



## **Isle of Man Government**

*Reilrys Ellan Vannin*

### **PUBLICATION**

# **Extract of Proceedings: Council of Ministers December 2022**

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## **Extract of Proceedings in the Council of Ministers during December 2022**

### **Part I Decisions made by Council**

#### **Department of Infrastructure Department Plan 2022**

Council considered and **agreed** a paper submitted by the Department of Infrastructure seeking approval for the Department of Infrastructure Department Plan 2022-23 to be tabled at the January 2023 sitting of Tynwald (subject to minor feedback and revision).

#### **Social Security Legislation (Benefits) (Application) (Amendment) (No.8) Order 2022**

Council considered and **agreed** a paper submitted by the Treasury seeking approval for the Social Security Legislation (Benefits) (Application) (Amendment) (No. 8) Order 2022 to be moved for approval at the January sitting of Tynwald.

#### **Hydrocarbon Oil Duties Act 1986 (Amendment) (No.3) Order 2022**

Council considered and **agreed** a paper submitted by the Treasury seeking approval for the Hydrocarbon Oil Duties Act 1986 (Amendment) (No.3) Order 2022 to be moved for approval at a Tynwald sitting to be agreed (pending potential legislative change in the UK).

#### **Russia Sanctions (Application) (No.12) Regulations 2022**

Council considered and **agreed** a paper submitted by the Treasury seeking approval for the Russia Sanctions (Application) (No. 12) Regulations 2022 to be made and moved for approval at the January sitting of Tynwald.

#### **Customs and Excise Acts (Application) (Amendment) (No.2) Order 2022**

Council considered and **agreed** a paper submitted by the Treasury seeking approval for the Customs and Excise Acts (Application) (Amendment) (No. 2) Order 2022 to be moved for approval at the January sitting of Tynwald.

#### **Value Added Tax Act 1996 (Amendment) (No.4) Order 2022**

Council considered and **agreed** a paper submitted by the Treasury seeking approval for the Value Added Tax Act 1996 (Amendment) (No.4) Order 2022 to be moved for approval at the January sitting of Tynwald.

#### **List of Items of Government Business January 2023**

Council considered and **agreed** a paper submitted by the Cabinet Office seeking approval for the List of Items of Government Business for the January sitting of Tynwald.

### **Energy Efficiency Scheme 2022 – Child Benefit**

Council considered a paper submitted by the Department of Environment, Food and Agriculture seeking direction on modified eligibility criteria (intended to widen eligibility) for the Energy Efficiency Scheme 2022 the subsequent timescale for delivery.

After consideration, Council **agreed** to seek to revise the Scheme by modifying the application of the child benefit criteria. Council agreed that this will be achieved by further refining the reference to the Child Benefit (Rates) Regulations 2013. A paragraph of regulation 8 could be invoked to introduce an income threshold within this criteria.

### **Liquor Licensing and Public Entertainments (Fees) Regulations 2022**

Council considered, and **agreed** a paper submitted by the Department of Home Affairs seeking approval to make the Liquor Licensing and Public Entertainments (Fees) Regulations 2022 and that the Regulations be laid before the January sitting of Tynwald.

### **UK – Ukraine Digital Trade Agreement**

Council considered and **agreed** a paper submitted by the Cabinet Office seeking approval for the territorial extent provision within the scope of the UK-Ukraine Digital Trade Agreement, and seeking approval for the UK-Ukraine Digital Trade Agreement to be extended to the Island at a later date.

### **Review of Swimming Pools**

Council considered a paper submitted by the Department of Education, Sport and Culture seeking approval of the financial options presented for Swimming Pools and Regional Sports Hubs.

After consideration, Council **agreed** to lay the Report of the Review of Swimming Pools before Tynwald in January alongside the following motion: That Tynwald agrees that the Department of Education, Sport & Culture (DESC) and the Department of Infrastructure (DOI) undertake a piece of work to cost a new long term strategic plan which would transfer the Regional Pools to DESC and in doing so, develop Regional Sports Hubs as part of a newly branded offer and report back at the October 2023 sitting of Tynwald

Council noted that this recommendation carries a risk of unknown energy cost for next year and may need to be reconsidered once energy costs become known.

### **Draft Legislation Plan Update**

Council considered a paper submitted by the Cabinet Office with an update on the progression of primary legislation to date and seeking approval for the refreshed Plan to be included in the publication of the Island Plan Update (Tynwald January 2023).

After consideration Council **agreed** to note the update on primary legislation provided; note that additional Bills may be added in future, per the usual approval channels and procedures; and confirmed items which can be removed from the published Legislation Plan as no longer required.

### **Long Term Benefits Support Payment**

Council considered a paper submitted by the Treasury seeking approval for a second round of the Long Term Benefits Support Payment to be payable in January 2023.

After consideration, Council **agreed** to suspend the Winter Bonus, and re-run the Long Term Benefit Support Payment for the same groups (at £300 per individual), but include an

application process for on Island pensioners not in receipt of a state pension from the Isle of Man Government.

### **IOM Government Conference 2022 and 2023**

Council considered a paper submitted by the Department for Enterprise with a review of the Isle of Man Government Conference 2022 and seeking direction on proposals for a 2023 event. After consideration, Council **agreed** to the organisation of a Government Conference in 2023; the proposed dates of Wednesday 20<sup>th</sup> and Thursday 21<sup>st</sup> September (subject to further Department consultation); and a revised agenda and format being brought back to Council in early 2023.

### **Beamans Review – Role of the Chief Secretary**

Council considered and **agreed** a paper submitted by the Cabinet Office providing the main conclusions of the Beamans Report on the role and remit of the Chief Secretary and seeking approval for the recommended actions therefrom.

After consideration, Council **agreed** that:

1. Recruitment should proceed for a Chief Executive Officer (Isle of Man Government) rather than a Chief Secretary. This will provide clarity as to the overall responsibility the position has for governance, line management, accountability and performance across Government Departments.
2. Relevant legislative changes are prepared to address the change in job title, noting that the Chief Secretary is referenced in statute. Advice is that this should be achievable through amendment to the definition of "Chief Secretary" in the Interpretation Act 2015 by way of regulations made by Council of Ministers.
3. A new Chief Operating Officer role be created to manage the day to day running of the Cabinet Office, but more importantly to directly oversee, coordinate and performance manage the delivery of central Government programmes outlined in the Island Plan/Government Programme as approved by the Council of Ministers and/or Tynwald, and support the Chief Executive Officer and Head of Public Service in facilitating inter-departmental collaboration and delivery.
4. That the Public Services Commission now draw up the job description and person specification for both positions immediately with recruitment for both roles to commence after Christmas.
5. Departmental Chief Executives' job title should change to that of Chief Officer. This means new recruitment for substantive positions should be on this basis and aside from the Chief Financial Officer, consideration should be given to change in title and implications for the current three Chief Executive post holders, to provide consistency.
6. That the Public Services Commission review the job description and employment contracts for the CEO of each Government Department, and any proposed job description and employment contracts for new Chief Officer posts in order to ensure or specifically strengthen the line of accountability to the Chief Executive Officer (Isle of Man Government) and formalise line management and accountability.

7. Accountability/performance management process is to be established and set in place for the Chief Secretary and new Chief Executive Officer (Isle of Man Government), and all Chief Officers.
8. Chief Officer Group (COG): Terms of reference should be established for Chief Officer Group; COG Minutes should come to Cabinet Office and Council of Ministers; and COG should report via Chief Secretary/new Chief Executive Officer (Isle of Man Government) to Council recognising that COG should provide the information to Council of Ministers on whether government is achieving its aims and meeting the needs of the population of the Isle of Man.
9. That a new Operational Performance Board be established as a sub-committee of Council of Ministers.

### **Council of Ministers' Response to the Social Affairs Policy Review Committee Report on Historic Child Abuse at Knottfield**

Council considered a paper submitted by the Cabinet Office seeking approval for the draft response to the Report.

After consideration, Council **agreed** that the Council of Ministers' Response be laid before Tynwald at the February 2023 sitting; the amendment to Recommendation 6 be moved for approval on behalf of Council; and the amendment to Recommendation 8 be moved for approval on behalf of Council.

### **Ukraine Support Team Next Steps**

Council considered and **agreed** a paper submitted by the Cabinet Office, seeking approval for the changes to the Immigration Rules in line with the approved Isle of Man Homes for Ukraine Scheme Next Steps, to come in to effect from 1 April 2023.

### **Vehicle Duty (No.2) Duty Order 2022**

Council considered a paper submitted by the Department of Infrastructure seeking approval for the draft Vehicle Duty (No.2) Order 2022 to go before Tynwald for approval.

After consideration, the Minister, DOI undertook to review the proposed legislation and return to Council with a refreshed draft based on feedback provided by Council.

### **Capacity Bill – Legislative Council Amendments**

Council considered and **agreed** a paper submitted by the Department of Health and Social Care seeking approval for amendments to the Capacity Bill 2022; these amendments were moved at the consideration of the Bill's clauses on 22 November 2022 in the Legislative Council.

### **Haiti Sanctions – Extension of the UK Law to the Island**

Council considered and **agreed** a paper submitted by the Treasury seeking approval for the Haiti (Sanctions) Regulations 2022 (of the United Kingdom Parliament) to be extended to the Isle of Man by the Haiti (Sanctions) (Isle of Man) Order 2022 (to be made by the Privy Council).

### **Income Support (General) (Isle of Man) (Amendment) (No.4) Regulations 2022**

Council considered and **agreed** a paper submitted by the Treasury seeking consent for the Income Support (General) (Isle of Man) (Amendment) (No.4) Regulations 2022 to be moved for approval at the February sitting of Tynwald.

### **Income Support (General) (Isle of Man) (Amendment) (No.5) Regulations 2022**

Council considered and **agreed** a paper submitted by the Treasury seeking consent for the Income Support (General) (Isle of Man) (Amendment) (No.5) Regulations 2022 to be moved for approval at the February 2023 sitting of Tynwald.

### **Covid-19 Independent Review Data Sharing Arrangements**

Council considered a paper submitted by the Department of Home Affairs seeking approval for the proposed staged approach to the Independent Review which provides a solution to the identified challenges in relation to legal basis.

After consideration, Council **agreed** that:

1. The Review proceed on a phased approach, with the Review team focusing on the collection of evidence from public sector sources in the first instance;
2. That to enable the above, powers under the Government Departments Act 1987 are used to issue a direction to Departments to provide any information as is required by the Independent Review Chair;
  - That leave is granted to introduce a short amendment Bill to the House of Keys, which would make appropriate amendments to the Inquires (Evidence) Act 2003 to give a proper legal basis to the method of review proposed by Ms Brunner KC for the second phase of the Review, which will focus on evidence from non-public sector sources – providing for the collection and processing of personal data from those outside of the Isle of Man Government.

Council **noted** the Independent Chair of the Review Committee's view that due to delay likely to be caused by the introduction of a short Bill, her original deadline for completion of December 2023 is likely to extend to March 2024.

### **Interpretation Act 2015 (Section 16) Order 2022**

Council considered and **agreed** a paper circulated by email seeking approval for the Interpretation Act 2015 (Section 16) Order 2022 be moved for approval by the Chief Minister at the January sitting of Tynwald.

### **Extension of Ratification of the Paris Climate Agreement to the Isle of Man**

Council considered and **agreed** a paper submitted by the Department of Environment, Food and Agriculture seeking approval for the UK's ratification of the Paris Agreement to be extended to the Isle of Man and to explain the implications of ratification of the Agreement being extended (or not extended) to the Isle of Man. The UK's Department for Business, Energy and Industrial Strategy (BEIS) will be informed of Ministerial approval for ratification to be extended as soon as possible

### **Public Bodies (Reporting Requirements) (Amendment) Regulations 2023**

Council considered and **agreed** a paper submitted by the Department of Environment, Food and Agriculture seeking approval to proceed with an 8 week consultation with public bodies on the Climate Change (Public Bodies' Reporting Requirements) (Amendment) Regulations 2023.

### **Extension of Deputy Industrial Relations Officer Appointment**

Council considered and **agreed** a paper submitted by the Manx Industrial Relations Service seeking approval for an extension of the interim appointment of Deputy Industrial Relations Officer Patricia Stearn as Deputy Industrial Relations Officer (Equality). The appointment will be extended by 6 months to 30 June 2023.

**Civil Aviation (Charges) Scheme 2023**

Council considered and **agreed** a paper submitted by the Department for Enterprise seeking approval for the the Civil Aviation (Charges) Scheme 2023 to be moved for approval at the February sitting of Tynwald.

**Social Security Legislation (Benefits) (Application) (Amendment) (No.9) Order 2022**

Council considered and **agreed** a paper submitted by the Treasury seeking approval for the Social Security Legislation (Benefits) (Application) (Amendment) (No. 9) Order 2022 to be moved for approval at the January sitting of Tynwald.

**List of Items of Government Business – January 2023**

Council considered and **agreed** a paper submitted by the Cabinet Office seeking approval of the List of Items of Government Business for the January sitting of Tynwald.

## **Part II**

### **Council noted the following Matters**

#### **Onchan General (Amendment) Byelaws 2022**

Council **noted** that the Onchan General (Amendment) Byelaws 2022 would be taken for consideration at the January 2023 sitting of Tynwald.

#### **Integrity Line – Summary of Information**

Council **noted** a paper submitted by the Cabinet Office providing information in relation to the work on the Integrity Line to date.

#### **Overview of findings from the Care Quality Commission (CQC) GP Baseline Assessments**

Council **noted** a paper submitted by the Department of Health and Social Care providing information in relation to the findings of the CQC baseline assessment for General Practice (GP) locations prior to publication on the department website.

#### **Briefing Note – Group A Streptococcal Infection**

Council **noted** a paper submitted by the Cabinet Office providing information in relation to Group A Streptococcal Infection.

#### **Immigration (Fees) (No.2) (Amendment) Regulations 2022**

Council **noted** a paper submitted by the Cabinet Office providing information in relation to the Immigration (Fees) (No.2) (Amendment) Regulations 2022, which will be laid before the next available sitting of Tynwald.

#### **Immigration (Collection, Use and Retention of Biometric Information) Regulations 2022**

Council **noted** a paper submitted by the Cabinet Office, updating Council that the Minister for the Cabinet Office will make the Immigration (Collection, Use and Retention of Biometric Information) Regulations 2022; and that the Regulations will be laid at the next available sitting of Tynwald.

#### **Sanctions Bill 2022 – Consultation**

Council **noted** a paper submitted by the Treasury informing Council that a consultation on the Sanctions Bill 2022 is ready to be published on the Consultation Hub.

#### **Management Accounts October 2022**

Council **noted** a paper submitted by the Treasury informing Council of the financial position to the end of October 2022 along with a forecast to end of March 2023.

#### **Health and Care Transformation Quarterly Report**

Council **noted** a paper submitted by the Cabinet Office providing a quarterly update on the Health and Care Transformation Programme.

#### **Labour Market Report November 2022**

Council **noted** a paper submitted by the Cabinet Office providing information in relation to the Isle of Man Labour Market Report November 2022, prior to release on Monday 19 December 2022.



**Inflation Report November 2022**

Council **noted** a paper submitted by the Cabinet Office providing information in relation to the Isle of Man Inflation Report November 2022, prior to release on Monday 19 December 2022

**Cost of Living Programme Update**

Council **noted** a paper submitted by the Cabinet Office providing Council with a brief update on progress across the six work streams in response to the Cost of Living threats posed by the ongoing inflationary cycle

**Institute for Government – Ministerial Training**

Council **noted** a paper submitted by the Cabinet Office providing information in relation to training to be provided by the Institute for Government for Ministers, Departmental Members and selected senior officers.

### **Part III**

#### **Council determined the following Planning Applications**

Applications are referred to the Council of Ministers on a number of specific grounds which are set out in the Town and Country Planning Act 1999. These relate broadly to land use zoning, the size of the proposed development and environmental matters, and are explained more fully on the Planning and Building Control pages of the Government website. The Decision Notice for applications and the Inspector's Report are available online at <https://www.gov.im/onlineservices>

#### **Referral of Application of General Importance – Erection of 73 dwellings, Jurby**

After consideration, Council **agreed** that it is not required to determine the application relating to Fields 210401, 210403, 210451 & 210, Ballagarraghyn, Bretney Road, Jurby.