



**Isle of Man
Government**

Reil'tys Ellan Vannin

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

PART I

DECISIONS MADE BY COUNCIL

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

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.

Arising from the above discussion Ministers were advised that when matters of international significance were being considered they should seek advice from the Attorney General's Chambers and also contact External Relations in the Chief Secretary's Office when meeting or dealing with issues which impacted on international relations.

Subsequently, the Minister for Transport advised that the Irish Sea INTERREG bid for the Marine Spatial Planning Project had been held back until September to allow more work to be undertaken to support the bid application.

2. MARKETING INITIATIVES FUND APPLICATIONS FROM INCEPTION TO 31 MAY 2008

Council considered a paper submitted by the Treasury and agreed that the Report of the Marketing Initiatives Fund Applications from Inception to 31 March 2008 be laid before the May 2008 sitting of Tynwald.

The Treasury was advised that in future reference should be made in the Introduction of the Report to the long term outcomes of such funding indicating that there may be some years before they come to fruition.

3. MANX MUSEUM SUNDAY OPENING

Council considered a paper submitted by the Trustees of Manx National Heritage in response to the request from Council for further information on the suggested options in respect of Sunday opening at the Manx Museum.

Council briefly discussed the responses to the request.

After discussion Council agreed that the Treasury Minister and Ministers for Health and Social Security and Tourism and Leisure meet with the Chair, Vice Chair and the Director and Inspector of Ancient Monuments to discuss the contents of the Report and to report back to Council on the outcome of the meeting.

4. THE PALERMO CONVENTION AND FATF RECOMMENDATION 35

Council considered a paper submitted by the Chief Secretary inviting Council that when Manx legislation allows, the UK's ratification of the Palermo Convention, the Trafficking in Persons Protocol and the Migrant Smuggling Protocol should be extended to include the Isle of Man. Council was also invited to endorse the progression of the legislative changes necessary to allow the Convention and Protocols to be extended.

Council agreed that:

- a) it wished the UK's ratification of the Palermo Convention, the Trafficking in Persons Protocol and the Migrant Smuggling Protocol to be extended to the Isle of Man once Manx legislation has been updated to allow this to take place; and
- b) it wished the following steps to be taken at the earliest opportunity so to allow the extension to take place:
 - i) a review of Isle of Man criminal law provisions concerning obstruction of justice (including consideration for creating a new coherent criminal offence of obstruction of justice) and the liability of legal persons;
 - ii) the creation of the new criminal offences of participation in an organised criminal group, of people trafficking, of new offences in regard to migrant smuggling, and in relation to fraudulent travel documents;
 - iii) a general review of Isle of Man international mutual assistance legislation to reflect requirements of the Palermo Convention;
 - iv) a review of Isle of Man extradition law.

5. QUARTERLY REPORT ON THE ECONOMY TO THE COUNCIL OF MINISTERS 1 JANUARY 2008 – 31 MARCH 2008

The Economic Adviser advised Council on the highlights of the report:-

- There is no evidence of any Isle of Man institutions directly affected by bad debt in the wake of the sub prime fallout
- Local economic indicators remain strong and in particular the labour market data points to a strong economy
- The success of the DTI/DHSS initiative to reduce the numbers of long-term unemployed
- House prices continue to rise

Council discussed the Report and noted that there was a demand for high quality labour which was not always available on the Island. The Treasury Minister advised of a UK trend for Eastern European workers to return to their homeland leaving a shortage of workers for certain jobs. This was not a current Island trend but could

be in the future and this could have implications for the Island's work force. The Treasury Minister further advised that the information on house prices excluded flats and Council agreed information on the price of flats would be useful in future quarterly reports.

Council agreed that the Published Quarterly Economic Report should also be available on the Government Web site and that in future it may be useful if the Report contained information about the international work being undertaken.

6. TOWN AND COUNTRY PLANNING (DEVELOPMENT PROCEDURE) ORDER 2005 - MARKS & SPENCER PLC - APPLICATION DF08/0003 - 08/00171/B - EXTENSION TO FIRST FLOOR STOCKROOM, MARKS & SPENCER, DRUMGOLD STREET, DOUGLAS, ISLE OF MAN IM1 2SB

The Minister for Local Government and the Environment left the meeting

Council considered a report by the Independent Planning Inspector regarding the application by the Department of Local Government and the Environment for an extension to the first floor stockroom, Marks & Spencer, Drumgold Street, Douglas, Isle of Man IM1 2SB. Council agreed the Inspector's recommendation that the application be approved subject to conditions as set out in the report of the Planning Authority.

7. EXTERNAL PLANNING ADVICE FOR COUNCIL

Council considered a paper submitted by the Chief Secretary seeking Council's agreement to a procedure to enable Council to access external planning advice when considering a Planning Inspector's Report and to request the Department of Local Government to consider the introduction of a new procedure for reconvening Planning Inquiries.

Council agreed that:-

- (1) The Chief Secretary should source suitably qualified persons(s) or a body to offer external planning advice to Council as and when required.
- (2) the Department of Local Government and the Environment and the Attorney General's Chambers be requested to prepare a report by for Council on the implications for the introduction of a new procedure to enable Council to reconvene a Planning Inquiry.

8. MEMBERS OF DEPARTMENTS AND BOARDS

Council agreed that all Members had now confirmed their respective nominations as Members of the Departments as follows:-

Department	Member
Treasury	Mr A F Downie MLC Mr R P Braidwood MHK
Department of Agriculture Fisheries and Forestry	Mr D J Quirk MHK Mr D A Callister MLC

Department of Transport	Mrs B J Cannell MHK Mr D J Quirk MHK Mr T M Crookall MHK Mr J R Turner MLC
Department of Local Government and the Environment	Mrs C M Christian MLC Mr J P Watterson MHK Mr D M W Butt MLC
Department of Health and Social Security	Mr J P Watterson MHK Mr D M W Butt MLC Mr E A Crowe MLC
Department of Tourism and Leisure	Mr Q B Gill MHK Mr C G Corkish MHK Mr G D Cregeen MHK
Department of Home Affairs	Mr T M Crookall MHK Mr G H Waft MLC
Department of Education	Mr R W Henderson MHK Mr E G Lowey MLC Mr G D Cregeen MHK
Department of Trade and Industry	Mr J R Turner MLC Mr D A Callister MLC

The Chief Secretary was requested to make an Appointment of Members of Departments Instrument 2008 and as this was a Governor in Council function to forward the same to His Excellency for approval. The Chief Secretary was further requested to distribute a copy of the signed Instrument together with a copy of the Press Release to be prepared by the Press Officer for distribution to Members of Tynwald first thing on Friday 30 May.

9. RECOMMENDED CHANGES TO THE MINIMUM WAGE

Council considered a paper submitted by the Department of Trade and Industry seeking support to a change to the recommended Minimum Wage.

Council noted that the Minimum Wages Committee (MWC) had recommended that the adult rate of minimum wage should increase from £5.60 to £5.85 per hour and that there should be no change for workers under the age of 18 years. Council noted further that the Ministers for Trade and Industry and Treasury were recommending that prevailing economic circumstances are such that an adult rate of £6 per hour was justified.

Council agreed to support the recommendation from the Department of Trade and Industry and Treasury that the adult rate of minimum wage be increased to £6 per hour with effect from 1 October 2008. Council further supported the recommendation that no changes be made to the rates for 16 and 17 year olds, nor to the accommodation offset as described in the paper.

Council agreed this item be included on the List of Items of Government Business for the June 2008 Tynwald Order Paper.

10. COMPANIES (AMENDMENT) BILL 2008

Council agreed that the Companies (Amendment) Bill 2008 be introduced into the Branches and that the Treasury Minister would take the Bill through the House of

Keys. On the assumption that the Bill completes its passage through the Keys it was agreed it be recommended to Mr President that Mr Turner MLC would be an appropriate Member to take the Bill through Legislative Council.

11. IMPACT ASSESSMENTS FOR PROPOSED LEGISLATION

Council considered a paper submitted by the Chief Secretary seeking agreement to the introduction of a redrafted Impact Assessment [IA] template to ensure that the likely impacts and the full range of options for implementing new primary legislation was available to inform the political decision making process.

Council agreed that from 1 July 2008 any proposed new Primary Legislation would need to be accompanied by an Impact Assessment which was to be completed by the relevant Department/Board or Office.

12. CODE OF PRACTICE ON CONSULTATION

Council considered a paper submitted by the Chief Secretary updating Council on the responses received on the consultation carried out on the Draft Code of Practice on Consultation and to seeking Council's agreement to changes to the Draft Code and to the adoption of the Code of Practice across Government.

Council noted that the Code was specifically in relation to Primary Legislation.

Council agreed:-

- (a) That the Code of Practice for Consultation be adopted across Government from 1 July 2008.
- (b) The creation of an electronic site where a timetable of previous, current and future Government consultations will be found.
- (c) The Chief Secretary's Office compiles an Annual Report on Consultations to the Council of Ministers the first report to be submitted end of September 2009.

13. THE FINANCIAL SERVICES REVIEW REGULATIONS 2001 REVIEW COMMITTEE

Council considered a paper submitted by the Chief Secretary following receipt of a request for a review of a decision of the Financial Supervision Commission under the Corporate Service Providers Act 2000.

As required by the Act, Council agreed to establish a committee of three persons including one advocate from an approved list being persons appointed in accordance with the Tribunals Act 2006.

14. PRESERVATION OF WAR MEMORIALS

Council considered a paper submitted by the Chief Secretary setting out the findings of the Council of Ministers Preservation of War Memorials Working Group.

Council agreed the recommendations of the Working Group to undertake a consultation exercise on the establishment of a suitable body or a Board of

Custodians for the preservation of the Island's War Memorials as outlined by the Working Group.

15. THE CASH CONTROLS (PENALTIES) REGULATIONS 2008

Council considered a paper submitted by the Chief Secretary and agreed that the Cash Controls (Penalties) Regulations 2008 be made and laid before June 2008 Tynwald.

16. JOINT COMMITTEE ON THE EMOLUMENTS OF CERTAIN PUBLIC SERVANTS

Council considered a paper tabled by the Chief Secretary regarding the Report of the Joint Committee on the Emoluments of Certain Public Servants entitled "Remuneration of HM Attorney General and the Deemsters". As the motion had been carried in the House of Keys and Legislative Council the Governor in Council was formally invited to pick up the recommendation of the Report which were Governor in Council matters.

PART II

COUNCIL ALSO CONSIDERED OR NOTED THE FOLLOWING MATTERS

1. Tax Agreement – Ireland

The Treasury Minister advised of the successful signing of the TIEA with Ireland which had resulted in further meetings with Mr Brian Cowen, Minister of Finance and good publicity for the Island.

2. Sale of Alcohol

Council briefly discussed the issues around the sale of alcohol to minors. The Chief Minister advised that the topic would be revisited by Council following the present consideration by the Social Policy Committee of options for reduction of alcohol use by minors.

3. Value For Money (Vfm) Committee Annual Report 2007

Council noted a paper submitted by the Treasury and the Value for Money (VfM) Committee Annual Report 2007 which would be laid before the May 2008 sitting of Tynwald.

4. Fair Trade Accreditation – National Week

The Minister for Agriculture Fisheries and Forestry advised that it was anticipated that the Island would achieve Fair Trade accreditation by National Week and requested advice on whether this could be celebrated on Tynwald Day. He was advised to write to Mr President and the Clerk of Tynwald.

5. Villa Arcade Retail Units - letting

The Minister for Tourism and Leisure advised on the reasonably good take up of lettings at the new arcade in the Villa Marina Complex.

6. Cost of Living

At the request of the Chief Minister Council agreed that the Chief Secretary and Chief Financial Officer should give priority to explore ways to monitor changes in food prices as this would be a growing issue of concern over the coming year.

7. External Relations

The Director of External Relations advised on the EU Work Plan which identified the specific work topics and issues developing in the EU and the opportunities to be proactive, seek meetings or make fact finding visits to Brussels by Ministers, Members and Senior Officers. The Chief Minister advised on the need for a co-ordinated approach between Departments and the External Relations Division of the Chief Secretary's Office when undertaking international visits.

8. Transport arrangements for adults with a learning disability attending day services

Council noted a paper from the Department of Health and Social Security advising Council of the progress in implementing the change over to the new arrangements for the transport of Adults with a Learning Disability to and from Day Services which became effective from 1st April 2008.

The Minister for Health and Social Security advised that he would be making a statement to June 2008 Tynwald regarding the arrangements which had been well received by clients

9. Burma – Overseas Aid

The Minister for Education requested an update on the progress with aid for Burma following the recent catastrophe. The Chief Minister advised that Mr Waft MLC was convening a meeting of the Overseas Aid Committee regarding aid support for Burma.

10. Crossag Farm and Petition of Doleance

The Chief Minister advised that he had submitted a sworn Affidavit and an Answer to the Petition of Doleance for and on behalf of the Council of Ministers.

11. Manx Grand Prix 2008

The Chief Minister advised that the Minister for Tourism and Leisure would be meeting with the Manx Motorcycle Club (MMC) regarding the Manx Grand Prix 2008.

Arising from this issue the Chief Minister reported on his visit to the Team preparing for TT 2008 where he had noted documentation of procedures which would provide an extensive reference document for future TT and MGP meetings. Council extended its thanks to all the officers involved in preparations for TT 2008 for their hard work.

12. Off Island Travel

The Minister for Transport updated Council on the events following the collapse of Euromanx airlines and in particular the helpful rearrangements for travel offered by Flybe and Manx2.

The Minister for Transport reported that some Flight Support staff would be made redundant. The Minister for Trade and Industry advised that his officers were meeting the Euromanx handling agents on Friday 16 May to discuss the redundancies. On behalf of Council the Chief Minister thanked all Government staff for their hard work and requested Ministers to pass on the thanks to their staff.

13. Unemployment Statistics

Council requested that the Economic Adviser work with officers in the Departments of Trade and Industry and Health and Social Security to gain more accurate information about job vacancies. The Ministers of the two Departments were requested to ensure that this action was undertaken.

14. Isle of Man – Financial Centre Award

The Treasury Minister advised of the recent success of the Island in being awarded winner of the Best International Financial Centre.

15. Planning application for construction and operation of residual waste disposal facility – Point of Ayre – letter from Bride Commissioners

The Chief Secretary advised of receipt of a letter from Bride Commissioners dated 8 May 2008 regarding the Commissioners consideration of a legal action against Council in respect of the Planning Appeal at the Point of Ayre. Bride Commissioners were seeking an application for an injunction to delay the Planning Inquiry for the Cemex application at the Point of Ayre. In addition, it was understood that Bride Commissioners will be submitting a Petition of Doleance against the Council of Ministers, the Department of Local Government and the Environment, the Planning Inspector and the Chief Secretary's Office.

Subsequently, the Secretary to the Council advised that the Bride Commissioners' injunction to delay the Planning Inquiry had not been successful and the Inquiry would proceed. However, the Planning Inspector, following submissions made by Bride Commissioners, had ruled that the Commissioners would be permitted to submit late evidence.

16. Review of the Planning Advisory Service

The Minister for Local Government and the Environment advised that the Planning Advisory Service would be on the Island undertaking the Review of the Planning Services in the week commencing 9 June 2008.

17. Unemployment Statistics April 2008

Council noted the Unemployment Statistics for April 2008 provided by the Treasury.

18. Cable & Wireless proposed modification to licence

The Minister for Home Affairs in his capacity as Chairman of the Communications Commission advised that the Commission would be re-advertising by public notice regarding the proposed modification to the Cable & Wireless Licence.

19. Council of Ministers Sub-Committee regarding Mr and Mrs Spadoni's complaint

The Minister for Agriculture Fisheries and Forestry sought an update on the progress of the Spadoni Report. The Chief Minister advised that the Committee had been re-convened to consider new evidence and a Report would come to Council as soon as possible.

20. Retail Sector Report

The Minister for Transport requested an update on the progress of a Report commissioned by the Department of Trade and Industry on the Retail Sector. The Minister for Trade and Industry advised that an officer from his Department was

finalising the Report which would then be discussed with the Chief Minister prior to its release.

21. Closure of Nursery at Isle of Man College

The Minister for Education updated Council on the circumstances behind the decision to close the day nursery at Isle of Man College. A press release had now been issued regarding the closure. Council noted with concern the actions of the Union in publishing the matter before the Department had had the opportunity to meet with the staff involved.

22. Queen's Pier, Ramsey

The Minister for Education raised concern about recent works that had been undertaken on Queen's Pier. The Minister for Transport advised that the work had been identified as necessary in a health and safety report on the pier and a press statement had been made regarding the work.

23. Payment of Members Expenses Act 1989

The Chief Financial Officer updated Council on the progress of an Order under the above Act regarding payment to the Chair of the Manx Electricity Authority. The Order was being drafted by the Attorney General's Chambers. Treasury was requested to make any necessary technical changes. Council agreed that this should be added to the list of Government Business for June 2008 Tynwald.