



## **Isle of Man Government**

*Reil'tys Ellan Vannin*

### **SUMMARY OF PROCEEDINGS IN THE COUNCIL OF MINISTERS JANUARY 2008**

#### **PART I**

#### **DECISIONS MADE BY COUNCIL**

##### **1. LAND REGISTRY AND ASSOCIATED ISSUES**

**Purpose:** since its inception, the Land Registry had undergone a phased introduction which had been previously considered by Council of Ministers with the requisite Orders having been approved by Tynwald. The Land Registry had reached the point where it was ready to implement the final phase, which was to bring the Parishes of Braddan and Onchan (the Douglas conurbation) under compulsory first registration. Council was invited to consider options and to endorse a course of action.

Council considered a paper submitted by the General Registry regarding the final phase of the introduction of the Land Registry which would bring the Parishes of Braddan and Onchan (the Douglas conurbation) under compulsory first registration. Council noted the projected increase in applications for Land Registrations per month, the estimate service net income of £2.4 million and the staffing implications.

Council agreed to introduce All Island Land Registration with appropriate additional staffing [3.0 additional FTE (in addition to the transfer of 2 x 0.5 FTE from within existing General Registry resources to a new 1.0 FTE within Land Registry; 1.0 additional FTE in addition to the existing 2.0 FTE Fixed Term Contracts] subject to the fixed term positions being limited to a maximum of 4 years.

##### **2. MARKETING INITIATIVES FUND APPLICATIONS FROM INCEPTION TO 18 DECEMBER 2007**

**Purpose:** to seek Council of Ministers approval for the funding of those applications to the Marketing Initiatives Fund which were above £100,000.

Council agreed to approve the six applications which amounted to over £100,000 of funding from the Marketing Initiatives Fund.

It was agreed the report be laid before Tynwald in May 2008.

3. **LONG TERM UNEMPLOYED**

**Purpose: to provide an update from the Ministers for Health and Social Security and Trade and Industry on their progress regarding the long-term unemployed as requested by Council its meeting on the 20<sup>th</sup> December 2007**

Council considered a paper submitted jointly by the Departments of Trade and Industry and Health and Social Security providing an update on the Departments' progress regarding the long term unemployed and seeking Council's agreement to actions to minimise the number of individuals who are long term unemployed.

Council agreed that the Department of Trade and Industry Job Centre was authorised to commence actions as set out in the Report.

Council further agreed that the Minister for Tourism and Leisure reviewing the format of the bus passes issued to unemployed persons with a view to including a specific date on the pass.

Council also agreed that the Departments of Trade and Industry and Health and Social Security continue to work closely together to ensure co-ordinated implementation of improvements and to report back to Council on progress by April 2008.

4. **TOWN AND COUNTRY PLANNING (DEVELOPMENT PROCEDURE) ORDER 2005 - DEPARTMENT OF LOCAL GOVERNMENT AND THE ENVIRONMENT APPLICATION DF07/0001 - 06/02245/B - CONSTRUCTION OF 257 DWELLINGS COMPRISING 2, 3, 4 & 5 BED PROPERTIES AND APARTMENTS WITH ASSOCIATED INFRASTRUCTURE, LANDSCAPING AND NEW ACCESS OF DOUGLAS ROAD AND ABBOTS WAY, LAND BETWEEN DOUGLAS ROAD AND CROSSAG ROAD BALLASALLA ISLE OF MAN**

**Purpose: to seek Council's agreement to the reason for refusal for Application DF 07/0001 – 06/02245B**

Council considered a paper submitted by the Chief Secretary seeking Council's agreement to the reason for refusal for the above Application.

After consideration Council of Ministers agreed to accept the Planning Inspectors recommendation to refuse planning permission for the application.

However, in accepting this recommendation Council took particular cognisance of the following conclusions within the Inspectors report:-

Para 133 – the residential use of the land would be in accord with the development plan

Para 134 – there is a need for First Time Buyers (FTB) and public sector housing within Ballasalla

Para 139 – the adverse effects could be overcome through revised proposals

Council further considered that the need for FTB and public sector housing extends to the wider strategic need as set out in the all Island Strategic Plan and the Government Strategic Plan and is a relevant consideration.

For the above reasons this refusal was therefore without prejudice to any revised proposals.

Council agreed to issue the decision notice for Planning Application DF 07/0001 – 06/02245/B and that the wording above is included as the reason for refusal.

5. **AGRICULTURAL TENANCIES BILL 2008**

**Purpose: to seek approval for the Department to introduce the draft Bill into the Branches.**

Council considered a paper submitted by the Department of Agriculture, Fisheries and Forestry seeking Council's approval for the introduction of the Agricultural Tenancies Bill 2008 into the branches. Council noted that the reason for introduction of the Bill was to modernise the law governing the letting of agricultural holdings for both landlords and tenants through the introduction of a more flexible legal framework, which should enable both current and new business expansion and diversification in the agricultural industry.

Council agreed that the Agricultural Tenancies Bill 2008 should be introduced into the branches. It was agreed that the Minister for Agriculture, Fisheries and Forestry would take the Bill through the House of Keys and that on the assumption that the Bill completed its passage in the Keys, Council would request Mr President to ask Mr Butt MLC to take the Bill in the Legislative Council.

6. **THE INTERCEPTION OF COMMUNICATIONS TRIBUNAL**

**Purpose: to seek Council's approval for the Department of Home Affairs and the Attorney General's Chambers to draft an Act to repeal and replace the 1988 Interception of Communications Act with an Act which draws on the Regulation of investigatory Powers Act 2000 of Parliament with particular regard to The Investigatory Powers Tribunal Rules 2000 and which is compliant, so far as is possible in the context with the provisions of natural justice.**

Council considered a paper submitted by the Chief Secretary seeking Council's approval for the Department of Home Affairs and the Attorney General's Chambers to draft an Act to repeal and replace the 1988 Interception of Communications Act.

Mr Attorney advised that the Courts had been concerned at the powers of the Tribunal rather than the procedures for the issue of warrants. He further advised that the Regulation of Investigatory Powers Act 2000 of Parliament was to ensure compliance with Human Rights legislation.

Council noted the background to the proposal as set out in the paper and agreed that the Department of Home Affairs and the Attorney General's Chambers should draft either an amendment to the 1988 Interception of Communications Act or an Act to repeal and replace the 1988 Interception of Communications Act. A Working Group of the Chief Secretary, the Attorney General and the Chief Executive Officer of the Department of Home Affairs would take this forward.

7. **IMPLICATIONS FOR THE ISLE OF MAN FROM THE UK E-BORDERS PROGRAMME AND THE COMMON TRAVEL AREA DRAFT STRATEGY**

**Purpose:** in March 2007 Council of Ministers agreed that the Chief Secretary established a Working Group to consider the implications of the UK e-Borders for the Isle of Man. This report updated Council on the current position in relation to both e-Borders and the Common Travel Area (which are inter-related) and made interim recommendations.

Council considered a paper submitted by the Chief Secretary updating Council on the current position in relation to both e-Borders and the Common Travel Area (which are inter-related) and seeking Council's further agreement on how to proceed.

Council noted that the UK is pressing ahead with the e-Borders programme, which seeks to combine existing passenger carrier information systems with advanced information technology, effectively a national IT travel monitoring system. The programme intends to integrate the requirements of border control, law enforcement and intelligence into one comprehensive strategy.

Council noted further that e-Borders are being led by the Home Office, Borders and Immigration Agency (BIA) working with the Police and Intelligence Services and HM Customs and Excise.

Council agreed in principle to the inclusion of the Isle of Man within the UK e-Borders programme, so that we can work with the BIA to identify the steps that would be required for the Isle of Man to be included in the programme, the implications thereof and report back to Council.

Council further agreed that there shall be a review of the current configuration and resources of relevant Island agencies and to report to Council on how far these services are structured to effectively address the borders matters raised in this paper, in particular the implications of future changes to the CTA.

8. **CAPITAL SCHEME – AIRPORT: RUNWAY END SAFETY AREAS/RUNWAY PROJECT**

**Purpose:** to seek Council of Ministers approval of the financial motion for the proposed capital scheme to be submitted to the February 2008 Sitting of Tynwald.

Council considered a paper submitted by the Department of Transport seeking Council's agreement for a financial motion to February Tynwald not exceeding £41,072,500 in order to undertake works which includes the refurbishment, strengthening and resurfacing of the 08/26 main runway and some of the taxiways, providing associated drainage and aeronautical ground lighting works, as part of an on-going programme of maintenance. The works also incorporate paving the newly provided Runway End Safety Areas (RESAs) in order to provide starter strips to give a modest increase.

Council noted that the increase to the runway length would support the Airport's ability to manage and grow and maintain air services into the future. Council further noted that the works would provide new increased runway end safety areas from 90m in length RW26 (from 180m in length for RW08) to 240m in length and from 92m to 150m in width with a promontory extension in compliance with the recommendations of the International Civil Aviation Organisation (ICAO) and UK Civil Aviation Authority (CAA).

The Minister for Transport advised that under international standards all airports are required to have overrun and undershoot areas, (RESAs), in order to safely contain a situation where an aircraft either fails to stop or lands slightly short of the end of the runway.

Council agreed the financial motion for the expenditure as set for the proposed capital scheme to be submitted to the February 2008 sitting of Tynwald.

**9. SUPERANNUATION ACT 1984**

**Purpose: to seek the agreement of the Council of Ministers for The Personnel Office to progress on its behalf a review of the Superannuation Act 1984, with the aim of drafting a new or amended Superannuation Act.**

Council considered a Paper submitted by Personnel Office seeking Council's agreement for the Personnel Office to progress on its behalf a review of the Superannuation Act 1984 with the aim of drafting a new or amended Superannuation Act.

Council agreed to authorise the Personnel Office to progress a review of the Superannuation Act 1984 as a matter of urgency; and further agreed to write to the Council of Ministers Governance sub-Committee to consider the merits of centralisation of pension schemes' management at some future date.

**10. APPLICATION FOR FUNDING FROM THE MARKETING INITIATIVE FUND FOR E-BUSINESS MARKETING INITIATIVE**

**Purpose: to seek endorsement of the decision of the Treasury, taken on the 19<sup>th</sup> December 2007 to approve: the allocation of £1,000,000 from the Marketing Initiatives Fund for the purpose of funding the proposed e-business marketing campaign in 2008 and the strategy as outlined in the paper**

Council noted the value of E-business to the economy and that despite the strength of the Island opportunities in this area there is relatively little knowledge of the Island's potential to E-businesses.

Council endorsed:-

1. the allocation of £1,000,000 from the Marketing Initiatives Fund for the purpose of funding the proposed e-business marketing campaign in 2008
2. the strategy as outlined in the paper

**11. APPLICATION FOR FUNDING FROM THE MARKETING INITIATIVE FUND FOR SPACE AND SATELLITE INDUSTRY MARKETING**

**Purpose: to seek Council's approval of the allocation of £490,000 from the Marketing Initiatives Fund for the purpose of Marketing the space and satellite industry in 2008 as per the ManSat proposals.**

Council considered an application from Treasury for the extension of a contract for space marketing. Council further noted the positive results of a cost benefit analysis concluded on the space industry.

Council approved the allocation of funds from the Marketing Initiatives Fund for the purpose of marketing the space and satellite industry in 2008. In addition Council agreed that the Quarterly Update Report would include an update of the space industry. Council requested that Treasury provide a Paper for Council on the future policy of the space and satellite industry by September 2008.

**12. PUBLIC SECTOR RENT INCREASES AND ADMINISTRATION ALLOWANCES FOR 2008/2009**

**Purpose: to invite Council to consider and approve recommendations set out in the paper.**

Council considered a Paper submitted by the Department of Local Government and the Environment regarding the public sector rent increases and administration allowances for 2008/2009. Council noted that the Department had reviewed the level of rent and the maintenance and administration allowances retained by the Authorities. Council further noted that Authorities had been consulted on this matter.

Council considered the suggested rent, maintenance allowance, administration allowance and community reserve. Council further noted concern regarding the low level of public sector rents on the Island (compared with rents for similar properties elsewhere in the British Isles and private sector rents on the Island) which does not reflect the high cost of housing provision and the increasing housing deficiency commitment soon to be in excess of £10m per annum.

Council agreed that:-

- (a) Public Sector rents should be increased with effect from 1st April 2008 by 5% which is slightly more than the current level of inflation. This would raise the point value from 87.37 to 91.74 and represents an increase for an average three bed property (60 points) from £52.42 to £55.04 (exclusive of rates) i.e. an increase of £2.62 over 52 weeks (or £2.73 per week over the 50 week collection period used by some authorities).
- (b) The maintenance allowance should remain at 33.3%;
- (c) The administration allowance in 2007/08 should be increased as agreed by Council in 2006 to 7.5% but subject to the Authority delivering on common performance standards to demonstrate effective management and service delivery.

**13. STATUTE LAW (REPEALS) BILL (OF PARLIAMENT)**

**Purpose: to invite Council to agree that it was content for the UK's proposed new Statute Law (Repeals) Bill to be extended to the Isle of Man – in so far as it dealt with Acts of the UK Parliament that had been extended to the Island.**

Council considered a Paper submitted by the Chief Secretary inviting Council to agree its content for the UK proposed new Statute Law (Repeals) Bill to extend to the Isle of Man – in so far as it deals with Acts of the UK Parliament that have been extended to the Island.

The Chief Secretary advised that the present UK Statute Law (Repeals) Bill makes reference to more than 300 UK statutes and that a recent analysis by the Attorney General's Chambers concluded that only three of the proposed repeals had any practical ramifications for the Island. These were the Naval and Military War Pensions &c Act 1915; the Customs and Inland Revenue Act 1879; and the Finance Act 1902.

Council agreed that it was content for the Statute Law (Repeals) Bill (of Parliament) to extend to the Isle of Man subject to the Naval and Military War Pensions &c Act 1915 continuing in force.

**14. PROPOSED MARINE BILL (OF PARLIAMENT)**

**Purpose to invite Council to agree that it would not wish the UK's proposed Marine Bill to include a permissive extent clause that would allow the Bill to be extended to the Island in whole or in part.**

Council considered a Paper submitted by the Chief Secretary inviting Council to agree that it would not wish the UK's proposed Marine Bill to include a permissive extent clause that would allow the Bill to be extended to the Island in whole or in part.

Council noted that in December 2006 the Department of Constitutional Affairs provided a pre-publication draft of the White Paper that Department for Environment, Food and Rural Affairs was intending to produce on a proposed Marine Bill. The Department sought views on whether the Bill should include 'a permissive extent clause' that would allow the Bill to be extended to the Island. The Chief Secretary further advised that there was no support from the Attorney General, Department of Transport and Department of Agriculture, Fisheries and Forestry. The Department of Transport advised that the Marine Installations Bill included in the Government's legislative programme would address many of the same issues that were included in the proposed UK Marine Bill.

Council agreed that it would not wish the UK's draft Marine Bill to include a permissive extent clause subject to confirmation being received from the UK Government that there would be no adverse effect on the MEA Cable or the Gas Pipeline.

## **PART II**

### **COUNCIL ALSO CONSIDERED OR NOTED THE FOLLOWING MATTERS**

#### **1. Anti-Terrorism and Crime Act 2003 – continuance in force**

##### **Purpose to continue in force the Anti-Terrorism and Crime Act 2003.**

The Minister of Home Affairs outlined the need for the Order. The Minister advised that the Act had been thoroughly reviewed.

The Officers outlined the purpose of the Act, the need for it, and gave a detailed presentation on its provisions and concluded by summarising the main reasons for the Act which are to:-

- protect the people of the Isle of Man,
- protect the Isle of Man's reputation,
- comply with the Island's international obligations,
- reduce the possibility of the Island being used for financing terrorism.

Council agreed that the Anti-Terrorism and Crime Act 2003 remain in force and that an Order under section 82(5) of that Act be submitted to the February 2008 Tynwald for approval. Council further agreed that it is content with the 7 day detention period being retained.

Council agreed that the Department should provide a presentation to Tynwald Members at an early date.

#### **2. Cataract Operations**

The Minister for Health and Social Security advised that cataract operations commenced on 8 January 2008 at Ramsey Cottage Hospital.

#### **3. Nobles Hospital Computer System**

The Minister for Health and Social Security advised that the new computer system seemed to be working well.

#### **4. Health Strategy**

The Minister for Health and Social Security advised of the forthcoming Health Strategy which would be reported to Council and then to Tynwald.

#### **5. Tax Presentations**

The Chief Financial Officer advised of three evening Tax Presentations to self selecting participants at the Manx Museum which was well attended by approximately 600 participants.

**6. Isle of Man Agricultural Society Limited – Council of Ministers Nominees  
Purpose: to seek Council of Ministers direction for the selection 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's direction for the selection of four individuals to act as Council's nominees on the Board of the Isle of Man Agricultural Marketing Society Limited. Council noted that following amendments to the Agricultural Marketing Act (1934) the Isle of Man Agricultural Marketing Society was replaced on 1 January 2008 by a company limited by guarantee responsible for overseeing the operations of the Island's two main agricultural marketing associations, namely Isle of Man Fatstock Marketing Association Limited and the Isle of Man Milk Marketing Association Limited. The Agricultural Marketing Society Order 2007 requires Council to nominate 4 individuals to act as Directors on the Board of the Isle of Man Agricultural Marketing Society Limited.

The Minister for Agriculture, Fisheries and Forestry advised that following newspaper advertisements nine applications were received from individuals who wished to be considered as Directors. The Department of Agriculture, Fisheries and Forestry had short-listed four applicants.

Council advised the Minister that in line with other Council appointments and good governance that the Department interview the four preferred candidates and report back to Council at which time a decision would be made.

**7. Overview of The Centenary TT/Update and Plans For 2008 TT  
Purpose: to provide an overview and update to the Council of Ministers from the TT Gold Team**

Council noted a paper submitted by the Department of Tourism and Leisure providing an overview and update from the TT Gold Team highlighting the results and feedback received following the Centenary TT, and the outstanding issues from TT 2007.

Council noted in particular that the TT Coordinating Committee provided the overall direction, the TT Gold Command worked across operational structures and recommended implementation measures to the TT Silver Command. Council also noted the Mountain one-way system and the costs incurred by the Department of Transport.

**8. Patient Transfers to the UK – Escort Arrangements  
Purpose: to update Council on matters relating to patient transfers to the UK, and the use of escorts.**

Council noted a paper submitted by the Department of Health and Social Security informing Council about matters relating to patient transfers to the UK and the use of escorts. Council noted in particular the increasing concerns from senior managers and clinicians about the potential number of patients travelling to the UK to receive NHS treatment with an escort where the escort may not be justified on clinical grounds. A review was initiated and this has resulted in a reduction from nine

categories to four to simplify the referral process and grounds for granting an escort. In addition changes have been made to the Transport Certificate (completed by the referring Clinician) which limits the patient to have an escort to an initial maximum of three trips without review. Patients can ask for a review if escorts have been denied.

An information paper would be circulated to Members of Tynwald.

**9. Ramsey Cottage Hospital – Evening Opening**

The Minister for Health and Social Security advised that he was meeting interested parties at Ramsey Cottage Hospital (RCH) on 25 January 2008 to discuss the problem of lack of activity during the late evening session at the Ramsey Cottage Hospital Minor Injuries Unit.

**10. Summerland**

The Minister for Tourism and Leisure was advised to contact all Government Departments, Offices and Statutory Boards to ascertain if there was any need for the Summerland site by Government.

**11. Social Security Benefit Up-rating 2008**

**Purpose: to request that Council considered the Department's proposals for the uprating of Social Security Benefits payable on the Island from April 2008 ahead of the relevant Orders being submitted for approval.**

Council considered a Paper submitted by the Department of Health and Social Security regarding proposals for the uprating of Social Security Benefits payable to the Island from April 2008 ahead of the relevant Orders being submitted for approval. Council noted that the proposals are currently before Treasury for consideration.

**12. Consultation on Water Fluoridation In 2008**

**Purpose: to update Council on the timetable for the consultation process on Water Fluoridation in 2008.**

Council noted a Paper from the Department of Health and Social Security regarding the timetable for the consultation process on Water Fluoridation in 2008.

Council noted further that the Department of Health and Social Security will make the Public more aware of survey results on oral health amongst 5 year old children through press, media, website and a leaflet delivered to every household.

**13. Overseas Aid Committee Annual Report 2006-2007**

**Purpose: to seek Council's approval to lay the Overseas Aid Committee Annual Report 2006-2007 before Tynwald.**

Council considered a Paper submitted by the Chief Secretary seeking Council's approval to lay before the February sitting of Tynwald the Annual Report of the Overseas Aid Committee for the 2006-07 financial year.

Council noted that the Overseas Aid Committee was responsible for the expenditure of £1.4m of which £1,149,861 was used to support development aid projects with the remaining funding emergency and projects. The expenditure supported 95 overseas aid projects.

Council noted the Overseas Aid Committee's Annual Report for 2006-07 and approved its laying before the February 2008 sitting of Tynwald subject to the Report becoming a Report of the Council of Ministers with a forward from the Chief Minister.

**14. Unemployment Statistics December 2007**

Council noted the Unemployed Statistics for December 2007.

**15. International Business School/IOM College**

The Minister for Education advised that the Department was moving forward with the transfer of most higher and further education to the Nunnery site including the Centre for Manx Studies. A new Higher Education Council would be chaired by Mr Lowey MLC. The Minister advised further that she would be issuing a Press Release.

**16. Information Security**

The Chief Financial Officer advised that the review of information security was now complete and would be issued in due course.