



## **Isle of Man Government**

*Reil'tys Ellan Vannin*

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

#### **PART I**

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

**1. THE ARMED FORCES (FINANCIAL PENALTY ENFORCEMENT ORDERS) REGULATIONS 2008**

Council considered a paper submitted by the Chief Secretary seeking agreement that it is content with the UK's proposed Armed Forces (Financial Penalty Enforcement Orders) Regulations 2008. The proposed Regulations make reference to the Island and are to be made under the Armed Forces Act 2006 (of Parliament) which extends to the Isle of Man.

Council noted that under Section 322 of the 2006 Act the Secretary of State can by way of secondary legislation make provision to enable the Defence Council or authorised persons to make orders for the enforcement of financial penalties by prescribed Courts in England and Wales, Scotland, Northern Ireland and the Isle of Man.

Council agreed that it was content for the Armed Forces (Financial Penalty Enforcement Orders) Regulations 2008 to be made by the Secretary of State.

**2. THE TREE PRESERVATION (AMENDMENT) BILL 2008**

Council considered a paper submitted by the Department of Agriculture Fisheries and Forestry and gave approval for the introduction of the Tree Preservation (Amendment) Bill 2008 into the Branches.

Council agreed that Mrs Cannell MHK would take the Bill 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 Mr Butt MLC to take the Bill in the Legislative Council.

**3. GOVERNMENT AMENDMENTS TO BILLS PROGRESSING THROUGH THE BRANCHES**

Council considered a paper submitted by the Chief Secretary seeking Council's agreement to a procedure to be adopted by Departments/Boards and Offices regarding Government amendments to Bills progressing through the Branches.

Council agreed that Departments/Boards and Offices be instructed that when sponsoring a Bill which is subject to Government amendment[s] to provide an information paper to Council for its meeting when consideration is being given to the House of Keys Order Paper and Legislative Council Agenda. Such paper to include:-

- the amendment,
- a brief explanation of the reason for the Government amendment,
- the basis/effect of the amendment and
- whether the amendment has implication for the Human Rights Act.

4. **DEPARTMENT OF LOCAL GOVERNMENT AND THE ENVIRONMENT**  
**APPLICATION DF07/0020 – 07/01963/B**  
**DEVELOPMENT OF AMENITY LAND FOR PUBLIC RECREATION, LAND**  
**ADJACENT TO REAYRT Y SHEEAR AND JOHNNY WATTERSON LANE,**  
**DOUGLAS, ISLE OF MAN**

**The Minister for Local Government and the Environment left the meeting for this item.**

Council considered a report by the Independent Planning Inspector regarding the application by the Department of Local Government and the Environment for development of amenity land for public recreation, land adjacent to Reayrt Y Sheear and Johnny Watterson Land, Douglas, Isle of Man and agreed the Inspector's recommendation that the application be approved subject to conditions as listed at Annex A to the Report.

5. **IMF ASSESSMENT 2008 – FATF SPECIAL RECOMMENDATION VIII AND NON**  
**PROFIT ORGANISATIONS/CHARITIES**

Council considered a paper submitted by the Chief Secretary advising Council of the present position in the Island in relation to compliance with the Financial Action Task Force (FATF) Special Recommendation VIII (SR VIII) on preventing Non-Profit Organisations (NPO) being used for terrorist financing, and to consider options for the future registration, regulation and monitoring of charities in the Island.

Council noted the need for countries to review the adequacy of laws and regulations that relate to entities that can be abused for the financing of terrorism. However, any regulations proposed should take a risk based approach.

Council agreed that a public consultation document concerning the future registration, monitoring and regulation of NPOs in the Isle of Man be drafted. That document should be published. Its main focus should be NPOs and SR VIII, it should also give the public an initial opportunity to comment on current Isle of Man charities law in general and what they would wish to see incorporated into the planned Charities Bill. The consultation period should be for a minimum of 8 weeks.

6. **ISLE OF MAN – IRELAND TAX AGREEMENTS**

Council considered a paper submitted by the Treasury updating Council on progress in negotiating tax agreements with Ireland and seeking Council's agreement regarding the next steps to be taken.

The Treasury Minister highlighted that this agreement could be the first that Ireland had agreed with a small state.

Council agreed:-

1. That the Isle of Man should conclude with Ireland the agreements covered in the paper and that the Minister for the Treasury should be mandated to sign them on behalf of the Isle of Man Government at a ceremony in Dublin on a date to be arranged.
2. That appropriate ratification Orders should then be prepared for presentation to Tynwald.
3. That the Assessor of Income Tax, as head of delegation, should take forward the subsequent negotiations with Ireland and report regularly to Council on the progress of those negotiations.

**7. TT 2008 MOUNTAIN ROAD ONE-WAY SYSTEM**

Council considered a paper submitted jointly by the Departments of Home Affairs, Transport and Tourism and Leisure seeking approval for the One-Way System on the Mountain Road for the TT Festival 2008 and to continue in future years.

Council agreed that based on evidence from 2007 and with the support from the emergency services and the endorsement of the Gold Command Group, and the recommendation from the three Departments involved to confirm the proposal to make the Mountain Road section of the TT Course, from the Ramsey Hairpin to Cregny-Baa one-way for TT Festival 2008 and future years.

**8. INTERCEPTION OF COMMUNICATIONS ACTS 1988 AND 2001 REPORT OF THE COMMISSIONER**

Council considered a paper submitted by the Chief Secretary and agreed that, as this was a Governor in Council function, Council should recommend to the Governor that the Report of the Commissioner for the year ended 31 December 2007 be laid before the April 2008 sitting of Tynwald.

**9. PERSONNEL CONTROL MECHANISM**

Council considered a paper submitted by the Personnel Office seeking approval for revisions to the method of reporting on the Personnel Control Mechanism (PCM) by all Departments, Boards and Offices.

Council agreed to endorse the implementation of a revised PCM reporting mechanism for all Departments, Boards and Offices in addition to the amendments currently being addressed within the Oracle HRFS database.

**10. BRIEFING PAPER ON THE PROCEEDS OF CRIME BILL 2008**

Council noted an information paper submitted by the Treasury outlining the contents of the finalised draft of the Proceeds of Crime Bill and providing the general aims, contents and timetable for the Bill.

Council further noted that Council had previously approved the preparation of the Bill.

Council agreed that Mr Braidwood MHK would take the Bill 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 Mr Downie MLC to take the Bill in the Legislative Council.

#### **11. TRANSFER OF AVIATION SAFETY REGULATION FUNCTIONS TO THE DTI**

Council considered a paper submitted by the Chief Secretary's Office in connection with the Transfer of Functions (Civil Aviation) Order 2008.

Council agreed:-

- that the Transfer of Functions (Civil Aviation) Order 2008 be made;
- that the concurrence of his Excellency the Lieutenant Governor be sought and that the Order be moved by the Chief Minister for approval at the April 2008 sitting of Tynwald;
- that the Air Navigation (Isle of Man) (Amendment) Order 2008 be progressed through the Ministry of Justice to the Privy Council in order that both Orders come into force on 1 July 2008.

#### **12. ASSOCIATE MEMBERSHIP OF THE INTERNATIONAL MARITIME ORGANISATION**

Council considered a paper submitted by the Department of Trade and Industry in connection with Associate Membership of the International Maritime Organisation (IMO).

The paper sought Council approval for the Isle of Man Government to apply for Associate Membership of the IMO the United Nations agency based in London, tasked with developing and maintaining the international regulatory framework for shipping.

Council noted that:-

- the application was in line with the Government Strategic Plan 2007-2011 to further develop the Island's influence and representation with international organisations such as the United Nations (UN).
- it would serve to promote and protect its shipping interests internationally - in terms of international influence in the maritime world there was be no greater forum than the IMO
- an international presence at IMO was considered to be a cost-effective solution to raising the profile and status of the Isle of Man and to protect and promote its shipping interests.
- associate membership would enhance the reputation of the Isle of Man and remove many of the misconceptions about its 'Flag' status around the world.
- The timing of the application has become more critical recently, as Gibraltar's government is considering application for Associate Membership. It was therefore recommended that the Isle of Man's application be submitted ahead of any application by Gibraltar, which may affect the UK's consideration of the Isle of Man application.

Council endorsed the decision of the Department for the Ship Registry to pursue associate Membership of the IMO and agreed that the Department should now pursue associate membership through the appropriate mechanisms.

**13. IMMIGRATION (DESIGNATION OF TRAVEL BANS) ORDER 2008**

Council considered a paper submitted by the Chief Secretary's Office seeking approval to the making of the Immigration (Designation of Travel Bans) Order 2008.

Council noted it was proposed that the subordinate legislation be laid before the April 2008 sitting of Tynwald which was the next available sitting after enabling powers in the Order in Council come into force.

Council agreed that the Immigration (Designation of Travel Bans) Order 2008 be made, and laid before the April sitting of Tynwald in accordance with the procedure set out in section 166(4) of the 1999 Act.

**14. TEMPORARY RE-APPOINTMENT OF PLANNING APPEALS INSPECTOR**

Council considered a paper submitted by the Chief Secretary informing Council that the Planning Appeals Inspector allocated to conduct appeals in the week commencing 14 April 2008 had been suddenly admitted to hospital and although he was expected to make a full recovery he would not be fit enough to attend for the appeals during that week.

Council noted that despite considerable efforts, it had not been possible to secure the services of another Member of the panel of Island Inspectors for the week of the 14 April owing to their prior commitments.

Council agreed that Mr G Farrington be reappointed as a Planning Appeals Inspector on a temporary basis to deal with Planning Appeals scheduled for the week commencing Monday 14 April 2008.

**15. PLANNING APPLICATION FOR CONSTRUCTION AND OPERATION OF RESIDUAL WASTE DISPOSAL FACILITY – POINT OF AYRE**

**The following Ministers all declared an interest and were not present during consideration of this item:**

**Hon J P Shimmin MHK, Minister Local Government and the Environment**

**Hon G M Quayle MHK, Minister Home Affairs**

**Hon D M Anderson MHK, Minister Transport**

**Hon W E Teare MHK, Minister Health and Social Security**

Council considered a paper deferred at the meeting of Council on 13 March 2008 submitted by the Department of Local Government and the Environment in connection with the construction and operation of residual waste disposal facility at the Point of Ayre [Ref 08/00230/B].

Council determined that the application be called in and determined by it in accordance with the provisions of Section 11 of the Town & Country Planning Act 1999.

**16. DEVELOPING A RELIABLE, SUSTAINABLE SELF RELIANT MANX AGRICULTURE**

Council considered a paper submitted by the Department of Agriculture Fisheries and Forestry seeking approval for a Report entitled "Developing a Reliable, Sustainable, Self Reliant Manx Agriculture" relating to the vision of future support to the agricultural industry on the Isle of Man, which contained three recommendations, to be moved by the Minister for Agriculture, Fisheries and Forestry at the April 2008 sitting of Tynwald.

Council noted the extensive consultation with the industry that had taken place and the substantial support from the industry for the proposed policy direction. Council also noted that should Council and Tynwald agree the broad principle then the more detailed areas of the policy would be developed.

Council agreed the following Motion be moved by the Minister for Agriculture Fisheries and Forestry at the April 2008 sitting of Tynwald:-

"That the Report entitled "Developing a Reliable, Sustainable, Self Reliant Manx Agriculture" be received and the recommendations contained therein approved. Those recommendations being that Tynwald should approve the principle of:-

1. The broad concepts outlined in the Report.
2. Providing our farmers with levels of support at least equivalent to that provided to their European competitors.
3. Supporting the strategic objective of ensuring that the Isle of Man retains a reliable, sustainable and self reliant food production industry capable of feeding the Manx nation with a diverse range of food products including our staple foods."

**17. EUROPEAN COMMUNITY SANCTIONS AGAINST BURMA**

Council considered and agreed a paper seeking agreement that the European Communities (Burma/Myanmar Sanctions) (Application) Order 2008 and the Burma/Myanmar Sanctions Regulations 2008 be made and for the Order to be moved for approval by the Chief Minister at the April 2008 sitting of Tynwald and for the Regulations to be laid before the same sitting of the Court.

**18. RESERVE FORCES ACT 1996 (OF PARLIAMENT)**

Council considered and agreed a paper submitted by Chief Secretary seeking formal agreement that the Reserve Forces (Isle of Man) Order 2008 be progressed to the Privy Council, and that it is content for the necessary subordinate legislation – the Reserve Forces (Isle of Man) Regulations 2008 and the Reserve Forces Appeal Tribunals (Isle of Man) Rules 2008 – to be then made.

**19. DIGITAL SWITCHOVER – TARGETED HELP SCHEME FOR THE ISLE OF MAN**

Council considered a paper submitted by the Chief Secretary seeking approval of the final draft of the Digital Switchover Targeted Help Scheme for the Isle of Man. If approved, the BBC would then have full responsibility for the financing and delivery of the Scheme.

Council approved the Digital Switchover Targeted Help Scheme for the Isle of Man which had been drafted by the UK Department of Culture, Media and Sport in consultation with the Isle of Man Department of Health and Social Security.

**20. THE INTRODUCTION OF THE SECOND BIOMETRIC INTO BRITISH PASSPORTS AND CONSEQUENT IMPACT ON THE FUTURE OF PASSPORT ISSUANCE IN THE CROWN DEPENDENCIES**

Council considered a paper submitted by the Chief Secretary updating Council on developments regarding the introduction of second biometrics in British passports (fingerprint data) and the potential impact that this will have for passport issuing in the Isle of Man and seeking the agreement of Council to the recommended course of action.

The Chief Secretary outlined the proposals which were that the UK Identity and Passport Service (IPS) had confirmed that personalised second generation biometric passports would be supplied from one production facility in the UK, wherever the application is made. A full rollout of this facility is not anticipated until 2012. It had further confirmed that Island variant passports would be issued at this central facility.

Council noted that the Service Level Agreement for the current issuing system GIPSY is due to expire in March 2009 and there would need to be an extension of this contract.

Council noted that when the new system became operational there would be a longer time period between application and issuing of passports. Council therefore requested that adequate publicity was given at the appropriate time.

Council noted that there will be the continuation of the Island variant passport and agreed:-

- that negotiations should continue with FCO Services to seek an extension to the current GIPSY contract to enable the Isle of Man to continue to produce first generation biometric passports beyond the expiry date of the current contract in March 2009;
- that negotiations should continue with IPS and FCO regarding the arrangements for issuing second generation biometric passports and that the Isle of Man agree in principle to participate in the centralisation project, on the basis of maintaining the same technological and security standards as British passports issued to applicants worldwide and on the basis that this would be the most cost effective option in the short and long term.

**21. CASH CONTROLS AND FATF SPECIAL RECOMMENDATION IX**

Council considered a paper submitted by the Chief Secretary inviting agreement that the draft European Communities (Cash Controls) (Application) Order be laid before Tynwald in April 2008, moved for approval by the Chief Minister at the May 2008 sitting of the Court and the Order then made to come into operation on 1st June 2008.

The Chief Secretary highlighted that this was an interim measure as it is intended that the Order will be revoked as soon as practically possible once Treasury is in a position to bring the relevant provision of the Proceeds of Crime Bill into force.

Council agreed that the draft European Communities (Cash Controls) (Application) Order be laid before Tynwald in April 2008, moved for approval by the Chief Minister at the May 2008 sitting of the Court and the Order then made to come into operation on 1 June 2008.

**22. HOUSE OF KEYS GENERAL ELECTION**

Council considered a paper submitted by the Chief Secretary regarding an appointed day order for the date of the next House of Keys Election. Council approved an appointed day order for Section 1 of the Representation of the People (Amendment) Act 2006 which would effectively move the date of the election to September 2011

**23. MANX NATIONAL HERITAGE [MNH] WORKING GROUP**

The Minister for Education in her capacity as Chairman of the MNH Working Group advised that the Group had concluded its considerations.

Council agreed that the Working Group should now be dissolved. The Chief Minister agreed to write to the Members of the Group to this effect.

**24. DREEMSKERRY QUARRY PLANNING APPLICATION**

**The Minister for Education declared an interest and left the meeting.  
The Minister for Local Government and the Environment was off island on Government Business**

Council considered a paper submitted by the Department of Local Government and the Environment requesting Council to direct that the planning application for the restoration and extension of Dreemskerry Quarry (Reference 07/01841/B) be referred to Council and determined by it.

Council agreed that as the application raises considerations of general importance to the Island and there could be a perception of bias if the Department was to determine the application, then the application would be referred to and determined by Council in accordance with Section 11 (1) (a) and (b) of the Town & Country Planning Act 1999.

**PART II**  
**COUNCIL ALSO CONSIDERED OR NOTED THE FOLLOWING MATTERS**

**1. Unemployment Statistics February 2008**

Council noted the Unemployment Statistics for February 2008 submitted by the Treasury.

**2. Industrial Relations Service Report July 2007-December 2007**

Council noted the Industrial Relations Service Report July 2007 - December 2007 from the Industrial Relations Officer.

**3. Petition of Doleance against Council's decision on Crossag Farm by J G Kelly Ltd**

The Chief Secretary advised that a Petition of Doleance had been received from J G Kelly Ltd regarding the planning decision on Crossag Farm, Ballasalla.

**4. Sulby Claddagh**

The Minister for Agriculture Fisheries and Forestry advised that the Department would be going out to consultation shortly on possible changes to the ancient right to graze on the Claddagh. He informed Council of the background to this action.

**5. TT Inquest**

The Chief Minister advised that following the Inquest and the Coroner's Report a Working Group of the Departments of Tourism and Leisure, Transport and Home Affairs chaired by the Chief Minister had been established. The Working Group would consider the Coroner's findings and also ensure that roles and responsibilities were understood.

**6. Commonwealth Games Federation**

The Minister for Tourism and Leisure advised of a possible Commonwealth Games Federation Conference prior to the 2011 Commonwealth Youth Games involving dignitaries of around 70 nations.

**7. Police Complaints**

The Chief Minister reported that he and the Minister for Home Affairs will discuss the establishment of an independent police complaints process, with a view to providing a Report to Tynwald.

**8. Disability Advice Officer**

The Minister for Health and Social Security advised that he will be investigating the options for the provision of an officer to provide disability advice.

**9. Tax Information Exchange Agreements with Countries of the Nordic Council**

It was noted that approval of these Agreements would be received very positively outside the Isle of Man.

**10. Immigration (Isle of Man) Order in Council – Subordinate Legislation**

Council noted a paper submitted by the Chief Secretary detailing the fifteen items of subordinate legislation to be made under the Immigration (Isle of Man) Order 2008.

Council noted that:

- the subordinate legislation will go forward with the Immigration (Isle of Man) Order 2008 to April 2008 Tynwald and;
- Council will assume responsibility for the Immigration Rules with effect from the 1 May 2008.

**11. Chester Street Car Park, Douglas**

The Minister for Home Affairs advised that he understood that the Department of Local Government and the Environment was considering security for the car park and would be monitoring the situation.

**12. Current Global Financial Markets  
**Mr John Aspden, Chief Executive of the Financial Supervision Commission joined the meeting****

Mr Aspden, Chief Executive of the Financial Supervision Commission attended the meeting and gave a briefing on the current global financial markets.

**13. Policy on the Prevention of Smoking within the curtilage of Government Controlled Premises**

Council considered a paper submitted by the Personnel Office seeking approval of a policy on the Prevention of Smoking in Government Controlled Premises and agreed to defer the paper for a review of the draft policy once the All Island Smoking Ban had had time to become established.

**14. Total Smoking Ban in the Prison**

Council noted a paper submitted by the Department of Home Affairs providing further information on the Isle of Man Prison's plans to introduce a total smoking ban within the Prison from 30<sup>th</sup> March 2008 [Minute 135/08 refers].

The Minister for Home Affairs outlined the background to the paper and the further consultations that had been undertaken. Council noted the Department of Home Affairs decision to implement a total ban on smoking for staff and prisoners in the prison, its grounds and buildings from 30 March 2008.