PP 2016/0094

STANDING ORDERS
COMMITTEE OF TYNWALD

SECOND REPORT
2015-2016

PETITIONS FOR REDRESS

SECOND REPORT OF THE STANDING ORDERS COMMITTEE OF TYNWALD 2015-16: PETITIONS FOR REDRESS

There shall be a Standing Orders Committee of the Court to carry out the duties imposed upon it by Standing Orders 6.8 and 9.1, and to make recommendations to the Court for the revision of Standing Orders.

6.8 (1) The person presiding under Standing Order 3.29 shall, on receipt of a Petition for Redress refer the petition to the Standing Orders Committee.

(2) It shall be the duty of the Standing Orders Committee to examine every Petition for Redress to ascertain whether it is in order, and report to Tynwald.

9.1 (4) Any Member dissatisfied by a determination of the President may refer the principle of the issue involved to the Standing Orders Committee which shall report thereon to Tynwald.

The powers, privileges and immunities relating to the work of a committee of Tynwald are those conferred by sections 3 and 4 of the Tynwald Proceedings Act 1876, sections 1 to 4 of the Privileges of Tynwald (Publications) Act 1973 and sections 2 to 4 of the Tynwald Proceedings Act 1984.

Committee Membership

The Hon. S C Rodan SHK (Chairman)

Mr P Karran MHK

Hon. R H Quayle MHK

Mr J R Turner MLC

Mr C G Corkish MLC

Copies of this Report may be obtained from the Tynwald Library, Legislative Buildings, Finch Road, Douglas IM1 3PW (Tel 01624 685520) or may be consulted at www.tynwald.org.im

All correspondence with regard to this Report should be addressed to the Clerk of Tynwald, Legislative Buildings, Finch Road, Douglas IM1 3PW.

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To: The Hon Clare M Christian MLC, President of Tynwald, and the Hon Council and Keys in Tynwald assembled

SECOND REPORT OF THE STANDING ORDERS COMMITTEE OF TYNWALD 2015-2016
PETITIONS FOR REDRESS

I. PETITIONS FOR REDRESS PRESENTED IN 2016

1. The seventeen Petitions for Redress reproduced at Appendix 1 were presented at Tynwald assembled at St John's on 5th July 2016. We have considered these in the light of the relevant Standing Orders.

2. We note that of the seventeen petitions, all but three are in order. We continue to encourage petitioners to seek the advice of the Clerk of Tynwald in a timely fashion in order to ensure that their petitions comply with Standing Orders. We also draw attention to the revised Guidance for Potential Petitioners at Tynwald Hill (PP 2016/0060) issued by the Office of the Clerk of Tynwald in May 2016.

3. We note that the petition in favour of the erection of a statue of Sophia Goulden is not seeking redress in a way which mentions a grievance on the face of the petition. The Guidance for Petitioners will be amended to reflect that petitions must show a grievance in order to be acceptable for presentation on Tynwald Day in future. This petition might have been more appropriate as a normal petition, but nonetheless we allow it to be in order.

4. Mr Leonard Trevor Cowin has submitted two disorderly petitions. The first seeks a remedy against Mr Alan Bell MHK as Chief Minister for failing to respond adequately to a complaint made by Mr Cowin in relation to the Civil Service Commission's

handling of a complaint by him against Mr Jon Callister. This petition offends against Standing Order 6.11(c) which says that a petition for redress must:

> *not relate to any specific case which could be or has been adjudicated upon by the High Court or any tribunal or arbitration, or any formal officially recognised complaints procedure, unless the petition shows that in the particular circumstances it is not reasonable to expect the petitioner to resort, or to have resorted, to such remedy.*

5. This petition relates to a matter which has been before the Civil Service Commission, namely the complaint against Mr Jon Callister, and is not proper to be received.

6. Mr Cowin has also submitted a petition complaining about the actions of Mr Steve Rodan SHK, Speaker of the House of Keys, in his capacity as Chairman of the Standards and Members' Interests Committee, and the members of that Committee. (For the purposes of discussing this petition, Mr Rodan and Mr Quayle recused themselves from your Committee which reports on this petition).

7. This petition asks Tynwald to establish a Committee to look into the actions of the Standards and Members' Interests Committee. This is impossible, as Committees cannot look into each other's affairs; each Committee is equally responsible to Tynwald, to which they all report. In addition, the deliberations of Committees are confidential unless the Committee otherwise orders. This petition is therefore out of order, as it seeks an inappropriate remedy.

8. We note that Mr Cowin has successfully presented three other petitions that we deem to be in order; two of them identify Members of Tynwald who were acting in their capacity as Ministers. The complaints do not seem to be covered by any formal complaints procedure and on that basis we have allowed them. There is a further petition which asks for a general grievance to be righted in that it is difficult for complaints to be dealt with which are against particular office holders, including members of the Government and Tynwald, among others.

We view with distaste the use of the petitions system for complaints against identified persons and will consider whether Standing Orders should be amended so that such petitions would automatically be out of order. It is to be hoped that the operation of an ombudsman system may assist in removing any basis for such petitions.

9. Mr Jonathan Frank Irving has submitted a petition with a long narrative that relates to court proceedings and as such offends against Standing Order 6.11(c). He has submitted another petition, which is in order as it is couched in general terms about good governance.

10. Our conclusions in respect of this year's Petitions are set out in the following table:

Petition of		**Committee's finding**
Leonard Trevor Cowin	The lack of direct, formal, officially recognised, complaints procedures and associated remedies against Ministers, Members of Tynwald, the Chief Secretary and Members of Government bodies and connected matters.	In order
Leonard Trevor Cowin	Complaint about a Member - Mr Bell - and related matters.	In order
Leonard Trevor Cowin	Complaint about a Member - Mr Gawne - and related matters.	In order
Mrs. J. Bell and Mrs. L. Owen and Mrs Richards	Erection of a Sophia Jane Goulden statue	In order
Robert Powell Hendry	Care for Looked After Children	In order
Neil Cheetham and Dr Rebecca Foulger	Penalty for animal cruelty	In order
James Corlett	Questioning of salaries and other remuneration of senior public servants.	In order
Anna Maria Kawalek	The island's drainage	In order
James Anthony Brown OBE and Colin Leather TC	Swearing-In ceremony of the Island's Lieutenant Governor	In order
Stephen Broad and Christopher Clegg and Peter Howe	Impact of the proposed Road Transport Regulations	In order
Louise Whitelegg on behalf of the Committee of the 0.7 Campaign	Funding to contribute to the global fight against poverty in the developing world.	In order
Carol Quine and Lynn Sirdefield and Richard Halsall	Free TV licences for residents over 75 years	In order

Petition of		Committee's finding
Carol Quine and Lynn Sirdefield and Richard Halsall	Free train and tram travel for residents over 75 years	In order
Jonathan Frank Edward Irving	Best practice of 'Good Government'	In order
Leonard Trevor Cowin	Complaint about the Tynwald Standards and Members' Interests Committee and related matters.	Not in order
Leonard Trevor Cowin	Complaint about a Member - Mr Bell - and related matters following a complaint against the Members of the Civil Service Commission.	Not in order
Jonathan Frank Edward Irving	Handling of winding up and other legal issues.	Not in order

II. PETITIONS FOR REDRESS PRESENTED IN THE PREVIOUS FOUR YEARS

11. At Appendix 2 is an annotated list of the Petitions for Redress presented in the previous four years going back to 2012. Under Standing Order 6.12 those which are in order and which have not been the subject of a resolution may still be picked up by a Member.

S C Rodan

P Karran

R H Quayle

J R Turner

C G Corkish

7th July 2016

Appendix 1

Petitions for Redress presented in 2016: full text

In Tynwald

5th July 2016

To the Honourable Members of Tynwald Court

THE HUMBLE PETTION OF:-

Mr Leonard Trevor Cowin of Sea Peep, Poortown Road, Peel, Isle of Man, IM5 1QG

SHEWETH THAT:-

The lack of direct, formal, officially recognised, complaints procedures against Ministers, Members of Tynwald, the Chief Secretary and Members of Government bodies is preventing persons with genuine grievances against such persons and bodies from having their complaints dealt with.

Neither the High Court, nor any tribunal, or arbitration, has any jurisdiction in this matter, and in the absence of any direct, formal, officially recognised, complaints procedures, the only course of action left open to me is to seek redress by presenting this Petition to Tynwald.

Whereof your petitioner seeks that:-

A Committee of three Members be appointed with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876, as amended, to consider and report back to Tynwald on the lack of direct, formal, officially recognised, complaints procedures and associated remedies against Ministers, Members of Tynwald, the Chief Secretary and Members of Government bodies and connected matters.

Signed

[Signed L.T. Cowin]

In Tynwald

5th July 2016

To the Honourable Members of Tynwald Court

THE HUMBLE PETITION OF:-

Leonard Trevor Cowin of Sea Peep, Poortown Road, Peel, Isle of Man, IM5 1QG

SHEWETH THAT:-

I have a grievance against the Chief Minister, Mr Allan Robert Bell, CBE, MHK, because of his failure to deal with and his failure to respond to me meaningfully or not at all, in relation to a complaint which I made to him on the 16th July 2015 against the Minister for Infrastructure, Mr Philip Anderson Gawne, BSc, MHK, for Mr Gawne's failure to respond to me meaningfully, or not at all, on a number of issues of concern which I raised with Mr Gawne at a meeting during February 2015 which he invited me to attend and for Mr Gawne's failure to respond to a letter which I sent to his Department shortly after our meeting.

I believe that Mr Bell's failures are not the actions of a responsible Chief Minister and fall well short of the standards of accountability and openness which I, as a citizen of this Island, believe that I am entitled to receive from an elected Chief Minister responsible to Tynwald and the people of this Island.

Neither the High Court, nor any tribunal, or arbitration, has any jurisdiction over my grievance and in the absence of any direct, formal, officially recognised, complaints procedures, the only course of action left open to me is to seek redress for my grievance against Mr Bell by presenting this Petition to Tynwald.

I aver that there is a clear public interest in this matter being investigated and reported upon. My concerns have been published in local newspapers and readers of the newspapers are, to my knowledge, anxiously awaiting the outcome of this Petition.

I aver also that there is a wider public interest in ensuring high standards of governance of the Isle of Man by elected representatives, which has been lacking in this case.

Whereof your petitioner seeks that:-

A Committee of three Members be appointed with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876, as amended, to consider and report back to Tynwald on the Mr Bell's failures referred to above and the lack of direct, formal, officially recognised, complaints procedures and associated remedies against Ministers, Members of Tynwald and Members of Government bodies, in relation to their conduct in matters such as this and connected matters.

Signed

[Signed L.T. Cowin]

In Tynwald

5th July 2016

To the Honourable Members of Tynwald Court

THE HUMBLE PETITION OF :-

Leonard Trevor Cowin of Sea Peep, Poortown Road, Peel, Isle of Man, IM5 1QG

SHEWETH THAT

I have a grievance against the Minister for Infrastructure, Mr Philip Anderson Gawne, BSc, MHK, because of his failure to respond to me meaningfully or at all on a number of issues of concern which I raised with him at a meeting which he invited me to attend during February 2015 and for failing to respond to a letter which I sent to his Department shortly after our meeting.

I believe that these failures are not the actions of a responsible Minister and fall well short of the standards of accountability and openness which I, as a citizen of this Island, believe that I am entitled to receive from an elected Minister responsible to Tynwald and the people of this Island.

Neither the High Court, nor any tribunal, or arbitration, has any jurisdiction over my grievance and in the absence of any direct, formal, officially recognised, complaints procedures, the only course of action left open to me is to seek redress for my grievance against Mr Gawne by presenting this Petition to Tynwald.

I aver that there is a clear public interest in this matter being investigated and reported upon as my concerns have been published in local newspapers and readers of the newspapers are, to my knowledge, anxiously awaiting the outcome of this Petition.

I aver also that there is a wider public interest in ensuring high standards of governance of the Isle of Man and accountability by elected representatives, which has been lacking in this case.

Whereof your petitioner seeks that:-

A Committee of three Members be appointed with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876, as amended, to consider and report back to Tynwald on Mr Gawne's failure to respond to me and on the lack of direct, formal, officially recognised, complaints procedures and associated remedies against Ministers, Members of Tynwald and Members of Government bodies, in relation to their conduct in matters such as this and connected matters.

Signed

[Signed L.T. Cowin]

IN TYNWALD

To the Honourable Members of Tynwald Court

The Humble Petition of
Mrs. J. Bell, 35 Slieau Whallian Park, St. Johns IM4 3JJ
Mrs. L. Owen, Whiteside, Ballafayle, Ramsey, IM7 1EB
Mrs. S. Richards, Highfield, Bibaloe Beg, Onchan. IM4 5AD

Sheweth that

Sophia Jane Goulden played a vital role in the Women's Suffrage movement. Born and raised in the Isle of Man she actively campaigned on issues such as the repeal of the Corn Laws, the policy of slavery and also universal suffrage. She was an inspiration to and supporter of her daughter, Mrs. Emmeline Pankhurst

She has had a continuing impact not just in the Isle of Man, but also in establishing women's rights across the world. This cause goes on today in the guise of her great, great granddaughter Dr. Helen Pankhurst who fully endorses this petition.

Wherefore your Petitioners seek that

Tynwald support the erection of a statue in her honour in Laxey, the cost of which will be raised by donations.

[Signed L.D. Owen] [Signed S Richards]

[*Add your signature(s) here*]
Mrs. J. Bell Mrs. L. Owen Mrs. S. Richards
[*Type your name(s) here*]

[Signed J.M. Bell]

IN TYNWALD

5th July 2016

To the Honourable Members of the Tynwald Court

The humble petition of

Robert Powell Hendry

6 Ash Grove

Ramsey

Isle of Man, IM8 3HT

Sheweth that

Whereas most parents are felicitious for the well-being of their children, there are occasional instances where parents have not looked to the best interests of their children, as evidenced by the Case of Baby P in Another Island.

And

For this reason, a Care System must exist in any compassionate community to protect vulnerable children, but because of Media Interest, where Social Workers have signally failed children, as in the Baby P case in Another Island, or the Samantha Barton case in the Isle of Man, the Department of Social Care and Social Workers have developed an attitude that parents are necessarily blameworthy, even though the evidence does not support such a conclusion. This is in part due to human failings in the system, but the current care legislation, as it clearly permits such failings to arise, is inadequate for the needs of the Island and needs revision.

And

In this context, the attention of the Honourable Court of Tynwald is drawn to cases of alleged medical neglect, such as the well known Brittle Bone Babies, where parents have been accused of abuse which has later been shewn to be caused by a rare medical condition known as osteogenesis imperfecta, but this is not the sole example of rare medical conditions that causes social workers on the Island to pursue families with children with rare medical conditions where the parents are innocent of medical neglect. That such cases can be pursued for many months after medical evidence is forthcoming, shows the law is defective in providing adequate safeguards and needs revision.

And

Such disregard for respect for private and family life, has been inflicted on families resident on the Island in recent years, but the Petitioner may not by reason of the Secrecy provisions of the Care System cite any specific case of abuse by the Department of Social Care, and if the present law does not provide for a speedy resolution of such cases, the current law is inadequate.

And

Because it is human nature for Social Workers, where the original medical diagnosis has been found to be incorrect, to feel obliged to defend their mistakes to avoid admitting error, so children are not returned to loving parents for months or even years, the current law is inadequate in providing sufficient safeguards for families, so needs amendment,

And,

There is evidence to suggest that employees of the Department of Social Care make allegations to children in the care of the department that have not been proven in law, and which, if believed by the children, would be detrimental to their confidence in their parents. This suggests that the current law does not set out adequately what statements that may be detrimental to the right to family life can properly be given to children, so the law is in need of amendment.

And

Whereas Looked After children do not necessarily benefit by being in care. For example paper 04470 on Children in Care of 5 October 2015 of a parliamentary assembly in an adjacent Isle, states of education, 'Attainment for the looked after population is lower than national levels at all ages of assessment. For example, amongst year 11 students in 2014, 31% of looked after children obtained five GCSEs at grade A* to C, compared with a national figure of 75%.

And

Whereas Looked After children do not necessarily benefit by being in care in other ways. For example paper 04470 on Children in Care of 5 October 2015 of a parliamentary assembly in an adjacent Isle states of offending behaviour, 'Around 6% of looked after children had received a conviction or final warning or reprimand during the year ending 31 March 2013. This compares with 1% of all children aged 10-17 in 2013. In the case of the Island, the tragic case of Samantha Barton shows how the department failed this troubled child to its eternal shame.

And

For these reasons and others, a speedy resolution of care cases which have arisen through rare medical conditions is imperative in the interests of children and the current law does not pay due cognisance to such risks and the need to avoid them

And

There is evidence that social workers promote 'The British Way of life' as superior to other ways of life and use this alleged superiority to break up families, and to deny children a proper appreciation of their ethnicity, such acts being detrimental to ethnic minorities. Although the general provisions of the discrimination legislation of the Island should be sufficient, it is apparent that it is not, and the legislation relating to children in care needs to be revised so this issue is not ignored.

And

For these sundry reasons, the care system as the law presently exists, is inappropriate for children

And

Because parts of the Care System are put out to private tender by the Department of Social Care, the Isle of Man Government has a direct responsibility to see that proper legislative safeguards exist in this area.

And

Attention is drawn to the Supervised Contact System, and that the Contact System prohibits parents from taking photographs of their own children, even when away from the property of the Contact Centre. The right of parents to photograph their own children as a part of the record of their childhood is thereby denied families, and parents are thereby prevented from sharing family photographs with grandparents and other family members. This infringes the enjoyment of Family Life, and although the Contact Centre is a private agency, it acts under contract to the Department, so the Department, and therefore the Isle of Man Government should take this into account and the legislative framework should deal with this abuse.

And

Because of the shortage of adequate foster carers, verbal approval has been given on occasion for children to be placed with foster carers 'out of their fostering approval' and there is a recorded instance of a foster carer suggesting a seriously ill child should be made to clear up her own vomit. It cannot be in the interests of children or the good name of the Island that such practices are tolerated, and adequate legislative framework is called for.

And

Because a speedy resolution of such cases is imperative in the interests of children who are deprived their rights to family life, but due to the limited number of courts and court days, and staff, that care cases can drag on for more than two years, and that when hearings are finally scheduled, that there be a solitary week's hearings in a calendar month. The inadequacy of the court system of the Island to speedily deal with such cases is harmful to individual families. Whilst this is not a specific failing of the care legislation, it is an associated matter and the good and expeditious administration of justice is a duty of the government to make provision for.

And

Whereas Following the Samantha Barton case, a practice had arisen in the Honourable Court of Tynwald that Members of the House will not raise Care Cases in the House, so freeing the department of Social Care from any effective public oversight by the elected members of Tynwald, and that this is detrimental to the proper governance of the Isle. This strikes at the basis of parliamentary representation and is a duty of the government to make provision for.

And

Whereas this abuse to the enjoyment of family life, which due to the secrecy provisions of care cases, is only known to the small number of families to be affected by the misconduct of the Department of Social Care, **is potentially an abuse that could affect any family with children, grand-children or great-grand-children on the Island. As such it is a potential threat to the happiness and enjoyment of family life of every family on the Island, and this means the Island is not necessarily a good or safe place to raise children in. It means this malpractice should be carefully looked into by the Honourable Court of Tynwald.**

Wherefore your petitioner respectfully prays that

(i) **A Select Committee of Tynwald be set up to examine the manifest failings of the legislative framework of the Looked After Children system of the Island, which currently causes needless distress to children and parents, and that care cases can drag on for two years with perhaps thirty days of sittings in a full year which causes distress to children.**

(ii) And that all persons desirous of giving evidence shall have the right to give evidence before the select committee, notwithstanding the secrecy provisions, and any attempt to hamper parents or dissuade them from presenting evidence by citing the provisions of secrecy relating to care cases shall constitute a contempt of the Honourable Court of Tynwald.

Signed

[Signed R.P. Hendry]

Robert Powell Hendry LL.B.

5th July 2016

To the Honourable Members of Tynwald Court

The humble petition of

Mr Neil Cheetham

Greeba Towers, Greeba

Dr Rebecca Foulger

21 Banks Howe, Onchan

Sheweth that

It has come to our attention that the current maximum penalty for breaking the law regarding animal cruelty is significantly less than the maximum penalty for committing criminal damage to property which we feel is unfair and not reflective of how serious the offence of animal cruelty can be.

Wherefore your petitioners seek that

Tynwald set up a Select Committee on the law relating to animal cruelty with an instruction to report on amendment to the law to make the penalty for animal cruelty the same as for criminal damage to property.

Signed

[Signed N Cheetham]

Mr Neil Cheetham

[Signed R Foulger]

Dr Rebecca Foulger

IN TYNWALD

To the Honourable Members of Tynwald Court

The Humble Petition of James Corlett, The Haven, Little Switzerland, Douglas, IM26AE

Sheweth that

Up until recently I did not appreciate that the salaries of consultant clinicians at Nobles Hospital were not public knowledge. I wanted to know more about the reasons for this. What follows is a brief overview of my inquiry to this point.

One of the arguments raised by the department of health has been that the salaries of consultant clinicians cannot be disclosed because this information is personal data. As this petition does not seek disclosure of information in the form of the salaries of consultants along with their names, it does not impinge on personal data. Rather, this petition seeks publication of the salaries of each grade of consultant in a way that would mirror, to take one example, the Manx Judiciary. Although I have not specifically raised the issue, I am aware that the remuneration of certain other public servants is not a matter of public record, for example that of the chief constable and of the chief executive of the financial services authority. On the other hand, the salaries of the Attorney/Solicitor General, Chief Secretary and Chief Minister have been made public. It is hoped that this petition will redress conspicuous double standards such as these so that the salaries of each type of consultant will become a matter of public knowledge.

Another purpose of the inquiry was to find out whether the secrecy around consultant's salaries was to conceal disproportionate levels of remuneration. On 17 May 2016 I asked an MHK to put a question before Tynwald, "what the cost to the public is for a Consultant at Noble's Hospital (including allowances) and how many the Government employs?". The figure provided was that £210,634 was the average cost and that "Noble's Hospital currently employs 47 consultants" with seven vacancies. Whilst this information was helpful it was less specific than I had hoped for and it is perhaps worth noting that the original form of the question may have allowed for a more illuminating answer to be given. I then requested the same MHK on 19 May 2016 to put before the House the following question, "why are the salaries (which are paid out of public funds) for each consultant at Nobles not disclosed to

the public?". Unfortunately, the MHK chose not to ask the question and from this point on there appear to have been several attempts to snuff out the inquiry altogether.

Whilst I accept that it will be for the committee to decide whether these allegations are true, what I would say is that these instances, documented as they are in email, are likely to present as really quite blatant attempts to obstruct. In light of this impasse, it struck me that the only way forward was to issue this petition.

Wherefore your Petitioner seeks that

- A select committee of Tynwald to be set up to establish whether the petitioner's inquiry has been administered in a just and timely manner; whether the process of eliciting information has been affected, as the petitioner would respectfully submit it has been, by a breakdown in the democratic process; to establish answers to further questions [1] submitted by the petitioner which have not been addressed; to establish the reasons for the disparity between two figures availed to the petitioner regarding the salaries of consultants.
- A select committee of Tynwald to be set up to investigate the legitimacy of an MHK not asking a question in Tynwald on behalf of a constituent; to investigate the reason as to why the salaries of each grade of consultant clinician at Nobles Hospital are not disclosed; to investigate whether it is unlawful to disclose the salaries of each grade of consultant clinician and to expeditiously publish this information in the public domain if it is lawful to do so.
- A select committee of Tynwald to be set up to investigate why the salaries and other remuneration of senior public servants or those paid out of public funds is not routinely made public (as used to be the case).

James Corlett

[Signed J Corlett]

[1] How many consultants are there at each spine point? How many hours consultants need work to be considered full time staff? How much overtime is being done in net by each grade of consultant?

IN TYNWALD
5 July 2016

To the Honourable Members of Tynwald Court

The humble petition of :

Anna Maria Kawalek
Groudle Glen House
King Edward Road
Onchan
IM3 2JY

Sheweth that :

According to the terms of the Sewerage Act 1999 "the government has a duty to provide, improve and extend such a system of sewers and to maintain those sewers to ensure that the island is and continues to be effectually drained".

Whilst there has been great attention paid by the government to the islands main drainage network in recent years, the fringes of the system and in particular provision for assistance with private systems to ensure that they are upgraded in line with the main network has been woefully ignored. The owners of properties connected to private systems are tax payers and rate payers in the same way as property owners connected to the main network. Therefore this section of the community should also be entitled to draw on the support and assistance of the government when it comes to the provision of this most basic of amenities which the vast majority of the island's residents are able to take for granted.

Given the island's Victorian heritage and housing stock, if this issue is going to affect anyone, it will almost certainly affect the owners of historic properties and so the issue affects the quality of our historic environment. This therefore touches us all, often to a degree which is not immediately evident and so it is important for the government to provide support to this section of the island's property owners along with the mainstream. This in turn will help to ensure that an important part of the island's historic charm and attraction is maintained.

One example of where adequate provision is lacking, is the current situation regarding certain properties close to Groudle Glen in Onchan. The former Groudle Glen Hotel is a local landmark which has a long and interesting history. The property is set close to Groudle Glen and the electric tram station which serves it. The glen, electric tram and the steam railway in the glen are of course popular local tourist attractions drawing many visitors in the summer and at weekends.

The private drainage arrangements serving the area are now hopelessly inadequate and out of date. Under the current arrangements the skills and ability to service the system are by definition at the mercy of property ownership changes and the residents should have the

right to peace of mind in the knowledge of continuity of service which most island residents take for granted. Given the terrain, the number of properties involved and the historic importance of the area, expert knowledge is required to remedy the situation and to provide ongoing support in order to preserve and protect this and similar historic pieces of the island's heritage for future generations.

Wherefore your petitioner seeks that :

A Select Committee of Tynwald be set up to examine and identify those areas where there are still improvements to be made to support the island's drainage arrangements and continue with upgrades where possible; to identify ways to assist residents of those properties which are outside of the scope of the main drainage network including those with private drainage systems; to introduce a scheme to assist residents with private drainage systems should they be lacking in expertise or resources to deal with this onerous responsibility for what is the most fundamental of amenities.

[Signed A Kawalek]

IN TYNWALD

5th July 2016

To the Honourable Members of Tynwald Court

The humble petition of James Anthony Brown OBE of 20 Kissack Road Castletown
and
Colin Leather TC of 7 James Road Castletown

Sheweth that

Many individuals are aggrieved that the decision was made to move the historic Swearing-In ceremony for the Island's 30th Lieutenant Governor on 27th May 2016, by transferring the said ceremony from the Ancient and former Capital of Mann, Castletown to Douglas.

Further your petitioners are aggrieved that the said decision was made to remove the ceremony from Castle Rushen Castle in Castletown, the former fortress and home of the Kings and Lords of Mann, when the said ceremony could and should have continued to have been held in Castle Rushen, Castletown as it had done since the 18th century, when the first Lieutenant Governor was appointed to the Island.

The Swearing-In ceremony of the Islands Lieutenant Governor being held in Castle Rushen is part of the Island historical culture and National Heritage, and it is not accepted that this situation was permitted to arise, when it was known that the said Swearing-In ceremony was scheduled to take place in Castle Rushen, usually in the room known as the courtroom, during the first half of the year 2016; nor is it accepted that it was necessary to remove the ceremony from Castletown and Castle Rushen to the Courts of Justice in the Borough of Douglas, as the Castle courtroom could have been made ready. Further, if the Castle courtroom had not been available, other options to retain the ceremony within Castle Rushen were and continue to be available; therefore, your petitioners are of the opinion that the future Swearing-In ceremony of the Island's Lieutenant Governors should be returned to take place in Castle Rushen in the ancient town of Castletown, as it has done continuously since the 18th century.

Wherefore your petitioners seek that

Tynwald appoints a "Select Committee" to consider and investigate the reasons for the decision to move the said ceremony, and to investigate options available to enable the Swearing-In ceremony of the Islands Lieutenant Governor to return and be held in future within Castle Rushen Castle, taking evidence as provided for under the provisions of Standing Orders, and to report to Tynwald with recommendations.

[Signed J.A. Brown] [Signed C. Leather]

James Anthony Brown OBE **Colin Leather TC**

IN TYNWALD

5th July 2016

To the Honourable Members of Tynwald Court

The Humble Petition of Stephen Broad, of Ballaberragh Farm, Smeale, Ramsey, IM7 3EB.
Christopher Clegg, of 100 Ballacriy Park, Colby, IM9 4NB.
Peter Howe, of Ballgunnell Farm, Kiondroghad Road, Andreas, IM7 3EJ.

Sheweth

That

At present the Department of Infrastructure are proposing in their new Road Transport Regulations, that goods vehicle operators, who use their vehicles commercially, become registered with the Road Transport Licencing Committee.

The current proposals in the new Road Transport Regulations do not ensure that the current rights of existing operators are protected. For example;

a. an existing operator who operates from the Isle of Man to the United Kingdom and beyond is given no applied rights for his existing skills. They will have to undertake a Certificate of Professional Competence at their own expense. This training is not available on the Isle of Man.
b. Every operator will have to have their operating centre approved by the Road Transport Licencing Committee. There is no provision for an automatic right for existing operators to use their existing operating centre.

The Vehicle Test Centre will inform the Road Transport Licencing Committee of all operators whose vehicles fail the annual roadworthiness test. Currently the Vehicle Test Centre have no test manual for the annual vehicle roadworthiness test. Failure of the annual vehicle roadworthiness test results in being called to a hearing by the Road Transport Licencing Committee and potentially the loss of the operators' licence and their livelihood. This lack of a manual means that any operator called before the Road Transport Licencing Committee, for failure of the annual roadworthiness test, has no grounds or guidance on which to base their defence or appeal the decision of the Vehicle Test Centre.

The Road Transport Licencing Committee do not have any guidance or directions documents to provide standardisation as to what constitutes the requirement of an operator to attend a hearing or what penalties are issued. These documents are required to ensure that the Road Transport Licencing Committee approach the exercise of their statutory functions fairly.

Wherefore your Petitioner seeks that

This Honourable Court enquire into the impact of the proposed new Road Transport Regulations due to the lack of applied rights for existing operators, the lack of a test manual at the Vehicle Test Centre and the lack of documents to ensure standardisation of decisions made by the Road Transport Licencing Committee.

[Signed S Broad] Stephen Broad 5th July 2016
[Signed C Clegg] Christopher Clegg 5th July 2016
[Signed P Howe] Peter Howe 5th July 2016

In Tynwald 5th July 2016

To the Honourable Members of Tynwald Court

The Humble Petition of:
The Committee of the 0.7 Campaign
Mrs L Whitelegg
Marlbrook
Kerrowmoar
Lezayre
IM7 2AX

Sheweth that
After an extensive investigation, in June 2008 a Council of Ministers report called The Policy and Funding of Overseas Aid was published stating that:

"The Council of Ministers is committed to the Isle of Man being a responsible jurisdiction, which is able to contribute to the global fight against poverty in the developing world" (p.2)."
"In the first instance the Council of Ministers has set a target of achieving a funding level of 0.7% of Gross Government Income by 2015" (p.3)."

Wherefore your Petitioner Seeks that
Tynwald reaffirms its commitment made in 2008 to set a target of achieving a funding level of 0.7% of Gross Government Income to contribute to the global fight against poverty in the developing world; sets up a Committee of three Members to investigate why the commitment was not delivered and to monitor progress towards achieving this goal; agrees a new timeline and achieves this commitment before the next General Election in 2021.

Signed

[Signed L Whitelegg]

Louise Whitelegg, 0.7 Committee Chair

To the Honourable Members of Tynwald Court

We the undersigned petitioners humbly pray that Tynwald reaffirms its commitment made in 2008 to set a target of achieving a funding level of 0.7% of Gross Government Income to contribute to the global fight against poverty in the developing world; sets up a Committee of three Members to investigate why the commitment was not delivered and to monitor progress towards achieving this goal; agrees a new timeline and achieves this commitment before the next General Election in 2021.

Name:	Address:	Signed
Rosemary Clarke	33 Douglas Street, Peel, IM5 1BB	[Signed R Clarke]
Philip Charles Matthews	4 Marguerite Place, Foxdale, IM4 3HE	[Signed P.C. Matthews]
Margaret Newton	Glebe Cottage, Cooil Road, Cooil, Douglas, IM4 2AQ	[Signed M Newton]
Muriel Garland	11 Meadow Crescent, Saddlestone, Douglas, IM2 1NG	[Signed M Garland]
Damian Peter	19 Woodburn Square, Douglas, IM1 4DE	[Signed D Peter]
Rosemary Walters	Merrieweathers, Ballure Rd, Ramsey IM8 1NL	[Signed R Walters]
Doreen Keddes	34 St Catherines Drive IM1 4BF	[Signed D Keddes]

The humble petition of.

Carol Quine	Lynn Sirdefield	Richard Halsall
26 Maynrys	18 Hillside Avenue	1 Glen Falcon Terrace
Ballalough	Douglas	Murrays Road
Castletown	IM1 4NG	Douglas
Isle of Man		IM2 3HR
IM9 1HP		

To the Honourable members of the Tynwald Court.

Sheweth that

On the Isle of Man People over the age of 75 and not on any form of benefits are being charged for a television licence, this is not as their UK or Irish counterparts. Over the years this minority group have given so much for their country that the least we can do is afford them the same as the UK Government do for England, Scotland, Ireland and Wales.

Wherefore your petitioner seek that

"Tynwald establish a Select Committee of three Members to inquire into the ways by which residents of the Isle of Man who are aged over 75 years may be given free TV licences in the same way as residents of the United Kingdom and Ireland."

Signed

[Signed C Quine]

Carol Quine.

Signed

[Signed L Sirdefield]

Lynn Sirdefield

Signed

Signed R Halsall]

Richard Halsall

The humble petition of.

Carol Quine	Lynn Sirdefield	Richard Halsall
26 Maynrys	18 Hillside Avenue	1 Glen Falcon Terrace
Ballalough	Douglas	Murrays Road
Castletown	IM1 4NG	Douglas
IM9 1HP		IM2 3HR

To the Honourable members of the Tynwald Court.

Sheweth that

Grand parents should be able to afford to take their grandchildren for days out on our heritage railways. These children are our future; we need to encourage them to enjoy and respect their heritage and to take pride in what we have in our nation. We are unique and to keep what we have we need to promote our culture and community across the generations.

Wherefore your petitioner seek that

"Tynwald establish a Committee of three Members to inquire into the ways by which residents of the Isle of Man who are of State pension age be entitled not to pay for train and tram travel on the Island's heritage railways."

Signed

[Signed C Quine]

Carol Quine

Signed

[Signed L Sirdefield]

Lynn Sirdefield

Signed

[Signed R Halsall]

Richard Halsall

IN TYNWALD

5th July 2016

To the Honourable Members of Tynwald Court

I authorise the Hon. Mrs Kate Beecroft MHK to present this Petition on my behalf

Signed: [Signed J.F.E. Irving] *Dated:* 4th July 2016

The humble Petition of:

Jonathan Frank Edward Irving, Meadowcourt, The Links, Douglas Road, Peel, IM5 1LN

Sheweth that:

1. The definition of democracy is: ***"an organisation or situation in which everyone is treated equally and has equal rights."*** *[Merriam-Webster dictionary]*

2. The Oath Sworn by all Members of the House of Keys on taking Office, which therefore must govern ALL their actions, concludes: ***"You shall...do right in all matters...in all things you shall deal uprightly and justly and do wrong to no man."***

3. Departments of the Isle of Man Government have an obligation to conform to the Rules and Regulations that govern their interactions, both with other Departments of Government and the individuals and businesses that have reason to deal with them.

4. Ministers of the Isle of Man Government are under the strictest obligations to conduct themselves uprightly and justly so that there cannot be any doubting as to their probity and their upholding of those Rules and Regulations and to ensure they are applied consistently and justly and equally and without favour i.e. they have fulfilled their Oath.

5. As a means of measuring 'Good Government' the UK Parliament has stated in the 'Public Administration Select Committee's Report on Good Government: ***"The Ombudsman stated: "The other political dimension, which I think really militates against good government, is what I would call defending the indefensible", all government organisations should have an active strategy for monitoring and learning from complaints, and use such information to monitor the performance, and maintaining a culture of high ethical standards is crucial to good government, ensures a relationship of trust between those who are governed and those that govern. A healthy culture of high standards in public life requires a robust system of ethical regulation and strong ethical leadership effective enforcement mechanisms to ensure they are] being upheld in practice. Transparency also makes it harder for those who do break the rules or who do act unethically to hide what they are doing."***

6. To maintain consistency and fairness and a just society, where everyone is treated by all decision-makers with dignity, equality and rationality, an impartial inquiry is necessary to investigate the implementation of 'Good Government' on the Isle of Man. That Inquiry would, inter alia, invite instances from the general public of 'bad' government so the appropriate lessons can be learnt and safeguards put into effective practice. An Inquiry of true independence is required to ensure no criticism can be laid at Tynwald for acting in a way that influences the outcome. 'Independence' is the question of whether the body presents an appearance of independence or not.

7. Individual and corporate citizens of the IoM, either existing or future, must have confidence that whimsical and arbitrary decisions will play no part in this Island's governance or any kind of personal animus towards persons or corporate entities having dealings with the Departments of State and/or its Ministers.

8. The highest possible ethical standards in public life must be maintained and be seen to be maintained to ensure basic public trust and confidence in our governing institutions to guarantee certainty, consistency and fairness. Those certainties will encourage investment and future prosperity.

Wherefore your Petitioner seeks that:

I therefore humbly seek that Tynwald appoints a suitably qualified and independent person or persons, the majority of such persons from jurisdictions outside the IoM, to establish and to conduct a public inquiry into the adoption and implementation of the best practice of 'Good Government' to ensure consistency in political and governmental leadership in the interplay of Government with individual and corporate Manx citizens. The Inquiry would, inter alia, take evidence from the public who would give instances of 'bad' government so lessons can be learnt and safeguards implemented therefore removing any dangers of repetition guaranteeing equality and fairness and democracy in our society to ALL. On completion, those findings and recommendations would be submitted to Tynwald and contemporaneously made available to the public.

Signed: [Signed J.F.E. Irving] *Dated:* 4th July 2016

In Tynwald

5th July 2016

To the Honourable Members of Tynwald Court

THE HUMBLE PETITION OF:-

Leonard Trevor Cowin of Sea Peep, Poortown Road, Peel, Isle of Man, IM5 1QG

SHEWETH THAT:-

I have a grievance against Mr Stephen Charles Rodan, MHK, BSc (Hons), MRPharm, SHK, in his capacity as the Chairman of the Tynwald Standards and Members' Interests Committee and the Members of such Committee, namely, Mr Tony Peter Wild, ACIB, FIOD, MLC, Mr David John Cretney, MLC, Mr Robert Howard Quayle, MHK, Mr Christopher Roy Robertshaw, MHK and Mr David John Quirk, MHK, because of their refusal as such Committee to deal with and, therefore, failure to arbitrate on, complaints which I made to it concerning the conduct of the Chief Minister, Mr Allan Robert Bell, CBE, MHK and Mr Philip Anderson Gawne, BSc, MHK, and for the Committee's failure to give cogent reasons to me for their refusal to do so.

I believe that these failures by the Members of the Committee referred to are not the actions of a responsible Speaker of the House of Keys or responsible Members of Tynwald and fall well short of the standards of conduct, accountability and openness which I, as a citizen of this Island, believe that I am entitled to receive from elected Members of Tynwald responsible to Tynwald and the people of this Island.

Neither the High Court, nor any tribunal, or arbitration, has any jurisdiction over my grievance, and in the absence of any direct, formal, officially recognised, complaints procedures, the only course of action open to me is to seek redress for my grievance against the persons named in this Petition by presenting this Petition to Tynwald.

I aver that there is a clear public interest in this matter being investigated and reported upon. My concerns have been published in local newspapers and readers of the newspapers are, to my knowledge, anxiously awaiting the outcome of this Petition.

I aver also that there is a wider public interest in ensuring high standards of governance of the Isle of Man by elected representatives, which has been lacking in this case.

Whereof your petitioner seeks that:-

A Committee of three Members be appointed with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876, as amended, to consider and report back to Tynwald on the refusal by the Members of the Committee referred to, to deal with and, therefore, failure to arbitrate on my complaints, without giving cogent reasons for such refusal, which has prevented me from having my complaints dealt with and on the lack of direct, formal, officially recognised, complaints procedures and associated remedies against Ministers, Members of Tynwald and Members of Government bodies, in relation to their conduct in matters such as this and connected matters.

Signed

[Signed L.T.Cowin]

In Tynwald

5th July 2016

To the Honourable Members of Tynwald Court

THE HUMBLE PETITION OF:-

Leonard Trevor Cowin of Sea Peep, Poortown Road, Peel, Isle of Man, IM5 1QG

SHEWETH THAT:-

I have a grievance against the Chief Minister, Allan Robert Bell, CBE, MHK, because of his failure to respond to me meaningfully, or not at all, in relation to a complaint which I made to him on the 11th November 2015 concerning the procedures adopted by the Civil Service Commission, whose membership at the time comprised of the Mr John Shimmin, MHK, (Chairman), Mr Juan Richard Turner, MLC (Vice Chairman), Mr Charles Wilson, Mr Ian Jarritt and Mr William Mummery, in dealing with a complaint which I made to the Commission against Mr Jon Callister.

I believe that Mr Bell's failures are not the actions of a responsible Chief Minister and fall well short of the standards of accountability and openness which I, as a citizen of this Island, believe that I am entitled to receive from an elected Chief Minister responsible to Tynwald and the people of this Island.

Neither the High Court, nor any tribunal, or arbitration, has any jurisdiction over my grievance, and in the absence of any direct, formal, officially recognised complaints procedures, the only course of action open to me is to seek redress for my grievance against Mr Bell by presenting this Petition to Tynwald.

I aver that there is a clear public interest in this matter being investigated and reported upon. My concerns have been published in local newspapers and readers of the newspapers are, to my knowledge, anxiously awaiting the outcome of this Petition.

I aver also that there is a wider public interest in ensuring high standards of governance of the Isle of Man by elected representatives, which has been lacking in this case.

Whereof your petitioner seeks that:-

A Committee of three Members be appointed with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876, as amended, to consider and report back to Tynwald on Mr Bell's failure to deal with my complaint against the Members of the Civil Service Commission and on the lack of direct, formal, officially recognised, complaints procedures and associated remedies against Ministers, Members of Tynwald and Members of Government bodies, in relation to their conduct in matters such as this and connected matters.

Signed

[Signed L.T.Cowin]

IN TYNWALD

5th July 2016

To the Honourable Members of Tynwald Court

I authorise the Hon. Mrs Kate Beecroft MHK to present this Petition on my behalf

Signed: [Signed J.F.E. Irving] *Dated:* 4th July 2016

The humble Petition of:

Jonathan Frank Edward Irving, Meadowcourt, The Links, Douglas Road, Peel, IM5 1LN

Sheweth that:

1. The definition of democracy is: ***"an organisation or situation in which everyone is treated equally and has equal rights."*** *[Merriam-Webster dictionary]*

2. The Oath Sworn by all Members of the House of Keys on taking Office, which therefore must govern ALL their actions, concludes: ***"You shall...do right in all matters...in all things you shall deal uprightly and justly and do wrong to no man."***

3. For total clarity, I submit this Petition in my capacity as a Manx Citizen and as a Manx Taxpayer. The evidence would show that Chief Minister Allan Bell MHK has misconducted himself in public office and this is therefore clearly a matter of the utmost public importance.

4. I am the 100% shareholder of Street Heritage Limited ["SHL"]. SHL has been in liquidation since 2010 consequent to the actions cited herein. To show the misconduct, and therefore support my 'Prayer', I must cite below the factual background that relates to the forced demise of SHL. This is to demonstrate how the arbitrary actions of Mr Bell directly led to the **unwarranted loss - estimated to be up to £20 million** from the rapidly dwindling Public Purse.

5. In 2010, I was party to legal proceedings to right the independently proven wrong – this wrong led to *R v Harding.* We were forced to issue proceedings as despite the finding, the Government failed to correct its own proven misbehaviour. However, the High Bailiff struck it out in 2011 failing to hear any evidence thus preventing public testing of ANY of the facts. Therefore, as far as there have been legal proceedings they have been dealt with by procedural law and not on the substantive facts – which, for six years, have been suffocated.

6. There has been NO examination of Mr Bell's conduct in these events or any examination of the Government systems and procedures that surrounded his actions. They still exist today, allowing the opportunity for easy repetition. This is what is complained about herein.

7. If Tynwald rejects this Petition without considering the evidence it means the public will have been denied their final opportunity to know all the facts that led to a substantial loss of their money. This can only be described as a scandal of monumental proportions and surrounds the Chief Minister. Therefore, its dismissal would be the removal of a cornerstone of democracy. This Petition is the last resort and I humbly submit it is the precise reason Petitions for the Redress of Grievances exist. Democracy has not only to be done but also seen to be done.

8. Mr Bell is not exceptional; he is a publically elected representative compelled to act within his Oath and within the regulations that govern his conduct. He is to act equally and justly and ***"do wrong to no man".***

9. SHL was an Award Winner and had been successfully constructing and renovating redundant property for nine years within the Conservation Area of Peel. Prior to that I operated as a sole trader for a number of years, again mainly in Peel.

10. The worldwide recession began in mid 2007 and by 2008 the worldwide/IoM property markets were frozen. At the same time, all banks stopped lending against property assets. Because of this 'perfect storm', SHL was unable to pay its tax when it fell due. This was not a unique situation for Manx individuals or businesses e.g. the Sefton Group. Immediately after SHL's demise Treasury freely entered into 'time to pay' arrangements as commonsense.

11. The purpose of Government, inter alia, is to support its citizens in times of need. This view is supported by what Mr Bell told Tynwald on 2 December 2008, in his then capacity as Treasury Minister: ***"...we...need to ensure that our local construction industry remains active...what is important is that capital projects that support employment and growth continue...be...accelerated...Treasury is working ...to try and identify new...schemes."***

12. So Mr Bell's statement encouraged my approach to Government to try and dispose of a site I owned a 50% share in a sister company - Street Heritage Construction Limited - right in the centre of Peel. We also hoped that we would be awarded the contract to build it out to keep our workforce in employment. This brownfield site was professionally valued at £740,000. Peel Town Commissioners actively supported the scheme to construct 13no. two beds to provide much needed social housing for the elderly in the centre of all the town's amenities. It would also provide purpose built ground floor apartments to accommodate several severely disabled, whom they could not provide for anywhere else.

13. As the Commissioners had arranged their own facility, they only required Treasury's sanction directed through the Dept. of Local Government ["DLGE"]. My proposal was that Treasury would deduct ALL SHL's taxes from the sale proceeds making payment certain. My co-shareholders gave their written consent to this. Ministers informed me that many other IoM companies were approaching Government for equal assistance in the face of dire circumstances. Again, it was later to emerge this also applied to the Sefton Group except I was not looking for Government loans, just for Mr Bell to act "justly" to protect everyone.

14. My direction was re-enforced by Mr Bell's Budget Speech to Tynwald on 17 February 2009: ***"...The worst-affected sectors...have been construction...All Government Departments need to acknowledge their responsibility to those in the construction sector...The Housing Reserve has over £20 million ready to spend, and now is the time to spend it, so we are working closely with [DLGE] to accelerate housing schemes wherever possible...We have structured our capital spending to help stimulate the construction industry...I am totally committed to seeing the Island through the difficult times ahead..."***

15. At 21:41 on 30 March 2009 I received an email from the CEO at DLGE: ***"I have spoken with the [CFO] today who ...has spoken with the Treasury Minister and they are both very supportive of the project as am I...Treasury have invited us to make an early application."***

16. Despite assurances, progress was extremely slow. I asked Mr Bell, for assistance and he replied at 18:05 on 5 August 2009 via email, ***"...I have given instructions to get a positive solution to this so I hope it will all be settled very shortly. Allan".***

17. If Mr Bell was sincere in those sentiments, then between 5 August 2009 and 27 January 2010 he changed his mind for no discernible business reason apart from, 'he could'. This was despite the crisis in the construction industry. If he was not sincere, then he deceived me.

18. Despite Treasury knowing they controlled both ends of the same 'rope' – fully aware I could do nothing else - they became impatient with me for not paying SHL's tax. On 8 December 2009 they issued a Statutory Demand on SHL for £182,939 to ***"pay, secure or compound"***. Despite the debt already being secured by Treasury on 21 November 2008, we made eight further attempts, after service, to add to Treasury's existing security. But all were rejected; no counter-proposals were ever suggested by them. On 22 January 2010 the Treasury served a winding up Petition on SHL with a court date set for 09:30 on 24 February 2010.

19. On 27 January 2010, at my request, I had a meeting with Mr Bell. I pleaded with him to act justly and uprightly to avoid disaster for all, including: SHL's workers and creditors; not to destroy our livelihoods; not lose all the tax; and through association not to undermine the IoM Bay music Festival – only five months away. I offered personal guarantees whilst the corporate land sale was completed. Regrettably, Mr Bell rejected it all and said the winding-up continued.

20. At 11:01 on 11 February 2010 a former MHK and Government Minister and Treasury Member sent an email to Mr Bell. He stated, inter alia, ***"If the Court action continues, it can only make the realisation of assets more difficult and the likely prices obtained lower... and could indeed fatally damage the*** *[music]* ***Festival planned for this summer in Douglas."***

21. At 08:53 on 12 February 2010, I emailed Mr Bell again appealing for him to act justly: ***"...The proposed action does not serve anybody's best interests especially the unsecured creditors (all of whom I can state are experiencing difficult trading...therefore please, please defer...and*** *[it]* ***avoids the adverse publicity for us all at a time when the island is in crisis, and therefore we all need to work together to reach the other side."***

22. Mr Bell did not reply – the winding-up continued.

23. On 15 February 2010 Mr Bell said in a radio interview, under the headline ***'Vow to help the Island's construction industry': "Projects must keep being brought forward to support...the construction industry...which has suffered...a slow-down of late...***". However, there was still no reply to my plea to help my part of the island's construction industry. Yet, my plea was NOT requesting a gift – I just wanted him to act with democratic fairness and equality.

24. At 08:50 on 22 February 2010 via email – 2 days before the winding-up hearing - the Treasury finally gave its approval to purchase the land outright for £560,000. The contracts were hand delivered by SHL's lawyers before 10:00 on the same day who sent an email to us at 10:36: ***"I confirm that the agreement for sale and supporting papers have been delivered to A-G's...The sale price in the agreement is £560K as instructed."*** The covering letter was marked ***"URGENT"*** and concluded with ***"...there is considerable urgency in this matter."***

25. On 23 February I secured an unconditional **personal** loan of £70,000 for an immediate payment towards reducing the **corporate** tax liability. This demonstrated I was personally fully standing behind SHL. The £70,000 was being held by an independent stakeholder. Coupled with the agreed deduction by Treasury of £120,000, from the £560,000 it meant the tax would be paid in full and SHL would be allowed to continue in business and provide much needed construction employment. Therefore, the speed Treasury was to be paid lay entirely in the hands of Treasury. However, despite Mr Bell knowing of these arrangements still insisted the winding-up continued.

26. At 15:01 on 23 February – the day before - Mr Bell replied to the former MHK's email of 11th: ***"... Thanks for your email re Jonathan Irving. We are trying to find a solution to this problem but I am limited as to what I can do as the Assessor has certain statutory powers to resolve such matters. I can assure you that I am aware of the consequences of certain outcomes*** [my emphasis]***..."*** This was wrong. It was wrong as a matter of law insofar as the ***Government Departments Act 1987*** makes it clear Mr Bell 'was the Department', and it was wrong in fact, as proven by the evidence I have in my possession.

27. Confirmation that it was Mr Bell behind the *"statutory powers"* to finish SHL - and NOT the Assessor - emerged in Police evidence at the trial of *R v Harding* on 9 December 2013. Mr Harding had told the Police under Caution: ***"I think you've got to look at the fact that this was a Ministerial decision that was made by the then Treasury Minister [Mr Bell]".***

28. At 09:46 on 24 February 2010 SHL was wound-up for unpaid taxes – taxes that I/SHL wanted and could have paid if I had been allowed to. Tax of £182,939 was lost, sixteen construction workers lost their jobs and we all lost our livelihoods. Today the site still lays derelict despite the continuing demand and in June 2015 the current Treasury Minister announced that there is only **one** job for every **eleven unemployed construction workers** on the IoM.

29. Government Departments were then told NOT to co-operate with the 2010 IoM Bay Festival.

30. At the same time as Mr Bell was insistent on the death of SHL, in shocking contrast, he granted life to Aer Arran by writing off ALL their tax. They owed £182,149 at the very same time SHL owed £182,939. The reason given in Tynwald for the unequal treatment was, ***"it suited Aer Arran in their restructuring"***. Presumably, that decision was because Aer Arran had a contract in place to secure its future - as did Street Heritage! However, also in sharp contrast, SHL wanted to pay its tax and would have done but for Mr Bell's harmful actions.

31. So what was prophesised before the fateful hearing came to be. It is a matter of record, Mr Bell never ordered any investigation - cursory or otherwise - into the actions taken by his Department against SHL. Despite Mr Bell's *'assurances'*, the Treasury did not know the consequences of what they were doing. To do so would have identified that by him misusing his position would force a solvent company insolvent by the forfeiture of a 21-year leasehold property where a substantial premium had been paid in early 2007. Yet Mr Bell said: "***I can assure you that I am aware of the consequences of certain outcomes***". That foresight must have therefore included awareness that enforced insolvency would lead to the TOTAL LOSS of £182,939 in tax and to the whole tsunami of events he was to unleash by consequence of his wrongful actions. Included within the catalogue of *'foreseen outcomes'*, was removing our livelihoods but to compound our distress my wife and I were left to service personal guarantees that were relied on because Mr Bell turned a solvent company insolvent.

32. On my behalf, a UK firm of independent financial expert witnesses in the Courts of England & Wales reconstructed the financial position of SHL just prior to the winding-up. By using the liquidator's own figures, *[the Head of Treasury appointed his own brother as the liquidator of SHL at the public's expense]* they proved SHL was solvent by circa £235,000. Even though it did not have the immediate cash to pay, it had the proven mechanism to do so.

33. Therefore, Mr Bell acted unequally vis-à-vis Aer Arran on the one hand and SHL on the other, thereby denying SHL/me equal rights and contravening his Oath to act ***"uprightly and justly".*** As a direct result of his purely arbitrary actions, he has done a significant ***"wrong"*** to the Public Purse. Therefore, the wrong he did was not just to one man - but to MANY men, MANY women and children.

34. As stated, not only did he directly cause the loss of all the tax owing of **£182,939,** but his whimsical action consequentially led to an additional loss – possibly up to **£20 million** [possibly a lot more] - to the same Public Purse. Some of those consequential millions include: a two year thorough criminal investigation carried out impartially by the Police; resulting in two extensive criminal trials of Her Majesty's Attorney General. As the two juries could not agree this led to his procedural acquittal but he remains suspended – as he has been for nearly five years - on full pay facing disciplinary charges. This loss - plus more - still continues to this Tynwald Day - six years later - and I fear will continue for many more. This scandal is of an epic scale and surrounds someone who is now the Chief Minister.

35. Not only has Mr Bell caused substantial loss but also his actions have brought damage to the international reputation of the IoM.

36. This matter has exposed wider public governance issues. It is in the obvious interests of the Island's future that fairness and equality applies to ALL therefore Mr Bell's conduct must be fully and independently investigated and lessons learnt. At a time of economic hardship, safeguards must be implemented quickly to ensure there can be no repetition. As the constitutionalist Raz proffered: ***'the formal does not guarantee the actual'*** or in this case, taking an Oath does not guarantee it will be adhered to – when it should! But a robust system of ethical regulation will guarantee our democracy, and if the red-line is crossed the threat is extinguished immediately. This will ensure there is no vacuum to allow such a massive loss from public funds through whimsical wrongdoing in the future.

37. The Council of Europe's Venice Commission stated in its 2011 Report: ***"The Rule of Law requires everyone to be treated by all decision-makers with dignity, equality and rationality and in accordance with the law, and to have the opportunity to challenge decisions before independent and impartial courts for their unlawfulness, where they are accorded fair procedures. The Rule of Law thus addresses the exercise of power and the relationship between the individual and the state...Although discretionary power is necessary to perform...governmental tasks in modern, complex societies, such power should not be exercised in a way that is arbitrary. Such exercise of power permits substantively unfair, unreasonable, irrational or oppressive decisions which are inconsistent with the notion of the Rule of Law."***

38. As a means of measuring 'Good Government' the UK Parliament stated in the ***'Public Administration Select Committee's Report on Good Government:*** ***"The Ombudsman stated: "The other political dimension, which I think really militates against good government, is what I would call defending the indefensible"... all government organisations should have an active strategy for monitoring and learning from complaints and...use such information to monitor the performance...Achieving and maintaining a culture of high ethical standards is crucial to good government, ensures a relationship of trust between those who are governed and those that govern...A healthy culture of high standards in public life...requires a robust system of ethical regulation and strong ethical leadership...effective enforcement mechanisms to ensure...*[they are]* being upheld in practice. Transparency also makes it harder for those who do break the rules or who do act unethically to hide what they are doing."***

39. ***"Be you ever so high, the law is above you"*** (per Lord Denning). Mr Bell is not above the law; Mr Bell is not above his Oath. ***"The first rule of law is that a wrong should have a remedy"*** (per Lord Dyson). To investigate this matter impartially, true independence is required to ensure no criticism can be laid at Tynwald for acting in a way that influences the outcome. 'Independence' is the question of whether the body presents an appearance of independence or not, especially so when there is an obvious question of integrity of politicians investigating politicians.

40. What does not matter here is personalities. What does matter is there can be no 'blind eye' turned to Mr Bell's actions. By doing so is to condone a staggering waste of public funds - when obviously that money would have been better spent on frontline services - and a betrayal to democracy. It would also make Mr Bell's behaviour 'somehow acceptable' and unassailable. That culture would make it easy/acceptable for this to happen all over again. However, ***"transparency [would] make it harder for those who do break the rules or who do act unethically to hide what they are doing."***

41. Individual and corporate citizens of the IoM, either existing or future, must have confidence that whimsical and arbitrary decisions will play no part in this Island's governance. They want - and are entitled to expect - high ethical standards in public life to ensure basic public trust and confidence in our governing institutions to guarantee certainty, consistency and fairness. Those certainties will encourage investment and future prosperity and will instil trust in the process of decision-making in the IoM Government

42. That trust would also extend to the public knowing that those who hold 'life or death' over them ***'shall do right'.*** Therefore, they can demonstrate that on ALL occasions their actions were executed in good faith and in adherence to their Oath and done ***'right in all matters, acted uprightly and justly and have done no wrong'.*** The future of the IoM, in a more ethical and competitive world, depends on it. Regrettably though, based upon the evidence there can be only one conclusion - Mr Bell misused his position and therefore failed his Oath.

Wherefore your Petitioner seeks that:

Elected representatives are not to be 'judge and jury'. They are to carry out their functions within the law and their Oath. I therefore humbly seek that Tynwald selects and appoints a suitably qualified and patently independent person or persons from outside the Isle of Man to investigate and report; firstly, providing a full account on the entire circumstances surrounding this matter and in relation to Mr Bell; and secondly, to make recommendations to prevent such a repetition in the future. Those recommendations, inter alia, to consider the implementation of the international Rule of Law and put into practice effective enforcement mechanisms to ensure politicians act at all times to uphold their Oath of Office. That way all Manx citizens – individual or corporate - can have the confidence that their Government will always act as an ethical Government and in all things shall deal uprightly and justly and will do no wrong to no man, no woman and no child.

Signed: [Signed J.F.E. Irving] *Dated:* 4th July 2016

Appendix 2

Petitions for Redress presented in the previous four years: annotated list

Petitions for Redress presented in 2015

Charles Guard seeking that Tynwald appoint a Select Committee to examine the success of the Government's stewardship of the historic built environment including conflict between the concepts of commerce and conservation; the process of grading buildings and the registration of buildings.

In order.

Craig Morris seeking that Tynwald build on the recommendation from the 2010 Select Committee of Tynwald on Legal Aid in family matters and establish a Select Committee to investigate the current divorce laws.

In order.

Residents of Harcroft Meadows seeking that Tynwald appoint a Select Committee to examine the provisions of the first time buyer scheme made by the Government and the residents of Harcroft Meadows.

In order. Select Committee appointed on 21st October 2015. Report [PP 2016/0054] laid on 19 April 2016. Debated [GD No 2016/0029] on 22nd June 2016.

John Ffynlo Craine and Annie Andree Jeannine Hommet seeking that Tynwald appoint a Select Committee to review the Land Registration Act 1982 so that applications for the First Registration of property are advertised in a similar manner to Planning Applications and that a more efficient and equitable complaint handling procedure be established regarding such First Registrations.

In order. Select Committee appointed on 21st October 2015. Report [PP 2016/0078] laid on 17th May 2016. Tabled for debate 21st July 2016.

The Reverend Canon Dr Jules Gomes seeking that Tynwald appoint a Select Committee to examine the law relating to the employment rights of clergy.

In order.

The Reverend Canon Dr Jules Gomes seeking that Tynwald appoint a Select Committee to examine the law to examine the law relating to racial harassment and acts of racial hatred on the Island and to report on ways of improving legal protection against such acts.

In order.

Petitions for Redress presented in 2014

Samantha A Blackford seeking that Tynwald appoint a Select Committee to investigate the technical feasibility if introducing sustainable and low cost flood protection infrastructure in Castletown.

In order.

Millie Blenkinsop-French seeking that Tynwald appoint a Select Committee to consider the law relating to "Assisted Dying".

In order.

Joseph Rae Hamilton seeking that Tynwald appoint a Select Committee to consider an independent tribunal/authority to be established with mandatory powers to manage complaints against Local Authority Members or its Officers.

In order.

Roseleen Harrison seeking that Tynwald appoint a Select Committee to consider bringing in legislation equivalent to the United Kingdom Animal Welfare Act 2006.

In order. Select Committee appointed on 19th November 2014. Report [PP 2016/0005] debated on 15th March 2016.

Stephen Holmes seeking that Tynwald appoint a Select Committee to inquire into alleged failures in the General Registry in matters relating to children.

In order.

Philip Donald and Kirrie Anne Jenkins seeking that Tynwald appoint a Select Committee to consider the ambiguity and weaknesses in the practices and laws relating to planning building control and connected matters.

In order. Select Committee appointed on 17th November 2015. Report [PP 2016/0076] laid on 17th May 2016. Tabled for debate 21st July 2016.

Christopher McEvoy seeking that Tynwald appoint a Select Committee to review methods of amending the membership of Tynwald to ensure that only elected Members continue to sit and vote.

In order. Debated 22nd October 2014. Motion to appoint a Committee lost.

James David Moore seeking that Tynwald appoint a Select Committee to review the criteria for farmers to received Government financial support currently under the Countryside Care Scheme.

In order.

Petitions for Redress presented in 2013

Amy Burns and Lisa Morris seeking that Tynwald commit to make available 15 hours of free pre-school education to all eligible children in the year prior to their admission to school.

In order.

Michael Henthorn and others seeking that Tynwald appoint a Select Committee to investigate means by which Members of the public may be able to ensure there is compliance with Planning Conditions.

In order.

Stephen Holmes seeking that Tynwald appoint a Select Committee to inquire into matters in the Family Division of the High Court in relation to children.

Not in order.

David McWilliams seeking that Tynwald appoint a Select Committee to examine welfare provision for the vulnerable.

In order.

Michael Geoffrey Speers seeking that Tynwald appoint a Select Committee to conduct a review of the processes used by the Independent Review Body and Noble's Hospital.

In order. Debated 10th December 2013 and adjourned sine die.

Philip James Walmsley seeking that Tynwald appoint a Select Committee to review the law relating to care and upbringing of children in cases of broken marriages and relationships.

In order. Select Committee appointed on 10th December 2013. Report [PP 2014/0121] debated on 22nd October 2014.

Sarah Lee Watterson seeking that Tynwald appoint a Select Committee to investigate laws relating to all property matters.

In order. Select Committee appointed on 10th December 2013. Report [PP 2015/0012] laid before Tynwald on 17th March 2015.

Petitions for Redress presented in 2012

Stephen Holmes seeking that Tynwald appoint a Select Committee to inquire into the feasibility of creating a position of Children's Commissioner in the Isle of Man.

In order.

Graeme John Nash seeking that Tynwald appoint a Select Committee to look into the responsibilities of buyers and sellers in the property transaction process.

In order.

Christopher Charles Thomas seeking that Tynwald appoint a Select Committee to investigate the fairness of human resource selection by government departments, bodies and associated organisations.

In order.

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