a driver for best value. Best value is designed to ensure that all factors, not only price, are taken into account when deciding what should be purchased.

Fairness means that the procurement must be carried out fairly in that all potential suppliers are dealt with in a fair and equitable manner without discrimination.

795 Value relates to value in the wider sense, not merely the amount of money to be paid for the goods or services. The aim is to seek the maximum value from a procurement which, in addition to best financial value, involves consideration as to whether additional value to the local economy or the environment can be achieved or whether additional social value should be included.

Transparency relates to being seen to be acting fairly and properly in spending public money for example in the advertising of procurement opportunities on the Procurement Portal.

800 All purchasing should take into account cost and quality. The Financial Regulations and Procurement Policy require that not less than 50% of the scoring in evaluating a tender must be allocated to cost, unless the Chief Financial Officer or Financial Controller of the Treasury gives approval for a lower percentage.

805 Value for money is the most advantageous combination of costs and quality to meet the Government's requirements including 10% of the quality score being allocated to local economic benefits and consideration to inclusion of social value or environmental issues as part of the quality assessment.

810 As to compliance with requirements listed in the initial tender, the potential supplier in their tender response has to adhere to the requirements set out in the tender documentation. A tender response will be evaluated on meeting the requirements set out in the tender documentation. A tenderer can submit an alternative tender submission and may ask clarification questions as part of the process.

815 Once the procurement process has been concluded and the contract signed it is the role of the relevant Department, Board or Office to adequately manage the contract to ensure compliance with the terms of the contract, in particular that the provisions of specification are met by the contractor.

820 Finally, breaches or failures of provision once the contract has been awarded involve the relevant Department, Board or Office adequately managing the contract. All contracts prepared by the Attorney General's Chambers will have robust termination and contractor default provisions that can be used to either terminate the contract or secure compliance by the contractor with the terms of the contract.

INFRASTRUCTURE

**2.7. Douglas promenade works –
Impact assessments**

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Infrastructure:

If he will publish the impact assessments undertaken in relation to the Douglas promenade works?

825 **The Minister for Infrastructure (Mr Harmer):** The Department has produced a Project Impact Assessment (PIA) for the Douglas Promenade Refurbishment and this remains a live document throughout the construction of the works. This is a general assessment to be inclusive of all impacts, and not specifically aimed at any one area (i.e. specific individual business impact). An electronic copy of the document is being circulated to Members. The document is updated regularly.

830 The Department is working closely with the Department for Enterprise in developing various initiatives to assist with businesses directly and significantly impacted by the refurbishment works.

Project Details	
Location	Douglas Promenade
Commencement Date	September 2018
Duration	100 weeks
Type of Project	Reconstruction
Traffic Management Proposal	Two way traffic maintained
Pedestrian Management	Access maintained
School	No
Bus Route	Yes
Traffic Volume	High
HGV Route	Yes
Key Events	TT/MGP Diversion, Various events

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Issue	Impact Rating (L, M, H)	Who is impacted	How are they impacted	Type of impact (Environmental, Social, Economic)	Mitigation Measures
Traffic Management	Medium	Businesses	Loss of parking will prevent direct vehicular access to businesses. Loss of trade. Drop off and pick up of visitors to businesses restricted. Difficulties for deliveries may mean delays in deliveries or longer distances for operators to deliver by hand.	Economic	Signage to advertise businesses open as usual, media release. Good PR to support local businesses. Early communication with businesses to agree mitigation plans. Longer working hours. Loading bays where possible. Tell businesses about rate rebate. Work with DfE to support badly affected businesses.
	High	Emergency Services	Longer response times	Social	Emergency services/ESJCR informed of changes to TM.
	Medium	Bus Services	Longer journey times/delays may lead to increased fuel usage. Potential disruption to connecting services. Loss of bus stop locations as work proceeds.	Social, Economic	Publicise and agree diversion routes with Public Transport. Temporary stop locations agreed with Public Transport.
	Low	Property Owners	Access restrictions to property, service deliveries, waste collections. Loss of available on street parking during construction.	Social	Agree with property owners access arrangements through daily communication. Agree delivery schedules with fuel delivery companies. Agree waste collections with DBC.
Diversion Routes	Low	Property Owners	Increased traffic on diversion routes. Speed of traffic.	Environmental, Social	Well defined diversion routes. Pre-assessment of diversion route condition and carry out repairs. "Red Route" ban on road works on approved diversion routes.
Project Duration	Medium	Public	Disruption to normal arrangements. Access restrictions.	Social	Longer working hours permitted Weekend working Contract award to shortest programme.
Longer Working Hours	Low	Property Owners	Noise earlier or later in the day. Noise at weekends. Noise nuisance and disturbance.	Social, Environmental	Restrict noisy operations between 8am and 8pm. No working after 10pm
Access	High	Disabled Residents	Usually only single access route	Social	Access maintained at all times.
Property Damage	Medium	Property Owners, Businesses	Construction activities and heavy plant increase vibration. Increased volumes of HGV traffic. Dust from construction activities covering windows, entering properties.	Environmental, Social, Economic	Pre-condition survey of properties carried out. Good site management. Dust suppression.

**2.8. Local government procurement –
Rules, policies and processes; DoI oversight; appeals**

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Infrastructure:

What rules, policies or processes apply to local government procurement; what oversight his Department has; and how appeals are handled?

The Minister for Infrastructure (Mr Harmer): As local authorities are separate legal entities, they have responsibility for the procurement of goods and services relating to that authority.

835 In order to ensure that there is an appropriate level of governance applied to this, section 27(3) of the Local Government Act 1985 states that a local authority shall make Standing Orders with respect to the making of contracts by it or on its behalf, for the supply of goods or materials or for the execution of works. These Standing Orders must include provision for securing competition for such contracts and for regulating the manner in which tenders are invited. They may exempt from such provision contracts for a price below a specified sum and
840 may authorise the local authority to exempt any contract from the above provisions where the authority is satisfied that the exemption is justified by special circumstances.

To assist local authorities the Department has produced a model set of Standing Orders which acts as a guide to local authorities as to what they should be including in their Standing Orders around the making of contracts. As with all the model Standing Orders it is for each local
845 authority to determine how best to take these forward to suit their individual requirements. There is no legal provision for the Department to monitor either the adoption or the adherence to Standing Orders. This role falls to the elected members of the local authorities.

The model Standing Orders do not require an appeal process although this is a matter which could be added to the individual authority's Standing Orders if they deemed it necessary or
850 appropriate.

HEALTH AND SOCIAL CARE

**2.9. Azathioprine (Imuran) –
Plans to exempt from prescription charges**

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

When Azathioprine (Imuran) will be added to the exemption list, and thereafter available on prescriptions at no charge?

The Minister for Health and Social Care (Mr Ashford): The current 'exemption list' is based on physical conditions which exempt a patient from paying prescription charges, for example diabetes. The exemption list is not a list of drugs which are classified as exempt from requiring a fee to be paid.

855 This is also the case in England, and indeed the Isle of Man list of exemption criteria is based on those of the NHS in England – with the notable exception of cancer diagnosis which is not currently an exemption on the Island.

At present there are no plans to change this system whereby patients are exempt based on receiving a diagnosis which is in the exempted conditions list, therefore there are no plans to
860 make Azathioprine exempt from prescription charges.

If a patient is finding it difficult to pay for prescription charges then a pre-payment certificate can be purchased for £19 which covers all prescriptions for a four month period or £54 which would cover all prescriptions for a year.

ENVIRONMENT, FOOD AND AGRICULTURE

2.10. Fixed penalty notices – Fly-tipping; dropping litter; illegal disposal

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Environment, Food and Agriculture:

How many fixed penalty notices were issued for (a) fly-tipping; (b) dropping litter; and (c) the illegal disposal of items in each of the last five years?

The Minister for Environment, Food and Agriculture (Mr Boot): The Department does not
865 have the authority to issue fixed penalty notices for (a) fly-tipping, (b) dropping litter, or
(c) illegal disposal of items.

Fixed penalty notices are either local authority or police regulated issues. However, in respect
of the illegal disposal of items, the Department does have authority under section 57 of the
Public Health Act 1990 to take enforcement action for the illegal deposit, processing or disposal
870 of controlled (household, commercial and industrial) waste on land.

Under section 59 of the Public Health Act 1990 the Department has the authority to issue and
regulate Waste Disposal Licences for the operation of waste management facilities.

The Department's enforcement policy recognises that the best way to achieve compliance
with the law in the first place is to ensure, by guidance and advice, that those carrying out
875 regulated activities understand the nature and extent of their responsibilities and comply
voluntarily.

Enforcement options include education and advice, warning letters, enforcement notices and
revocations in respect of waste disposal licences, formal caution and prosecution.

The Department, for offence of non-compliance with section 57, last took a successful
880 prosecution in 2014 and issued a formal caution in 2018. Also a successful prosecution was
undertaken in 2018 for water pollution from a licensed waste transfer station under section 3 of
the Water Pollution Act 1993. The last enforcement notice for non-compliance with waste
disposal licence conditions was served in 2013. All other enforcement since 2013 has been
education, advice and warning letters.

EDUCATION, SPORT AND CULTURE

**Question 2.8. held over from 11th June –
School staffing – Vacancies and recruitment 2019**

The Hon. Member for Onchan (Ms Edge) to ask the Minister for Education, Sport and Culture:

How many vacancies there were in each school at the end of May 2019; and how many staff have been recruited to start in September 2019?

885 **The Minister for Education, Sport and Culture (Mr Cregeen):** Schools have now been consulted and on 31st May 2019 there were two primary teacher vacancies (unfilled) and none in secondary. This means that any resignations received at the end of May are not included in this figure as people are still in post and are therefore not vacant.

890 As of 12th June, 37 people had been appointed to start this September, this includes internal and external appointment to DESC, these are at various stages of the appointment process, some pending pre-employment checks and some complete.

In addition to this, as of 12th June 2019, there were 13 job adverts in schools either about to be advertised, live for candidates to apply or at shortlisting stage.

Order of the Day

3. BILLS FOR FIRST READING

- 3.1. Public Sector Pensions (Amendment) Bill 2019
- 3.2. Sexual Offences and Obscene Publications Bill 2019

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

895

The Secretary: Bills for First Reading: Public Sector Pensions (Amendment) Bill 2019 – Member in charge, Mr Thomas; Sexual Offences and Obscene Publications Bill 2019 – Member in charge, Dr Allinson.

4. BILL FOR SECOND READING

- 4.1. Property Service Charges (Amendment) Bill 2019 –
Second Reading approved

Mr Harmer to move:

That the Property Service Charges (Amendment) Bill 2019 be read a second time.

The Speaker: Item 4, Bill for Second Reading, Property Service Charges (Amendment) Bill 2019, and I call on Mr Harmer to move.

900

Mr Harmer: Thank you, Mr Speaker.

I am pleased to promote this short Bill on behalf of the Department of Infrastructure to respond to a recommendation of Tynwald of 12th April 2011.

905

In terms of background, Mr Speaker, a Petition for Redress of Grievance was presented on the 5th July 2010 by a number of residents of the private bungalow development at Cannan Court, Kirk Michael, in respect of a dispute which had arisen over certain service charges payable by the petitioners to the Kirk Michael Community Housing Association.

910

A Select Committee was appointed to consider the Petition and a report and recommendations were subsequently published.

The Select Committee considered that an extension of the Property Services Charges Act 1989 to freehold property in certain circumstances of contract, in order to allow an appeal to the Isle of Man Rent and Rating Commissioners for a determination with regard to the reasonableness of expenses which made up a service charge, would be beneficial. In making this decision the Committee recognised this would not resolve the issues as presented by the Petitioners.

915

This Bill seeks to implement that recommendation by enabling the Department to apply, by order, the Property Services Charges Act 1989 to the owners of freehold dwellings who are legally obliged to pay a service charge throughout the possession of the freehold. This may, amongst other things, enable such persons to apply to the Isle of Man Rent and Rating Appeal Commissioners for determination on the reasonableness of the service charge as the tenants of the dwelling may already do under the Act.

920

Having outlined the broad principles of the Bill, I hope the Hon. Members will now give their full support.

925 I beg to move the Bill for Second Reading: that the Property Service Charges (Amendment) Bill 2019 be read for a second time.

The Speaker: Hon. Member for Onchan, Ms Edge.

930 **Ms Edge:** I beg to second and reserve my remarks.

The Speaker: Hon. Member for Ramsey, Mr Hooper.

Mr Hooper: Thank you very much, Mr Speaker.

935 It seems the intention of the Select Committee and of Tynwald in 2011 was to extend the Property Service Charges Act to freehold properties who had to pay service charges. Now, the amendment in this Bill does not actually do that, let's be clear. What the Bill does is it gives the Department the power to extend the Bill to someone else, so it is sort of a middle step, which is not the same thing at all.

940 There is a lot of risk, I think, with handing a Department this power when it is something that is quite straightforward. What are the chances the Department makes a mistake in its secondary legislation and specifies the wrong people or specifies not a broad enough class of properties? If they decide to specify specific properties, what if somebody builds a new one that is not then included in that list of specified properties? The whole thing starts to spiral.

945 So I think the Minister needs to explain to this Hon. House why the Department has taken this approach, instead of simply amending the Property Service Charges Bill to make the relevant parts applicable to freeholders, which on the face of it would seem to be a much simpler approach.

950 It seems that one of the sections in this Bill, notably part (1)(b) of section 12B that is being added, would be entirely sufficient if that were simply included in the Bill with a reference as to which parts of that Bill would apply. It seems to do the job, unless I am missing something here.

I would like to know from the Minister why he has decided to take this overly complicated approach of inserting new powers and then having to come back with more secondary legislation rather than just making a straightforward change to the Bill.

955 It has taken about eight years now for the Department to act on a relatively straightforward Tynwald resolution and the action that he has decided to take is to simply add a power to bring some more legislation forward in the future. So we could be waiting another eight years before the Department decides to bring forward a piece of secondary law to make this actually work.

960 My last concern with this approach is the rest of the PSC is not an enabling Bill, so this new provision is entirely out of keeping with the rest of the Bill, which is quite a detailed Bill in and of itself.

So, Minister, could you please provide some clarity and an explanation as to why you are taking this approach, rather than simply amending the Property Service Charges Act as it exists.

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

The Minister: Thank you.

970 Of course, the main issue is that the Bill provides the ability to provide a Tynwald order which will then give Tynwald and the other place an opportunity to decide that. Also, the order would go out to proper consultation to ensure that it covers everything we need to do. Obviously, there is a range of different types of circumstances, so we need to have that flexibility within the Tynwald order, and that is the reason.

So with that, I beg to move.

975 **The Speaker:** Hon. Members, I put the question that the Property Service Charge (Amendment) Bill 2019 be read for a second time. Those in favour, please say aye; against, no.

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

FOR

Mr Ashford
Mr Baker
Miss Bettison
Mr Cannan
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Malarkey
Mr Moorhouse
Mr Peake
Mr Quayle
Mr Skelly
Mr Speaker
Mr Thomas

AGAINST

Mrs Beecroft
Mrs Caine
Mr Callister
Mr Hooper
Mr Robertshaw

The Speaker: Fifteen for, 5 against. The ayes have it. The ayes have it.

Hon. Members, that completes the business on the Order Paper today. The House will stand
980 adjourned until 10.30 a.m. on 16th July in Tynwald Court.

The House adjourned at 10.50 a.m.