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 Hon. T S Baker (Ayre and Michael);
Mr C C Thomas and Mrs C A Corlett (Douglas Central);
Mrs C L Barber and Mr C R Robertshaw (Douglas East);
Hon. D J Ashford and Mr G R Peake (Douglas North);
Miss K J Costain (Douglas South);
Mr M J Perkins and Mrs D H P Caine (Garff);
Hon. R K Harmer and Hon. G G Boot (Glenfaba and Peel);
Mr W C Shimmins (Middle);
Mr R E Callister and Ms J M Edge (Onchan);
Hon. A J Allinson and 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 virtually at 10 a.m.
Proceedings were conducted and broadcast live
from the Legislative Council Chamber.

[MR SPEAKER in the Chair]

The Secretary: The Speaker is in the Chamber.

The Speaker: Moghrey mie, good morning, Hon. Members.
I call on the Chaplain to lead us in prayer.

PRAYERS
The Chaplain of the House

1. Standing Orders suspended
to permit the House to sit virtually

Mr Deputy Speaker (Mr Robertshaw) to move:

That Standing Orders be suspended to the extent necessary to take this sitting virtually.

The Speaker: Gura mie eu, Chaplain.
We have no leaves of absence today, and we have with us a guest appearance today from
the Deputy Speaker, who is in the Chamber with me, and I call on him to move Item1 please.

The Deputy Speaker: Thank you, Mr Speaker, I am delighted to be here.
I would like to move that Standing Orders be suspended to the extent necessary to take this
sitting virtually.

The Speaker: Thank you very much.

Mr Cregeen.

Mr Cregeen: Thank you, Mr Speaker. I beg to second.

The Speaker: Thank you.
I presume that the motion is carried unless any Member indicates dissent, which they should
do so now. No dissent being indicated, the motion therefore carries.
2. Questions for Oral Answer

CHIEF MINISTER


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

What assistance was (a) sought from and (b) provided by Government Technology Services, Cabinet Office in respect of the matters covered in the Emergency Powers (Coronavirus) (Town and Country Planning Procedures) Regulations 2020? [SD No 2020/0314]

The Speaker: Item 2, Questions for Oral Answer and I call on the Hon. Member for Douglas Central, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

What assistance was sought from and provided by Government Technology Services, Cabinet Office in respect of the matters covered in the Emergency Powers (Coronavirus) (Town and Country Planning Procedures) Regulations 2020? And that Question is for the Chief Minister, please.

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

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

Advice was sought from GTS in respect of the suitability of Microsoft Teams for this purpose, and specifically whether it would be able to record who is or is not present in a meeting. This was done as a result of concerns that participants would lose connection or say they had lost connection, resulting in the appeal being abandoned or decisions challenged. GTS confirmed that it was not possible, at that time, to record who was present in a meeting nor identify an individual participant were present throughout the meeting.

I appreciate that Microsoft Teams is developing quickly and that other companies offer similar software. It is important that we undertake careful consideration of how these things would work in practice.

Thank you, Mr Speaker.

The Speaker: Supplementary question, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

Given that across, virtual planning appeals take place extensively and successfully using phone conferences and Microsoft Teams – the platform which we are using now, and which is widely used for interaction with members of the public with whatever email address – does the Chief Minister agree it was slightly disingenuous, if not potentially misleading, for the Minister of Environment, Food and Agriculture and even the Chair of the Planning Committee, to refer in the other place on 26th May, to ‘specialist software’ which is not yet being rolled out countrywide and a ‘bespoke virtual system’ for a planning appeal which is not the best use of scarce GTS resources at this present time, in respect of a platform for virtual planning hearings? I hope the Chief Minister will also take into account his Answer just now.
The Speaker: Chief Minister to reply.

The Chief Minister: Thank you, Mr Speaker.

Obviously in the UK they have been trialling ahead of us taking some of their hearings on an internet basis, but I would respectively point out that the majority of appeal hearings in the United Kingdom are done by written, as we were proposing.

We were proposing that instead of the two options there would just be the one option that the appeals would be done in writing for a short-term period, not forever, purely whilst we face this situation that we were concerned that the validity of appeals with the technology that we had at present on the Island could be challenged and we were not getting inspectors over. It was perfectly legal; we were not removing any of the rights for the public. I think the determination is that as long as we give people the right to have an appeal, and a written appeal complies with all the laws, then that was the best way forward in this short period of time.

I want to stress, Mr Speaker, it was seen as a way forward to enable appeals to go on so that we could get through any planning appeals backlog, and when the time came to do away with just having written appeals we would, of course, move back to public meetings as an opportunity as well for the appellant to request.

The Speaker: Supplementary question, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

Two thousand five hundred planning decisions have been made since lockdown in the UK, 35 planning appeals are being considered, some of them have even been decided virtually. With 2020 hindsight, does the Chief Minister regret not investigating this matter more fully and making a similar statement to the ministerial statement on virtual working and planning made on 13th May in Westminster by the Secretary of State for the Minister of Housing, Communities and Local Government? That forward-thinking, practical Minister stated then:

This means adapting to working virtually, including virtual hearings and events (such as using video-conferencing and/or telephone) and making documents available for inspection online. The Government expects everyone involved in the planning process to engage proactively. … The Government expects opportunities for virtual hearings and processes to be maximised. … The Government expects Inspectors and Examining Authorities to take decisions about whether –

The Speaker: We are moving to a question, aren’t we, Mr Thomas?

Mr Thomas: – and how virtual events should proceed and to consider the practical measures needed to ensure fair participation.

So to repeat the question at the beginning of my statement: with 2020 hindsight, does the Chief Minister not regret not investigating this matter more fully and making a similar statement to the ministerial statement on virtual working and planning across?

The Speaker: Chief Minister to reply.

The Chief Minister: Thank you, Mr Speaker.

I will just clarify my position again and that of the Council Ministers and the officer team who supported this stance in the Planning department of the Cabinet Office and the Department of Environment, Food and Agriculture … someone has got their speaker still on, Mr Speaker.

The Speaker: We are working on that.
The Chief Minister: We, for a short time, felt the best way for planning appeals ... because we could not guarantee that members of the public would have the same sort of IT systems in place and would be supported like we as Keys and Tynwald Members are; and it was quite noting this morning, the setting-up problems that we had with two or three of our colleagues who could not hear properly, we could not hear them. Now, it is okay if you are having a general meeting, you can go and just get them to come in once they have got their IT sorted out but when you are running a planning appeal system, that gives anyone who is not happy with the overall result the chance to lobby and say, ‘Well, it was not done properly because I could not hear half of what was being said, therefore I could not challenge properly.’

We did ask GTS to look at it. They came back at that moment in time that it could not be done to a safe measure where members of the public would feel that they had the IT capacity to take part properly. Appeals in writing are legally acceptable. That is the majority situation in the United Kingdom, that appeals are held by written submission rather than in a public hearing and we felt that for a short period of time, to get the backlog down, that it would be reasonable to do this. Obviously the majority of the House of Keys Members agreed with us; regrettably, the Legislative Council did not.

The Speaker: Supplementary question, Miss Costain.

Miss Costain: Thank you, Mr Speaker.

Given the minor problems that we have had with Teams, with the virtual sittings – it has only taken a few minutes to resolve – is the Chief Minister aware of any more serious concerns that have been raised about using Teams for the virtual sittings of Keys and Tynwald? I have not heard anybody during a sitting saying, ‘I did not hear that so I cannot vote,’ or anything along that line.

Would it not have been possible to make available maybe the Library in Tynwald or something for people who did not have access to Teams, who could not put it on their own computers? And given the fact that you can actually see people if you want to or you can certainly hear them and you have got a chat line, they could have made anybody aware at the time of taking place that they were having problems.

What further investigations did the Chief Minister give to this, given that Teams is sufficient for Tynwald meetings where we are all actually voting on important issues?

Thank you.

The Speaker: Chief Minister to reply.

The Chief Minister: Thank you, Mr Speaker.

I think the matter needs to be considered in the context that the emergency powers were brought forward. The restrictions were imposed necessarily quickly and as a result the progress on all appeals was halted.

Now, the use of virtual inquiries was not promoted as it was not seen as being deliverable in the short term. Notably the officers considering the matter did not themselves have a reliable means to have virtual meetings, and some still do not. There were concerns that not all sections of the community have the right technical equipment, unlike Keys and Tynwald Members, sufficient know-how or sufficient broadband that would allow them to participate without alternative arrangements being put into place that led to the conclusion that this was likely to be a viable option for all parties.

We need to remember that planning appeals are quasi-judicial and if a party feels they have not heard another party’s case being made or not able to give or hear answers in respect of questioning, they can make a claim that they were disadvantaged, giving rise to a potential legal challenge, and because of the high impact on asset values often associated with planning decisions it can be highly cost effective to seek to challenge the validity of a decision.
Again I will reiterate, Mr Speaker, this was for the short term. This was agreed by the planning officers in the Cabinet Office in writing and by officers in DEFA as the best way forward for a short-term solution to a backlog of appeals.

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

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

Does the Chief Minister want to agree on the record, or disagree, with the UK Planning Inspectorate, which quoted in its guidance:

We are confident that we can maintain professional standards and the Franks Principles while running virtual hearings and inquiries. The inspector will run the event in the normal way, but with participants invited to join via Microsoft Teams or by phone. Participants will receive details of any requirements, guidance and support, taking into account any representations received.

Does the Chief Minister also want to agree, on record, that Microsoft Teams allows participation from email anywhere with the proper set up, as I have done recently with many meetings?

And finally, can the Chief Minister confirm, perhaps by writing afterwards, exactly who and when GTS provided the advice he has cited and whether that is inside GTS’s competence to actually comment on network performance issues outside the Government network?

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

**The Chief Minister:** Thank you, a number of statements there, Mr Speaker.

All I can say is that Government asked GTS; I asked my officers, at the time our officers gave us evidence from the Cabinet Office, our planning team, and from DEFA that the best way forward for the Isle of Man – and the UK may have said a number of different things – we are in the middle of a battle against coronavirus and we are doing our own thing on the Isle of Man on the advice we got from GTS and from our planning officers. A short-term solution to solve the backlog and do things that properly was to have written appeals, and this is the vast majority of what happens in the United Kingdom too.

So I think this is a mountain out of a molehill. We did our best for the people of the Isle of Man. It is a Manx solution for the problems that we have faced here.

I cannot comment on what the UK do. I do what is best for the people of the Island and on the advice of my two lots of planning people and our GTS.

**The Speaker:** I am very conscious that we are still on Question 1 and we have only had four supplementaries so if I could make a plea for short questions and short answers. I intend to bring in Mr Shimmins, Miss Costain and then I will give Mr Thomas a final opportunity to ask a supplementary and then we will move on.

So Mr Shimmins, please.

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

I would like to ask the Chief Minister what consideration was given to using the secure video conferencing facility enjoyed by the Manx courts and our judicial process?

Thank you.

**The Speaker:** Chief Minister.

**The Chief Minister:** Thank you, Mr Speaker, and I thank the Hon. Member for that question. I have to say that I do not know the answer because I was not dealing with this. Government was asked to look at a system and the courts have another system.
I know speaking to some of our learned friends they would not accept an oral hearing for something of this gravitas. They would have a written hearing for something like an appeal. But I think that whatever system we have to have it needs to be on the Island and I am not aware if the courts system that they use here is based on the Island from an IT point of view. So I will have to come back to the Hon. Member for Middle, Mr Shimmins, and clarify that, Mr Speaker.

The Speaker: Thank you.

Supplementary question, Miss Costain.

Miss Costain: Thank you, Mr Speaker.
Could I ask the Chief Minister, following on from his answer to my previous supplementaries, did they consider what alternatives could be put in place to address the potential challenges?
Also, when he talks about the ‘Manx solution’ did that mean that Manx people were not able to have a voice? Thank you.

The Speaker: Chief Minister.

The Chief Minister: Thank you.
I will take the last point first that the Hon. Member, Miss Costain, has raised, I think that it was an unfair comment really. Legal advice was sought in respect of whether it was acceptable to remove an appeal from oral to a written, and it was clarified that whilst two options are usually offered, the right is one to make representation, not the means by which they were made.

I have made it clear that I feel the planning system should be fair and transparent and that in a short period of time written submissions is legal, it is fair and it is transparent. The inspector gives a full written report into why he has made the decision. He can ask for clarification in writing or my email to appellants, and this was just short term.

Regarding other agencies or other areas that had been looked at, I cannot advise at this moment. I was asked who had looked at it and I was told that our Government Technology Services had looked at it and had come back and had given us this advice so as Government that is the logical place you would go, GTS, to ask the question.

The Speaker: Final supplementary, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.
With 2020 hindsight, and especially given that sustainable development and the making of planning decisions is vital without legal risk and without perverting Article 6 rights, does the Chief Minister agree to revisit this matter of technical possibility for virtual planning hearings and virtual site visits immediately?

The Speaker: Chief Minister to reply.

The Chief Minister: Thank you, Mr Speaker.
First of all, I would like to just point out that what we are doing, or we propose, is legal and decent and it is supported by the officers of the Cabinet Office planning team and DEFA, so I think that is clear.

Of course, going forward, as technology ... and I know Teams, for example, the data and the development of that software is moving on at an incredibly fast pace as the world wants to use this sort of technology, and the offerings on Teams is improving all the time.

Clearly, I am not a technical IT person, that is not my background, but once the Government Technology Services advise us that Teams has moved on to a situation where it can be done
without the fear of appeals being appealed effectively, because people have not been able to speak or be heard properly then, of course, we will.

I know that the Minister for DEFA and his team are already looking at the technology to see if it has moved on in a sufficient way to enable us to overcome the concerns that we had regarding any legal challenge and doing it properly and providing the public with the right IT so that they could be heard.

So, yes, we are looking at it and we are more than happy to look at it as we go forward. If a solution is found then we will gladly take it forward, because the most important thing is getting the appeals heard quickly because they are building up. The economy will suffer as a result of not having appeal decisions: there is a lot of building that needs to go on that we need for our Island’s economy and further delay is the further stagnation of our economy.

2.2. Consideration of planning appeals –
Views on written representation versus public hearing

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

What views were (a) sought and (b) received from those directly involved in respect of considering planning appeals by written representation rather than by public hearing?

The Speaker: Question 2, I call on the Hon. Member for Douglas Central, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

I beg to ask the Chief Minister what views were sought and received from those directly involved in respect of considering planning appeals by written representation rather than by public hearing?

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

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

Following an approach by representatives of the Department of Environment, Food and Agriculture, views were sought from and given by some appellants plus both the Cabinet Office’s planning appeals and planning policy teams.

Mixed views were expressed by appellants, some of whom were prepared to await the border reopening to allow subsequent hearings, although of course when they were asked in mid-April there was no firm indication as to how long the borders could be expected to remain closed.

A virtual meeting took place on 27th April 2020 between the three officer teams and views in respect of the options were discussed and the proposed solution was identified, mindful that the borders could be closed for a considerable period and that we needed to introduce a resilient and timely solution.

The Speaker: Thank you.

Supplementary question, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

I am glad that the Chief Minister does recall that the Cabinet Office independent appeals inspectors did make enquiries, but his recollection of what they found is different from mine. I believe that the submission to the team responsible in Cabinet Office was that nearly all of those directly involved declined, when approached with an offer of a planning appeal made by written
representation only, to have one. My understanding is that very few, if any, actually wanted to
go down the process that was decided by officers and confirmed by Council of Ministers.

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

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

This is an area that I do not deal in and therefore I have to trust the information that I am
given by officers. But, as I say, Mr Speaker, this was a short period of time to get the backlog in
appeals done properly, where we felt we would be safe that there would not be any legal
challenge because written appeals is what happens to the vast majority of appeals in the United
Kingdom, and therefore that is how we came to the conclusion.

Yes, some people were happy to wait, but we did not know how long this was going on for
and we wanted to get on with the backlog. We took legal advice; we took advice from the
planning teams. This was the solution. This is what we put to the Hon. Court. And we had
already had a ruling that it was legal and decent what we were proposing.

**The Speaker:** Supplementary question, Miss Costain.

**Miss Costain:** Thank you, Mr Speaker.

Could I ask the Chief Minister are the appeals actually currently progressing right at the
moment; what is the current situation?

Also, could he confirm whether or not it is actually the officers who have been driving this
policy? From his answers today, on both of the Questions, it certainly sounds like it.

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

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

There are no appeals being heard at the moment, Mr Speaker, to my knowledge, because
Tynwald did not give its support to have written appeals only. And the team have not, at this
moment in time, been able to come up with a solution that covers the concerns over having fair
hearings where people maybe do not have the correct IT or are maybe able to challenge
because they say they were cut out of a meeting for a while and therefore could not have their
say on something. Therefore no appeals to my knowledge, although I will, of course, correct that
if that is found to be any different, but I do not think it is.

And no, I do not think officers are leading on this. They were asked by the Minister of
Environment, Food and Agriculture, who is in charge of planning, to come up with a way forward
whilst we were in emergency measures and we could not have inspectors coming over to the
Island, they would not come over to the Island anyway I was advised, whilst the coronavirus
outbreak was going on, or COVID-19. So it certainly was not led by the officers, to the best of my
knowledge, but they did support and come up with the offering that written, for a short term,
would be an acceptable way out of this situation, but it is only for the short term, Mr Speaker. It
is not something permanent, and I would point out respectfully that the vast majority of the
cases in the United Kingdom before coronavirus were heard by written submission.

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

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

Building on Miss Costain’s question, and given that the technology problems can be solved,
when does Government now expect these important planning applications, which were caught
up by DEFA’s decision in respect with how to deal with planning during the COVID-19 proclaimed
emergency, will be decided? For instance, there are some very important planning applications
like the Peel regional sewerage works, wherever it is going to be located, which is an important
component of the Programme for Government, the MUA’s plans, Treasury’s budget and which was an important element in the local MHKs’ manifestos.

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The Speaker: Chief Minister.

The Chief Minister: Thank you, Mr Speaker.

I think I mentioned earlier that DEFA, the Cabinet Office and GTS are looking at changes to the Teams system and the minute that we are all confident that a safe way can be found then we will, of course, introduce hearings on the internet for appeals, as well as the option for written. It is currently being worked on, and I am sure the DEFA Minister will give an update the minute he has a satisfactory solution to put forward because it is him and his Department who are responsible for the planning.

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The Speaker: Supplementary question, Mr Boot, and then I will turn to the final Supplementary question from Mr Thomas.

Mr Boot.

The Minister for Environment, Food and Agriculture (Mr Boot): Thank you, Mr Speaker.

Would the Chief Minister agree with me that it is a little unfair, Mr Thomas questioning in the way that he is? We were looking at a solution short term, in an emergency situation and the situation on appeals and inquiries is different in the Isle of Man, inasmuch as we have applicants and objectors who can appeal and also CoMin referrals, and we were looking simply to have a solution based on the fact that there was an emergency and we did not know when the borders were going to open.

Would the Chief Minister agree that we are doing work on looking at how we move this thing forward because we are very conscious of the fact that there is a backlog of appeals, particularly CoMin referrals, and that as the situation has improved dramatically we have been able to engage with the UK inspector, who has indicated that he would be willing to come over, and because of the social distancing requirements changing we hope in the future, if nothing goes wrong, in the very near future, it may well be possible to re-institute the inquiry process?

I think Mr Thomas is confusing a future aspiration to move to a virtual situation, a digital solution to actually moving the situation on at the moment. I think everyone in Government wants to see progress and applicants and objectors alike want to see inquiries settled and move forward in the short term, and we are cognisant of that.

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The Speaker: Can I remind everybody this is Question time, not statement time.

Chief Minister to reply.

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The Chief Minister: Thank you, Mr Speaker, and I thank the Hon. Member.

I seem to have got a lot of statements from people today, but I thank the Hon. Member for his helpful clarification as the Minister in charge of this topic. I think it shows clearly that we are working on a solution and that we do hope to have hearings back up and running in as short a time frame as possible.

But I would respectfully point out to this Hon. House that this was a short-term measure to deal with the backlog of appeals so that once the inspector made a decision we could get building going again to help with the economy and to help with planning matters. It was not a long-term measure, it was done with the best of intentions and we are now moving on with finding a solution, as the Minister for DEFA has said.

Thank you, Mr Speaker.

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The Speaker: Final supplementary, Mr Thomas.
Mr Thomas: Thank you, Mr Speaker.

Does the Chief Minister agree with me that it would be better for Cabinet Office to lead this, given that appeals by definition need to be independent of the Department making the decisions and with a direct interest in the original decisions?

Secondly, does the Chief Minister welcome the Minister for Environment, Food and Agriculture’s openness just now in stating that site visits were actually available for UK inspectors during most of May, differently from what was presented on 26th May in Tynwald?

And thirdly, does the Chief Minister agree with me that everybody needs now to focus on being forward thinking and practical to move forward with the 30 or so applications that are held up, 10 of which arose during the crisis and 20 of which were already in train?

The Speaker: Chief Minister to reply.

The Chief Minister: Thank you.

I can agree one thing with Mr Thomas; that it is important that we get on with our planning matters. It is important for the Island that we find a solution and get on with it.

This was a proposal that had been put forward by DEFA and the officers in two Departments and GTS, and having explored with GTS a short-term way forward we are now looking at another way forward because things have changed. We have flattened the coronavirus curve far quicker than we ever did in our wildest dreams and as a result of that going from two metres down to one metre, and who knows what in the coming weeks, we can move quickly and much quicker than we had planned.

Regarding the operation of planning decisions, Mr Speaker, that is a matter for the Department of Environment, Food and Agriculture. The appeals are administered by the Chief Secretary’s team. However, this is on behalf of DEFA, the appeals were administered by the Chief Secretary’s team, even when planning operations and policy was previously part of the Department of Infrastructure. At no point in the recent past has the operation of the appeals been part of the function of the planning policy team.

Thank you very much, Mr Speaker.

TREASURY

2.3. July Budget statement – Encouragement of return to high streets

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

What plans he has to include in his July Budget statement initiatives that would encourage people back to high streets?

The Speaker: Now, we turn to Question 3, and I call on the Hon. Member for Arbory, Castletown and Malew, Mr Moorhouse.

Mr Moorhouse for Question 3, please.

Mr Moorhouse: Thank you, Mr Speaker.

I would like to ask the Treasury Minister what plans he has to include in his July Budget statement initiatives that would encourage people back to the high streets?

The Speaker: I call on the Treasury Minister to reply.
The Minister for the Treasury (Mr Cannan): Mr Speaker, firstly it is important to make clear that the Budget Update statement in July is intended to be just that: an update to the Budget approved in February. But, and in addition, it does provide an important opportunity for Tynwald to consider the financial challenges we face as a result of COVID-19 and the appropriate financial and economic response needed to take the Island forward to a better future.

In that respect, work is currently being undertaken to develop our economic recovery plan, which includes analysis and assessment of all sectors of the Island’s economy and will take into account the immediate as well as the longer term requirements to transition the economy to a better future. We must seek to capitalise on the opportunities and the lessons that have presented themselves as a result of this pandemic.

I will provide a more comprehensive update on this work and funding for the economic plan as part of the Budget Update.

Thank you.

The Speaker: Thank you very much, Treasury Minister.

HEALTH AND SOCIAL CARE

2.4. COVID-19 and antibody tests – Costs of each

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

How much each (a) COVID-19 test; and (b) antibody test costs?

The Speaker: We turn to Question 4, Hon. Member for Onchan, Ms Edge.

Ms Edge: Thank you, Mr Speaker.

I would like to ask the Minister for Health how much the COVID-19 test costs and also the antibody?

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

The Minister for Health and Social Care (Mr Ashford): Thank you, Mr Speaker.

The real time polymerase chain reaction test is currently £17.40. The rapid one hour polymerase chain reaction test is £32 and an antibody test is £4.50.

The Speaker: Thank you very much, Minister.

Supplementary question, Mr Hooper.

Mr Hooper: Thank you very much, Mr Speaker.

Can the Minister just confirm, is that the cost that the Department is paying for the tests, not the cost that they are available to the wider public? And off the back of that question are there any plans to roll these tests out more broadly to allow people to purchase tests, should they so desire?

The Speaker: Sorry, Mr Hooper, we completely lost you for the second part of your question.

The Minister: I did understand it, Mr Speaker.
The Speaker: Mr Hooper, could you just repeat the second half of your question so that everyone is on the same page, please?

Mr Hooper: Yes, Mr Speaker, of course.

I asked the Minister if that was the cost that his Department was paying rather than the cost they were available at to anyone else. And also, off the back of that question, whether or not the Department has any plans to allow people to purchase these tests, should they so desire?

The Speaker: Thank you.
Minister to reply.

The Minister: Thank you, Mr Speaker.

We have no plans for people to purchase it privately. People can purchase antibody tests privately at the moment from companies but the issue with the polymerase chain reaction, also known as PCR testing, is of course it has to go through lab processing, as does the full blood test antibody test, which is what we do, and so we have no plans at the moment to actually allow that to be done privately through the Department.

There is obviously the finger prick antibody test that people can purchase privately but the caveat I would put on that is the accuracy of those tests is widely disputed. I would not encourage people to be ordering private tests.

The Speaker: Supplementary question, Ms Edge.

Ms Edge: Thank you, Mr Speaker.

I thank the Minister for confirming the cost of the test. This does not seem as if it includes the actual resource cost for carrying out the tests, so I would like the Minister to confirm that, because clearly the public will think £4.50, but surely there is a cost for the resources to actually carry out the test. And if it is as low as £4.50 – I know the Minister has confirmed that we are going to be doing 5,000 tests and we have the capability of 10,000 – as it seems such a low value, does the Minister envisage expanding this further?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

To the Hon. Member’s questions that relate to the antibody test I can confirm the £4.50 does not include the resource, but the resource is a fixed cost anyway because we have the equipment in the lab and we are using staff from existing resource in microbiology to process the tests.

In relation to the antibody testing it is 10,000 in total the Island has purchased. They do have a lifespan on them so we are calling off the 5,000 first and we will do it in two blocks of 5,000. We will then look to potentially roll it out further. But we do have to remember, Mr Speaker, these are the first antibody tests that have been properly validated as accurate and so there is large demand around them in the world. Had we used NHS Supply Chain, for instance, to source the tests, rather than going out and purchasing them privately, we would not have got the 10,000 that we have available to us.

The Speaker: Further supplementary, Ms Edge.

Ms Edge: Thank you, Mr Speaker.

I just wonder if the Minister could advise with regard to the COVID-19 test how many of those we have in stock in case there is a second wave following the relaxation in many areas; and is there a lifespan on these tests?
Thank you.

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

I assume from that that the Hon. Member is referring to the PCR testing, the polymerase chain reaction testing, as such they are a swab test, so what that involves is swabbing the back of the throat and the nose and what then happens is basically the facilities in the lab look for the RNA of the virus and if that RNA is present that is what produces then a positive test. So basically it is slightly different in relation to PCR because with PCR the limit is really around the number of swabs that you hold, which is in our case several thousand.

The Speaker: Thank you.

INFRASTRUCTURE

2.5. Passenger numbers –
Differences between published responses

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

Pursuant to his Answer of 16th April on passenger numbers, if he will explain the differences between the Answer and the Freedom of Information response published on 24th February 2020; and if he will make a statement?

The Speaker: We turn to Question 5, the Hon. Member for Ramsey, Mr Hooper.

Mr Hooper: Thank you very much, Mr Speaker.

I would like to ask the Minister for Infrastructure pursuant to his Answer of 16th April on passenger numbers, if he will explain the differences between the Answer and the Freedom of Information response published on 24th February 2020; and if he will make a statement?

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

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

For the benefit of Members, there is probably merit in me explaining some of the background around this Question. At the April 2019 sitting of Tynwald, the Department provided a detailed written response to a Question on passenger numbers on all forms of public transport. The information provided stated that in 2018, 113,197 passenger journeys had been made on the steam railway. In February 2020, following a Freedom of Information request, the Department released information that stated that 127,096 passengers had travelled on the steam railway in 2018. An additional figure of 9,000 passengers using the dining car was consistent in both responses. There is a known issue in relation to the way in which group travellers have been counted, which may account for some of the discrepancy as well as the issue of journeys being multimodal but only being counted once.

It is clear that there is a need for the methodology to be clarified and to be followed consistently in the preparation and publication of all figures. Indeed, the question over the methodology around the collation of passenger numbers on the various heritage railways has been raised before, and my predecessor stated this would be looked into. This is something that I can now take forward in my new role.
Given that these services are currently not operating it would seem an ideal time to better understand how numbers are recorded and reported. As such, the Department will now look at ensuring that there is a common methodology applied to the collation of all figures, and where there have been assumptions applied these will be clearly stated. It is likely that this will not be able to be applied retrospectively.

From this point forward I will ensure that there is a robust set of figures which accurately portray the number of passengers carried. I will ensure that this will be in place for when services resume so that we have a better understanding of the precise numbers travelling on the various railways.

Thank you, Mr Speaker.

The Speaker: Thank you.

Supplementary question, Mr Hooper.

Mr Hooper: Thank you very much, Mr Speaker, and I would like to thank the Minister for that Answer.

Included in the information that was previously presented were statements along the lines of some of these figures are estimates, essentially. Included in one set of the numbers was a statement that 10,000 had been included who will have boarded based on historic numbers from some of the stations on the steam railway when there previously were station masters but no longer. Would the Minister accept that actually utilising these passenger numbers and the ticket information that they currently have to try and justify further ongoing economic support for some of these heritage railways is perhaps a little bit disingenuous, given how unreliable this data is?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

I think it is important to base decisions on the best information that is available. We know that the pattern of passengers travelling on the various heritage railways does vary and does include, for example, the sort of situation that the Hon. Member for Ramsey has just described, where passengers may be travelling short distances between stations where there is no station master. In addition, there are groups which are carried on the various heritage railways, which is an important part of our visitor offering, and where we have group bookings they are generally made in relation to a carriage or a tram, with a cruise-operated booking a number of carriages, for example. So again, there are no accurate figures of precisely how many passengers have actually travelled on a particular service.

I think it is entirely reasonable for the Department to make assumptions and to validate those assumptions, as long as it does so in a consistent and transparent manner. And, as a direct answer to Mr Hooper’s question, I do not think it is disingenuous. I think it is a practical response to the situation where we do not have the infrastructure around each individual station or each individual journey to accurately count individual passengers.

Thank you.

The Speaker: Thank you.

Supplementary question, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker, and I hope Mr Speaker and Hon. Members do not mind me congratulating Mr Baker on his appointment, and also for being so frank and helpful in his first Answer, I believe, in the House of Keys.

Does the Minister agree with me that this disconnect between the two pieces of information epitomises the clash between management collating information for management purposes and
official statistics, which was shown earlier, for instance, with the passenger numbers. Does the
Minister agree with me it would be helpful to work with his predecessor, Mr Harmer, Mr Hooper
and Mr Skelly to actually clean up all of the discrepancies around official statistics and their clash
with management statistics, continuing the work that was already started?

The Speaker: Minister to reply.

The Minister: Thank you very much, Mr Speaker, and thank you to the Hon. Member for
Douglas Central for his kind words.

In terms of the overriding point that the Member is making, absolutely, I do believe that it is
helpful and a good intention to try and base our decisions on the best information that we
possibly can. However, what I would say is that there are a huge range of challenges that both
individual Departments and the Government as a whole face and we need to make sure that we
are deploying our resources in the optimal manner to ensure that they generate the best return
for the people of the Island.

So I think as a general principal it is better to have more precise data where that is available.
However, it is entirely reasonable to take a balance between precision and the cost of obtaining
data, and we need to make sure that our methodology is proportionate to the issues that we are
wrestling with.

Thank you, Mr Speaker.

The Speaker: Supplementary question, Mr Shimmins.

Mr Shimmins: Thank you, Mr Speaker.

I would also like to take this opportunity to congratulate my hon. friend, Mr Baker, on his
new appointment and wish him all the very best in this key role.

Would the Minister agree that passenger numbers should be published free of manipulation
to avoid misrepresentation by vested interests?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker, and thank you to the Hon. Member for Middle for his
congratulations, which I really appreciate.

I think it is important that we get transparency and that the information should
be made available so that we can make the best decisions for the people of the Isle of Man and to ensure
that taxpayers’ money is spent optimally.

Thank you, Mr Speaker.

The Speaker: Final supplementary, Mr Hooper.

Mr Hooper: Thank you very much, Mr Speaker.

I would like to thank the Minister for acknowledging the issues that are present inside the
data. Given that he knows and has stated the data is inaccurate and there have been some
inconsistencies in the methodology used to calculate some of these figures, can he advise
perhaps when the Department first identified some of these issues?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

Clearly, my degree of knowledge around this is limited, having been appointed as Minister for
the Department for less than a week. I am happy to respond directly to the Hon. Member to
clarify that, having taken advice from officers, if the Hon. Member for Ramsey is happy with that.

Thank you.

ENTERPRISE

2.6. Manx National Heritage sites –
Statement on reopening

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

*If he will make a statement on the reopening of Manx National Heritage sites in the constituency of Arbory, Castletown and Malew?*

**The Speaker:** We turn now to Question 6, 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 Minister for Enterprise if he will make a statement on the reopening of Manx National Heritage sites in the constituency of Arbory, Castletown and Malew?

**The Speaker:** Minister to reply.

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

Manx National Heritage has already supplied the Hon. Member with a response, I understand, but I will summarise for the benefit of the House of Keys, and I will take this opportunity to clarify the impact of the recent changes in the Government guidance on coronavirus on the services Manx National Heritage provides to the public.

Many of the services Manx National Heritage provides have continued in line with a new Memorandum of Understanding developed jointly with our Department and the Treasury earlier this year. While most services have continued to operate ‘behind the scenes’ during the pandemic, Manx National Heritage’s outdoor sites and ancient monuments never closed, and sites such as Fort Island, in the Member’s constituency, have given valuable opportunities for the public to enjoy at their leisure.

Investment in digitisation by the National Heritage Agency has paid off, and hundreds of people have been able to access an enormous amount of rich content and great stories online, and read the iMuseum’s newspaper free of charge during the pandemic.

Members will know that the Council of Ministers published a document which outlined the phased approach to re-opening, which the Island is likely to follow over the coming weeks and months.

Most of the visitor services that Manx National Heritage provides usually fall in the later phases of recovery. Initially the message was stay at home. Increasingly, as we move through stay safe, leisure and recreational facilities have been allowed to resume, but it is in a gradual and measured way and the health, safety and wellbeing of staff, volunteers and visitors are paramount. Accordingly, all sites will undergo a detailed risk assessment to ensure social distancing and improved hygiene is adhered to.

It is planned to open Peel Castle on 11th June, subject to the appropriate measures being in place and tested. I am sure the Hon. Member will be pleased to know that Rushen Abbey and
Castle Rushen are high on the list, and that MNH will keep the public updated as their much loved sites are opened.

**The Speaker:** I apologise to Mr Moorhouse for missing his request for a supplementary on Question 3, but I notice he has made an early bid on this occasion.

**Mr Moorhouse:** Thank you, Mr Speaker, and thank you, Minister, for that more detailed Answer than I had received previously.

Does the Minister recognise the importance of sites such as Castle Rushen being open? They should be of benefit to the local economy, open for those enjoying staycations and, of course, for those involved in home education.

Castletown is planning big weekends in July and August to attract people back to the high street. Would the Minister for Enterprise encourage Manx National Heritage to participate in that event rather than keep their doors closed?

It was also interesting to hear that Peel Castle is opening on 11th June. Could the Minister suggest why that has been given priority over attractions in the south of the Island?

Thank you, Mr Speaker.

**The Speaker:** Thank you.

Minister to reply.

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

We would obviously recognise the importance of Castle Rushen but this is Manx National Heritage. And there are so many national sites that are important and should be enjoyed by our local population, have been enjoyed, and we hope are going to be more greatly enjoyed because of staycations, which the Hon. Member has highlighted.

I would encourage the Hon. Member, with his colleague, Mr Cregeen, and the local commissioners, to organise events with Manx National Heritage to promote Castletown and the surrounding areas but equally we should all enjoy our national heritage sites.

And I would just remind, even though those sites have been closed and some of them still are closed, there are many ancient monuments and sites around the Isle of Man that should be visited. And one such, I had a very nice email from somebody who is enjoying going to see the 35 keeills that are available all around the Isle of Man, so we have a rich heritage: please go out and enjoy it.

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

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**POST OFFICE**

2.7. CarryUsThrough collection – Procurement and design

The Hon. Member for Ramsey (Mr Hooper) to ask the Chairman of the Post Office:

*If she will make a statement on the procurement and design of the CarryUsThrough collection?*
The Speaker: We now turn to Question 7, 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 Chairman of the Post Office if she will make a statement on the procurement and design of the CarryUsThrough collection?

The Speaker: I call on the Chairman of the Post Office to reply, Ms Edge.

The Chairman of the Post Office (Ms Edge): Thank you, Mr Speaker.

Isle of Man Post Office’s CarryUsThrough stamp issue and associated products was created in response to the current worldwide COVID-19 health crisis.

The procurement process was fully compliant with Isle of Man Post Office’s financial regulations. The original concept and stamp design was created by a UK-based agency. The design was then further developed into a stamp label and additional products by a local designer. Both are included within Isle of Man Post Office’s preferred supply list for marketing and PR agencies.

Isle of Man Post Office produces 14 stamp issues per year, all of which are designed by a variety of designers and artists, based locally and further afield, on a variety of themes and topics. Consideration of which agency to use is based upon their skills and experience and wider opportunities such as a partnership can bring to the issue and ensuring they can meet the timescales required to bring the products to market.

Thank you, Mr Speaker.

The Speaker: Thank you.

Supplementary question, Mr Hooper.

Mr Hooper: Thank you very much, Mr Speaker.

That Answer was surprisingly less helpful than I was hoping for. Would the Hon. Chairman be able to confirm where the process started for the design of this? Were the Post Office approached by the design agency she mentioned or did the Post Office themselves reach out?

The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

Obviously the Hon. Member is a Member of our sponsoring Department and he has been invited to the Isle of Man Post Office many times to understand the business and processes.

When an idea and a concept is considered we do reach out to many of our designers and suppliers, so the concept was an idea from our stamps manager and she then reaches out to various designers and suppliers for stamps.

Thank you, Mr Speaker.

The Speaker: Supplementary, Mr Hooper.

Mr Hooper: Thank you, Mr Speaker.

Apologies, Ms Edge was very echoey there, I did not quite catch it, but I believe she said that the Post Office themselves reached out to a third party after they had the original concept themselves internally. If that is the case, can the Hon. Member please advise why the Post Office put out a public statement stating that the Isle of Man Post Office was approached with a concept via one of the UK creative agencies they work with, which seems to be directly in contradiction to what she has just told this Hon. House.
The Speaker: Chairman to reply.

The Chairman: Thank you, Mr Speaker.

Quite clearly, we were all in a global pandemic at the time, and an idea has to develop into a concept. At the time we were informed by the printers of stamps that they were going to possibly be closing for business ... well, they were closing for business, and we had a very tight timescale to turn around current stamp editions that were sitting waiting and also any new concept. Our manager of stamps thought we needed to do something quickly and, quite rightly, she then contacted and we received a raft of ideas from various suppliers.

Thank you, Mr Speaker.

The Speaker: Supplementary question, Mr Hooper.

Mr Hooper: Thank you very much, Mr Speaker.

That does not actually answer the question that I asked: I asked the question why the Post Office put out a statement which reads, ‘IOMPO was approached with a concept for our CarryUsThrough stamps by one of the UK creative agencies we work with’, when that statement is quite clearly false, given that she has just advised this Hon. House that it was the Post Office themselves that started this process and reached out to the agencies concerned.

I appreciate the difficulties around some of this, but my concern is that statements that are being made are not being made completely honestly and based on facts. And actually, I would like the Hon. Member to answer the question that I am asking; which is why is she telling the Hon. House of Keys one thing but the public statements that are being made are saying something which is entirely different?

The Speaker: I call on the Chairman to reply.

The Chairman: Thank you, Mr Speaker.

I am quite aware of what the Hon. Member is talking about and various tweets etc. over that weekend. I did also state, Mr Speaker, that if there was anything inaccurate in any statement that it would be corrected. The CEO of Isle of Man Post Office will be talking with the media stream that was perhaps involved that weekend this week, and if there is anything to correct we have said we will correct that.

But I think what the Hon. Member for Ramsey is missing: in any business an idea has to develop into a product. And an idea which then develops into a concept to deliver a product is the way we have to operate with anything that has to be brought to market in a rapid way. It was quite clear on the UK agency website that normally a design for a stamp could take from six months up to a year.

So I am quite disappointed really that the Hon. Member is choosing to point out something that perhaps was hurriedly answered over a weekend of trying to put a statement out that was perhaps giving a clearer indication as to the process of producing a stamp, and obviously we have to then get Royal approval. I am disappointed when it was for such a good cause for this Island that he has chosen to pick up on one small element. And if there is anything to correct, Mr Speaker, quite right, as Chair of Isle of Man Post Office, we will make sure that it is carried out.

Thank you, Mr Speaker.

The Speaker: Now, I intend to allow a supplementary in the name of Mr Thomas and then I will return to Mr Hooper for a final supplementary.

Mr Thomas:

Mr Thomas: Thank you, Mr Speaker.
Does the Chair agree with me … she seemed to point out in her opening answer that it seems strange that a departmental political Member of the sponsoring Department is asking questions so aggressively in public and in this hon. place when other routes were available?

A Member: Hear, hear.

The Chairman: Thank you, Mr Speaker, and I thank the Hon. Member for Douglas Central, Mr Thomas for that.

Yes, I totally agree with that. We have a sponsoring Department for a reason, and if there are any concerns they can be raised via that.

But also I would just say to the Hon. Member for Ramsey how many times has he been asked to come to Isle of Man Post Office to understand our business? And I put that out to him again today, please come to Isle of Man Post Office and understand the full business.

Thank you, Mr Speaker.

The Speaker: I am pretty sure that was not an invitation to become the Vice Chairman!

Mr Hooper, final supplementary question.

Mr Hooper: Thank you very much, Mr Speaker.

It is disappointing, in all honesty, that as a Member of the sponsoring Department I am having to resort to ask these questions in public in the House of Keys because it is impossible, it is absolutely impossible, to get an honest, straight answer from the Isle of Man Post Office in any other format. (A Member: Ooh!) I am asking the question again: why did the Post Office to decide to put out a wholly inaccurate statement in response to questions from the media? The question in the first instance was quite simply, was a local designer not used? Was a local designer not approached?

Another element of the statement that was put out by the Post Office states they did work with a very talented local designer to put out the products in this collection. And again, that is something I question because at no point, nowhere on the Post Office website, nowhere in relation to this particular set of stamps, is a local designer mentioned. So can the Hon. Member, the Hon. Chairman for the Post Office, please confirm why the Post Office decided to put out factually incorrect information, to make a public statement that was not accurate? And also, if she can confirm why, if a local designer was used in this format, they are not being credited for the work they have done?

The Speaker: Before inviting the Chairman to reply, I do want to caution the Hon. Member about the comments that he made at the start of his question there about impugning another Hon Member’s honesty. There are mechanisms for dealing with that and this is not an appropriate one.

I call on the Chairman to reply.

The Chairman: Thank you, Mr Speaker.

I am unsure what media the Hon. Member is talking about. As far as I am aware, there was certainly only one site, which I am not sure is mainstream media for the Island. However, when a stamp is produced our local designer is involved in producing the labels for our self-service customer kiosks and our counter network and obviously the collateral, and a post card that was distributed around the Island in support of the Manx Solidarity Fund.

I am also astounded that the Members says this is the only way that he can get answers from Isle of Man Post Office. That is clearly an incorrect statement. I am not aware – but I will obviously confirm this – that any point has the Hon. Member for Ramsey come to Isle of Man Post Office requesting information on this particular stamp edition.

Thank you, Mr Speaker.
The Speaker: Hon. Members, that concludes the time allotted for Oral Questions. We move to Questions for Written Answer.

Written Question 3.1. –
Ruling by the Speaker

The Speaker: We move to Questions for Written Answer, and with regard to Written Question 1, I want to inform Hon. Members I have had a request from the Chief Minister to refuse to answer Written Question 1, or partially refuse, on the grounds that: publication could be contrary to the Island’s data protection legislation; publication could potentially be a breach of an individual’s right to private and family life under Article 8 of the European Convention on Human Rights; and, as many hundreds of the documents have been issued or made, preparation of anonymised lists of these documents by date and who made them would be a disproportionate use of limited resources.

In making my decision, I sought advice from the Secretary of the House and took representations from the Attorney General. I will set out my reasons more fully in the Appendix to Hansard, which the Government and Mr Thomas are in possession of, but I have ruled that the data protection and human rights aspects are not relevant, as there are statutory exemptions for parliamentary proceedings.

I have instead directed that Government seek further clarification from the questioner about how the information he requires can be achieved without disproportionate time and effort. There is no exemption for refusing to answer a Question on the grounds of disproportionate and unjustified use of limited resources, and Tynwald has previously declined to make rules on this point, but I consider that in the interests of the taxpayer, it forms a necessary part of the public interest test which I am bound by.

Going forward, I believe that the Speaker should explain as fully as possible the reasons for their decision to build up a body of precedent for my successors to refer to. I also believe that there are good reasons for the Speaker to seek representations before reaching a decision, to ensure a decision is as fully informed as possible.
3. Questions for Written Answer

CHIEF MINISTER


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

If he will list public documents made since 16th March 2020 under regulations under the Emergency Powers Act 1936, broken down by
(a) who made it;
(b) date made; and
(c) how published
   (i) at the time it was made; and
   (ii) now,
giving the Universal Resource Locator used; what consideration has been given to laying such documents before Tynwald; what plans he has to revoke the Interpretation (Public Document) (Exemption) Order 2020 [SD No 2020/0225]; and if he will make a statement?

The Chief Minister (Mr Quayle): Regrettably it has not been possible to provide all of the requested information in time for today’s sitting.

There are two main categories of public documents made under the emergency regulations that have been made under Emergency Powers Act 1936: those addressed to particular persons and those of general application.

In respect of public documents of general application that have been made under emergency regulations to date the following table sets out the information requested.

Further consideration is required in respect of documents addressed to particular persons, and I am happy to undertake to engage with the Hon. Member at the earliest opportunity to discuss what information he is seeking and what I can provide.

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<tr>
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<th>Made by</th>
<th>Date made</th>
<th>Initial publication</th>
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The Hon. Member for Douglas Central (Mr Thomas) to ask the Chief Minister:

What (a) planning decisions and (b) appeals were made while the Emergency Powers (Coronavirus) (Town and Country Planning Procedures) Regulations 2020 [SD No 2020/0314] were in operation; and what the present status of those decisions and appeals is?

The Chief Minister (Mr Quayle): (a) One planning decision was issued while the Emergency Powers (Coronavirus) (Town and Country Planning Procedures) Regulations 2020 (SD 2020/0314) were in operation. It was a planning approval, 20/00341/B.

(b) One appeal was made during the time the Emergency Powers were in operation (on 26th May 2020), but not validated until 27th May. The appellants requested the written representation procedure. (ref 19/01209/B)

In terms of what the present status of the decision and appeal are; they are being processed in accordance with the Town and Country Planning (Development Procedure) Order 2019, and the Town and Country Planning (Development Procedure) Order 2013 respectively.

TREASURY

3.3. Public sector pension schemes – Support and contributions

The Hon. Member for Onchan (Ms Edge) to ask the Minister for the Treasury:

In what proportion each public sector pension scheme is (a) supported by Government; and (b) contributed to by employees?

The Minister for the Treasury (Mr Cannan): The proportion paid by the Government to support the public sector pension schemes varies across the public sector pension schemes managed by the Public Sector Pensions Authority (PSPA). The majority of Government employers contribute 15% of an employee’s superannuable pay. The exceptions are: the Manx Utilities Authority who contribute 22.10%, Isle of Man Hospice who contribute 11% and Manx Radio who contribute 16.80% of their employees’ total superannuable pay.

Likewise, the rate of employee pension contribution also varies across the schemes. The Isle of Man Government Unified Scheme 2011 has 10 sections, all of which have differing contribution rates. The Police Pension Regulations and Teachers Superannuation Order 2011 have tiered contributions depending on pensionable pay. Public Sector pension scheme contributions are paid as a percentage of an employee’s pensionable pay.

The following table shows the rate of pension contributions at 1st April 2020 in each public sector pension scheme.

The Public Sector Pensions Authority does not manage or administer the local authority pension scheme in the Isle of Man and therefore the requested information is not shown. This information is however available from the Douglas Borough website via the following link: http://iomlgps.im/wp-content/uploads/2017/08/2018-Annual-Fund-Report-1.pdf
3.4. Isle of Man Post Office –
Preparation for adjourned debate

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

What work is underway to prepare for the adjourned debate on the Post Office; and whether this will be published before the resumption of the debate?

The Minister for the Treasury (Mr Cannan): I presume that the Hon. Member is referring to the debate on the Future of the Isle of Man Post Office, adjourned to June Tynwald.

The Second Report on this matter by the Economic Policy Review Committee is yet to be completed and the Committee’s public oral evidence hearing scheduled for 25th March was cancelled, yet to be rescheduled.

In answer to a question from the Hon. Member in another place on 3rd March 2020 I confirmed that recipients of all benefits, with the exception of Jobseeker’s Allowance and Income Support for lone parents, could be paid directly into a bank or building society account, or collected in cash at a Post Office using a MiCard. I confirmed that the position would be reviewed later in the year when we hoped the functionality of our Benefit Payments System will...
be enhanced so that we would be able to offer weekly payments of benefits directly to customers’ bank accounts.

In response to the coronavirus pandemic and restrictions on movement we expedited some of this systems development and Treasury informed the public via press release at the end of March that they could choose to have all benefits and pensions paid directly into their bank accounts. In response to this, in excess of 1,000 people contacted the Division and asked to transfer to BACS payments.

Whilst paying benefits and pensions directly into bank accounts remains the preferred payment method for most recipients, Treasury acknowledges that it is not suitable for a relatively small proportion of people who prefer to receive their benefits in cash. In response to a further question from the Hon. Member in another place on 10th March 2020, the Post Office has formally agreed to provide MiCard services to the Treasury until 31st December 2022 and the Treasury has formally agreed to use the MiCard service until that date.

Treasury remains committed to examine whether there might be any alternatives to the MiCard service for those persons wishing to collect their benefits or state pension in cash. Given the unprecedented levels of demand on Social Security over the past few weeks and months, it will come as no surprise that no further progress has been made on this piece of work since I last mentioned it in the other place on 10th March.

On this basis, Treasury does not plan to publish anything on this matter in advance of the adjourned debate currently scheduled for June Tynwald.

INFRASTRUCTURE

3.5. Heritage railways – Passenger numbers

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

How many passengers used each of the heritage railways in each of the last 10 years; what methodology was used to calculate this; and what changes in such methodology have been made, and when?

The Minister for Infrastructure (Mr Baker): Minister Harmer provided the figures in answer to a Question on 16th April 2019 indicating the methodology used and the passengers recorded. This has been updated for the 2019 season but is otherwise reproduced below.

Passengers carried on Manx Electric Railway. Please note that pre-2015 passenger figures were collated manually and recorded only for travellers boarding and alighting from the main stations of Derby Castle, Laxey and Ramsey. Passengers boarding or alighting at any of the subsidiary stations would not be recorded, therefore a 15% uplift has been included for years 2012 to 2015 as an estimate of passengers carried. The introduction of Ticketer in 2016 allowed accurate recording of passengers boarding and alighting from all stations, thus the significant rise in numbers between 2015 and 2016.

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<td>165,750</td>
</tr>
<tr>
<td>2016</td>
<td>215,254</td>
</tr>
<tr>
<td>2017</td>
<td>227,826</td>
</tr>
<tr>
<td>2018</td>
<td>244,863</td>
</tr>
<tr>
<td>2019</td>
<td>206,956</td>
</tr>
</tbody>
</table>
Passengers carried on the Snaefell Mountain Railway.
Please note these passengers made return journeys so should be doubled for comparison with other railways.

<table>
<thead>
<tr>
<th>Year</th>
<th>Passengers Carried</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>44,581</td>
</tr>
<tr>
<td>2013</td>
<td>44,080</td>
</tr>
<tr>
<td>2014</td>
<td>47,901</td>
</tr>
<tr>
<td>2015</td>
<td>52,055</td>
</tr>
<tr>
<td>2016</td>
<td>46,405</td>
</tr>
<tr>
<td>2017</td>
<td>63,175</td>
</tr>
<tr>
<td>2018</td>
<td>76,434</td>
</tr>
<tr>
<td>2019</td>
<td>52,422</td>
</tr>
</tbody>
</table>

Passengers carried on the Steam Railway.
The figures provided below show the passengers numbers who travelled on the scheduled service from 2012. Figures for passengers who booked and travelled on the dining car service were recorded from 2016.

<table>
<thead>
<tr>
<th>Year</th>
<th>Passenger Journeys on Scheduled Service</th>
<th>Passengers Carried on Dining Car Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>98,276</td>
<td></td>
</tr>
<tr>
<td>2013</td>
<td>100,037</td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>97,851</td>
<td></td>
</tr>
<tr>
<td>2015</td>
<td>111,160</td>
<td></td>
</tr>
<tr>
<td>2016</td>
<td>115,537</td>
<td>5,702</td>
</tr>
<tr>
<td>2017</td>
<td>121,422</td>
<td>8,864</td>
</tr>
<tr>
<td>2018</td>
<td>113,197</td>
<td>9,000</td>
</tr>
<tr>
<td>2019</td>
<td>134,400</td>
<td>9,467</td>
</tr>
</tbody>
</table>

Passengers carried on Douglas Bay Horse Tramway.
The Department can provide figures from 2015 which is the year in which it partnered with Douglas Corporation to use the Ticketer system for recording passenger numbers. The Department took over the operation of the horse tramway in 2016.

<table>
<thead>
<tr>
<th>Year</th>
<th>Passengers Carried</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>51,020</td>
</tr>
<tr>
<td>2016</td>
<td>69,702</td>
</tr>
<tr>
<td>2017</td>
<td>73,954</td>
</tr>
<tr>
<td>2018</td>
<td>80,606</td>
</tr>
<tr>
<td>2019</td>
<td>14,342</td>
</tr>
</tbody>
</table>

POST OFFICE

3.6. Post Office retail strategy – Economic impact assessments

The Hon. Member for Ramsey (Mr Hooper) to ask the Chairman of the Post Office:

What economic impact assessments were performed as part of the development of the retail strategy; and when these will be published?

The Chairman of the Post Office (Ms Edge): IOMPO wish to refer the Hon. Member to the Answer provided to a substantially similar Question he raised in the March 2020 sitting of Tynwald.
Order of the Day

4. BILLS FOR FIRST READING

4.1. Companies (Amendment) Bill 2020 deferred;  
4.2. Public Housing Bill 2020

The Speaker: With that we turn to Item 4, Bills for First Reading. We have been instructed that the Companies (Amendment) Bill is not to be read the first time today. I instead call on the Secretary of the House for First Reading.

The Secretary: Bill for First Reading: Public Housing Bill 2020 – Member in charge, Mr Baker.

The Speaker: Thank you.

Public Housing Bill 2020 – 
Standing Orders suspended to take all remaining stages

The Hon. Member for Ayre and Michael (Mr Baker) to move:

That Standing Orders, and in particular Standing Orders 4.4(3), 4.6, 4.7, and 4.11, be suspended to permit all stages of the Public Housing Bill 2020 be taken at this sitting; and that any amendments to be moved to the Bill may be taken as manuscript amendments without notice.

The Speaker: Mr Baker, I call on you to move the suspension of Standing Orders to permit subsequent Readings.

Mr Baker: Thank you very much, Mr Speaker. I wish to move the motion in my name: that Standing Orders, and in particular Standing Orders 4.4(3), 4.6, 4.7, and 4.11, be suspended to permit all stages of the Public Housing Bill 2020 to be taken at this sitting; and that any amendments to be moved to the Bill may be taken as manuscript amendments without notice.

Whilst doing this, Mr Speaker, I would just like to make Hon. Members aware that I fully recognise that this is contrary to normal process. It is not something I wish to make a habit of, but there are compelling reasons as to why this Bill should move swiftly forward.

Mr Speaker, I beg to move.

The Speaker: Thank you.

I seek a seconder for that motion.

Ms Edge: Thank you, Mr Speaker. I beg to second.

The Speaker: Thank you, Ms Edge.

If any Member wishes to speak ...? Otherwise I will presume the motion will be carried, unless any Member indicates dissent, which they should do now. No dissent being indicated, the motion therefore carries.
Mr Baker to move:

That the Public Housing Bill 2020 be read a second time.

The Speaker: I call on Mr Baker to move Second Reading.

Mr Baker: Thank you, Mr Speaker.
Thank you also to Hon. Members for agreeing to suspend Standing Orders in order to progress this legislation to Second Reading today.

This Bill has three clauses and has one purpose, which is to seek to revoke the Sale of Houses Regulations 1958 and the Sale of Housing (Amendment) Regulations 1981 so that they are treated for all purposes as having been revoked on 1st January 1982.

In carrying out a scoping exercise in relation to modernising housing legislation, officers in Her Majesty’s Attorney General’s Chambers have identified historical regulations made under section 60 of the Housing Act 1955, in Part VI of that Act – namely the Sale of Houses Regulations 1958 – which are outdated and do not appear to have either been revoked or replaced. The 1958 Regulations reflect the social and political context of the time and are not compatible with modern housing practices. As such, they have broader implications and application than was originally intended: for example, in relation to the first-time buyer buyback properties applied by the Department and invested in them from time to time for resale to new first-time buyers.

At this point I would like to clarify that this Bill is not a precursor to the general sale of public housing stock and in no way affects that process which is extremely limited, treated on a case-by-case basis and requires both the Department and Treasury approvals to proceed.

As the 1958 Regulations have never been revoked, they remain in effect and it is likely that over the years there have been sales of houses by both the Department and local authorities, which have not been made strictly in accordance with Part VI of the Housing Act and the 1958 Regulations as they currently stand.

Mr Speaker, I beg to move that the Public Housing Bill 2020 be read for a second time.

The Speaker: Thank you.
Ms Edge.

Ms Edge: Thank you, Mr Speaker. I beg to second.

The Speaker: Thank you.
If no Member wishes to speak, I will put the motion that the Public Housing Bill be read for a second time. I presume the motion will be carried unless any Member indicates dissent, which they should do now.

No dissent having been received, the motion therefore carries.
Mr Baker: Thank you, Mr Speaker.

With your permission and Hon. Members’ agreement, I will move clauses 1 and 2 together and will then address the final clause.

The Speaker: Continue.

Mr Baker: Clause 1 provides the short title of the Bill and clause 2, the commencement of the Bill.

I beg to move that clauses 1 and 2 stand part of the Bill.

The Speaker: Thank you.

Ms Edge: Thank you, Mr Speaker. I beg to second.

The Speaker: No Member wishes to speak. I put the question that clauses 1 and 2 stand part of the Bill. I presume the motion will be carried unless any Member indicates dissent, which they should do now. No dissent being indicated, the motion therefore carries.

Mr Baker to move clause 3.

Mr Baker: Thank you, Mr Speaker.

Clause 3 provides the sole purpose of this Bill, which is that the Sale of Housing Regulations 1958 and the Sale of Housing (Amendment) Regulations 1981 are to be treated for all purposes having been revoked on 1st January 1982.

I beg to move that clause 3 stand part of the Bill.

Ms Edge: Thank you, Mr Speaker. I beg to second.

The Speaker: No Member wishes to speak. I put the question that clause 3 stand part of the Bill. I presume the motion will be carried unless any Member indicates dissent, which they should indicate now. No dissent being indicated, the motion therefore carries.

Public Housing Bill 2020 – Third Reading approved

Mr Baker to move:

That the Public Housing Bill 2020 be read a third time.

The Speaker: I turn to the Minister to move Third Reading.

Mr Baker: Thank you, Mr Speaker, and thank you to all Hon. Members for their support.

This is a short Bill which resolves a historic legacy issue which conflicts with Government’s Affordable Housing Strategy. It will immediately free a housing buyback transaction to proceed once this Bill has been enacted, and regularises the position both historically and going forward.

Mr Speaker, I beg to move that the Public Housing Bill 2020 be read for a third time.

The Speaker: Ms Edge.
Ms Edge: Thank you, Mr Speaker. I beg to second.

The Speaker: No Member wishes to speak. I put the question that the Bill be read a third time. I presume the motion will be carried unless any Member indicates dissent, which they should do now. No dissent being registered, the motion therefore carries.

Hon. Members, that completes the business before the House this morning. We stand adjourned until 16th June in Tynwald Court at 10.30. Thank you.

The House adjourned at 11.14 a.m.