



Isle of Man Government

Reilrys Ellan Vannin

SUMMARY OF PROCEEDINGS IN THE COUNCIL OF MINISTERS FEBRUARY 2008

PART I

DECISIONS MADE BY COUNCIL

1. AGRICULTURAL TENANCIES BILL 2008

Purpose: to seek Council approval to the inclusion of a new Clause 10 - which concerned assignment of tenancy on death of a tenant.

Council considered a paper submitted by the Department of Agriculture Fisheries and Forestry seeking approval for the inclusion of a new Clause in the Agricultural Tenancies Bill 2008 which concerns the assignment of a tenancy on the death of a tenant.

Council agreed the inclusion of a new clause 10 (as set out in the paper) which concerns assignment of a tenancy on the death of a tenant under the Agriculture Tenancies Bill 2008.

2. ISLE OF MAN AGRICULTURAL MARKETING SOCIETY LIMITED- COUNCIL OF MINISTERS NOMINEES

Purpose: to seek Council of Ministers approval for the appointment of four individuals to act as Council of Ministers Nominees on the Board of the Isle of Man Agricultural Marketing Society Limited.

Council considered a paper submitted by the Department of Agriculture Fisheries and Forestry seeking Council approval for the appointment of four individuals to act as Council of Ministers Nominees on the Board of the Isle of Man Agricultural Marketing Society Limited.

The Minister for Agriculture Fisheries and Forestry advised that he had met the four nominees:-

- Mr Frank Rush
- Ms Heather Smallwood
- Mr Ian England and
- Mr Ian Davis.

The Minister further advised that all four candidates were acceptable.

Council agreed that the four Council of Ministers nominees be appointed Directors on the Board of Isle of Man Agricultural Marketing Society Limited.

3. **EXTERNAL ASSESSOR'S REPORT ON RECOMMENDATIONS ON THE COMMISSION OF INQUIRY INTO THE CARE OF YOUNG PEOPLE**
Purpose: is to seek Council's agreement to the Paper being a Council of Minister's Report on the External Assessor's Report on the progress of the recommendations of the Commission of Inquiry into the Care of Young People incorporating management comments to be laid before the March 2008 Tynwald.

Council considered a paper submitted by the Chief Secretary and the Chief Officers of Home Affairs, Education, Health and Social Security regarding the findings of the External Assessor on the Government's progress on the recommendations of the Commission of Inquiry into the Care of Young People. Council's agreement was sought that the memorandum becomes a Council of Minister's Report and be laid before March 2008 Tynwald together with the External Assessor's Report.

Council agreed that a Chief Minister foreword would be compiled to the Council of Ministers Report and this would be accompanied by the External Assessor's Report (Annex 1) and the Management Report (Annex 2) to be laid before March 2008 Tynwald.

4. **PROPOSALS FOR THE FUTURE HANDLING OF COMPLAINTS AGAINST THE POLICE**
Purpose: (1) to update Council on the Department's proposals with regard to the way forward in respect of the handling of Complaints against the Police, and (2) to request Council's approval of the recommendation that the Department consult with the Chief Constable and the Police Federation with a view to amending the draft Tynwald Commissioner for Administration Bill to incorporate a police complaints process and the Minister confirmed that he would make a statement to Tynwald to this effect.

Council considered a paper submitted by the Department of Home Affairs updating Council on the Department's proposals with regard to the way forward in respect of the handling of complaints against the Police. The paper also sought Council's approval of the recommendation that the Department consulted with the Chief Constable and the Police Federation with a view to amending the draft Tynwald Commissioner for Administration Bill to incorporate a police complaints process.

5. **AVIATION SAFETY MEMORANDUM OF UNDERSTANDING**
Purpose: to seek Council's agreement that it was content with the proposed Memorandum of Understanding with the United Kingdom on Aviation Safety Regulation.

Council considered a paper submitted by the Chief Secretary seeking Council's agreement that it is content with the proposed Memorandum of Understanding with the United Kingdom on Aviation Safety Regulation.

Council agreed that it was content with the proposed Memorandum of Understanding with the United Kingdom on Aviation Safety Regulation.

6. **COUNCIL OF MINISTERS WORKING GROUP – QUEEN'S PIER**
Purpose: to update Council on the progress of the Council of Ministers Working Group – Queen's Pier and advising Council of the proposal of the consultation with political Members.

Council considered a paper submitted by the Chief Secretary updating Council on the progress of the Council of Ministers Working Group – Queen's Pier and advising Council of the proposal of the consultation with political Members.

The Chairman of the Working Group advised that Tynwald Members would be invited to a presentation similar to that given at the stakeholders' workshop but incorporating information regarding the implications of all the topics. Council noted the progress of the Working Group to date, including the consultation process for political Members.

7. **SOCIAL SERVICES BILL 2008**
Purpose: to seek Council's approval to progress the Social Services Bill 2008.

Council considered a paper submitted by the Department of Health and Social Security seeking Council's approval to progress the Social Services Bill 2008.

The Minister for Health and Social Security briefed Council on the implications of the Bill especially in regard to previous undertakings of the Council of Ministers in relation to the Isle of Man's position and the Coughlan judgement in England and Wales.

The Department was proposing that Council approved a six week consultation process in respect of the provisions of the Bill.

Council agreed:-

- (a) That the Department embark on a six week consultation exercise as soon as practicable and report back to Council with the results thereof.
- (b) With regard to the financial implications of the Bill that further, more detailed, discussions be undertaken between officers of the Department of Health and Social Security and the Treasury in preparation for Council's final consideration of the Bill.
- (c) With regard to resource implications that the Department should make best efforts to ensure that any additional staffing requirements would be met from within the current head count.
- (d) With regard to the phased implementation of the Coughlan judgement that the Department implement the changes as soon as practicable following the passage of the Bill through the Branches

8. FURTHER REPORT OF THE ISLE OF MAN OFFICE OF FAIR TRADING INTO GAS PRICES

Purpose: to draw to the attention of Council a report prepared for the Council of Ministers and to advise on the conclusions reached.

Council considered a paper submitted by the Isle of Man Office of Fair Trading (OFT) and a Report annexed thereto entitled "Further investigation into gas prices in the Isle of Man" prepared by the OFT.

On February 1st 2007 the Council of Ministers published the report of the investigation in to gas prices on the Isle of Man undertaken by the OFT. That investigation, covered the period from 2000 to 2005, and was undertaken according to the requirements of Section 19 of the Fair Trading Act 1996 as amended ('the Act'). The report concluded that:

- while there had been substantial changes in the underlying price of gas over the period, this was unable to explain all the observed variation in prices;
- the returns that had been earned by Manx Gas Ltd ('Manx Gas') were above those the company would require to adequately reward it for the risk it was taking in the market;
- there was a lack of transparency in tariff structure and too many legacy tariffs; and
- it was unclear whether Manx Gas had sufficient incentives to minimise the cost of gas purchases.

As a consequence of the Section 19 report, the Council of Ministers instructed the OFT to undertake a further investigation into gas prices under Section 19A of that Act as it appeared to Council on consideration of the Section 19 report that Manx Gas Ltd may have charged an excessive price for gas.

Council noted the report followed the same methodology as that applied in the original Section 19 investigation, analysing the profitability of Manx Gas over the review period and considering the extent to which movements in tariffs can be explained by changes in the underlying cost components.

Council agreed:-

- the inclusion of the additional comments from Manx Gas;
- the Report be laid before April 2008 Tynwald subject to clarification of the concerns raised by Council; and
- that a foreword from the Chief Minister be inserted into the Report.

9. DEPARTMENT/OFFICE/BOARD SERVICE DELIVERY PLANS 2008-2011

Purpose: to seek Council agreement to the publication of 2008-2011 Service Delivery Plans.

Council considered a paper submitted by the Chief Secretary seeking Council's agreement to the publication of the 2008-2011 Department/Office/Board Service Delivery Plans which had been previously circulated to Council for perusal.

Council agreed that, subject to minor amendments, the plans be individually printed and released into the public domain at the end of March 2008.

10. MANX MUSEUM SUNDAY OPENING

Purpose: to provide a response to the request by the Council of Ministers for Manx National Heritage to provide a report on the staffing and financial implications of opening the Manx Museum on Sundays.

Council raised serious concerns about the limitations of the scope of the paper and agreed to refer the paper back to MNH and ask that consideration be given to:-

- Introducing flexible working practices into contracts for seasonal workers
- The use of volunteers such as Friends of the Museum for some aspects of the Sunday work
- The closure of the Museum on a Monday and the opening on Sunday
- The opening on Sundays for:-
 - a reduced time such as 10 am to 4 pm
 - portion of the year such as Easter to October
- What services would they reduce in order to deliver Sunday opening within existing budget
- The opening of some parts of the Museum on Sunday but not the library and technical support area.

MNH was requested to report back to Council by the end of April 2008.

11. APPOINTMENT OF A NEW MEMBER TO THE PLANNING COMMITTEE

Purpose: to detail applicants for the vacancy on the Planning Committee.

Council considered a paper submitted by the Chief Secretary detailing applicants for a vacant place on the Planning Committee.

Council agreed that the Minister for Local Government and the Environment interview a short list of applicants and make a recommendation to Council.

PART II

COUNCIL ALSO CONSIDERED OR NOTED THE FOLLOWING MATTERS

1. IOM/UK Tax Issues

Council noted the contents of an information paper submitted by Treasury detailing the following:-

- (a) UK Residence and domicile Changes announced on 18 January 08;
- (b) EU Savings Directive and UK Resident but non-domiciled people and
- (c) Isle of Man – UK Tax Agreements.

2. Passage of Bills through the Legislature

Council noted a letter dated 5 February 2008 from the President of Tynwald to the Chief Minister which sought to remind Council that the Legislative Council is both able and willing to consider Bills before they have been considered by the House of Keys and this would make more efficient use of time in both the House of Keys and Legislative Council.

The Chief Minister advised he had thanked Mr President for his letter.

3. Breast Screening

The Minister for Health and Social Security advised that letters for appointments for the call and recall Breast Screening programme had been sent out. Screening would be taking place from the end of February 2008.

4. Quarterly Report on the Economy [Period 1 October to 31 December 2007]

The Economic Adviser briefed Council on the main content of the Report highlighting the global financial crisis which was not as yet impacting on local industries. He pointed out the particular structure and strength of the Island's economy as factors that may help to avoid the worst excesses of the current global situation.

The Economic Adviser drew attention to the findings of the Earnings Survey which showed that average earnings to June 2007 rose at a rate on a par with the UK at 2.8%.

5. Report on the 35th General Assembly of the Conference of Peripheral Maritime Regions held in Florence, Italy 18-19 October 2007

Council noted the Report prepared by the External Relations Division of the Chief Secretary's Office on the 35th General Assembly of the Conference of Peripheral Maritime Regions held in Florence, Italy on 18-19 October 2007.

6. Railway Track Safety and Implications for 2008

Council noted an information paper submitted by the Department of Tourism and Leisure regarding the current situation of the operation of Heritage Railways for the 2008 season and in particular the necessity to close the Laxey to Ramsey section of the Manx Electric Railway [MER], for essential repairs.

The Minister for Tourism and Leisure advised on the background to the operation of the Heritage Railways and the health and safety issues which had been identified through a detailed survey of the rail network by Collinson Dutton Limited. He summarised that the Isle of Man Steam Railway, the MER between Douglas and Laxey and the Snaefell Mountain Railway would operate as normal during the 2008 season but known and identifiable risks on the Laxey to Ramsey section of the MER could not be rectified in time for the 2008 season. The Minister agreed to make a statement in Tynwald.

7. Economic Development Fund Scheme (EDFS)

The Chief Minister advised that Ministers ensure that their officers are aware of the EDFS and the Marketing Initiatives Fund.

8. Douglas Quayside

The Minister for Tourism and Leisure was requested to arrange a similar presentation for Tynwald Members as that given to Council on the proposed quayside project.

9. Unemployment Statistics January 2008

Council noted the Unemployment Statistics for January 2008.

10. Power Failure at Nobles Hospital

The Minister for Health and Social Security advised of a power failure at Nobles Hospital appeared to be due to a fault in a relay system. He further advised that patient safety had not been compromised. The power failure had left some problems e.g. accessing the former patient records system. The Minister was in the process of commissioning an independent investigation into the matter.

11. Gaiety Theatre – Filming

The Minister for Tourism and Leisure advised that the filming at the Gaiety had been affected by noise from the contractors working on the Villa Marina.