



**Isle of Man
Government**

Reil'tys Ellan Vannin

**SUMMARY OF PROCEEDINGS IN THE COUNCIL OF MINISTERS
APRIL 2008**

PART I

DECISIONS MADE BY COUNCIL

1. GENDER RECOGNITION BILL 2008

Council considered a paper submitted by the Chief Secretary inviting Council to agree that the Gender Recognition Bill now be published for consultation to allow public comment with a view to the Bill subsequently being introduced into the Branches.

After discussion Council agreed that the Gender Recognition Bill, together with its Explanatory Notes, now be published to allow public comment.

2. EUROPEAN COMMUNITY SANCTIONS AGAINST ANJOUAN

Council considered a paper submitted by the Chief Secretary in connection with the European Communities (Anjouan Sanctions) (Application) Order 2008.

Council agreed that the European Communities (Anjouan Sanctions) (Application) Order 2008 be made and the Order then be moved for approval by the Chief Minister at the May 2008 sitting of Tynwald.

3. ONGOING WORK TO REFORM THE CONTROL OF EMPLOYMENT ACT 1975

Council considered a paper submitted by the Department of Trade and Industry advising of the results of the 2007 consultation and the Department's preferred approach in respect of reform of the Control of Employment Act 1975 [CEA].

Council noted that the paper contained three proposals. Council agreed to endorse the proposals as set out below:

- i. To work within its existing powers to authorise exemptions and to review the extent of those powers as part of a broader review of the CEA.
- ii. Reviewing and modernising the present CEA Regulations. Further consultation will be undertaken to this end.
- iii. (Once the review of the Regulations has been completed) reviewing and modernising the CEA itself.

Council noted that the Reviews of the Regulations and the Act will entail further consideration of some of the specific matters that the Department has already consulted on as well as a number of other aspects of the existing legislation in respect of which consultation has yet to take place.

Council also noted that parallel work was being carried out by the Department of Trade and Industry on the possible requirement of applicants for permits to obtain supporting information detailing unspent criminal convictions and related matters.

4. **AGRICULTURAL WAGES BOARD: PROPOSED REPORT TO TYNWALD AND MOTION**

Council considered a paper submitted by the Department of Trade and Industry providing further information and a Report as requested by the Council of Ministers at its meeting on 21 February 2008. The Report supported a joint proposal from the Departments of Trade and Industry [DTI] and Agricultural Fisheries and Forestry [DAFF] that the Agricultural Wages Board [AWB] be retained in its current form serviced by DAFF rather than be transferred to the DTI. This would be a reversal of a recommendation in a Tynwald Select Committee Report which was accepted by Tynwald in 2004.

Council agreed that the Report should be a Council of Ministers Report to Tynwald and that the Minister for Trade and Industry to move the following Motion at the May 2008 sitting of Tynwald:

"That Tynwald receives the Council of Ministers Report on the Future of the Agricultural Wages Board for the Isle of Man and its recommendation be approved"

5. **TOWN AND COUNTRY PLANNING (AMENDMENT) BILL 2008**

Council considered a paper submitted by the Department of Local Government and the Environment seeking Council's agreement to the introduction of the Town and Country Planning (Amendment) Bill 2008 into the branches.

Council agreed to the introduction of the Town and Country Planning (Amendment) Bill 2008 into the branches and that the Minister for Local Government and the Environment would take it through its stages in the House of Keys and that on the assumption the Bill completed its passage in the Keys, Council would request Mr President to ask Mrs C M Christian MLC to take the Bill in the Legislative Council.

6. **TOWN AND COUNTRY PLANNING (DEVELOPMENT PROCEDURE) ORDER 2005 - DEPARTMENT OF LOCAL GOVERNMENT AND THE ENVIRONMENT - APPLICATION DF08/0002 - 08/00119/B - ERECTION OF STEEL PALISADE SECURITY FENCING, 248 JURBY INDUSTRIAL ESTATE, JURBY, ISLE OF MAN IM7 3BD**

The Minister for Local Government and the Environment left the meeting during discussion of this item

Council considered a report by the Independent Planning Inspector regarding the application by the Department of Local Government and the Environment for the

erection of steel palisade security fencing, 248 Jurby Industrial Estate, Jurby, Isle of Man IM7 3BD.

Council agreed the Inspector's recommendation that planning permission be granted, subject to the normal conditions requiring the development to start within 4 years, and specifying the drawing to which the permission relates, all as Drafted in Conditions 1 and 2 of the Planning Authority's evidence.

7. DESIGNATION OF THE PLANNING COMMITTEE UNDER THE PERSONAL LIABILITY (MINISTERS MEMBERS AND OFFICERS) ACT 2007

Council considered a paper submitted by the Chief Secretary seeking approval for Members of the Planning Committee to be specified by order as designated persons under section 3 (2) (l) of the Personal Liability (Ministers, Members and Officers) Act 2007.

Council agreed to make an Order specifying that the lay members of the Planning Committee are designated persons under section 3 (2) (l) of the Personal Liability (Ministers, Members and Officers) Act 2007.

8. SELECTION OF NEW MEMBER OF PLANNING COMMITTEE

Council considered a paper submitted by the Department of Local Government and the Environment regarding the recruitment of a new Member of the Planning Committee.

The Minister formally interviewed 4 candidates and was assisted by Mr Speaker who had previous experience in planning issues.

Council agreed to the appointment of Mr Hamish Killip MBE to fill the vacancy on the Planning Committee.

9. WORKING GROUP REPORT ON BRADDA CAFÉ, GLEN AND HEADLAND

Council considered a paper submitted by the Working Group and the Report of the Council of Ministers covering the Bradda Café, Glen and Headland.

Council agreed that:-

- the Council of Ministers Report entitled "Issues relating to the acquisition, regeneration and preservation of the Bradda Café, Glen and Headland by Government for the benefit of Port Erin and the Nation" be presented to Tynwald.
- the Minister for Agriculture Fisheries and Forestry on behalf of the Council of Ministers move the Motion at the May 2008 sitting of Tynwald:

10. TRANSFER OF IMMIGRATION RULES TO COUNCIL OF MINISTERS

Council considered a paper submitted by the Chief Secretary updating Council on new responsibilities devolving to Council in respect of the Immigration Rules as a result of the Immigration (Isle of Man) Order 2008 and seeking approval of recommendations

regarding processes for handing rule changes and for the practical application of Council powers.

Council noted;

- (a) the Immigration Rules being transferred from the Governor to the Council of Ministers with effect from 13 March 2008.
- (b) The transfer of new responsibilities for the Rules to Council.

Council agreed;

- (c) That the Immigration Office will submit Rule changes to Council, in the form of draft Statutory Documentation, providing information on the purpose of the changes, any implications which have been identified and consequent advice for consideration, and highlighting if any changes have been omitted and why.
- (d) That the exercise of its powers under section 3(3)(a) to vary the leave of an individual subject to immigration control, otherwise than as regards duration, will in practice be formally delegated to the Immigration Office.

11. ISLE OF MAN PARTICIPATION IN INTERREG FUNDED MARINE SPATIAL PLANNING PROJECT

Council noted a paper from the Departments of Transport and Agriculture Fisheries and Forestry informing Council of the Isle of Man involvement in Irish Sea INTERREG funded marine spatial planning project, prior to the bid being made to EU.

Council further noted that the Four Partner Departments, [DAFF, DoT DLGE & DTI] have decided that the Isle of Man should join the formal partnership, the Irish Sea Regions Platform, by a senior politician signing the Declaration of Intent. By so doing the Government would be committed to progressing marine spatial planning through participation in this INTERREG funded project if the funding bid is successful and will re-consider what progress can be made through cross-department co-operation if it is not.

Council endorsed the Isle of Man's participation in the INTERREG Funded Marine Spatial Planning Project and considered the Statement of Interest should be signed at officer level.

The Project Team led by DAFF was requested to report to Council on the proposed process.

Council discussed the need for a wider consideration of marine planning and the role of the Territorial Seas Committee. The Chief Secretary was requested to discuss with relevant officers a proposed structure to include political input and to report back to Council.

PART II

COUNCIL ALSO CONSIDERED OR NOTED THE FOLLOWING MATTERS

1. FUNDING GIVEN TO CHARITIES BY DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Council noted a paper submitted by the Department of Health and Social Security regarding the grants given to charities which did not have a service level agreement or contract with the Department. The Minister for Health and Social Security advised that contracts and service level agreements will be drawn up with some of the organisations.

2. PROGRESS ON THE ROLE OF AN OFFICIAL RECEIVER

Council noted the contents of an information paper from the Chief Secretary in connection with the progress on role of the Official Receiver and in particular that Treasury intended to consult on matters that had arisen and to then provide a paper to Council. The paper would clarify the options available so that the role of the Official Receiver and future shape of the Insolvency Service Office can be resolved.

3. REPUBLIC OF IRELAND TIEA

The Treasury Minister advised that a TIEA with Ireland was due to be signed on 24 April 2008. He further advised of receipt of a letter from the OECD congratulating the Island on the Nordic Council Countries TIEAs.

4. CARERS BEREAVEMENT PAYMENT SCHEME 2008

Council requested that the Department of Health and Social Security consider the implications of the scheme for payment to a carer who retired just before the person being cared for had died.

5. WELFARE RIGHTS OFFICER

The Minister for Health and Social Security advised of the work of the Welfare Rights Officer and a recent internal audit of the work undertaken which reported on the very high quality of service given.

6. UNEMPLOYMENT STATISTICS MARCH 2008

Council noted the Unemployment Statistics for March 2008.

7. OVERSEAS AID REPORT

The Minister for Agriculture Fisheries and Forestry requested information about the progress of the Overseas Aid Report to Tynwald. He was advised that this would go to the July Tynwald.