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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 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) [attended virtually];
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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The Speaker: Moghrey mie, good morning, Hon. Members.

Members: Moghrey mie, good morning, Mr Speaker.

The Speaker: In the absence of the Chaplain, I will lead us in prayer.

PRAYERS

The Speaker

Leave of absence granted

The Speaker: As you will have gathered, leave has been granted to the Chaplain for today's sitting.

Tribute to former Member, Mr David Martin

The Speaker: It is also my sad duty to inform the House of the passing of Mr David Martin, Member of the House of Keys for Douglas East from 1981 to 1986.

He was born in 1936 to Herbert and Eileen Martin and educated in Peel Clothworkers' and Douglas High School. After training as an electrician and National Service with the Royal Air Force in Northern Ireland, he joined the Ayrshire Constabulary; however transferred to the Island's Constabulary in 1960, where he served until 1964.

In 1963 he married Lorna Crellin and spent the next 25 years as a hotelier in the Edinburgh and the Belvedere – part of the Villiers block of hotels. He was also a keen footballer for Peel and St George's.

His political career started with election to Douglas Town Council in Victoria Ward in 1974 and included two stints as Deputy Mayor. During his term in the House of Keys from 1981 to 1986, he spent time as a member and then Chairman of the Water and Gas Authority and of course was an informed member of the Tourism Board, becoming its Vice-Chairman.

He latterly retired to Derby Square and leaves his wife, Lorna and sons, Peter and Ralph. I would ask Members to join me in a tribute to departed merit for David Martin.

Members stood in silence.

The Speaker: Thank you, Hon. Members.
1. Questions for Oral Answer

CHIEF MINISTER

1.1. National speed limit – Evidence for reduction and risk assessments

The Hon. Member for Douglas East (Mrs Barber) to ask the Chief Minister:

What the evidence was for reducing the national speed limit to 40mph; what the evidence basis and reasons are for a temporary 60mph limit; and if he will publish/circulate the risk assessments on which these decisions were based?

The Speaker: We then turn to our business, and Questions for Oral Answer, Question 1, I call on the Hon. Member for Douglas East, Mrs Barber.

Mrs Barber: Thank you, Mr Speaker.

I would like to ask the Chief Minister what the evidence was for reducing the national speed limit to 40mph; what the evidence basis and reasons are for the temporary 60mph speed limit; and if he will publish and circulate the risk assessments on which these decisions were based?

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

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

There were two core reasons for implementing the 40mph all-Island temporary speed limit: the first was to reduce the number of trauma-related admissions to the Emergency Department and the Intensive Care Unit; and secondly, to reduce demand on the emergency services, allowing them to better focus on COVID-19 related issues and to better cope with increased numbers of staff absences.

I am sure Hon. Members will appreciate that there simply was not the time for extensive data and evidence collection and the drawing up of risk assessments. We were, at that time, facing a situation where it was a very real possibility that our hospital, and particularly the Intensive Care Unit, would be at capacity as a result of COVID-19 patients.

Clearly, our circumstances have now changed to a point where we have now been able to revoke the temporary speed limit and return to the normal rules on our roads.

The Council of Ministers felt it was appropriate to have a transition period with a 60mph limit in order to reduce the risk of a spike in accidents where people may have been tempted to go out and drive at excessive speed or potentially where drivers could be a little rusty following a period of driving at 40mph, or perhaps not driving at all during stay at home measures.

The decisions made had the full support of the Department of Infrastructure’s road safety engineers, our healthcare professionals and the Constabulary.

Thank you, Mr Speaker.

Mrs Barber: Thank you, Mr Speaker.

Could the Chief Minister advise us what involvement the road safety team had in drawing up these and what mechanism they used for deciding this? Had they used the Safe Systems Approach?
The Speaker: Chief Minister to reply.

The Chief Minister: Thank you, Mr Speaker.

This came about as a result of a recommendation from our road safety team working with our medics. It was a logical thing to do.

As I say, there was no data that we had stored beforehand but I think it is a well-known fact that if you have an accident at 70-80mph it is going to cause more trauma than 40mph, and it was purely what we can do to ensure that we have the capacity at Noble’s Hospital.

It was, as I say, on a recommendation that we received, but I am not aware of any data that they used, purely what I would hope would be seen as a common-sense action.

The Speaker: Supplementary question, Mr Shimmins.

Mr Shimmins: Thank you, Mr Speaker.

I would like to ask the Chief Minister, will analysis be undertaken of the collisions which have taken place during this period and the impact that they have created whilst we have had reduced speed limits; and analysis be undertaken to compare this with previous years?

The Speaker: Chief Minister.

The Chief Minister: Thank you, Mr Speaker, and I thank my hon. colleague from Middle for his question.

I suppose in the period that we had this in place, the two-month period, there were fewer than five serious road traffic collisions since the implementation of that measure, where we would expect to see more than 30 in a normal two-month period.

However, you then have to look at the data: there was a considerable amount of fewer cars on the road and therefore it could be argued that you were going to see a significant reduction because there were fewer cars on the road.

But we did have a serious number of complaints, just before we brought this measure in, that because there were so few cars on the road that people were going a little bit mad with their speed and were racing really badly because the roads were quite empty at the time.

I am sure our experts will review the situation but there are variances that we need to take into account.

The Speaker: Supplementary question, Mrs Barber.

Mrs Barber: Thank you, Mr Speaker.

I wonder whether the Chief Minister would be willing to circulate the number of accidents there has been in the last three years that have been specifically as a result of speed on derestricted roads where that has been a primary causation of the collision?

The Speaker: Chief Minister.

The Chief Minister: Yes, I will ask officers from either Home Affairs or the DOI to prepare that and circulate to all Members.

Thank you.

The Speaker: Supplementary question, Miss Costain.

Miss Costain: Thank you, Mr Speaker.
Before I put my question to the Chief Minister, I would really like to put on record my thanks to you and the team for enabling me to take part in this sitting today. It is very much appreciated.

But to the Chief Minister specifically, I am just wondering where the 40mph came from? Again, I can understand why there was not time to gather all the data and everything and it was deemed necessary for it to be introduced quickly, but why not 30, 35 or 45; where did the 40 come from?

Thank you.

The Speaker: Chief Minister to reply.

The Chief Minister: Thank you, Mr Speaker, and I thank the Hon. Member for her question. Really, why not 35? There is the answer. We, as a Council, felt that looking at the data, with the recommendations to reduce the speed limit, we went with 40. There were also views that maybe we could have done 20 in built-up areas but that would have made significant change in the way going forward and we just thought that the simplest, most pragmatic way to protect the capacity for beds at Noble’s Hospital and take the pressure off our emergency services was a blanket 40mph.

We went up to 60 instead of just removing it, based on the advice of the Chief Constable, who was concerned that a sudden lifting would cause significant accidents. So we went up to 60 and then, as of yesterday, there is no speed limit.

As I say, Mr Speaker, we did not have any specific data which said if you go down to 40 this is what will happen; it was just a common-sense approach.

The Speaker: Supplementary question, Mr Shimmins.

Mr Shimmins: Thank you, Mr Speaker.

Is the Chief Minister aware that during the lockdown period there was a significant increase in the number of people cycling and walking on our roads? Previous surveys have shown that road safety concerns are the biggest barrier for people to participate in these activities. Is the Chief Minister aware that the World Health Organization recommendation is for an urban speed limit of 20mph? Is it now the time to seriously consider introducing this measure to encourage people to continue to cycle and walk in our towns?

The Speaker: I will say, before I call on the Chief Minister to reply, we are not starting a debate on this today.

Chief Minister to reply.

The Chief Minister: Thank you, Mr Speaker.

Yes, I totally take on board the Hon. Member’s comments. There has been a significant increase in cycling and walking on the Island, which is a really good thing to see. I know speaking to people who sell bikes, there has been a massive spike in the sale of bikes on the Isle of Man, which has to be a good thing.

I think it is for this Hon. House and maybe the Hon. Court to have a debate in the future, going forward on what it would like to see, and 30-20 in towns might well be a good point of action, but that will be for Hon. Members to decide. And I am more than happy to take on board the views of Members.

The Speaker: Final supplementary, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr Speaker.
At a recent press conference it was suggested a consultation and Tynwald debate would take place regarding the speed limit. Yesterday you seemed to go into reverse. Going forward, is there likely to be another announcement in terms of the speed limit?

Thank you.

The Speaker: Chief Minister.

The Chief Minister: Thank you.
I am going to hopefully put my best foot forward on this one.

A Member: Oh! (Laughter)

A Member: Please!

The Chief Minister: Thank you, I am learning from Mr Speaker!
I had a number of people who were concerned that the Government was going to leave these emergency measures in place. And I have always said, at the time, these were done with the best views of protecting capacity at our intensive care whilst we were in the middle of a national emergency, and that it was not for the Council of Ministers to bring in legislation via the back door, abusing the 1936 Act, when it was clear we were asking Hon. Members to support us with the 1936 Act amendments to help us fight COVID-19, and that was it. Therefore, I have always said it is up to Tynwald Members and House of Keys Members to decide what they want going forward.

Now, it has been one of my big post bags, I have had a number of people who have said they have really enjoyed the speed limit, for all the reasons my hon. colleague, Mr Shimmins, mentioned: the ability to walk and cycle and feeling safer. But equally, I have been swamped when I said that, by people who did not share that view.

So this is something that is not for the Council of Ministers, it is for Tynwald to decide, and that is how I have always left it. It is for Tynwald.

Thank you.

TREASURY

1.2. VAT adjustments to help recovery of local businesses – Discussions with HM Treasury

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

What discussions have been held with HM Treasury regarding VAT adjustments to help local businesses recover from recent challenges?

The Speaker: Question 2, 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 Treasury Minister what discussions have been held with HM Treasury regarding VAT adjustments to help local businesses recover from recent challenges?

The Speaker: I call on the Treasury Minister to reply.
The Minister for the Treasury (Mr Cannan): Mr Speaker, under the Customs and Excise Agreement with the United Kingdom the Isle of Man Government has agreed to keep all VAT and Customs and Excise revenues at the same rates and subject to the same conditions and reliefs as those in the United Kingdom, except for a few exceptions.

In response to the coronavirus outbreak, and in line with the United Kingdom, the Isle of Man provided for the deferment of VAT payments to all businesses for the periods ending 30th June 2020 with the deferred VAT not required to be repaid until 31st March 2021, allowing businesses time to get back on their feet.

We have a strong line of communication with HM Treasury, but I can confirm to this Hon. House that there have been no formal discussions regarding VAT adjustments moving forward.

The Speaker: Supplementary question, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr Speaker, and thank you, Minister, for that clear Answer.

This supplementary is probably going over the same ground in terms of: the UK Chancellor has spoken about a fiscal event in early July, potentially that will involve VAT changes. If that happens, will they be replicated on the Isle of Man?

Thank you.

The Speaker: Treasury Minister.

The Minister: I am not about to speculate, Mr Speaker, about what the Chancellor is and is not going to do in July. But safe to say that if the Chancellor makes changes to VAT then, under the Reciprocal Agreement, we will follow.

The Speaker: Supplementary question, Mr Hooper.

Mr Hooper: Thank you very much, Mr Speaker.

It is somewhat concerning the Minister has just confirmed there have been no discussions with the UK over a potential decision they may make which could have a significant impact on the Isle of Man. Can he just reassure us that he will be reaching out to HM Treasury in light of recent press statements about what may or may not happen in July?

And perhaps if the Minister could also advise what the potential cost would be to Government finances of a reduction in VAT to 17.5%, which seems to be one of the things that may be under discussion in the UK?

The Speaker: Treasury Minister.

The Minister: Mr Speaker, I was just confirming that we have not had formal discussions with the UK. They have not released any information to us or revealed any intention to change their VAT rates.

And if the Hon. Member would just give me a repeat of that last part of his question, I will happily come back to him.

Mr Hooper: Thank you, apologies, Minister.

My question was: one of the things that has been mooted in the UK press has been a temporary 12-month reduction in VAT to around 17.5%. What would the potential cost of such a move be to the Isle of Man?

The Speaker: Minister.
**The Minister:** Well, I do not have that specific figure to hand. I am happy to give Members ideas of potential costs.

Clearly, we will be monitoring events extremely closely. Bear in mind, I will bring Hon. Members a full budget update to them in July and give everybody a proper opportunity to explore any events that have subsequently materialised in the United Kingdom and any potential impacts on any budgetary elements that may happen over the next 12 months.

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

**Miss Costain:** Thank you, Mr Speaker. Could the Treasury Minister clarify whether any regard has been taken to any potential reductions in preparing the July budget update for Tynwald Court to consider?

**The Speaker:** Minister to reply.

**The Minister:** Thank you, Mr Speaker. We are looking at a range of budgetary scenarios in terms of our future planning.

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

**Ms Edge:** Thank you, Mr Speaker. I just wonder if the Treasury Minister could comment on the implementation of the reverse VAT that is coming through in October and what discussions he has had with local businesses with regard to that.

**The Speaker:** Minister to reply.

**The Minister:** I have not had any discussions on reverse VAT with local businesses at present, Mr Speaker. Clearly, the focus of the Treasury in the last 12 weeks has been on the broader economy and, as Hon. Members will know, as I mentioned in the first part of this Question, we have made significant allowance for business with VAT deferrals in the period up to 30th June and I will bring forward the full amount and consequences of those deferrals to Hon. Members in my budget statement in July.

**The Speaker:** Further supplementary question, Ms Edge, no?

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**EDUCATION, SPORT AND CULTURE**

**1.3. Isle of Man schools – Statement on industrial action**

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

*If he will make a statement on the industrial action in Island schools between Monday, 23rd March and Monday, 15th June 2020?*
The Speaker: Question 3. Again, 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 Education, Sport and Culture: if he will make a statement on the industrial action in Island schools between Monday, 23rd March and Monday, 15th June 2020?

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

The Minister for Education, Sport and Culture (Dr Allinson): Mr Speaker, since 2018 there have been ongoing negotiations with all teacher unions regarding pay. In January this year the National Association of Schoolmasters and Union of Women Teachers (NASUWT), the National Union of Head Teachers (NAHT) and the Association of School and College Leaders (ASCL) balloted on strike action, and by the time all schools closed on the 23rd March in response to the health emergency these three unions were engaged in action short of strike with the Department. The fourth teaching union, the National Education Union (NEU), the University and College Union (UCU), Prospect and Unite were not in dispute. The actions short of strike by the NAHT and NASUWT are detailed in the sheets circulated to Members prior to this sitting.

When the state of emergency was declared, ASCL, on 24th March 2020, said they would suspend all of their actions short of strike except in relation to engagement with the SSRE process, which is the Department’s inspection programme. The NAHT kept their actions short of strike in place for the whole period from 23rd March to 15th June 2020, other than one item, namely to give their intake numbers and numbers of those pupils with special needs for the September 2020 intake, which was recommenced on 18th May. The NASUWT kept all their actions short of strike in place throughout the period.

Teaching staff on our Island have worked extremely hard during the lockdown period to operate the hub schools for vulnerable pupils and the children of key workers, provide distance learning for children at home and keep in contact with the more vulnerable children in our society. They have also worked with Department officers to overcome a number of operational issues that arose during the lockdown and have been fundamental in making sure all pupils could restart school this week, returning to their classrooms to see their friends and classmates and resuming their studies in a safe and nurturing environment.

Thank you, Mr Speaker.

The Speaker: Supplementary question, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr Speaker.

Thank you, Minister, and thank you for keeping education running through this really difficult period.

Comments made by the CEO regarding what happened during this period have been challenged by unions and teachers. Would the Minister make a statement on this situation?

The Speaker: Minister.

The Minister: Thank you, Mr Speaker.

I would like to thank the Hon. Member for thanking the Department. The Education Service works as a whole and I would like to take this opportunity to thank the officers of the Department, and especially the Education Improvement Service, for all the work they have been doing above and beyond what they would normally do to support schools, to support individual teachers and to support individual pupils. At the recent sitting of the PAC the CEO made some comments on direct questioning about the quality assurance of services provided by schools.
during this difficult period. I would not like to comment on those because I understand that a formal complaint has been submitted and that is now being investigated.

Thank you.

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

**Mr Hooper:** Thank you very much, Mr Speaker.

The Minister will be aware of the serious concerns that have been raised from parents across the Island about the wide disparity in provision. He mentioned during his opening remarks answering the question that the action short of strike was not suspended specifically in relation to the SSRE process. However, the Minister is aware that we have had representations from one union actually stating that that process itself was suspended throughout the recent crisis. Can the Minister comment on the suspension of that process and also on what alternative quality assurance regime was put in place during the school closure period?

**The Speaker:** Minister to reply.

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

During the period of school closure it was obviously very difficult to do any link visits because the schools were closed – the hub schools were open but working in a very different environment – and, because we were entering a period of a health emergency on a background of industrial relations being disrupted, I made the decision to stop those link visits and the SSRE proposal, and that was accepted and welcomed by teaching representatives at a public meeting we had.

During the period where schools were shut, apart from those who were looking after vulnerable pupils and those of key workers, there were regular communications with those schools about the provision of services, there were regular communications in terms of extra support they needed and also lots of advice and support with distance learning throughout that period.

Can I also take this time to thank parents throughout this period for their patience? Yesterday we had over 92% of primary school children back in their schools and over 85% of secondary school children went back into their own classrooms. I see this as a real vote of confidence, both in our education service but also for our teachers.

Thank you, Mr Speaker.

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

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

The Minister is obviously aware of an email that all Hon. Members received last night and it was clear in there that a letter dated 20th March agreed that particularly the union that we heard from last night would work in co-operation with the Government, so I am a little bit surprised at some of the comments made by the Minister.

But also the Minister commented on the Education Improvement Service and how well they had worked and supported parents and schools during this process. Can the Minister agree to circulate to all Hon. Members what services they did provide during the COVID period?

Thank you.

**The Speaker:** Minister to reply.

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

The Hon. Member makes reference to various letters which were exchanged between various trade unions and the Department during this period, but as I have said, whilst they did
see that they were going to work and co-operate with the Government and with the Department, and that did happen, the action short of strike stayed in place.

I am happy to be able to tell this Hon. House that on Friday at a Joint Negotiation Committee meeting NAHT informed the Department that they had decided to lift all of their actions short of strike from Monday, 22nd June, which was yesterday, and I think this is a clear demonstration of an improved relationship between the unions, the Department and the executive officers, and hopefully we can move forward now with some detailed negotiations to settle the pay dispute, to make sure that we address some of the key components, which are retention and recruitment of staff for our Island and actually build a much better Education Service together.

Thank you very much.

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

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

I think the Minister may have inadvertently answered this question, but I will give him the opportunity anyway. He mentioned in his remarks that 8% of primary students are not back in school and 15% of secondary students are not back in school, so can the Minister please advise what impact any ongoing industrial action has had or is going to have on teaching for these students and also specifically to ensure that where exams are being put on in November, as has been previously outlined, all students are ready for those exams and have the opportunity to catch up on any necessary missed tuition?

**The Speaker:** Minister to reply.

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

We are on day two of a new term, and again I applaud the teachers and all the staff of schools for enabling this. We had 92% yesterday. I hope that figure will gradually grow, but at the same time the Department are being quite clear that we have removed the obligation for parents to send their children back to school until they are ready.

What we now need to do is look at those children who feel unable or are unable to come back to school and support them through this difficult period to make sure that any educational deficits are identified and addressed, but also support those teachers who may have to stay at home as well, due to shielding and their medical conditions, to allow them to take part in an active education service.

Thank you.

**ENVIRONMENT, FOOD AND AGRICULTURE**

1.4. **FPV Barrule** —
Number and costs of active missions in 2019

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

*How often the FPV Barrule left port to go on an active mission in 2019; and what the (a) total and (b) average costs were of these actions?*

**The Speaker:** Question 4. 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 Environment, Food and Agriculture: how often FPV Barrule left port to go on an active mission in 2019, and what the (a) total and (b) average costs were of these actions?

The Speaker: I call on the Minister for Environment, Food and Agriculture to reply.

The Minister for Environment, Food and Agriculture (Mr Boot): Thank you, Mr Speaker.
In the calendar year 2019 the Department’s primary enforcement vessel, the Barrule, undertook 49 seagoing patrols, some of which combined scientific sampling with routine enforcement activities. Each patrol averages 12 hours and costs an average of approximately £1,670 per patrol, or approximately £81,800 in total, based on fuel, crew costs and routine vessel maintenance. That varies annually depending on the amount of maintenance the vessel requires.

It is important to note that deploying the Fisheries protection vessel is only one facet of my Department’s enforcement strategy and this is complimented by the use of the standalone RHIB where appropriate, the vessel monitoring system which utilises satellite technology to provide positional data for fishing vessels, and shoreside enforcement of vessels in port, processors and retailers.

Patrols are undertaken upon an informed basis, based on fishing seasons, weather conditions, the number of fishing vessels observed as being at sea and intelligence reports.

The Enforcement team undertake a wide range of other duties, whilst not actively operational on the Barrule.

The Speaker: Supplementary question, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr Speaker, and thank you, Minister, for that Answer.
So far in 2020, how many active missions has the FPV Barrule been on? Last year it was suggested that the target number of investigations would be 52. In terms of that figure, how was that developed? And will that figure be achieved this year?

Finally, in terms of the inspections, are all classified as being of equal value, or is there a scale that is used?
Thank you.

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.
The Barrule has been to sea 23 times this year and ordinarily one patrol per month is for scallop sampling but the patrols are all of equal value and some are required for sampling but others purely enforcement, based on intelligence etc. I guess it is a bit like the bobby on the beat – the vessel being out there from time to time actually helps people realise that we are carrying out enforcement activity.

With regard to the target of 52, if things go as they are I think we will probably achieve that this season.

1.5. Crab and lobster licences –
Numbers issued to recreational and full time fishermen

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Environment, Food and Agriculture:
How many crab and lobster licences have been issued to (a) recreational and (b) full time fishermen in each of the last three years?

The Speaker: Question 5. 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 Environment, Food and Agriculture: how many crab and lobster licences have been issued to (a) recreational and (b) full-time fishermen in each of the last three years?

The Speaker: Again, I call on the Minister for Environment, Food and Agriculture to reply.

The Minister for Environment, Food and Agriculture (Mr Boot): Thank you, Mr Speaker.
The number of commercial and recreational licences that were in issue was as follows: 2017-18, 49 commercial and 166 recreational; 2018-19, 49 commercial and 171 recreational; and 2019-20, 46 commercial and 182 recreational.
Legislation restricts the maximum number of pots that can be used by both commercial and recreational fishers, and so, in terms of effort on the fishing grounds, this translates to an average of 19,900 commercial pots based on actual pot allocations, and 866 recreational pots based on the prescribed maximum of five pots per licence holder, per licensing period for the timescale above.

The Speaker: Supplementary question, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr Speaker, and thank you, Minister, for that detailed Answer.
In terms of the growing number of recreational fishermen and women, has the Department actually assessed the impact of this on the fishing industry – is it a positive thing, or is it a challenging thing?
Also, with regard to issuing of licences, is data available on which are active and non-active from the figures given?
Thank you.

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.
There is no formal stock assessment at present for these fisheries, but the Department closely monitors fishing effort and landing data and I am pleased to say, from that and looking at the independent advice from Bangor, that stocks are holding steady and not reducing. So that is fairly bright, is good news.
We have established a working group and it is our intention within the next few months to try and launch a consultation on proposals for stock management for the future.
In terms of how much stock is caught by which sector and the impact of recreational licences, at present recreational licence lobster fishery amounts to 430 kilos of lobster, representing around 1% of the commercial landings, and approximately 250 kilos of crab, representing 0.04% of commercial landings.
In terms of inactivity of licences in issue, in 2017-18 two licences were inactive, in 2018-19 seven licences, and this year 10 licences.
Thank you.
HEALTH AND SOCIAL CARE

1.6. Abbotswood Nursing Home – Registration & Inspection and Safeguarding Investigations

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

Who the Department of Health and Social Care has asked to suspend temporarily the Registration & Inspection and Safeguarding investigations into the running of Abbotswood Nursing Home; how the Department is leading investigations which have been underway at Abbotswood; and what the legal basis is for the Department to make those requests and lead those investigations?

The Speaker: We move on to Question 6. I call on the Hon. Member for Douglas Central, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

I ask the Minister for Health and Social Care: who has the Department of Health and Social Care asked to suspend temporarily the Registration & Inspection and Safeguarding investigations into the running of Abbotswood Nursing Home, how is the Department leading investigations which have been underway at Abbotswood, and what is the legal basis for the Department to make those requests and lead those investigations?

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.

I can confirm directly it was the Department’s decision to temporarily suspend its own investigations under the Regulation of Care Act 2013 and the Safeguarding Act 2018. This decision was made following recommendation by the Registration & Inspection Unit, as supplemented by externally appointed inspectors, that matters be referred to the Isle of Man Constabulary for consideration as to whether any criminal offence or offences have been committed. The decision was taken after taking legal advice and so as to avoid parallel investigations which might prejudice any criminal investigations under the Regulation of Care Act 2013.

The instruction was issued by the interim Chief Executive Officer to the Registration & Inspection Unit leading the Registration of Care Act 2013 investigation under the same Act, and the Safeguarding team in Adult Services. The Safeguarding Board Chair has been notified accordingly.

The Speaker: Supplementary question, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

Does the Minister agree with me, then, that potentially, until we have further information, the press release of 11th June was slightly misleading in the sense that I would have hoped that the Minister would agree that it is important that the Registration & Inspection Unit investigations and any Safeguarding Board investigations are independent of the Department?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.
I do not actually agree with the Hon. Member that the press release was misleading, because the safeguarding investigation was not an investigation by the Safeguarding Board, it was by the Safeguarding team in Adult Social Care within the Department.

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

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

I think I drew attention to that difference in the answer given to me, which is not in the press release.

Does the Minister agree with me that ultimately, though, we need to pay careful attention to exactly what happened at Abbotswood in terms of the evolution of policy regarding adult social care, and it might even be necessary to have a Tynwald committee investigate fully, or even an independent inquiry, because it could just be that the problems that were already there, in terms of the delivery of social care and perhaps also the focus on the Hospital rather than social care, need to be investigated in this context?

**The Speaker:** Minister to reply.

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

Obviously I am not going to speculate on investigations that are partway through and have not been concluded. The sensible choice was made. The independent inspectors that we appointed to work alongside the Registration & Inspection Unit stated that they believed that what they had uncovered meets the threshold to refer it to the Isle of Man Constabulary. That is what has been done. The Isle of Man Constabulary are now undertaking their own inquiries and it is sensible that anything else be paused until those inquiries are concluded.

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

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

Does the Minister agree with me that eventually the Registration & Inspection Unit should be separated further from the Department, as is the intention inside the legislation programme? *(Two Members: Hear, hear.)*

Secondly, can the Minister advise whether, although the Safeguarding Board has been notified of the DHSC safeguarding investigation, the Safeguarding Board is considering any action or investigation in this case?

**The Speaker:** Minister to reply.

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

The Safeguarding Board I believe is waiting for the outcomes of the police investigation. That is my understanding.

In relation to the Registration & Inspection Unit, I am delighted to agree with the Hon. Member for Douglas Central – there does need to be more of a separation between R&I and the Department. That has been in train, it has been mentioned in the Sir Jonathan Michael review process and that is what we will be looking to do.
1.7. COVID-19 pandemic shielding – Advice and guidance

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

Which groups of vulnerable people received advice and guidance in respect of COVID-19 pandemic shielding; how and when more specific guidance was provided to individual people or households; and how many (a) individuals and (b) households received guidance?

The Speaker: Question 7. I again call on the Hon. Member for Douglas Central, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

Again, I beg to ask the Minister for Health and Social Care: which groups of vulnerable people received advice and guidance in respect of COVID-19 pandemic shielding, how and when more specific guidance was provided to individual people or households, and how many individuals and households received guidance?

The Speaker: Again, 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.

Advice and guidance on COVID-19 was provided through individual letters to patients in two clinical groups. The first group was those defined as clinically vulnerable. People in this group are regarded as being at moderate risk of severe illness if they contract COVID-19. This group included those aged over 70, those with a defined list of chronic health conditions, those taking low-dose steroids, the very obese, and pregnant women. This group were advised that they should stay at home as much as possible.

The second group was those defined as clinically extremely vulnerable. This group included people at high risk of severe disease if they contracted COVID-19. It included people who are receiving radiotherapy or chemotherapy for cancer, have had a solid organ or bone marrow or stem cell transplant, have severe respiratory disease from any cause or are severely immunosuppressed due to a specific condition or drug treatment. People in this group were advised to shield – that is to self-isolate within their household, leave home only for exercise alone, get food and medicines delivered and observe enhanced hand and home hygiene.

People in the clinically vulnerable groups have a generally similar risk of contracting COVID-19 as everyone else but higher risk of severe disease should they do so. Now that the background risk of COVID-19 is very low, people in these groups have been advised that they no longer need to stay at home or shield and can decide what level of activity and interaction outside the home feels comfortable for them.

There were just over 13,000 letters sent out in April to people who were vulnerable or extremely vulnerable, including those people shielding as per Public Health definitions. In June 16,662 letters were sent with revised and updated guidance.

The Speaker: Supplementary question, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

I thank the Hon. Minister for that very full Answer and also the Department for having circulated those letters.

With hindsight, would the Minister agree that the second week in April was actually probably slightly too late for the shielding letters to be sent given that was past the three-day moving peak of the data? And with hindsight, does the Minister accept it would have been better to have those individual letters sent a couple of weeks earlier when the action was going on?
Also, supplementary to that, would the Minister accept that in actual fact the Island and our community owes a great deal to those people who protected themselves during March through taking in general information and acting very properly and shielded themselves, and we should all be very grateful about that because of the impact that had on the Island?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

Hindsight is always an absolutely wonderful thing. Unfortunately my crystal ball gazing has not been great throughout all of this to have seen exactly where everything is going to go at any one stage. This is something we have been dealing with that we have not seen the like of since the Spanish flu pandemic, which was 1919-21, and the world has moved on a bit since then.

In terms of the letters, we got them out as soon as we could. We had to identify those people, first of all, because there was not some centrally held list, ready for this, of who fell into which category. We had to compile the information and get the letters out.

But I fully concur with the Hon. Member for Douglas Central that people took a very sensible approach. Those people who knew they were in those categories took the correct action and isolated themselves away. Again, I want to put on record my thanks to all of the Manx public for the way they reacted. We asked people to pause their lives and that is no easy task. People responded exceptionally well and it is due to that that we are in the situation we are in today.

The Speaker: Supplementary question, Ms Edge.

Ms Edge: Thank you, Mr Speaker.

I am just wondering if the Minister could comment with regard to ... I am sure he is very aware that an awful lot of people who were on his clinically extreme patients ... received letters far earlier from their UK providers of services and certainly the information that was provided seemed to be different from the Isle of Man. When the Manx version went out I think it did cause confusion for residents. Can the Minister advise, for anything future with regard to communications with people within these categories, what takes priority? Is it your clinical lead with a UK hospital or is it the Manx letter version that you receive?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

What takes priority is the Manx letter version because at the end of the day we are doing what is right for the people on the Island. The advice we put out – my understanding is – was actually firmer than that which went out in the UK. The Hon. Member for Onchan is quite correct that the UK letters did go out first, but then the UK had their outbreak first. The UK was already a good way into their outbreak when we started identifying the first case. The risk for shielding is if we had actually mirrored the UK and put the letters out, which would in that case have been before we even had an identified case on the Island. We would have been asking people to shield for potentially up to 15 to 20 weeks. There are other things that go with that, in terms of psychological impact, health and well-being and mental health. We did things at the appropriate time. We could see what was coming from the UK, but we only asked people to shield when there was actually an impact on the Island.

The Speaker: Supplementary question, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

It is very easy for politicians to get into the habit of being often wrong but never in doubt. Would the Minister agree with me that it would be helpful to keep an open mind in respect of
whether the four weeks that it took to send out the personalised shielding letters was actually the right amount of time it should have taken to do that, given that the pandemic had been around?

The second point is would the Minister accept that in actual fact the activity of the shielders was probably the most important thing that helped us in our fight against the pandemic, above everything else that has ever been mentioned, and we ought to bear that in mind as we evolve our policy response in the next few weeks?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

I would say it was one of the most important things. I would not say it was, on its own, the most important thing, but certainly it had a huge impact because it removed those vulnerable people from the risk of contracting the virus, which could have been absolutely devastating, as we have seen in many other countries where the vulnerable did not necessarily get shielded.

Often wrong but never in doubt, Mr Speaker — that is a very interesting phrase from the former Minister for Policy and Reform. I hope he takes his own advice on board. (Laughter)

In terms of the shielding letters, we got them out as soon as we could. As I said, we had no central lists of the people who fell into those categories; they were spread across the clinics. That list is now pulled together, so should we have a COVID-21, a COVID-25 or a COVID-26, there are now processes in place. If we had had a manual on how to do this, as I said, it would have been dated 1919-21, because that was the last time we saw anything like this, and would have been well out of date. So we have been learning the whole way along, as is every other country.

Again, I just want to put on record that the actions that everyone took, including those in the shielding category, have ensured that we have not had the catastrophe that we could have had.

The Speaker: I am sure all Members will have ringing in their ears my words of a few years ago when I said about playing the ball, not the player.

Next supplementary question, Hon. Member Ms Edge.

Ms Edge: Thank you, Mr Speaker.

I thank the Minister for his previous response and that obviously the Manx letter for people shielding was the most important. However, surely the Minister recognises that people who received these letters may have been travelling for treatment in the period before they received the Manx letter. Therefore, I do feel that the Minister needs to look at it. Basically what he said was you need to follow the Manx. Where they did not have a Manx letter, they needed something. So, can the Minister advise how he is linking up his data with the UK for any ...? Hopefully we do not have a situation like we have had just now, but how is that data going to be linked? Is the NHS number for the UK going to be used going forward for these individuals?

What are you doing with your systems to ensure that everything is joined up and that the right data is in the right place at the right time?

The Speaker: Minister to reply.

The Minister: Thank you very much, Mr Speaker.

As I stated in answer to the Hon. Member for Douglas Central, should there be, as I said, a COVID-21, a COVID-25 or a COVID-26, we will be in a much better position to get our advice out earlier.

In terms of the UK consultants sending the UK version of the shielding letters, I believe there have been conversations around that. Obviously the UK consultants had their own advice which they shared, which might not at that particular time have been appropriate for people on the
Isle of Man because we did not have any cases, so that has been worked through with the consultants in the UK.

The Speaker: Final supplementary, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

I have seen in the Tynwald Library the 2009 Pandemic Plan, the 2019 draft Pandemic Plan and the 2020 Pandemic Plan dated February 2020, so does the Minister agree with me that there was actually already a plan and it should have included shielding letters and that sort of thing and building up the database?

The second point – even more important, because I agree completely with the Minister that this was difficult and the Government has done a good job by and large, but the most important point is we have had heroes out there who have actually coped with shielding, and the carers and so on. Does the Minister agree with me that the most important thing now is not to accept that just because people have coped for three months they can cope forever, and that we need to roll back into the adult social care, the children social care, the respite facilities and all those facilities that people have been doing wonderful things to get round in the last three months, but the system is beginning to strain?

A Member: Hear, hear.

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

If I can take the last point first, I fully agree with the Hon. Member for Douglas Central, it is important now that we actually get this put back in place, both adult social care and children’s services across the whole Department. Carers have really gone above and beyond during this period. I know exactly how much pressure they have been under – I have spoken to many of them – and as the Hon. Member for Douglas Central says, quite rightly, we cannot just expect them to carry on with that strain. We need to get the services back up and running and we are working hard to do so.

In relation to pandemic plans, yes we have pandemic plans – in fact, in DHSC I do not think we will ever be accused of not having a whole set of plan documents – but that is the point: they are plans. Until you actually go through it and you actually experience it, it is a plan on paper. Now we have actually been through a pandemic period – and we did use the pandemic plans – we know what works and what does not. As I said, our previous experience was 101 years ago and there was not, unfortunately, anyone left from then to advise me – we did not manage to retain the staff quite that long.

INFRASTRUCTURE

1.8. Bus and cycle lane on Glencrutchery Road –
Traffic management consideration, safety assessments and consultation –
Question commenced

The Hon. Member for Douglas East (Mrs Barber) to ask the Minister for Infrastructure:

What traffic management consideration, safety assessments and consultation with key stakeholder groups were undertaken before implementing the bus and cycle lane on Glencrutchery Road?
Question 8. I call on the Hon. Member for Douglas East, Mrs Barber.

Mrs Barber: Thank you.

I would like to ask the Minister for Infrastructure: what traffic management consideration, safety assessments and consultation with key stakeholder groups were undertaken before implementing the bus and cycle lane on Glencrutchery Road?

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

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

The work on the Douglas promenade has been accelerated to facilitate earlier completion in support of the promenade businesses. This is an ideal time while traffic is lower, although not as low as it was when this was originally planned thanks to the progress that has been made recovering from the COVID emergency.

In considering the Douglas traffic flows whilst the promenade is one way over the summer period, the Department has prioritised southbound traffic from Onchan along Glencrutchery Road. There have been many changes to the network to mitigate the additional flows displaced from the promenade, one of which is the extra lane on Glencrutchery Road. The extra lane is a bus and cycle lane which leads into St Ninian’s traffic lights. The lane is 280 m long and was created by narrowing the straight-ahead lane and utilising the full carriageway width. The existing left-turn lane on Glencrutchery Road at St Ninian’s traffic lights, which was 65 m long, has been reduced by 25 m, or approximately four car vehicle lengths. The changes follow our established priority principle in traffic management of prioritising walking, cycling, bus transport and car journeys in that order.

All of the changes to the Douglas traffic flows were considered and reviewed by experienced highway designers and traffic engineers, with safety, as always, a significant consideration. These are temporary changes for the period of the promenade one-way scheme and are to be kept under review. We should not lose sight of the fact that over six million vehicles use the prom annually and that we have removed the option for three million of those southbound vehicles by making the promenade one way. This cannot possibly be done without increasing traffic elsewhere in Douglas unless people are persuaded to leave their cars at home and walk, cycle, use the bus or car share. In addition, it needs to be remembered that the bus service, which is an essential part of our public transport system, needs to operate to a published timetable.

Whilst the Department does consult with stakeholders on major schemes such as the promenade, for short-term traffic measures such as this the Department simply notifies key stakeholders and publishes notices to inform the public. The changes to the promenade were subject to consultation but the changes that were needed to improve the various junctions that are used by the traffic diverted from the promenade are not the sort of thing I would expect to consult upon. Whilst they may be new and may yet evolve, traffic would have been very much worse had we done nothing to take account of the southbound traffic that would otherwise use the prom. Three million vehicles per year travelling southbound equates to approximately 10,000 southbound journeys per day which have been displaced from the prom on to other roads around Douglas. This would have had a major impact on other roads and the actions the Department has taken are to ease the traffic and congestion that result from that.

Thank you, Mr Speaker.

The Speaker: Supplementary question, Mrs Barber.

Mrs Barber: Thank you.
I wonder if the Minister can advise under what legislative provision the Glencrutchery Road bus and cycle lane traffic arrangements have been made and whether all the statutory formalities have been complied with to make this lane enforceable.

**The Speaker:** Minister to reply.

**The Minister:** Thank you very much, Mr Speaker. As I answered previously, this has been done by the Department and it has been done by experienced highway designers and traffic engineers.

In terms of the enforcement of the bus and cycle lane, that falls under section 16 of the Road Traffic Act 1985, which makes it an offence for vehicles other than cycles and buses to go in that lane, and as with other traffic offences there are provisions to enforce against that.

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

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

I thank the Minister for his detailed reply this morning. I think from a general-public point of view these road markings just appeared overnight. Therefore, can I ask the Minister if these changes were discussed in the Department and if these decisions actually received political support within the Department, or if it was an operational decision?

Thank you.

**The Speaker:** Minister to reply.

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

The changes to the promenade scheme were discussed at length within the Department and also with the prom steering board, which does oversee the promenade.

**Mr Callister:** Point of order, Mr Speaker.

**The Minister:** The specific –

**Mr Callister:** I am sorry, Mr Speaker, a point of order. This was not discussed at a political meeting.

**The Speaker:** No, that is a point of debate; it is not a point of order, Mr Callister.

Minister, you have the floor.

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

If I just restart my answer, the changes to the promenade scheme were discussed at the promenade steering board, which is what I was saying before the Hon. Member for Onchan intervened. The detail of these changes to mitigate the traffic flows was not discussed in that forum – I have made that quite clear – but what was clear was that the Department would take steps to mitigate the traffic flows, and that is what we have done. The detail of how you alter a particular junction, how you change the timing of traffic lights etc. are operational matters, not political matters, but clearly the decision to make the changes to adapt the traffic flow in Douglas was made properly by the Department and the criticism of the Department should have been if the Department had not pre-empted the impact of these changes and had simply done nothing.

**The Speaker:** Supplementary question, Dr Allinson.
Dr Allinson: Thank you, Mr Speaker.

I would like to thank the Minister for his detailed explanation. I would also be grateful if he could explain what review processes the Department has and whether any further changes are anticipated.

Thank you.

The Speaker: Minister to reply.

The Minister: Thank you so much.

I thank the Hon. Member for Ramsey for his question. It is important to acknowledge that a number of changes have been made to the layout of the road system, particularly around the Governor’s Bridge area, as a result of the learnings that have come since the changes were made at the beginning of last week. Department officers have visited the site throughout the day over several days since the amendments went in and have assessed traffic flows and volumes. Our services will continue to monitor traffic volumes and flows and Bus Vannin vehicle tracker data to assess and review the installation. One area that has been recently identified is the need for an advanced stop box for cyclists on the straight-ahead lane at the St Ninian’s crossroads.

Thank you.

The Speaker: Supplementary, Mr Shimmins.

Mr Shimmins: Thank you, Mr Speaker.

Is the Minister aware that there are proposals for an alternative cycle route in this area, through Noble’s Park? I understand that Douglas Borough Council are supportive of this. Is the Minister also supportive of this safer, off-road cycle route; and, if so, when will this progress?

A Member: Hear, hear.

The Speaker: Minister to reply.

The Minister: Thank you very much.

I would like to thank the Hon. Member for Middle, Mr Shimmins, for his question. He is right to highlight the proposals for a cycle route through Noble’s Park. I just want to make it absolutely clear that the changes that were made to the cycling arrangements around St Ninian’s junction are completely separate from that and that they are not intended to replace it, they are simply a response to the issue of the one-way system on the prom and managing the traffic flows through that period. I am fully aware of the proposal to put a cyclist route through Noble’s Park, and working collaboratively with Douglas Borough Council that is something I very much support.

I really do want to see more options open up for people to travel safely and securely into Douglas and other parts of the Island and it is very much part of the approach that I will be looking to implement through the remainder of this administration in my role as Minister for Infrastructure. I think there are some wider opportunities to enhance cycle use further across the Island as well and we need to take a holistic view and take the opportunities that are there. But as I said earlier, the preferred hierarchy of travel is walking and then cycling and then public transport, with private car use being the final one, and that is something that I very much want to embed in the layout of our transport infrastructure. It requires changes against where we have been historically, but it is really important that we are intentional about this, that we work collaboratively with all those who are impacted and that we find a balanced way forward. So, we want to encourage those who wish to travel actively and to find ways of facilitating that safely. Equally, we need to recognise that for some people it is not possible to travel actively. They
need a good public transport system. And for those who need to travel by car or have a particular desire to, we need to make sure there is provision for them as well.

Thank you, Mr Speaker.

The Speaker: I have eight further Members who wish to ask a supplementary question, so if I could make a plea for brief questions and answers because the time is rapidly drawing to an end. Mr Hooper, supplementary question.

Mr Hooper: Thank you very much, Mr Speaker. I will combine the two questions I have for the Minister.

He has mentioned that the how of this is in the detail. I am pretty unclear as to how restricting traffic flow for the majority of road users is going to increase traffic flow and reduce congestion, so could he share the evidence base for this very specific road that is referenced in the question – not for the cycling strategy as a whole, this very specific change?

Secondly, I wonder if the Minister could comment. When he spoke originally he said that the only real way of mitigating traffic flow is to remove cars from the road, essentially. So, can he just give us some advice on actually what is he doing to encourage cycling and more public transport use? I put it to him that simply painting a cycle lane on the road is actually not going to do anything to encourage more people to cycle and more people to use public transport by itself; it is just going to result in more congestion, trying to squeeze the same number of cars into a smaller space.

A Member: Hear, hear.

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

The Hon. Member for Ramsey makes a fair point. However, what I would say is that a journey starts with a single step and if we are intentional about improving provision for cycling, for walking and public transport, we need to start and we need to start with a pragmatic approach. We can sit around and formulate grand strategies or we can get on and do things.

What we have done with that particular initiative ... It is a very small initiative but it does prioritise cycling, and very importantly it prioritises public transport. The quickest way of ensuring that people do not use public transport is for the buses not to run on time, for them not to be reliable. If the buses are stacked up in traffic and cannot get through it, that is what is going to happen and we end up with a vicious circle compounding the issues. What the Department has done is recognise that there are 10,000 additional southbound vehicles going through non-promenade routes and has taken some steps to resolve it. We cannot compare where we currently are and where we were when the prom was fully open. The reality is comparing where we are and where we would have been if we had taken no action, and I put it to this Hon. House that actually, whilst we have not necessarily completely fine-tuned the solution yet, we are in a far better position than we would have been if the Department had not acted.

The Speaker: Supplementary question, Mrs Corlett.

Mrs Corlett: Thank you, Mr Speaker.

I would like to ask the Minister if he would agree to meet with Douglas MHKs to discuss the issues around traffic flow, traffic management, parking and active travel within the town?

Thank you.

The Speaker: Minister to reply.
The Minister: Thank you very much, Mr Speaker.

I would like to thank my hon. friend Mrs Corlett for her question. I would absolutely confirm that I am happy to meet with the group of Douglas MHKs, as a group, to provide a forum for the Department to both listen to their suggestions and consider constructive ways forward. That would be open to all the Members for Douglas to come as a body and for them to put forward suggestions which they, as a group, wish to see happen in order that the Department can then evaluate them and come back with a considered, evaluated response.

It is important that we do engage. These issues do not sit neatly within constituency boundaries. I appreciate that the prom scheme has particularly affected Douglas East and Mrs Barber and Mr Robertshaw have been very active in engaging with the Department, but I do think we need a more regular and inclusive forum and I will be asking my officers to write to the Douglas Members inviting them to a meeting very shortly.

The Speaker: Supplementary question, Mr Robertshaw.

Mr Robertshaw: Thank you, Mr Speaker.

I congratulate the Department of Infrastructure for trying to close Douglas. They are doing a pretty good job. They have closed the walkway parking, they have closed the herringbone parking, there is no parking on the promenade, they have closed the coastal route for traffic in from the north, they have closed Summerhill, they have closed Broadway. And so the remaining route into Douglas was the left-hand lane – and hey-ho, they have shut that as well. So I congratulate the Department in making a complete mess of the whole thing, Mr Speaker. Does he want to comment? (Laughter)

The Speaker: Good luck finding a question in that, Minister.

The Minister: Thank you very much, Mr Speaker.

Well, I never thought in my first series of Keys actions I would be getting congratulations from the Hon. Member for Douglas East, (Mr Robertshaw: My pleasure.) who is well known for his favour of the Department of Infrastructure and no doubt wishes to continue the relationship with me that he tried to have with previous Ministers.

I completely refute Mr Robertshaw’s statement that the Department is trying to close. It is a ridiculous statement to make. (Mr Robertshaw: Is it?) Yes, it is. There is a question, actually, Mr Speaker! (Laughter) What I would say is that constructive engagement is the way to get what you want for your constituents, not making cheap shots like that.

Mr Speaker, thank you.

Mr Robertshaw: Not cheap at all.

The Speaker: Order! That brings us to the conclusion of the hour.

Standing Order 3.5.1(2) suspended to complete remaining Questions

The Speaker: Mr Hooper.

Mr Moorhouse: Mr Speaker, I beg to move that Standing Order 3.5.1(2) be suspended to enable the remaining Question for Oral Answer to be taken at this sitting.

The Speaker: Mr Thomas.
Mr Thomas: I beg to second.

The Speaker: Thank you.

The question is that Standing Orders be suspended to permit the remaining Question to be answered. For the benefit of clarity, that would include me completing the list of people who have already indicated, those who wish to speak – and I have six – and then going on to Question 9. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Question 1.8 concluded

The Speaker: We turn, then, to Mr Harmer.

Mr Harmer: Thank you, Mr Speaker.

Would the Minister agree with me and confirm that these are temporary, that actually anticipated traffic levels, because people are still working from home, are much less?

Will he also confirm that the left turn has not been closed?

Could he explain what would have happened if he had not made the changes, particularly in relation to buses?

And finally, with the promenade being closed southbound and a significant number of vehicles being diverted on other routes, have these other measures being taken by the Department worked or not?

The Speaker: Minister to reply.

The Minister: Thank you very much.

There are quite a number of points in the Hon. Member for Peel and Glenfab’s question, but taking what I lodged as he spoke I can absolutely confirm these are temporary measures. We need to focus on what we are trying to achieve here. We are trying to get the prom done by 31st March next year. That is the agreed objective to ensure that the visitor economy can have a season next year. Without the Department taking radical steps in conjunction with its contractor, the construction work would potentially have gone on through the whole of the next tourist season. We all know that this year has been almost effectively a complete write-off for the visitor economy. The concept of repeating significant constraints on the visitor economy next year was unpalatable, so the Department looked at what it could do, identified that the most effective way of driving the scheme through to a conclusion was to ease the constraints on the contractor and to allow them to tackle the major challenge of refurbishing Douglas promenade in a far less constrained way than they had been previously required to do. As part of that, the decision to make the promenade one way to facilitate opening up the space for the contractor and to allow them to tackle the major challenge of refurbishing Douglas promenade in a far less constrained way than they had been previously required to do. As part of that, the decision to make the promenade one way to facilitate opening up the space for the contractor to operate was done. That meant, clearly, that traffic could only go one way on the prom. It cannot go the other way. That traffic has to go somewhere. If we had not acted to try to mitigate the changes, then I would strongly suggest – I cannot prove it because it is a hypothetical situation, but I strongly suggest that we would have had a far worse traffic situation in Douglas.

In terms of the impact, we have got bus tracking data and officer observations indicating whether the measures are being successful or not, and the traffic flow from the north to the south has actually been better than we had expected so far. Trip times have not significantly increased and buses are able to maintain the normal timetables. Clearly this week schools have returned to normal and that has brought additional traffic on to the roads, putting more strain on the network and therefore the risk of delay. But I have got to say I came through St Ninian’s junction at five to eight this morning and I must have queued for at least a minute.
We have got to get in the real world here. We are doing a massive piece of civil engineering in the heart of Douglas. We have displaced half the traffic from the promenade. There is going to be an impact. The impact would have been less if Government had not done such an effective job in dealing with coronavirus situation. If everybody was still staying at home it would have been a much easier job for us to manage this traffic. The reality is the economy is returning to life. It is bringing new challenges. Because of that, the traffic levels have increased. The demand for parking in Douglas has increased and we are looking at that and we will be coming forward with a response to try and ease the parking situation. But the reality is we have got a major scheme going on and we have to get through it and get the job done ahead of the tourist season next year.

Thank you, Mr Speaker.

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

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

Would the Minister give further information about section 15 of the legislation that covers this road code – for instance, the meaning of ‘object’, the meaning of ‘device’, the meaning of ‘line’ and the meaning of ‘mark’?

More specifically, could the Minister advise whether the enforcement is under the Act itself or whether it is under regulations that may have been made to cover this?

**The Speaker:** Minister – if you have an answer to that.

**The Minister:** No, Mr Speaker, I do not, not to hand. I am happy to engage with the Hon. Member to understand his question and will respond to him direct.

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

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

Before I ask my question, could I ask the Minister to circulate that response not just to Mr Thomas but to all Members, because I think we would all be a bit interested in the answer to that one.

However, my question is: would the Minister agree with me that it is normal practice that when a road is going to be closed or when traffic layout is amended, made different for people, there is advance signage put up warning people that this is actually going to happen and giving a date? Given that I do not know of anybody in the public who actually knew about this in advance, could he clarify where the signage was placed and when, and was it of a suitable size etc? Could people actually see it? Could he give some more information about the advance warning that he gave to the public?

Thank you.

**The Speaker:** Minister to reply.

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

I think it is fair to say that the message about the promenade being one way has been made abundantly clear to every member of the Isle of Man. Through the communication that had gone out, the electronic signage that is displayed all over the Island, that has been made abundantly clear.

The two very specific changes around Governor’s Bridge and St Ninian’s, the detail of those in exactly how they were going to play out was not spelled out in the sort of detail that maybe the hon. questioner is suggesting, but those were mitigation factors which were to adapt the road
system to the traffic conditions which resulted from the major decision, which I would strongly suggest were very widely known about.

Thank you, Mr Speaker.

**The Speaker:** Supplementary question, Mrs Caine.

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

I would like to say to the Hon. Minister that, in my experience, until rush hour the changes seem to work very well, except for the lack of the filter lane at St Ninian’s. But my question to him is whether he will consider reversing the flow of traffic on the one-way system on the promenade, given that the majority of people come in at the same time but the outflow after the working day is often at more staggered times. My reason for saying that is... Is he aware that the traffic flow this morning was backed up all the way along Governor’s Road, beyond Corkill’s Garage and into Onchan, and that there were no bikes that I could see in the picture – no doubt they go other places – and in fact it does not matter so much that it flows quite well across Governor’s Bridge and down Glencrutchery Road because by the time you get to St Ninian’s the filter is not working and, beyond that, Woodbourne Road was practically at a standstill. So, would it work either to reverse the flow of the one-way system on the promenade, one way southwards in the morning and northwards in the evening, or in fact just make it one way southwards?

Thank you, Mr Speaker.

**The Speaker:** Minister to reply.

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

I would like to thank the Hon. Member for her suggestion, which I know is very well intentioned. I would say that some of these questions have been tabled directly to the Department by Members. I know Mrs Barber has been very engaged and she asked a very similar question. The reality is the ability to have the traffic reversing one way in the morning and a different way in the evening is a recipe for disaster and it will end up spending more time changing things around and constraining the construction project, so we are not going to do that.

I am absolutely convinced that this is going to work. I came in at five to eight this morning through Governor’s Bridge, down Glencrutchery Road, through the St Ninian’s junction, and the traffic was extremely modest. Certainly when you compare it with other towns of Douglas’s size elsewhere, we do not know how lucky we are. We just need to show a bit of understanding. We need to press on, get the scheme done, give the contractor the certainty so they can deliver, and look forward to getting the prom done by Easter next year and having a great tourist season next year.

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

**Mr Peake:** Thank you very much, Mr Speaker.

I would like to thank the Minister for answering my constituents’ questions. I would like to thank him for the facts that he has put forward this morning about the majority... it is a bus lane rather a cycle lane. And I would like to also comment that I travel that situation myself and it does actually just take three minutes to get from the Grandstand down to Bray Hill. I was quite pleasantly surprised with that, so I think you have done a lot of work on the sequencing.

Would the Minister agree with me that now we can actually get together – and I welcome this meeting with Douglas MHKs – and actually communicate to our constituents and the public in a proper manner? Would the Minister agree with me that we will get a date for that?
The Speaker: Minister to reply.

The Minister: Yes, thank you very much.

I would like to thank the Hon. Member for Douglas North for his comments and absolutely endorse the sentiments. It is about engagement, it is about two-way listening and talking to look for constructive solutions. I have already asked my officers this morning to write out, so there will be a letter coming out very soon. I am keen to do that. As long as it is useful for the Douglas Members and as long as it is useful for the Department, then it is something I would look to continue. Obviously, if it is not useful there is no point doing it, but I believe it is something that will be very effective and very positive.

The thing with these issues is there are many interlinked points. Mr Robertshaw earlier alluded to the business interests in Douglas and it is vitally important that we try and mitigate the effects as best we can. We know that they have had a huge impact from the COVID-19 situation. That has nothing to do with the promenade. We know that they have had a huge impact from the absence of the TT and the tourist season. That has nothing to do with Douglas promenade. But the scheme is there, it is affecting them. We are there to take on board concerns and to address them as best we can within the context of getting the scheme delivered, and that means that we have to, at times, make decisions that are tough and do not necessarily play to individual concerns, but the collective need for the Isle of Man is to get this scheme done and to move forward, and I think this engagement which I particularly welcome from the Hon. Member for Douglas North is a key part of that.

Thank you.

The Speaker: I know there have been a few Members wanting to get in for additional supplementary questions. I did say when putting the question about suspending Standing Orders I would complete the list that I had at that time and then we would move on, so that is exactly what I plan to do.

Final supplementary, Mrs Barber.

Mrs Barber: Thank you, Mr Speaker.

The Minister said this really originated from trying to mitigate against the prom scheme traffic that would be generated coming southbound, and yet we are talking seemingly predominantly around a bus lane and cycle lane and actually I wonder whether there is a more pragmatic solution to keeping the longer length of lanes but basing them on vehicle or direction of travel, rather than vehicle type.

I wonder also if he has considered the impact that this is having on the smaller roads, the offshoots of Glencrutchery Road, where people are now shooting through them to get to other lanes, other roads, to try and get down to beat the traffic. While I accept that some people have had experiences of three minutes and one minute, I can also tell you that there are other people who have had very different experiences, and it is absolutely right that we listen to those people rather than just talking about ourselves. Would he accept that that is a really important point in this?

Can I ask where this originated from in the Department? Was this first mooted specifically around supporting the cars and vehicles and motorbikes coming through the promenade and giving them a southbound option? Was it specifically for active travel – because it does not match up with the Sustrans Active Travel Investment Plan Report March 2019 – or was it specifically for the buses? What was the overriding factor? Where was this coming from? Who originated the idea within the Department, or which area of the Department?

I wonder then if he could also commit to circulating any statutory provision under which the arrangements for a bus lane have been made within Manx law and how that is enforceable.

Thank you.
The Speaker: Minister to reply.

The Minister: Thank you very much, Mr Speaker.

We seem to have gone from a question which had no questions in it to a question which has got probably as many questions as I have already answered.

Bringing it right back, what we have done is to mitigate the effects of the prom one-way system. The traffic flows cannot go southbound on the prom. They have got to go somewhere else if they want to go southbound. I accept that some drivers will choose to take alternate routes. Some of those things are helpful if they divert on to appropriate roads. If they divert through residential roads, then that is not helpful and it is not considerate. What I would say to the Hon. Member is that we are all road users and we all need to behave responsibly. The Manx public has behaved hugely responsibly and considerately through this coronavirus period. Why do we have to now revert back to selfish behaviour where a minute or two makes a huge difference and we have to dive through residential areas? It is up to individual road users to behave responsibly and we need to all take that responsibility.

Thank you, Mr Speaker.

Two Members: Hear, hear.

**ENTERPRISE**

1.9. Eary Cushlin –
Cost of recent damage and action

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

*What the cost is of the recent damage at Eary Cushlin by revellers; and what action is being taken against those responsible?*

The Speaker: Question 9. 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: what is the cost of the recent damage at Eary Cushlin by revellers and what action is being taken against those responsible?

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

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

I thank the Hon. Member for his Question; however, I believe he is aware that the matter is under investigation currently and it is inappropriate to comment further.

The Speaker: Supplementary question, Mr Moorhouse.

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

In terms of the general policy of Manx National Heritage, is action usually taken when damage is done to a property? And with regard to the ongoing situation that you cannot discuss,
is it purely about the property or does it extend into a mass gathering, which was illegal at that time?

Thank you.

The Speaker: Minister – to the extent that you are able to answer that question.

The Minister: Gura mie eu, Loayreyder.

There are two questions there, one with regard to the mass gathering, which is out of the context of the Question; but on the other matter, in terms of general rental agreements, for anyone who rents a property or facility there are terms and conditions and therefore those need to be upheld, and I am sure Manx National Heritage, like any landlord, would want to uphold those.

The Speaker: Supplementary question, Mr Moorhouse.

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

Given the delicate nature of the situation, has the Minister an idea when it can be announced publicly what happened and what will happen going forward?

The Speaker: Minister.

The Minister: Gura mie eu.

No, I do not have any date times, so all I can say is there is an ongoing investigation into the matter.

The Speaker: Supplementary question, Mrs Corlett.

Mrs Corlett: Thank you, Mr Speaker.

I would just like to ask the Minister: were Manx National Heritage actually renting out properties during the period we were not supposed to be doing that?

Thank you.

The Speaker: Minister.

The Minister: Gura mie eu.

No, I am not aware that they were during the period they were not meant to be renting out, but clearly they do have properties to rent out and plenty right now, and while I am on my feet I would encourage Hon. Members and the public to consider a staycation in their properties and other properties around the Island.

The Speaker: Hon. Members, that concludes Questions for Oral Answer.

Item 2 is Questions for Written Answer, and those will be circulated shortly by the Table Office.
2. Questions for Written Answer

TREASURY

2.1. Isle of Man Steam Packet Company employees – Employment status and Manx National Insurance contributions

The Hon. Member for Douglas South (Miss Costain) to ask the Minister for the Treasury:

Whether employees of the Steam Packet Company working onshore on the Isle of Man and on the vessels serving the Isle of Man (a) are employed directly by that company and (b) have Manx National Insurance contributions deducted and paid to the Isle of Man Government?

The Minister for the Treasury (Mr Cannan): Directly employed by Isle of Man Steam Packet:

Isle of Man residents – any deductions for employee payroll taxes and employee National Insurance contributions would be paid in the Isle of Man as would Employer National Insurance contributions.

United Kingdom residents – any deductions for employee payroll taxes and employee National Insurance would be paid in the United Kingdom as would Employer National Insurance.

Seafarers employed through Guernsey Company:

Isle of Man residents – any deductions for employee payroll taxes and employee National Insurance contributions would be paid in the Isle of Man.

United Kingdom residents – any deductions for employee payroll taxes and employee National Insurance contributions would be paid in the United Kingdom.

Non IOM/UK residents – are paid gross.

HEALTH AND SOCIAL CARE

2.2. Thie Meanagh – Status of dementia care

The Hon. Member for Douglas South (Miss Costain) to ask the Minister for Health and Social Care:

Whether any aspects of dementia care at the Thie Meanagh unit are not up to date?

The Minister for Health and Social Care (Mr Ashford): Thie Meanagh was opened in July 2009 and is operated by Adult Social Care as part of the Dementia Care & Support Service. The building is divided into two separate units with Thie Meanagh being on the ground floor and Sweetbriar on the upper floor. Each unit has 16 beds and provides short to medium term care for older adults with dementia, with two beds assigned in Sweetbriar for the purposes of short term respite care and one bed in Thie Meanagh for emergency use only.

The unit on the ground floor is a Registered Nurse led service that supports people who experience more challenging aspects of dementia, whilst Sweetbriar, located on the upper floor, is operated on a Social Care model. Both areas are inspected annually under the framework of the Regulation of Care Act (minimum standards) with no improvement notices currently in place.
In response to a number of operational challenges, in 2018 Adult Social Care completed a comprehensive review of its Dementia Care Services, which addressed issues of eligibility criteria, management structures, recruitment and selection of Registered Nurses and a rebranding of the service to reflect a social care model of care and support.

Every effort is made to ensure all aspects of dementia care at Thie Meanagh are in accordance with current best practice and compliance with the Regulation of Care Act.

2.3. Thie Meanagh –
Maximum number of dementia care residents

The Hon. Member for Douglas South (Miss Costain) to ask the Minister for Health and Social Care:

*How many dementia care residents Thie Meanagh can accommodate?*

The Minister for Health and Social Care (Mr Ashford): Thie Meanagh was opened in July 2009 and is operated by Adult Social Care as part of the Dementia Care & Support Service. The building is divided into two separate units with Thie Meanagh being on the ground floor and Sweetbriar on the upper floor. Each unit has 16 beds and provides short to medium term care for older adults with dementia with two beds assigned in Sweetbriar for the purposes of short term respite care and one bed in Thie Meanagh for emergency use only.

2.4. Reayrt ny Baie –
Maximum number of residents

The Hon. Member for Douglas South (Miss Costain) to ask the Minister for Health and Social Care:

*How many residents Reayrt ny Baie can accommodate?*

The Minister for Health and Social Care (Mr Ashford): Reayrt Ny Baie is located on Albert Terrace in the centre of Douglas and is a 45-bed residential home for older people. Of those 45 beds four are assigned specifically for the purposes of short term respite, one is assigned for emergency use only, leaving 40 permanent residential beds.
2.5. Summerhill View –
Maximum number of residents and dementia care residents

The Hon. Member for Douglas South (Miss Costain) to ask the Minister for Health and Social Care:

When the planned Summerhill View opens how many (a) residents and (b) dementia care residents it will accommodate?

The Minister for Health and Social Care (Mr Ashford): Following completion of the build, Summerhill View will be able to accommodate the following:
(a) Residents – 60 in total.
(b) 15 of which will be dementia care residents.

2.6. Dementia care requirements –
DHSC projections

The Hon. Member for Douglas South (Miss Costain) to ask the Minister for Health and Social Care:

What the Department’s projections are for how many people will need dementia care in (a) five years; (b) ten years; and (c) fifteen years?

The Minister for Health and Social Care (Mr Ashford): The Department does not currently hold such projections. Forecasted demand/capacity modelling is not currently completed, and was recognised in Sir Jonathan Michael’s report that there has been a lack of forward planning and forecasting. A key starting point in any planning is the production of Needs Assessments, and for Public Health to be staffed to deliver the same in order to identify future demand on services.

The Transformation Programme has a dedicated work stream looking at Public Health following its move to the Cabinet Office in April 2020, which includes resources.

Between April 2012 and April 2020 there has been a 56.8% increase in referrals to OPMHS. Seventy six per cent of OPMHS referrals are dementia related.
2.7. Accommodation and care facilities for persons with dementia – DHSC future strategy

The Hon. Member for Douglas South (Miss Costain) to ask the Minister for Health and Social Care:

What the Department’s future strategy is for providing up-to-date accommodation and care facilities for persons with dementia?

The Minister for Health and Social Care (Mr Ashford): The Department of Health and Social Care operates five dedicated dementia residential services for older adults. The residential services are operated by Adult Social Care and are located in Ramsey (Reayrt Skyal), Port St Mary (Gansey and Langness) and in Douglas (Thie Meanagh and Sweetbriar).

Reayrt Skyal is the most recent addition being purpose-built and opened in 2013; Thie Meanagh was also purpose-built and opened in 2009. The Gansey and Langness units are part of the Southlands Resource Centre. Thie Meanagh, Reayrt Skyal and Southlands have self-contained Day Service provision for older adults with dementia.

The June 2020 sitting of Tynwald approved the construction of Summerhill View, a new 60-bed residential care home in Douglas, which will also include a dedicated dementia care facility, which the Sweetbriar Unit will relocate to once construction has been completed.

The Department has also approved the transfer of the Langness unit to the Bradda unit at Southlands. The Bradda unit has remained largely unoccupied since the opening of Southlands but it will provide a much more appropriate environment for older people with dementia.

All areas are inspected annually under the framework of the Regulation of Care Act and are required to comply with minimum standards and every effort is made to ensure all aspects of dementia care across services are in accordance with current best practice.
Order of the Day

3. BILLS FOR FIRST READING

3.1. Manx Care Bill 2020;
3.2. Companies (Amendment) Bill 2020 not moved

The Speaker: Item 3, Bills for First Reading.
The Companies (Amendment) Bill 2020 is not to be moved today.
I call on the Secretary of the House.

The Secretary: Bill for First Reading: Manx Care Bill 2020; Member in charge, Mr Ashford.

The Speaker: Thank you.

4. CONSIDERATION OF COUNCIL AMENDMENTS

4.1. Registration of Electors Bill 2020 –
Council amendments considered

Mr Thomas to move.

The Speaker: Item 4, consideration of Council amendments, and I call on Mr Thomas to move those in relation to the Registration of Electors Bill.

Mr Thomas: Thank you, Mr Speaker.
The Registration of Electors Bill 2020 was last looked at in the House of Keys on 15th May when the clauses were considered and Third Reading took place. The Bill then passed to the Legislative Council, where it was subject to further scrutiny.

Mr Speaker, I am pleased to concur with the four amendments approved by Council under paragraph (3)(a) of Standing Order 4.13 as advised on the Order Paper, as they make technical or proofing adjustments that enhance the reading of the Bill. I believe Government also concurs and Minister Harmer is seconding.

I am grateful to Council for their detailed consideration of this important legislation, in particular Mrs Poole-Wilson, who identified necessary revisions to the cross-referencing and amendments to help remove any potential ambiguity.

With that, Mr Speaker, I beg to move.

The Speaker: I call on the Hon. Member for Glenfaba and Peel, Mr Harmer.

Mr Harmer: Thank you, Mr Speaker.
I beg to second and reserve my remarks.

The Speaker: I put the question that the Council amendments to the Registration of Electors Bill 2020 be approved. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
5. LEAVE TO INTRODUCE

Private Member’s Bill regarding organ donation –
Leave to introduce granted

The Hon Member for Garff (Mr Perkins) to move:

_That leave be given to introduce a Private Member’s Bill to make provision with respect to activities involving human tissue and the donation of human organs; and for connected purposes._

The Speaker: We turn to Item 5, leave to introduce, and I call the Hon. Member for Garff, Mr Perkins.

Mr Perkins: Thank you, Mr Speaker.

Hon. Members, the organ donation Bill was delayed in drafting due, initially, to the raft of Brexit legislation and, more recently, the COVID-19 emergency legislation that was required to be put in place. In the meantime, it has become apparent that much of the human tissue legislation we have in place at the moment was a reaction to the UK Redfern report on the Alder Hey organ retention scandals of the early-2000s.

With medical science and investigatory techniques having advanced dramatically over the last few years in terms of organ donation, the human tissue legislation of the Isle of Man needs to be updated. Consequently, the organ donation Bill I am proposing will contain legislation that updates our Human Tissue Act. This has had the effect of a change in the long title of the Bill and the requirement to ask for leave to introduce again.

The draft Bill is 98% complete, and if leave to introduce is given the First Reading is planned for the first sitting of this Hon. House after the summer recess. It may be possible, if there are emergency sittings during the recess, the First Reading could be done then.

Hon. Members, I beg leave to introduce the Human Tissue and Organ Donation Bill 2020.

Thank you, Mr Speaker.

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

Mr Hooper: Thank you, Mr Speaker.

I would like to second and reserve my remarks.

The Speaker: I put the question that leave be given to introduce a Private Member’s Bill to make provision with respect to activities involving human tissue and the donation of human organs and for connected purposes. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

6. REPORT OF THE CONFERENCE ON THE DOMESTIC ABUSE BILL 2020

Domestic Abuse Bill 2020 –
Conference Report received and amendments agreed

The Hon. Member for Arbory, Castletown and Malew (Mr Cregeen) to move:

_That the Report of the Deputation elected by the House of Keys on the 15th May 2020 [PP No 2020/0135] be received and that the amendments be agreed to._
**The Speaker:** Item 6, report of the conference on the Domestic Abuse Bill 2020. I call on the Hon. Member for Arbory, Castletown and Malew, Mr Cregeen, to move.

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

This Bill was last in the Keys on 15th May when the Keys agreed with all but four of the amendments made by the Legislative Council and resolved to seek a conference with the Council. I myself, Mr Hooper and Mrs Corlett were then elected as members of the Deputation of this House. We met with representatives of the Council on 9th June 2020 and the Report set out on the Order Paper before you was agreed.

Mr Speaker, Annex 3 of the Report sets out the compromise and the proposals arrived at. The proposals are that the ages in clauses 7 and 18 are amended from 18 to 14 and the age of the domestic abuse offence in clause 35 is changed from 18 or over to a person who is aged at least 16 or such other lower age as the Department may by order specify. Amendments 4 and 5 in Annex 3 of the Report give practical effect to the change to clause 35 and enable the age to be further lowered by order subject to Tynwald approval. The age at which a person becomes liable for the controlling or coercive behaviour offence in clause 36 is lowered from 18 to 16 by amendment 6 in Annex 3 to the Report. The age cannot be lowered below 16 in respect of clause 36.

The view of the conference was that it is important for children, if at all possible, not to be criminalised. Where there is a report of a domestic incident, the Police will want to see if the matter can be addressed by means of an appropriately framed notice until either the matter is swiftly resolved or can be brought to court for an order to be made setting out appropriate measures that help the child or young person and yet also protect the victim. The Department will be preparing guidance for the Police, courts and all relevant persons to assist them and ensure that the rights and needs of children, whether the victims or perpetrators of the abuse, are properly catered for. In preparing the guidance, the Department envisages consulting widely and not least with this Hon. House and Members of Tynwald.

I am profoundly aware of the harm done by domestic abuse and I am very much concerned that we do right by our children, whether they are victims or perpetrators. I know I have the support of my hon. colleague the Minister for the Department of Health and Social Care in promoting this compromise and believe that between the Police, the Department of Health and Social Care and other agencies we can find age-appropriate measures that protect people in our society and help our children to develop so they can live fulfilling lives as they grow into adulthood.

Mr Speaker, I believe we have here a tremendous opportunity to agree a compromise to get the comprehensive Domestic Abuse Bill on to the statute book.

I beg to move.

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

**Mr Ashford:** I beg to second and reserve my remarks, Mr Speaker.

**Ms Edge:** Thank you, Mr Speaker, and I thank the Minister for the words ... and that he has support.

I do have real concerns, on which I have briefly spoken to the Minister, with regard to criminalising the young. The Minister has said that it is not his Department's intention to criminalise our young. However, an order or a notice will stay on the record. There is no way within the legislation, that I can see, that that will be removed from a child’s record. When you look at the Rehabilitation of Offenders Act, it is quite clear in there that a child is classified as...
18 – not 14, not 16, it is 18 – so I need to seek reassurance that no record with regard to this will be with a child for life.

I have worked in an education setting with numerous children who have had difficulties with parents, and there is all sorts of involvement, and I genuinely believe that anything of this nature for a child under 16 years of age – I would say 16 is a fair age, which is what it was originally – should be dealt with appropriately by appropriate services, not necessarily the Police.

I feel that we do not have adequate services for our young, we do not have adequate services for our parents, for who they can turn to in a crisis, and I am very aware that there is nowhere to turn to in a crisis with a young child. I do have real concerns that we are going to be putting orders and notices in place for a child of 14 – and they are a child – and I do not believe any mother would have any intention, or father, to have a record on their child for life for this type of situation. I do understand that we have situations at present, possibly from 11-year-olds and 14-15-year-olds; however, I think it is totally wrong for us as a Government to be putting something in here that a child in their future life, because this could stay their record, could never travel to America, could never travel to Canada. I think it is totally inappropriate that 14 is on here.

I did say to the Minister that it would have been better to delay this and have further discussions around it, if possible. However, it seems there is pressure to have it on the Order Paper for next week. I do understand the whole Bill and I do appreciate that we do need to have this forward, but I really do feel that we should be erring with great caution of what we are doing and the possibilities and the implications for the future of our children if the Rehabilitation of Offenders Act is not tying up, and many other Acts where we know the age of the child is not tying back, to make sure that we have got the appropriate legislation for our young on the Island.

Thank you, Mr Speaker.

The Speaker: Ms Edge, you mentioned the age of 14 there. Is it your intention then to have amendments 1 and 2 voted on separately from numbers 3 to 6?

Ms Edge: That would be helpful, Mr Speaker.

The Speaker: Does any other Member wish to speak? If not, I will call on the mover to reply.

Mr Cregeen: Thank you, Mr Speaker.

I totally understand the Member’s concerns. What we have here is that it will be a civil matter; it will not be a criminal matter. This is actually a better process for us to go through than what we currently have. Currently, we would have the Police going in and the only way that they would be able to deal with it is to charge the individual. We are trying to get away from criminalising young people. This will be a civil matter. It must be a desperate state when a family has to call the Constabulary to deal with a domestic issue. It will be the last thing that the people –

Ms Edge: Mr Speaker, would the Member just give way for a second?

The Speaker: Will the Hon. Member give way?

Ms Edge: Thank you, Minister.

I think sometimes – and this is what I tried to explain originally – there is nowhere else for parents to turn to on the Island at a time of crisis, perhaps after five o’clock at night. Most people, if they need help in a crisis, turn to our Police because they are there for the security of the whole of the Island. I think it is the lack of services and provision for people outside of that
that is the problem. I appreciate that you are saying it is civil, but there is no reassurance anywhere in this for me that that civil record will be extinguished from a child’s record.

The Speaker: Minister.

The Minister: Thank you, Mr Speaker.

I would hope on these occasions that if the Constabulary are called to an incident like this they will be aware of where they can actually go, because one of the things that we have committed to, the Minister for Health and Social Care and myself, is to work on the guidance before we get the Appointed Day Order on this legislation. I hope that we will be able to have that and the consultation with Hon. Members to ensure that we have actually got that safety net in there for the young people before it is enacted. I would hope that if the Police do attend an incident they may be able to go through the guidance and get assistance before actually having to... It is a stepping stone.

I understand the concern, Hon. Members, but this is a big move forward. It saves us having to go straight to criminalising young people.

With that, Mr Speaker, I beg to move.

The Speaker: Thank you.

I put the motion that the Report of the Deputation elected by the House of Keys on 15th May be received and that the amendments be agreed to.

In light of Ms Edge’s comments, I put to you first the amendments numbered 1 and 2 on the Order Paper. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Putting to you amendments 3, 4, 5 and 6, those in favour, please say aye; against, no. The ayes have it. The ayes have it.

That concludes the Report on the Conference on the Domestic Abuse Bill 2020 and indeed the business of the House this morning. We therefore stand adjourned until 2.30 on Friday in Tynwald Court.

Thank you, Hon. Members.

*The House adjourned at 11.38 a.m.*