# TYNWALD COURT
# OFFICIAL REPORT

## RECORTYS OIKOIL
## QUAIYL TINVAAL

# PROCEEDINGS

## DAALTYN

## HANSARD

**Douglas, Tuesday, 16th March 2021**

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## Present:

The President of Tynwald (Hon. S C Rodan OBE)

*In the Council:*
The Lord Bishop of Sodor and Man (The Rt Rev. P A Eagles),
The Attorney General (Mr J L M Quinn QC),
Miss T M August-Hanson, Mr P Greenhill, Mr R W Henderson, Mrs K A Lord-Brennan,
Mrs M M Maska, Mr R J Mercer, Mrs J P Poole-Wilson and Mrs K Sharpe
with Mr J D C King, Deputy Clerk of Tynwald.

*In the Keys:*
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 MBE and Mr G R Peake (Douglas North);
Mrs C S B Christian and Mr S P Quine (Douglas South);
Mr M J Perkins and Mrs D H P Caine (Garff);
Hon. R K Harmer and Hon. G G Boot (Glenfaba and Peel);
Mr W C Shimmins (Middle);
Mr R E Callister and Ms J M Edge (Onchan);
Hon. A J Allinson and Mr L L Hooper (Ramsey);
Hon. L D Skelly (Rushen);
with Mr R I S Phillips, Clerk of Tynwald.

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# Tynwald

*The Court met virtually at 10.30 a.m.*
*Proceedings were conducted and broadcast live*
*from the Legislative Council Chamber.*

[MR PRESIDENT *in the Chair*]

**The Clerk:** The President is in the Chamber.

**The President:** Moghrey mie, good morning, Hon. Members.
The Lord Bishop will lead us in prayer.

**PRAYERS**
*The Lord Bishop*

**Leave of absence granted**

**The President:** Hon. Members, I welcome you to this virtual sitting of the Court.
Leave of absence has been granted for this morning to Mr Greenhill; and from four o'clock tomorrow afternoon to Mr Boot.

**1. Papers laid before the Court**

**The President:** I call on the Clerk to lay papers.

**The Clerk:** Ta mee cur roish y Whaiyl ny pabyryn enmyssit ayns ayrn nane jeh'n Chlaare Obbyr.
I lay before the Court the papers listed at Item 1 of the Order Paper.

Elections (Keys and Local Authorities) Act 2020
Elections (Keys) Regulations 2021 *[SD No 2021/0096] [MEMO]*

Building Control Act 1991
Building Control (Fees) Regulations 2021 *[SD No 2021/0061] [MEMO]*

Licensing and Registration of Vehicles Act 1985
Vehicle Duty Order 2021 *[SD No 2021/0083] [MEMO]*

Harbours Act 2010
Harbour (Dues and Charges) Regulations 2021 *[SD No 2021/0049] [MEMO]*

Harbour (Miscellaneous Provisions) (Amendment) Byelaws 2021 *[SD No 2021/0044] [MEMO]*
Registration of Pleasure Craft (Amendment) Regulations 2021 *[SD No 2021/0043] [MEMO]*

Social Security Act 2000
Social Security Contributions and Benefits Act 1992 (Application) (Amendment) Order 2021 *[SD No 2021/0039] [MEMO]*
Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 3) Order 2021 *[SD No 2021/0072] [MEMO]*
Jobseekers Act 1995 (Application) (Amendment) Order 2021 *[SD No 2021/0073] [MEMO]*
Social Security Legislation (Benefits) (Application) (Amendment) Order 2021 *[SD No 2021/0074] [MEMO]*

Collective Investment Schemes Act 2008
Collective Investment Schemes (Fees) Order 2021 *[SD No 2021/0025] [MEMO]*

Designated Businesses (Registration and Oversight) Act 2015
Designated Businesses (Fees) Order 2021 *[SD No 2021/0026] [MEMO]*

Financial Services Act 2008
Financial Services (Fees) Order 2021 *[SD No 2021/0027] [MEMO]*

Pension Schemes Act 1995
Pension Schemes Legislation (Application) Order 2021 *[SD No 2021/0057] [MEMO]*

Social Security Administration Act 1992
State Pension Revaluation for Transitional Pensions Order 2021 *[SD No 2021/0058] [MEMO]*
State Pension Debits and Credits (Revaluation) Order 2021 *[SD No 2021/0059] [MEMO]*

Social Security Contributions and Benefits Act 1992
Income Support (General) (Isle of Man) (Amendment) (No. 2) Regulations 2021 *[SD No 2021/0075] [MEMO]*
Employed Person's Allowance (General) (Amendment) (No. 2) Regulations 2021 *[SD No 2021/0076] [MEMO]*

Financial Provisions and Currency Act 2011
COVID-19 Salary Support (Amendment) Scheme 2021 *[SD No 2021/0084] [MEMO]*

*Report*

UK-EU Trade and Co-operation Agreement and the future of the Island's international trade relations *[GD No 2021/0014]*

*The remaining items are not the subject of motions or debates on the Order Paper*

*Items subject to negative resolution*

Interpretation Act 2015
Town and Country Planning (Application and Appeal Fees) Order 2021 *[SD No 2021/0062] [MEMO]*

National Health Service Act 2001

National Health Service (Pharmaceutical Services) (Amendment) Regulations 2020 *[SD No 2020/0588]*

Finance Act 2003

Customs (Contravention of a Relevant Rule) (Amendment) Regulations 2021 *[SD No 2021/0079] [MEMO]*

Value Added Tax

Value Added Tax (Amendment) Regulations 2021 *[SD No 2021/0092]*

Customs and Excise Management Act 1986, Tobacco Products Duty Act 1986, Alcohol Liquor Duties Act 1986

Customs and Excise (Miscellaneous Amendments) Regulations 2021 *[SD No 2021/0080] [MEMO]*

Taxation (Cross-Border Trade) Act 2018

Customs (Relief from a Liability to Import Duty) Regulations 2021 *[SD No 2021/0042] [MEMO]*

Customs (Bulk Customs Declarations and Miscellaneous Amendments) Regulations 2021 *[SD No 2021/0041] [MEMO]*

Insurance Act 2008

Insurance (Fees) Regulations 2021 *[SD No 2021/0028]*

*Documents subject to no procedure*

Census Act 1929

Census Order 2021 *[SD No 2021/0090] [MEMO]*

Census Regulations 2021 *[SD No 2021/0089] [MEMO]*

Coronavirus Business Support Scheme 2020

Notice by Treasury – Coronavirus (COVID-19) – Relevant sectors, for the purposes of Schedule 1 of the Coronavirus Business Support Scheme 2020 [SD 2020/0156] (as amended by SD 2020/0188, SD 2020/0289, SD 2020/0533) *[GC No 2021/0012]*

COVID 19 Salary Support Scheme

Notice by Treasury – COVID 19 Salary Support Scheme *[GC No 2020/0037]*

Notice by Treasury – COVID 19 Salary Support Scheme *[GC No 2020/0053]*

Notice by Treasury – COVID 19 Salary Support Scheme *[GC No 2020/0054]*

Notice by Treasury – COVID 19 Salary Support Scheme *[GC No 2021/0023]*

Gaming, Betting and Lotteries Act 1988

Crown Green Bowling Festival Order 2021 *[SD No 2021/0037] [MEMO]*

Crown Green Bowling Festival (No. 2) Order 2021 *[SD No 2021/0038] [MEMO]*

*Appointed Day Order*

Elections (Keys and Local Authorities) Act 2020

Elections (Keys and Local Authorities) (Appointed Day) Order 2021 *[SD No 2021/0095]*

Church (Miscellaneous Provisions) Measure (Isle of Man) 2021

Church (Miscellaneous Provisions) Measure (Isle of Man) 2021 (Appointed Day) (No. 1) Order 2021 *[SD No 2021/0085]*

*Reports*

Manx Utilities: Annual Report 2019/20 *[GD No 2021/0001]*

Manx Cable Company Limited: Annual Report and Financial Statements for the year ended 31 March 2020 *[GD No 2021/0002]*

e-llan Communications Limited: Annual Report and Financial Statements for the year ended 31 March 2020 *[GD No 2021/0003]*

Depositors Compensation Scheme (in relation to the Compensation of Depositors Regulations 2008) – Annual Report *[GD No 2021/0009]*

Council of Ministers Report on the establishment of the Isle of Man Public Health & Clinical Advisory Group (Emergency Advisory Group) *[GD No 2021/0013]*

Terrorism and Other Crime (Financial Restrictions) Act 2014: 2020 Report *[GD No 2021/0015]*

Dormant Assets Act 2019 – 2020 Annual Report *[GD No 2021/0016]*

Petition of Mr Barry Murphy to the Chief Minister, Treasury Minister, Minister for Policy and Reform and Mr Thomas MHK *[PP No 2021/0048]*

# Questions of Urgent Public Importance

**TREASURY**

**UQ1. COVID-19 regulations – IOMSPCo compliance –**
**Urgent Question commenced**

The Hon. Member for Douglas East (Mr Robertshaw) to ask the Minister for the Treasury:

*Whether the Government's shareholder asked for a report from the non-executive directors of the Isle of Man Steam Packet Company regarding the Company's compliance with COVID-19 regulations in the light of recent developments?*

**The President:** In turning to the Question Paper, first we deal with two Urgent Questions. I have allowed Mr Robertshaw to ask the Treasury Minister an Urgent Question, of which you have received advance notice by email.

I call on the Hon. Member for Douglas East, Mr Robertshaw.

**Mr Robertshaw:** Thank you, Mr President. Just checking you can hear me, sir?

**The President:** We can, sir.

**Mr Robertshaw:** Thank you very much.

I wish to ask the Treasury Minister whether the Government's shareholder asked for a report from the non-executive directors of the Isle of Man Steam Packet Company regarding the Company's compliance with COVID-19 regulations in the light of recent developments?

Thank you.

**Standing Orders suspended**
**to permit the sitting to take place virtually**

**The Speaker:** Point of order, Mr President, if I may.

We have not yet moved the suspension of Standing Orders to allow the sitting to take place virtually.

**The President:** You are quite correct, Mr Speaker. Thank you.

Mr Speaker.

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

I am more than happy to move that Standing Orders be suspended to permit the sitting to be taken virtually.

**The President:** Thank you; and if I could have a seconder, please?

**Mr Robertshaw:** I beg to second, Mr President.

**The President:** Thank you, sir.

I put that to the Court. Unless I see dissent, the motion is carried.

That is carried. Thank you, Mr Speaker.

**COVID-19 regulations – IOMSPCo compliance –**
**Urgent Question continued**

**The President:** Mr Robertshaw, sorry to interrupt. Mr Robertshaw.

**Mr Robertshaw:** I completed my Question. Did you want me to repeat it again?

**The President:** Thank you. I call on the Treasury Minister to reply, Mr Cannan.

**The Minister for the Treasury (Mr Cannan):** Mr President, I can confirm that following concerns raised regarding the Isle of Man Steam Packet Company's operations in relation to the Island's response to the COVID pandemic, I wrote to the chairman of the company on 18th February, requesting an investigation be undertaken by the non-executive members of the board into the company's operational protocols and their adherence to Public Health and other relevant legislation.

The requested investigation has been completed and the resulting report was provided to me on 24th February. From the conclusions reached within that report, and from the assurances I have received from the non-executive directors, I concluded that there were no actions that as a shareholder I have needed to enact.

The Chief Minister has commissioned a review of the circumstances surrounding these matters and the report I have obtained will be made available to the individual leading that review to consider as part of that work.

Thank you.

**The President:** Thank you. Mr Robertshaw, supplementary.

**Mr Robertshaw:** Thank you, Mr President.

In the circumstances, I am actually authorised by my colleagues in the Public Accounts Committee to say that the Committee will be conducting an inquiry into the matter and trust that the Treasury Minister will find it possible to make that report he has just mentioned available to the Committee.

Thank you.

**The President:** Mr Cannan to reply.

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

I would say to the Hon. Member, the Steam Packet is publicly owned and the business of the company is of course of interest to the public and indeed to Tynwald. I have no hesitation in putting forward any information that is requested by any official Tynwald body.

**The President:** Supplementary, Mrs Lord-Brennan.

**Mrs Lord-Brennan:** Thank you, Mr President.

This has all become quite confusing from the outside, can the Minister advise the Court as to why he commissioned the report; what prompted that?

Further, does he agree with the Chief Minister that the crew failed to adhere to the direction notice and inferences of that nature which have been made publicly?

**The President:** Minister to reply.

**The Minister:** Thank you, Mr President, and I thank the Hon. Member for her question.

Once I became aware of this matter and the seriousness of the situation in February, I determined that as the shareholder, I should immediately seek to determine the facts of the matter from the company's perspective, seek to determine that there was no fundamental breakdown in governance, that the executive were acting professionally and with integrity, and that the executive had not been negligent in dealing with legal requirements.

I commissioned, as I have said, the report on 18th February and received the report on 24th February. After reading the report, I determined that no further action by the shareholder was needed at this point.

It is no secret that the chairman of the Steam Packet has since publicly defended the company and thus it will be of no surprise to learn that I was presented with no evidence to suggest any fundamental breakdown in governance. However, I must stress that my primary interest as your shareholder has been to seek reassurances as to the integrity of the governance structure and key executive actions of the company. It is not for me to make judgement as to the exact interpretations of law or direction notices or other material requirements. That is a matter for other authorities.

Just for the record, Mr President, this report today has not been shared with any other party or authority to the best of my knowledge, in order to maintain what I believe to be a necessary and correct separation of information and evidence.

Just in terms of the crew, I would point out that the men and women of the Isle of Man Steam Packet Company have set sail on over 1,300 occasions since the start of the pandemic to bring and

transport food, equipment, essential supplies and over 22,000 passengers to and from the Island. They have done so on each occasion knowing that there was every chance that they would be in close proximity to a dangerous virus that may be a danger to them and their families. The fact that they have undertaken this role for 11 months without incident I believe speaks volumes for the conduct and professionalism of the crew. They have served the Island on the front line during this pandemic, and they deserve our admiration and respect.

Thank you.

**The President:** Hon. Member for Ramsey, Mr Hooper.

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

Can the Treasury Minister just confirm that he said that the report has not been shared with any other parties? Can he confirm then it has not yet been shared with the Council of Ministers?

The reason I ask this question is that back in the middle of February, on 19th February, the Chief Minister made a comment that investigations around this were under way, and he made a promise that the results of those investigations would be made public. Given the timescale and those comments, I was under the impression that this Report would have been shared with the Council of Ministers, so can the Treasury Minister just confirm that the report has not been shared with CoMin at all?

**The President:** Treasury Minister to reply.

**The Minister:** I can confirm to the Hon. Member that the report has not been shared with the Council of Ministers. It was always the Chief Minister's intention, as far as I was aware, to have his own investigation into matters and, clearly, Hon. Members will be aware that between the dates I have mentioned, 18th February and 24th February, which is the day I received the report, matters had considerably escalated and it was no longer appropriate for me to share that report. As I said, as your shareholder, I made the judgement at the time that there was no further action for me to take in respect of governance arrangements for the company.

**The President:** Hon. Member for Onchan, Ms Edge.

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

I just wonder if the Treasury Minister would confirm if he feels that his review and the approach now being taken by the Chief Minister and that that has just been announced by the Hon. Member for Douglas East, Mr Robertshaw, with regard to the Public Accounts … would he be prepared to give his view as to whether he views, having seen his own review, that that is independent enough?

Also, prior to him asking for a review, was there any responsibility on the Steam Packet to provide audits to him as shareholder, or does he know if audits were frequently being shared with Public Health?

Thank you, Mr President.

**The President:** Minister to reply.

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

I am sure that the Head of Internal Audit will conduct a thorough, professional and efficient review into this matter.

In terms of audits from the Steam Packet Company, Hon. Members will know the company is run at arm's length. The Treasury, the shareholder, does not receive specific audit reports to it on a regular basis.

**The President:** Hon. Member for Douglas East, Mr Thomas.

**Mr Thomas:** Douglas Central – thank you, Mr President.

**The President:** Douglas Central, sorry.

**Mr Thomas:** On 23rd February, there was a Keys Statement from the Chief Minister where the Chief Minister seemed to assert that there had been a breakdown in rules and regulations on the Steam Packet, and the Chief Minister seems to have asserted that the index case was not wearing a mask at a crucial point. The Chief Minister seemed to assert in the response to a supplementary question from yours truly that an English-based crew member had transferred it to a Manx-based crew member. Does the Treasury Minister want to confirm today that those are just hypotheses at that time, as the investigation was still ongoing?

**The President:** Minister to reply.

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

In light of the statements that were made yesterday, in terms of the report that has been commissioned by the Chief Secretary via the Head of Internal Audit and the statement that I have received this morning from the Public Accounts Committee by the Hon. Member for Douglas East, I think these matters are now best left for appropriate judgement by those individuals or bodies that are now looking into this matter.

**The President:** Two further supplementary questions, after which I will invite Mr Robertshaw for a final one.

Mrs Lord-Brennan.

**Mrs Lord-Brennan:** Thank you, Mr President.

Can I ask the Treasury Minister if he was involved in determining that the Head of Internal Audit – that is, the Director of Audit Advisory – in the Treasury would conduct the investigation, which was announced yesterday?

**The President:** Minister to reply.

**The Minister:** No, Mr President; that was a matter for the Chief Secretary.

**The President:** Hon. Member, Mr Hooper.

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

So just to go back, then, can the Treasury Minister advise if he was aware of any other investigations that were ongoing at the same time as this one? So he has given us the date of 18th February, when he requested it to start, and he received a report on 24th February; on 28th February, the Chief Minister made statements at a press briefing about an investigation that was already under way at that time, and the outcomes of that investigation. But the Treasury Minister said he has not shared this report of this investigation with the Council of Ministers. So can he advise what other investigation was ongoing at the same time as this one and whether the report for that one will be published as well?

**The President:** Mr Cannan.

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

I am clearly aware that a number of bodies were looking into this matter, including public health. I do not know specifically the contents of any report prepared by those other bodies at this present time, and that is the situation as was when I commissioned the report on 18th February and, for want of any other knowledge, I am assuming was still the position on 24th February when I received this particular document.

**The President:** Mr Robertshaw. Final supplementary.

**Mr Robertshaw:** Thank you very much, Mr President.

I would like to ask the Minister as the sole shareholder, bearing in mind now that the PAC will approach this matter with a degree of urgency, is he under the impression that the Audit Advisory inquiry will also be considered as a matter of urgency, so that once and for all, we can be clear about this matter?

Thank you.

**The President:** Minister to reply.

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

I note the comments from the Hon. Member on behalf of the Public Accounts Committee. I am sure that the Head of Internal Audit will undertake the review, as he has been requested to do, with professionalism, efficiency and integrity. I am not aware that any timescales have been provided to him. I myself only got a copy of the independent review terms of reference similar to the other Members, and I can confirm the request has been made by the Head of Internal Audit, also, to access the document on the report that I have commissioned from the board of directors.

**The President:** Thank you.

## CHIEF MINISTER

### UQ2. IOMSPCo employees – New testing regime

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

*If he will make a statement on the implementation of the new testing regime for Isle of Man Steam Packet employees and any changes which will be made following the announcement by the Steam Packet on 12th March 2021?*

**The President:** I have also allowed Mr Moorhouse to ask the Chief Minister an Urgent Question, of which you received an advance copy by email.

Mr Moorhouse, Hon. Member for Arbory, Castletown and Malew, please.

**Mr Moorhouse:** Thank you, Mr President.

I would like to ask the Chief Minister if he will make a statement on the implementation of the new testing regime for Isle of Man Steam Packet employees, and will any changes be made following the announcement by the Steam Packet on 12th March 2021?

Thank you.

**The President:** I call on Chief Minister to reply, Mr Quayle.

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

I am obviously aware of the announcements of the Isle of Man Steam Packet Company to cancel services on Friday 12th March. This was a commercial decision resulting from two crew members being identified as high-risk close contacts of another crew member who had returned a positive test result.

The positive case was identified as a result of the newly introduced surveillance testing regime introduced for all crew members, which requires a crew member to be tested at the beginning and end of their rostered shift cycle with no more than seven days between each test. The swabs are generally obtained at crew changeover time.

For an Isle of Man-resident crew member there is no requirement to self-isolate whilst waiting for the test result – ordinarily the same day; however, within 24 hours. The need to undertake the testing regime is a requirement of their individual direction notices so as to be able to be excluded from self-isolation requirements. This applies only to their Steam Packet duties and not to any personal travel that may occur. If the Isle of Man-resident crew member decides not to undertake a test then they must adhere to the requirement to self-isolate contained within their direction notice.

For UK-resident crew members, those who would have been in the UK prior to embarking the ship continue to be required to self-isolate whilst off duty on the Isle of Man. This means, with a small number of exceptions to deal with urgent or emergency situations, that the individual is required to self-isolate at their nominated isolation address whilst not at work. Undertaking the surveillance testing regime is a requirement of their individual exemption certificate. I can confirm that 78 direction notices have been issued to Isle of Man-resident crew members and 112 exemption certificates were issued to United Kingdom-based crew members. To date, 252 swabs have been taken through the surveillance testing regime with six positive results.

To underpin the surveillance testing regime all crew members are also required to comply with a COVID-19 specific risk assessment provided by the company, which forms part of the direction notice and exemption certificate conditions. This includes rigorous adherence to infection prevention measures, for example social distancing, personal protection equipment, hand and respiratory hygiene. The regime has the agreement of Public Health. Officers are in regular communication with the company regarding the current position and procedures that have been agreed, and if changes are required this will be done as part of those discussions.

Mr President, what has been arrived at is a practical solution to maintaining a crucial part of our critical national infrastructure, whilst at the same time attempting to balance a risk to public health. It is a difficult balance to achieve and naturally I cannot say that all risk is removed. However, given this is largely based on human behaviour full removal of risk would be impossible, short of stopping all services.

Thank you, Mr President.

**The President:** Supplementary question, Mr Moorhouse.

**Mr Moorhouse:** Thank you, Mr President; and thank you, Chief Minister, for that detailed Answer.

For clarity, could Chief Minister confirm that the two positives were Island residents? And, in terms of Island residents, they just receive one test on day one and a following test on day seven?

In terms of the dates between, those individuals are free to go home and behave normally, with the exception of the restrictions the Chief Minister mentioned in his previous Answer?

Thank you.

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

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

I suppose in order not to have to isolate between shifts, testing before and after a shift is required of the modified direction notice for a Manx-based crew. So if the Manx-based crew decide not to undertake the test then they must adhere to the direction of self-isolation requirements …

A shift is a cycle or a shift pattern of work completed. Generally crew members adhere to a seven-day working shift cycle and are tested both before they start their shift and at the end of their shift. So, yes, it is on day one and at the end of their shift which is normally day seven.

Thank you, Mr President.

**The President:** Supplementary, Mr Speaker.

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

The Chief Minister said on a couple of occasions that it is determined that there was no criminal wrongdoing. I appreciate the Chief Minister, unlike most of us, has an A-level in Law, but could he advise whether that is a police investigation that has happened there, or whether it is just advice from the Attorney General? Can he advise on what basis he has made that assumption?

**The President:** Chief Minister.

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

That is purely an assessment of the circumstances, but I have asked for a review of the situation just to find out exactly what happened, so that we can ensure that going forward if there are any areas that we need to plug, then we can fix it.

**The President:** Supplementary, Mr Moorhouse.

**Mr Moorhouse:** Thank you, Mr President.

With regard to those people working on the boat being tested at the start and the end of the shift, is that optional; and if so, how many employees opt out of it? For those employees who opt out of it, would they be in permanent self-isolation or would it just be self-isolation during the shift period?

Thank you.

**The President:** Chief Minister.

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

I think we have stated a number of times now that we cannot force people to take the test, so if people in the crew do not wish to take the test then they must self-isolate at home in between their time on board the boat. I am not aware of anyone refusing the test, Mr President, but I will ask, and if I am allowed that information then I am more than happy to share it with Members.

Obviously, all *UK* residents of the crew when they come to the Isle of Man and have an address to stay at in between working, they *must,* otherwise they will not get an exemption certificate. So it is purely the Manx residents who potentially have the right to refuse, but they must fully isolate if they do not have the test.

Thank you, Mr President.

**The President:** Supplementary, Ms Edge.

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

I just wonder, the Chief Minister seems to be adopting a different risk profile for the Steam Packet workers. And I do want to put on record that everybody is so grateful for having the Steam Packet and its employees. But the Chief Minister said that they get tested before and after a shift,

and their shift is a seven-day cycle. That seems to be a totally different definition than you would get on a shift if you were a nurse, for instance.

I am a little bit concerned that, obviously, there has been agreement that a shift starts on day one and ends on day seven. I would call that a shift rota, not a shift cycle. I just wonder if the Chief Minister can confirm: is that correct what he has said today; and why is it a different testing regime than anybody else in a key-worker role?

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

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

I was slightly confused with the question from the Hon. Member for Onchan, because to the best of my knowledge we do not routinely test our nurses at Noble's Hospital for working.

The reason why we brought in this test for the Steam Packet crew is that whilst the Manx staff do not go off the boat at Heysham – 'Haysham/Heesham', however you want to pronounce it – they do mix with a UK-based element of the crew, and therefore that is a much higher risk of contracting it than staff based purely on the Isle of Man.

Obviously health workers do have to wear full PPE when dealing with anyone with COVID, but this is something that Public Health have worked up with the Steam Packet to try and come to a satisfactory way forward to reduce the risk as much as possible.

We do have exemption certificates for health workers and they get tested – if they come over to the Island to work they get tested as part of their certificate condition. So there are all sorts of different scenarios, Mr President, and we have to try and compare like with like, and comparing maybe a nurse with a Steam Packet worker is not a fair comparison.

Thank you.

**The President:** Supplementary, Mr Speaker.

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

The Chief Minister said that an assessment was made that there was no criminal wrongdoing. He did not mention – and this was the point of my question – *who* made that assessment. Was this a police investigation or was this the Attorney General? And, if it was the Attorney General, is he not conflicted by virtue of the fact that he would be drafting the notices?

**The President:** Chief Minister.

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

It was not the Attorney General or the Police. It was just the feedback from officers who had been doing investigations at the coalface.

**The President:** Supplementary, Mr Hooper.

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

It is quite concerning actually that we have indeterminate officers making these assessments around criminality. Can the Chief Minister confirm then that it was not any of the normal bodies that would conduct an investigation into criminality that have been engaged in this particular assessment?

Can he also advise, if it is the case now that Steam Packet crew members are not required to isolate and are required to be tested, going back to 28th February why was the original position taken by Government that Steam Packet crew members were *supposed* to be isolating and there was no testing in place? Surely if this conversation with the Steam Packet had happened earlier in the year, as we were told it had, around determining what measures were appropriate, we would have settled on no isolation plus testing, i.e. the current regime, *much* sooner.

So, what is it? When he was saying the Steam Packet misunderstood the original direction notice, what did he mean by that? Because the measures we have in place today are not the same measures that he thought we should have had in place three weeks ago.

**The President:** Chief Minister.

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

I just want to be clear on this. Council of Ministers do not get involved in how the direction should be given to the Steam Packet Company. That is for the professionals at Public Health.

The professionals at Public Health were of the opinion that all of the Steam Packet member crews were isolating when they came off a shift. That is what we thought was happening. That is what we as a Council of Ministers had been advised. However, it became apparent pretty quickly that the Steam Packet were of the opinion that it was only their UK-based crew that had to do that. That is where the breakdown in understanding has happened, and that is why I have asked for a review to see just what has happened, so that we can decide what needs to be done going forward, if there is anything to tighten up.

As a solution to the problem of the Steam Packet crew saying, 'We would be in perpetual isolation based on your interpretation' – that is our Public Health and Government's interpretation – a solution was found going forward from our Public Health team and the Steam Packet on something that reduced the risks but enabled the Steam Packet crew not to have to isolate once they had finished their shift.

Thank you, Mr President.

**The President:** Hon. Member for Douglas East, Mrs Barber.

**Mrs Barber:** Thank you, Mr President.

I wonder if the Chief Minister could advise what legal qualification the officer, or officers, had who made that decision? And also what other circumstances the Chief Minister might feel it is appropriate for officers to decide if a breach of the law was sufficiently serious to be referred to the Police?

**The President:** Chief Minister.

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

I believe the Chief Secretary has responsibility for deciding whether a criminality has happened and referring it to the Police. We were initially trying to find out whether elements of criminality had happened. We were reassured that it was a genuine misunderstanding and therefore I asked for a review. Now, if the review comes back with further information that we do not know then obviously we will review that situation.

**The President:** I call Mr Thomas; following him, Ms Edge, Mrs Lord-Brennan and then Mr Speaker; and then Mr Moorhouse for a final question. Then, I am sorry, we must really move on.

Mr Thomas.

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

Does the Chief Minister agree with me that it is not Public Health that issue critical national infrastructure directions? They might be consulted but it is actually, I believe, the Cabinet Office, in conjunction in certain circumstances with the Department of Home Affairs or DHSC, and most likely in this case with the Department of Infrastructure, as it was the Steam Packet which was done *en bloc* back in March-April 2020?

Secondly, the Steam Packet might well have a very good record for managing COVID infections. For instance, how many cases of COVID positivity has the Steam Packet had during the COVID-era, during the last 12 months? And how does that compare with other Government bodies and private bodies of a similar size, for instance, Cabinet Office or one of the other Departments of Government that has around the same number of employees? For instance, I think the public is only aware of three cases in the Steam Packet, but I think Cabinet Office might have had more than three cases given the Chief Minister's testimony over Christmas.

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

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

Regarding the direction notices, these are issued by the Chief Secretary but based on the advice from our Public Health teams on how they would want it to work.

Regarding the number of cases on the Isle of Man we have done, I think I said earlier on in my Answer that to date 252 swabs have been taken through the surveillance testing regime, with six positive results. If that does not count any of the earlier ones then I will give an update to all Hon. Members.

**The President:** Supplementary, Ms Edge.

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

I just wonder if the Chief Minister would commit. He is saying there was a misunderstanding. Obviously, this is all around risk, and clearly there is a review taking place that he has instructed the Chief Secretary to carry out. The Chief Minister in his answering has said the Chief Secretary has that decision-making accountability, so I really am concerned about this review. But what I would like the Chief Minister to commit to today, looking at the terms of reference, it does not say when he has asked for that report to be completed, so there is no timescale.

Would the Chief Minister be good enough to put a timescale on that review, to make sure that the evidence is available to the public and the people of the Isle of Man and that any errors within the administrative process, etc. are addressed urgently?

**The President:** Chief Minister.

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

We seem to be straying into Question number 1 a little bit which the Hon. Member is also asking me. I hope that the report will be done as soon as possible but I want it done properly, not rushed.

So it is going to take a little while and I would hope that we get it sometime in April.

**The President:** Mrs Lord-Brennan.

**Mrs Lord-Brennan:** Thank you, Mr President.

Can I ask the Chief Minister, does he believe in the separation of powers? And, further, in terms of Public Health I would like to know what help was offered or asked for in terms of the Steam Packet, because Public Health seem to be positioned as enforcers rather than a body that ought to be providing assistance for the public and the people in respect of COVID.

Thank you, Mr President.

**The President:** We are broadening out the original Question with that supplementary.

Chief Minister.

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

I would just like to say that our Public Health team have had numerous meetings with the Steam Packet before, during and after, to give advice and work with them to come up with ways to go forward where they are enabled to carry on doing their duties and as reasonable as possible, but at the same time trying to reduce the risk to the best of everyone's capabilities.

At the end of the day, Mr President, if we want no risk we are going to shut all planes and all boats coming into the Isle of Man. Clearly, we cannot do that. We must have freight, passengers, food, building supplies, etc. coming on to the Island. Therefore we need to have our Public Health working with the Steam Packet to come up with a solution to the way forward. Obviously, they thought they *had*, but that sort of thing has obviously broken down. That is why I have asked for a review to find out what happened so that, going forward, we can ensure that it does not happen again – or we can at least reduce the risk to the Island as much as possible and with our borders policy.

Thank you.

**The President:** Mr Speaker.

**The Speaker:** Thank you.

Would the Chief Minister commit to informing Tynwald Members what legal qualification the Chief Secretary holds in terms of giving Council of Ministers legal advice? And what he relied on in giving that advice? And whether that advice was given to Council of Ministers in the presence of the Attorney General and the Treasury Minister?

Will he also confirm whether there has been no Police involvement in this? Why that would be the case? And why it was so different from Abbotswood, which could equally have been based on misunderstandings?

**The President:** Chief Minister.

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

To the best of my knowledge, the Chief Secretary has no legal experience. Obviously, he has numerous qualifications, but he is not a solicitor or a barrister. We were given an opinion that it was a misunderstanding.

I am very disappointed that some Hon. Members are trying to turn this into a witch hunt. We need to learn from this, go forward and try and reduce the risk. The Steam Packet staff, as the Treasury Minister has said, have done a sterling job at providing the connection with the UK for all the supplies that we need. Something has obviously gone wrong. I have asked for a review.

Regarding a criminal investigation, I was led to believe that it would appear to be just a genuine misunderstanding of the rules, but I have asked for a review to see if that is the case. If the review finds something different, then I am not ruling out any further investigations; and I am sure that will be exactly the same with the Tynwald Committee that Mr Robertshaw has just announced that will also be doing an investigation.

**The President:** I call Mrs Barber; then Mr Moorhouse for the final supplementary.

Mrs Barber.

**Mrs Barber:** Thank you, Mr President.

I wonder if the Chief Minister might comment whether he is aware of any other prosecutions that were successful, that occurred under either the Public Health Act COVID laws or the Emergency Powers COVID laws where there was also a misunderstanding?

Thank you, Mr President.

**The President:** Chief Minister.

**The Chief Minister:** I cannot comment on that, Mr President. Let's see what the review and the Tynwald investigation find.

Thank you.

**The President:** Mr Moorhouse.

**Mr Moorhouse:** Thank you, Mr President.

Track and Trace have been very open about the challenges they face, following earlier cases. In this case, two individuals were tested last Wednesday and lived on the Island with a minimum of restrictions until Friday. This 48-hour window is going to remain an issue going forward.

To reduce the risk, the Steam Packet workers have been instructed to limit their external activity during this window with regard to gatherings and have a complete record of activity during the period ready for Track and Trace.

Thank you.

**The President:** Chief Minister.

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

There is a review ongoing at this moment in time, Mr President, and should it be 48 hours, as the Hon. Member says, then I am sure they will look to plug this. I was told that normally the results are the same day or certainly within 24 hours. But obviously, if the review finds a problem, then they will be working with the Steam Packet to amend the direction notices.

Thank you, Mr President.

**The President:** Thank you, Hon. Members.

**Procedural**

**The President:** Just on a procedural matter, it is not appropriate for Members to request interventions for the Member speaking to give way during Question Time.

Question Time is precisely that, supplementary questions and so on. Interventions are appropriate for debates.

# Questions for Oral Answer

**CHIEF MINISTER**

**1. Latest COVID-19 outbreak –**
**Independent review**

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

*If he will establish an independent review of the COVID-19 outbreak that was linked to a case among the workers of the Steam Packet?*

**The President:** We move now to the Question Paper proper, and Question 1, Hon. Member, Ms Edge.

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

I cannot help people straying into Question 1 that has been on the Order Paper and certainly submitted to the office at least two weeks ago, but I would like to ask the Chief Minister if he will establish an independent review of the COVID-19 outbreak that was linked to a case among the workers of the Steam Packet?

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

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

I have previously advised Hon. Members that I have asked the Chief Secretary to instigate a review of the recent COVID cases that originated from Isle of Man Steam Packet crew. I can confirm that the Chief Secretary, on my behalf, has asked the Director of Audit Advisory to conduct the review, which will therefore be independent from those parts of Government that have involvement with exemptions for key workers. Council of Ministers is of the view that this is sufficiently independent and is the most appropriate approach to meet the overriding aim that is to understand what has happened in order to ensure that procedures across the board are suitably robust.

I have shared the terms of reference of the review with Hon. Members. We want to quickly establish the facts and put in place appropriate remedies to further minimise risk. The review will determine what has happened and why it happened to identify any procedural weaknesses in order to prevent something similar occurring again.

If, following the review, it is felt that this has not been achieved and that nothing has been learnt from the situation, then we would reconsider the option of a further external independent review.

Clearly, Tynwald has available to it the option to undertake a review, and we have just heard this morning that the Hon. Member for Douglas East will be leading a review into this current situation. And I would suggest that allowing the review that I have outlined to take its course is the right approach, the findings of which will allow an informed decision on whether any further action is required.

Hon. Members, I have said a number of times throughout the pandemic that we cannot remove all risk, it is simply not possible. We have to allow some movement across our border to enable society to function, and as a result, we cannot seal ourselves away completely from this wretched disease. Therefore all the mitigations in the world will not remove risk completely, and it would be remiss for anyone to suggest that they could.

I do not want to prejudge the findings of the review and will of course share these as soon as possible. It is expected that the review will be completed before the end of April.

**The President:** Thank you, Chief Minister.

Now, Hon. Members, I ask you to bear in mind the ground that has been covered already in relation to this Question when you put supplementaries.

Ms Edge.

**Ms Edge:** Thank you, Mr President, and I thank the Chief Minister for his response with regard to the review, that he expects it to be completed by the end of April, I appreciate hearing that.

However, I would like to ask the Chief Minister with regard to the separation of powers and the recently published terms of reference. Does the Chief Minister really feel that he has asked for an independent review when, under the Governance section, number 8, it clearly states that the review is being sponsored by the Chief Minister and the officer contact for the review will be

an officer of the Cabinet Office, under the authorisation of the Chief Secretary. Does the Chief Minister really feel that that is an independent process?

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

**The Chief Minister:** Thank you very much, Mr President.

The Audit Advisory Division of the Treasury and its Director are fully independent of all parties that have been operationally involved in the events leading up to this particular outbreak. The Director of Audit Advisory and his team also have the professional skill set and experience required to undertake such internal investigations. And obviously, Mr President, we have now been told that the Tynwald Committee are also doing their own investigation.

I want to get to the bottom of what happened so that we can learn from it to ensure that it does not happen again. If any evidence that we do not currently know about is brought to the fore then obviously we will take the action that is required as a result of receiving that evidence.

**The President:** Supplementary, Mr Hooper.

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

Can the Chief Minister confirm who the report will be provided to in the first instance, who is the head of Audit Advisory reporting to? The reason I ask this is because, as my hon. colleague, Ms Edge, has just mentioned, the terms of reference quite clearly highlight that the report has been commissioned by the Chief Secretary acting on behalf of the Chief Minister. It was the Chief Minister and the Council of Ministers who made the decisions around all of this, around measures and safety and mitigation. It was the Chief Secretary who implemented them initially in the exemption notices under his authority. It was the Chief Secretary who apparently advised on the nature of any misunderstanding or error, and now it is the Chief Secretary commissioning a report, a review into these actions by someone who ultimately reports to the Chief Secretary.

I am not as convinced as the Chief Minister seems to me that this could really be described as independent. Will the Chief Minister accept that mistakes were made and the public are entitled to a truly independent view on what happened?

And would the Chief Minister also accept that this has never been about removing all risk? This is about ensuring that all reasonable measures have been taken by those in positions of authority to protect the Island from the threat of coronavirus?

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

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

I have asked for the review. The terms and conditions have been seen by the Council of Ministers and agreed, they have been issued to all Members.

We want to get to the bottom of this. The investigator has got absolute powers …

**The President:** Chief Minister, I think we have lost you there.

**The Chief Minister:** Sorry, Mr President, my apologies, I had forgotten to take my mute off.

I would just like to say that I want an independent review. I think by asking our head of audit to do this that we will get an independent review.

Yes, I have to ask that the Chief Secretary to set up the review, but I honestly believe that it will be independent and that the auditor – who has a very good reputation – will give us the information that he can get so that we can make a decision, and we are going to share it with all Hon. Members.

However, Tynwald has made a decision itself now, or its representatives, to do an independent review and it will be interesting to see any difference between the two reports.

Thank you, Mr President.

**The President:** Supplementary, Ms Edge.

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

Just with regard to what the Chief Minister said in his original opening statement, he said that if required, following receipt of the review from the Internal Audit Division, he would then consider an independent review. Would it not be better, Chief Minister, to skip that step and go straight to an independent review?

As my hon. friend for Ramsey stated, the public deserve answers; they deserve them quickly and they deserve them from an independent authority. I think a number of the public will also view that a Tynwald Committee perhaps is not as independent as they would like. The public are crying out for an independent review and I feel, myself personally, as do many constituents, that it should be independent. My view of independence obviously is on a different page to the Chief Ministers.

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

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

We are trying to do our best here. We have asked for an independent review. We feel that the external auditor … okay, they are based with Treasury, I have already said they are totally free to do whatever they want, they have got the right to go wherever they want and ask for any documents that Government have, we have already said that.

I said if, following the review, it is felt that this has not been achieved and nothing has been learned from the situation, then we would reconsider the option.

But the quickest way to get on with this is the way I propose. I hope it gives a clear and concise report, and let's just wait and see what the head of the audit team comes up with on this.

As I say, Tynwald are doing their own review. It is not a witch hunt but we do need to find out what went wrong so that we can fix it. Something has obviously gone wrong; and I hope that we can find out what it was so that clearly it can be fixed.

**The President:** Three more supplementaries and then Ms Edge.

Mrs Lord-Brennan.

**Mrs Lord-Brennan:** Thank you, Mr President.

I just wonder if the Chief Minister can advise what action does he envisage might be required or on the table following the investigation that he has requested?

**The President:** Chief Minister.

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

Obviously I do not know. We need to find out what went wrong and once the report tells us what went wrong it may well be that we have to alter direction notices; it may well be that, if someone has intentionally broken the rules, then we might have to get the Police involved. I just do not know at this moment in time, that is why I have asked for an independent review from the audit department to advise the Council of Ministers and obviously I have said I will share it with Tynwald.

**The President:** Miss August-Hanson.

**Miss August-Hanson:** Thank you, Mr President.

Chief Minister, just tracking back ever so slightly, when the Council of Ministers was informed that this had happened, that there was a problem and that errors were made, what legal advice, if any, was actually … did the Attorney General provide any legal advice in the Council of Ministers and if so, what was it? Or did he take advice from his Chambers? Did that inform the Chief Secretary's decision-making here? Was the Chief Constable contacted for his view at any juncture by the officers that you say have looked into this initially? What was the decision-making that brought us to the position that we are now in?

Thank you.

**The President:** Chief Minister.

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

I was under the impression that I had said in an earlier answer that we had not asked for the Attorney General or the Police to do an investigation. We had received comments from our Director of Public Health that she was confident that her understanding of what the Steam Packet had been told to adhere to was that they should isolate, the Steam Packet obviously felt that was not the case, and that is an area that we are obviously having investigated, Mr President.

But at no time have I asked the Attorney General or the Police to do an investigation, as yet.

**The President:** Supplementary, Mr Hooper.

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

The Chief Minister has mentioned a couple of times that the review will have access to all the records and documentation that they need. Given that some of the documentation will undoubtedly be part of Council of Ministers' proceedings, which are confidential by statute, and undoubtedly that some of the information will form part of the Attorney General's advice in respect of privilege, can the Chief Minister confirm that in respect of all the investigations underway that privilege and confidentiality will not be applied to withhold information from the investigators?

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

**The Chief Minister:** Thank you very much, Mr President.

I am more than happy to confirm that that is the situation as requested by the Hon. Member for Ramsey, Mr Hooper. All information will be shared from the Council of Ministers.

**The President:** Supplementary, Dr Allinson.

**Dr Allinson:** Thank you, Mr President.

Would the Chief Minister agree with me that following identification of a positive case of coronavirus amongst an Island-based crew member, Government acted promptly to correct any situation and review the procedures on the Isle of Man Steam Packet Company vessels?

Would he also agree with me that looking into this matter, the Island-based crew have provided full co-operation and worked exemplarily to try to make sure that this situation does not happen again?

And would he also again repeat to Hon. Members, the results of the independent review he has commissioned will be given to the Public Accounts Committee so that they can provide further independent and open inquiry to this entire matter?

Thank you, Mr President.

**The President:** Chief Minister.

**The Chief Minister:** Thank you very much, Mr President, and I thank the Hon. Member for his points.

Yes, we did act quickly; the minute we realised there had been a problem we had our Public Health team go down and meet with the Isle of Man Steam Packet Company to see what had gone wrong and work out a solution.

As I have said before, Mr President, this full report will be shared with the PAC and with all Tynwald Members and will be published on the Government website for the public to see; obviously withholding any individual information that may identify an individual from a data protection point of view.

Thank you.

**The President:** Final supplementary, Ms Edge, please.

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

I am quite concerned really that … obviously the Chief Minister, yes, we know your review is coming, I am wondering will it be accepted in full without any alteration, once you do receive it? I am very concerned that it is at least six weeks away and then you may decide to do an independent review.

We have new strains of COVID-19 that could be heading to our shores. You have religiously said we are only as good as the last person over the border. How is the Government going to react to any news strains? We had the Kent strain in early February and look where we are now. How is the Government going to react to any new strains; is it going to say we are waiting for a review? I hope not.

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

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

I believe that our Public Health team have already had the meetings with the Steam Packet to see where we can change the policies going forward to ensure that we reduce the mitigation of this happening again.

But I said in my earlier speech, Mr President, short of stopping all sailings and all flights to the Island, there is nothing we can do to totally take away the risk of COVID coming to the Island via these routes. We just try and mitigate it and reduce that event from happening, and the same will go with any variant.

That said, if a certain new variant came along, that was incredibly serious and the vaccines did not work then I am sure Public Health would have further meetings with our Steam Packet representatives, but also any airline companies coming into the Island to ensure that further measures were put in place to try and reduce the risk to the people of the Island. But as I say, we cannot reduce totally the chances of it coming; we can just try and reduce the risk as much as possible.

**2. COVID-19 Kent variant –**
**Reporting delays**

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

*What delays there were in reporting the Kent COVID-19 variant present on the Island and updating the symptoms list; and what the reasons for any such delays were?*

**The President:** Question 2, Hon. Member, Ms Edge.

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

I would like to ask the Chief Minister what delays there were in reporting the Kent COVID-19 variant present on the Island and updating the symptoms list; and what the reasons for any such delays were?

**The President:** I call on the Chief Minister to reply.

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

The Kent variant was first reported on a swab from a Patient Transfer patient who returned to the Island in mid-December. The first batch of swabs were sent to the Liverpool laboratory shortly before Christmas. The results were received in the first week of January as the laboratory was closed over Christmas and the New Year. This reflects the fact that these results are not required for the immediate response to cases of clusters.

Since January, results have been received within the expected five-day turnaround from receipt by the laboratory. Where arrival of samples at the laboratory is impacted by factors such as ferry cancellations, the five-day turnaround obviously applies from receipt at the lab. There have been no other delays in reporting on genomic sequences for the Kent or any other variants.

There are no plans to update the COVID-19 symptoms list from the ECDC definition currently in use on the recommendation of the Public Health Department and the Clinical Advisory Group.

Thank you, Mr President.

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

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

In numerous answers, you and the Director of Public Health have said that you would not change the response. Do you feel, as Chief Minister, that we *should* have changed our response, bearing in mind that you have just highlighted that you knew of the Kent variant on the Island in January? And as it was the Kent variant, the actions around the weekend of 27th February, certainly the public and a number of Members are calling them into question.

So therefore, Chief Minister, will you consider looking at your responses to variants in the future and make sure that we have the best possible protection for preservation of life for the people of the Isle of Man?

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

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

I think we need to be clear here, Mr President, there is no single internationally agreed clinical definition of the symptom list for diagnosing possible COVID-19. Here we use the ECDC definition, that is the European Centre for Disease Control, and this was updated in December 2020 following a review of evidence of symptoms associated with positive diagnosis. Adoption of this definition here was based on the advice and the recommendation of Public Health and the Clinical Advisory Group.

As I said, Mr President, the whole of the European Union uses the ECDC definition, so that is *circa* 750 million people who are subject to the ECDC definition. So if it is good for 750 million people, Mr President, I think our team based on our medical clinical and public health advice I am satisfied with the definitions to date. But obviously if the ECDC definitions change, we will of course update our recommendations.

**The President:** Hon. Member for Douglas South, Mrs Christian.

**Mrs Christian:** Thank you, Mr President.

Out of seven English-speaking countries including New Zealand, Canada, the Republic of Ireland, Guernsey, Jersey, Australia and the USA, all seven list 11 symptoms on their Government websites, including additional symptoms such as diarrhoea, headache, muscle pain, nausea and vomiting, confusion, irritability, sore throat, sneezing and runny nose.

Will the Chief Minister, the Council of Ministers and his advisers pivot their decision and increase the list of symptoms on the Isle of Man Government website?

This needs to be coupled with increased testing capacity in the 111 service in order to test more, to identify more positive cases to reduce and mitigate the risk of community transmission and reduce the length of this lockdown. Bearing in mind that we continue to get community transmissions, surely this is the best way to look at this?

Thank you, Mr President.

**The President:** Chief Minister.

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

Regarding testing, we have had lengthy conversations with the Hon. Member, where our medics have told the Hon. Member as to why they do not believe at this moment in time that random testing is the best way forward. It can give false negatives, etc. But obviously we never say never and we ask our medical team and Public Health to constantly look at the advice.

The Public Health advice has been that widening the clinical case definition to include a long list of symptoms is unlikely to be the best approach for monitoring population levels or even for case-finding, given the proportion of cases that remain asymptomatic. We have continued throughout to have routine surveillance of asymptomatic individuals through the hospital screening programme and also through the surveillance testing programme offered to defined occupational groups. That is the current system, it has worked well for us, Mr President; however, should evidence change and the need to change then I am sure we will. But none of us in the Council of Ministers, none of us in Tynwald are experts on this and we have our professionals that work for Government that give us the advice, and I am more than happy to accept that advice.

Thank you, Mr President.

**The President:** Hon. Member, Dr Allinson.

**Dr Allinson:** Thank you, Mr President.

Would the Chief Minister agree with me that on discovery of the new variant, B117, SAGE met on 23rd December 2020 and looked at extra mitigating factors that might be necessary? They concluded that what was needed was to intensify the existing mitigating factors; that no further new measures needed to be brought in; that there should be clear communication to the public that we needed to keep up with social distancing, with hand-washing, with mask-wearing where there was an outbreak of the virus; and this is exactly the evidence and the advice that has been given to the Manx public both during the lockdown in January and also, unfortunately, during the present lockdown?

Thank you.

**The President:** Chief Minister.

**The Chief Minister:** Thank you very much, Mr President.

I thank the Hon. Member for Ramsey, Dr Allinson for his points, and he is quite right. I totally agree with him.

Can I also point out to all Hon. Members that the 111 clinical team – and it is a *clinical* team – take the full clinical history from callers and explore all symptoms in context. This has served us well so far with no evidence to indicate significant numbers of missed cases. Current call volume is very high and increasing this further by inviting reporting of less specific symptoms could have

a significant adverse impact on managing those with major symptoms in a timely manner. It is all about balance, Mr President. I feel that our team have done their very best and so far have got it right. But obviously, far from perfect, none of us are perfect, and if there are improvements that can be made from evidence received from the ECDC then we will of course make changes.

Thank you, Mr President.

**The President:** Now, I have three more supplementary questions and then we will have to move on to the Question number 3. Mr Hooper first, then Mr Moorhouse and final round to Ms Edge.

Mr Hooper.

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

The Chief Minister has said a number of times that we are following the ECDC list of symptoms and that applies across the whole EU. Well, it does not because the Republic of Ireland themselves are in the EU and have a much longer list of symptoms than simply those advised by the ECDC. Interestingly, though, I am on the ECDC website right now, Mr President, and the Chief Minister will I am sure be interested to learn that the symptoms listed on the infographic published by the ECDC on 25th February are different to the symptoms listed on the Isle of Man Government website. The Isle of Man Government website lists a temperature of more than 35.8°, a new and persistent cough, anosmia and shortness of breath as symptoms. The ECDC lists fever, cough, difficulty breathing, muscle pain and tiredness which is a different list of symptoms to that on the Isle of Man website.

Can the Chief Minister explain if we are following the ECDC symptoms list, and that is in his view applied across the EU, why the Republic of Ireland has a longer list than the ECDC and why the ECDC infographics that they are producing list different symptoms to the symptoms listed on the Isle of Man Government website?

**The President:** Chief Minister.

**The Chief Minister:** Thank you very much, Mr President, and I thank the Hon. Member for his question.

It is a point I am not aware of. I will have to ask the Director of Public Health to look into the comments made by the Hon. Member and I will give an answer to all Hon. Members and an update as soon as possible.

**The President:** Thank you.

Mr Moorhouse.

**Mr Moorhouse:** Thank you Mr President.

Given the delay in knowing the variant of COVID we are actually dealing with, future challenges will almost certainly increase. Given the situation, could I return to the last part of the Answer that you gave me? Are Steam Packet workers told to avoid any crowded areas and gatherings until at least their test results are available?

Thank you.

**The President:** Chief Minister.

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

Obviously, this situation is under review, but I am not aware of what they are actually physically told, I have not got the documentation in front of me. They get a test, normally within the same day they get the results, or certainly within 24 hours. If that is not the case and they can move freely around I will obviously get a confirmation of that sent to all Tynwald Members.

**The President:** Final supplementary, Ms Edge, please.

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

I just want to go over a few things that the Chief Minister has just said. He said that people remain asymptomatic. Can the Chief Minister advise when the Council of Ministers first made it public that we were dealing with the Kent variant; and what mitigation they put in place at that point in time?

Can the Chief Minister also advise with regard to the weekend of 28th-29th February why, when it was clear that they had another two cases of the Kent variant, did he and I think it was the Health Minister stand on the podium at the briefing and state, 'It is perfectly safe to send your children to school'? What decisions were reached on that Sunday to state that, and the situation we now find ourselves in?

But I would also like to just say to the Chief Minister, he cleared up a question I asked earlier with regard to shifts and testing because in his Answer just recently he said that hospital screening takes place for occupational groups. So that is where screening does take place, Chief Minister.

Thank you, Mr President.

**The President:** Chief Minister.

**The Chief Minister:** Thank you.

I think I said, Mr President, that the screening takes place for professionals coming over who have to carry out a service on the Island that is much needed, and we do not have these skills on the Island or the staff member to do it, and therefore a test is carried out and procedures put in place by the Department of Health and Social Care based on the length of stay of that person and the work that they are doing.

The Hon. Member went on about why we said that it was okay to open up on the Sunday and into Monday. Well, we had two confirmed cases, the Hon. Member is quite correct, and that is why Council of Ministers asked people not to mix on Saturday whilst tests were being carried out. We had found that there were 12 high-risk cases – I have said this a number of times now – who had been felt to be high-risk off these two people and on the Sunday all the tests came back as negative. I bitterly regret that all those tests were negative, because it meant the Council of Ministers felt that the situation was under control. However, it clearly was not, but we have to go on the evidence that we receive, and it is all about a judgement call and there has been a judgement call based on evidence and advice that we get for the last 12 months, Mr President.

Sadly, all of the high-risk contacts the results came back as negative which, based on that evidence, the Council of Ministers felt that we did not have any evidence to say that it was widespread in the community. Clearly, obviously, hindsight is a wonderful thing but with the evidence that we had at the time with those 12 tests coming back as negative, that is why we felt it was okay for people to start mixing again. Clearly the minute we found out that there were two further cases, and one of them was a school pupil, we took action to shut down as quickly as possible, whilst giving people time to shut their businesses and get IT equipment from school, etc.

Thank you, Mr President.

**3. Lockdown challenges –**
**Support for single-person households**

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

*What plans the Council of Ministers has to introduce (a) support bubbles and (b) other support mechanisms to help single-person households deal with the challenge of lockdown?*

**The President:** We turn now to Question 3. Hon. Member, Mr Moorhouse.

**Mr Moorhouse:** Thank you, Mr President.

I would like to ask the Chief Minister what plans the Council of Ministers has to introduce (a) support bubbles and (b) other support mechanisms to help single-person households deal with the challenge of lockdown?

Thank you.

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

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

We have not introduced support bubbles so far in our current circuit breaker, as this would involve the mixing of households, which the numbers are showing us to be the largest way the virus is spreading at present. The need for support bubbles for single-person households and other support mechanisms for mental health and wellbeing will be reviewed once the likely length of the circuit-breaker lockdown becomes clearer. I do sincerely hope that, as the situation improves, more support mechanisms such as support bubbles can be introduced.

Mr President, in terms of other support mechanisms for single-person households and anyone else during the lockdown we have developed the 'Are you ok?' page on the Government website. On here, we recognise how important it is, more than ever, to look after our physical and mental health and have tried to develop resources and advice to help those struggling.

Thank you, Mr President.

**The President:** Supplementary question, Mr Moorhouse.

**Mr Moorhouse:** Thank you, Mr President.

And thank you Chief Minister. With regard to the first lockdown, the mental health challenges faced by many individuals was actually recognised and, as you have just mentioned, the 'Are you ok?' support began. How effective has this initiative been?

Thank you.

**The President:** Chief Minister.

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

The 'Are you ok?' campaign and website has received lots of positive feedback and Hon. Members might have noticed that we have run a survey which concluded on 5th March to highlight if there are any other areas of information people want to see.

The website was viewed nearly 2,000 times during the January circuit-breaker lockdown, and we know that the most popular pages include resources on connecting, learning and giving. We also know that we have the most visitors to the pages on a Friday. We understand that, perhaps, it is a Friday because there are people who are feeling the effects of not having their usual social life, and we are starting to work out how we can best help with that and what messaging that we can use.

Thank you, Mr President.

**The President:** Hon. Member for Onchan, Mr Callister.

**Mr Callister:** Thank you, Mr President, and I thank the Chief Minister for his statement this morning.

Can I ask the Chief Minister why we cannot set up a simple two-house bubble in order to help single parents, and single parents with young children especially? Can I also ask the Chief Minister if he has any data on how many single people are currently living in isolation on the Island?

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

**The Chief Minister:** Yes, thank you, Mr President.

And I thank the Hon. Member for his comment. I do not think … well, I certainly do not have the information regarding how many single parents are in isolation at the moment. I am not convinced that my team will be able to get that, Mr President, but if they can, I will share that with all Hon. Members.

The reason why we have not allowed support bubbles at this current moment in time – I am not ruling them out, I hasten to add Mr President – it is just that at this current moment in time, is that the advice from our Public Health and Medics team is that it is too risky at this current moment in time. The biggest spread of this variant of COVID-19, it is obviously the Kent variant, is inter-house mixing. It is not outside, it is in the house and mixing. Therefore, given the high infection rates of this new variant, it was felt that now is not the time to allow creating two households mixing, a support bubble for want of a better word.

However, I would say that any vulnerable person who needs help is allowed someone to go in and help them with their food or carrying out their household duties where it is needed. Families that are sadly separated or divorced, the children are allowed to move between households, and obviously support for key workers and family members babysitting with certain restrictions and child-minding are in place.

Please do not think that the answer is no, Hon. Members, to setting up support bubbles for vulnerable people, but just at this moment in time, it is felt that the risk is too high.

**The President:** I am going to take four more Members before we move on.

Mrs Caine, Hon. Member for Garff.

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

I would like to ask the Chief Minister, when he says that it is not being considered at this time and it will depend how long the current circuit-break lockdown lasts, would he accept that coming up to two weeks already, households under extreme pressure, either single-person households wanting to bubble with another, or in a lot of cases that I am hearing, great hardship being caused to single parents not being allowed to access grandparents' support, who are desperate to bubble for routine and continuing childcare of multiple children in that household – especially where we have had a two-week circuit-breaker lockdown – provided those households have been separated, the risk, you would think, would be minimal; and also, with a lot of the older generation now being vaccinated?

Would he undertake to have this reviewed urgently? The extension of another week of lockdown has caused significant mental health issues for many people already at the end of their tether. Why can those people not be permitted to have bubbles from sooner rather than later and not have to wait another week or more before that is commenced by CoMin?

Thank you, Mr President.

**The President:** Chief Minister.

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

I understand the comments made by the Hon. Member. I hope that all Hon. Members feel that the Council of Ministers view this with concern and want to help as much as possible, but there is still a high infection rate amongst our young people.

And talking about elderly people babysitting at this moment in time, yes, I am glad to say that our vaccination programme is doing exceptionally well. It is certainly on par with the UK, if not better now, but it does take a while for people to build up their immune system. You do not just get the injection or the two injections and then you have full immunity from COVID-19; it just reduces – it reduces the risk of dying or needing severe hospital intervention, but it does take a

while to build up those antibodies. It is a judgement call based on the advice from our medical team and our Public Health team on what is best for the population.

So, yes, we want to help these groups as quickly as we can. Of course, we will keep it under review all the time and when the data suggests that we can move, please be reassured that the Council of Ministers will look to set up a one-to-one support bubble.

**The President:** Supplementary, Ms Edge.

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

I am quite sure the Council of Ministers will look to set up support bubbles as soon as possible. Has consideration being given to the families that are in this situation to go through a testing regime to speed that process up?

**The President:** Chief Minister.

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

We have not had that as a discussion. I suppose a testing regime only gives you a snapshot of that day. That is why, when we have people who are high risk, we have them tested on day one, day six or seven, and day 13. So if you just did one test, you are only getting a result of the current situation. The person could be developing, sadly, COVID, and will go on then to infect people.

I will take that point up with Public Health, but I think that is what they will say: that they have just delivered around 600-odd swabbings a day at this moment in time, and doing it for several hundred extra people, when it is only a snapshot, might not be the best use of resources, but it also might not give a fairer result to make it safe for people to do that. But I will certainly ask it again.

Thank you.

**The President:** Hon. Member, Mr Quine.

**Mr Quine:** Thank you, Mr President.

Following on from what the Hon. Member for Garff, Mrs Caine, has asked. Is the Chief Minister aware of the immense benefits which childcare bubbles have provided in the UK, whereby a child aged 13 or younger can form a bubble with a person or persons who ordinarily provide childcare to the child, such as grandparents? Now, given the current situation regarding hub schools, that could well allow assistance to vital key workers who are having to take time off work to provide childcare for their children.

Thank you, Mr President.

**The President:** Chief Minister.

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

I thank the Hon. Member for Douglas South, Mr Quine, for his question. I suppose there is a difference between ourselves and the UK. The UK are living with COVID, and we are still looking to eliminate it whilst we get on with our vaccination programme and obviously wanting to protect our hospital and services. So there is a difference in attitudes as a result of two different policies.

That said, I am more than happy to take that back to our Public Health and our medics and ask them to look again.

Thank you, Mr President.

**The President:** Hon. Member, Mrs Corlett, please.

**Mrs Corlett:** Thank you, Mr President.

Would the Chief Minister agree with me that many single-person households of all ages are struggling during this lockdown period? And whilst there is support online to help, it can never replace human contact. Will the Chief Minister just reassure us that, as soon as the current situation improves, support bubbles will be allowed?

**The President:** Chief Minister.

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

The Hon. Member Mrs Corlett makes a very good point. It is not just young people, but everyone across the board are missing their loved ones and not being able to go and see your mother on Mothering Sunday was a dreadful situation, but given that current levels, that is the advice. But of course, as soon as we are advised that it is safe to do for everyone – because the last thing we want is to increase the infection rate by trying to be kind and then making it worse – but the minute we have the advice that it is safe to do so, we will set up these bubbles, Mr President.

**The President:** Final supplementary, Mr Moorhouse.

**Mr Moorhouse:** Thank you, Mr President.

There are two aspects to this final question. The third sector has been able to develop initiatives in this area. Has the Government been able to provide them with any support to develop and promote their offering? Those people in need often appear to really struggle to get the support they actually require.

Finally, during the first two lockdowns, deck-chairing became an option. At what stage can we expect that to return?

Thank you.

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

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

I will take the last part first, regarding deck-chairing, which I know is not a word in the dictionary; it is a word I came up with just to describe sitting outside a loved one's house and having a chat. I would hope again, like the question from Mrs Corlett asked, the Hon. Member for Douglas Central, that as soon as possible we will set up the deck-chairing so that people can have a chat outside. It is purely down to the high spread, the Kent variant is out there sadly. It has gone through the community very quickly, and we just need to make these unfortunate tough decisions to speed up the return to normality. If we are too lax, this will continue to spread and we will continue to be in lockdown. I am sure none of us want that. We want to get out of this as quickly as possible.

Now, regarding the third sector, we are aware that there are some great initiatives in the third sector, and we do welcome these, such as Isle Listen. The 'Are you ok?' webpage promotes all of the support provided by the third sector that we are aware of, and we would be happy to be informed of any other third sector support which we could also include in the page, Mr President.

Thank you very much.

**The President:** Thank you.

**EDUCATION, SPORT AND CULTURE**

**4. Primary school meals –**
**Published menus**

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

*On how many occasions in the last 12 months the published primary school meals menu has not been provided?*

**The President:** We move on to Question 4. Hon. Member Ms Edge, please.

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

I would like to ask the Minister for Education, Sport and Culture on how many occasions in the last 12 months the published primary school meals menu has not been provided?

**The President:** I call on the Minister to reply, Dr Allinson.

**The Minister for Education, Sport and Culture (Dr Allinson):** Thank you, Mr President.

From 24th March 2020 until 28th May 2020, schools provided packed lunches to children and staff at all nine primary school hubs. From 15th June 2020 until 24th July 2020, we also provided packed lunches to all returning primary school children and staff.

Since 9th September 2020 we have provided hot meals from the current menu, including during the circuit-breaker lockdown, from 7th January until 29th January 2021, and between 3rd March and the 4th this year, after which all schools were closed.

Thank you.

**The President:** Supplementary question, Mr Quine.

**Mr Quine:** Thank you, Mr President.

Will the Minister agree with me that for many children in parts of the Douglas South constituency, a hot school meal is often the only source of nourishment which is made available to them during the course of a day, and that particularly in the colder part of the winter, as during the period of the last lockdown, it is vital that such children receive that nourishment?

Thank you, Mr President.

**The President:** Chief Minister. I am sorry, Minister for Education, Dr Allinson.

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

I would like to thank the Hon. Member for Douglas South for stating that. I think he is quite right. Unfortunately, for some children, particularly from poorer backgrounds, a hot school meal is *incredibly* important for them, and that is why we take a lot of time and effort to make sure they are of the highest quality possible.

Thank you.

**The President:** Hon. Member Ms Edge.

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

Obviously I thank the Education Minister for what he has just said: the highest quality possible. Is he aware, when meals have been provided, and they are not packed lunches, that the menu is *not* being adhered to, that is published and parents understand is what their children will receive?

I can give him one example from the week two menu, where it was a Quorn wrap and baked sausages. What actually was delivered on that day was chips, cheese and gravy.

Can the Education Minister advise how his Department quality checks the meals that are being delivered and who is responsible for ensuring that the head of meals is adhering to the menu that has been published?

**The President:** I call on the Minister to reply.

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

I must admit that talking about school meals is a welcome respite after all the talk about COVID over the last couple of questions. For instance, unfortunately our schools are shut, but today according to the menu, the primary schoolchildren of our nation would have been offered mild chicken curry served with rice and naan bread, or a jacket potato with cheese, tuna and baked beans, with a salad bar available, and a chocolate delight for pudding. (**The Speaker:** Oooh!) But the proviso on that, that is made quite clear to parents, is that meals may *not* be served in the order printed. Our cooks may need to change the menu at short notice, if, for instance, there are problems with food deliveries or a school activity has been arranged, but we will try to keep these changes to a minimum.

So I am sorry that the Hon. Member and her constituents did not get a Quorn wrap on that occasion, but we do work very closely with our fantastic catering staff to try to provide the menus that have been outlined to parents so that they know that their children are getting a healthy and balanced diet.

Thank you, Mr President.

**The President:** Two more questions; then we are moving on.

Mrs Lord-Brennan.

**Mrs Lord-Brennan:** Thank you, Mr President.

Can the Minister advise if parent pay accounts are still effectively being charged since the schools have been in lockdown? Are those charges still coming off the money that parents have paid into the accounts for school meals?

Thank you, Mr President.

**The President:** Minister to reply.

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

I would like to thank the Hon. Member for her question. She is quite right that people put credit on a parent pay account. I have been contacted by several parents during the previous lockdowns who wondered whether this could be refunded, because obviously they were not making use of it, and of course, if asked to, we will refund that credited amount back to the parent, particularly if they are facing some economic problems with cash flow.

Thank you.

**The President:** We move on to Question 5, Hon. Member for Onchan, Ms Edge.

**Ms Edge:** Mr President, I did have another question on the last one. Did you not see it on the screen?

**The President:** No, I did not, but you can ask it now.

**Ms Edge:** Okay.

I just wonder if the Education Minister would look to review the school meals service to ensure that the excellent service that he believes is being delivered … Who actually does a review? Is there an annual review? Can he advise how this is reviewed, please?

**The President:** Minister, please.

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

We constantly review both the meals on offer, the way that they are prepared, but also particularly the nutritional content of those. I know that the schools meals service works very closely with the paediatric dieticians at Noble's Hospital to construct a menu that is both wholesome, good value, but also inherently healthy for children.

Thank you.

**5. Degree courses –**
**Online provider funding**

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

*How many students are funded for degree courses with an online provider?*

**The President:** Question 5, Ms Edge.

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

I am glad that the Education Minister is looking forward to different questions today! I would like to ask him how many students are funded for degree courses with an online provider?

**The President:** Minister to reply, Dr Allinson.

**The Minister for Education, Sport and Culture (Dr Allinson):** Thank you, Mr President.

The Department is currently providing funding support for 25 students who are studying degree courses with online providers. Of these, 15 are studying through the Open University; four are studying through the University of Law; two are studying through the Nottingham Law School; with the others studying through Manchester, Hertfordshire, Central Lancashire and Birmingham colleges.

Thank you.

**The President:** Ms Edge, supplementary.

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

I just wonder if the Minister would review, because I know of a number of constituents that have asked for support, and certainly in the last week I have had somebody, and they were advised that you cannot receive funding for Open University. So I am wondering is the Minister … perhaps all employees in the Department are not aware of the policy if we are already funding people in this area.

Thank you, Mr President.

**The President:** Minister to reply.

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

Obviously my next Question is also about a similar theme, and I cannot comment on individual applications, but it could be that the individual may have studied at the same level previously and we would currently not fund the same or a lower level course. Or it could be that the contributors' income is above the level for which support would be offered. But if the Hon. Member has any particular issues with constituents, I would be more than happy to take those forward for her.

Thank you.

**The President:** Supplementary, Mr Hooper.

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

I am sure the Minister is aware that the student loan support scheme, the student funding scheme, actually has reduced amount of funding available for distance-learning courses when compared to courses delivered in person. I believe this is actually set out inside the Student Awards Regulations themselves. Does the Minister have any plans to review these Regulations and these restrictions as a matter of urgency, given where we are today and where we are likely to be over the next few years?

**The President:** Minister to reply.

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

I would like to thank the Hon. Member for Ramsey for pointing this out. He is quite right that under the current Education (Student Awards) Regulations 2019, Schedule 3, there is reduced amount of funding that can be available for online courses. On top of that also the eligibility criteria in terms of income is also different to courses sat physically across at various universities.

So certainly I can say to the Hon. Court that we are in the process of reviewing this and I will be bringing through amended Regulations to this Hon. Court in the near future.

Thank you.

**The President:** Final supplementary, Ms Edge.

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

I am pleased that the Minister is reviewing the policy on funding. Is the Minister during that review also reviewing how people … now that we are in a different climate with regard to COVID, and people may need to retrain, is he going to open this up so there are opportunities for other online courses for people who perhaps are struggling since COVID and may need, not necessarily degree, courses to be able to further their career in a different direction? Would he consider reviewing that within … I know he said in the near future to bring the new Regulations to Tynwald; can he give a better idea on a date, please?

**The President:** Minister to reply.

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

I would like to thank the Hon. Member for her question, because obviously, given the current economic and health problems the Island is facing, people are looking to reskill and upskill. I am pleased to say that University College Isle of Man has partnered with the Open University to offer a range of free training tools designed to encourage lifelong learning, and to support local people in the development of skills in a range of areas.

Open learn courses involve involving financial matters, effective communication in the workplace, personal branding, working in diverse teams, career mentoring, leadership and fellowship, developing career resilience, cybersecurity, everyday maths and everyday English are available for free by accessing the UCM website. I would like to encourage any people on the Island who wish to engage in further training to use this resource, which has been put in place

with the help and assistance of the Economic Recovery Group, because obviously upskilling and reskilling are incredibly important as we emerge and recover from the pandemic.

Thank you, Mr President.

**The President:** Final supplementary, Mr Perkins.

**Mr Perkins:** Thank you, Mr President.

I would like to ask the Minister, with the drop in interest rates, will he be addressing the interest rate on student loan repayments?

Thank you, Mr President.

**The President:** Minister to reply.

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

I would like to thank the Hon. Member for his question. Our student loan rate is pegged to the Bank of England base rate and so any changes in that will automatically lead on to a reduction in the student loan interest that is charged.

Thank you.

## 6. Alternative full-time higher education – Support for students

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

*When the Department last considered offering support for students pursuing alternative full-time higher education qualifications such as Open University degrees?*

**The President:** Question 6, Mr Moorhouse.

**Mr Moorhouse:** Thank you, Mr President.

I would like to ask the Minister for Education, Sport and Culture when the Department last considered offering support for students pursuing alternative full-time higher education qualifications such as Open University degrees?

Thank you.

**The President:** Dr Allinson to reply.

**The Minister for Education, Sport and Culture (Dr Allinson):** Thank you, Mr President.

Financial support is already provided to eligible students for part-time higher education studies, or full-time or part-time distance-learning courses, up to the current maximum of £6,000 per year.

The 2019 Student Awards Regulations approved by Tynwald increased support for these modes of study from £4,000 in 2018 to £6,000. Officers from the education service are currently working on an update to the next set of Student Awards Regulations and once this has taken place they will be submitted to Tynwald for consideration.

This update will include consideration of a number of challenges impacting higher education studies in this current and future post-pandemic period, including distance learning. The current COVID pandemic may see some students reconsider traditional routes into higher education learning, perhaps opting to remain on Island to study at University College Isle of Man or

alternative distance-learning offerings. We will have to be ready to meet these challenges to support our students, balanced always by budgetary challenges and the demand across the whole education sector.

Thank you, Mr President.

**The President:** Supplementary, Mr Moorhouse.

**Mr Moorhouse:** Thank you, Mr President, and thank you, Minister, for that detailed Answer.

With regard to the update, when will that become available?

Also, in the short term, would it be possible for the Department to actually promote these alternative courses? A lot of people are interested in them, and both myself and Ms Edge had the belief, possibly not the correct belief, that these funding methods were not available at the moment.

Thank you.

**The President:** Minister to reply.

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

I am sorry that we possibly have not advertised as widely as possible the options available. I think the current pandemic has given a new impetus to the way students consider the value for money of going across for a residential course or staying at home using distance learning or using University College Isle of Man. We have seen an increase in numbers of those studying on the Island over the last 12 months. Certainly, in terms of the number of students taking up the offer of help and financial support for online learning, this has gradually increased. In relation to the previous question from the Hon. Member for Onchan Ms Edge, the numbers from 2016-17, we only had one; similarly the following year; 2018-19 we had two; 2019-20 we had five; and this current year we have got 16 students studying in this way.

So certainly we are keen to expand the offerings available for Isle of Man students whether they want to go across, study at University College Isle of Man, or working with our partners at Chester University to develop distance courses that they can study here but still graduate with a degree from a UK university.

Thank you, Mr President.

**The President:** Hon. Member, Mr Quine.

**Mr Quine:** Thank you, Mr President.

Will the Minister agree with me that a sea change has developed in the way that higher education is now provided, which ultimately, as the Hon. Member for Arbory, Castletown and Malew alluded to, proves beneficial to our Island and so by encouraging more young people to seek to undertake their degrees by such as the Open University, a far better balance in their higher education could result, particularly concerning student loans, therefore enabling students to begin their post-university employment with much lower levels of debt?

Thank you, Mr President.

**The President:** Minister to reply.

**The Minister:** I would like to thank the Hon. Member for his points. I completely agree with him.

Unfortunately, the recent pandemic has cast a shadow over the whole student experience. People go to university, partly obviously for the degree that is on offer, but also for that experience; to mix with people from different backgrounds and to develop socially. With that taken away from them, many are now looking again at what they want out of higher

education/further education. But also we have to look at those young people and older people who may want to retrain and reskill in a very different economic environment, as we recover from the pandemic. So I am very keen that we give as much an offering as possible on Island for those people who want to stay here, perhaps study part-time to actually learn the skills that they need to progress in their career, or in fact pick a new career to go into as the job market changes.

Thank you, Mr President.

**The President:** Hon. Member, Mrs Corlett.

**Mrs Corlett:** Thank you, Mr President.

Would the Minister agree with me that whilst there are of course budgetary pressures to consider with regard to funding, there are economic advantages to students studying for degrees on Island? Parents spend thousands of pounds each year providing off-Island accommodation and living expenses to keep their children at university. Studying for a degree on the Island means it is possible that money could be spent in other ways on Island.

Thank you.

**The President:** Minister to reply.

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

I completely agree with the Hon. Member, but at the same time I would not want to withdraw support for those who want to stay across. As a small nation, we cannot provide the number of courses and the extent of courses that would be available in the United Kingdom. However, she makes a very good point about the costs of going across, particularly living costs, and the way that some families would find that difficult to fund.

I think what we are doing at the moment is working across Government to try to increase the range of courses available on Island through University College Isle of Man for a range of people at a range of points in their career, but also look at the College itself and invest in the College, so that those people studying on the Isle of Man get the same university experience that they would if they were at a university in the United Kingdom or elsewhere.

Thank you, Mr President.

**The President:** Supplementary, Mr Moorhouse, please.

**Mr Moorhouse:** I am fine, thank you, Mr President.

**The President:** We are not hearing you, Mr Moorhouse.

**Mr Moorhouse:** I am fine, thank you, Mr President.

**The Speaker:** He is fine.

**The President:** You are fine? Right.
Mr Hooper.

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

The original Question asked about alternative full-time higher education qualifications, yet the conversation has been almost exclusively around degree courses. The Minister has already committed to bringing back the Student Awards Regulations that support degree funding with an update, but can I ask the Minister if he will also be bringing back the VTAS scheme, the Vocational Training and Assistance Scheme, that the Department runs to provide financial support for those

students who may wish to retrain, train or upskill for courses that are not degree courses, that are perhaps more vocationally centred and more closely linked to their employment?

I am sure the Minister is aware, as I mentioned to him numerous times about the gaps that exist in this Scheme. I would be very grateful to hear from the Minister if he is going to bring this Scheme back as well, at the same time as bringing the Student Awards back. We cannot be looking just at one particular type of qualification, and I think we have to recognise the value that vocational training also will provide people in terms of economic recovery and job opportunities.

**The President:** Minister to reply.

**The Minister:** Thank you, Mr President, and I would like to thank the Hon. Member for Ramsey for correcting me. I think often – he is quite right – when we talk about further education, we become obsessed with degree courses, particularly for young people. But actually, the support that is on offer goes far wider than that. Currently support is provided in respect of qualifications on recognised QCF and RQF qualifications, but we need to make sure that we have that support for vocational qualifications as well, and that will certainly be part of the review that is going on in the Department at the moment.

Thank you, Mr President.

**The President:** Final supplementary, Ms Edge.

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

I wonder if the Minister could just confirm … Obviously he has just confirmed with regard to upskilling people in their skills and which scheme it is. Can he advise who is involved in the consultation on the changes to any schemes which currently his Department is offering? It sounds like a review of all the schemes needs to take place, not just one or two.

**The President:** Reply, sir.

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

What I have set out in my answers to the question is a review of the Education (Student Awards) Regulations 2019, to bring them up to date, because obviously these were approved by Tynwald over two years ago now. The world has changed and our Regulations need to change accordingly so we can support adequately all the students of our Island, but all those on our Island who need and want to learn, to advance their careers, or advance themselves.

Thank you, Mr President.

## ENVIRONMENT, FOOD AND AGRICULTURE

### 7. Reduction of domestic emissions – Environmental Protection Fund and DEFA plans

The Hon. Member for Rushen (Mr Speaker) to ask the Minister for Environment, Food and Agriculture:

*Whether his Department plans to submit a bid to the Environmental Protection Fund for grant or loan support to assist people in reducing their domestic emissions?*

**The President:** Question 7, Hon. Member for Rushen, Mr Speaker.

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

I would like to ask the Minister for Environment, Food and Agriculture whether his Department plans to submit to the Environmental Protection Fund for grant or loan support to assist people in reducing their domestic emissions?

**The President:** I call on the Minister to reply, Mr Boot.

**The Minister for Environment, Food and Agriculture (Mr Boot):** Thank you, Mr President, and I thank the Hon. Member for Rushen Mr Speaker for his Question.

Supporting local residents to reduce greenhouse gas emissions in their homes is of vital importance to us all, as we progress on our journey to net zero by 2050 and my Department, alongside the Climate Change Transformation team, have been developing plans that I am pleased to be able to share with you today.

Residential homes are our largest emitters of $CO_2$ on the Island. They account for 34% of our entire Island emissions, and this is growing by 3% per annum on average. This high percentage is attributable mainly to the heating of homes. The Climate Change Transformation board, on which I sit, have recently agreed the policy principles for a new revised Green Living Grant, and I can therefore confirm my Department will be submitting a bid to the Environmental Protection Fund for grant support to assist people in reducing their domestic emissions. The details are yet to be finalised; however, I am able to share with you the outline of plans.

The proposed framework for the Green Living Grant includes non-means-tested grants being available to applicants for a Manx home energy audit and improvement works undertaken by suitably accredited businesses. The grants will be available to homeowners, landlords and tenants for 50% of the cost and capped at a maximum of £6,000 per property. Subject to Treasury concurrence and Tynwald approval, the new scheme will launch in 2021 and provide grants for up to 1,200 homeowners to retrofit their homes, making them more energy efficient and increasing the overall energy rating, whilst also installing renewable energy, low-carbon heating systems and EV charging points.

Thank you.

**The President:** Supplementary, Mr Speaker.

**The Speaker:** Thank you.

Will the scheme be available in order to make sure that *all* homes on the Isle of Man are brought up to a decent home standard, recognising that this is not just about power consumption and heat loss, but also about the well-being and physical and mental health of individuals?

**The President:** Minister to reply.

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

The scheme at present envisaged is a climate change initiative and is therefore aimed at making properties more energy efficient, so that owners and tenants will be more comfortable and reduce their energy bills.

I think the Speaker is referring to what would have been the old improvement grants (**The Speaker:** Yes.) in 2011 to 2013, which allowed for various repairs to properties, roofs, damp-proofing, etc. At present this Scheme does not envisage that. It is aimed at climate change initiatives. However, I am having discussions with regard to things like damp particularly, which do impact on living standards, and also combined with an overall package in terms of making properties more energy efficient.

So I am not ruling that out, but it is something we could look at. Thank you.

**The President:** Supplementary, Mr Thomas.

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

Does the Minister intend that the scheme that is proposed in 2021 is aimed only to homeowners and occupiers of those homes, or will it also be available to people who own homes for renting out, or also for people perhaps who are the tenants? Could they apply directly?

Secondly, does the Minister not worry that this scheme sounds like it is aimed at richer people rather than poorer people, and does not address the transition objectives and the social aspects enshrined in his Climate Change Bill?

**The President:** Minister to reply.

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

I did say in my original Answer that grants will be available to homeowners, landlords and tenants. So it is all-embracing in that respect.

In terms of where the scheme is pitched, it is obviously a climate change initiative and we are trying to reduce the overall carbon footprint of the Isle of Man *per se*. I think we will be very careful to message this scheme in terms of what is available, and it is not just aimed at the wealthier section. It is obviously aimed at the whole Island and includes tenants.

Landlords will be included in this, and we have not come to an absolute number of properties, but there is an envisagement that maybe up to six properties per year, because the last thing we want is landlords sucking the money out of the scheme in one go. It will enable people to address some of the issues with some of the poorer property and obviously the less wealthy element of society.

Thank you.

**The President:** Hon. Member, Mr Hooper.

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

I have got two questions for the Minister. The first thing: most properties on the Isle of Man have not been assessed for the energy efficiency, as far as I am aware, so most properties do not have a SAP rating or an energy certificate of any kind. Without this system in place, how does he intend to be able to demonstrate that improvements to a particular property will be the best way of improving efficiency in that particular house?

Secondly, he has mentioned this scheme is going to be targeted across the whole Island and not just at wealthier households, but in his original remarks I am sure he mentioned that the scheme would provide 50% funding (**The Speaker:** Hear, hear.) up to an amount. If that is the case, how does he expect lower-income families and homeowners and tenants to be able to find the other 50% themselves? Or does he have another scheme envisaged to support people who probably do not have several thousand pounds lying around in a bank account just waiting for energy efficiency improvements to their home?

**The President:** Minister to reply.

**The Minister:** Thank you.

In terms of a SAP rating, we are looking at making one of the components for entry into the scheme a grant-assisted EPC, that is an energy performance certificate in UK terms, or a Manx home energy audit. That will identify the areas in a property that require attention to bring them up to a reasonable standard and it will prioritise those. So a householder will be confronted with a report that says, 'Loft insulation is your number one priority' and then it will

slide down the scale. So that will inform the process and help householders know what they need to address.

In terms of means testing, which is what the Hon. Member is referring to, the scheme is still in development. I am sharing the initial thoughts with you. It has to go to Treasury for concurrence and come to Tynwald for approval, and it may well be there will be a means-testing element, because the Hon. Member makes a good point. People do not, at the lower end of the wealth spectrum, have spare cash to provide 50%. So I am not ruling that out either. I am sharing the embryo scheme with you today and we will certainly look at that before it comes through to Tynwald.

**The President:** Hon. Member for Garff, Mrs Caine.

**Mrs Caine:** Thank you, Mr President, and I would like to thank the Minister. I think this is to be welcomed; that finally there will be some grant aid available for people to retrofit their homes. But I am concerned that it is only retrofitting that the Minister has mentioned, and I am aware that many developers at the minute are developing hundreds of homes on the Isle of Man and many offering gas boilers as standard in those.

So is there any possibility that this could be available to purchasers who are purchasing off plan; who are being told that if they want, for instance, air source heat pumps to be installed, that is an extra £5,000 or £6,000? So a grant for 50% could mean, instead of having retrofitting in the future to be going on for many years for homes being built right now, that purchasers of those homes would be able to access such a grant to ensure that the low-emission heating systems, non-fossil fuel heating systems, were starting to be fitted as standard in new homes being developed at the moment?

Thank you, Mr President.

**The President:** Minister to reply.

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

In terms of SAP ratings and energy efficiency, obviously the biggest area of inefficiency is in the legacy housing stock. We have already revised the building regulations and by 2025, most of the houses, or all of the houses that will be built as new, will almost be at passive standard. So that is quite a high standard and we are looking at the building regs at present to see whether there are any further tweaks, and certainly, in the commercial sector, there are some improvements that can be made.

When it comes to properties at present, the aim of this scheme is to address the legacy issue, not new properties that are going to come out with a higher insulation and SAP rating as they are built at the moment. I do not think any Members would like us to start subsidising house builders. I think at the end of the day, whilst gas boilers are still using fossil fuel, they are one of the most efficient forms of heating at the moment, and if people who are buying new homes want to convert to air source heat pumps, you are absolutely correct, there is an additional cost, and I do not think the Members would like us to be subsidising that at this stage, when they are already going to be moving into very energy-efficient homes.

But the Member makes a good point. They are still fossil fuel boilers, but they will be phased out in due course, as we all know, with the Climate Change Bill that is in process at the moment and at some stage it may well be that these gas boilers that are going in may be able to use biogas or a mixture of hydrogen and normal gas, so they might not be as redundant or as obsolete as they seem in terms of providing heating.

So we have to look to the future. Technology is moving fast. Air source heat pumps are a lot more expensive at the moment.

Thank you, Mr President.

**The President:** Mr Speaker.

**The Speaker:** Thank you.

Can I ask the Minister what his thinking is behind offering a non-means-tested grant at a rather low level, rather than interest-free loans to people to allow them to cash flow what is an improvement to their property better, but a grant top-up for those who are the least able to afford it? But we want everyone of course to raise the game.

By way of a supplementary, could I also ask the Minister when he plans to come to Tynwald with this, how much he plans to bid for and how he is going to define success of the scheme?

**The President:** Minister to reply.

**The Minister:** Non-means testing: we have looked at grant schemes elsewhere, and in particular the UK, and it is evident that if you means test you reduce the entry into the scheme. We have had an Energy Efficiency Grant Scheme available since 2018 that is means tested, and at quite a high level, really. A jointly assessed couple could earn up to £43,000 a year to enter up to £1,000 worth of improvements. Basic stuff that does provide fairly good insulation standards, LED lighting, things like that, and the uptake has been very poor, despite various new messaging and advertising etc.

So we want to get the maximum number of people involved in this as we can. This is a climate change initiative, and we want to address those legacy issues. So whilst we can have a look at the level of grant for the less wealthy people, I think by not means testing it we are going to get maximum entry.

We have also looked at loan schemes. Loan schemes make it very complex. They tried that in the UK as well with very varying different results. In fact, I think earlier schemes that they had there, where they were doing a loan scheme, have been abandoned. People do not like taking out loans that attach themselves to their properties for a long time, and it puts people off.

You asked about the amount of money we will be bidding for. I am not quite sure how much of the Climate Change Fund we will be able to allocate to this, but I think it will be several millions of pounds. This is not a small initiative. It is aimed at quite a number of properties.

In terms of when it will come to Tynwald, we need to refine the scheme, seek Treasury concurrence, and I suspect it will be with Tynwald – and I am not making a 100% commitment here – in May or June.

Thank you.

**The President:** Hon. Member, Mr Thomas.

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

Can the Minister advise how the estimate of several million pounds compares with his Department's estimate of the cost of bringing up private housing to a reasonable standard in his private housing condition survey?

Secondly, can the Minister confirm that SAP efficiency estimates were made of the Isle of Man's housing stock in 2016-17 and that they had fallen relative to the UK since they were last made in 2007?

Finally, can the Minister confirm how what he has proposed today is actually compliant with the social justice and the transition objectives in the Climate Change Bill that he has before the Branches at the moment?

**The President:** Minister to reply.

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

Well, in terms of looking at properties, obviously this will be an ongoing scheme. There is a commitment from Government to continue funding climate change initiatives. I did refer to around 1,200 properties with the current scheme as proposed, and that will be a rolling programme. That is a small percentage of the total legacy properties on the Isle of Man, but it will be reliant on the next administration to continue funding that. We are starting that process; we cannot do everything at once. So consequently there is quite a substantial sum of money available, up to £10 million at the moment, and some of that will obviously be applied to this scheme.

Now, with regard to SAP ratings, as I said earlier, there has been a snapshot and been a comparison with other properties, but a condition of entry into this scheme will be having an EPC or SAP rating carried out, Manx energy efficiency audit, and that will give us a far better idea of where properties sit in that spectrum. We know from the private housing survey that a lot of properties are deficient in terms of modern standards of insulation and at lower end of the SAP rating scale. So that is ongoing.

Now, with regard to compliance to a fair and just transition, I have already alluded to the fact that we may well look at a larger percentage grant or 100% grants for lower-income groups and it is non-means tested. So it is open to everyone. And it is a substantial amount of money, let's be fair. Even at £6,000 at 50%, that is £12,000. That will enable some really worthwhile improvements to people's properties and make their properties more energy efficient, so they will save money as well as helping in terms of fossil fuel and $CO_2$ emissions.

Thank you.

**The President:** Mrs Lord-Brennan.

**Mrs Lord-Brennan:** Thank you, Mr President.

Is the Minister able to commit to revisiting grants or loan support for work on damp properties? If these basic and pernicious matters cannot be resolved, then dealing with emissions and efficiency might be a bit of a reach for people. Indeed, if you are not dealing with matters to do with damp then it might actually conflict with other bits to do with airtightness and things like that. So will he look again at support to address some of the fundamental issues?

Thank you, Mr President.

**The President:** Minister to reply.

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

I cannot commit to anything at this stage. I am a member of the climate transition board and this needs to go through the board and for Treasury concurrence. I have already said that we may examine that, but I do not think we want to move into the area of overall improvement grants. In fact, I think in looking at what happened in the past, they would be probably unaffordable at present.

I should say that rental properties have to meet minimum standards. Our environmental health officers look at properties and if there are issues, serious damp and disrepair, those issues will have to be addressed. Indeed, the Landlord Registration Bill will emphasise the fact that landlords will have to be registered and stick to these minimum standards.

In terms of private homeowners, as I said, we will look at that, but I cannot make any commitment at this stage.

Thank you.

**The President:** Final question, Mrs Maska.

**Mrs Maska:** Thank you, Mr President.

I must say I do welcome the proposal. I have been asking for a while now, when we have had various briefings, what proposals might come forward to assist property owners, but it is very encouraging to see that this possible scheme will be available to landlords and tenants, which has been raised in a number of quarters.

I do have concerns, though, that if there is no intention to address property repairs, given that 34% of our housing stock … or housing on the Island is a *major* contribution to carbon emissions, it would be unwise to give grants to upgrade your property in terms of its emissions if the roof is leaking or the external fabric (**The Speaker:** Hear, hear.) of the property is not up to standard. So I really do question why that would not be part of the wardrobe of grants and assistance that really needs to be available, given the level our older property section across the Island.

Also, I am concerned that 50% being £6,000 may still put this grant scheme out of reach to a number of families and people in our community.

Finally, I would ask that the Minister might give an undertaking that before this scheme is, or schemes are, finalised that further engagement with Tynwald Members might happen, so that what is offered in due course is the best fit that we can manage at the moment and fit for purpose.

Thank you, Mr President.

**The President:** Minister to reply.

**The Minister:** Thank you very much.

I thank the Member for her welcoming the move. It is definitely a move in the right direction and we have been chastised, for want of a better word, by Members for not moving things on, and I am hoping that from a climate change perspective this will be perceived as a definite move in the right direction. I think including landlords and tenants is an important part of this process.

The Hon. Member expresses concerns about disrepair. Well, in terms of the tenant of property, landlords should be complying with minimum standards. But if we look at the private sector, I am not sure that we should be incentivising people or giving people money to repair houses they should be repairing themselves. There are obviously some cases where there are inherent problems, with people being, shall we say, cash poor and capital rich, and not able to have availability of … *[Technical interference]*

In general terms, the housing condition survey showed that the housing stock – there are some exceptions – is reasonably good. But I think if Government is offering people up to £6,000 to complete works for insulation, the various other things, there has to be an element of responsibility for your own property. Now, I do not know how you address that, and I certainly have said that we will look at the issue for poorer households in terms of the amount of grant available. But if we extended this to disrepair, and this is something for … it is a political decision. The money that we have at the moment will not cover the amount of properties that we are trying to cover from a climate change perspective. So there are two different political agendas here.

As to engaging with Tynwald, obviously the Climate Change Bill and what has gone on before have given us a sense of direction as to where we want to go, and the IMPACT report from Prof. Curran in terms of how we try and reduce that legacy housing stock $CO_2$ emission is all part of what we are doing. But I have no problem, the climate change board, in doing a presentation to Members in due course, with the nuts and bolts of the scheme, when we are in that position to do so.

Thank you.

**The President:** Now, I am getting a bit concerned about the length of questions and the length of answers on a topic which has broadened out from what is actually on the Paper. So Mr Baker, then finally, Mrs Maska. Short questions and answers, please.

Mr Baker.

**Mr Baker:** Thank you, Mr President.

Would the Minister agree with me that what he is bringing forward is a specific scheme addressing energy efficiency and climate change issues, and it is not designed to address all housing-related matters?

Furthermore, would he also agree with me that the Minister for Policy and Reform is leading a workstream around the National Housing Strategy, and that may well be a more appropriate vehicle to consider some of the wider issues that have been raised in this debate?

Thank you, Mr President.

**The President:** Minister to reply.

Mr Boot.

**The Minister:** I shall be short, Mr President.

I agree entirely and that was point I was … *[Technical interference]* This is an energy efficiency scheme and, yes, there is work going on elsewhere that would be more appropriate in terms of the way forward.

Thank you.

**The President:** Mrs Maska.

**Mrs Maska:** Thank you, Mr President. I will be brief, thank you.

Thank you to the Minister for his very full response. I would just ask that as part of the scheme, it might be possible to look at just one-off, minimal grants, which has happened in the past and from my own experience it did work quite well where you could get a one-off grant for insulating your roof that was not means tested and it was taken up quite well across the Island in my experience. So rather than putting some of the grants out of the reach of people who cannot access it or engage, it would just be available as a one-off grant to help reduce emissions, but not a complicated system.

Thank you, Mr President.

**The President:** Mr Boot, to reply.

**The Minister:** Thank you, Mr President. I will try and be short.

This scheme has an entry through the Manx energy efficiency assessment, which is an EPC in essence. It will list out the improvements that can be made and what that will save a householder, then there will be a general cost attached to that. They do not have to select everything. They could just go for home roof insulation or hot water tank insulation. So it is a pick-and-mix scheme and certainly does not commit people to spend that £12,000.

I hope that helps. Thank you.

**HEALTH AND SOCIAL CARE**

**8. Mental health service –
2020-21 budget**

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

*Why the mental health service was budgeted to underspend by £1 million in 2020-21?*

**The President:** Question 8, Hon. Member for Rushen, Mr Speaker.

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

I would like to ask the Minister for Health and Social Care why the mental health service was budgeted to underspend by £1 million in 2020-21?

**The President:** Minister for Health and Social Care, Mr Ashford, to reply.

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

The mental health service has not underspent against its allocated budget in 2020-21; indeed, the service is forecasted to exceed its budget allocation by some 10% this financial year.

The major contributing factors associated with the 10% overspend relate to its statutory duty to provide aftercare under section 115 of the Mental Health Act 1998 and costs associated with the provision of highly specialised off-Island medical treatment.

Thank you, Mr President.

**The President:** Mr Speaker, supplementary.

**The Speaker:** Well, I am fascinated by that Answer, and I was keen to be able to compare that to page 62 of the Pink Book and ask the Minister how it is that it looks to be showing here the net probable being £20 million this year, lower than last year's net actual?

**The President:** Minister to reply.

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

I have raised this with the team and I believe it is due to the time of the forecast. The actual budget allocated, which was allocated in the 2020-21 Pink Book, was £18,045,000.

**The President:** Mr Speaker.

**The Speaker:** I am just conscious why there was not more done to supplement existing provision with maybe private sector or third sector provision, given the unmet needs that we all know exist during this very difficult time for so many people?

**The President:** Minister.

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

The overspend this year will actually be based on what was the Pink Book Budget of 2020-21, which was the £18,045,000, which can be found on page 65 of the Pink Book from 2020-21. The overspend on that is £2,052,000. The overspend in relation to that is in relation to general management and support services, which has an overspend of £547,000 and also, as I said, section 115, which accounts for £552,000 overspend. There is also the rapid assessment team, which does

give community support: they will be overspent as a result of the services they have undertaken this year by £126,000.

**9. Cannabis reclassification – DHSC plans**

The Hon. Member for Garff (Mrs Caine) to ask the Minister for Health and Social Care:

*What plans his Department has to seek an amendment of the law to reclassify cannabis as a Class C drug?*

**The President:** Question 9, Hon. Member for Garff, Mrs Caine.

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

I would like to ask the Minister for Health and Social Care what plans his Department has to seek an amendment of the law to reclassify cannabis as a Class C drug?

**The President:** Minister to reply, Mr Ashford.

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

There are no plans for the Department of Health and Social Care to move an amendment to legislation regarding the reclassification of cannabis to a Class C drug.

Thank you, Mr President.

**The President:** Mrs Caine, supplementary.

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

Can I ask the Minister whether it has been considered by his Department? Also, would this be something that the Advisory Council on the Misuse of Drugs could be looking at? And in mentioning that, the last report I see for them was actually 2013-14 that I could find, so can he confirm whether this body would be able to discuss such a move or change to reclassify cannabis? Also, why has the body not met or produced a report for the whole of this term of administration?

Thank you, Mr President.

**The President:** Yes, you tagged on an extra non-related question, but Minister to reply.

**The Minister:** Yes, Mr President. I am happy to answer.

In fact, I myself have queried via my office why the misuse of drugs advisory group has not produced the annual reports and I am awaiting a response, Mr President. I myself have actually flagged that.

In relation to the Advisory Council on the Misuse of Drugs, it is a requirement, if we were to propose any change, that they be consulted under the Misuse of Drugs Act. My understanding, Mr President, is in the past when they have been consulted on this and changing the classification, there has not been support amongst the advisory group for that move.

I can say, and I am happy to say on record, because it has been on record many times before, my personal view – and it is only a personal view, Mr President – is I do support reclassification. But I think we have to be very careful about the law of unintended consequences in relation to that because there are potentially implications in relation to those who actually potentially prescribe medicinal cannabis and also potentially, if we are a different classification to the UK,

whether there is any impact on the Customs and Excise Agreement with the UK and also the maintenance of free flow between the UK and the Isle of Man.

So we just have to be very careful when we are proposing anything, or suggesting proposing anything, that it does not have unintended consequences.

## 10. Cannabis prescription for medicinal use – Progress

The Hon. Member for Garff (Mrs Caine) to ask the Minister for Health and Social Care:

*What progress has been made with enabling the prescription of cannabis for medicinal use on the Island; and what GP engagement there has been on this?*

**The President:** Question 10, Mrs Caine.

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

I would like to ask the Minister for Health and Social Care what progress has been made with enabling the prescription of cannabis for medicinal use on the Island; and what GP engagement there has been on this?

**The President:** Minister to reply.

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

As reported to Tynwald in November 2020, the Department of Health and Social Care does not currently fund the prescribing of cannabis-based medicinal products, and this is in line with our current situation in relation to all NICE TA drugs.

The current position of non-funding remains under review and is considered on a regular basis.

Regarding the issue of GP involvement, there was a public consultation in 2019 which GPs were welcome to contribute to, and more recently the GPs were contacted directly to assess their interest in prescribing cannabis-based medicinal products. Nineteen GPs responded, and of the 19 GPs who responded, 17 stated they were not willing to undertake this, and two GPs stated a positive interest in this field.

Again, as noted previously, there are other considerations in addition to funding, including the need for the prescriber currently to be on the General Medical Council Specialist Register and to have a special interest in the clinical area being considered. NHS England expects specialist doctors to prescribe cannabis-based medicinal products only within their own area of practice and training and the decision to prescribe should be agreed by the appropriate multi-disciplinary team.

Here on the Island, were we to do so, we would need to vary from that as, to the best of our knowledge, no prescriber on Island currently fits these criteria.

**The President:** Supplementary, Mrs Caine.

**Mrs Caine:** Thank you, Mr President, and I thank the Minister for his reply.

I wonder if he could give us a bit more information about the recent consultation with GPs; what proportion of our GPs would that 19 that responded make up, for instance, and was any move made to contact the remaining GPs to see whether they had any strong thoughts either way?

Also, the Minister will be aware that we are now just about two years since a public consultation was completed on this matter, and the massively overwhelming majority of the Manx population was in support of allowing cannabis to be prescribed for medicinal use and repeatedly

we are made aware of cases where it is very beneficial for people. So does the Minister feel that this can be brought in, especially in the light that the Isle of Man has now issued licences for people to grow it, but not to import it into the Island for prescription purposes? And when will the Manx population see a policy change on something that has very strong support?

**The President:** Minister to reply.

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

Again, my personal views are very much on record on this, in relation to medicinal cannabis and the availability of it. But the thing we have to be aware of, Mr President, and I have to be conscious of as Minister, is we do need to take the medical professionals with us.

If we do not have the support of the medical professionals then we could end up with the situation that you see in other jurisdictions around the world, where they have quite liberal prescribing regimes for medicinal cannabis but they do not necessarily have the medical professionals willing to prescribe it. So we just need to be a bit careful around that, Mr President, that we take the medical professionals with us.

It does take a frustratingly long time. Again, like I say, my personal views on this are very much on record, that I would personally like to see prescribing of medicinal cannabis, and I must say that actually some things, particularly around where the Hon. Member mentions about people bringing in prescriptions, some of those systems have been held up because the Department just does not have the physical capacity at the moment to design and implement those systems.

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

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

The Minister keeps referring back to GPs not being willing to prescribe as some kind of barrier to getting the law changed. To my understanding, GPs are never under an obligation to prescribe any drug or service. GPs have complete freedom as to whether or not they decide to prescribe anything, in line with what they feel is best for their patients, based on their clinical experience and the evidence that is in front of them. So there is a huge difference between adding medicinal cannabis on to the list of things that a GP may prescribe, should they be willing to do so, and compulsorily making sure GPs are required by law to prescribe. As far as I am aware, no one is talking about the latter, everyone is talking about the former, which is simply adding on medicinal cannabis to the list of things that GPs may prescribe should they feel it is appropriate in the circumstances.

Can the Minister advise why it is that his Department is seemingly unable to progress changing the law in this space and why it is he keeps treating GPs and the prescription of cannabis via GPs as something that almost seems to be a compulsory route, which is definitely nothing that anyone has ever talked about?

**The President:** Minister to reply.

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

It most certainly is not compulsory and the Hon. Member for Ramsey is quite right. I have never treated it as compulsory. No GP is under any obligation to prescribe any drug. I am simply making the point that what is the point in changing the law and getting everything in place if you do not have people willing to prescribe the product?

In relation to medicinal cannabis, we do need to be careful as well, Mr President, because if we are talking about widening the base for medicinal cannabis and the products, at the moment there are only two products, to the best of my knowledge, that actually carry a marketing authorisation. None of the other products actually carry any form of marketing authorisation and so therefore do not have the same rigour of regulation on them, so it is not as simple as changing

the law because we need to be aware what products we are changing the law to, whether we are going just purely for those that are market regulated or not, and whether we are going to go purely for the two that are approved by NICE. If we do, that creates a problem around the other funding position because we do not currently as standard fund NICE TA drugs, and so there are other issues in there; it is not just as simple a matter as changing the law.

This is something the Department has been looking at but again, Mr President, at the moment with the capacity within the Department it is not something that I am afraid the DHSC can, at the current time, view as a priority.

**The President:** Hon. Member, Mrs Christian.

**Mrs Christian:** Thank you, Mr President.

Is the Minister aware that in Jersey medicinal cannabis was initially prescribed by just one clinic with two GPs for a population of 107,000 in 2019, and now has three clinics with just six GPs? So by this measure, does the Minister not agree that we only need a small number of GPs, in fact just one or two would be sufficient to prescribe medicinal cannabis to those who urgently need to treat chronic pain and chronic anxiety?

I would also like to say that it is slightly misguided that UK GPs at the moment are under specialist provision, but actually GPs make very good prescribers, as most cannabis response problems are GP problems, as I said, like chronic pain or chronic anxiety. I hope that we can follow Jersey's method and not the UK by just asking for specialists.

Thanking Mr President.

**The President:** Minister to reply.

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

As I said, in my original Answer, if we were going to go down that route, we would have to vary from the UK model, which does require someone to be on the specialist register with a special interest in the clinical area being considered. Jersey is one of the models that the Department is looking at.

But again, Mr President, I have to say, with everything else that DHSC is doing at the moment, we are absolutely stretched to the hilt. Something has to give, otherwise the Department will give and so as much as, again, my personal views are on record, I have got to take a pragmatic view as Minister to ensure that the Department can cope and look at this in a subtle way.

I know that in relation to Jersey and the prescribing via clinics, that is a potential route that we could look at. I know that Primary Care has engaged with several possible options in that area. But again, as Minister, Mr President, I have got to take a pragmatic view of everything that is going on in DHSC, and at the moment, to be quite blunt, there are other things taking a high priority.

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

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

I am grateful to the Minister for spelling out that he is personally in favour, but can he tell us is there much resistance to this within the Department – not just a capacity issue; are there medical or health professionals within the Department who are resisting any change on this? There is a saying 'where there is a will there is a way', and there seems a huge amount of willingness on the Island to implement it and yet no traction within the Health Department. So are there any blockers within the Department to a policy that has been consulted on, has huge amounts of support?

And when does the Minister imagine that it might be possible to implement this policy on the Island and make cannabis available to those seeking it on prescription?

Thank you, Mr President.

**The President:** Minister to reply.

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

I cannot pick a date out of the air because, like I say, it depends upon capacity with DHSC. DHSC did consider this in November 2020 as to how we move it forward, and the Department's view was at the current time, with everything else going on, unfortunately it is not something that we can move forward at this present time. We have got to focus on other things, particularly the creation of Manx Care, the COVID response and ensuring that the day-to-day services are running but it is something that is still on the Department's agenda.

In relation to the Department and clinicians, there are no blockers, as such, Mr President – there is no one who can block thing – but there is a widespread amount of views. As with most people and also out in society, there is a wide range of views from those who believe it should not be prescribed at all to those who believe it should be available over the counter, and clinical views in between, so we have a wide range of views. The Department is keen to get something done but I have got to be realistic, Mr President. With the current pressures the Department is under, quite frankly, there are greater priorities at the moment.

**The President:** Supplementary question, Mr Mercer.

**Mr Mercer:** Thank you, Mr President.

Would the Minister ask the Advisory Council for the Misuse of Drugs to lay their annual report before Tynwald as required by the Misuse of Drugs Act? I think it would be very helpful for this House to see and to understand the advice that has been provided in regard to medicinal cannabis and industrial hemp.

**The President:** Minister to reply.

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

As I raised under the previous answer to the Hon. Member for Garff, Mrs Caine, my office has raised why the reports have not been published. I do have to point out that under the Act the Advisory Council is completely independent, I have no instructional powers over them as Minister, but my office has queried why those reports have not come forward for the last few years.

**The President:** Final supplementary question, Mrs Christian.

**Mrs Christian:** Thank you, Mr President.

I am really struggling here; I understand capacity, I understand we are in a pandemic and I understand there is a great strain on the Department right now, but what would the Minister suggest for the 30 or so patients that are in absolute chronic need for this medicine? What would he suggest they do in the interim, when he is giving us no date whatsoever, for them to be able to get some respite in some way? What does he suggest that they do in this time? Are we talking months? Are we talking six months? Are we talking a year? Can he give some clarity here and give some assurance to these 30 or so patients, that this will be top of his agenda as soon as possible.

Thank you, Mr President.

**The President:** Minister to reply.

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

I would love to give assurance and clarity but unfortunately I cannot, Mr President, because like I say, there are other strategic issues within DHSC that have got to take priority because they themselves have safety implications and patient implications.

The DHSC is absolutely stretched. We are in a worldwide pandemic as well, but even in ordinary circumstances, with everything that is going on at the moment, DHSC is stretched, and that is the situation as we find it.

I am keen to move things forward. In terms of the domestic agenda outside of DHSC, having to transform and all the other pressures around the pandemic and COVID response, for me personally, this is a priority. It is something that I have been very passionate about and my views are on public record. So I would love to give reassurance to those who need it, but unfortunately at this point, Mr President, I cannot.

**The President:** Final point, Mr Mercer, you had a final supplementary.

**Mr Mercer:** Thank you, Mr President.

Is the Minister aware of any mechanism whereby the Public Health Directorate can avoid the obligation placed on it that it must lay an annual report before Tynwald?

**The President:** Minister.

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

Firstly, to say it is not the Public Health Directorate; the Advisory Council on the Misuse of Drugs is completely and utterly separate. I stand to be corrected, but I am not aware of any way that the Council can avoid it, Mr President. As far as I am aware, it is in legislation and, like I say, my office has queried it with the Council.

**Procedural**

**The President:** Now, Hon. Members, we have completed as far as we can this morning. It is my intention to adjourn until 2.30 p.m. We will resume at Question 11, proceeding for approximately half an hour to ensure that the full allocation of time is devoted to tabled Questions.

The Court will now stand adjourned until 2.30 p.m.

*The Court adjourned at 1.02 p.m.*
*and resumed its sitting at 2.30 p.m.*

**Announcement of Royal Assent –**
**Manx Care Act 2021**

**The President:** Fastyr mie, good afternoon, Hon. Members. We resume our sitting.

First, however, I am pleased to announce that Royal Assent has today been given to the Manx Care Act 2021.

**JUSTICE AND HOME AFFAIRS**

**11. Controlled drugs –**
**Review of current laws**

The Hon. Member for Garff (Mrs Caine) to ask the Minister for Justice and Home Affairs:

*If he will make a statement on his Department's work reviewing the current laws relating to controlled drugs, with special reference to cannabis?*

**The President:** We resume our tabled Questions for Oral Answer at Question 11. I call the Hon. Member for Garff, Mrs Caine.

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

I would like to ask the Minister for Home Affairs and Justice if he will make a statement on his Department's work reviewing the current laws relating to controlled drugs with special reference to cannabis?

**The President:** I call on the Minister for Home Affairs and Justice, Mr Cregeen, to reply.

**The Minister for Justice and Home Affairs (Mr Cregeen):** Thank you, Mr President.

In the debate on the Hon. Member for Ramsey's motion, Mr Hooper, on drugs policy review in December 2020, Tynwald was supportive of the amended motion:

> That Tynwald is of the opinion that the Island's approach to tackling the harms caused by illegal drugs should be informed by the Joint Strategic Needs Assessment on Drugs and Alcohol undertaken by the Government in 2017; and that the Minister with responsibility for Justice should bring forward a report to Tynwald no later than June 2021 [sitting] setting out how a review of the Island's approach to the harms caused by illegal drugs could be undertaken.

Despite the delays in progressing these matters, as a direct result of the two lockdowns since the debate on the review, and the pressure on both staff within my Department and in particular within Public Health, which has led to the cancellation of recent Substance Misuse Strategy Group meetings, it is my intention to ensure we are in a position to fulfil that commitment by June 2021.

Thank you, Mr President.

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

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

I am grateful to the Minister for providing that update. Can I ask, in the course of his deliberations to bring forward a report in June 2021, whether he will be considering or asking that the Advisory Council on the Misuse of Drugs do make a report to inform that decision-making?

Also, has any consideration been given by his Department to considering when, for instance, the Justice Reform Act is implemented, whether it would be possible to enable fixed penalty notices to be issued for cannabis possession?

Thank you, Mr President.

**The President:** Minister to reply.

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

Not to pre-empt any decision from the review, I would just like to advise the Hon. Member the Substance Misuse Strategy Group includes representation from my Department, the Department of Health and Social Care, the Department of Education, Sport and Children, Customs, Police and

Public Health. So these would be involved. I would suggest the Department for Enterprise, with its involvement with the cannabis industry should also have input.

Thank you, Mr President.

**The President:** Supplementary, Mrs Caine.

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

Could I ask the Minister, given as well all the figures that he provided last week in terms of the number of people on drug offences arrested each year, in excess of 250 for the last two years, and then referred on the drug referral scheme – and I look forward to getting the prison statistics as well – is this a high priority for his Government? Can he say whether he personally feels that the drugs policy needs a shift in terms of the right solution, a Manx solution for the Isle of Man?

Also, in light of the Chief Constable's statements in previous annual reports and the increase in organised crime related to drugs offences, how much of a priority is it for this Minister and does he see anything significant changing in our drugs laws being put into the report to come before Tynwald?

Thank you, Mr President.

**The President:** Minister to reply.

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

I would like to reiterate that this report I am hoping to bring before the June Tynwald will give some direction on where we are going.

Thank you, Mr President.

**The President:** Hon. Member, Mrs Christian.

**Mrs Christian:** Thank you, Mr President.

Would the Minister also confirm if the Department would also consider the findings of the Runciman Report 2000, which was an independent inquiry into the Misuse of Drugs Act established by the Police Foundation, and that the prosecution of offences of cannabis possession should be the exception and only then should an offence resulting in a conviction incur a criminal record?

Thank you, Mr President.

**The President:** Minister to reply.

**The Minister:** Thank you, Mr President; we seem to be going over the grounds here.

What we are doing is we are bringing forward a review on the strategy on the assessment on drug and alcohol undertaken in 2017, and that report will be leading into further work along the way. This is just the start of the process we are going through.

Thank you, Mr President.

**The President:** Final supplementary, Mrs Caine.

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

I am sorry to be repetitive, but I have not heard a response specifically from the Minister to two points I have just queried. The first is will that report he is working on with his Department bring forward a new strategy for the Island? Will that be informed, will they be requesting any report from the Advisory Council on the Misuse of Drugs who have not reported for so many years? Will that be part of the consideration?

Also, again to ask the Minister, what is his personal view, given previous comments from the Chief Constable, the increase in organised crime as a result of drugs? Does he feel that the Isle of Man needs a seismic shift in its drugs policy and laws on the Island, personally? What does he feel?

Thank you.

**The President:** Minister to reply.

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

It all depends if the report is available for the working group to look at, and that is part of how we are going to see the strategy is performed. As to what is my personal opinion of what the Chief Constable says, that is the Chief Constable's opinion.

Thank you, Mr President.

## INFRASTRUCTURE

### 12. Dangerous driving offences – Change in sentencing law

The Hon. Member of the Council, Mr Henderson, to ask the Minister for Infrastructure:

*What plans he has to propose a change in the law whereby drivers who cause death or serious injury whilst (a) using a mobile phone or (b) being under the influence of drugs or alcohol could face a maximum life sentence?*

**The President:** Question 12, Hon. Member of Council, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane. Ta mee shirrey kied yn eysht y chur ta fo my ennym.

I beg to ask the Shirveishagh for highways what plans he has to propose a change in the law whereby drivers who cause death or serious injury whilst (a) using a mobile phone or (b) being under the influence of drugs or alcohol could face a maximum life sentence?

Gura mie eu.

**The President:** I call on the Minister for Infrastructure to reply, Mr Baker.

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

There are no plans to change the law in relation to the listed offences and introduce a maximum life sentence here on the Isle of Man.

My Department is responsible for the Road Traffic Act 1985, which deals with offences and penalties. Currently the maximum sentence for causing death by careless driving, which could include the use of a mobile phone or death by driving whilst under the influence of drink and drugs or reckless driving is 14 years' imprisonment, a fine or both.

The United Kingdom is currently in the process of considering a Bill that could introduce a life sentence for drivers who kill by dangerous driving or by careless driving when under the influence of alcohol or drugs. The Bill is the Police, Crime, Sentencing and Courts Bill 2021. The Department of Infrastructure is keeping a watching brief on the development of that Bill in the United Kingdom.

Thank you, Mr President.

**The President:** Supplementary, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

Will the Shirveishagh accept that most of our road traffic legislation, including sentencing tariffs, are mirroring what we have in the UK?

I note he says that he is closely monitoring the developments with regard to progressing to a maximum life sentence tariff if necessary, but does he not accept that deaths due to road traffic collisions involving drinks or drugs, mobile phones, etc., which we have had over the years, 14 years is not good enough and does not reflect the seriousness of the accident that has occurred?

Thank you.

**The President:** Minister to reply.

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

I can confirm for the Hon. Member from Council, Mr Henderson, that currently Manx law and the UK law treat these road traffic offences in the same way and that if the Bill is passed in the United Kingdom, then there would be a variance in that a life sentence could be applied in the UK and only a maximum 14 years here on the Isle of Man.

As I have already said, Mr President, we are monitoring the situation carefully. However, I would draw attention to the comparative situation in terms of other sentences in the UK. In the UK life sentences are only used for offenders who commit the most horrendous crimes, such as murder, rape and armed robbery, and judges decide the minimum number of years a prisoner will serve of a life term on a case-by-case basis. In many years, that is a minimum of 15 years without parole.

It is important that we make the right legislation for the Isle of Man and not simply mirror what the UK decides to do. But as I have said, we will monitor the situation and see how that unfolds in the United Kingdom, which is a process that has been going since 2014 when it was first reviewed by a committee. They consulted in 2016, the UK government announced its intention to put forward a Bill in 2017, and it is only now that an actual Bill has come forward. So this has been quite a long journey in the United Kingdom, which we will continue to monitor with interest.

Thank you, Mr President.

**The President:** Hon. Member, Mr Quine.

**Mr Quine:** Thank you, Mr President.

I very much welcome the question as put by the Hon. Member of Council, Mr Henderson. Following on from what he has just said, would the Minister agree with me that the current legislation regarding the use of mobile phones by drivers continues to be flagrantly disregarded, hence part of the reason the hon. gentleman has tabled the Question, and that sterner penalties for the use of mobile phones whilst driving, such as a mandatory one-year driving ban and a requirement to retake a driving test, should be something which he should consider?

Thank you, Mr President.

**The President:** Minister to reply.

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

The Hon. Member for Douglas South, Mr Quine does make a very relevant point. However, if it is a case of people flagrantly ignoring the legislation which he is actually highlighting, that is about people's behaviours and about enforcement. That is very much something that is in the hands of the road traffic unit of the Constabulary and I am sure that they will take notice of his comments and will respond in an appropriate manner. But this is against the law now, so this is not a question of the penalties being insufficient, this is about people blatantly ignoring the legislation that is in place.

As both hon. questioners have pointed out, these incidents and these behaviours can have extremely serious, life-changing consequences for those who are affected, so it is very important that they are taken seriously and that those who commit these sorts of offences are firstly caught and then are punished.

Thank you, Mr President.

**The President:** Final supplementary, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

Does the Shirveishagh not accept that, in fact, when he talks of life sentences reserved for the most serious of incidents such as murder, that, in fact, death caused due to a driver being intoxicated with drinks or drugs, for example, is effectively murder, where that person has knowingly gone onto a carriageway and driven a car in an unfit state, or completely unable to make any decisions? Does he not think that we require a greater deterrent and moving the maximum tariff up, for the court to decide – they may decide it might only be 14 years, but they have that option – and that message would go out *really* clearly to such persons? And further, would he agree that it would go a long way to help in his new road traffic strategy?

**The President:** Minister to reply.

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

Well, I cannot disagree with what the Hon. Member Mr Henderson has said. Clearly, the tougher the penalties, the more the deterrent. But I would say very clearly, very publicly and for the record, this sort of behaviour is unacceptable, whether the maximum tariff is 14 years or is indeed life. It is unacceptable to drive intoxicated by drink or drugs, or any of the other things that Mr Henderson has brought to our attention.

Of course, Hon. Members will recall the legislation which is about to pass through the Legislative Council at the moment, which actually makes drug driving an offence and tightens the provisions around that. So I believe we are moving in the right direction, but I am more than happy to pick this up with the Minister for Justice and Home Affairs, the Roads Policing Unit and the Road Safety Partnership and ask them to review in a considered way, not in a knee-jerk way, as to the appropriateness of the sentences and whether any further legislative change is required.

## 13. Key road infrastructure – Reconstruction of main routes into Douglas

The Hon. Member of the Council, Mr Henderson, to ask the Minister for Infrastructure:

*When his Department intends to reconstruct the main arterial routes into Douglas as part of its phased programme of key road infrastructure renewal and upgrade?*

**The President:** Question 14. Mr Henderson again, please. (**The Speaker:** Question 13.) Question 13.

**Mr Henderson:** Gura mie eu, Eaghtyrane. I was just waiting for the correction there. Thank you.

Eaghtyrane, ta mee shirrey kied yn eysht y chur ta fo my ennym.

I beg to ask the Minister for highways when his Department intends to reconstruct the main arterial routes into Douglas as part of its phased programme of key road infrastructure renewal and upgrades?

**The President:** Minister, Mr Baker, please.

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

I can advise that the Department plans to undertake remediation work to the following areas of arterial primary routes leading to Douglas in the coming year. These will generally be a combination of structural work, including resurfacing and reconstruction, unless I indicate otherwise. So the programme includes: Quarterbridge Road; the A5 from Ballalonna Bridge to Brown Cow Hill; Fort North roundabout and the A5 to Ballakinnish; Braddan School Road; the A18 section below the Ramsey hairpin at Stella Maris; the A2 Corrany to Hibernia, where the work will involve microsurfacing; and Richmond Hill drainage work and surface dressing remedial work undertaken by the contractor.

The Department has a 10-year road investment programme that is regularly updated using a combination of condition surveys, strategic network development requirements and customer feedback, to identify areas for improvement, intervention, rehabilitation or construction. This document will be made available on the Department's website within the coming days, but it must be noted that this is a working document and subject to review and change.

Looking further ahead, the Department's future plans include: Saddle Road and Tromode Road, which are becoming increasingly important parts of the strategic network; sections of the A2 Coast Road around Laxey; the A2 through Corkill's roundabout in Onchan; Lord Street, old police station roundabout; Ballafletcher Road; areas of Johnny Watterson's Lane; and sections of Cooil Road. The above are likely to require a combination of reconstruction and resurfacing. Further site investigation is planned to determine the extents and appropriate solution.

Thank you, Mr President.

**The President:** Can I just check, Minister, that in your reply you referred to Fort North?

**The Minister:** Fort North roundabout. I did, Mr President.

**The President:** Fort North roundabout. Well, that is very interesting because one of your predecessors, Mr North, unofficially had that roundabout named after him. Perhaps you will bequeath a Fort Baker somewhere in the Island. *(Laughter)*

Mr Henderson.

**The Speaker:** On the Promenade! *(Laughter)*

**The Minister:** I am not planning on dying quite yet, Mr President! *(Laughter)*

**Mr Henderson:** Gura mie eu, Eaghtyrane.

Yes, the 'Fort North' label has stuck from our former Hon. Member (**The Speaker:** Hear, hear.) up at the Cooil Road junction there, as it was the largest roundabout ever in the Isle of Man at the time.

However, Eaghtyrane, I wish to ask a supplementary to the Minister with regard to main arterial routes leading into Douglas. I have not heard him mention the likes of Woodbourne Road, Prospect Terrace, Ridgeway Street or Victoria Street, which is the main commercial business and commuter routes into our capital. Why not?

Would he also agree with me that in fact, on Woodbourne Road and Bucks Road, the foundations, the concrete slabs, are failing now and the road is actually sinking? Would he agree it is like driving over a field of traffic-calming measures, and this requires to be urgently reprioritised?

**The President:** Minister to reply.

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

I clarify for the Hon. Member that the roads that he has referred to were not, in the Department's view, within his description of main arterial routes into Douglas. I think they are roads that are clearly important, and they are clearly in Douglas, but I would not have considered them as part of the main arterial routes into Douglas.

I am very happy to actually pick up the detail with Mr Henderson and to ensure that those particular roads of concern are looked at by Department officers. I bow to his superior technical knowledge than mine in terms of the concrete slabs sinking on the particular road that he mentioned, and also the analogy of driving over a field of traffic-calming measures, which I personally have not done, but I take the point that Mr Henderson is making.

So if Mr Henderson could just drop me a note, or I will get it from *Hansard*, of the particular roads that are causing him concern. I take his point and we will get them looked at, Mr President, and assessed in accordance with the Department's methodology.

Thank you.

**The President:** Final supplementary, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

I thank the Shirveishagh for his positive answer into this and would point out, if he would agree with me, that the main arterial routes into Douglas he mentions feed into the roads and street network I have just mentioned, which are the main throughways of the Island's capital and thereby have the maximum amount of capacity, commuter traffic, business traffic and so on, and if he would do, I certainly thank him for his offer of further information, Eaghtyrane.

But if he could agree with the concept, I would be grateful.

**The President:** Minister to reply.

**The Minister:** I agree that the roads that Mr Henderson has mentioned do connect to the main arterial routes into Douglas, but certainly the Department, in interpreting his Question, did not have the insight as to where his specific concerns were, and answered the Question as it was written. The main arterial routes into Douglas, I would contend, do cover the roads that we have listed and do not cover the ones … But notwithstanding that, as I said, very happy to pick it up direct with Mr Henderson and let's have a look at the detail.

## 14. Daytime use of vehicle head lights – Regulations

The Hon. Member of the Council, Mr Henderson, to ask the Minister for Infrastructure:

*When his Department intends to make regulations that will make drivers of motor vehicles use dipped beam head lights if the vehicle is not fitted with automatic daytime running lights?*

**The President:** Question 14, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

Ta mee shirrey kied yn eysht y chur ta fo my ennym.

I beg to ask the Minister for highways *again* when his Department intends to make regulations that will make drivers of motor vehicles use dipped-beam headlights if the vehicle is not fitted with automatic daytime running lights?

Gura mie eu.

**The President:** Mr Baker to reply.

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

The Department does *not* intend to make regulations requiring drivers to always use headlights during the day. Although there is some evidence that daytime running lights *might* reduce accidents, making it an offence to forget to switch on the car's headlights in good daytime weather conditions seems excessive.

I note that in the Highway Code, Mr President, rule 113 states that:

> You MUST when driving a vehicle … use headlights when visibility is seriously reduced

– and it is an offence not to do so; and at rule 115 it states:

> You should also use dipped headlights … in dull daytime weather, to ensure that you can be seen;

Since February 2011, daytime running lights have been mandatory on new vehicles, with the exception of motorcycles. Vehicles older than 2011 often have the option of daytime running lights and I would encourage people to use this function.

Whereas I do not support such regulations as Mr Henderson has advocated, I would support a Police-led education and information campaign to encourage drivers to use dipped headlights or daytime running lights during the day when conditions require.

Thank you, Mr President.

**The President:** Mr Henderson, supplementary.

**Mr Henderson:** Yes, gura mie eu, Eaghtyrane.

I thank the Shirveishagh for his semi-positive Answer there and would fully support his initiative on PR. However, does he not accept that on the UK government public website, the Department of Transport, it states that research has shown that the use of daytime running lights on all vehicles can reduce accidents and fatalities up to about 6%? So it is well worth a look at. It is not worth just throwing it away.

Would he agree also, I am not looking for sentencing but perhaps a caution if this was brought in? Would he agree this is the same argument we had when we were discussing the mandatory use of seat belts in the 1990s? We had the same argument.

Thank you.

**The President:** Minister to reply.

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

I would agree with Mr Henderson's research. Research in the UK does suggest that daytime running lights could reduce multiple vehicle daytime accidents and fatalities by up to 6% once fitted to all vehicles. The estimation is that in the Isle of Man currently around half of vehicles have them fitted. I would also, in passing, highlight that they are also estimated to have an adverse impact on fuel economy and emissions by increasing fuel use by approximately 0.5%. But I fully understand the sentiment with which Mr Henderson is bringing this forward.

I am very happy to pick the conversation up through the Road Safety Partnership. I think the questions that Mr Henderson has brought forward today can all be put forward to that forum where my Department of Infrastructure highways officers work very collaboratively with the Roads Policing Unit from the Constabulary; and they can give not just the legislation side of things due consideration, but also the education and enforcement, which of course is absolutely key to improving road safety on the Isle of Man, which we all want to see improved.

Thank you.

**The President:** Supplementary, Dr Allinson.

**Dr Allinson:** Thank you, Mr President.

Would the Minister agree that, whilst this particular aspect of road safety was not part of the Road Safety Strategy approved by Tynwald in 2019, it could actually become part of the further action plans being developed in the future, particularly as car technology further develops?

Thank you, Mr President.

**The President:** Minister to reply.

**The Minister:** Yes, I would absolutely agree with the contribution from the Hon. Member for Ramsey, Dr Allinson.

It is important that the action plan that has been put in place is continually reviewed as technology changes and other priorities come forward, and this fits very nicely with that action plan which underpins the strategy, which of course was supported, I believe unanimously, in this Hon. Court; and is effectively a partnership document between, in particular, the Road Safety Unit and the Highways Department officers.

Thank you.

**The President:** Final supplementary, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.

I thank the Shirveishagh again for his very positive answers towards this particular topic, but would he agree with me that some of the resistance to this is *personal* –not from him – but there is a minority of personal views about this.

I would draw his attention, as he is going to look into this subject going forward for the Road Safety Strategy, to looking at the European countries that have already had this regulation in for *many* years, and the objections with regard to the use of daytime running lights actually do not appear to have manifested in those countries, many of which hold, for instance, motorcycle racing events, which is one of the concerns with regard to using headlamps.

Would he agree that that is an ongoing situation and it is worth looking at how do they manage to get that regulation in?

**The President:** Minister to reply.

**The Minister:** Yes, thank you, Mr President.

I am happy to concur with the Hon. Member in his comments. I cannot validate other people's views on resistance to this direction of travel, but clearly we live in a free country where there are a range of views on many different matters.

What is important to me is that we, as Government and as this Hon. Court, do the right things for the people of the Isle of Man and we should be open to considering lessons from other jurisdictions, including the European countries, and taking the best learnings that we can, but apply them to the specific circumstances in the Isle of Man. That for me, Mr President, is how we are going to get the best outcomes for the people of the Island, and I am happy to push that forward through the forum that I have already indicated.

**POLICY AND REFORM**

**15. COVID-19 vaccination process –
Connection to official population records**

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

*Whether the vaccination invitation list will enable an early estimate of the Island's population and demography; and how the COVID-19 vaccination process is connected to the Smart Service Framework, electoral registration and the census?*

**The President:** Question 15, Hon. Member for Douglas Central, Mr Thomas.

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

I beg leave to ask the Minister for Policy and Reform whether the vaccination invitation list will enable an early estimate of the Island's population and demography, and how the COVID-19 vaccination process is connected to the Smart Service Framework, electoral registration and the census?

**The President:** I call on the Minister for Policy and Reform, Mr Harmer, to reply.

**The Minister for Policy and Reform (Mr Harmer):** Thank you, Mr President.

The vaccination invitation list could potentially serve as a population indicator, to be considered alongside other indicators used for population estimates. It may assist by making the GP capitation lists, which are used as the principal population estimate data set, more accurate. However, as receiving the vaccination is (1) dependent on the GP list and (2) optional, the veracity of the list as a potential indicator will need to be carefully assessed.

The vaccination invitation list is not connected to the Smart Services Framework, electoral register or the census, most significantly because there would be no *vires* or gateway in place personal information to be shared from the GPs and the Department of Health and Social Care through to the divisions within the Cabinet Office.

The scope of phase 1 of the Smart Services Framework was limited to three candidate projects, being the census, electoral registration and the jury lists, in which much of this work has been delayed as a result of development resource having previously been redeployed to developing COVID-19 projects such as the 111 call centre, track and trace, and data reporting.

Thank you, Mr President.

**The President:** Supplementary, Mr Thomas.

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

Could the Minister kindly confirm my recollection that phase 1 of the Smart Service Framework actually includes a demographic data project, as well as the two I think I heard him list?

Secondly, if the GP capitation data is the same as the original vaccination list, I am delighted that it should actually be an accurate estimator of the population and also the age cohorts from 50 and above to estimate the population in coming months. We do not need responses to vaccinations, we just need to make sure that everybody who is entitled to a vaccination in those age groups is invited accurately. Would the Minister agree?

**The President:** Reply, sir.

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

Obviously the vaccination lists have some particular issues around them. Obviously, they do not include children, as they are not currently being vaccinated. New residents may not have had an opportunity to register with a GP and departing residents may not have de-registered from their Island GPs. Deceased residents may not have been removed from GP lists. So obviously the same issues with GP lists apply as they do with the vaccination list.

Regarding the status of the phase 1 projects, the Smart Services Framework, a minimum viable product has been delivered for the January 2021 canvass. This will be followed by the development of further functionality to make legislation and requirements in advance of the 2021 Election. Benefits will require review due to the change in approach and change request against the original Smart Services business case stage one, and obviously that will be submitted in the next Digital Strategy Fund board.

Thank you, Mr President.

**ATTORNEY GENERAL**

**16. Isle of Man Steam Packet Company –**
**Travel notification isolation requirements document**

The Hon. Member for Douglas East (Mrs Barber) to ask the Attorney General:

*Why the travel notification isolation requirements document, in respect of the Isle of Man Steam Packet Company, was unenforceable; and what advice he has provided to resolve this issue?*

**The President:** Question 16, Hon. Member for Douglas East, Mrs Barber.

**Mrs Barber:** Thank you, Mr President.

I would like to ask the Attorney General why the travel notification isolation requirements document, in respect of the Isle of Man Steam Packet Company, was unenforceable; and what advice he has provided to resolve this issue?

**The President:** I call on the learned Attorney General to reply.

**The Attorney General: T**hank you, Mr President, and I thank the Hon. Member for Douglas East, Mrs Barber, for her Question.

My primary role, in relation to the continuing pandemic, is to ensure that enabling legislation is in place and that adequate enforcement provisions are contained therein. In this case, the Public Health Regulations provide for the issue of direction notices, which are the responsibility of the Department to both draft and issue. In most instances, these directorate notices are drafted by the Department without any reference to my Chambers, but if requested my officers will and do provide advice and assistance. Similarly, if asked my officers will and do provide their comments on direction notices which have been drafted and issued by the Department.

In relation to the direction notice issued to the Isle of Man Steam Packet prior to the outbreak incident referred to, I would confirm that I had not personally provided advice on the document, although I have been present during meetings when the emerging situation was discussed by the Council of Ministers when reference was made to the document.

I am, however, aware that, following the emerging issues to which the Question refers, my Chambers was then consulted to consider the notification document in question, and advice was provided as to how such document might be better worded to improve its requirements and potentially its enforceability.

I am mindful that the Chief Minister has advised Hon. Members in relation to the particular instance referred to within the Hon. Member's Question that the matter is to be fully reviewed. I have no involvement in that review and will not currently, and nor do I expect to be given access to all the information that would be needed to fully assess, analyse and conclude that review.

The issues of enforceability may yet have to be determined by a court, so given my role in the prosecution process I need to be careful what I say.

My own consistent message throughout dealing with imposing restrictions on the public as a consequence of the pandemic has been that there may be potential difficulties with enforcement proceedings, especially when one considers that many restrictions afford a defence of reasonable excuse, so it leads the issue as to enforcement for the courts to determine.

I trust that Hon. Members will understand that I must exercise caution here in what I say. I do have issues of privilege to consider and the review I referred to is not complete, so as Attorney I am in the same position as all in our community of uncertainty as to the implications, whatever is found to have occurred.

As Her Majesty's Attorney General, I must also be mindful that any instance which engages a public authority's powers, including adherence to directions issued by a public authority or the efficacy of those directions, might have some potential for future proceedings between parties adversely affected by a decision.

Thank you, Mr President.

**The President:** Supplementary Mrs Barber.

**Mrs Barber:** Thank you, Mr President.

So to confirm, the Attorney General has not routinely cited, or a member of his office – the learned Attorney is not routinely cited, him or anyone in his office – on the notifications that are issued requiring people to self-isolate?

**The President:** Mr Attorney.

**The Attorney General:** Thank you, Mr President. That is correct.

**The President:** Mr Speaker.

**The Speaker:** If I could just ask Mr Attorney, returning to the Questions earlier this morning, as to whether he had any input into the statement from Government that they did not feel that there was any criminal wrongdoing?

**The President:** Mr Attorney.

**The Attorney General:** Mr President, as I hope Hon. Members and the questioner will appreciate, I would not have input in such a statement. My role has got to be neutral, and certainly matters of criminal investigation or any subsequent criminal prosecution are not matters for the Council of Ministers or, indeed, any Members to concern themselves with.

**The President:** Thank you.

**CHIEF MINISTER**

**17. International development –
2020-21 budget**

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

*Whether the entire 2020-21 international development allocated budget will be used; and if he will make a statement?*

**The President:** We turn now, finally in the time we have, to Question 17. Mrs Barber.
Mrs Barber, please.

**The Deputy Clerk:** Mrs Barber appears to be on mute, Mr President.

**The President:** Mrs Barber, Question 17 please.

**Mrs Barber:** Apologies. I would like to ask the Chief Minister whether the entire 2020-21 international development allocated budget will be used, and if he would make a statement?

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

**The Chief Minister (Mr Quayle):** Thank you, Mr President.
I thank the Hon. Member for her Question.
The Council of Ministers is committed to international development and to providing support to vulnerable people and communities around the world. While the challenges of the last 12 months must be acknowledged, we must also recognise that we have been relatively fortunate. It is therefore anticipated that the total £2.5 million for 2020-21 international development budget will be allocated before the end of the financial year.

**The Speaker:** Hear, hear.

**The President:** Mrs Barber, supplementary question.

**Mrs Barber:** Thank you.
I would like to thank the Chief Minister for that commitment. Could he outline a little bit more detail around the areas in which that will be allocated and how he proposes to ensure that the public are aware of where that has been allocated to?

**The President:** Chief Minister.

**The Chief Minister:** Thank you very much, Mr President.
In my Answer to the Hon. Member for Douglas Central's Written Question in August 2020, I advised that it was anticipated that the Small Grants Funding Scheme, for which second year payments were already committed, the Disaster and Emergency Relief Funding Stream and the Global Development Education and Awareness Grant, now referred to as the International Development Education Awareness and Strategy Grant, will have their entire allocated budget awarded for the 2020-21 financial year. This is still the case.
I also advised that the Small Countries Financial Management Programme has been cancelled for the 2020-21 financial year and funding surrendered. In respect of the International Development Partnership Funding Stream, on 9th May 2020, the Cabinet Office decided to

temporarily suspend any new commitments to the International Development Partnership Funding Stream, pending a review of the situation in the autumn.

Following that review and the resumption of the funding stream, applications opened on 14th December 2020 and closed on 29th January 2021. It is anticipated that part of the 2020-21 budget will be utilised for year one IDP funding of successful applications. The Cabinet Office Political Group has considered a number of options in respect of the remaining underspend, which will see the entirety of this funding stream utilised for the 2020-21 financial year.

**The President:** Supplementary Mr Thomas.

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

Does the Chief Minister agree that Cabinet Office Political Group could consider a focus on vaccination programmes in the rest of the world, given governments' need in respect of acquiring expertise in respect of vaccination?

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

**The Chief Minister:** Thank you very much, Mr President.

The Hon. Member for Douglas Central may be surprised that I totally agree with his comments and thoughts on this topic and have asked for this to happen. We are looking at what is known as the Covax Initiative, and Covax is co-led by the World Health Organization, supported by the Coalition for Epidemic Preparedness Innovations and Gavi, which is the Vaccine Alliance, alongside a key delivery partner, UNICEF. Its aim is to accelerate the development and manufacture of COVID-19 vaccines, and to guarantee fair and equitable access for every country in the world.

I thank the Hon. Member for raising the awareness of this initiative and can advise that this was one of a number of options for the allocation of 2020-21 international development funding under consideration.

**The President:** Thank you, Hon. Members. That brings Questions for Oral Answer to a close.

## Suspension of Standing Orders to take remaining Oral Questions – Motion lost

**Mr Thomas:** Mr President? Can I beg leave under Standing Orders to suspend Standing Orders to allow the rest of the Questions to be taken at this sitting?

**The President:** Mr Thomas has moved for the suspension of Standing Orders to allow the remaining Questions to be taken. I would require a seconder and then we vote on that.

Having been proposed and seconded, I put the question: please vote now.

*Voting resulted as follows:*

*In the Keys* – Ayes 13, Noes 11

| **FOR** | **AGAINST** |
|---|---|
| Mrs Barber | Dr Allinson |
| Mrs Caine | Mr Ashford |
| Mr Callister | Mr Baker |
| Mrs Christian | Mr Boot |
| Mrs Corlett | Mr Cannan |
| Ms Edge | Mr Cregeen |
| Mr Hooper | Mr Harmer |
| Mr Moorhouse | Mr Peake |
| Mr Perkins | Mr Quayle |
| Mr Quine | Mr Robertshaw |
| Mr Shimmins | Mr Skelly |
| Mr Speaker | |
| Mr Thomas | |

**The Speaker:** Mr President, in the Keys, 13 for, 11 against.

*In the Council* – Ayes 6, Noes 3

| **FOR** | **AGAINST** |
|---|---|
| Miss August-Hanson | Mr Henderson |
| Mrs Lord-Brennan | Mr Greenhill |
| Mrs Maska | The Lord Bishop |
| Mr Mercer | |
| Mrs Poole-Wilson | |
| Mrs Sharpe | |

**The President:** And in the Council, 6 for, and 3 against. A quorum of both Branches not having been achieved, the motion fails to carry.

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# Question of Urgent Public Importance for Written Answer

**EDUCATION, SPORT AND CULTURE**

**UQ3. COVID-19 cases in schools – Numbers**

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

*How many cases of COVID-19 have been identified to his Department, broken down by school, since the identification of a case associated with the Steam Packet Company?*

**The Minister for Education, Sport and Culture (Dr Allinson):** The Department of Education, Sport and Culture is not notified of the number of positive cases of COVID-19 identified among school age children and young people by the contact trace team.

# Questions for Written Answer

**CHIEF MINISTER**

**18. Contact tracing – Effectiveness**

The Hon. Member of the Council, Mrs Lord-Brennan, to ask the Chief Minister (Minister for the Cabinet Office):

*Why contact tracing is more effective and timely than publicly announcing places associated with positive test results?*

**The Chief Minister (Mr Quayle):** The objective of contact tracing is to identify those who have been contacts of confirmed positive cases, categorise them according to risk of transmission, and arrange self-isolation and testing as appropriate.

As always, in seeking to break chains of onward transmission of infection, identification and isolation are the key steps in preventing further mixing by people who are, or are likely to be, infected.

The first step in contact tracing is to take a detailed history from each confirmed case regarding where they have been, with whom, and when over the days preceding onset of symptoms or date of positive swab (for those who are asymptomatic). From this, the contact tracers are able to determine who are high risk contacts with a high likelihood of infection.

In terms of contribution to onwards spread, it is far more important to identify and isolate this group than the low risk contacts.

Identification and contacting of high risk contacts must be done by direct contact – not by putting out a 'public alert'. There are multiple reasons for this:

(1) High risk contacts need to have the situation explained to them, be offered testing and be given a direction notice setting out the requirements for self-isolation.

(2) Many high risk contacts occur in private settings – for example a gathering in a household. These 'places' cannot be put out through 'public alert' for obvious reasons of confidentiality.

(3) The same may apply to other venues/settings (including small workplaces, private parties in external venues, etc.) where the nature of the setting/event is such as to allow identification of those involved.

For 'low risk venues', public alerts are used to notify the public of these. In this context, the message is usually one of 'be aware you may have been in a venue with a confirmed case and as a result you are at low risk of transmission from that case. You do not need to isolate, but please be vigilant for symptoms and contact 111 should you develop any'.

On some occasions, the Public Health and Contact Tracing teams will ask people who were present in a venue to come forward for a 'surveillance swab'. This is not routine for every venue and the decision to do this depends on assessment of a variety of factors including the nature of the venue and the time since the case was present. There are limitations to the effectiveness of public alerts in helping to identify those at risk, for a number of reasons including:

(1) Some people may not be aware of the alert or may choose to ignore it.

(2) Some people who were present at the relevant time and place may choose not to come forward for a variety of reasons. Based on observations here and in the UK these include individuals deciding (wrongly) that there is a reason why the alert does not apply to them; and individuals who recognise that it does apply to them but decide not to follow it, for example, because they want to avoid the hassle, they do not want other people to know they were there, they have work or other commitments that they do not want to miss because of the implications of the contact.

(3) Some people who were not present at the relevant place and/or time will come forward for reasons of anxiety – this risks overloading the system with people who are at very low or no risk from the identified case.

I hope this makes clear to Hon. Members that a simple system of giving out 'public alerts' is not an alternative to rigorous contact tracing.

When levels of infection in the community are high, alerting the public to 'low risk venues' is much less useful. In this situation, all venues pose a low level of risk for infection and the public should follow all guidance to reduce that risk wherever they may be.

## EDUCATION, SPORT AND CULTURE

### 19. Latest COVID-19 cluster case in school – Advice received

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

*What advice he received when the first known case of the latest COVID-19 cluster was identified in a school?*

**The Minister for Education, Sport and Culture (Dr Allinson):** The results came in late afternoon on 4th March. On that same afternoon, I was advised and the results were discussed at the public press briefing.

The 5th March was the next available CoMin meeting where the Director of Public Health advised formally that it was the Kent variant.

**20. Latest COVID-19 outbreak –
Kent variant**

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

*When the Council of Ministers was informed that the latest COVID-19 outbreak was the Kent variant?*

**The Minister for Education, Sport and Culture (Dr Allinson):** On 11th February it was confirmed that a UK-based member of staff employed by the Isle of Man Steam Packet Company had tested positive for the SARS-CoV-2. On Thursday, 18th February the public was notified that an Island-based member of crew had also tested positive.

One of the children identified in a household cluster connected to the Steam Packet Company tested positive on 17th February.

They had not attended Ballakermeen High School since 12th February – as it was half term, but the contact tracing team identified 10 close high-risk contacts among their class, all of whom were asked to self-isolate and received testing. All of these tests came back as negative.

Advice from the Director of Public Health was that this represented a low risk of onward transmission as did possible contact with the affected pupil who had used the Number 31 bus to go to school the previous Friday.

**21. Education system –
Use of technology**

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Education, Sport and Culture:

*What plans he has to improve the use of technology within the education system?*

**The Minister for Education, Sport and Culture (Dr Allinson):** The use of technology in education is an ever evolving and dynamic space; one in which the Isle of Man has a strong and proud tradition. Technology has long been an enabler for excellent classroom practice on the Island. We have a track record of technical innovation in education and making the right choices for our pupils when it comes to the use of digital hardware and software to enhance learning experiences and improve outcomes.

The Department of Education, Sport and Culture is in the process of devising new strategic objectives that will guide the functioning and outcomes of the education service over the next five years.

Part of this strategy will be aimed at ensuring Island children receive personalised, collaborative and integrated learning experiences for the digital generation. Education technology (Edtech) will be a vital medium for achieving these objectives.

The Education Service will continue to work collaboratively with pupils, school teachers, technology providers and importantly, the wider public and private Isle of Man digital sector to deliver our ambitious goals for the future.

**HEALTH AND SOCIAL CARE**

**22. Oral health –
Tooth extractions in children**

The Hon. Member for Garff (Mrs Caine) to ask the Minister for Health and Social Care:

*How many children underwent tooth extractions under general anaesthetic on average every month in the last two years; and what progress has been made on implementing a campaign to improve the Island's oral health?*

**The Minister for Health and Social Care (Mr Ashford):** Dental treatment under general anaesthetic for children up to the age of 16 is delivered via two separate service areas. The Community Dental Service and the Oral Surgery Department.

In the last two years, from 1st March 2019 to 28th February 2021, the Community Dental Service have extracted teeth under general anaesthetic for, on average, eight children per month. Likewise for the same time period, the Oral Surgery Department have extracted teeth under general anaesthetic for, on average, nine children per month.

Combined figures suggest there is an average of 16 children per month undergoing teeth extractions based on the last two years' figures.

Campaigns to improve the Island's oral health are underway and an oral health needs assessment has been undertaken by the Public Health Directorate to identify key issues that should be addressed to improve the oral health of our young children. The information from the needs assessment has been used to develop an oral health strategy which is focused on 0-11-year olds and is in its final stages prior to publication.

There is also a Dental Strategy, which is published online for members to view. This strategy focuses on the wider remit and provision of services. This includes services provided by dental practices across the Island, the Community Dental Service which delivers special care services, emergency services for patients without a dentist, domiciliary services and the dental provision for the Isle of Man Prison. There is a focus on key performance indicators that feed into oral health improvements within both the Dental and the Oral Health Strategies including a focus on access to NHS dental services for the Island's residents.

A refreshed dental contract is currently being negotiated which will include targets for delivery of services such as fluoride applications on every child between the ages of three and 16 years, improving access for general dental services and reducing the waiting list this year.

Since September 2019 a 'Smile of Mann' programme has been operating within nurseries and pre-schools which is a supervised toothbrushing scheme. This programme is already being considered for expansion into reception and Year 1 primary school children.

**23. COVID-19 vaccination invitations –
Omissions**

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

*How many people who were eligible for COVID-19 vaccinations in each of the priority groups he estimates were missed out from the original batch of invitation mailing lists; and if he will make a statement about (a) the reason for these omissions and (b) how the invitation list has been made complete?*

**The Minister for Health and Social Care (Mr Ashford):** Thank you for giving me the opportunity to provide some information in relation to the COVID-19 vaccination programme mailing list.

Letters to offer COVID-19 vaccinations have been sent out in accordance with the JCVI (the Joint Committee on Vaccination and Immunisations) priority groups. In order to ensure a smooth process for patients when registering with 111, each priority group has been sent their letters in batches of between 500 and 1,000 each day, starting with over-80s and moving down the priority groups in order.

There were no patients in either the over-80s or the over-75s who were missed from the mailing list. There were a number of people who had either changed address, had a birthday (and therefore were sent a letter following their birthday), changed GP or newly registered on the Island. That number totalled 31 in the over 80s and 41 in the 75-to-79-year olds. All of these letters were manually amended accordingly and letters re-issued.

JCVI recommendations for priority group 4 are the clinically extremely vulnerable and the over-70s. In order to gain a list for this priority group a search on the clinical computer system was necessary. Unfortunately there was a problem with the search, meaning that 110 patients were missed from the search. That is 1.36% of that priority group. A further 61 patients in that group did not receive the letter due to changes of address etc. This matter has been taken up with the computer systems provider.

This problem was quickly identified and although it has taken considerable work to check all patients in the relevant age groups have been sent a letter, this work is now complete. I would like to thank Hon. Members who have been in touch with the Primary Care team to resolve any of these issues and I hope you found that they were indeed resolved very quickly.

As Members will know, the invite letters are sent to patients and the 111 service will ring back the patient to provide an appointment according to the patient's priority group. The 111 team have and will continue to ensure that any patient who has been missed from the initial mailing is still called in the same timescale as their priority group.

Letters inviting those who are between the ages of 16 and 64 who have a medical condition that makes them clinically vulnerable, as set out by the JCVI, should all be received by patients by Wednesday, 24th March. If patients who believe they are clinically vulnerable, and this can easily be looked up on the internet, and have not received a letter, their first point of call is to ring their GP surgery. There are an enormous volume of calls being made by patients prior to the last delivery date of these letters. Whilst patients are understandably keen to get their vaccination letter and be vaccinated, I would like it to be known that patients should wait until the last date of delivery of letters in their priority group prior to making contact with their GP.

All further mailings are being sent out via the non-clinical system, similar to that used in the over-80s and over-75s so anyone who is registered with a GP, either on a permanent or temporary basis, will receive a letter inviting them for vaccination.

## INFRASTRUCTURE

### 24. Manor Park estate, Onchan – DoI pavement adoption

The Hon. Member for Garff (Mrs Caine) to ask the Minister for Infrastructure:

*Pursuant to his Answer in February 2021 Tynwald, whether his Department will review its decision not to adopt pavements in Manor Park estate, Onchan?*

**The Minister for Infrastructure (Mr Baker):** The footways in Manor Park, built between 1987 and 2013, are not adopted as highways maintainable at public expense under the meaning of

section 3 of the Highway Act and, until more recently, had 'Private' signs placed at the entrance to the estate. As the Hon. Member for Garff is well aware, the footways need significant work to bring them up to standard. The taxpayer cannot be expected to fund works to private footways. Those who have enjoyed the benefits of private roadways should not be able to claim on the Island's taxpayers when they find that there are costs as well as benefits. Why would the taxpayer fund the maintenance of roads that taxpayers are not allowed to use?

As I made clear in my last Answer, the Department is responsible for maintaining the Island's adopted highways and other public rights of way. My officers have told the residents that there is a legal route to adoption that requires them to fund any necessary works. The majority of residents have indicated that they do not wish to proceed. That is entirely up to them – it is their road and they can do what they like with it.

The Department has no plans to adopt the footways in the Manor Park estate in Onchan and will not review its decision until it receives formal confirmation from a majority of the residents that they are willing to pay for the footways to be brought up to an adoptable standard.

## CHIEF MINISTER

### 25. Veterans' railcard – Progress

The Hon. Member for Rushen (Mr Speaker) to ask the Chief Minister:

*What progress has been made in negotiating reciprocity with the UK on a veterans' railcard?*

**The Chief Minister (Mr Quayle):** The Veterans Railcard, which was launched in the UK in October 2020, allows veterans to save 1/3 off most rail fares in England, Wales and Scotland to help them to reconnect to loved ones and access new training and work opportunities.

A person is eligible for a Veterans Railcard if they have served for one day or more in Her Majesty's Armed Forces (Regular or Reserve). Merchant Mariners who have seen duty in certain military operations are also eligible.

A Veterans Railcard can be purchased from anywhere in the world via the website: https://www.veterans-railcard.co.uk/. As such, veterans who live in the Isle of Man can buy and benefit from the savings that the Veterans Railcard offers when travelling in England, Wales and Scotland.

The Veterans Railcard is a commercial product in a range of nine railcards which include those for young persons, students and senior citizens offered by the Rail Delivery Group in the UK. This was formerly called the Association of Train Operating Companies which operates the Railway Clearing House for revenue distribution. The Department of Infrastructure is advised that the Isle of Man is not entitled to be a member of this organisation and share reciprocity of tickets and revenue.

A number of concessions for travel on the Island's heritage railways are offered by the Department of Infrastructure; these are available to veterans.

**26. IOMSPCo coronavirus mitigation measures – Inquiry**

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

*What the terms of reference are for the inquiry into the breakdown of coronavirus mitigation measures on the Isle of Man Steam Packet vessels?*

**The Chief Minister (Mr Quayle):** Below in the Appendix are the Terms of Reference for the
3060 Independent Review of Isle of Man Steam Packet Company.

**Appendix – Terms of Reference**

**Independent Review of**
**Isle of Man Steam Packet Company**
**Terms of Reference**

**Background**

1. Since the closure of the Isle of Man Borders in March 2020 under statute, a process has existed to allow key workers to travel to and from the United Kingdom, subject to a process of exemptions and documented requirements in terms of self-isolation and any other precautionary measures that may be required.

2. In February 2021, the Isle of Man Steam Packet Company Limited (IOMSPCo) confirmed that one of its Isle of Man based keyworkers had tested positive for Covid-19. A cluster of persons positive for Covid-19 subsequently developed which can be traced to the IOMSPCo keyworker.[1]

3. The Cabinet Office wishes to commission a review by a party independent of those directly involved, on behalf of the Chief Minister into the circumstances under which Direction Notices regarding Self-Isolation and any other requirements have been issued to the Isle of Man Steam Packet Company Limited (IOMSPCo).

4. The review is to be undertaken completely independently of the Cabinet Office and it will have entire independence of action and thought. It will also be afforded full access to all records held by and personnel employed by the Isle of Man Government and all its agencies.

5. The reviewer will be able to report their conclusions with complete freedom and entirely unfettered from any obligation to the Cabinet Office.

**Review – Terms of Reference**

6. As a minimum, the review should consider and report on the following elements:

    i. The documentation and advice issued to IOMSPCo by the Isle of Man Government regarding the requirements for its keyworkers since March 2020. To include those issued by:

        - the Travel Notification Service
        - Public Health
        - Department of Infrastructure (who initially provided early exemptions)

[1] https://www.bbc.co.uk/news/world-europe-isle-of-man-56114136

ii. The processes under which any documentation such as Direction Notices are drawn up, from drafting through to final iteration and issuance as relevant to the IOMSPCo.

iii. The risk assessments and mitigations proposed by IOMSPCo to minimise the risk of transmission, and any assurance demonstrated by the company around these risks, and any aspects that have demonstrably changed that may have led to a break down in mitigations.

iv. How contact tracing was conducted once the initial positive case was identified in the Isle of Man based IOMSPCo keyworker and the subsequent containment of the cluster.

v. Any relevant evidence that is required or supplied, including the IOMSPCo's review into the infection of its staff member and the Company's own review of the risk assessments and mitigations that has been performed by the Board independent of the executive.

vi. Whether there were any shortcomings in the process, documentation issued, advice given or interaction with IOMSPCo and any recommendations as a result.

vii. What learning is required and what improvements in any relevant area; including the Direction Notice and associated process.

viii. What actions can be taken to prevent such an incident occurring in the future.

**Report**

7. The report into the review will be to a professional standard suitable for publication. If necessary, technical detail can be appended or provided in separate documents as the report itself must be written so as to be readily understood by the lay person. If required personal data may be redacted prior to publication to ensure that data protection legislation is complied with.

**Governance**

8. The review will be sponsored by the Chief Minister. Your officer contact for the review will be Kirsty Hemsley, who is able to act under the authorisation of the Chief Secretary.

9. The aim of the report is to inform the Chief Minister and Council of Ministers as to the timeline of events and root causes that led to creation of the recent IOMSPCo 'cluster', to identify lessons to be subsequently learned, and to identify any further mitigations now required to manage the risks of a reoccurrence.

**27. IOMSPCo coronavirus mitigation measures – Legal advice**

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

*If he will publish the legal advice received in respect of the coronavirus mitigation measures on the Isle of Man Steam Packet?*

**The Chief Minister (Mr Quayle):** Officers in the Attorney General's Chambers have been continuously available to provide legal advice at a number of levels relevant to Government's response to coronavirus since this time last year. Such assistance initially under the Proclamation of Emergency and more recently under the auspices of a Public Health response adopted by Government has included:

- the drafting of primary legislation, secondary legislation and reviewing direction notices;
- at an advisory level as to the proper and lawful extent of the measures to be included, as a policy decision, in legislation and direction notices; and
- as to the lawfulness of transfers of personal data as part of the state response to the situation, in particular taking account of GDPR requirements.

Specifically in relation to the Steam Packet there was no legal advice provided as to the policy decisions relevant to the direction notices issued to that company or as to its own operational protocols imposed to safely manage the crewing of vessels. Steam Packet, like other employers, had responsibilities to impose safe operating protocols for their staff whilst the lifeline service was maintained.

In terms of virus transmission between crew, those measures put in place either under the Proclamation of Emergency or under Public Health Act Regulations operated successfully for almost a year in terms of no identifiable community spread before the recent outbreak. For that the Steam Packet and its staff should be commended as to the measures put in place on board vessels and likewise for the adjustments that have been made as a response to recent events.

In relation to the state imposed controls relevant to the Steam Packet's staff whether they be resident or non-resident, there is no stream of 'legal advice' from the Attorney General's Chambers which determined the state's response to mitigate risk or the detail in the direction notices issued.

The key issues with which Attorney General's Chambers have been involved are (1) to ensure there is a proper and lawful footing for any exercise of powers, (2) that the powers exercised are a proportionate response to the relevant risk, and (3) to provide particular legal advice when requested by the issuer on direction notices issued.

Chambers will no doubt have assisted and advised Government when asked on legal issues relating to the directions issued to Steam Packet staff. However, the underlying operational measures actually put in place were not something where the legal advice was a determining factor.

Even if there were any readily retrievable and relevant legal advice it would likely be on *ad hoc* issues arising, rather than at the strategic level which may be what is being sought.

**28. IOMSPCo coronavirus documentation – Responsibilities**

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

*Who was responsible for issuing the entry certificates, exemption certificates, direction notices and other relevant documentation to the Isle of Man Steam Packet Company in respect of coronavirus?*

**The Chief Minister (Mr Quayle):** The Key Worker team, which is part of the wider Cabinet Office Covid Response Team, issue the entry certificates, exemption certificates, direction notices and other relevant documentation to all key workers, including the Isle of Man Steam Packet Company.

This is administered on behalf of the Chief Secretary, formerly under the Emergency Powers (Coronavirus)(Entry Restrictions) (No 2) Regulations 2020, and since December, under the Public Heath (Coronavirus) Regulations 2020.

**29. Isle of Man entries during lockdown – Numbers and categories**

The Hon. Member for Rushen (Mr Speaker) to ask the Chief Minister:

*How many people have come to the Island since the start of the current lockdown, broken down by entry categories?*

**The Chief Minister (Mr Quayle):** Between 3rd March 2021 and 9th March 2021, there have been 144 arrivals into the Island as follows:

| | |
|---|---|
| Patient transfer | 43 |
| Returning resident | 70 |
| Compassionate exemption | 8 |
| Contractual exemption | 23 |

In respect of key workers for the same dates, there have been 25 arrivals, as follows:

| **Department** | |
|---|---|
| DFE | 3 |
| DHSC | 18 |
| DOI | 4 |

**30. Isle of Man entries –**
**Non-standard isolation conditions**

The Hon. Member for Rushen (Mr Speaker) to ask the Chief Minister:

*How many people who have entered the Island since the start of the current lockdown have had non-standard isolation conditions, broken down by entry category, period of isolation and testing regime?*

**The Chief Minister (Mr Quayle):** All resident and non-resident arrivals into the Isle of Man are subject to the standard self-isolation requirement of 21 days. This can be reduced if the individual chooses to take part in the three-point testing regime, whereby on receipt of negative tests on days 1, 6 and 13, the individual is released from isolation on day 14.

Key workers are also subject to a standard 14-day isolation period, but do receive modified direction notices to enable them to go to work. This is the only aspect of the direction notice that is changed.

Modified Direction Notices include testing pathways, which are decided upon from a clinical perspective and approved by the CEO of the DHSC. Examples of testing pathways, inclusive of the 25 key workers who have arrived during the current lockdown, are broken down into Departments as follows:

| Category | Period of Isolation | Testing regime |
|---|---|---|
| **DHSC** | Six day trippers<br>(Delivering vaccine and pharmaceutical items) | None |
| **DHSC** | Six DHSC workers on Rapid Testing pathway | Rapid Test on arrival, following negative test can work with PPE |
| **DHSC** | Two DHSC workers – PCR test on day 0/1, day 7 and day 14 | Pathway 2 |
| **DHSC** | Four DHSC workers – Daily testing for the first seven days, and day 14 | Pathway 3a |
| **Total** | **18** | |

| Category | Period of Isolation | Testing regime |
|---|---|---|
| **DFE** | Three DfE workers on pathway PCR Test on days 1, 7 and 13 | Pathway KW2, day 2 to day 13 can work with PPE with negative results, leave self-isolation day 14 with negative test result on day 13 |
| **Total** | **3** | |

| Category | Period of Isolation | Testing regime |
|---|---|---|
| **DOI** | One DoI worker on pathway PCR Test on days 1, 7 and 13 | Pathway KW2, day 2 to day 13 can work with PPE with negative results, leave self-isolation day 14 with negative test result on day 13 |
| **DOI** | One DoI worker on daily testing for the first seven days, and day 13 | Pathway 3a |
| **DOI** | Two DoI workers on day trip – must provide negative test result taken no more than 72 hours before arrival on Island | Pathway KW3, must wear PPE and maintain social distancing |
| **Total** | **4** | |

**TREASURY**

**31. National Insurance contributions – Value**

The Hon. Member for Rushen (Mr Speaker) to ask the Minister for the Treasury:

*How many people paid Class 1 National Insurance and what the total value of these contributions was in the most recent tax year for which figures are available; and how many employer National Insurance contributions were paid in the same tax year and what the total value of these contributions was?*

**The Minister for the Treasury (Mr Cannan):** The most recent tax year that this information is available for is the 2019-20 year.

The amount of Class 1 National Insurance contributions (both employees and employers) that were paid during the 2019-20 tax year and that were related to that tax year was £214,240,908.

A total of 41,591 individuals paid some amount of Class 1 National Insurance contribution (employee) for the 2019-20 tax year totalling £83,676,603.

The total number of employers that made payments of Class 1 National Insurance for the 2019-20 tax year were 3,777 and the total amount of Class 1 National Insurance contributions (employer) that were paid by employers was £130,564,305.

**POLICY AND REFORM**

**32. Prospective new IoM residents – Property purchases**

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

*What evidence he has collated since 1st March 2020 of prospective new residents of the Island buying up rental properties?*

**The Minister for Policy and Reform (Mr Harmer):** The Covid Response Team issues exemption certificates on a contractual basis to applicants who are in possession of a legally binding contract of employment or property. We are not able to distinguish between the entry types (employment or property); however, the figure below is the total number of approved applications for the period requested.

| | **Level 5 (March 20)** | **Level 4** | **Total** |
|---|---|---|---|
| Contractual applications approved | 150 | 785 | 935 |

**33. New IoM residents –
Record sharing with Income Tax Division**

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

*Whether records of new residence since the start of the first lockdown can be shared with the Income Tax Division to ensure that appropriate tax is paid by new residents?*

**The Minister for Policy and Reform (Mr Harmer):** There is no legal gateway for the Cabinet Office to share this particular information automatically with the Income Tax Division.

The Assessor has the power to request information under the Income Tax Acts and did so in respect of the information outlined for applications from March 2020 up to the end of October 2020. The Cabinet Office provided this information to the Assessor in January 2021. This included the details of individuals relocating to the Island who were in possession of a legally binding contract in respect of property or employment.

It is understood that a further request will be made by the Assessor in due course, to obtain the same information, in relation to November 2020 onwards.

**34. House price inflation –
Details**

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

*What house price inflation has been for (a) flats and (b) houses in each quartile over the last five years?*

**The Minister for Policy and Reform (Mr Harmer):** It is important to note that the data for 2020 still remains provisional as additional property sales are completed within the Land Registry and may be subject to change. The data from 2019 and earlier is considered final.

**(a) Flats**

| Year | Quartile 1 | Quartile 2 | Quartile 3 | Average | Quartile 1 % | Quartile 2 % | Quartile 3 % | Average % |
|---|---|---|---|---|---|---|---|---|
| 2015 | 110,000 | 137,750 | 192,625 | 160,873 | | | | |
| 2016 | 105,000 | 128,000 | 167,500 | 145,344 | -4.5% | -7.1% | -13.0% | -9.7% |
| 2017 | 105,000 | 129,808 | 170,000 | 147,246 | 0.0% | 1.4% | 1.5% | 1.3% |
| 2018 | 102,000 | 133,000 | 168,488 | 147,136 | -2.9% | 2.5% | -0.9% | -0.1% |
| 2019 | 106,500 | 137,500 | 168,000 | 152,422 | 4.4% | 3.4% | -0.3% | 3.6% |
| 2020 | 117,213 | 145,500 | 182,750 | 154,213 | 10.1% | 5.8% | 8.8% | 1.2% |

**(b) Houses**

| Year | Quartile 1 | Quartile 2 | Quartile 3 | Average | Quartile 1 % | Quartile 2 % | Quartile 3 % | Average % |
|---|---|---|---|---|---|---|---|---|
| 2015 | 195,000 | 249,000 | 325,000 | 268,540 | | | | |
| 2016 | 193,000 | 246,000 | 330,000 | 269,432 | -1.0% | -1.2% | 1.5% | 0.3% |
| 2017 | 195,000 | 250,000 | 325,000 | 269,315 | 1.0% | 1.6% | -1.5% | 0.0% |
| 2018 | 195,000 | 250,000 | 340,000 | 279,355 | 0.0% | 0.0% | 4.6% | 3.7% |
| 2019 | 210,000 | 264,950 | 355,000 | 291,597 | 7.7% | 6.0% | 4.4% | 4.4% |
| 2020 | 225,000 | 277,100 | 369,950 | 310,442 | 7.1% | 4.6% | 4.2% | 6.5% |

**35. Paper copy printing –
Plans for reduction**

The Hon. Member of the Council, Mr Henderson, to ask the Minister for Policy and Reform:

*What plans he has to reduce printing paper copies of documentation?*

**The Minister for Policy and Reform (Mr Harmer):** There are a large number of technology solutions used by Government that remove the need to print paper copies of documentation. These range from document management systems like Laserfiche and SharePoint to collaboration tools like Microsoft Teams. Paperless meetings are supported through tablet and Windows applications and the widespread use of mobile devices and laptops further reduce the amount of paper used by Government. Beyond digitisation, the Digital Strategy helped Departments, Boards and Offices change how they conduct their business in a way that removes the need for paper through new digital solutions and online services. The new Digital Strategy will also feature additional technical enablement for Departments to further reduce their dependence on paper.

Providing suitable technology is only one part of removing the use of paper across Isle of Man Government. I understand that Departments, Boards and Offices have varied needs and the role of paper is still important in daily business. However, the widespread change in how Government has operated during the pandemic provides an opportunity to embed lasting change. In addition to technology, Cabinet Office will support Departments, Boards and Offices that wish to reduce their use of paper in a sustainable and long-term way through both business and policy change.

**36. Climate change related projects –
$CO_2$ reductions and cost**

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

*Pursuant to the Answer to Written Question 2 in the House of Keys on 2nd March 2021, if for each initiative listed he will provide how much $CO_2$ equivalent reduced as well as the cost of the scheme; and whether cost per reduced tonne of $CO_2$ emitted is a key performance indicator for the fund?*

**The Minister for Policy and Reform (Mr Harmer):** Taking these questions in turn, the below table lists the $CO_2e$ reductions where known:

| Initiative | Apr 2019 – Feb 2021 £'000 | Department | $CO_2$ equivalent reduction |
|---|---|---|---|
| Creation of the Climate Change Team | 185* | Cabinet Office | N/A |
| Peatland restoration | 372 | Cabinet Office | Restoration of the first 1,000 acres provides sequestration potential of up to 1,150 $tCO_2e$ per annum |
| Energy Strategy | 99 | Cabinet Office | Indirectly, by achieving 75% renewable energy by 2035 – 150,000 $tCO_2e$ per annum |
| **Items below not funded by Climate Change Transformation Fund** | | | |
| Planting at People's Wood – Meary Veg | 258 | DEFA | 16,100 $tCO_2e$ over 100 years |

| | | | |
|---|---|---|---|
| Air Sourced Heat Pump trial | 449 | MUA | |
| Electric Vehicle Charging Network | 114 | MUA | |
| Climate Change support (resource supporting Heat Pump trial and Charging Network) | 119 | MUA | |
| Active Travel | 1,075 | DOI | |
| Climate Change Adaption | 982 | DOI | N/A |
| Heritage Trail | 1,153 | DOI | |
| 6 x Hybrid Mercedes Citaro Buses | 1,268 | DOI | |
| General Fleet – various electric vehicle purchases | 273 | DOI | |
| Building efficiency in Government estate i.e. LED lighting, boiler replacements, roof insulation, air tightness | 1,611 | DOI | |
| Air Sourced Heat Pump trial | 449 | MUA | |
| Electric Vehicle Charging Network | 114 | MUA | |
| Climate Change support (resource supporting Heat Pump trial and Charging Network) | 119 | MUA | |

With regard to the second part of this Question, indeed all business cases for the utilisation of the Climate Change Transformation Fund as outlined in the Terms of Reference** require the likely $CO_2e$ savings to be indicated. The Project team will then monitor this during the course of the project delivery, with all emissions monitored on a yearly basis via the greenhouse gas inventory report currently prepared by Aether.

Cost per reduced $tCO_2e$ is already used as a key part of the prioritisation and assessment criteria for all new initiatives whether they are being considered for support from the fund or not.

* Please note that this figure differs from Question 2 in the House of Keys on 2nd March as permanent revenue budget has been received for the team and so less will be drawn down from the Climate Change Transformation Fund.

** https://www.tynwald.org.im/business/hansard/20002020/t210316_WQ36_Link.pdf

## ENTERPRISE

### 37. IoM property purchases – Residents and non-residents

The Hon. Member for Rushen (Mr Speaker) to ask the Minister for Enterprise:

*How many properties on the Isle of Man have been purchased by (a) residents of the Island and (b) non-residents, in each of the last five years?*

**The Minister for Enterprise (Mr Skelly):** Neither the Land Registry nor the Department more widely holds information on house purchases broken down by residents and non-residents. The Land Registry has no legislative ability to collect or retain the information.

There is only a statutory requirement on the Registrar to record a service address for the United Kingdom or the Island. However, the location of the service address does not necessarily reflect whether a property is purchased by a resident or non-resident so Land Registry data does not provide an answer to the question of how many parties not resident on-Island hold land here.

However, with that qualification in mind, the number of applicants that registered with a service address outside the Island, broken down by the year of application in each of the last five years, can be found in the following table:

| 2020 | 2019 | 2018 | 2017 | 2016 |
|---|---|---|---|---|
| 50 | 114 | 89 | 118 | 97 |

For further information, figures showing number of registrations, broken down by year of application, can be found in the following table. The periods are from 1st March to 28th February each year.

| | 2020-21 | 2019-20 | 2018-19 | 2017-18 | 2016-17 |
|---|---|---|---|---|---|
| Number of applications (all types) | 3308 | 7074 | 4942 | 3368 | 4168 |
| Total first registrations (residential estimate) | 1299 (1059) | 918 | 1015 | 1242 | 1173 |
| Transfers of whole (residential estimate) | 1093 (863) | 1289 | 1009 | 977 | 899 |
| Transfers of part (residential estimate) | 265 (222) | 95 | 230 | 200 | 238 |
| Total residential | 2144 | Not available pre 2020. | | | |

It should be noted that for the residential estimate commercial transactions and considerations below £50,000 have been removed.

Further Land Registry transactional data is published and may be found and interrogated at: https://www.gov.im/about-the-government/government/open-data/economy/land-transactions/

This dataset is updated monthly and covers the period 6th November 2000 onward. The data includes all registered land whether residential, commercial, agricultural or otherwise.

## ENVIRONMENT, FOOD AND AGRICULTURE

### 38. Animal cruelty – Report monitoring

The Hon. Member for Rushen (Mr Speaker) to ask the Minister for Environment, Food and Agriculture:

*How he monitors the number of reports of animal cruelty for pets and farm animals?*

**The Minister for Environment, Food and Agriculture (Mr Boot):** The Department does not have legal authority with regard to the enforcement of animal cruelty. The Cruelty to Animals Act 1997 is enforced by the IoM Constabulary. However, the Department does keep records of farm animal welfare issues reported to it, where the report leads to significant action.

Such reports may also result in the Department using its own powers under the Animal Health Act 1996 and associated secondary legislation under that Act to ensure the welfare of farmed animals (e.g. the Welfare Code for Cattle *[SD 317/06]*, and the Welfare of Farmed Animals

Order 2002 *[SD 27/02]* as amended in 2019 *[SD 2019/0357]*. Any animal cruelty matters identified in the course of enforcing this legislation are reported to the Police for enforcement action further to the Cruelty to Animals Act 1997

The Department will be seeking to introduce welfare legislation for pets in the near future.

**39. Animal welfare legislation – Progress**

The Hon. Member for Rushen (Mr Speaker) to ask the Minister for Environment, Food and Agriculture:

*What progress has been made in enforcing animal welfare legislation?*

**The Minister for Environment, Food and Agriculture (Mr Boot):** The Department has commenced public consultation on the introduction of an Animal Welfare Bill 2021 that aims to protect animals such as cats, dogs and horses from harm and mistreatment. The consultation is available online using this link: https://consult.gov.im/environment-food-and-agriculture/animal-welfare-bill-2021-public-consultation/ *[as at Hansard publication date].*

The Bill was drafted following recommendations by a Tynwald Select Committee that, in line with the UK, regulation was needed to protect companion animals.

The intention of the Animal Welfare Bill 2021 is to provide a legal mechanism for the application of UK primary and secondary animal welfare legislation to improve the application and enforcement of animal welfare standards on the Island as they relate to companion animals (e.g. dogs, cats and horses).

In relation to progress made in the enforcement of animal welfare legislation, the Department's officers investigate matters under the provisions of the Animal Health Act 1996, which serves to prevent unnecessary pain and distress for livestock on agricultural land etc. If there are animal cruelty issues identified in the enforcement of that legislation then reports will be made to the Police for enforcement actions under the Cruelty to Animals Act 1997.

**40. Home improvement grants – Reintroduction**

The Hon. Member for Rushen (Mr Speaker) to ask the Minister for Environment, Food and Agriculture:

*What plans he has to reintroduce the funding of home improvement grants?*

**The Minister for Environment, Food and Agriculture (Mr Boot):** The Department of Environment, Food and Agriculture is working to introduce a substantial energy efficiency scheme, as outlined in my Answer to Question 7 in today's sitting.

The details are yet to be finalised; however, the proposed framework for the Green Living Grant are as follows:

- Applicants for a Green Living Grant will initially need a Manx Home Energy Audit completed on their property by an accredited assessor;
- Non-means tested grants will be available for the Manx Home Energy Audit and the resulting recommended measures identified in the audit. Grants will be available for 50% of the cost and capped at a maximum of £6,000 per property;

- Homeowners, landlords and tenants will be eligible to apply for these grants; and
- An accreditation certificate system will be established for eligible businesses completing this work. Businesses will be reimbursed using a voucher scheme.

However, it should be noted that there are no current plans to introduce grants for generic property improvements such as damp or other repairs.

The Environmental Health team within my Department are able to help tenants of rented accommodation that may fall below acceptable standards and liaise with landlords to make improvements.

However, regarding homeowners, there are no Government grants currently available to assist owners in maintaining private property.

Finally it may also be useful to note that the previous home improvement grant schemes were administered by the former Department of Local Government and Environment and the more recent DLGE schemes were managed by the Finance and Housing/Property teams – now centralised or with the Department of Infrastructure.

## HEALTH AND SOCIAL CARE

### 41. Hospital appointments – Electronic communication

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

*If he will list the (a) key dates from project identification to now, and (b) future milestones, for the implementation of a project to allow hospital appointments to be communicated via text and email, rather than by letter, where patients have opted in?*

**The Minister for Health and Social Care (Mr Ashford):** Hospital appointment reminders using text messaging is already implemented. In the last 12 months there have been 100,739 appointments of which 45,104 received text reminders. The actual number would be much higher but many patients chose to opt out of receiving reminders in this way.

Initial appointment notification is still on paper at this time.

In Sir Jonathan Michael's report he suggested that a delivery programme should be initiated and funded to deliver the Manx Care Record. This work is currently underway and at the market assessment stage which will inform the full procurement of the Manx Care Record. It is intended that the functionality to allow appointments to be communicated by text, letter or email, as per patients' preference, will be in the new Manx Care Record.

### 42. Mental health crisis line – Free phone number

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

*What plans he has to make the mental health crisis line a free phone number; and what the estimated cost would be?*

**The Minister for Health and Social Care (Mr Ashford):** The Mental Health Service is currently liaising with Manx Telecom with the intention to establish a free phone number for the Crisis

Response Home Treatment Team. Whilst this will be applied as soon as practicable, its realisation will necessitate appropriate marketing and amendments to existing documentation and directories. Due to the existing absence of granular IT reporting systems it is difficult to accurately forecast an exact cost. Analysis of referral data however suggests an additional financial cost of approximately £2,000 per annum.

**43. COVID-19 vaccines –**
**Wastage**

The Hon. Member of the Council, Mrs Lord-Brennan, to ask the Minister for Health and Social Care:

*How many vaccines per week have been classed as wastage since the vaccination programme began; and how long they last once a tray is open and defrosted?*

**The Minister for Health and Social Care (Mr Ashford):** The two types of vaccine currently in use by the Department have very different properties.

The Pfizer-BioNTech COVID-19 vaccine comes in a container of 195 vials, each containing a minimum of five vaccine doses. It is, however, possible that six doses can be taken from vials, but this is not always possible. It can be stored in an ultra-low temperature freezer for up to six months (but to date the longest expiry date on the batches received has been three months) and once removed from the freezer for defrosting all 195 vials must be used within 120 hours. The vials must be kept in a refrigerator at between 2 and 8 degrees Celsius to enable this 120-hour life. Before use, each vial must be reconstituted with saline and then used within six hours of that reconstitution. Vaccine, once thawed, cannot be refrozen, nor can the 120 or six-hour time periods be exceeded. All vaccine that exceeds these timeframes must be discarded.

The AstraZeneca/Oxford COVID-19 vaccine comes in either 4ml or 5ml vials, each containing a minimum of eight or 10 doses respectively. It is possible for nine or 11 doses to be taken from a respective vial; however, this is not always possible and it is not permitted to extract partial doses from multiple vials. The vaccine is stored in a refrigerator for up to six months (again, normal expiry to date has been a maximum of three months). Once removed from the refrigerator, an individual vial can be kept at between 2-25 degrees for up to six hours, but cannot be returned to the refrigerator and in either case, once punctured, must be used within six hours. Any unused vaccine that exceeds these timeframes must be discarded and cannot be kept.

| Week Commencing | Waste |
|---|---|
| 4th January 2021 | 0 |
| 11th January 2021 | 0 |
| 18th January 2021 | 0 |
| 25th January 2021 | 1 |
| 1st February 2021 | 7 |
| 8th February 2021 | 10 |
| 15th February 2021 | 20 |
| 22nd February 2021 | 0 |
| 1st March 2021 | 0 |
| 8th March 2021 (up to 11th March 2021) | 0 |

It should be noted that this wastage, at the time of writing, equates to approximately 0.127% of all vaccinations administered.

Due to the identified handling restrictions with the Pfizer vaccine identified above, the majority of the wastage identified in the table is made up of this vaccine. Because of the varying vial sizes

and more flexible usage allowance for the AstraZeneca vaccine, wastage has been minimised wherever possible.

In regards to the Pfizer vaccine in particular up to 5th March, the Department's policy was to retain the second dose of vaccine in stock to ensure the 21-day dosage period could be achieved. No tray of 195 vials is thawed unless all the available doses are booked.

Wherever possible, cancellations and 'Did Not Attends' (DNAs) have been filled by either vaccinating persons within the priority groups, in particular frontline Health and Social Care staff who could be contacted and vaccinated early, ensuring that wastage was practically zero. However, this has become more difficult as people have been less easy to contact or not willing to come forward for their vaccination early, meaning that small quantities of wastage occurred.

The most significant amount of wastage, occurred during the week commencing 15th February, this week was the delivery of a single tray of second dose Pfizer vaccine. This week also saw the largest number of last-minute cancellations and a general increase in DNAs. Due to the policy of second dose retention it was not possible to fill these vaccine slots with either second dose candidates (due to minimum 21-day delivery) or first dose candidates. First dose candidates could not be accommodated as it would mean that either a second dose could not be guaranteed at the 21-day period or the wastage would be replicated at some point later in the vaccination programme as it would not be possible to thaw three individual vials to make up the numbers. This would potentially waste the remaining 192 vials.

The Department has recently changed its dosage period for both vaccines to 10 weeks and no longer retain the second dose stock in hand. This means there is more flexibility to use vaccine up and lessen potential wastage. Additionally, the Department now offers any vaccines left due to DNAs or cancellations to people registered with the 111 system on the understanding that their second booking cannot be made at the same time. A process has been put in place to ensure these people do get their second dose.

**44. COVID-19 unused vaccines – Reallocation**

The Hon. Member of the Council, Mrs Lord-Brennan, to ask the Minister for Health and Social Care:

*What plans are in place for unused vaccines, which are available because of unkept appointments, to be given to other people at short notice; and how these are allocated?*

**The Minister for Health and Social Care (Mr Ashford):** The current process is for the COVID 111 vaccination team to capture, at the point of registration, the availability of the individual to attend a last-minute appointment due to a cancellation or 'Did Not Attend' (DNA); this allows people to be moved forwards into unused vaccine slots. Generally, the movement is within the current priority group being vaccinated. However, it is possible that people being able to attend at short notice will be able to be brought forwards and may mean that people are vaccinated earlier than those who are not as flexible.

An additional option available and used wherever possible, is to vaccinate those patients who are to travel to the UK for medical reasons (Patient Transfer).

There is then constant dialogue between the vaccination team and the booking team to ensure that any cancellations are identified and contact is made with people who have previously indicated their willingness to attend to fill spaces.

**45. Airport and Chester Street vaccine hubs –
Costs and details**

The Hon. Member of the Council, Mrs Lord-Brennan, to ask the Minister for Health and Social Care:

*What the costs of establishing the vaccine hubs at the Airport and Chester Street are; and how many people have been vaccinated at each?*

**The Minister for Health and Social Care (Mr Ashford):** The Department currently cannot provide a full Answer to the Question of the costs of establishing the vaccination hubs as all of the final costs have not as yet been established.

The current estimated costs for the establishment of the Airport, Ward 20 and Chester Street hubs is £373,500 for the construction and outfit of the hubs. This does not include staffing costs for the operation of the hubs which always take time to come through before they can be reported.

The number of people vaccinated through the hubs since opening in January 2021 is as follows:

| Hub | Vaccinations |
|---|---|
| Ward 20/Chester Street | 17,631 |
| Airport | 9,866 |

**INFRASTRUCTURE**

**46. Residential property purchase –
Support for local residents**

The Hon. Member for Rushen (Mr Speaker) to ask the Minister for Infrastructure:

*What measures are in place to support local residents buying residential property, with special reference to first-time purchasers (other than the 25% of new-builds)?*

**The Minister for Infrastructure (Mr Baker):** The Department of Infrastructure provides financial assistance to eligible first-time buyers via two Shared Equity Schemes (SEPAS). The schemes provide two distinct pathways for assistance:

**'First Home Fixed'** – this scheme applies to new 'approved' first-time buyer and buy-back properties on developments undertaken by the Department or by private developers. Properties are allocated, by the Department, to applicants that are on the Register of First-Time Buyers. The number of properties available for allocation through this route in any year depends upon developer-led output. The eligibility criterion for the 'First Home Fixed Scheme' focuses on those on lower incomes and most in need of assistance.

**'First Home Choice'** – this scheme applies to properties purchased on the open market by first time buyers, and allows higher levels of income and purchase prices to enable greater flexibility in purchasing properties on the open market.

Access to the schemes is subject to residency qualification of five years, and the applicant must be resident at time of application. Applicants must not have owned a property before, on Island or anywhere else, and are required to provide a minimum deposit of 5% of the purchase price, as a condition of the Department providing assistance.

The assistance provided under both schemes is in the form of an equity loan, to a maximum of 30% of the purchase price, with which the Department purchases an equity share of the property.

The applicant must fund as much of the property as possible with the equity loan 'topping up' any difference between the purchase price and the mortgage, deposit, and any other funds available to the applicant.

In addition to the financial assistance available towards first-time buyer property purchases under the Shared Equity Schemes, the Department also administers a 'mid rent' pilot scheme with five properties in Colby. This scheme aims to provide rental properties for prospective first-time buyers who may struggle to save funds to use as a deposit for buying their first home by offering these properties for rent at a discount to the open-market rental value, enabling would-be first-time buyers to save the necessary deposit to purchase a home under SEPAS. A public consultation was recently completed on the principle of bringing forward a legislative scheme for mid rent in the future, and work to draft such a scheme is planned.

The current Shared Equity Schemes are planned for review during this calendar year.

**47. Fossil fuel boilers in public sector properties – Installation and replacement**

The Hon. Member for Rushen (Mr Speaker) to ask the Minister for Infrastructure:

*How many fossil fuel boilers are planned to be (a) installed and (b) replaced in public sector properties over the next four years?*

**The Minister for Infrastructure (Mr Baker):** Fossil fuel boilers are currently expected to be fitted to public sector properties as follows:

(a) 50 fossil fuel boilers will be installed as replacement of existing systems; and

(b) 350 fossil fuel boilers will be replaced with alternatively fuelled boilers.

**48. Vehicle Duty 2019-20 – Payments made per category**

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

*How many vehicles paid Vehicle Duty in the financial year 2019-20 in: (a) each Category B $CO_2$ band; (b) each Category B cylinder capacity band; (c) each of Categories F, G, H, K, P, S, and W; and (d) each weight band of Category U?*

**The Minister for Infrastructure (Mr Baker):** In the financial year 2019-20 the following number of vehicles that paid Vehicle Duty in:

(a) Each category B $CO_2$ band:

| **$CO_2$ emissions bands** | **Total** |
|---|---|
| 0 - 100 | 3750 |
| 101 - 110 | 4174 |
| 111 - 120 | 5466 |
| 121 - 130 | 5057 |
| 131 - 140 | 5579 |
| 141 - 150 | 2663 |
| 151 - 165 | 3773 |
| 166 - 175 | 1749 |

| | |
|---|---|
| 176 - 185 | 1111 |
| 186 - 200 | 1647 |
| 201 - 225 | 1314 |
| 226 - 255 | 565 |
| 256 and more | 335 |

(b) Each category B cylinder capacity band:

| CC Range | Total |
|---|---|
| 0 - 1000 | 1194 |
| 1001 - 1200 | 1250 |
| 1201 - 1800 | 13972 |
| 1801 - 2500 | 13450 |
| 2501 - 3500 | 2912 |
| 3501 - 5000 | 681 |
| 5001 and more | 262 |

(c) Each of categories F, G, H, K, P, S and W:

| Category | Total |
|---|---|
| F | 1073 |
| G | 7 |
| H | 1 |
| K | 16 |
| P | 64 |
| S | 256 |
| W | 39 |

(d) Each weight band of category U:
There were no vehicles in any of the weight bands of category U.

**49. Vehicle Duty Order 2021 –**
**Proposed fee bands and expected revenue**

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

*How many vehicles will fall into each of the proposed fee bands from 2025 under the Vehicle Duty Order 2021; what the total revenue generated by these bands would have been in 2019-20 had these bands been in place; and what the expected total revenue is from each band in 2025?*

**The Minister for Infrastructure (Mr Baker):** The Vehicle Duty Order 2021 has been withdrawn; it may or may not now be the case that the fee bands proposed for 2025 will be implemented as provided for in the 2021 Order.

The Department will in the meantime undertake further consultation and engagement over the summer. The proposals will be reviewed in light of that engagement and of the feedback that the Department has received from Tynwald Members and the public. Although consultation has taken place over the last three years with Tynwald Members, Tynwald Committee, the public and some industry and lobby groups, it is clear that some people and organisations feel unfairly disadvantaged at this difficult economic time and as such, the Department decided that the most appropriate course of action was to consult again before bringing forward a Vehicle Duty Order to Tynwald later in the year.

The Department is, however, not able to answer the first part of this Question because it does not know the number and type of vehicles that will be in use in 2025. The Department cannot answer the second part of this Question because most current vehicle records do not include vehicle weight. The Department therefore cannot answer the third part of this Question.

The Department asked the UK's leading transport research consultancy to model the Isle of Man's expected future vehicle fleet and to advise as to how weight categories might be determined. To assist the Hon. Member the Department will place a summary of this work on its website and will work with its consultants to provide estimates of the information requested before a further Vehicle Duty Order is presented to Tynwald for approval.

**50. IOMSPCo sailings –**
**Scheduling decisions**

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

*Whether the Government has requested the Isle of Man Steam Packet to maintain sailing schedules during the pandemic; and whether decisions on scheduling have been made solely by the Isle of Man Steam Packet Company?*

**The Minister for Infrastructure (Mr Baker):** The Department of Infrastructure and the Isle of Man Steam Packet Company Ltd are parties to the Sea Services Agreement, which determines the core elements of the Island's ferry services. As part of the ongoing negotiations to secure a variation agreement both parties identified changes in sailing schedules that it believed to be necessary. It is therefore the case that the Department did request that some, but not all, sailing schedules were maintained as per the terms of the Sea Services Agreement and that decisions on scheduling have been made partly, but not solely, by the Isle of Man Steam Packet Company Ltd.

# Order of the Day

**3. Public Appointment –**
**Communications and Utilities Regulatory Authority –**
**Mr Jean-Philippe Donnio and Mr Brian Parkin appointed**

The Chief Minister to move:

*That, in accordance with the Communications and Utilities Regulatory Authority Order 2020, Tynwald approves the appointment by the Council of Ministers of Mr Jean-Philippe Donnio and Mr Brian Parkin to the Communications and Utilities Regulatory Authority for a term of five years. [MEMO]*

**The President:** We turn then to Item 3 on our Order Paper, Public Appointment – Communications and Utilities Regulatory Authority. Chief Minister to move, please.

**The Chief Minister (Mr Quayle):** Thank you very much, Mr President.

The Council of Ministers is pleased to nominate Mr Jean-Philippe Donnio and Mr Brian Parkin for appointment to the board of the Communications and Utilities Regulatory Authority for a term of five years.

The Authority is a Statutory Board with responsibility for licensing and regulating telecommunications and broadcasting. The Authority also has certain responsibilities for regulating gas. The Communications and Utilities Regulatory Authority Order 2020 requires the Council of Ministers to appoint at least three, and no more than seven members, subject to the approval of Tynwald. An advertising campaign for the vacancies commenced in early January 2021 and 18 applications were received by the closing date of 25th January.

Following the interview process, the Council of Ministers agreed to recommend Mr Donnio and Mr Parkin for appointment. This will be a reappointment for Mr Donnio and Mr Parkin, having both served one term. Their appointment will provide the Authority with the necessary experience and skills, together with the stability and continuity required during a period of change. I therefore request that this Hon. Court approve the appointment of Mr Donnio and Mr Parkin to the board of the Communications and Utilities Regulatory Authority for a term of five years.

Mr President, I beg to move.

**The President:** Hon. Member, Mr Cregeen.

**The Minister for Justice and Home Affairs (Mr Cregeen):** Thank you, Mr President.

I beg to second, and I would like to say that the two members have been of value to the Commission and I hope Hon. Members will support them.

Thank you, Mr President.

**The President:** I put the question to the Court at Item 3. I take the Court to be in agreement, unless I see dissent.

The motion carries.

**4. Trading relations with Europe –**
**Council of Ministers report on UK-EU Trade and Co-operation Agreement –**
**Motion carried**

The Chief Minister to move:

*That Tynwald receives the Council of Ministers report on the UK-EU Trade and Co-operation Agreement and the future of the Island's international trade relations [GD No 2021/0014] and welcomes the Isle of Man's participation in the agreement.*

**The President:** Item 4, trading relations with Europe. Chief Minister to move.

**The Chief Minister (Mr Quayle):** Thank you very much, Mr President.

Over the years I have been accustomed by beginning any debate or answering any question relating to the EU with an explanation of Protocol 3 – what it does, and how it works. But of course, we know that things have changed. Protocol 3 and our European Communities Act, which gave it effect, have been consigned to the history books. They have now, along with all the other complex interlinkages with the EU that have grown up over the years, fallen away.

Mr President, Albert Einstein urged us to 'Learn from yesterday, live for today and hope for tomorrow.' It is in this spirit that we have produced the report that is before this Hon. Court today. It does not attempt to have the last word, but I hope it does do four things.

Firstly, we wanted to tell the extraordinary story of the withdrawal process, and what we had to do to prepare for the UK's departure from the European Union.

Secondly, we wanted to describe the negotiation process itself and how we ended up with the agreement as it applies to us now.

Thirdly, and perhaps most importantly, we wanted to provide a description of how the agreement applies to the Isle of Man, as well as some of the broader effects, for policymakers and parliamentarians in the future.

And finally, we have tried to look ahead, towards the new trading relationships that are being developed between the UK and countries beyond Europe.

Mr President, I am sure that Members will have considered the report and will have questions and observations to make. But I thought it might be helpful for me to summarise the key points as I see them.

When the UK voted to leave the EU in June 2016, we knew there would be significant changes that we would need to understand and accommodate. Protocol 3 had been a cornerstone of Isle of Man law in several policy areas. We and our predecessors built successive layers of Isle of Man law upon that foundation. Similarly, so many references to UK law across our statute book were based on EU law. We needed to perform that classic party piece and whip away the table-cloth without breaking the best china sitting on top.

So the first thing we knew we needed to do was ensure that those laws in the Isle of Man that flowed from EU law, either directly or indirectly, continued to function. The first part of the report summarises how we went about that task, and it includes a list of legislative changes that we made. But being ready to leave was about more than legislation. It also meant leaving the customs union and the single market.

More broadly, then, and in readiness for leaving, the Council of Ministers set out four key strategic objectives for our desired outcomes. These were to ensure that the Isle of Man continued to be able to trade freely with the UK; to ensure that Island residents continued to be able to move freely within the Common Travel Area; to ensure that Isle of Man goods would be treated in the same manner as UK goods in trade with the EU; and to take advantage of any other opportunities which might arise on their merits. Flowing from this, we updated and amended our customs and excise agreement with the UK, and we ensured that laws on immigration were aligned with the UK's so that the Common Travel Area continued to function.

Mr President, the leaving process was only part of the story. There was the thorny – in fact, often barbed – issue of what the UK and EU could agree for their new relationship. We knew from an early stage that we could only achieve, at most, the same as the UK. The UK decided that it would propose to the EU a new relationship underpinned by a formulaic free trade agreement, or FTA, based on those that the EU had previously agreed with other countries, such as Japan, Canada or Vietnam. In a sense, this made things simpler for us because there was precedent we could consider. It was also more achievable for us, because the level of commitment was, relatively speaking, quite low.

Cutting a long and testing story short, the UK put forward our position to the EU: that we would like to be included within the scope of the whole agreement. This position was aligned with our strategic objectives. However, our ask was quickly rejected by the EU. It crossed one of their red lines that no party should benefit from Brexit.

The EU counteroffer was that they were willing to allow us tariff-free trade in goods and in return they would require EU fishing vessels to be able to access our waters. It made sense for us to accept these broad terms for two main reasons. Firstly, we had never had anything more than trade in goods before, so we were effectively no worse off. Secondly, we needed to be realistic in terms of the other provisions that the UK was seeking to include. We knew that, at best, the differences or gains would be marginal.

So we accepted the offer, with the caveats that it must be subject to further discussion, and to the EU agreeing to certain principles in relation to fisheries, namely, that our fisheries should be managed in a sustainable manner; that access for EU vessels to Isle of Man waters should not exceed current levels; and that the Isle of Man should manage its own waters.

Over the following months the position of the Crown Dependencies was subject to discussion between the UK and the EU. We were involved in preparation for each session, and although we were not at the table, the UK took great pains to ensure that they understood exactly what we were willing to agree and where the price would be too much to pay. The Council of Ministers was fully briefed and set out negotiating its position so that UK negotiators knew where we could compromise, and where they needed to hold a line. The relationship between us and the UK team worked very well, but even though we prepared well, the negotiations were challenging, and often progress was slow.

Mr President, although it would have been good for us to have resolved the Crown Dependencies' issues earlier in the discussions, we were still very much on the table until the 11th hour. The question of access to Isle of Man waters for EU fishing vessels was linked closely to the broader issue of access to UK waters, which was itself a major sticking point. This meant that other issues could not be finalised and we did not have a definitive view of the EU's position on some critical questions.

We had to wait until late into the night on 23rd December until we knew for sure that a deal had been done and we were able to be part of it. However, the UK negotiating team held our position faithfully and negotiated strongly on our behalf. They did so with best intentions and resolve, and they achieved a good outcome for the Island. If Protocol 3 was something of a last minute afterthought in the UK's accession talks, then the arrangements we have now were carefully considered from the very beginning and very hard fought to the end.

Mr President, once the agreement had been finalised, we had to ensure that it was applied to us. We did not have long to do so. It is normally the case that the Council of Ministers agrees to our inclusion in an international agreement, and Tynwald enacts the legislation we need to have in place to meet our commitments. It is, however, normally the case that the legislation would be in place before Council could approve to the extension of the agreement, not after. In this instance, however, we were not dealing with a normal set of circumstances. We did not know until the very last moment, in particular, what the requirements were in terms of fisheries.

Tynwald had already approved measures that would allow for continued access for certain EU vessels which were similar our previous international commitments, so only a very minor change

was required. This minor change was made on 24th December, so I was able to write to the UK government to confirm consent to inclusion within the agreement.

In addition, once we had seen the UK implementing legislation, we decided, through an abundance of caution, to use the powers under the European Union and Trade Act to make Regulations to give general effect to the Agreement as it applies to the Isle of Man. Having made these relatively modest changes, I wrote to the UK government again on 30th December to confirm that we had the legislation in place prior to the agreement coming in force. The situation was somewhat different, however, in the UK and the Channel Islands, where they had to convene special sittings of their parliaments to obtain their approval.

Mr President, if we turn to look at the application of the TCA itself, we have pulled out those parts of the Agreement which apply directly to the Island, and provided a fuller analysis. I hope that this will prove to be useful, not just for Members, but also for members of the public or those in business who may benefit from additional sight of some of the detail of the text.

Putting it very briefly, the Isle of Man is included within the goods chapter, and its various annexes, and there is a special provision relating to fisheries, which covers access to Isle of Man waters. We can see, therefore, that the Council of Ministers' objective that Isle of Man goods will be treated exactly the same as UK goods when traded with the EU has been met.

Whilst we can be clear about what the text means for us, what is less clear is how all of this is going to work in practice. That is because much of it has to settle down. The UK's withdrawal from the European Union represents a seismic shift in their relationship, and all at a time when we are dealing with the effects of the global pandemic. There are numerous committees, working groups and other forums which will manage the UK-EU relationship in the future. We have recently agreed a Memorandum of Understanding with the UK which shows how we intend to work together, and indeed that MoU largely deals with how we might address any problems which may arise.

Mr President, I mentioned at the very beginning that we do not merely have a direct relationship with the EU, originally through Protocol 3, and now through the TCA, but we also still see the indirect effects of the European Union. We touch on some of those effects in the report, such as taxation matters, data protection, and the ancillary or side agreements the UK has with the EU on things like health insurance, driving licences and the UK's participation in some of the EU's programmes.

Data protection is certainly worth mentioning, as it has come to light that the EU has now determined that the UK data protection regime can be deemed to be adequate in EU terms. This is helpful, as it means that any potential ambiguity is removed in terms of our own ability to maintain free and open flows of data with the UK, whilst maintaining our own EU data adequacy position.

Mr President, the report concludes with a brief discussion of some the international agreements which the UK has either rolled forward, renegotiated, or is negotiating anew. When it was a member, the UK could only be part of free trade agreements, or FTAs, negotiated by the EU. Similarly, we could only ever be included in these FTAs to the extent of Protocol 3, which meant that EU FTAs only covered us for customs and trade in goods. As many of these agreements have been rolled forward by the UK on the same terms as before, this limited coverage for the Isle of Man remains.

One exception to this rule, however, is where the UK did reopen the agreement with Japan. In so doing, they secured the inclusion of a territorial application clause which means that the UK-Japan Agreement can, subject to agreement, allow for other chapters to cover us in the future. We are currently working with the UK to demonstrate our compliance with the chapter in the Japan Agreement on services, which may open up new opportunities.

Similarly, as the UK continues its negotiations with the US, with Australia, and with New Zealand, we are also seeking to see provisions which allow for our inclusion in provisions beyond trade in goods, as this is where the majority of our economic interests lie. This work will continue

throughout the course of the year, and I will keep Members of Tynwald apprised of the situation as it develops.

Mr President, as I mentioned earlier, we have produced the report to act as a summary of where we are, how we got there, and what comes next. I am aware that we may have been better off if the UK had not left the EU; but of course, that was not our decision. The UK's withdrawal from the EU, and its negotiation of a new relationship, was the dominant issue when I became Chief Minister, and throughout the first few years of the current administration, until the global pandemic, of course. And although the pandemic overshadowed Brexit during 2020, during that year much of the critical work had to continue.

For that reason, I would like to pay tribute to the many officials across the whole of Government who kept their focus on this most difficult of issues; but especially I think to be named is Mr David Corlett from the Cabinet Office who has done a commendable job. Their diligence and commitment mean that we emerge from the process, not entirely unscathed, but with our laws in working order and our strategic objectives met, so that free movement of goods and people between the Isle of Man and the UK continues, our goods are treated in the same way as UK goods when they reach the EU, and we have opened up new possibilities to secure new trading opportunities for the future

As we begin to near the end of this administration it is possible to reflect that although we have gone through a period of significant change, and extreme political and economic turmoil, we can now set a new course towards what we hope will be calmer waters and new horizons.

Mr President, I beg to move the motion standing in my name.

**The President:** Hon. Member for Douglas Central, Mr Thomas.

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

I am delighted to second the motion to receive the substantial and significant Council of Ministers report which excellent officers have prepared.

I also welcome the Isle of Man's participation in the UK-EU Trade and Cooperation Agreement, as stated in the motion before us today, which is in line with what we would have been asked to endorse if I had moved in January Tynwald. Then I would have asked for an endorsement:

> of the principles governing the future relationship of the UK with the EU consequent on the withdrawal of the UK from the EU insofar as they relate to the Isle of Man

The FISH.10 three-month cooling off period exists in the agreement, but will not be used.

Hon. Members, the report is and will be, as the Chief Minister indicated, a useful document 'to draw a line, to some extent, now that the dust has settled' on five years of UK-EU negotiations which affected and affects us here in the Island greatly, as is stated in the first few pages of the document. Again, as stated there:

> We can now begin to appraise the changed landscape calmly, and to identify the new opportunities and challenges that we can take on, working with our new contacts.
> I hope that, whilst this may not necessarily represent a road map for the next administration, it will at the very least set out where we have come from over the last five years, and how we arrived where we are.

I think we will all agree that today's debate can be an important contributor to the debate about the future, just as the debates we had back in 2016 and 2017 were as the UK Brexit process began and have been each time law has changed.

I will make a few brief remarks to begin my own contribution in this important matter in a moment. But firstly, I just wanted to specify how each part of the motion I had intended to move in January is addressed in the report before us today, beyond the endorsement I have already mentioned.

Firstly, I would have requested publication of correspondence between the Isle of Man and UK governments regarding the Isle of Man's agreement of the final text of that Agreement as it relates

to the Isle of Man. This correspondence is published in Appendix 2 of the report. I would also mention that the full list of all the legislation which was brought in to underpin the transition from Protocol 3 to the Trade and Cooperation Agreement is provided in another very useful Appendix to the report.

Secondly, this report is laid for debate in March 2021, just as would have been requested, and the report before us states, 'on how the Isle of Man's strategic objectives for the UK's departure from the EU have been met' and 'identifies what questions remain open, which challenges need meeting,' and provides other information to Members and the wider public 'concerning the Political Declaration on Harmful Tax Regimes and GDPR adequacy decisions', as well as treating financial services, air services and some other important matters. I in particular noted the Chief Minister's reference a moment ago to the UK GDPR equivalence.

Thirdly, going back to the motion that I did not actually move in the end, but was laid before on the Tynwald Order Paper, the legislative changes which needed to be made under the urgent negative resolution procedure set out in the European and Trade Act 2019 were actually approved in this Hon. Court having been presented with what the Chief Minister just described as abundant caution, I believe.

Mr President, I now move to my personal contribution as introductory remarks for coming years. Firstly, as someone who saw the preparations for exit and withdrawal, as well as early preparations for negotiations, from within the Council of Ministers, its National Strategy Group and Cabinet Office, and then as a Member of Tynwald from the briefings Tynwald Members have received through the years, I would like to thank and compliment officers for having tried to keep Members abreast of the negotiations so that there were no surprises ultimately, and also, so that Members were abreast, in private at least, when Government could not brief publicly due to restrictions on doing so. For instance, when negotiations were live and sensitive.

Secondly, I believe the Council of Ministers' key objectives – limited though they were by the circumstances – were met, although the Isle of Man could not in the end go beyond the scope of Protocol 3 because of the EU red lines. An early decision was taken:

> not to fight but instead to educate and influence the best possible outcome for the Isle of Man, our people and our economy.

As explained in the report:

> The Isle of Man Government's response was to remain removed from the substance of the Brexit debate itself. [As it was] … judged that getting involved would lead us nowhere. Brexit was merely a fact. The British people had spoken, and we had to deal with that decision and its consequences.

Thirdly, I think it is important for someone to state how frustrating it must have been for our seasoned negotiators to negotiate knowing they could achieve very little extra and maintaining what we had with Protocol 3 status quo would actually be a success. A thought someone put to me about is – which consoled them, I believe – what the impact might have been if either the UK had not secured a deal, or, probably more significantly, what if the Isle of Man had been excluded from a UK/EU deal. That might have been super-complicated for relations between the Island and the UK. All sorts of scenarios and consequences can be imagined.

Finally, Mr President, Hon. Members, I wanted to note the competition aspects of chapter 11 of the UK-EU Trade and Cooperation Agreement, something I brought up as the Competition Bill was amended to treat all bodies regardless of ownership or nationality equally in respect of anti-competitive issues, unless exemptions are made on the grounds of public policy. This competition chapter of the Trade and Cooperation Agreement does not in the end apply to the Isle of Man, so there is not any requirement for the Isle of Man law to meet the requirements of that chapter specifically. But free trade agreements and other trade and co-operation arrangements do generally contain provisions which do relate to competition law and that is the important context for our Island's trading relationships in the future.

I do not think I am being too bold in stating that if the Island wants the UK to extend its ratification of a particular trade agreement to cover us in the future, then it would be the case that the UK would require the Isle of Man to have in place legislation which is of international standard, for instance the requirements of that particular chapter in the UK-EU Trade and Cooperation Agreement.

In addition, and as hinted at by Dr Allinson in the Competition Bill clauses stage when speaking to my amendment on behalf of the Council of Ministers, I would also like to mention that the UK-EU Trade and Cooperation Agreement does require acceptance of the eight core International Labour Organization conventions, and although it does not apply to the Island, a decision has been taken by the Council of Ministers, as I understand, to press on with the extension of the remaining core International Labour Organization conventions, as they are also referenced in other free trade agreements, and are likely to be important. A similar position I understand prevails in relation to intellectual property, where the acceptance of certain international agreements is generally referred to in free trade agreements and other trade and co-operation arrangements as a benchmark. Again, the IP chapter, the intellectual property chapter, of the Trade and Cooperation Agreement does not apply to us directly, but as I understand it, the Isle of Man is pushing on with getting a few of the extra of these extended.

So with that, Mr President, Hon. Members, I beg to second and look forward to the debate and contributing to meeting the challenges and taking the opportunities Isle of Man people now have as trade, co-operation, tax and level playing field measures change, for the better or for the worse.

Thank you, Mr President. I beg to second.

**The President:** Hon. Member for Ramsey, Mr Hooper.

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

Well, I do not know what it is with this Chief Minister – if it is not a global pandemic, it is a fundamental and once-in-a-generation change in our relationship with the rest of the world. I think it is safe to say the last five years have been extremely challenging for our Island.

Brexit has overshadowed more than the first half of this administration. It has taken up significant amounts of Government time and resource, impacting on almost every other priority. And so it is something of a surprise really that it all ends with a bit of a damp squib.

The trading relationship that we have today is broadly comparable to the relationship that we had, which on the one hand is great, as it is what Government wanted to achieve, but on the other hand I cannot help but be somewhat disappointed. The deal we ended up with can best be described as 'not negative' and that is, let me be clear, through no fault of the Government here. I would say they have done an excellent job to get this deal, which broadly is a neutral one for the Island.

Hon. Members, I have never been a supporter of Brexit, especially as we had no vote in the matter, and in respect of the Island, the downsides seem to me to significantly outweigh any potential upside, especially in the short to medium term. Yet even I have to acknowledge that the process of the UK agreeing a new relationship with the EU did present the Island with some opportunities which we should be exploring.

Take financial services, for example. The paper tabled sets out that whilst the Isle of Man has never been part of the EU single market for services, the Island does have many businesses with close ties to the EU which puts the Isle of Man in a very strong strategic position for these economic sectors to expand. In practice, the Island has been following the highest regulatory standards in financial services for some time and there is a great deal of regulatory alignment between the Isle of Man and the EU which means there are some real possibilities for sectors such as life insurance.

Data protection is another area which is worthy of further consideration. The Isle of Man already has its data adequacy assessment in the EU in terms of alignment, and given the value of

data analysis in the modern world, there is, I believe, a real opportunity here to help develop us into a data Island.

In section 10.1 of the report, it identifies that as a third country the Isle of Man is able to apply for access to the EU single market for services in our own right, and whilst it also identifies that in practice this process has not been routinely used by the EU of late, pending overhaul of the system, I would ask the Chief Minister if he has approached the EU to ask if an application from the Isle of Man would be considered?

Now, I am sure the UK will be making its own application as a third country in due course, but has the Chief Minister considered the potential value in applying in our own right, as well as potentially trying to tag on to any future UK deal?

I know it was mentioned in the Chief Minister's opening remarks that we do not have a direct relationship with the EU, but the paper explicitly acknowledges that this is a possibility and I for one believe this should be explored, because as the Chief Minister said in his opening remarks, service sectors are where most of our economic activity lies.

Now, of course, we have to offset this with the obvious negatives of the UK's new relationship: the disruption of EU-wide supply chains; additional import taxes and charges; additional complexity when Isle of Man firms deal with the EU. But these issues are not specific to the Isle of Man, so we at least know that the rest of the British Isles is in the same boat.

What all this means is that even if we had not seen an acceleration of change as a result of coronavirus there would already be a very strong case for a revitalised economic strategy and a revitalised fiscal and taxation strategy to help position the Island in the best place in this new world and so I am very pleased that this action is already under way, having been set in motion by Treasury and Enterprise through the Recovery Group.

In summary, Mr President, the deal is what it is and I commend the work undertaken to get us this far and to get this outcome for the Island. But the real challenge now lies in how we move forward from here and grasp the opportunities that present themselves.

Thank you.

**The President:** Hon. Member for Douglas South, Mr Quine.

**Mr Quine:** Thank you, Mr President.

I welcome receipt of this report, and for the opportunity for this Hon. Court to have an exchange of views concerning the wider context of what is written on the Order Paper, namely our future trading opportunities with our friends in the European Union and beyond.

Whilst the EU's more ardent supporters continue to wring their hands and lament what may have been lost, the more pragmatic amongst us see this as a point of reset, an opportunity to commence a new chapter in our relationship, with trade in the type of services, such as financial services, as alluded to by the Hon. Member for Ramsey Mr Hooper.

Despite the change in the practice of business meetings necessitated by COVID-19, it would be naive to assume this will supersede the face-to-face meeting entirely, particularly when a business is looking to establish itself at a new location. For businesses looking to relocate to our Island in the future, or even just to establish a presence, the face-to-face meeting will always continue to take place. The physical handshake will continue to be required.

It will come as no surprise to Hon. Members that it is my contention that in order to obtain the best possible trading relationship with the EU, then a direct air link into the EU is vital. Indeed, I find it somewhat strange that given the recent successful negotiations with Loganair, allowing us to re-establish the highly prized and very much welcomed link to London Heathrow, that a similar air link to Dublin was not put on the table. For, Mr President, it is of the utmost importance that we enlist a partner airline to undertake such a route, with the aircraft and crew based here on the Island, allowing us to oversee the quality control of the operation, as is the case with the Steam Packet Company, and thereby giving business the certainty and confidence that the required logistical resilience for the operation is in place. By such I mean that an established and properly

resourced carrier is operating the route, and thereby enabling the all-important code share with the hub carrier to be secured, allowing seamless transition and connection for such as the business traveller through the hub airport.

Hon. Members will no doubt be aware that this is a major attribute which has been obtained through the re-establishment of our air link through London Heathrow, following the code-share agreement between Loganair and British Airways, and which will, I am certain, prove to be of unparalleled advantage when compared to certain similar jurisdictions.

As I am sure Hon. Members will also be aware, Dublin Airport is served by a welter of established carriers, many of which are referred to as legacy carriers, linking Dublin with all the major EU capitals and business centres. Dublin is also a hub base of Aer Lingus, which also comes under the umbrella of the same holding company as British Airways, namely the International Consolidated Airlines Group, allowing the scope of a code share with Aer Lingus to be realised. Therefore, our link to Dublin can be seen in an equally salient context as that of London for both the leisure traveller in general, but perhaps more importantly for the business traveller in particular, giving the business traveller a hub airport with access to all-important EU business centres and only 25 minutes away from Ronaldsway.

Mr President, we cannot be seen to be looking the other way where access into the European Union is concerned, and that is why we need to utilise an established carrier for such an important air link. It cannot be left to an undercapitalised logistically sparse carrier, who may be here today and gone tomorrow. Our reputation as a serious place which wants to attract business is far too important to be left at risk of compromise by such a potentially insecure operator. Only then can we ensure that the Island generates a maximum benefit from the operator, with the route served twice daily, in order for all-important connections to the EU to be of the easiest possible access, such as I pointed out during the recent presentation by Finance Isle of Man.

My hon. friend the Member for Douglas Central Mr Thomas referred to the potential drip, drip, drip away of big business from the Island during his recent address to this Hon. Court concerning Item 26 of the January sitting and this was reiterated by equal concern and potential jobs losses because of COVID by numerous Hon. Members.

Good, sustainable air links, with worldwide connections via Heathrow, to be able to attract business with such countries as the Chief Minister previously referred, and EU connections through Dublin, will not just arrest the drip, drip scenario which my hon. friend referred to, it will allow Isle of Man PLC to really get on the front foot now Brexit and hopefully once COVID has passed, offering the seamless access which I referred to earlier for our friends in the EU to our Island and vice versa, operated by an airline based here on the Island, and thereby affording the times which are of maximum benefit to the business community and to the Manx economy.

However, Mr President, if we choose to ignore the potential for the growth of our economy through trade with our friends in the EU by the Council of Ministers undertaking a ham-fisted policy, either by casual mistake or by misguided and ill-informed advice resulting in a slapdash ambivalence with regard to the air links with the EU – namely Dublin – as has been so often the case with Open Skies Policy in the past, then we run the very real risk of seeing business bid us farewell, not even fondly, once and for all, and for us to be forced to stand back and watch such investment welcomed by rival jurisdictions happy to offer key businesses that very confidence which we will have lost.

Mr President, it needs to be seen by our friends in the EU that the Isle of Man is open for business and a place where they should be very much wanting to do business, and the primary way of achieving this is by providing unbridled access by air through Dublin, and I earnestly hope this is something which the Council of Ministers, for the advantage of our Island, will look to address with all possible expedience.

Brexit and now COVID have presented many of our competitors with unprecedented pressures on their respective economies and once the all-clear is finally sounded, believe me, as far as our more pugnacious competitors for business are concerned, the gloves will well and truly be coming off. Therefore, Mr President, by enlisting a partner air carrier operating a route into the EU

through Dublin, with the all-important code share to which I referred earlier, will allow the Isle of Man to operate the type of connectivity with the EU that our competing jurisdictions can only look at with utmost envy.

Thank you, Mr President.

**The President:** Hon. Member for Middle, Mr Shimmins.

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

I, too, welcome the report which summarises many pieces of work and the actions that have been taken. Generally, and I do not wish to repeat all the points that others have already made, it is relatively neutral. But what I would say is actually that we should not take any comfort from that, and I very much agree with my hon. friend, Mr Hooper about the opportunities that are out there. But there are also quite a lot of additional challenges.

I think this report is just one example of how the world is changing really rapidly around us. And whether that is Brexit, the ongoing impact of the global pandemic, or the OECD's actions with Pillar One and Pillar Two or country-by-country reporting, which is something the EU is very keen on pursuing further, we should not think actually that is Brexit done – 'That job is sorted, but my goodness what a big job that was, what hard work was undertaken'.

Definitely, lots of great hard work was done, but I would suggest to Hon. Members this is only one, and perhaps a relatively small part of the equation in a very rapidly changing world around us. What this absolutely means is we need a new economic strategy. We desperately need that because many of the things which have been successful for this Island over the last few decades are changing, and they are changing quicker than perhaps people realise. When we are focusing on local domestic issues, the international world is moving on very quickly around us.

I would agree with my hon. friend Captain Quine that flights to Dublin would be helpful, but actually it is much more complicated than that. Obviously it does feel generally that we have batted a bit under our weight with Ireland, given our geographical position. It does feel that there is a real opportunity for us and again hopefully that will be one of many opportunities which a new economic strategy will identify, and enable us to seize these opportunities. Because we do need to do this, Hon. Members, if we are going to generate the revenues and the future success and prosperity that we all want. One of the positive aspects of the pandemic is the fact that this does not necessarily need to be done as much face-to-face as it was, because actually many businesses here have adapted very successfully and nimbly moved into electronic trade.

So those were the key points I wanted to make, Mr President. In summary, this is just one of many things which are changing around this, and we need to look at our strategy because we cannot rely on what has worked well in the past, because the past has changed and the pace of change is probably going to quicken even further going forward, Mr President.

Thank you.

**The President:** Hon. Member, Mr Boot.

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

Following the referendum result in June 2016, as the Chief Minister has already mentioned, the Island commenced a journey of change. We had to adapt and respond to a whole new world and effectively make history during that journey. It became apparent in a short space of time that my Department had the most skin in the game in relation to Brexit, and that the Island's agreement on joining the European Union under the provisions of Protocol 3 meant a great deal of EU law in the agri-food space had direct application, or had to be implemented in the Isle of Man.

My Department had an *immense* amount of work to do to prepare for withdrawal from both a legislative and operational perspective. This is borne out in the list of legislation annexed to the report before us today. I would therefore wish to put on record my thanks to the team established

in DEFA for all the work that went into that, from initial gap analysis and then concentrated efforts in ensuring our legislation was fit for purpose to meet either the possibility of a no-deal scenario or the end of transition. Members I hope will agree that this has been no mean feat.

I would like to take this opportunity to extend my thanks to Members for the consideration of these items at numerous sittings of Tynwald in the preceding months, which has assisted in the preparation of a new trading relationship. As the Chief Minister alluded to, this has been an extremely fluid process with revisions made to legislation at the last minute in the UK. This included a special sitting in November that required Members to come together at short notice to consider legislation required to meet our obligations under official controls, necessary due to the timing of the vote by the EU on third-country listing, which took place on 14th December 2020.

In total, 64 items of secondary legislation have been made. Of these, some 16 relate to retention and modification of both DEFA and OFT legislation. All in all, literally hundreds of items of EU law have been retained and modified in order to align with the UK and facilitate trade.

In addition to the legislative workload, a number of day one readiness projects made up several work strands. Some 70-plus projects were initiated by DEFRA and DEFA to make sure the Island was ready for a new trading partnership with the EU. These work strands constitute a part of the establishment of our working relationship with DEFRA and other UK government departments and agencies, and commenced in 2016. Each work strand focused on a specific area such as importing or exporting agri-goods, including meat and meat products, dairy, fish, plants, cereals and organics. One of the main points of focus was trying to ensure the Island did not become a back door for regulated products, which would compromise our trading agreement.

Another part of the readiness process includes substantial work concerning the application by the Island to be recognised as a third country in the eyes of the EU. This was crucial to facilitate trade movements, and required many months of work putting together evidence to show that the Island met the same animal and food standards regimes, which in turn extended the necessary reassurances to the European Commission required for listing. This was a particularly important piece of work undertaken by officers in DEFA and a successful outcome achieved in December ensured the Island's ability to trade our agri-goods with the EU.

There has been a great deal of communication with both the agricultural and fishing industries on Island to ensure, in order to assist them to be business ready from day one, raising awareness of the obligations which involves such things as website guidance, checklists, industry meetings and drop-in sessions with officers to discuss export matters and processes. Officers from the Fisheries Team at DEFA were tasked with setting out the IOM position concerning our territorial waters, ensuring the UK could relay that message in the negotiating room as set out in the Report.

The EU sought access to our waters in exchange for us to have goods access to the EU. Ultimately DEFA achieved its original aims of ensuring sustainability for our fisheries enabling access for foreign vessels that did not exceed the current levels, and the ability for the Isle of Man to manage its own territorial seas. Access has been restricted to foreign vessels that can prove a track record of fishing in our seas for 10 days in any three-year period from 1st February 2017 and ending on 31st January 2020. A great outcome, and most welcome, I believe. We are also in a position for the first time to recapture our fish quota in due course, as that is handed back from the EU to the UK.

I feel the hard work and focus of the Brexit team within DEFA has resulted in a good deal for my Department and the Isle of Man as a whole. Farmers can still export and so can fish producers, and there is still very limited access to Isle of Man waters in exchange for goods access.

There have been a very small number of wrinkles to iron out since the end of the transition in relation to export documentation, and our colleagues in DEFRA have assisted in this respect. There was also some inference that the Island might be impacted by the issue surrounding the export of live bivalve molluscs, but this is not the case, as this is a regulation issue around farmed shellfish and our scallops are wild caught and processed prior to export, and are not exported live in their shells.

My Department will continue to work with the UK Department for International Trade to ensure we are covered by its new free trade agreements, potentially opening up new markets for Manx agri-products. The Department will continue to work closely with colleagues in DEFRA to ensure adherence to third-party listing requirements, thus continuing the ability to trade with the EU and further afield, in order to meet the new requirements necessary for trading agri-goods.

The Department is building resilience through increasing resources and training, which will feed into the assurances required under animal health, food hygiene and plant movements under the phytosanitary provisions laid down for official controls on these products. Recognising the hard work and endeavours of all those involved in my Department to facilitate the requirements for leaving the EU, it is clear that the journey undertaken to the end of transition is not the end of the story – it is only the beginning, as evidenced by the Competition Bill at present in Keys.

I of course support the Minister's motion. Thank you.

**The President:** Hon. Member for Onchan, Ms Edge.

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

The sound seems to be cutting in and out for certain Members, and I am not sure if anybody has asked this question, but is it possible for the Chief Minister to circulate to Members the memorandum of understanding that he talked about in his opening remarks? Does it include anything to do with bridges to the middle of the Isle of Man?

What I would really like to ask is, obviously Minister Boot has just stated with regard to businesses that there will be continued support to businesses, which I do think he did confirm. He certainly said they had worked with people, but I do hope that that continues.

I am also wondering about export licences. Are they being issued from a central place? Is the Chamber of Commerce still involved? I would just like to understand the situation around that, please.

**The President:** Thank you.

Hon. Member for Douglas South, Mrs Christian.

**Mrs Christian:** Thank you, Mr President.

Given the Isle of Man is usually bound to trading relationships that the UK has, this raises some concerns if we are able to negotiate independently and how we can leverage new possible opportunities. We have, no doubt, all seen the pictures of the Scottish seafood destined for the EU left rotting on the quayside in Scotland and forcing some Scottish fishermen landing their catch in Denmark to avoid the bureaucratic system.

I would question what assurances do we have that Manx exporters in the seafood/shellfish industry will not have similar issues? There are numerous local Manx companies that have built up successful export business to the EU and we must seek assurances that their ability to continue to access European markets, and beyond, is not compromised by new trade deals or by any relationship issues that may occur between the UK and the EU.

It is my opinion that while the Isle of Man may not be in a position to cement our own unique strong trade deals, we should maintain our own Manx trading identity to differentiate our product from that of the UK and thus be able to avoid any disputes that arise between our nearest neighbour and the UK.

In addition, following conversations with local Manx companies, more support is needed to assist them in accessing the UK markets as well as the EU and beyond. These local companies are the lifeblood of our economy, providing jobs and fostering a diverse skillset creating variety and dynamism within the Manx economy. The products and services provided by Manx companies are often world-class, and as other economies falter and enter recession we need to protect our own and leverage our unique position to give our local companies a better foothold and ultimately a stronghold within the global arena.

Turning to retail, we all know how dependent the Isle of Man is on the UK-based supply chain for many of the products that are sold in shops on the Isle of Man. This is highlighted to us whenever the boat does not sail and also during periods of panic buying and pandemic. While it is difficult to change this, not everything that we need can be produced on the Isle of Man, whether foodstuffs, clothing or electrical goods. However, as a Government, we need to encourage more with the supply chains that our local shops and businesses use to more clearly understand the situation, and also to positively influence in order to protect and prioritise supplies to our Island nation.

What I would like to see is a working group that liaises quickly across all sectors, including DEFA, and using the key links in the Business Agencies and the DfE to identify the need for export, import and food, and devise strategies to meet those needs and harness the opportunities. I am not clear that our Government has a clear enough understanding of how or if the Isle of Man companies are prioritised, nor of where the stresses and strains are in the supply chain for both essential and non-essential goods. Some of the local retailers do a great job of this independently in keeping the profile of the Isle of Man high within their UK-based supply chains, but we should not be leaving this to chance given our dependence on those daily deliveries from across the Irish Sea.

On a final note, I would concur with Mr Hooper and Mr Shimmins that Brexit brings opportunities and not just challenges for an independent Island nation such as ours. These opportunities are not short-term to be realised in the early days and we need to be constantly attuned to the ever-changing environment to fully benefit from the opportunities available to us.

Thank you, Mr President.

**The President:** I call on the Chief Minister to reply to the debate.

**The Chief Minister:** Thank you very much, Mr President.

Can I thank everyone who has taken part in the debate in what has been an incredible amount of hard work. I think Mr Hooper has hit the nail on the head when the amount of work that has gone into Brexit, you could not have imagined anything greater in a number of generations. But sadly, along came COVID and overshadowed Brexit.

But Brexit has happened and I for one am very proud of the deal that we have managed to negotiate through the United Kingdom, when you consider what could have been the outcome for the Isle of Man. No-deal tariffs would have been an absolute disaster for the Isle of Man. So I am delighted that a deal was able to be achieved.

So if we come to Mr Hooper first: have we approached EU regarding looking to submit for equivalence on a sector-by-sector basis? Yes, that is what we *are* going to do. We have not done it yet because the EU have paused all their negotiations, but we will be submitting for equivalence on a sector-by-sector basis. Insurance is the first one, but it is just worth pointing out there are 40 sectors in financial services and we will have to go through each and every one of them.

But I thank him for his comments. I think he realises it may be a neutral deal, but that was the least of what could have been a bad option. There are opportunities out there for the Isle of Man and I hope that working together we can seize them and move forward.

Mr Quine was very concerned about airline links to the EU via Dublin. Obviously COVID, Mr President, has impacted this. Once the clouds of COVID have lifted I am sure we will be very keen to get back to maintaining good links with the European Union. I know previously when I have gone, we have had the opportunity to go to Brussels via Dublin. We used to get easyJet to Gatwick and then fly on to Brussels, or we used to take the Eurostar having flown into Gatwick and then got the Eurostar to Brussels. That is what was already there, fairly good links.

Obviously, we have got the British-Irish Council that we are Members of. We have a good working relationship with the Taoiseach and all his officers, and that is a good opportunity to maintain those levels. I had planned on visiting the Taoiseach and his colleagues last summer to maintain and build on those good relationships, but obviously a little thing called COVID came along and I was not able to travel. But yes, we will look at the connectivity to Brussels.

Obviously it comes at a cost and if we can get the good service that we had previously to get into Brussels, and it did not cost any subsidy from Isle of Man Government, that would obviously have to be the most important thing. But having good links, I do get it, it is important and I take on board his comments. I am sure the Minister for Infrastructure will take this on board when we are negotiating a new deal with businesses that will take us there.

Moving on to Mr Shimmins, the Hon. Member for Middle: it is relatively neutral, he is quite right. The opportunities are out there and yes, we do need an economic strategy. The world is moving on, and we do have a National Strategy Group that key Ministers meet and then report back to the Council of Ministers and we discuss obviously Moneyval, OECD and a number of other issues. The EU still has to be negotiated with on a number of options, and I have touched on an element on that regarding Mr Hooper, and I think the first element will be working with insurance.

Moving on to Mr Boot, obviously Minister for DEFA, and it is a big thanks to DEFA for all the hard work that the team have had to do. They did most of the legislative changes and ensured we had third-country status; and they had fish to deal with, which was another kettle of fish, and an incredibly tough and thorny issue right up to the wire, right up to the last stage, to the last evening. Fish was incredibly hard. I know we were up all hours trying to ensure that the Island was not left out and was not disadvantaged by the deal, and fish was the key one.

Ms Edge, regarding the MoU, and will we publish it? Well obviously we wanted to ensure we had support from the Tynwald debate that we are having. The UK are publishing the MoU, I think next week, and we will of course be publishing it and will copy it to all Hon. Members.

I think then the Hon. Member asked a question regarding export health certificates. They are done by DEFA. Certificates of origin certificates are issued by the Chamber of Trade and Commerce. I hope I have covered those points that she raised.

Then moving on, last but not least, Mrs Christian, what assurances that we will not have the problems that UK fishing went through? Obviously we have links to the industry and we did not have the problem because we were not exporting live *shellfish* – there is a technical phrase for it – but effectively we do not do that, we process them on the Island. But, at the end of the day, the Isle of Man seafood sector is the same as the UK, we cannot do a side deal with the European Union that just gives the Isle of Man an advantage over the UK, it cannot happen.

Back to the shellfish, I think it was live bivalve molluscs – my apologies if I have not pronounced it correctly. But that was the problem that the UK had. It has not impacted on us because we do not ship live. But it may in the future, because we may want to ship live in the future, and therefore we await to see how this is sorted out. But, as I say, we cannot do a side deal with the European Union on fish. It has to be through the UK.

Then it was regarding links with industry. Well, we have links to industry. We have links through the Department for Enterprise, to the Agencies. We have got links from the Fisheries to DEFA, to DEFRA, negotiating. There are very good relationships between our officer team and the officer team in Westminster, and that is why I think we have got a really good deal when you consider what we were staring down the barrels of.

I would like to finish by thanking my seconder, Mr Thomas. I know he is very passionate on this topic and I was more than happy to let him second it when he requested it. I thank him for all his comments and the detailed thought process and acknowledging what we have put into what I hope Members will find has been a very helpful document that we have provided.

So, Mr President, I am glad that we have had the opportunity to discuss the Island's new trading relationship with the European Union, and that Members have been able to air their views. I appreciate that we are still very much in the midst of a very difficult and turbulent time in terms of global trade and the Isle of Man economy is very much at the forefront of our minds. I hope that we will be able to work with you, and with the public and business, in order to develop opportunities for the future and continue to grow our economy.

The Council of Ministers' report is not intended to be a roadmap for the future, but I hope that it does at the very least set out very clearly where we are and how we got there. Whilst we can

say that Protocol 3 was very much a product of its time, I do hope that our new relationship with the EU will serve us just as well and see us through the next 50 years.

Mr President, I beg to move the motion standing in my name.

**The President:** Hon. Members, I put to the Court the motion at Item 4, trading relations with Europe. I take the Court to be in agreement. No dissent. The motion carries.

## 5. Elections (Keys and Local Authorities) Act 2020 – Elections (Keys) Regulations 2021 approved

The Minister for Policy and Reform to move:

*That the Elections (Keys) Regulations 2021 [SD No 2021/0096] [MEMO] be approved.*

**The President:** Now, we will see if we can pick up the pace, as we move to Item 5, Elections (Keys and Local Authorities) Act. Minister for Policy and Reform to move.

**The Minister for Policy and Reform (Mr Harmer):** Thank you, Mr President.

I am pleased to recommend to Tynwald the approval of the Elections (Keys) Regulations 2021. Ensuring that elections are properly administered is vital in maintaining the public's confidence in the democratic process. These Regulations establish the rules of engagement that will govern the conduct of the House of Keys General Election in September, and future national elections.

This is a comprehensive set of Regulations and it is not my intention to provide a full commentary on every provision. I will however highlight some of the main changes and new measures that will have an impact on how national elections are run.

I also wish to remind Hon. Members that new regulations in respect of local elections will be introduced at the beginning of next year. The local authority elections scheduled to take place this year will operate in accordance with the existing legislation, with administrative support provided by the Department of Infrastructure, before transitioning to the consolidated Act and regulations in 2022.

Mr President, direct stakeholders were invited to comment on a draft copy of the Elections (Keys) Regulations 2021 as part of a targeted consultation launched on 30th November 2020. This exercise was intended to gather feedback on the operational impact of the Regulations from individuals involved in the election process. I would like to thank all those who responded.

Every suggestion put forward during the consultation period was reviewed by the Council of Ministers and the draft Regulations have been amended where it was considered appropriate to do so. We have looked at things in the round and sought to map out the approach that recognises the needs of voters, candidates, and constituency returning officers and their teams. While core elements of the Representation of the People Regulations 2015 have been retained, the opportunity has been taken to implement a number of operational changes.

In future, the Lieutenant Governor will be prevented from issuing a writ for a by-election within six months of a date for the general election. This is to strike a balance by ensuring that a constituency is not underrepresented for a significant period in the event of a vacancy, while also avoiding the need to hold a by-election if a general election is close.

Prospective candidates must now submit a declaration of relevant interests as part of the nomination process. This information will be made available on the Government website until polling day to increase transparency for electors ahead of casting their votes. The Regulations also establish the mechanisms for the nomination of candidates, including the delivery and content of nomination papers and the criteria for objections. The rules that govern contested and uncontested elections are set out in detail, including: key provisions in respect of polling stations;

the notice of poll; the form and content of the ballot paper; what happens in the event of the death of a candidate.

Safeguards for the conduct of the poll include provisions concerning the admission to, and keeping order in, polling stations, the sealing of ballot boxes, the challenge of voters and the voting procedure. Following the close of the poll, the Regulations provide for the operations of the count, declaration of the result and subsequent administrative proceedings. Lower level complaints will be dealt with by the constituency returning officers, while the election petition process is retained to allow for a private legal challenge to an election result.

Mr President, the review and subsequent revision of our elections legislation is in part aimed at effecting positive change and encouraging people to engage in Manx politics, to cast their votes and to have their say on how the Island is governed. It is recognised that the convenience of voting remains a factor and the introduction of postal voting on demand will provide an option for electors who are unable or who choose not to vote in person at their allotted polling station. Schedule 2 of the Regulations sets out how postal voting will work in practice and includes timelines that reflect the recommendations of the Isle of Man Post Office.

Hon. Members, the Regulations before you today will support the practical, clear, consistent conduct and administration of national elections. They will be complemented by a wealth of guidance documents, codes of practice and other resources to assist voters, candidates, election officers, agents and volunteers.

In conclusion, I would encourage Hon. Members to approve the Elections (Keys) Regulations 2021. They put in place the legislative infrastructure to ensure that national elections can proceed as effectively and efficiently as possible.

Mr President, I beg to move.

**The President:** Hon. Member, Mr Hooper.

**Mr Hooper:** Thank you very much, Mr President. I beg to second and reserve my remarks.

**The President:** Mr Speaker.

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

I apologise to the Chief Minister for not speaking on the last Item, and I apologise also to Hon. Members for my lack of eloquence in speaking on this motion, which I blame entirely down to BoardPad erasing all my notes on the Tynwald papers on Sunday night before I was able to convert them into a speech. So someone in the Council of Ministers probably owes someone some money in GTS. But I would just like to raise a few points in regard to the motion before us, Hon. Members. I do not intend to vote against it, but I do want to highlight some areas where I do not think these rules really reflect the modern world in which we live.

I do welcome the move to extend holding an election within six months of a general election and that no longer being required. With regard to regulation 9 and the Council of Ministers retaining the current provisions so that the candidate is only required to prove part of the qualifications for membership, but not all of them, I still find that really bizarre, and I am not sure how that is justified.

With regard to regulation 10 and the subscription of the nomination paper, there is still a requirement in the Elections Regulations to add the electoral number of the subscriber to be included on the nomination paper, which again is a bit of a waste of time on the basis that if you put them on, it helps the returning officer find the individual, but if you do not put them on, and I have seen this happen in the past, it just makes the returning officer's job harder in approving the paper because it is not so much saying that the individuals are not valid to support the paper; it just means they spend the time putting these numbers on the nomination paper. So it seems a bit of a self-fulfilling prophecy.

In terms of the delivery of nomination papers, I had hoped that there would be a provision to ensure that there was at least one opportunity for candidates to deliver their nomination papers within the constituency, and I notice that this has not been included. Now, that might be less of an issue in Douglas constituencies, and possibly even as far as Onchan, where they can pop into the lawyers' office on Athol Street. However, I commend the returning officer in Rushen for having made this provision in the past and think that it is particularly useful that there is at least one option, one opportunity for candidates to deliver their nomination papers in the constituency.

In terms of the issues around the death of a candidate, these seem somewhat onerous, on the basis that you can have clear winners to an election and a deceased candidate who really was not ever in the running, but you have to run a whole new election on the back of that, with all the attendant cost and time, even though the winners were really very clear. I think that that one needs further thought going forward.

Finally I think from me, in terms of regulation 38, and the questions put to voters and issues of personation. These are straight out of the Victorian era and, frankly, are a joke in the modern era. They are unenforceable. Whilst it is rare that an individual's identity should be challenged, just asking them their name and address when it is publicly available, not requiring any form of ID if it is challenged, does seem to me to be, as I say, of the Victorian era.

On a slightly lighter note, I notice that the issue was not changed around keeping alphabetical order on the ballot paper. Perhaps I was not surprised that this would not be changed by Ministers Ashford, Allinson, Baker, Boot, Cannan and Cregeen, but certainly Mr Watterson had other views about whether having your name in the right order on the ballot paper or whether it should be done by lot is up for debate.

So as I say, Hon. Members, I do not intend to vote against this, but I put these on the record as I think that they represent significant weaknesses in these Regulations, and hope that they will be revised again in the future.

Thank you very much, Mr President.

**The President:** Hon. Member for Douglas Central, Mr Thomas.

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

Pleased to support these Regulations. I just have some questions for the Minister, especially in the light of the announcement that we have just had that on Thursday both Chambers will be meeting to consider a piece of legislation in its entirety that as yet has not been published, I do not believe, and nor has the information that I have just given about the Order Paper and the sittings that will take place on Thursday.

So my question is about a statement that the mover made, which is that the local elections will operate under the existing Act that went through the Branches properly in 2020, from January 2022, but not before, because I think that might still be a question. It seems to me, and it is a matter of public record that I believe this, that there are many advantages to actually running the local elections under the modern Act, rather than under a 1986 piece of legislation, admittedly with a Schedule that references the Representation of the People Act as amended.

So for instance, especially in the times of a pandemic, I would have thought advanced voting might be a helpful option to have to allow the Post Office and postal votes to be used for an election process. I would have thought that the ability to use the proposed central site for manifestos and for other literature about candidates would be a helpful part of the process to encourage participation in local elections. I would have thought we might have an issue in respect of parties, because there have already been party candidates declared for the local elections and I am just trying to remind myself, but we need to make sure that parties could not focus on spending a huge amount of money on the local election as a proxy for being able to spend more than the general election regulations would allow. Or not even necessarily parties, because if parties are not dealt with properly an interest group could spend a lot of money on specific

election priorities for the local elections which would not be covered under the Keys general election regulations.

So there are some serious issues. Would it not be much simpler to leave it open whether or not we use this piece of legislation? Despite the agreement between Cabinet Office and the Department of Infrastructure about the transition timetable, would it not be better to leave it open that we might need another appointed day order in April Tynwald to cover the emergency situation we have? Might it not be better to just change the definition of 'national emergency' to put it back to what I proposed originally back in April 2020 in line with the UK Civil Contingencies Act 2004 definition of a national emergency, which would mean that we could use the modern legislation for the local elections whenever they take place?

So in closing, I have got no problem with these Regulations as they cover general elections, but this is the only opportunity that I have to put on record in front of the public and all Members that we might need to, depending on what happens on Thursday, revisit this appointed day order that also appears on the Order Paper before us and in which case, Cabinet Office I am sure can work with the Department of Infrastructure to put in place regulations to cover, better, local elections, because local democracy matters.

Thank you, Mr President.

**The President:** Hon. Member for Onchan, Ms Edge.

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

I too speak really to raise concern as to why we would not be moving to the new legislation for the forthcoming local authority elections. Obviously we do not know when they will be, but it would make sense for everybody to get used to what the new legislation is. But I also want to say how pleased I am, after moving successfully to get a declaration of interest into the process.

The only thing I would like to ask the Minister with regard to declarations of interest, which he did talk about in his comments was with regard to that it would be held on record, I *think* he said, until the election. I am just wondering at what point the opportunity for a cross-check would take place? Obviously, as we all know as Members, as soon as you are elected you have to do a declaration of interest. So I am just wondering, clearly it does not sound like that is an intention, that what was declared at the election would continue to be declared, and I just wonder if the Minister has any comments on that.

But I am just *really* pleased to see that greater transparency during the election process has been included, and just thank everybody who has been involved.

Thank you, Mr President.

**The President:** I call on the mover to reply, Mr Harmer.

**The Minister:** Thank you, Mr President, and thank you for everyone contributing for the debate and for the excellent comments that were being made.

I agree with the speaker from Douglas Central that local democracy matters, and obviously there are … The debate on the local elections will likely take place on Thursday. Obviously the appointed day order has it to start in 2022. There is a balance between putting obviously the good stuff in the law against the fact that getting those regulations making sure they were operational. I know that the Member has involved the conversations of retaining the 1986 Act for these current elections, but obviously they have been delayed. But that still applies and obviously that is something for a future debate, and I think he noted that.

I notice that the Member from Onchan talked about the declarations of interest. Obviously, that is a really important point. They will be available to the public until polling day and we will retain the declarations of interest for a further six months to deal with any subsequent complaints.

Obviously, there is a progression. We have also taken the consultation responses into account on those items, and I thank the Speaker for his comments. In terms of, for example, delivery of

nomination papers, this is going to be covered in guidance as there is a balance to be struck and that is very much a … working with returning officers and so forth.

I thank him for his comments about the six months before the election. The electoral number again will be … *[Technical interference]* at this stage it was felt that it was better in guidance rather than in terms of regulation. But again that is something that in future elections could be looked at subsequently.

I notice the concept of nomination requirements of showing identification in terms of whether they have been actually living on Island for five years. Obviously these are matters taken on candidate … that the candidate meets the criteria; a candidate is required to declare on his nomination fee paper that they meet the criteria to stand in the elections. Should they not meet the criteria the returning officer can hold the nomination invalid. Furthermore, the candidate actually commits an offence.

In terms of having identification at the actual poll, obviously there is a further matter to consider before we make the next step, which is yes, in terms of identification, there is a positive, but a negative is in terms of turnout and those sorts of issues. So sorts of issues need to be considered.

Obviously, with a death in the constituency, that is a very sensitive issue and a number of people may or may not have stood because of a candidate. So that perhaps needs a little bit more thought and that is why it is not in here today.

Finally, regarding somebody who is rather in the middle with the letter, more in the middle, should I say, than the As and Bs and the Ws, in terms of my surname starting with an H and having the benefit of having three Hs stand in my first election, apparently there is no evidence to suggest that it gives one benefit to another, whether it is alphabetical or random. But I do thank for all the comments and I thank that they are noted and obviously that will inform future deliberations and future debate.

With that, Mr President, I beg to move.

**The President:** Hon. Members, I put to the Court the Regulations set out at Item 5. I take the Court to be in agreement, unless I see dissent.

The motion carries.

## 6. Building Control Act 1991 – Building Control (Fees) Regulations 2021 not moved

The Minister for Environment, Food and Agriculture to move:

*That the Building Control (Fees) Regulations 2021 [SD No 2021/0061] [MEMO] be approved.*

**The President:** Item 6, Building Control Act. Hon. Members, the Minister will not move this motion.

## 7. Licensing and Registration of Vehicles Act 1985 – Vehicle Duty Order 2021 not moved

The Minister for Infrastructure to move:

*That the Vehicle Duty Order 2021 [SD No 2021/0083] [MEMO] be approved.*

**The President:** Likewise, Item 7, Licensing and Registration of Vehicles Act. That motion will not be moved.

**8. Harbours Act 2010 –**
**Harbour (Dues and Charges) Regulations 2021 approved**

The Minister for Infrastructure to move:

*That the Harbour (Dues and Charges) Regulations 2021 [SD No 2021/0049] [MEMO] be approved.*

**The President:** We turn then to Item 8, Harbours Act 2010. Minister for Infrastructure to move.

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

The Regulations before this Hon. Court today apply on average a 2% increase to the rates set in 2020 for harbour dues and charges that the Department of Infrastructure may apply, although there are some slight exceptions to that. Given that the global pandemic is still affecting transport, there are exceptions to this average 2% increase. It is proposed that vessel and passenger dues for cruise ships remain at their current levels to hopefully encourage vessels back to our shores once the border restrictions are lifted.

In order to ensure that the Department is able to cover costs, security provision for offloading tanker ships is proposed to be increased by just over 3%, and at just over 6% where overtime is being incurred. This equates to an increase from £330 to £340 for 12 hours' security measures, and overtime from £23.50 per hour to £25 per hour.

Following the successful refurbishment of seasonal swinging moorings in Port St Mary in 2017, existing mooring holders at that time were granted a preferential rate. In the interests of fairness, it is proposed that all seasonal mooring holders will pay the same rate of £320 plus £21.85 per metre or part of a metre for the vessel, which is an increase of just over 2%.

Dues for vessels which occupy wall berths have historically been low and this may be a factor in the increasing numbers of deteriorating and unfit vessels being kept in some harbours. It is proposed to increase the current rate per metre per annum from £16.50 to £20. This equates to an increase of just over 21%. Hon. Members, I realise that this sounds like a large increase; however, the average vessel berthed on a wall in a Manx harbour currently incurs vessel dues of approximately £140 for a whole year. The proposed uplift will increase this to £168 per year, which represents good value when compared, for example, to the serviced pontoons, and balanced against the considerable costs of maintaining and improving our harbour infrastructure.

This increase may sound drastic; however, it is necessary to begin the process to bring this particular area of vessel dues up to a reasonable rate. The low rates currently charged to keep a vessel in the harbour when compared to the cost of storing a boat in one of the Department's boat parks, or the high cost of disposal, ultimately encourage neglect and abandonment. Disposal of a vessel is expensive, and fibreglass being classed as a problematic waste stream requires specialist disposal. As such, the owner of a small boat would be required to pay for the labour and associated costs of a person licensed by the Department of Environment, Food and Agriculture to deal with this type of waste, in addition to the disposal cost which is currently £160 per ton.

Abandoned vessels and the potential pollution that they cause then fall to the Department to deal with at a cost to the public purse and are eventually passed to harbour users who do keep their vessels in good order, via higher dues and charges. It is therefore in the interests of the Department and all vessel owners to ensure that the vessels kept in our harbours are of a good and safe standard.

Mr President, I beg to move the motion standing in my name.

**The President:** Mr Callister.

**Mr Callister:** Thank you, Mr President.
I beg to second and reserve my remarks.

**The President:** Ms Edge to speak.

**Ms Edge:** Thank you Mr President.
I just wonder if the Minister could advise what the increased income is for the Department. What is he expecting from this? And why are we not following the Government's CPI/RPI debate that we had where we would follow the CPI for all future uplifts?
Thank you, Mr President.

**The President:** Hon. Member, Mrs Maska.

**Mrs Maska:** Thank you, Mr President.
I just wish to speak in favour of the motion. As a lifelong pleasure sailor I have seen improvements to the harbours around the Island over my lifetime – much-needed improvements. The charges that have been levied on the Isle of Man harbours over the years have always been deemed to be very low. When you compare them with other ports around the Irish Sea that are visited by leisure sailors, depending on the type of facilities or the location and whether there are berths that remain afloat, our harbour charges have been very low. Compared with other locations the increase per metre, although it sounds drastic, does not really reflect the situation elsewhere. In some harbours – and I have looked at Port Patrick, I have looked at Dumfries and Galloway, Kirkcudbright, Stranraer – depending on the type of mooring offered, or lying alongside the wall, the charges can be as little as £25 a metre but they can go up to £148 a metre, or on better facilities can go into the 200s.
So to try and plan for the future I would like to think that it will discourage people from allowing vessels to lie around our harbours falling into dereliction, and the pollution that they cause as well as the unsightliness. Mr President, I also see an opportunity for the future as well. Leisure sailing has got an awful lot to offer to our tourist industry and also to help our local craft owners.
I thank the Department for bringing this forward and I think it should really be dealt with as we go forward in a steady and responsible way, so that we can upgrade the facilities in our harbours to help everyone who is local or a visitor to our shores.
So, Mr President, I would like to support the motion. Thank you very much.

**The President:** I call on the mover to reply, Mr Baker.

**The Minister:** Thank you, Mr President.
I would like to thank both Ms Edge and Mrs Maska for their contributions, and particularly Mrs Maska with her widespread experience of sailing. I think that it is very helpful to put these sorts of things into context. The Isle of Man's charges have been historically quite low, as the Hon. Member quite rightly says. So I thank her for her contribution.
In terms of Ms Edge, the Hon. Member, again I thank you for your question. As I started my speech by saying, the overall typical increase is round about the 2% mark. That is in line with the uplift in the income and it is set within the Pink Book which the Treasury Minister brought to this Hon. Court last month. So we are effectively increasing our income proportionately to that which has been has been budgeted in the Department's budget for the coming year. That seems like a reasonable basis to do this.
There has been consultation with various harbour users including the representative body, the Harbour Users' Association, and some of the yacht clubs around the Island. So the stakeholder groups have all been engaged and no significant problems have arisen from that.

So with that, I beg to move.

**The President:** Hon. Members, I put to the Court the Regulations as set out at Item 8. I take the Court to be in agreement. I see no dissent. The motion carries.

**9. Harbours Act 2010 –**
**Harbour (Miscellaneous Provisions) (Amendment) Byelaws 2021 approved**

The Minister for Infrastructure to move:

*That the Harbour (Miscellaneous Provisions) (Amendment) Byelaws 2021 [SD No 2021/0044] [MEMO] be approved.*

**The President:** Item 9. Again, Harbours Act. Minister for Infrastructure, Mr Baker.

**The Minister for Infrastructure (Mr Harmer):** Thank you, Mr President.

The Byelaws will increase the current charges by an average of 2% in respect of annual pleasure boat and boatman licences. The licences are issued under Byelaws made by the Isle of Man Harbour Commissioners on 9th May 1905 and confirmed by Tynwald on 5th July 1905.

Mr President, I beg to move the motion standing in my name.

**The President:** Mr Callister.

**Mr Callister:** Thank you, Mr President. I beg to second and reserve my remarks.

**The President:** I put the motion – Mr Hooper to speak.

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

It is only a very quick question for the Minister. I do not recall seeing all of these particular charges listed in Appendix 9 of the Pink Book. I am just curious as to whether that is just me not being able to find them in the document or whether they were not actually present. I wonder if the Minister could just clarify that for me.

**The President:** Minister to reply.

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

I have not personally checked through the pages of the Pink Book, but knowing how diligent the Hon. Member for Ramsey is, I am sure if he has not been able to find them in there, it is because they are not there. These have been signed off subsequent to the Budget process being finalised and brought forward obviously a month later than the Budget. But they are in line with the income uplifts in the Budget. I am happy to reflect the sentiment of Mr Hooper's comment and see in future years can the charges be integrated into that Budget reporting process.

With that, I beg to move.

**The President:** Hon. Members, I put to the Court the Byelaws as set out at Item 9. I take the Court to be in agreement.

That motion carries.

**10. Harbours Act 2010 –**
**Registration of Pleasure Craft (Amendment) Regulations 2021 approved**

The Minister for Infrastructure to move:

*That the Registration of Pleasure Craft (Amendment) Regulations 2021 [SD No 2021/0043] [MEMO] be approved.*

**The President:** Item 10, Minister for Infrastructure.

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

The Regulations before this Hon. Court today apply an average 2% increase to the rates set in 2020 for pleasure craft registration services. The increase is to ensure that my Department continues to cover its costs with respect to these registration services.

Mr President, I beg to move the motion standing in my name.

**The President:** Mr Callister.

**Mr Callister:** Thank you, Mr President. I beg to second and reserve my remarks.

**The President:** I put the Regulations at Item 10 to the Court. I take the Court to be in agreement.

That carries.

**11. Social Security Act 2000 –**
**Social Security Contributions and Benefits Act 1992 (Application) (Amendment) Order 2021 approved**

The Minister for the Treasury to move:

*That the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) Order 2021 [SD No 2021/0039] [MEMO] be approved.*

**The President:** Item 11. This time we turn to a series of Treasury Orders. Social Security Act, Minister for Treasury to move.

**The Minister for the Treasury (Mr Cannan):** Mr President, this Order, which I made on 28th January 2021 and which came into effect on 29th January 2021, amends the requirement that a person's latest round and period of unemployment must have begun before 8th February 2021 – rather than 1st February 2021, as was previously the case – for that person to be eligible for the second round of MERA. It also reduces the period for which a person can be entitled to MERA 'run-on', from 14 days to seven days, following the end of a period of entitlement to ordinary MERA.

As Hon. Members are aware, the second round of MERA ended on 14th February. However, a third round has been introduced for three weeks from 3rd March 2021 and I shall shortly be moving for this Hon. Court's approval of an Order giving effect to that.

Further information has been provided in the memorandum, which has been circulated to Hon. Members, and I beg to move the Item numbered 11 on the Order Paper.

**The President:** Hon. Member for Douglas North, Mr Peake.

**Mr Peake:** Thank you, Mr President. I beg to second and reserve my remarks.

**The President:** I put the Order as set out at Item 11.
That carries.

**12.-14. Collective Investment Schemes Act 2008 –
Collective Investment Schemes (Fees) Order 2021 approved;
Designated Businesses (Registration and Oversight) Act 2015 –
Designated Businesses (Fees) Order 2021 approved;
Financial Services Act 2008 –
Financial Services (Fees) Order 2021 approved**

The Minister for the Treasury to move:

*12. That the Collective Investment Schemes (Fees) Order 2021 [SD No 2021/0025] [MEMO] be approved.*
*13. That the Designated Businesses (Fees) Order 2021 [SD No 2021/0026] [MEMO] be approved.*
*14. That the Financial Services (Fees) Order 2021 [SD No 2021/0027] [MEMO] be approved.*

**The President:** Item 12, Minister for Treasury.

**The Minister for the Treasury (Mr Cannan):** Mr President, with your approval, I would like to move the three Items numbered 12, 13 and 14 on the Order Paper together, and voted on together.

**The President:** I take it the Court agrees? (**The Speaker:** Agreed.) Thank you.
Minister.

**The Minister:** Mr President, it is the Government's intention to move these papers together, as they concur with the same topic, which is fees payable to the Isle of Man Financial Services Authority. In the Government's Budget 2020-21, the intention for the Authority 'to move to a predominantly industry-funded model', PIFM for short, was announced. The Authority is currently funded by a blend of industry fees and an annual subvention from the Treasury which is approximately a 50/50 split. The move to the fully implemented predominantly industry-funded model is expected to take a number of years, with the timeframe yet to be agreed.

Following initial face-to-face stakeholder engagement with industry sectors in autumn 2020, the Authority published a consultation paper on interim fee proposals for the 2021 and 2022 years, and also a discussion paper seeking stakeholders' views on key issues for transitioning the Authority towards the predominantly industry-funded model.

The move to the predominantly industry-funded model will include an ongoing and rigorous engagement process with industry and Government stakeholders. Defining the predominantly industry-funded model solution is expected to take around two years, having commenced in autumn 2020. The Authority will be engaging an independent third party to assist with research and stakeholder engagement, as well as the preparation of final recommendations on the PIFM to the board of the Authority.

As an interim measure, the Authority consulted on proposals to increase all existing fees by 20% from 1st April 2021 and by a further 20% from 1st April 2022. The reasons for the increases were to cover the future cost of additional resources allocated to the Authority in the 2020-21 Budget – for regulatory supervision, regulatory enforcement and anti-money laundering – and to

start the transition towards a predominantly industry-funded model by increasing industry funding to more than 50% of the Authority's costs. These increases represent the first significant increases to Authority fees over and above the rate of inflation for many years.

The Authority received 20 responses to the consultation paper on the interim fee proposals and published a consultation response in February 2021 summarising the feedback received and detailing next steps. The new fees are due to come into effect on 1st April 2021. In order to address concerns around the timing of the proposed fee increases and the COVID-19 pandemic, later this year the Authority will review the second phase of fee increases planned to take place on 1st April 2022. This will be to identify if the pandemic has had a material impact on the financial position of regulated entities and designated businesses, or if it has led to a significant enough change to the business environment to warrant changing the rate of the second phase of fee increases. An announcement will be made by quarter four of 2021 to allow sufficient time for any amending legislation to be made if necessary.

In the meantime, the Authority is reviewing the responses to the discussion paper and continuing with its stakeholder engagement plan to support development of the new PIFM and creation of the new fee structure. The three items of legislation that I shall move are: the Collective Investment Schemes (Fees) Order 2021; the Designated Businesses (Fees) Order 2021; and the Financial Services (Fees) Order 2021. The Insurance (Fees) Regulations 2021 and Registered Schemes Administrators (Fees) Order 2021 are laid before Members at this sitting, but do not require approval as they are required to be laid for negative resolution only.

Mr President, I beg to move that the Collective Investment Schemes (Fees) Order 2021, the Designated Businesses (Fees) Order 2021 and the Financial Services (Fees) Order 2021 be approved.

**The President:** I call Mr Shimmins.

**Mr Shimmins:** Thank you, Mr President. I beg to second and reserve my remarks.

**The President:** Hon. Members – Mr Hooper to speak.

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

It is just a very simple question for the Treasury Minister. I note in the consultation response on the fees quite a number of respondents referred to the coronavirus pandemic as having had an impact on their costs and profitability, and the uncertain outlook in respect of this. Does he really feel now, right now, this moment, is the right time to be pushing for significant increases in terms of licence holder funding? I do not think I disagree in principle with the industry-funded model. I think that makes a lot of sense, and I do not disagree at all with it needing to be a transition. I am just questioning whether now is the right time for some of these changes.

**The President:** I call the Minister to reply.

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

The Hon. Member of course raises a relevant issue. I did of course address that during my opening remarks, in that the Authority will plan to review the second phase of fee increases in order to address that concern and perhaps quantify more whether there has been material impact across the financial services sector.

I think that in reviewing the increases in fees broadly that have been put forward, the Treasury did not feel and believe at this point that these were large enough or incapable for businesses to meet the levels outlined. So we accept the Authority's proposal to review this more thoroughly later in the year when, indeed, they will be taking out further consultation as to the increases planned for April 2022.

**The President:** Hon. Members, I put to the Court the Orders as set out at Items 12, 13 and 14. I take the Court to be in agreement.

I see no dissent; those three motions therefore carry.

**15. Pension Schemes Act 1995 –**
**Pension Schemes Legislation (Application) Order 2021 approved**

The Minister for the Treasury to move:

*That the Pension Schemes Legislation (Application) Order 2021 [SD No 2021/0057] [MEMO] be approved.*

**The President:** Item 15, Pension Schemes Act, Minister for Treasury.

**The Minister for the Treasury (Mr Cannan):** Mr President, this Order applies to the Island a UK statutory instrument specifying the percentages by which preserved pensions under final salary occupational pension schemes are to be revalued. Revaluing occupational pension scheme benefits in this way prevents their value from being eroded by inflation over time.

Statutory instruments such as the one being applied by this Order are made each year by the UK Secretary of State for Work and Pensions, and are subsequently applied to the Isle of Man by order, subject to the approval of this Hon. Court. The instrument applied by this Order is deemed to have had effect from the date it did so in Great Britain.

Further information has been provided to Hon. Members, and I beg to move the Item numbered 15 on the Order Paper.

**The President:** Hon. Member, Mr Peake.

**Mr Peake:** Mr President, I beg to second and reserve my remarks.

**The President:** Hon. Member, Mr Hooper.

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

I think I ask this question every time we have this kind of order in front of us. Again, we are using UK inflation metrics here as opposed to Isle of Man metrics. So is it really fair for the Treasury Minister to say that this is protecting people's incomes in real terms, when actually we are not using an inflation measure that bears any resemblance to the cost of living increases on the Isle of Man?

Again, I would just like to ask the Treasury Minister if there is a particular reason that we have to keep using UK inflation measures when dealing with Manx pension issues? And would he commit to going away and having a look at this and coming back perhaps with a reasonable explanation as to why we follow the UK, or whether we can in fact switch to using Manx inflation measures to deal with Manx pension increases?

**The President:** I call the Minister to reply.

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

In answer to the Hon. Member, it is my understanding that it is essential to the efficient operation of occupational pension schemes in the Isle of Man that they are subject to the same rules as their UK counterparts. This policy and practice in this area goes back some 35 years.

I will be happy to try and elucidate further on that, but that is essentially the core reason for operational reasons in terms of the operation of these occupational pension schemes, why they are linked in this way to the UK.

**The President:** I put to the Court the Order at Item 15. I take the Court to be in agreement. No dissent. The motion carries.

**16.-17. Social Security Administration Act 1992 –**
**State Pension Revaluation for Transitional Pensions Order 2021 approved;**
**State Pension Debits and Credits (Revaluation) Order 2021 approved**

The Minister for the Treasury to move:

*16. That the State Pension Revaluation for Transitional Pensions Order 2021 [SD No 2021/0058] [MEMO] be approved.*
*17. That the State Pension Debits and Credits (Revaluation) Order 2021 [SD No 2021/0059] [MEMO] be approved.*

**The President:** Item 16, Social Security Administration Act. Again, Mr Cannan to move.

**The Minister for the Treasury (Mr Cannan):** Mr President, with your approval I wish to move the Items numbered 16 and 17 on the Order Paper together. However, they will subsequently be voted on separately.

**The President:** Is that clear, Hon. Members? Content? (**The Speaker:** Agreed.) Thank you. Minister.

**The Minister:** Mr President, these Orders specify the percentages by which certain transitional elements of the Manx state pension are to be revalued, to ensure their value is not eroded by inflation, as required by sections 148AC and 148AD respectively of the Social Security Administration Act 1992 as it is applied in the Island.

The first Order is concerned with the revaluation of protected payments for people reaching state pension age on or after 12th April 2021, to take account of price inflation in Great Britain between 6th April 2019 – when the Manx state pension was introduced – and when they reach state pension age and start to receive their pension.

The second Order provides for the revaluation by prices inflation in Great Britain of new state pension scheme credits and debits which arise when a pension sharing order is made by the courts, divorce proceedings begin on or after 6th April 2019, and when the person subject to the pension debit reaches state pension age on or after 6th April 2019.

Further information has been provided, and I beg to move the Items numbered 16 and 17 on the Order Paper.

**The President:** Mr Peake.

**Mr Peake:** Mr President, I beg to second and reserve my remarks.

**The President:** Mr Hooper to speak.

**Mr Hooper:** Thank you again, Mr President.

Again, Treasury Minister, it is the same question as with the last Item. This Order relates solely to Manx pensions, the state pension. I am just curious again why we are using Great British inflation measures as opposed to Isle of Man-based inflation measures.

**The President:** Minister to reply.

**The Minister:** The Hon. Member again is correct in his observation and for the purposes of these revaluation orders inflation is measured by consumer prices inflation in Great Britain. It is Treasury policy to use the same indices as the UK government for state pension purposes.

Of course, I should point out revaluation should not be confused with uprating. The annual uprating of state pensions applies only to pensions already in payment. But currently, Mr President, it maintains the position it is Treasury policy to use the same indices as the UK government state pensions.

**The President:** Hon. Members, I put to the Court first the motion at Item 16. I take the Court to be in agreement. That carries.

Item 17. That also carries.

**18.-20. Social Security Act 2000 –**
**Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 3) Order 2021 approved;**
**Jobseekers Act 1995 (Application) (Amendment) Order 2021 approved;**
**Social Security Legislation (Benefits) (Application) (Amendment) Order 2021 approved**

A Member of the Treasury (Mr Peake) to move:

*18. That the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 3) Order 2021 [SD No 2021/0072] [MEMO] be approved.*
*19. That the Jobseekers Act 1995 (Application) (Amendment) Order 2021 [SD No 2021/0073] [MEMO] be approved.*
*20. That the Social Security Legislation (Benefits) (Application) (Amendment) Order 2021 [SD No 2021/0074] [MEMO] be approved.*

**The President:** Item 18, Mr Peake to move.

**A Member of the Treasury (Mr Peake):** Mr President, with your approval I would like to move Items number 18-20 on the Order Paper together; however, they could be voted on separately.

**The President:** Could you just repeat that, Mr Peake, for me?

**Mr Peake:** With your permission, I would like to move the Items number 18-20 on the Order Paper, but they can be voted on separately.

**The President:** Thank you.

Items 18, 19 and 20 debated together, voted separately. I take it the Court is happy. (**The Speaker:** Agreed.) Thank you.

Mr Peake.

**Mr Peake:** Thank you, Mr President.

These Orders further continue certain relaxations to some of the rules affecting entitlement to, and amounts payable of, certain Social Security Benefits which were introduced last year following the outbreak of coronavirus in the Isle of Man, and are intended to mitigate the impact of the disease on the Island's working population.

Rather than expiring on 31st March 2021, the relaxations will now do so on 30th September 2021. They include: firstly, disapplying provision for the three days a person normally has to wait at the start of their claim for Incapacity Benefit or Jobseeker's Allowance before they can start to be paid benefit, known as 'waiting days'; secondly, not reducing personal allowances for people claiming income-based Jobseeker's Allowance after six, or in some cases 12 months entitlement to benefit as they would normally be; third, treating people who are infected or contaminated with coronavirus disease, in isolation or caring for a child in their household who is similarly infected, contaminated or in isolation, as being capable of work for the purposes of Jobseeker's Allowance; lastly, enabling carers to retain entitlement to Carer's Allowance while they have a temporary break in caring as a result of isolation due to, or infection or contamination with, coronavirus disease of either the carer or the person being cared for.

Each of the Orders currently before Hon. Members was made on 15th February 2021 and came into effect on 16th February 2021.

Mr President, I beg to move Items numbered 18 to 20 on the Order Paper.

**The President:** Mr Cannan to speak.

**The Minister for the Treasury (Mr Cannan):** I beg to second and reserve my remarks.

**The President:** Hon. Members, I put to the Court first the motion at Item 18. I take the Court to be in agreement. That carries.

Item 19. I take the Court to be in agreement. Carried.

Item 20. That also carries.

## 21-22. Social Security Contributions and Benefits Act 1992 – Income Support (General) (Isle of Man) (Amendment) (No. 2) Regulations 2021 approved; Employed Person's Allowance (General) (Amendment) (No. 2) Regulations 2021 approved

A Member of the Treasury (Mr Peake) to move:

*21. That the Income Support (General) (Isle of Man) (Amendment) (No. 2) Regulations 2021 [SD No 2021/0075] [MEMO]] be approved.*

*22. That the Employed Person's Allowance (General) (Amendment) (No. 2) Regulations 2021 [SD No 2021/0076] [MEMO] be approved.*

**The President:** Item 21. Mr Peake again, please.

**A Member of the Treasury (Mr Peake):** Thank you, Mr President.

Again could I ask if we could move both Items 21 and 22 together, but again vote on them separately?

**The President:** Is that agreed, Hon. Members? (**The Speaker:** Agreed.) Thank you.

Mr Peake.

**Mr Peake:** Thank you, Mr President.

These Items, respectively, further postpone, until to April next year, the introduction of agreed changes to the eligibility conditions for lone parents claiming income support and the minimum work requirements for Employed Person's Allowance. These changes were due to come into effect next month. However, Treasury has now decided that it would be inappropriate to do so and instead they wish to postpone by 12 months to allow more time for the local economy to recover from the effects of the COVID-19 pandemic and consequently for more job opportunities to be created.

Mr President, I beg to move Items numbered 21 and 22 on the Order Paper.

**The President:** Mr Cannan.

**The Minister for the Treasury (Mr Cannan):** I beg to second and reserve my remarks.

**The President:** Mr Hooper to speak.

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

I am quite supportive of these proposals to delay – I mean, I was quite supportive of the proposals not to do this at all, if I am honest.

I would just like to ask the Treasury team whether the circumstances now surrounding coronavirus and the potential of where we are and where we may very well be in 12 months' time actually justify reviewing this whole policy, rather than just delaying it by another 12 months, and whether they really should go back to the drawing board and say, actually, is this still an appropriate measure given where we are now in the coronavirus pandemic and where we probably will be in 12 months' time, and the difficulties that a lot of businesses and individuals have been facing, especially the financial pressures a lot of people are under right now. I am just really asking Treasury, rather than just default to bringing this motion and these Orders back in 12 months, whether they actually can review the whole policy around this to see whether it really is still appropriate.

**The President:** Mr Peake to reply.

**Mr Peake:** Thank you very much, Mr President, and I thank Mr Hooper for his comments. I do recall his comments when this was brought previously to Tynwald.

As he well knows – he is a member of the ERG working group – there is a lot of work to do around the economy at the moment and so now is not the time to really change the policy. I think we need to see the outcome from the Economic Recovery Group and then we can work on that.

Thank you very much, Mr President.

**The President:** I put to the Court first the Regulations at Item 21. I take the Court approves. That carries.

Regulations at Item 22. I take the Court to be in agreement. That also carries.

## 23. Financial Provisions and Currency Act 2011 – COVID-19 Salary Support (Amendment) Scheme 2021 approved

The Minister for the Treasury to move:

*That the COVID-19 Salary Support (Amendment) Scheme 2021 [SD No 2021/0084] [MEMO] be approved.*

**The President:** Item 23, Financial Provisions and Currency Act. Minister for Treasury, Mr Cannan.

**The Minister for the Treasury (Mr Cannan):** Thank you, Mr President.

This amendment to the COVID-19 Salary Support Scheme is made under the Financial Provisions and Currency Act 2011.

The COVID-19 Salary Support Scheme was approved by this Hon. Court on 27th March 2020. Since then, five amending orders have been approved on 7th, 21st and 28th April, 19th May and 21st July 2020 respectively. These have been necessary amendments highlighted through the implementation of the Scheme and the situation in respect of the COVID-19 pandemic on the Island.

The last amendment to the Scheme in July last year gave Treasury the power to reduce the amount of salary support paid, allowing for payments to be tapered, if considered appropriate. To date, this provision has not been used. However, as time goes on and the pandemic across the world continues, it is essential that the Scheme is flexible and we are able to adapt. For this reason this order provides Treasury with the ability to also increase the amount of salary support paid. Any reduction or increase to the amount of salary support to be paid will be specified in a notice published by the Treasury and laid before this Hon. Court.

Mr President, as this Court is aware, I have already announced that provided this order is supported today, I intend to publish a notice to increase salary support from £280 per week to £310 per week for this current circuit-break lockdown. This will mean that the increase in salary support will be payable for any grant awarded from period 14 onwards. Given the close proximity of this circuit-break lockdown to the previous one, an increase in the support available will, I am sure you will agree, help protect those in our community under financial pressure.

Mr President, this order also clarifies the position regarding new businesses. When the Scheme came into operation in March 2020, in order to eliminate fraudulent applications it was a condition that a qualifying business had to have been in operation continuously since at least 28th February 2020. This date is still required for those businesses who have claimed from the commencement of the Scheme and will continue to do so, such as travel and tourism.

In the recent circuit-break lockdown, applications from businesses who, providing they commenced business by 4th January 2021, were dealt with via the Chief Financial Officer exception route within the Scheme, provided of course they met the other conditions. This order clarifies the position regarding businesses established after 28th February 2020 and makes provision for such businesses in the legislation rather than depending on the Chief Financial Officer exception route, should there be another lockdown in the future.

I therefore bring this amendment to the COVID-19 Salary Support Scheme to the Court today and beg to move.

**The President:** Hon. Member for Middle, Mr Shimmins.

**Mr Shimmins:** Thank you, Mr President. I beg to second and reserve my remarks.

**The President:** I call on Ms Edge to speak.

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

I just wonder if the Minister can confirm. I have had a couple of queries with people that have been online trying to apply, and they are saying that the old rate is still showing on the website. Is that just because obviously approval is only going to go through Tynwald today? Can the Treasury Minister reassure that that will be updated?

**The President:** Minister to reply.

**The Minister:** It will indeed be updated in due course, Mr President. I expect that the reason why that figure is still showing is because we are still accepting applications for February and this will apply for applications in March. They do not officially open for applications until the end of this month. But I assure Hon. Members that the relevant data will be updated in due course.

**The President:** Hon. Members, I put to the Court the Scheme as set out under Item 23. I take the Court to be in agreement.

That carries.

**24. Personal medical services and health centres –**
**Item not moved**

The Hon Member for Douglas South (Mrs Christian) to move:

*That Tynwald notes the substantial social benefit of providing personal medical services and health centres in the heart of the Island's communities to promote equity and equality of access; welcomes the evolution of primary care in line with recommendation 15 of Sir Jonathan Michael's independent review of the Isle of Man Health and Social Care System; and calls on the Department of Health and Social Care to sustain all general medical service practices and health centres currently in operation until Tynwald has considered the Department's report on the establishment of its Primary Care at Scale model.*

**The President:** Item 24, motion in the name of Mrs Christian, Hon. Member for Douglas South. She has announced that this motion will not be moved at this sitting.

**25. Adoption of Confederation of Passenger Transport Code by Bus Vannin –**
**Item not moved**

The Hon Member for Douglas Central (Mr Thomas) to move:

*That Tynwald is of the opinion that Bus Vannin should adopt the non-statutory voluntary Code of Best Practice for bus operators, which was developed jointly by the Confederation of Passenger Transport and the UK Department for Transport as the industry standard for the use and acceptance of approved mobility scooters intended for footpath or pavement use only with a maximum speed limit of 4mph, in order to help people with mobility difficulties to use low floor buses that are adapted to carry wheelchairs.*

**The President:** Similarly, Item 25, the motion in the name of Mr Thomas, will not be moved at this sitting.

Item 26. Before we get to that, I think, Hon. Members, this would be an appropriate time to take a short break, and I would therefore propose that the Court adjourns until 25 to six, giving us a break of just a bit over 15 minutes.

Thank you, Hon. Members.

*The Court adjourned at 5.18 p.m.*
*and resumed its sitting at 5.40 p.m.*

**26. Genomic testing –**
**Motion carried**

The Hon Member for Ramsey (Mr Hooper) to move:

*That Tynwald is of the opinion that a robust and speedy system of genomic testing is vital in the fight against COVID-19; and that this will remain the case for the foreseeable future.*

**The President:** Thank you, Hon. Members.

We resume our Order Paper at Item 26, motion in the name of Mr Hooper on genomic testing. I call on the Hon. Member for Ramsey, Mr Hooper.

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

The motion before us today I hope is not a controversial one. We all know that we need a variety of measures in place to protect our community from the threat of coronavirus. This has been referred to repeatedly as 'the Swiss cheese defence'. Some of these measures are things we do as individuals: wearing a mask, washing our hands. Others are Government led or community focused, like border controls, lockdowns, contact tracing and indeed genomic testing.

So let's be clear first what genomic testing is not. It is not a silver bullet, it is not perfect and it is not some magic solution that will solve all of our problems. What it is however is an effective tool to support contact tracing, identification of clusters or identifying the numbers of introductions into a community and helping to inform public health interventions and decision-making. Like in many situations, it makes sense to have all the tools on your tool belt available for use so you can use them when it is appropriate.

Back in July 2020 SAGE, the independent group of experts who were advising the UK government on their COVID policy, confirmed in their 45th meeting that:

> Routine [genomic] … sequencing has the potential to detect or refute clusters of infections where this is not possible by other means. Rapidly suppressing clusters could have a significant impact in reducing … transmission.
> […]
> SAGE agreed the importance of integrating genomics into the public health response and endorsed the proposal that COG UK should continue to work to improve data flows to get as close to real-time sequencing as possible.

This was at the start of July 2020, where SAGE specifically recommended and endorsed real-time genomic sequencing as part of an integrated public health response and specifically endorsed the advantages of rapid responses to suppress clusters.

This is using sequencing for a different purpose than surveillance, and we should not confuse the two. Surveillance is about monitoring an outbreak and helping to inform some of the higher level strategic decisions, monitoring the progress of the pandemic and monitoring the spread of variants of the virus, and if this is all we use sequencing for then a turnaround time of five or 10 days is probably adequate. But when we start talking about using genome sequencing to support contact tracing, to support intervention measures and decision-making at the level of an individual outbreak, the speed of turnaround becomes critical.

As I have already said, this does not make this a silver bullet, but there is clear evidence that the benefits of using sequencing to support not only contact-tracing measures but also to support decisions on outbreak-level public health interventions is well recorded, and supported by organisations like SAGE from as far back as the middle of last year.

The COG that was referenced by SAGE is the coronavirus Consortium in the UK. They are working on reducing their turnaround time to get it as close to real time as possible. PenGu, the public health genomics laboratory in Wales, are making great progress here and are already reporting a two-day turnaround to support their local contact tracing in their areas. In fact, in evidence given to the Welsh Senedd last year, Public Health Wales stated that:

> The team in the Public Health Wales Pathogen Genomics Unit (PenGU) is supporting the management of the virus in real time …

Studies and papers published by COG from as early as August last year make statements like:

> COG-UK data and tools are being increasingly used in the UK and globally both for retrospective academic studies and to enable real-time genomic epidemiology to inform infection control strategies.

Why does this matter? Why does getting the results in a day or two days improve things instead of having to wait five, 10, two weeks? The answer is quite simple: do you wait five days to contact trace? Do you wait five days gathering evidence before you make a decision on a public health intervention? No you do not. You need to contact trace as quickly as possible. You need to determine and implement public health interventions as soon as possible. So if information is going to be useful for us in informing these decisions and supporting this work, it needs to be turned around as quickly as possible.

We have heard a number of times from our Government that the variant does not impact on the measures we need to take. Now, we know that not to be entirely the case. As we have seen with the Kent variant spreading amongst younger people, this has required a different response. Hub schools are closed, necessitating different stay at home measures to compensate, and whilst this is clearly one benefit of knowing what variant we are dealing with, the main benefit is using sequencing to try and identify the lineage of a viral outbreak; to determine whether it is one cluster, or two clusters; one index case or two; whether there is community spread; whether there is an identifiable link to an earlier case.

Again, this is not simple. It requires analysis and a very good understanding of the systems in place. From what I can glean from the available information it appears almost as much an art as a science and it is vital then that we have the best professionals engaged in this work, and so I am very grateful that we are engaged with the team in Liverpool. But where I think our approach falls down is because of the five-day response time, it is not possible for us to have that real-time, integrated public health response that SAGE outlined nearly a year ago, that PenGu currently delivers and that more and more countries are trying to achieve.

Like myself, I am sure Hon. Members keep a close eye on our cousins in the Channel Islands and Guernsey recently published their 'Bailiwick Blueprint', their exit strategy. On page 14 of that document, they state very clearly that:

> The rapid detection of Variants of Concern will inform our Public Health response, allowing for a more targeted approach if restrictions are required.
> […]
> In addition, the rapid detection of Variants of Concern will inform contact tracing measures, as well as provide case linking to allow for a better understanding of any spread of the virus in the Bailiwick.
> The implementation of this is both technically feasible and is likely to be cost-effective as it may prevent unnecessary restrictions having to be put in place, the most extreme of which is another lockdown.
> It is therefore recommended that:
> - That a local capacity for sequencing and identification of Variants of Concern is developed.
> - That this is used to inform the Public Health response as we transition from SARS-CV-2 being a pandemic to an endemic virus.

It is great to see other small jurisdictions, and especially our friends in the Channel Islands, taking these bold steps and leading from the front in developing local real-time testing facilities, not only because it will be cost-effective, but because it is identified as being very 'technically feasible'.

What is disappointing however, is our own Government failing to acknowledge this. Failing to acknowledge the potential benefits of real-time reporting and the potential benefits of integrating genomic sequencing more closely into our public health response, and instead continually stating, against all the evidence that seems to exist, that a five-day period is more than adequate.

We seem to be the only jurisdiction in the British Isles that is not pushing to try and get as close to real-time sequencing as possible and to try and integrate this better with our public health

response. I have not come across a single piece of research, a single news article or publication that says faster sequencing is a bad idea. I have come across a lot that talk about varying degrees of effectiveness, the need for proper integration with traditional contact tracing, but none that argue against the principle. That is, of course, except for public statements from our own Government, who seem to claim it is of no value in the contact-tracing process.

On 18th January in a press briefing, our Director of Public Health stated in relation to genomic sequencing:

> … this is not information that informs the immediate response to cases or clusters, it doesn't help us contain them …

And yet, three days later, on 21st January, the same Director of Public Health stated that:

> … when we do contact tracing, we can't [*always*] find where it has come from. That is a cause of concern, because we don't know how widespread it is. It's a bit analogous to a wildfire … where it can go under the surface, you think it's gone, you think it's been put out, but every now and again, you get a breakout of fire as it gets up to the surface. And that's very difficult to control and we're always worried that at some point it could lead to a large outbreak of symptomatic cases, it could get into some of our vulnerable groups, they could become seriously ill, and then not only is it bad for them, but it becomes bad for our health service, which potentially would be overwhelmed. So that's the bad scenario and why we worry about the unexplained cases.

Our Director of Public Health then went on to say:

> … we did have five since the Christmas and new year ... We had five that we couldn't link to those lines of transmission. Now, taking into account the genomic sequencing results that we've received to date, we've actually been able to identify three of those unexplained cases as belonging to known clusters and transmission chains. So that's good news in itself. And in fact, even with the two that we currently have, that are still looking unexplained, we are still awaiting sequencing on them. So we may find that they actually link to chains and clusters that we knew about as well.

So it is clear from these that having 'unknown cases' is a real worry. Government even splits them out on the information dashboard. And it is also clear that genome sequencing can help close this information gap and that it has done this already in the cases of incidents around the new year on the Isle of Man. It is just that so far we have had a gap and a delay between 'unknown' and 'known' which has caused concern and which has clearly had an impact on public health decision-making and advice.

So even based on our own lived experience it is possible for us to say that rapid sequencing would have helped provide more and better information quicker. We do not have to look any further afield than our own experiences here on Island. No wonder Guernsey have made real-time sequencing a key pillar of their exit strategy.

Now, clearly this will not let us identify links for all cases and it would be daft to suggest that it might. But it will help us identify links, clusters and transmission chains cases even faster by helping fill in some of these unknowns. This is exactly the point of that Swiss cheese model: that lots of different measures when combined are greater than the sum of their parts.

This is why I have brought this motion today, to enable some debate on this issue:

> That Tynwald is of the opinion that a robust and speedy system of genomic testing is vital in the fight against COVID-19; and that this will remain the case for the foreseeable future.

Because to me it is clear, from the actions being taken all over the British Isles, in fact all over the world, and from what we have seen on the ground here on the Isle of Man, that a properly integrated public health response is vital to tackling the pandemic and that we should be doing everything possible to ensure we are using all the resources available to us to ensure we have access to as quick a turnaround on critical information as is possible. Whether that is by using on-Island resources like Guernsey plan to do, or UK resources like Wales, the goal should be the same: turning this information around as quickly as possible so it can be integrated with our contact tracing and used to help inform public health interventions.

Mr President, I beg to move.

**The President:** Hon. Member, Mr Harmer.

**The Minister for Policy and Reform (Mr Harmer):** Thank you, Mr President.

I rise to support the motion from my colleague the Hon. Member from Ramsey and I am also very grateful for the Director for Public Health for her guidance on this motion.

Genomic sequencing is important as it assists our understanding of patterns of the spread of COVID-19 and for identifying the emergence of new variants of the virus. It is important to identify the emergence of new variants to be aware of the implications for infected persons in terms of transmissibility, ability to cause illness that is more or less severe and/or whether they are able to evade existing vaccines.

But we need to be clear, Mr President, about the purpose for which we seek to use genomic testing and sequencing. Genomic sequencing has different degrees of utility dependent on their intended purpose; whether the purpose is surveillance or whether it is intended to assist acute response during an outbreak, such as we are experiencing at the moment.

In jurisdictions with strong border controls, where all cases/outbreaks will track back to imported cases, sequencing can identify links back to specific travel events. In our context on the Isle of Man, both the cluster that occurred early in the new year and the current Steam Packet related cluster both clearly linked back to single travel-related events.

Mr President, while being able to link chains of transmission definitively to the specific persons/events through genomic sequencing is interesting, in practice this simply confirms what is already known through the usual methods of epidemiology and contact tracing. It identifies links between cases on the basis of persons, times and place.

It is important to be clear what genomic sequencing does not do. It does not impact the immediate communicable disease control actions taken to prevent further spread. Rapid genomic sequencing would not enhance this. Put simply, it would not stop the spread. The Director of Public Health has advised there is currently interest in whether rapid sequencing can enhance care in infections acquired in health-care locations, by enabling rapid linkage of cases to identify whether there is a hospital spread. This is currently subject to an ongoing trial based at University College Hospital, London.

I am aware, Mr President, that some Hon. Members feel that the Island's approach is out of line with recommendations from the UK government's expert advisory groups, such as SAGE and COG-UK, the UK Genomics Consortium; that these groups are recommending that rapid genomics sequencing should be part of the public health response to outbreaks. They are not. They are hypothesising about its potential role. Yes, there was a note of high level discussion in the SAGE minutes from July 2020. It is noted that a number of hypothetical benefits from sequencing, but at present they do not have the trial or real-world evidence to support them.

However, it is important to note, Mr President, COG-UK is the expert body for genomics, not SAGE. COG-UK is not currently delivering integrating genomics into the routine public health response and are not currently flagging this as part of horizon scanning for public health responses.

COG-UK *did* submit a paper in June 2020 to SAGE, and this underlines the comments in the SAGE minutes about hypothetical benefits. The key point here, Mr President, is that COG-UK hypothesise that routine surveillance sequencing could be useful to detect clusters or hotspots. They also note the work that would need to be done to validate this and integrate into national co-ordinated systems. Mr President, it should be noted that in our Isle of Man context we do not need genomics to identify clusters or hotspots. We already know these as they are largely related to identified travel events and for that reason genomics does not add to the standard epidemiological and contact-tracing approaches. In the UK at present the situation is different, against a background of large numbers of cases which may be sporadic. A surveillance signal of a particular genotype could flag a cluster of related cases or an outbreak.

It is interesting to note the COG-UK paper was written in June before the emergence and identification of, in particular, the Kent variant. Now that nearly all cases in the UK are this variant, the ability of surveillance genomics to identify specific clusters is hugely reduced. In any event, the utility of surveillance, prior to the overwhelming spread of one variant, was for surveillance and red-flagging purposes, not to test every case identified within the cluster as management progresses.

Our Public Health and Laboratory teams work closely together to regularly review all aspects of testing for COVID-19. Our staff also liaise with their professional networks in the UK. These include public health, at a national and local authority level, laboratory networks and COG-UK through the Liverpool genomics laboratory. Currently there are no plans for any of these networks either to implement or trial the use of rapid genomic sequencing for outbreak identification or control.

It should be noted that the UK now requires providers of private tests to travellers to identify variants of concern through targeted testing on positive samples. This is part of the border protection to avoid the release of infected individuals, particularly those infected with variants of concern, from being released into the community. The quality and governance requirements required of providers are rigorous as is the requirement for them to work with COG-UK.

Mr President, in closing, absolutely: genomic sequencing does have its role to play in the fight against COVID-19 and will continue to do so for a long time, as the Member for Ramsey rightly states in his motion. It also has a surveillance purpose for the monitoring of patterns of spread and the identification of new variants. Other uses may emerge over time. Our Public Health and Laboratory staff are part of the UK networks that will enable us to be part of any developments over time.

Thank you, Mr President.

**The President:** Hon. Member for Douglas South, Mrs Christian.

**Mrs Christian:** Thank you, Mr President.

The current outbreak has demonstrated the more transmissible variants should change our strategy. Why? Because if we are doing track and trace and quick genomic testing, we would immediately know if it is the Kent variant, so our reaction to that knowledge could be more expedient and robust. We know it is more transmissible, so what do we need to do to mitigate that transmission? Social distancing … *[Technical interference]* reduced numbers at gatherings, face coverings or even a quick, short, sharp lockdown to mitigate the spread could be our strategy based on the type of variant, because once it is in the community, it is too late. So why wait?

It took us over seven days, I believe, to discover it was the Kent variant in this recent outbreak. In that time, the deadly virus was laughing at us, spreading from child to child in our schools, then moving to the more vulnerable, our parents and our grandparents, spreading wildly in our homes, and this was too late. We only had to look across the water to see the devastation this variant was having on the UK population.

Let's imagine the impact the Brazilian P1 variant would have on our Island population if it were allowed to roam free for five days. This variant is believed to transmit more easily and may reduce vaccine effectiveness. In other words, the Brazilian variant may be resisting antibodies in people who should have some immunity, which they caught and recovered from an earlier version of COVID-19. In parallel with our exit strategy, which gives us *hope* to be travelling and receiving visitors from as early as May, we will need faster genomic testing.

So I support this motion and I would encourage *all* Hon. Members and Council to do the same. We need to be smarter than this virus. We need to outthink it. We need an agile strategy that can pivot based on the different variants and their nuances. We cannot do that unless we quickly know what we are dealing with. We need to see that bullet that is coming towards us.

Thank you, Mr President.

**The President:** Hon. Member, Mr Ashford.

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

Genomic sequencing does have an important part to play in the response to COVID-19, but as the Hon. Member for Ramsey, the mover of the motion, has quite rightly said, it is one of many tools, and it must be recognised that as with any tool it has its part to play but also its limitations, which I will come onto shortly.

Genomic sequencing is one part of the toolbox that makes up the response to COVID-19, but only works when used in collaboration with other important tools, such as contact tracing and transmission chain containment. By looking back with genomic sequencing, you can find out where the virus has been and forensically look to see where you believe it may be going. But we must not lose sight of the fact that it is contact tracing and the isolation that comes off the back of that that ultimately shuts down chains of transmission; onward transmission in an immediate fashion, and potentially stops the onward chains from spreading.

The Hon. Member for Douglas South, Mrs Christian, has just spoken about genomic testing and the spread through the community. Mr President, by the time the first case is generally identified that spread will have already occurred, and will have regardless of what the variant is, because the person may well have been asymptomatic for several days at that point, so the person presenting and knowing what variant it is at that moment does not necessarily prevent the seeding that will have already taken place in the community.

So genomic sequencing, Mr President, is like a large jigsaw puzzle. The different pieces fit together to give you a wider understanding of the way the virus has moved and transmitted, but sometimes it has to be recognised not all the pieces are present. So for instance, you may know that the virus came from an outbreak somewhere in the UK, but you may still not know how it got into the Island. Genomic sequencing can only give you the picture of cases you know about and one of the problems with this virus is that many sufferers are asymptomatic and may never be identified or indeed even ever know that they were suffering from the virus. This can leave a gap in the genomic puzzle that still does not give you all the information you may wish or require. If you have an asymptomatic super-spreader, you may never be able to get a firm trace back.

There are also samples that for various reasons cannot be genomically sequenced, which again means it is not always possible to provide an accurate transmission route map. Again, this is why genomic sequencing, although important, must be used in collaboration with other measures. Genomics is particularly important for large jurisdictions, Mr President, because it is useful for establishing travel patterns and showing if particular travel routes are more risk for a country and if particular areas are therefore a weakness that requires tightening. But when it comes to small jurisdictions such as ours, we already know where our travel risk comes from, Mr President. It is basically the United Kingdom.

So it may sound I have been labouring on the limitations of genomic sequencing, Mr President, but let's move on to what are the positives. Well, firstly, COVID-19 as a virus lends itself to genomic sequencing. The particular genome of COVID-19 has more than 30,000 nucleotides, which is long for an RNA virus, meaning that as it passes from person to person there is much more information about each strain's history that is able to be accumulated and therefore more accurate transmission chains, where there are clear chains identifiable, can be accumulated in more detail. That is one of the reasons why many countries have responded to the pandemic by investing heavily in genome sequencing. The UK is no exception to that. In March last year the UK allocated £20 million to the launch of the COVID-19 Genomics UK Consortium in order to increase sequencing capacity and create new high-throughput quality assured regional centres.

One of the key players in that UK genomic sequencing alliance is the University of Liverpool, with whom we partner. Being part of that Consortium brings the benefit of allowing access to numerous world-class academic institutions, including the Wellcome Sanger Institute, which is one of the world's leading genome research institutes. It allows not just for a national genomic map of COVID-19 to be developed, but also an international one. It is led by three world-class

professors who are renowned experts in their fields, and leading a research staff of over 150 researchers working on COVID-19 projects.

Being part of this does not just give us access to the genomics data, but also allows the Island to feed into the wider research being undertaken around treatment of COVID-19 and their research and study around pandemic drug testing. It allows us to access support from a world-class facility with expert advice, all free of charge to the Manx taxpayer. All of the Consortium labs also have to operate to set, defined standards, and as such we are assured of the quality control of the laboratories processing the samples. This is just as important as the sequencing itself to ensure the quality of the process is one we can rely on.

The Hon. Member for Ramsey Mr Hooper, Mr President, rightly says in his motion that any genomic sequencing regime must be robust. In the system we have in place at no cost to the taxpayer, we have access to a quality controlled and assured world-class facility that is respected throughout the worldwide genomics community, overseen by three world-class professors. If that is not a robust system, Mr President, I am not sure what would qualify.

The Hon. Member also refers in his motion to a speedy system being necessary, Mr President. In terms of speed that depends, and the Hon. Member has referred to this, on what the genomic data is going to be used for. In large population countries, genomic testing can be used to try and isolate the virus within clusters of population and to look at how the virus is moving within the different population clusters and try and close down the further spread across those countries. In a small Island community such as ours, Mr President, although valuable, this is not quite of as much use. Being a small population, and geographically small as well, by the time the first case is identified it is quite possible, especially with the more transmittable variants, for widespread seeding across the population to have already taken place, much as we have actually seen with this current outbreak, and would not be prevented necessarily by real-time genomic sequencing because you would still need that base case to come forward and be identified.

Genomic sequencing is also recognised to have four key benefits. The first is that sequencing is necessary to track the transmission route of the virus globally. This shows whether there is one particular chain of transmission that is causing serious issues, which allows for stronger containment measures, or if it is multiple chains spreading out like a spider's web, in which case a different global strategy is required.

The second is that sequencing can determine how quickly the virus is adapting as it spreads. Currently, COVID-19 is estimated to achieve two mutations per month as it spreads. This allows health authorities to identify how likely the virus is to avoid detection from established detection methods and also become resistant to treatments such as vaccines.

The third is sequencing identifies targets for treatments such as vaccines. Much has been heard of in the media, Mr President, about the spike protein of the virus. I think there are actually probably more people around the world now who are aware of the term 'spike protein' than at any time in human history.

The fourth key benefit is it allows understanding of the role of what is called coinfection. In other words, are particular variants more dangerous, making them more symptomatic, asymptomatic or indeed less dangerous or more fatal. While these four key benefits require the knowledge to be built as early as possible as variants develop, they do *not* need instantaneous results. As an Island, our links with the UK Consortium allow us as a jurisdiction to feed into that knowledge base with our experiences on Island and also to be kept informed of developing knowledge.

I have already mentioned about travel, Mr President, and that is a risk factor for large jurisdictions which have people from multiple destinations entering each and every day or, in fact, every hour of every day. Real-time or close to real-time sequencing allows for travel risks on particular routes to be easily identified. Here in the Island our travel risk, as I have said, is the United Kingdom, so we do not have that issue around needing to quickly identify travel risks, as we already know where our travel risk rests.

In terms of our current situation, tests are processed within five working days, which is more than adequate for the uses we currently have for genomic data. Our Public Health Division in DHSC is content with our current speed for our genomic sequencing and also believes with our current links we have robust process in place with a world-class facility. But as the pandemic moves on, Mr President, and as has already been acknowledged by several speakers, the role of genomics may well change. At that point, then it may be necessary to look at more speedy links and that that is exactly what the University of Liverpool, through the Consortium, is actually doing, Mr President. That work is already under way and they are working towards lower times of turnaround and we will automatically benefit from that as part of the Consortium.

So in closing, Mr President, it may have got me a long time to get here, and some Hon. Members have probably lost the will to live in the process, (**The Speaker:** Hear, hear.) but – and I knew that would be widely supported by Mr Speaker – it is important to recognise testing is one of the vital tools in the fight, not just against COVID-19, but also any future viral pandemic, and I am more than happy to support the motion of the Hon. Member for Ramsey, Mr Hooper, that is before us today.

Thank you, Mr President.

**The President:** Hon. Member, Mrs Lord-Brennan.

**Mrs Lord-Brennan:** Thank you, Mr President.

I think that Mr Hooper, the Hon. Member for Ramsey could not have made a clearer case for this. The points he made, he talked about having a speedy system, he talked about it not just being the only solution but being part of various measures that can help us deal with COVID. So it was never just about it being just about genomic sequencing. The bits that I have picked out were where he was talking about *informing* the public health response, and *timely* information. We already know that it works in terms of validating testing, so whether the testing is working fine, and also genomic sequencing can help validate contact tracing. So that is how it closes the information gap.

The other point I think is really important is about the adjustment of response and anticipation of measures. It may be the case that while the official policy is to have an elimination policy of COVID, it may have absolutely no implications at all for response because the response is quite a blunt one. But Mr President, I put it to the Court now that what we need is a much more sophisticated response. We are a year on now, and also we had this on-Island genomic sequencing. Isn't it the case that Government has shot itself in the foot? That it has shot the Island in the foot, by not having this available to us now?

We had this opportunity for this timely information. And, further, these points about timely interventions and timely information were raised months ago, Mr President, they were raised in October Tynwald, they have been raised publicly, they have been raised behind closed doors. But I think there is this 'dug-in' mentality.

The other point I would like to make because … Do you know what? It does become a little bit tiresome, because I certainly get the sense sometimes that Ministers are just simply repeating what officers have said. When the Minister for Policy and Reform was talking, he was saying, 'This is what Public Health have said'. That may be the case; however, surely there is a role for Ministers, for political Members, for politicians to be able to devise their own responses and not just come to the public briefings, to the press conferences, to the Court and just simply reiterate what one or two officers have said.

So I just wonder when the Council of Ministers is going to have the boldness to separate itself from some of the things that officers have said and continue to say. Because, as I say, Mr President, I think Mr Hooper has outlined it very well, the point is about timeliness. We had this asset, we do not now, and we need to have a much more sophisticated response to COVID-19 a year on and to serve us better in the future.

Thank you, Mr President.

**The President:** Hon. Member, Mr Shimmins.

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

Do you remember 'Test, test, test'? Yes? That seems a long time ago. It is still valid. Of course it is still valid. I also remember being berated by the Chief Minister about the cost to the taxpayer of testing and he berated me, as a Treasury Member, looking to increased costs. That was for testing for people when they were arriving, and then subsequent testing.

Hon. Members, as you know, as a Treasury Member, I am always wary of the costs to the taxpayer. I actually welcome the Health Minister showing concerns in this regard. However, I would suggest that on this occasion the cost to the taxpayer of an extended lockdown and slower responses due to a wait for genomic testing, I think that cost is actually going to be much higher.

The Health Minister did not say how much the cost to the taxpayer will be. I suspect that we are talking about thousands. Whereas the current lockdown is of course costing the taxpayer tens of millions of pounds. It is incredibly damaging for our economy. But that of course is just the financial cost, Hon. Members, it does not take account of the human suffering and the anxiety which the current lockdown is causing.

So I am a bit scunnered by this, Hon. Members, and I do think it is time to just take another look at this situation and reflect really on what the best outcome would be for the Island. I absolutely do not doubt the expertise that the Liverpool lab has, but it is five to seven days for a result. It was unacceptable early in this current situation that we were waiting so long for genomic testing. No matter what gloss the Health Minister puts on that, it is just unacceptable and unhelpful that we could have got these results here and now on the Island if we had utilised the expertise that is here. Unfortunately, we do not seem to be able to do that due to a personality clash.

So as you can probably tell, Hon. Members, I will be supporting the motion and I think, actually, I would just encourage Ministers, if you are going to talk about the financial cost, come with real figures, because if it is thousands to apply tens of millions, that is not a cost, that is a saving.

Thank you.

**The President:** Hon. Member of Council, Mr Mercer.

**Mr Mercer:** Thank you, Mr President.

There is one other aspect I would like to add to this debate and that is as we move to a mitigation response in future and as we begin to relax the restrictions at our border, there *will* be probable new cases. Near-real-time genomic testing will allow public health officials to be able to make decisions to control new outbreaks much faster than was possible in the early days of our COVID-19 response. If we are to avoid the repeated swings between highly restrictive and costly lockdowns and life as normal, then near-real-time genomic testing will be a necessary tool to assist with our mitigation strategy.

Hon. Members, as has been highlighted before, our defence against this virus is based on multiple layers of control, and I welcome the suggestion from Hon. Member, Mr Hooper that we add an additional layer to reinforce our response.

Thank you, Mr President.

**The President:** Hon. Member, Mr Thomas.

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

Three very brief questions for the mover, who I thank for this important motion.

The first one is that: is the mover aware of any concern expressed by the University of Liverpool, membership of the UK Genomics Consortium or any other part of that consortium or any part of Public Health England about the fact that we do not have a robust local capacity to contribute to speedy and robust genomics testing?

The second question is, and I put this to the mover as a Member of the Enterprise Department as well. Does the Member moving agree with me that the biotechnology cluster has been a very important part of the Government's programme for developing our economy and that the organisation that has been hinted at, mentioned specifically by some people, has actually always been a crucial part of our biotechnology cluster? If we have a medium-sized, perhaps seven-figure turnover, a handful of employers, important company, it is disappointing that we cannot actually defend them to a university with which the Isle of Man has a great historic relationship through them, themselves, that biotechnology company? But also the Isle of Man relationship going back through the Port Erin Marine Lab, the Centre for Manx Studies, it goes back to the archaeology and history departments. That seems to me beyond doubt that we should be supporting our biotechnology cluster and our relationship with our historic university partner.

Thirdly, does the Member moving remember, as I do, that the Chief Minister was very surprised to find out originally that we did not have the genomic sequencing, in fact genomic data back within a day or two days when he first learnt about that at the press briefings around the time when this was in focus?

Thank you, Mr President, Hon. Members.

**The President:** Hon. Member, Mr Robertshaw.

**Mr Robertshaw:** Thank you, Mr President. Can you hear me, okay?

**The President:** We can, yes.

**Mr Robertshaw:** Thank you, sir.

I was not actually going to speak to this motion which I absolutely support unequivocally because, quite frankly, the Hon. Member for Ramsey boxed it off brilliantly and there is not much to say. My contribution relates more to that submission today by the Minister of Health. It was long-winded, we were pleased when it came to an end, and even the Minister himself acknowledged that.

But, Mr President, I will just take Members back if I may to those of us some considerable time ago now who stood up in Tynwald and argued strongly for the use of masks, and I recall getting lectured by the Minister of Health as to how really it was not relevant and he spieled off all the reasons why we were wrong. Here we are a year later, where we are required to use masks. So what I would submit to Hon. Members, Mr President, is they listen carefully to what the Minister for Health says and then make their own minds up.

One of the issues that I think has been an attempt to mislead Hon. Members is that, in supporting this motion, we somehow have to choose between a local provision of genome sequencing or that high-quality service which is available in Liverpool. I refute that absolutely. I think, and I believe, and I am sure it is correct, that a local provision of genome sequencing would fit and integrate in *very* well with those services in Liverpool. So I would ask Hon. Members to completely ignore that point.

The real point I want to make is really an analogy, because I think we have all said in one form or another that this virus is a war between itself and us as human beings. I just want to draw an analogy between that war and a more traditional war that we know about. We all know, don't we, that one of the big mistakes that always happens in warfare is that at the beginning of a war the generals end up fighting the last war instead of the next one. Isn't that actually what we did this time when the Kent variant came in, which we did not know about for days and days and days?

So what we actually did, if you think back, is adopt the same strategy and policies that we had adopted the first time which had worked; and we found they did not work. One minute we have got hub schools and the next minute we have not. One minute we are going to close the schools and the next minute we are not. Why? Because we did not understand that this was the highly

transmissible Kent variant. If we had known days before, we may not have been in the position that we are in now and trying to struggle out of.

So again back to the war analogy. No army can succeed unless it has got high-quality intelligence, and genome sequencing is irrefutably – you do not need medical competence to know this, but it is common sense – a very important contributor to the number of weapons that we have, and the one thing it can do very quickly is identify new variants. Right now, perhaps we are safe in the sense that the variants as they develop have not exceeded the capacity of vaccinations to overwhelm them, but that may not necessarily be the case in the future. Therefore right on our frontline for future dangers, as this COVID pandemic rolls out in a variety of ways that we are yet to see, we absolutely need fast genome sequencing available to us on Island. It is just plain common sense.

Thank you, Mr President.

**The President:** Hon. Member, Mr Baker.

**The Minister for Infrastructure (Mr Baker):** Thank you very much, Mr President.

It is unusual for me to speak on these COVID motions as many Hon. Members have a more in-depth knowledge of the subject matter than I have. But I have been drawn to my feet for a number of reasons.

The first point I want to make is I fully support the motion from my hon. friend from Ramsey, Mr Hooper. I mean, clearly, in any kind of challenging situation it makes absolute sense to use the tools at your disposal and to deploy them accordingly to the challenge that you face. So clearly this forms a part of our toolbox and it clearly makes sense to use it.

However, I just want to bring a bit of balance to the debate. It is clear to me that, however quickly we have had genomic sequencing available to us, it would not have made any difference to the outbreak happening. By the time you have recognised that you have got a positive case and tested it, it has already breached the security barriers whether that be the border controls, that have served us so well for so long, or other matters. So we have already got a breach by the time you are able to find a case to test and by then the spreading has already occurred. So yes, faster genomic testing is more helpful rather than less helpful, but you have already got a problem by the time you have anything to test.

I would also like to just step back from the detail and clarify that our strategy was to avoid getting any form of variants into the Island, and that is what has done us so well for so many months. We are now in the middle of a very uncomfortable period, but we are losing sight of the fact that for round about seven or eight months we had a situation that was the envy of our neighbours. So we have the same strategy in responding to the virus, whichever variant it was. We did not need to debate whether it was the Kent variant or any other any other variant to know that we needed to deal with it once we had got it.

I was also quite shocked by the comments from the Hon. Member of Council, Mrs Lord-Brennan who was asserting, effectively, that Ministers should be bolder and effectively ignore officers' advice. Now, I am no public health expert and I do not know that any of my colleagues in the Council of Ministers is a public health expert – clearly, Dr Allinson has more medical knowledge than the rest of us – but quite frankly it is a ridiculous suggestion to say that we should be ignoring officers' advice. We have got highly qualified –

**The President:** Intervention, Mr Baker, if you will accept it? It is up to you.

**Mr Baker:** No, I will not, Mr President, I need to carry on here.

We have got some high-quality experienced and committed professional officers who have been absolutely serving the people of the Isle of Man to the best of their ability over the last 12 months, and to say that we should be ignoring that professional advice is frankly ridiculous. This is the same strand of challenge that has been asking from the early stages for Council of

Ministers to publish its scientific advice, and the input it has been getting from its public health and medical professionals. It would be irresponsible to ignore that input.

Clearly, Council of Ministers has to make a balanced decision considering all the factors which are not just about health and are not just about public health, but those are fundamental to the decisions that are made in reaction to this situation.

So in winding my remarks to a close, Mr President, I would say it is very easy for us all to be wise after the event, to talk about 'These measures should have been implemented beforehand', or 'If only that had been done' –

**The President:** Intervention, Mr Baker, if you choose to accept it.

**Mr Baker:** No, thank you, Mr President.

**The President:** Very good, carry on.

**Mr Baker:** As the Chief Minister said earlier, the only way of having no risk whatsoever was to cut the Island off completely from any border crossing which clearly, given the lifeline nature of our various services and the need for patient transfers, was never possible. So it is about risk management. It is very easy when something has gone wrong to say that certain things should or should not have been done.

But we absolutely need to move –

**The President:** Point of order! Mr Baker, I have a point of order.

Mrs Lord-Brennan, what is your point of order?

**Mrs Lord-Brennan:** Thank you, Mr President.

My point of order is that it is incorrect to say that I said that Ministers should ignore officers' advice. That is incorrect. I did not state that at all.

**The President:** Which point of order is that?

**The Speaker:** Objecting to words used.

**The President:** You are objecting to words said, I think, is the point of order.

**Mrs Lord-Brennan:** Yes, Mr President.

**The President:** Objecting to words said. In which case it is quite proper to make a point of order to do so.

**Mrs Lord-Brennan:** And to withdraw those remarks, please, Mr President.

**The President:** Mr Baker, will you reconsider?

**Mr Baker:** Well, certainly the impression that I took from Mrs Lord-Brennan's comment was that she wished for Ministers to make the decisions independently of the advice from officers. So I believe that my inference was correct. Without the benefit of *Hansard*, Mr President, it is difficult for me to comment, but I will accept your direction on this matter, clearly.

**Mrs Lord-Brennan:** Mr President, I would like him to please withdraw the remarks where he is saying that I said that Ministers should ignore officers' advice.

**The President:** If you made those remarks, you are being invited to withdraw them, Mr Baker.

**Mr Baker:** Yes, I am quite happy, Mr President, to accept Mrs Lord-Brennan's assurances that she did not intend to create that impression. (**The President:** Okay.) I –

**Mrs Lord-Brennan:** I did not say those words –

**The President:** Honestly, Hon. Members, we will leave it at that. We are not going to go back and forth all evening.

Mr Baker, complete your presentation, thank you.

**Mr Baker:** Thank you, Mr President.

Just rounding off, clearly, we have to learn lessons from what has happened. We have to, as the Hon. Member for Douglas East said, use the resources that we have got available to us and we have to adapt as we go along.

So with that, Mr President, I fully support the mover's motion, and I will close at that point. Thank you.

**The President:** Hon. Member for Ramsey, Dr Allinson.

**The Minister for Education, Sport and Culture (Dr Allinson):** Thank you, Mr President.

So far I have not heard anyone disagree with this motion. I think it is very timely. The Hon. Member Mr Robertshaw talked about masks and I apologise if he felt he has was being berated in the past. I think we have seen over the last year a *huge* change in ideas, in information, in technology, and therefore in decision-making and in policies; and I welcome that. I welcome the fact that we now have definite evidence to show that masks work.

In terms of genomic testing, what we are also dealing with is the pace of change. We now have a worldwide effort in terms of creating tools to fight coronavirus infections. When you cast your minds back to 2003, it took two months for the genome of the SARS index case to be released into the public database, but it took less than two weeks for the first local SARS-CoV-2 genome to be made available in 2020. Now we can do it within a week and there is current testing going on using real-time viral genome sequencing, using multiplex PCR-based nanopore techniques, which can bring that *much* closer to real-time. What genomic sequencing does is fill in some of the, perhaps gaps in track and trace and contact tracing. It fills in those gaps. It is part of the detective work but cannot substitute for that, as the Hon. Member Mr Hooper stated.

We have also seen across the world small jurisdictions using some of the commercially available facilities to turn those round. So we have seen people who test pet pedigrees or testing for viruses for commercial fish farming turning those techniques round to use those PCR techniques to detect COVID-19. It would be nice to try to capitalise on what we as a small Island can do, but we also have to be aware of the substantial benefit of being linked in to world-class institution such as those in the United Kingdom, which is a world leader in terms of genomic sequencing and has offered that expertise to other places in the world.

I would just like to take up something that the Hon. Member for Middle Mr Shimmins commented on, because I think he is right. In a previous debate we were talking about economic strategy and changing things according to what we have experienced over the last year. Genomic sequencing for COVID is *very* important, but genomic sequencing in terms of medicine, genomic medicine is a new growing sector and it would be nice to see perhaps the Department for Enterprise looking into this in more detail; whether we as an Island could seize the opportunity of biomedical research here, as other speakers have commented on, to our advantage in the long term, or whether we would be better to twin with specialist centres across, as we do with forensic testing in terms of the criminal justice system. We use laboratories in the United Kingdom who

have the right accreditation, but we use them to try to make sure that our results are as robust as possible.

So I welcome this debate in terms of genomic sequencing, but would caution Hon. Members that we are dealing with an *incredibly* quickly changing world here. There is huge amount of resources being put into this and what we may think we could agree on today may be out of date tomorrow.

Thank you, Mr President.

**The President:** Now, Hon. Members, I have three more Members wishing to speak in this debate, which has been going on for one hour. It is quite clear the motion is going to be accepted so if we can make our contributions to the point and brief.

Mrs Sharpe, please.

**Mrs Sharpe:** Thank you, Mr President.

I will be brief. I was not going to speak on this subject, however in looking at this motion I am reminded of our former colleague Miss Costain, who always said we must consider the actual words that are written in the motion … *[Technical interference]* In studying this motion, I see that it says:

> Tynwald is of the opinion that a robust and speedy system of genomic testing is vital in the fight against COVID-19 …

Well, looking at the amount of genomic testing which is going on right now throughout the world, I would argue that Tynwald cannot but agree with that – that is a fact. Whether genomic testing is vital at this very moment for the Isle of Man is a different story. It might not be vital for the Isle of Man today, however, as has been said, it might be vital in the future – it might be vital this time next week. We just do not know.

But going back to the actual wording of the motion, it actually does not mention the Isle of Man at all. It asks Tynwald to agree 'that a robust and speedy system of genomic testing is vital in the fight against COVID-19', and for all the arguments that I have heard, I agree with that assertion, and looking the second part of the motion, 'and that this will remain the case for the foreseeable future', I agree with that assertion also.

So in the spirit of Miss Costain, I will support the motion and urge Hon. Members to do the same.

Thank you.

**The President:** Hon. Member for Onchan, Ms Edge.

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

I too was not really going to say too much on this, but just following on from the previous Member of Council with regard to the words on the motion, I am sure we are all agreeing with it, and I certainly am, however, Mr Hooper who would be the first to pull any one of us up to say it is meaningless, or it does not have a date. So I just wonder if there was any reason why he did not put anything more specific in there to direct that Tynwald was of the opinion that a speedy system on-Island, with 'to be introduced by' whatever. So that is just to comment with regard to that.

I just really want to pick up on some of the comments that have been made by some of the members of the Council of Ministers. I hope that the decisions in CoMin and are getting made on *impressions*, which clearly was quite clear from what Mr Baker was saying; that it was an *impression* that the Hon. Member of Council Mrs Lord-Brennan provided.

The Health Minister talked about, 'we have a great partnership with Liverpool', and I am sure all Hon. Members agree with that. But surely could an agreement not come forward that we have great genomics people on the Island that clearly, or probably in such a small field of these

specialists are already working with Liverpool. Could they not be working in a situation where they are doing the testing on Island and feeding it into Liverpool? If it is a partnership, there are ways of working in a partnership and I would encourage the Council of Ministers to look at that to provide the best for the people of the Island, as that could be running alongside anything else.

Minister Baker also stated that the Council of Ministers has to weigh up various situations and balances on their decisions, and it is not just about health. Throughout this whole pandemic we have been told it is about the preservation of life and we know and we all … that is what we all wish for, is preservation of life. So why would we not want to be able to identify a new strain within a very short period on our Island by specialists who we have on Island to enable that preservation of life?

We have clearly had the Kent version on Island for a very long time, since December/early January, and we have had the Council of Ministers making decisions with regard to continuing on opening schools, closing down premises. We had at from the Chief Minister yesterday that a whole business had to be locked down. So we have known how serious and contagious the Kent variant is since January, yet the Council of Ministers have not made, in my opinion, appropriate decisions or shown leadership. Leadership should have shone through with regard to closing our schools early when we knew it was the Kent variant. But no, we have got hundreds of residents on our Island –

**The President:** Hon. Member, I am going to just stop you for a moment. We are coming to the end of a debate on quite a specific motion on the Order Paper. We are going over and repeating a lot of ground that is familiar and not directly related. So I would invite you to stick to the motion on the Paper and draw your remarks as soon as possible to a close.

Thank you.

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

I will close, and obviously, with regard to other comments that were made, that genomic testing is valuable when there are gaps in contact tracing. Clearly, we have had gaps in contact tracing. So the motion on the Order Paper clearly states a speedy system of genomic testing on the Isle of Man, and that is what we need to make sure that any gaps in contact tracing do not put any people on the Island at a greater risk.

Thank you, Mr President.

**The President:** Thank you.

Hon. Member, Mr Peake.

**Mr Peake:** Thank you, Mr President.

I have listened with interest, and I thank Mr Hooper for bringing this motion. I think what we do not want is to raise the fear levels higher than they are. I think it is a great opportunity to actually work together. I take on board Dr Allinson when he said that we may not know all the benefits from genomic testing, but what we would do if we actually do work hard together is a lot of benefits will come out of those working together.

So I would urge people here to support this motion, which I think everyone is, and to try and actually do what the Chief Minister has said before about us working together. Well, let's put that into action. Let's demonstrate that we can actually work together and build on the resources we have here on the Isle of Man.

Thank you, Mr President.

**The President:** Thank you.

I call on the mover to reply, Mr Hooper. You will wish to note you have had very broad support for the motion, and that will no doubt influence the range and extent of your reply. Mr Hooper.

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

I can certainly say I did not expect this particular Item to be this controversial. *(Laughter)* I would like to thank all Members for contributing. I do not intend to go through every single remark that was made; a lot of points were repeated. But I will try and cover the broad themes. I apologise if I miss anything – it was not the easiest debate to follow unfortunately.

I will start with Ms Edge, actually. Why did I not put something more specific in the motion? The reason for that is exactly as I set out right at the start. The purpose of the motion was to generate this debate. It was not to generate a particular direction. It was to try and tease out some of the views that exist within the Council of Ministers, within the Members of Tynwald, just to actually see what is the situation as we see it? I opted for a particular set of wording that I felt everyone would be able to support. I do not think anybody can disagree with the underlying aim here that we think we should have robust and speedy genomic testing. I think where we all disagree is what is exactly meant by speedy and actually how quick a turnaround we should be looking for.

The debate seemed to me to fall then to two very clear lines: anyone who was in the Council of Ministers robustly defending their policy and everyone outside the Council of Ministers basically saying, 'You guys are mad, you need to step up to the plate and do a bit more.' That is how it has been characterised in my head at least.

The feel I was getting from the various Ministers that spoke was this general feeling that the tracing measures and actually the sequencing does not have a measurable impact on actual on-ground intervention measures. There were some examples given. Mr Baker, the Hon. Member for Ayre and Michael said that it would not have impacted on our intervention measures because by the time we have already identified a case, we already know that it is here on the Island. I think I would put it to him that actually on the Saturday, when the first cases were identified and the PCR testing was undertaken, and then the sequencing was begun, if we would have had answers on the Sunday as to, 'This was the Kent variant', that probably would have impacted the decisions to allow schools to open on the Monday and Tuesday. I cannot say that for certain, but I would be very surprised if the Council of Ministers, knowing that we had a highly virulent, highly infectious strain of coronavirus present on the Isle of Man would not have taken more proactive protective measures even for a few days just to see what the extent of the spread possibly was.

I think the lack of that information at that time probably did influence decision-making. It is impossible to know, as the Council of Ministers does not routinely publish the evidence it uses to make its decisions, but that is definitely the feeling I get, that a lack of information, the fact that they were unknown cases and there remain unknown cases is what has caused and is causing a continuation of this lockdown.

In fact, some of the Ministers threw in some big names when they were responding. They talked about organisations like the Sanger Institute to say, actually, these guys are not doing this kind of real-time sequencing. They are not doing the stuff that is quite up to date and I am a bit off-track on this. So I have actually been doing quite a bit of research into this, and the Sanger Institute themselves actually identify that data from genomic sequencing helps identify routes of transmission, helps identify super-spreading events. They themselves quite clearly state that they are giving their information that they get to their public health officials that they are working with as soon as it is available. That is what they state on their website – as soon as it is available – and that information is being used to help inform infection control measures. So the world-leading Institute the Minister for Health referenced is saying, quite publicly, that they feel that a very quick turnaround is essential.

They go on to explain that actually the whole process for them takes five days. The sequencing takes 24 hours, the rest of the time is then uploading the data onto the relevant public databases. They say that actually they are working very closely with public health authorities across the UK and the UK government to better integrate the data with their work and the phraseology they use, which I find very interesting, is they state that:

> Identifying super-spreading events as quickly as possible will help public health officials respond a little bit sooner.

They go on to say they:

> hope that many small improvements to the speed of our response will collectively help avoid the need for long national lockdowns.

So that is one of the world leaders in this telling us exactly the benefits they see in rapid turnaround of information.

That really speaks to points that were being made by Members like Mr Shimmins saying, actually, if we were doing this, would it have an impact on the length of our lockdowns? Possibly. The experts seem to think that it might. Guernsey, who are following this route, seem to think that it might. Public Health Wales seem to think that it might. Everyone, by the looks of things, seems to think that it may have an impact on the decisions that are made at the start of an outbreak, the decisions that are made in how you manage and control that outbreak, and then the decisions that are made in terms of measures that may be needed if the outbreak gets out of hand. It is only our Government that is saying something different.

I am not hearing the things I am hearing from our Minister for Health from anyone else. I am not seeing it in any of the publications that I am finding. I am not seeing it in any of the press releases. I am not seeing it in any of the papers that are being produced. In fact, the World Health Organization published something at the start of this year, a guide which they called 'a guide to implementation for maximum impact on public health'. And actually, they talk about real-time genomic sequencing being valuable and fundamental, and being absolutely critical to identifying some of these transmission chains.

I completely accept the point that was raised that we have one point of entry. We know all of our transmissions come via the Steam Packet or the airlines. It is pretty obvious: while the borders are closed, that is the only way the virus can get in. But the point for us as an Island is being able to identify how many of those introductions there were and whether any cases are actually linked so that we do not have these unknowns appearing on our dashboard – these 'We don't know which cluster these cases are connected to' appearing. It is that unknown that seems to be driving some of our public health response.

I think Minister Baker actually put it quite well. He said faster is clearly more helpful rather than less helpful, and so I would put it to the Council of Ministers, why are they following a policy that in the words of one of their own members is less helpful? It makes no sense.

There were some questions around is this going to be absolutely essential to stopping another outbreak? The view I would express is yes, I think this is absolutely critical to trying to combat future outbreaks. There was mention, I think by the Minister for Policy and Reform, or it may have been Minister Ashford – sorry, there was a lot of detail in both of your very helpful submissions – that public health authorities in the UK are not using this in terms of horizon scanning. That phrase definitely came up. That this is not being used to inform horizon scanning. Public Health Wales actually are using genomic sequencing as part of their horizon-scanning work. They have even published a document on it called 'Horizon Scanning and Genomic Sequencing for COVID-19'. I would encourage you to read that, because again, everything I am hearing from Government is almost being directly contradicted by publicly available information being published by public health authorities and genomic-sequencing labs and the Consortium and SAGE – the list goes on. The list goes on as to all these organisations and bodies that are all saying, actually, it probably is worthwhile getting this information turned round as quickly as possible and passed over to your contact-tracing team so they can use it to support the work that they are doing, and that is always the narrative that it is framed in. It is never framed in 'This by itself will solve your problems.' It is always framed in that narrative as being an extra piece of information that helps fill in the blanks, a supportive piece of information. And five days is just too long for it to be of any use whatsoever for contact-tracing purposes. It is just too far down the road.

Dr Allinson made some very interesting remarks around how the evidence changes and, actually, he has a point that the evidence is constantly evolving. But I feel, for me at least, we have been very slow to move when the evidence is pointing in a very certain direction. The issue of masks came up. I think it is a very good example, actually, a very good case in point. So we had some comments in the middle of April, I think, is when I first remember hearing the debate around mask wearing in the public kicking off, and I remember at that point the Health Minister being very clear that there was no clinical evidence that community mask wearing was going to stop the spread of the virus. There was no evidence around it. The WHO were producing quite contradictory guidance at the time.

But interestingly other bodies were not, and there is actually a study which was published in *The Lancet* – and I know the Minister for Health has referenced *The Lancet* a number of times – talking about the effectiveness of mask wearing. It talks about mask wearing being a low-cost intervention that will have some effect. It does not talk about it being the be-all and end-all. It talks about it having some effect on this community spread, on the transmission and on protecting people. If you happen to have the virus, it makes it harder for you to spread it, in very simple terms. But the interesting part of that article that really caught my eye was where it states:

> Dismissing a low-cost intervention such as mass masking as ineffective because there is no evidence of effectiveness in clinical trials is in our view potentially harmful.

That I think sums up my view on this issue as well, that we have a lot of evidence pointing in one direction, a lot of bodies are saying this can really help, you really need to try this, you should be looking at how you can do it. We are not all there yet, but everyone is moving in the same direction. Everybody is saying how quickly can we do this? How quickly can we integrate this into our public health response? Yet we have a Government on the Island that is saying because it is not 100% proven, 'I'm not going to do it.' That to me is the same issue we have been facing since day one.

We have lots of evidence pointing towards mask wearing being beneficial, not the panacea, not the be-all and end-all, but beneficial, and we do not do it. We have lots of evidence pointing to advice and interim measures being beneficial, and we do not do it. Then we get to a stage where we have no option but to take the harshest route. That blunt tool, that blunt lockdown that I think Mrs Lord-Brennan, the Hon. Member of Council referenced.

I think, moving into this mitigation phase, now is definitely the time to be looking at a more nuanced response, and my plea to Hon. Members is please do not get caught up in the whole on-Island/off-Island debate. I think the Council of Ministers make a very sensible point when they say we want the best service for the Island, not necessarily one that is provided here on the Island. If we can get the best service through the Liverpool lab through the coronavirus Consortium in the UK, then that is absolutely where we should be going for this. But equally Members have made a very good point that we have a strong biotech cluster on the Isle of Man. We have strong local talent in some of these fields, and so there is not any reason, to my mind, why you cannot supplement that work that is ongoing with the Liverpool lab, with the accredited labs and the accredited Consortium, with local support and local responses as well.

So I will finish here, Mr President, and I will echo Mr Peake's plea. He says let's work together on this and I cannot agree with him more. I just feel that at the moment a lot of us are trying to work together, a lot of us are trying to be supportive and helpful, and yet we are facing resistance from some quarters. I would just urge everyone in this Hon. Court to take a moment to take a step back, and just think about Mr Peake's remarks. We can work together, we should be able to support each other going through this. I absolutely encourage you all to support the motion, not just in the context of the wording on the page, as the Hon. Member Miss Costain would have said, but also in the context of this debate.

With that, Mr President, I beg to move.

**The President:** I put the motion at Item 26 to the Court. I take the Court to be in agreement. I see no dissent. The motion therefore carries.

**27. General Debate (Funding for nursing care, residential care, and care at home) – Item not moved**

*The Hon Member for Onchan (Ms Edge) to move a General Debate on funding for nursing care, residential care, and care at home.*

**The President:** Item 27, General Debate. Ms Edge will not be moving this motion at this sitting, so that completes the Order Paper.

# Supplementary Order Paper No. 1

**1. Standing Orders suspended to take the business on the Supplementary Order Paper No. 1**

The Chief Minister to move:

*That Standing Orders be suspended to the extent necessary to allow the business on Supplementary Order Paper No. 1 to be taken.*

**The President:** We turn to Supplementary Order Paper No 1. The first Item of that is Suspension of Standing Orders.
I call on the Chief Minister to move.

**The Chief Minister (Mr Quayle):** Thank you very much, Mr President.
I beg to move that Standing Orders be suspended to the extent necessary to allow the business on Supplementary Order Paper No. 1 to be taken.

**The President:** Mr Speaker.

**The Speaker:** Thank you, Mr President, happy to second.

**The President:** I put the motion to the Court. Do I see dissent? No, I do not. The motion carries.

**2. Papers laid before the Court**

**The President:** Item 2, I call on the Clerk to lay papers.

**The Clerk:** I lay papers at Item 2 of the Supplementary Order Paper No. 1.

Social Security Administration Act 1992

Social Security Legislation (Contributions) (Amendment) Order 2021 *[SD No 2021/0082] [MEMO]*

Social Security Act 2000

Social Security Legislation (Benefits) (Application) (Amendment) (No. 2) Order 2021 *[SD No 2021/0103] [MEMO]*

*Reports*

Report on the establishment of the Manx Development Corporation *[GD No 2021/0012] [MEMO]*

*The remaining items are not the subject of a motion or debate on the Order Paper*

*Items subject to Negative Resolution*

Interpretation Act 2015

Courts Services Fees Order 2021 *[SD No 2021/0077] [MEMO]*
Fees and Duties (Government Fees) Order 2021 *[SD No 2021/0093] [MEMO]*
General Registry (Miscellaneous Fees) Order 2021 *[SD No 2021/0094] [MEMO]*

## 3. Community Infrastructure Levy – Statement by the Minister for Policy and Reform

**The President:** Item 3, Community Infrastructure Levy and a Statement to be made by the Minister for Policy and Reform, Mr Harmer.

**The Minister for Policy and Reform (Mr Harmer):** Thank you, Mr President.

As Members are aware, at the time of approval of the Area Plan for the East, internal work had started on how a Community Infrastructure Levy – otherwise known as CIL – could be brought into operation.

**The President:** Mr Harmer, can I stop you for one moment? Your voice is drifting in and out slightly, it may be your position in relation to the microphone, if you could just have a look at that, please.

**The Minister:** Oh, I will change and see if this works … Okay, one moment.

Okay, can you hear me better now?

**The Speaker:** Yes!

**The President:** That is much better. Thank you very much.

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

As Members are aware, at the time of the approval of the Area Plan for the East, internal work had started on how a Community Infrastructure Levy – otherwise known as CIL – could be brought into operation. Indeed the approved motion for the Area Plan for the East in November 2020, included the provision at point (3)(d), that:

> … requires a proposal for a Community Infrastructure Levy to be introduced by April 2021;

I make this Statement today to inform Hon. Members about the progress that has been made on this project, and the direction that now must be taken to proceed further.

As a reminder to Members, the aim of CIL is to offset the pressure that new development places on an area, by capturing a small portion of the uplift in land value that owners and developers will experience. The revenue generated from CIL is then used to fund projects such as school expansions, new medical facilities, and transport and other infrastructure.

Our internal team of Chartered Town Planners undertook lengthy research into both the legislation and delivery of CIL, such as how much to charge, what to charge, and where the generated revenue should be invested. This research found that a critical aspect of the English and Welsh planning systems is missing from our own, and without it CIL cannot be effectively introduced. This missing core component is called 'development viability testing.' This is used in both the day-to-day assessment of planning applications, and more importantly in the development of local plans and CIL charging schedules. With the latter, this is often referred to as 'plan-wide viability.'

In its simplest form, one can describe 'plan-wide viability' as a way of testing the costs and profits associated with development in that plan area, against all of the local and strategic plan policies that might generate a cost to the developer. The results of this testing can enable a local authority to understand what they can reasonably ask developers for without jeopardising development, while ensuring that the developer retains an acceptable profit. Currently, there is no plan-wide viability testing within our planning system, which makes it very difficult for DEFA and the Cabinet Office planners to know what they can charge developers through the Section 13 process and, potentially, CIL.

In a worst-case scenario, if no viability testing is undertaken and a CIL charging rate is set that proves too high to accommodate within the average developer's profit, then the development industry will stall and the sites will remain vacant; developers will simply not be able to guarantee a profit and there is too great a risk. On the other hand, if a rate is set too low, then it negates the purpose of the process and CIL may end up costing Government more to administer than it generates in returns.

I therefore believe that gaining a better understanding of the Island's development viability position is a vital next step in the CIL work, and this will also help us to expand the existing planning contributions system, often referred to as 'Section 13 Agreements'. Currently, Section 13 is only used to secure affordable housing and open space contributions that can be linked to individual development projects.

In contrast to this, the UK's 'planning gain' equivalent requires much larger contributions from developers. These are put towards a wide variety of facilities which will be impacted by a particular development and, as I said before, this can be for health, or for education and for infrastructure.

So the message I am trying to convey here is that with 'viability testing', comes a greater understanding of how much a developer can afford to pay towards these facilities. Once a strong viability evidence base is in place, Government will have an easier time defending requirements for financial contributions, and DEFA will be able to expand the Section 13 contributions system significantly.

Mr President, it is clear that in order to deliver CIL successfully, we must move to a system which embraces viability testing. This will enable Government to: firstly, expand its existing development contributions system via the existing mechanism of Section 13 Agreements; secondly, look to introduce through Section 13A a fully functioning and defendable Community Infrastructure Levy which is based on sound evidence; and finally to make plan-wide viability testing a normal plan-making process.

To this end, specialist development viability assistance is required. In England and Wales, this assistance is typically provided to local authorities through private development consultancy firms. So, in order to reap the potential economic benefits of introducing this planning mechanism, Cabinet Office is shortly to seek expressions of interest for Island-wide viability testing from such companies.

I hope that my fellow Members can appreciate the hard work that has gone into the development of this project and the subsequent recommendation of how it must proceed.

Thank you, Mr President.

**The President:** Thank you. That was a Statement.

Mr Thomas, do you have a question? Please keep questions short at this stage, I do not want speeches.

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

In the Keys the week before November Tynwald, when the Area Plan for the East was approved, and then again in the debate, the clear statement was made that the Community Infrastructure Levy would be introduced and would be made operational before April 2021. It now seems misleading.

Furthermore, the statement was made in the debate in November Tynwald that £50 million might be raised from the Community Infrastructure Levy, which I suggested was misleading, given that only £1.7 million had been raised from Section 13 Agreements in the previous 10 years of operation of Section 13. Does the Minister agree that it was misleading to suggest that £50 million – £37 million or something from the Nunnery and the Cooil Road sites, plus £13 million or so from housing developers – was a misleading statement to make in the November Tynwald when the Area Plan for the East was taken through?

Finally, would the Minister like to confirm that work on the Community Infrastructure Levy was not commenced in 2020 or in 2019 or in 2018? It has been going on for years. So it seems to me like the sudden emergence of this issue with viability is something that has actually been known about for some time. Why would legislation be passed through both Branches requiring a Community Infrastructure Levy to be introduced if this factor was not known?

Thank you, Mr President, and I look forward to the answers.

**The President:** Yes, and as we wait for the answers, I just want to make absolutely clear I think I heard you say about misleading statements. One must be very careful not to say and not to imply that a Minister or any Member was deliberately misleading Tynwald. The interpretation of misleading statements carries a degree of possible inadvertence, and that might be what you intended to say.

I invite the Minister to reply.

**The Minister:** Thank you, Mr President. I do apologise. Obviously, the technology has been working perfectly until this very moment so I did not hear all of the question, but I will try and answer the best I can.

Obviously, this is an important area for us that we want to move on as quickly as possible and obviously we wanted to bring proposals, I think that is what we were … by April only. With other political Members, including my colleague in the Cabinet Office and colleagues in Treasury, we are working as hard as we can to achieve that objective. What we are doing is, this is the absolute proper step to achieving this objective but I am making this clear – and the reason why I am making it clear today is because of the other important objective that is being delivered today, which is around the Development Agency.

What I should also point out is the £14 million was for all uses, not just the housing figure that was read. It is absolutely possible we can achieve this, depending on what we charge for how much, but that is the whole point of doing that proper piece of work and it is still a *very* important piece of this work … we will have full officers on this.

So, apologies if I missed certain parts of the question.

Thank you, Mr President.

**The President:** Well, you may have missed part of the question that suggested that misleading statements were being made. I do not know if you heard that or not, Hon. Member, but you may want to come back on that.

**The Minister:** No, I think there have been absolutely no misleading statements whatsoever. The point is about developing proposals in the quickest shape and fashion, so I think I would disagree with that comment.

Thank you, Mr President.

**The President:** We will leave it at that.

Mr Cregeen.

**The Minister for Justice and Home Affairs (Mr Cregeen):** Thank you, Mr President.

As a big supporter of neighbourhood planning and infrastructure levies, I hope the Minister will agree that if this would have been in many years ago, some of our infrastructure would have been in a better position than it is now. And as part of this review, whether he could expand a little bit to say whether this review will actually include something that will help with, say, regeneration? Because I think the developments, say, in Peel and in Castletown, if part of that infrastructure levy was to help with regeneration, some of the older properties may be able to be brought back into life and regenerate the town centres.

I would be grateful for the Minister's comments.

**The President:** Minister to reply.

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

I completely agree and if we had had this earlier, much more could have been done. That is why I think we all agree that this is a very important thing to do.

Just to fill in on some of what the other question was about: why was it not realised sooner that viability testing was needed? Well, viability was known to be a core part of the UK planning system; however, it is not fully understood what agreements would be required and what existing evidence base there was in the Island. Development viability testing is almost exclusively undertaken by RICS chartered surveyors, and not RTP chartered planners. As such the necessary experience and skill naturally lies outside our planning team. Significant research and evidence-gathering was undertaken to determine if CIL could be delivered without viability testing, but it became clear that this was not possible.

So thank you, Mr President, and I support the comments from the Hon. Member for Arbory, Castletown and Malew.

Thank you.

**The President:** Mr Shimmins has a question.

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

I welcome the update from the Minister on the Community Infrastructure Levy. I do think this is an important initiative if we are serious about developing our Island in a way which meets the needs of lots of different stakeholders and viewpoints, it is important that this progresses.

Perhaps the Minister can fill us in with what happens now in terms of what are the next key steps? What is the timeline? When will we have that map to this actually coming into play? I would like to hear about that in terms of the dates and key milestones to achieve this goal.

Thank you.

**The President:** Minister to reply.

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

This will be obviously enacted immediately with the expressions of interest. So obviously that will take a little time for those expressions of interest to come forward. But I will come back to the Member on the exact timelines, and to all Members in fact, of how that system will come about.

But I fully agree with his sentiments, and this is something that we must do as soon as possible. So we will come back with outline timescales.

**The President:** Hon. Member, Mr Baker. Mr Baker, you had a question?

**The Minister for Infrastructure (Mr Baker):** Thank you, Mr President; and apologies, I could not get off mute.

Would the Minister for Policy and Reform agree with me that the power for a community infrastructure levy was introduced in the Town and Country Planning (Amendment) Bill 2019, which was moved by his predecessor?

Thank you.

**The President:** Minister to reply.

**The Minister of Policy and Reform (Mr Harmer):** Thank you.

I would agree with that and also with the previous comment about regeneration. Obviously we need to get the charging rates right; clearly there is a lot at stake. But obviously I wanted to update Tynwald as soon as possible with the current status. Thank you, Mr President.

**The President:** Thank you.

## 4. Manx Development Corporation – Establishment – Report received and contents approved

The Minister for the Treasury to move:

*That Tynwald receives the Report on the establishment of the Manx Development Corporation [GD No 2021/0012] [MEMO] and approves its contents.*

**The President:** We move now to Item 4, the Manx Development Corporation motion in the name of the Treasury Minister, Mr Cannan.

**The Minister for Treasury (Mr Cannan):** Mr President, Hon. Members will recall that in November 2020, Tynwald resolved that the Department for Enterprise should establish the Development Corporation by 31st March 2021. Recognising this clear direction and the ambitious timeframe for delivery, the Department quickly established a cross-departmental steering board with representation from Treasury, the Department of Infrastructure, the Cabinet Office, the Department for Enterprise and the Department of Environment, Food and Agriculture.

The steering board has worked at pace to understand the best structure for such a body, as well as developing a proposed governance framework, which provides both strategic direction and a mechanism to ensure accountability to Government, Tynwald and the taxpayer.

Mr President, following the extensive work of this steering board, including engagement with a wide range of stakeholders, I am pleased to bring forward the Report before you today, which sets out the proposals for the establishment of the Manx Development Corporation. Subject to the approval of this Hon. Court, the corporation will be established as an arm's length, wholly

Government-owned company, with the Treasury being the sole shareholder. There will be a small non-executive board comprising a chair and two non-executive directors, together with a managing director to perform the executive functions.

The strategic direction for the Manx Development Corporation will be facilitated through the proposed Brownfield Regeneration Steering Group formed as a formal Subcommittee of the Council of Ministers. The steering group will consider and determine proposals brought forward by the Manx Development Corporation and hold the board accountable for delivery against a clear strategic implementation plan and an agreed annual work programme, together with a set of performance-driven, key performance indicators.

The Report before you today provides draft terms of reference for the Brownfield Regeneration Steering Group, which will be chaired by myself as the Treasury Minister, ensuring that shareholder primacy is maintained in decision-making, in respect of the work of the Manx Development Corporation. The Treasury will enter into a formal shareholder agreement with the board of the Manx Development Corporation once appointed and a heads of terms for such an agreement is appended to the Report, setting out the foundations of financial oversight and governance arrangements, which will be entered into by both parties.

Hon. Members, in bringing forward this Report and motion requesting Tynwald approval for the proposals set out within it, I believe we have within our reach now the beginning of a new chapter in urban and brownfield site regeneration. The proposals for the Manx Development Corporation seek to strike the fine balance between establishing a company with its own corporate identity, which is sufficiently empowered and autonomous in operational delivery, but at the same time, recognising the need for accountability and transparency to the Manx public and the protection of public assets.

I hope that Hon. Members are able to support the motion before them today. In doing so, the ambitious Tynwald resolution made in November last year will have been realised and the Manx Development Corporation will be established by 31st March 2021. I believe that this will be a significant step towards realising the positive benefits of high-quality, sustainable urban and brownfield site development and improvements to our public realm, serving as a catalyst for broader regeneration as part of the Island's economic recovery.

I would like to thank the members of the Project Steering Board who have worked incredibly hard to put this together and particularly my political colleagues on the Economic Recovery Group, Mr Shimmins and Mr Hooper.

Mr President, I beg to move the motion standing in my name.

**The President:** Hon. Member for Rushen, Mr Skelly.

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

I beg to second and reserve my remarks.

**The President:** Mr Shimmins.

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

It was on 17th April 2018 that this Hon. Court approved a select committee to investigate the options to encourage the development of unoccupied or previously developed urban sites ahead of building on green fields in the Manx countryside.

Mr President, it was my privilege to chair that Select Committee, alongside our hon. colleagues, Mr Robertshaw and Mrs Maska, and subsequently recommendation from the Committee to set up a development corporation was approved by this Hon. Court and three years on, we are about to embark on an exciting chapter which will help kick-start regeneration on the Island.

The Manx Development Corporation will help transform these unloved, derelict and empty sites which are blotting our landscape. Many of these sites are actually owned by Government,

which actually presents low-hanging fruit for development. I sincerely hope that all Members will support this motion.

Thank you, Mr President.

**The President:** Mr Speaker.

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

Like others, I have sat through two debates and read a Select Committee report on this. I went to the Government presentation on it, and this is an idea with real potential and real opportunity. So, what has appeared on the Order Paper by way of the nine-page report – eight-page report and the front cover – and the memo is really disappointing. We have an un-costed plan and I am not prepared to vote for a blank cheque, which is what this document is asking for. It will appoint executive and non-executive roles. There are no idea of salary bands. This is all to be sorted out behind the scenes by Treasury later, and that really falls short of the standards of transparency and good governance that I can sign up to.

There is no public statement of key performance indicators for the body, just a vague hope for profit in the long term. When future scrutiny bodies come to this and ask, 'Did it achieve what it set out to do within the budget set?' they will not have a clue because there is not a clear budget set, there is no clear idea as to what it is setting out to achieve. So I still think that this is an idea with potential, but I do not think that what we have in front of us is adequate to approve it.

I will be voting against.

**The President:** Hon. Member of Council, Mr Greenhill.

**Mr Greenhill:** Thank you, Mr President.

I will be short and concise as usual. I fully support the principles of the establishment of the Development Corporation in the Isle of Man. The regeneration about brownfield sites is well overdue and it is now vital to regenerate our urban spaces and also to preserve our green fields from unnecessary development. Parts of Douglas, for example, lie empty and in disrepair with cracked walls and have to be fixed to attract inward investment and is of benefit to our citizens. In summary, we just must fix the brownfield sites of Man.

Thank you.

**The President:** Hon. Member of Council, Mrs Poole-Wilson.

**Mrs Poole-Wilson:** Thank you, Mr President.

I would also like to voice my support for this Report and to commend the progress on this at last. It does seem to me to be a mechanism to at last facilitate the development of brownfield sites, something that is an objective of the Isle of Man Strategic Plan, and something that in numerous debates has been voiced as an important priority.

I note the queries raised by the Hon. Member for Rushen, Mr Speaker, and my hope would be that in responding, the Treasury Minister might be able to explain when that further information will become available, and I do not want to see this important step forward delayed at this stage and I will be supporting the motion.

Thank you, Mr President.

**The President:** Hon. Member of Council, Mrs Sharpe.

**Mrs Sharpe:** Thank you, Mr President.

**The President:** No, Mrs Sharpe, you are drifting in and out of being able to be heard. Could you adjust your microphone, please?

**Mrs Sharpe:** I apologise, Mr President. Is that any better?

**The President:** That is a bit better. Thank you.

**Mrs Sharpe:** Okay, thank you Mr President.

I welcome this vigorous Report and would like to thank the Minister and all those involved, including the Hon. Members Mr Shimmins and Mr Hooper.

During a previous sitting in this Hon. Chamber, I mentioned a businessman who, at the end of his tether with the frustration of trying to develop brownfield sites in the Island, had come to talk to me, and afterwards thanked me for the hour-long therapy session. He had been so snowed under with Government-generated paper work – which in fact, had not in the end, allowed him to progress with this plans, that they covered several desks. He sent me a photograph as evidence.

I referred to this Report as 'vigorous' because I can see how it will work – because it successfully depicts where we need to get to and how we are going to get there. Hopefully, this is exactly what business people, like the one I mentioned, have been crying out for.

It works because first of all, it has a clear, overall vision which I believe encapsulates the current Zeitgeist. On page 8, it states that the Manx Development Corporation's Vision statement is:

> That the Island's urban landscapes will be perceived by its residents as vibrant, safe, of high design quality and environmentally efficient, and a key contributor to increased inward investment and recognition as a top International Business Centre.

To me, this is a useful vision as it is broad enough to capture landscapes containing older buildings as well as areas of modern architecture, yet specifies that whatever is developed must be environmentally efficient and of 'high design quality'. So I think I can imagine what those landscapes would eventually look like but I wonder if the hon. mover might elaborate, in his summing up, on what constitutes 'high design quality' and what exactly it would be measured against.

The Vision includes the fact that landscapes be perceived as 'safe' by residents and going back to a previous debate we had in this Hon. Chamber over road safety, I especially welcome the inclusion of the word 'safe' and the fact that the landscape should be 'perceived' as 'safe' by residents – so, developers will not be able to get away with building an estate without means to cross a main road or build a road through housing which ends up as a high speed cut-through for drivers.

The fact that the developments be 'vibrant' is also significant. The Oxford English Dictionary defines 'vibrant' as 'full of energy and life'. To me, this means developers must design spaces which people will want to use. So developers will not be able to promise a playground and just stick in a tiny square of bouncy tarmac with no more than a mini roundabout and a horse on a giant spring. They must create attractive spaces.

The purpose of the Manx Development Corporation is vigorously summed up as:

> To be a catalyst for the positive transformation of the Island's urban landscape for the benefit of all Manx Citizens.

And it is the 'catalyst' bit that counts here, as far as investors are concerned. Their question, I am sure, is: how am I going to get through this needless red tape which is currently strangling me and leaving my brownfield site redundant?

So, there is a list of activities which can actually make stuff happen: including, for example, shouldering some of the risk preventing … *[Technical interference]* …

**The President:** Mrs Sharpe, I am very sorry but we are losing you.

**Mrs Sharpe:** … I would argue, because investors, due to their past experiences with Government, are quite rightly … *[Inaudible]* … Can you hear me now, Mr President?

**The President:** No, Mrs Sharpe, the connection is very bad.

**Mrs Sharpe:** Oh, I apologise Mr President. I have been a victim of technology.

**The President:** Is it raining in Laxey this evening?

**Mrs Sharpe:** I will just finish up. *(Laughter)* Blame it on the weather!

But, just to sum up I will not go into detail if you cannot hear me properly, but it is I think important to look at Jersey, which has a very similar company. Since it was established, the company in Jersey has paid cash dividends of £5.473 million to the government, and passed across £3.49 million as dividends … *[Technical interference]* …

**The Speaker:** Point of order, Mr President. I cannot hear the Hon. Member at all, I am really sorry.

**The President:** Thank you, Mrs Sharpe. We have to end your contribution now. Very sorry but you are completely breaking up.

Apologies to Mrs Sharpe.

**Mrs Sharpe:** … *[Technical interference]* …

Thank you Mr President, and apologies for the connection.

**The President:** Yes, it was a very bad connection. I think we missed a lot of what you had to say.

Mr Hooper, please.

**Mrs Sharpe:** That's okay, Mr President. We are victims of technology!

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

I assume that I am coming through loud and clear unless I hear otherwise.

**The President:** Yes, Mr Hooper.

**Mr Hooper:** The first thing I would like to say, really, is just to place on record my thanks for the hard work the team have put into this. I have quite enjoyed seeing Mr Shimmins operate on the ground with this, and he has absolutely driven the team very hard, and they have really stepped up to the mark to get this over the line as quickly as they have. I really cannot speak highly enough of the people on that Project Steering Board, they have done fantastic work.

I would just like to draw Members' attention back to that original document, that original Select Committee Report, that Mr Shimmins referred to, that was published back in 2018. In the evidence to that report, and actually it made it into the body of the Report, I outlined then my vision for a development body, describing that it should have a role akin to that of an investment fund generating a return for Government; but not just financial return. A financial return is all well and good, but that real benefits I see in redeveloping our brownfield and unoccupied sites is that benefit to the economy, that public realm benefit that we will see that we do not see so often from private development.

The Corporation also needs to focus on developing land and property, specifically Government land and property, to help support Government objectives, to support our local communities. That is taking into account things like renting sports fields or developing community assets, and I think that is exactly what this corporation is going to do. For me, the document that has been produced sets out that vision and says this could be the catalyst for change, if we allow it to do so.

The reason I say 'if we allow it to do so' is because I want to also really read out Mr Thomas's stark warning about the risks of a Government agency. He was concerned that it could be subject to political whims, and I think we have just heard some of that from the Hon. Member for Rushen, Mr Speaker, trying to delve right down into the detail around the proposals here, and I accept that there has to be a level of that, there really does. If you look at the Government structure that has been outlined, the Corporation will have to report on KPIs, will have to report on budgets every year to Tynwald. It will also have to report quarterly up to the Council of Ministers. There will be a lot of scrutiny around the operations of this body. But importantly, when it comes down to funding, all of the funding for the body will be done on a project basis, which means other than the initial runway to get the corporation up and running, everything else going forward will have to be approved on that case-by-case basis; and if it is not delivering, the model will have to change.

I think the model that has been built is flexible enough to allow it to do that, so I would urge Mr Speaker to take a look at that bigger picture, to look at the governance structure that is set up that will require annual Tynwald updates, that will allow proper scrutiny by Tynwald of KPIs, of metrics, deliverables and actually, let's get this up and running. Let's let Treasury go away and talk to the Board when they are appointed about a shareholder agreement, about KPIs. Make sure that this is run as a proper arm's length organisation without too much interference from Tynwald Members, from politicians, pointing at this site or that site, pointing at this measurable or that measurable and trying to direct what needs to be an arm's-length organisation, a body that can be given the strategic vision and allowed to get on with it.

I did not hear much of Mrs Sharpe's contribution, but the words that kept coming through on my system were 'red tape' and 'bureaucracy', and I do not know if that was the universe telling us that those were the things that needed to be highlighted, but certainly that is the way I felt. It was interesting to hear that, because that is the sole purpose of this organisation; it is to try and create a structure that is not bound by Government red tape and bureaucracy and is actually able to act in the way a private developer would act, or at least more in a way that a private developer would act, whilst having that public realm vision and that public realm mission. I think that is the key difference here: that we are looking to create an organisation that has public benefit first and foremost in its mind when it is developing sites, when it is looking to engage in projects. And on that basis, Hon. Members, I absolutely commend this motion to you and I hope you can all support it.

**The President:** Hon. Member of Council, Mrs Maska.

**Mrs Maska:** Thank you, Mr President.
I wonder if you can hear me.

**The President:** Yes, we can.
Thank you.

**Mrs Maska:** Thank you very much.

I really do welcome this Report and having sat on the Select Committee, I can also agree that Mr Shimmins, who chaired that Committee, does have an energy that carries everybody along with him. So I thank him for that.

I think the Report outlines the possibilities. It is full of ambition and it is much needed and longed for. I hope that Members will support the Report, because I think, as has been said by others in a better and more eloquent way than me, it does have the potential to enhance our Island urban landscapes and the environment, and it does potentially promise to be a catalyst for change.

I also commend the team that has been behind this work and using the resources that we have within Government to what I can see is a really advantageous outcome in this Report, so I thank them for that and I look forward to the progress.

Something that takes me back to when we were taking evidence on the Select Committee, we took evidence from the Liverpool Development Corporation, particularly with relation to the Liverpool Triangle. One of the comments that they made and was echoed in the report from the Jersey Development Corporation is, if you were to offer one piece of advice looking back, what would that be? Both pieces of evidence seemed to point towards, 'Do not start too big, start by putting one foot in front of the other and you are more likely to succeed.'

I really do welcome this Report and really look forward to seeing the progress as we go forward.

I did have a question as to what the budget might be, because that is not mentioned in the Report. And on that topic, will it be envisaged to have access to the Community Infrastructure Levy? That is all I wish to contribute, but I thank everyone involved in bringing the Report today. I am fully supportive.

**The President:** Hon. Member for Douglas Central, Mr Thomas.

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

I commend the working group that has put together this proposal and the officers behind them, but I also want to state that, in some senses, I have some empathy with what Mr Speaker has asserted, because I am not sure everything in the Report is completely perfect as yet, and I do not want it to be thought that we are actually approving every word and every proposition that is in the Report by voting for this motion today.

So, for instance, very specifically, in the Heads of Terms Agreement in the Background, there is reference in paragraph (C) of the Background to the motion in November 2020 of Treasury finalising:

> a long-term management strategy requiring the centralisation of the strategic control of government land assets by March 2021.

Well that has either happened or it has not happened, but it is not the relevant part of Mrs Barber's amendment. As I remember it, there was another part of her amendment to do with the Manx Development Corporation that is not that one; that is a separate issue.

The second observation I would have is that when we come to the brownfield regeneration political grouping, the Brownfield Regeneration Steering Group, as it is called, there is reference to all of the Programme for Government objectives of an inclusive and caring society, Island of enterprise and opportunity and financially responsible Government, and the Brownfield Regeneration Steering Group is commanded in the document to actually fulfil all of those objectives. Well, I am not sure how that is a realistic objective. It just seems to me a bit of an untidy set of drafting.

When it comes to the remuneration of the people appointed, using the money that I think was clearly laid out in the Budget in one of the speeches, I think it reads as if the Treasury Minister is very involved as the shareholder in the setting of the remuneration; but I would have thought that for an arm'-length company the board would want to be involved in that sort of thing, rather than leaving it to an outside shareholder to dictate that sort of thing, so perhaps the nuancing in that language is not completely correct in the Report.

And finally, there is quite a lot of assertion in the Report, it appears more than once, that the Manx Development Corporation is a 'private' company. It might be set up under company law, but clearly it is a publicly owned company, so I imagine that the assets and liabilities of this company will end up being consolidated into the Government's accounts at some stage. So I think that what is in the Report needs nuancing.

So, who could be against this because essentially, it is a very simple notion that has been a long time coming? But what I wanted to close with is some realism about this, because, although I am sure the Manx Development Corporation can be catalytic and can do good, but bodies have been set up for 20 years to do something with the brownfield sites in the Isle of Man, so perhaps if the

Treasury Minister in his closing remarks could actually put down a simple statement about why this Manx Development Corporation will be different from the Chief Minister's Town Centre Regeneration Group, or the Central Douglas Masterplan Committee, or the Douglas Development Partnership, or the Douglas 2000 initiative. Because there has been 20 years of trying to identify the way to deal with these brownfield sites.

And that leads on to my second question, which is, in a way, the easiest part of the recommendations that the excellent Tynwald Select Committee came up with is implemented with this proposal as a catalyst. The difficult parts are not yet implemented; we just saw one of those examples with the Community Infrastructure Levy and we have made no more progress. Government has made no more progress on the other aspects to do with financing levers compared to the Community Infrastructure Levy. So as far as I understand it, no progress has even been attempted in respect of using rates incentives, and no progress has been made in terms of substantial tax or other fiscal initiatives. Moreover, charges as well were mentioned in the original Report. I am interested to see what the assertion about 'Government owns most of these sites' actually means, because my understanding as a Douglas Member is that most of the sites that people notice as being brownfield, especially in lower Douglas, are actually privately owned, so we need to have the special purpose vehicles that had been proposed for the Department of Infrastructure by Cabinet Office for the last two or three years, and when I left they were still awaiting a response. I am sure in a working group it all makes a lot of sense, but that is not exactly delivering on this issue.

The third point is that I am not 100% convinced that this Manx Development Corporation is not being too tightly specified and too tightly constrained. I am surprised, especially as we have a Council of Ministers that is dominated by the half of the MHKs that do not represent the east of the Isle of Man and the Douglas MHKs, the Onchan MHKs and the Garff MHKs. I thought it was Government policy, and has been for some time, to actually take development outside to the east, to the north and the west, to Jurby and so on, and it seems to me that a body like the Manx Development Corporation could actually also be very helpful in terms of that sort of initiative, which seems to be precluded by this document that is in front of us.

There are many more other contributions I could make, but in the spirit of Mr Hooper mentioning that it is important to give a potential catalyst a chance, and it is also important for politicians to remember that they will always have levers –

**The President:** Mr Thomas, will you accept an intervention from Mr Hooper?

**Mr Thomas:** Of course I will.

**Mr Hooper:** Thank you very much, Mr President, and thank you very much, Mr Thomas, for giving way briefly.

I was just brought to my feet, metaphorically speaking, by remarks around the development of outside of Douglas. I can assure you that there is no way that this motion would have had my support if the focus here would be entirely on Douglas.

The terms of the Corporation and the document that has been produced decided to focus on the areas that have been currently identified as unoccupied urban sites, which are entirely in the east and south because that is where the Area Plans have been done, but the intention is absolutely for the Development Corporation to have an Island-wide remit. The focus clearly is on Government-owned sites and is clearly on sites where there can be the most impact, but I think the intention of this Corporation to have an Island-wide remit is very clear, and I just wanted to place that on the record really, to make sure that everyone is on the same page here, that this is an Island-wide Development Corporation to support some of those aforementioned Government policies.

Thank you very much, Mr Thomas.

**The President:** Mr Thomas.

**Mr Thomas:** Thank you, I am glad I took the intervention because I am not sure that is written in the document, which makes my point, so a very helpful intervention from Mr Hooper.

I can see that there is lots of work still to be done. For instance, another part of the Government backbencher amendment in November of the Area Plan for the East was to do with comprehensive treatment, and it would be absolutely shameful if we did not have the feasibility studies for the comprehensive treatment areas by the time of the end of this administration because they evaporate in law if we do not have those.

I am delighted to see that there has been a thinking through about how the next administration can actually put together its Agenda for Change or its Government Programme and can redirect the Manx Development Corporation along those lines because you cannot divorce the political initiative from an operational body like the Manx Development Corporation.

And, finally, in closing, I just want to go back to the recommendations of the Tynwald Select Committee and two aspects of them: the first one was that the Tynwald Select Committee actually recommended that the Manx Development Corporation would be constituted involving local authorities and the private sector, and that is not immediately obvious, unless somebody can assert in closing that the board is there to represent all stakeholders, including local authorities and the private sector, as well as Government Departments. The steering group seems to be very much a national central Government one rather than involving local authorities and the private sector, at this stage.

The second point is to note that I am absolutely delighted that it seems that the corporate route has been chosen, as recommended by the consultants brought in, because obviously originally the Tynwald Select Committee recommended a development agency, but it was actually the consultants who transformed that into the route of an arm's-length company, a publicly owned company to take that forward, and I think that is an important change, and it is fully in line with what the Single Legal Entity Committee discussed in 2017, 2018 and 2019, before they concluded their work in January 2020, and when Members finally get to see that report, they will see that this initiative was actually already agreed in that group two or three years ago.

With that, I associate myself with some of the scepticism and concern of Mr Speaker, but will be encouraged to see all of that concern washed away with this dynamic, vital team that will make sure that this catalyst can actually be the catalyst that previous politicians in the last two decades have failed to deliver with other catalysts that they have announced for Douglas and the rest of the Island's brownfield sites.

Thank you very much, Mr President, Hon. Members.

**The President:** Hon. Member, Ms Edge.

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

I agree with everything that Hon. Members have said with regard to the work that is being carried out and that we do all want to see our brownfield sites in a different light than we currently do with derelict sites.

Mr President, I am minded to move an amendment because I totally agree with Mr Speaker and his comments with regard to assurances around finances and a blank cheque for the set up. I am just getting the wording of the amendment … apologies, so the wording of the amendment would be to leave out the words 'and approve contents' and add 'and asks Treasury to report in April with the costs of establishing the Manx Development Corporation and the mechanism by which it will be established as a company which functions independently of Government.' The reason that I wish to move this amendment, Mr President, is looking at the papers and the report and in the memorandum under resources … apologies, my screen has frozen, I will be with you in two seconds … the memorandum that has been sent out with the report, the resource implications states:

> The Economic Recovery Group have approved initial funding to enable the establishment and early operation of the Manx Development Corporation.

I am wondering under what authority the Economic Recovery Group has to authorise taxpayers' funding to create the Manx Development Corporation, and it also states:

> Further funding requirements will be for the Corporation's Board to determine and will be subject to the approval of Treasury as the sole shareholder.

At what point have we moved away from not getting authorisation to spend for a new development from Tynwald?

I hope that the Treasury Minister will view my amendment in a positive light, that it is only right to be open and transparent with the funding that is required to set this up and also with regard to the actual corporatised body, and certainly previously we have not agreed the setting up of an arm's length company without it coming to Tynwald for approval.

I hope Hon. Members will understand where I am coming from, I totally support the principle. I cannot support not having a budget but I am happy to support today if the Treasury Minister agrees to come back to this hon. place with a breakdown of what the costs will be and also with regard to the structure of the arm's-length company.

With that, I beg to move the amendment, Mr President:

*To leave out the words 'and approves its contents' add at the end the words:*
*'and asks Treasury to report in April with the costs of establishing the Manx Development Corporation and the mechanism by which it would be established as a company which functions independently of Government.'*

**The Speaker:** Point of order, Mr President.

Would it be possible for the amendment to be put in the chat box as well, so that people can read it? I am conscious of trying to balance e-mails and other things as well.

**The President:** No, I am very reluctant to go down that route.

I have got a copy of the amendment, it has been circulated by email. Everyone should have an opportunity to open that email and read the amendment.

It has now been moved. I require a seconder and I see Mr Moorhouse is seconding, so we have a valid amendment moved and seconded.

Mr Moorhouse, did you wish to speak?

**Mr Moorhouse:** Yes, thank you, Mr President.

I think what Ms Edge is suggesting there really does produce the full requirement that we are looking for, that is all I need to say.

Thank you very much.

**The President:** Mrs Caine, to speak.

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

I would just like to say that I fully support the ambition of the Development Corporation and thank the Members for bringing it forward.

I would like some more reassurance over the financing of the company, but I think that it is most important that we give it the go ahead and that we get it started as soon as possible, so I would welcome the Treasury Minister's reassurance on the point of funding but I am minded to support the motion today.

Thank you, Mr President.

**The President:** Mr Speaker.

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

If people were minded to support the amendment in the name of Ms Edge, I think that delivers certainly on the concerns that I had specifically around what the operational expenditure was going to be, for how long. It is not about line-item veto; it is about getting that vision, getting those key performance indicators and knowing what it is going to cost the taxpayer while this spins up and fulfils its potential. So if the amendment is supported I am happy to support the motion on that basis.

**The President:** Mr Shimmins to speak on the amendment.

**Mr Shimmins:** Thank you very much, Mr President.

Looking at Ms Edge's amendment, I would suggest to Hon. Members that the amendment is unnecessary because the whole point of having a Development Corporation is that it will be able to operate outside the normal restrictions that are within Government Departments.

If we want to vote on every single aspect of the Development Corporation, well, we should just leave it in the Government Departments. But if we do that, we should accept that these brownfield sites will lie blotting the urban landscape for another 25 years. I think that was the crux of what Mrs Sharpe was saying about red tape and bureaucracy in Government. How many times have we seen schemes which have fallen by the wayside?

The cost for the first two years is quite clear, that was presented to Hon. Members at £550,000 as start-up costs. Experience that we have seen elsewhere … and we have had very comprehensive discussions with the States of Jersey who have run successfully now a development company there for many years, that has actually returned many millions of pounds of dividends to the States' coffers.

So I would really suggest that the amendment is not to be supported. I understand why Hon. Members may feel that they wish to run the Development Corporation and opine on every transaction but there is no point us proceeding if we want to do that. We might as well just accept that Government Departments are going to muddle on trying to see these sites developed. That is not the model which operates successfully elsewhere.

I hope that Hon. Members will see the bigger picture here; see the prize that can be gained if we set this up with the correct structure and the papers actually show the structure which is proposed for the Development Corporation, which will be very transparent with a detailed annual report, which will have a lot of information on KPIs and agreed objectives, so Hon. Members will have plenty of opportunity to input at that point; but really, I would suggest we are heading off in the wrong direction with this amendment.

Thank you, Mr President.

**The President:** Mr Cannan to speak to the amendment.

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

I will try and keep my remarks very contained and limited because a number of points have been raised around the whole themes of the financing and why the proposal has been brought forward in the way that it has, but I will address those in my summing up remarks.

I would just say this: first of all, the amendment brought forward by Ms Edge calls for further explanation of the mechanism by which it would be established as a company and functions independently of Government, and I think, Mr President, that has been clearly outlined in the report and information that has been provided to Hon. Members.

I just wanted to touch on the point raised by my hon. friend, Mr Shimmins, perhaps it has been a slight omission not to have made it clearer in the report, but the funding that has been initially approved through the Economic Recovery Group has been approximately £550,000 to cover the

first two to three years of operations, and clearly it is going to take some time, Mr President, for this organisation to actually get up and find its feet.

Now, the whole point of setting up the Economic Recovery Group – and for Members who will recall they have entrusted and voted through substantial sums for that group to access – is to be able to get on and deliver without hindrance or unnecessary hindrance mechanisms by which the Island can exit from COVID but also find solutions to long-standing problems that have potentially held it back over a long period of time, so that is how the funding is being approved.

But the key point here is that within all the documentation is this clear requirement to come back to Tynwald on an annual basis with an annual report.

And if any Members have bothered to look more clearly at annual reports produced by other development corporations they will see very clearly that all the attached costs are outlined. I am sure in time maybe the mechanism for approving funding may change, but for the moment I think it is important that the Economic Recovery Group be left to get on and sponsor this through, with Tynwald's approval now, around the framework under which the Development Corporation will operate. On that basis, I would urge Hon. Members to reject the amendment and allow the opportunity for this to push through to its start.

Thank you.

**The President:** Now, Hon. Members, Standing Orders requires business to end at eight o'clock.

I was going to make a suggestion and put it that Mr Thomas will speak briefly on the amendment, then I will invite the mover to reply to the debate and then we have a vote and then complete the business for today.

Now, I take the Court is happy with that unless I see a dissent. If there is a dissent, we will go to a vote. Thank you very much.

Mr Thomas then to speak to the amendment.

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

Perhaps to reassure the Hon. Court, the Treasury Minister in his summing up can talk about how the Steam Packet Company has worked as a publicly owned company since it was formed in this way. I note that there is a statement in this report that we will have an annual report and a debate in Tynwald on the annual report, which is something we have not had on the Sea Services Agreement to date, but the Sea Services Agreement equivalent does not exist for this situation, thus my comments about there is a certain ambiguity about the operation.

The second question I have for the Treasury Minister in his summing up to help me understand my vote for the amendment is to tell us a bit more about things like the financial regulations that the Steam Packet has operated on and how they relate to those for other arm's-length entities in the public service of the Isle of Man. So for instance, the Post Office and the MUA are *huge* organisations with *huge* amounts of professional people in them compared to what the Manx Development Corporation will be, but they have a *huge* pressure from Treasury to actually comply with the financial regulations, although they have independent boards and they supposedly operate independently under the statute in which they are incorporated and potentially this small entity is the sort of entity where things might start to go wrong, given how dynamic it is being encouraged to be.

Finally, I just wanted to say, with reference to the amendment, that people keep talking about this body as being a replica of the one in Jersey. We have to remember that in the Isle of Man we are different from Jersey. We need Manx solutions for Manx problems. In Jersey they have had a thousand people extra going to the Island every year for the last 10 or 15 years. We do not have that. In Jersey they are very short of land, thus they needed the waterfront development corporation. We are not in that situation in the Isle of Man. We have got a huge amount of things.

So I do not think we should underestimate the challenges that this Manx Development Corporation has actually got in front of it.

With that, I thank you, Mr President, for allowing me to speak to the amendment.

**The President:** Thank you.

Treasury Minister to reply to the debate, Mr Cannan.

**The Minister:** Thank you indeed, Mr President, for that and I would like just to thank all those Hon. Members who have spoken in favour of this motion today and I do not intend to dwell on those speeches.

I think I do want to address, I guess, this core issue that the Speaker has around a blank cheque. Again, I have to reject that. I know and I can understand his desire to ensure that things are properly costed, but at some stage you also have to be in a position to allow some flexibility when you are embarking on something new and ambitious.

I think the Hon. Court has come to realise over the last few years, through the reports that have been delivered since 2018 – the first initial report on brownfield site regeneration – to this point that something different has to be done. Tynwald has made it clear that a development corporation should be established; has looked, I believe, reasonably carefully at the pros and cons of bringing forward a development corporation; has seen the results of development corporations in other areas, not just in Jersey, but of course in the UK too, and understanding, of course, that in many instances they operate in much larger environs. Nevertheless, the benefits of the regeneration that *can potentially*, possibly be achieved through this type of organisation are clear to see. Indeed, one would only have to go across the water to Merseyside. I know the individuals on the steering group spent some time speaking with principals from regeneration in that area to see the benefits that can be brought from a development corporation.

I think the Hon. Member Mr Thomas in some of his scepticism – I guess, to be kind – of this going forward did highlight that there were challenges ahead. Of course there are challenges ahead, Mr President. I do not think I underestimate that; and it will take some time for this to mature. It is not an overnight solution where we are going to vote this through today, I hope, and within 12 months see a miraculous new building appear on the waterfront or on the harbour side. It would take probably two to three years for something to initially mature and one has to look at this as a medium- to long-term project.

One has also got to understand that this is somewhat different to our previous organisations in terms of the way that this is being structured and indeed set up. I think the purpose of the organisation, in terms of setting up the arm's-length company, is to allow it some freedom and flexibility to engage and to look at the opportunities that are in front of it, and it does not have to be, and one would not expect it to be, just purely driven by Government funding. Indeed, I would have thought there are opportunities for private-public sector partnerships and for straight commercial deals to be achieved by the development corporation.

Of course, we are setting out for the corporation to be a profitable one. This should *not* be intended, nor should it be thought of, an organisation that will establish itself to be a drain on taxpayers' resource. One would trust that the results will be forthcoming and subject to annual scrutiny through the annual report that will be brought forward.

In terms of the points that have been made about this just being a corporation for Douglas, again, I fundamentally *must* emphasise that there are many opportunities across the Island that the development corporation could tackle, both initially and indeed in time, and this should be seen as a whole-Island initiative, rather than one that is just purely focused on Douglas.

I think there has been some discussion made around a Community Infrastructure Levy and funding. I think one has to approach that with some caution in terms of using the Community Infrastructure Levy. But in time of course, as we develop out the projects, as the board develops out its projects and those projects are subsequently approved, of course with it will come full proposals for funding, and doubtless those proposals will be in front of Tynwald if they involve substantial public funds that will be required to complete projects.

I think it is also worth emphasising that when we talk about Jersey, for example, and my good friend Mr Thomas indeed talked about the differences between Jersey and ourselves, of course we should not underestimate that there is a difference and we should not believe that a Manx

Development Corporation will follow the example of Jersey or others, *necessarily*. But of course, if we want to develop tourism, if we want to develop a better environment, if we want to drive towards delivering brownfield regeneration as opposed to green-field expansion, then the Development Corporation is going to have a key role to play in that. You can see how the vision of a better Island can be built around those types of statements.

But it is important, of course, that we give the organisation the flexibility to develop out its vision and be able to come forward with proposals to a certain extent without a strong political influence or being necessarily bogged down in mechanisms that are in place in other relationships that might be appropriate for those circumstances. I do not always see why there has to be an *absolute* uniform approach for every single set of circumstances for every arm's-length body within Government. I am not going to get drawn into differences between the Steam Packet, the Post Office and the Manx Utilities Authority, all of whom have different challenges and all of whom, I would suggest, have a slightly different relationship with the Government.

I think, Hon. Members, or at least I hope I have sought to talk about and address most of the concerns that have been raised. I think the choice in front of us now is simple. I think either we continue to procrastinate about these sites, continue to listen to people bemoaning the demise of town centres and bemoaning the lack of action on empty sites, or we take positive steps now to move forward and trust in the outline structures that we have put in place for accountability, trust in the freedom, to a certain extent that Tynwald has placed, and responsibility indeed that Tynwald has placed in the Economic Recovery Group to get this up and running, off the ground and trust that proper accountability and governance will be delivered on an annual basis to this Hon. Court, and of course accepting that this will now take two to three years to really get into its stride.

With that, Mr President, with I would suggest a positive vision for the future, an opportunity to develop our brownfield sites, I beg to move the motion standing in my name.

**The President:** Thank you.

*[There were some technical difficulties.]*

**The President:** Hon. Members, I put to the Court the motion at Item 4 on the Supplementary Order Paper. First, I put the amendment in the name of Ms Edge. I take the amendment to be agreed by the Court, unless I see dissent. This is the amendment.

There is dissent. We are voting on the amendment, please vote now.

*Voting resulted as follows:*

*In the Keys* – Ayes 3, Noes 21

| **FOR** | **AGAINST** |
|---|---|
| Ms Edge | Dr Allinson |
| Mr Moorhouse | Mr Ashford |
| The Speaker | Mr Baker |
| | Mrs Barber |
| | Mr Boot |
| | Mrs Caine |
| | Mr Callister |
| | Mr Cannan |
| | Mrs Christian |
| | Mrs Corlett |
| | Mr Cregeen |
| | Mr Harmer |
| | Mr Hooper |
| | Mr Peake |
| | Mr Perkins |

Mr Quayle
Mr Quine
Mr Robertshaw
Mr Shimmins
Mr Skelly
Mr Thomas

**The Speaker:** Mr President, in the Keys, 3 votes for, 21 against.

*In the Council* – Ayes 0, Noes 9

| **FOR** | **AGAINST** |
|---|---|
| None | Miss August-Hanson |
| | Mr Greenhill |
| | Mr Henderson |
| | The Lord Bishop |
| | Mrs Lord-Brennan |
| | Mrs Maska |
| | Mr Mercer |
| | Mrs Poole-Wilson |
| | Mrs Sharpe |

**The President:** And in the Council, no votes for, 9 against. The amendment fails to carry.

I put the motion at Item 4. I put the motion. I take the Court to be in agreement, unless I see dissent.

There is dissent, therefore we must take another vote, voting on the motion. Please vote now.

*Voting resulted as follows:*

*In the Keys* – Ayes 23, Noes 1

| **FOR** | **AGAINST** |
|---|---|
| Dr Allinson | Ms Edge |
| Mr Ashford | |
| Mr Baker | |
| Mrs Barber | |
| Mr Boot | |
| Mrs Caine | |
| Mr Callister | |
| Mr Cannan | |
| Mrs Christian | |
| Mrs Corlett | |
| Mr Cregeen | |
| Mr Harmer | |
| Mr Hooper | |
| Mr Moorhouse | |
| Mr Peake | |
| Mr Perkins | |
| Mr Quayle | |
| Mr Quine | |
| Mr Robertshaw | |
| Mr Shimmins | |
| Mr Skelly | |
| The Speaker | |
| Mr Thomas | |

**The Speaker:** Mr President, in the Keys, 23 votes for, 1 against.

*In the Council* – Ayes 9, Noes 0

| **FOR** | **AGAINST** |
|---|---|
| Miss August-Hanson | None |
| Mr Greenhill | |
| Mr Henderson | |
| The Lord Bishop | |
| Mrs Lord-Brennan | |
| Mrs Maska | |
| Mr Mercer | |
| Mrs Poole-Wilson | |
| Mrs Sharpe | |

**The President:** And in the Council, 9 votes for, none against. That motion therefore carries. Thank you very much, Hon. Members.

We will now adjourn the proceedings until 10.30 tomorrow morning. Thank you very much.

*The Court adjourned at 8.22 p.m.*