



**ECONOMIC
POLICY REVIEW COMMITTEE**

**SECOND REPORT FOR THE
SESSION 2024-25**

ATTENDANCE OF WITNESSES

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1.1 *There shall be three Policy Review Committees which shall be Standing Committees of the Court. Subject to Standing Order 5.6(3) they may scrutinise the established (but not emergent) policies, as deemed necessary by each Committee, of the Departments and Offices indicated in this paragraph together with the associated Statutory Boards and other bodies:*

- *Economic Committee: Treasury, the Department for Enterprise and the Cabinet Office*

Each Policy Review Committee shall in addition be entitled to take evidence from witnesses, whether representing a Department, Office, Statutory Board or other organisation within its remit or not, in cases where the subject matter cuts across different areas of responsibility of different Departments, Offices, Statutory Boards or other organisations. The Policy Review Committees may also hold joint sittings for deliberative purposes or to take evidence. The Chairmen of the Policy Review Committees shall agree on the scope of a Policy Review Committee's inquiry where the subject cuts across the respective boundaries of the Policy Review Committees' remits.

1.2 *Each Policy Review Committee shall have*

- (a) a Chairman elected by Tynwald,*
- (b) two other Members.*

1.3 *Members of Tynwald shall not be eligible for membership of the Committee, if, for the time being, they hold any of the following offices: President of Tynwald, member of the Council of Ministers, member of the Treasury Department referred to in section 1(2)(b) of the Government Departments Act 1987.*

1.4 *The Policy Review Committees shall be authorised to require the attendance of Ministers for the purpose of assisting the Committee (or Committees, if sitting jointly).*

1.5 *Should the need arise in relation to a particular matter, such as a conflict of interest, Tynwald may elect an alternate member for the purpose and duration of a Policy Review Committee's consideration of that matter. A conflicted member so replaced shall continue to serve as a member of the Committee for all other purposes.*

1.6 *Each Policy Review Committee shall determine within six months of a General Election whether it will report on a year ending on the last day of March, August or December. Once that determination has been made, the Committee must make an annual report*

within six months of its year-end, unless during that period it has made an end-of-term report under paragraph 1.7. An annual report may be in the form of a statement.

- 1.7 Each Policy Review Committee shall, no sooner than three months before a Dissolution, make an end-of-term report on its activities during each term of the House of Keys.*

The powers, privileges and immunities relating to the work of a committee of Tynwald include those conferred by the Tynwald Proceedings Act 1876, the Privileges of Tynwald (Publications) Act 1973, the Tynwald Proceedings Act 1984, and by the Standing Orders of Tynwald Court.

Committee Membership

Jason Moorhouse MHK (Arbory, Castletown and Malew)

John Wannenburg MHK (Douglas North)

Copies of this Report may be obtained from the Office of the Clerk of Tynwald, Legislative Buildings, Finch Road, Douglas, IM1 3PW (Tel: 01624 685500) or may be consulted at www.tynwald.org.im.

All correspondence with regard to this Report should be addressed to the Clerk of Tynwald, Legislative Buildings, Finch Road, Douglas, Isle of Man, IM1 3PW.

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To: The Hon Laurence David Skelly MLC, President of Tynwald,
and the Hon Council and Keys in Tynwald assembled

ECONOMIC POLICY REVIEW COMMITTEE SECOND REPORT FOR THE SESSION 2024-25 ATTENDANCE OF WITNESSES

INTRODUCTION

1. On Monday 23rd September 2024 the Tynwald website was updated to say that we intended to hear oral evidence in public on Friday 11th October 2024 from Gary Cobb, Airport Director. On Friday 11th October 2024 we were obliged to cancel the hearing because the then Minister had told the witness not to attend. This is unacceptable.

HOW THE CANCELLATION CAME ABOUT

2. Emails relating to the scheduling of our oral evidence hearing with Gary Cobb are in the Appendices to this Report. The initial planning for the session was done in the conventional manner, with the Research and Scrutiny Support Team in the Office of the Clerk of Tynwald liaising with the Department for Infrastructure to agree a date, and agreement on scheduling being reached on Sunday 22nd September 2024 – the best part of three weeks before the intended date of the hearing itself.¹ Mr Cobb asked what the evidence session would be about and received a short answer from the Office. He did not ask for any further detail. As at 10:43 on Thursday 26th September 2024 – two weeks and a day before the agreed date – there was every reason to expect that the hearing would go ahead and no indication of any difficulty.²
3. At 11:00 on Thursday 26th September 2024 – two weeks and a day before the agreed date – the Department first raised with the Office of the Clerk of Tynwald the question of whether the Minister and Chief Officer of the Department might also attend the session. We discussed this at our meeting on Monday 30th September and determined that, while the Minister and

¹ Appendix 1

² Appendix 2

Chief Officer would be welcome to attend in the public gallery, they should not sit alongside the Airport Director as witnesses, for the reason that Mr Cobb was about to leave the Department and the best use of time, in our view, was to hear from him alone. This message was conveyed to the Department in summary form the next morning.³

4. On Thursday 3rd October 2024 – a week and a day before the agreed date – the Department wrote to the Clerk of Tynwald asserting the existence of a convention under which the Minister and Chief Officer should be invited alongside the Airport Director. The Clerk of Tynwald replied on the same day with a full explanation of our position, receipt of which was acknowledged.⁴ In his email, the Clerk of Tynwald wrote:

If for any reason the Minister and Chief Officer would prefer to appear as witnesses alongside Mr Cobb then I would suggest that the Minister approach the Chair of the Committee direct to discuss this.

No such approach was made before the day of the intended hearing itself (see below).

5. At 17:07 on Thursday 10th October 2024 – a week after the Clerk of Tynwald’s email and less than 24 hours before the intended time of the hearing – a Business Support Officer in the Department wrote to Mr Cobb asking him to tell the Committee he could not attend for the reason that the Minister could not attend. Mr Cobb did as he was asked, forwarding the Business Support Officer’s email to the Office of the Clerk of Tynwald. At 11:27 on Friday 11th October 2024 – the day of the intended hearing itself – the Clerk of Tynwald responded to the effect that we would expect the meeting to go ahead as planned, with Mr Cobb in attendance, unless some agreement was reached between the Minister and the Committee.⁵
6. Later that day the Minister and Chief Officer came to the Legislative Buildings and discussed the situation with the Head of Legislative Services, who was the most senior member of the staff of the Office of the Clerk of Tynwald in the building at the time. Mr Cobb did not come to the Legislative Buildings and as a result we were effectively forced to cancel the meeting.

ISSUES ARISING FROM THE CANCELLATION

Oral evidence of specific officers

7. As a matter of principle, parliamentary Committees are in charge of their own procedures. We are very clear that a Committee can decide who to invite to give evidence – whether in public or in private.

³ Appendix 3

⁴ Appendix 4

⁵ Appendix 5

8. Where an officer within a Department is concerned, the Minister and Chief Officer are entitled to be made aware of the invitation. In some circumstances the Minister and Chief Officer may offer to attend in support of their officer. While this is often helpful, it is not an inalienable right, and a Committee is entitled to proceed without the Minister and Chief Officer in attendance if it so chooses. In any case, negotiations on such matters must be conducted in good time.
9. The following provision of the Civil Service Code, which concerns the provision of information to Members of Tynwald, may be assumed to apply equally to parliamentary Committees. Each such Committee is made up of a group of Members of Tynwald:

5.10 Subject to any limitations imposed by the Minister or by the general interest of Government, a civil servant should provide such information regarding their Department and the discharge of its functions as a Member of Tynwald may reasonably require. This principle confirms that civil servants are to be as helpful as possible in providing information to Members and in the event of any doubt about the release of any information the relevant Minister must decide.⁶

Oral evidence of an Airport Director

10. One of the points raised by the Minister and Chief Officer in discussing this episode is whether an Airport Director – whose responsibilities are by definition operational – can be an appropriate witness before a Policy Review Committee. The answer is yes. Our remit is “to scrutinise established policy”. Effective scrutiny inevitably includes questions about the way in which such established policies have been implemented, and as a result Policy Review Committees routinely take evidence on operational matters.

Advance notice of lines of questioning

11. Another point which has been raised with us is whether, in advance of the proposed hearing, Mr Cobb had been advised in sufficient detail of our intended lines of questioning. The advice he was given was:

the Committee will be looking generally at travel and connectivity to the Island in relation to the Economic Strategy and following up on the presentations that were on that topic at the Government Conference.⁷

⁶ Cabinet Office, ‘The Government Code’, February 2017, <https://www.gov.im/media/1378023/the-government-code-october-2022-chapter-7-update.pdf>

⁷ Appendix 2

12. Given that Mr Cobb had only recently delivered a presentation at the Government Conference, this was in our view sufficient to enable him to prepare for the hearing. If he had asked for further detail we would have considered his request. In fact he did not ask.

CONCLUSIONS AND RECOMMENDATION

13. Our conclusions in the light of the above are as follows.

The handling of this matter by the Department of Infrastructure was unacceptable. It was a discourtesy to this Committee and arguably a contempt of Tynwald Court.

As a result of the Department's mishandling of this matter, a valuable opportunity has been lost to obtain to capture the experience of an outgoing Airport Director for benefit of the parliamentary record.

If the Department had wished the Committee to reconsider its position of inviting the Airport Director to appear alone, such a request could and should have been made well in advance of the intended date of the hearing. In fact no such request was made.

If the Department had intended to negotiate for the hearing to go ahead on condition that the Minister and Chief Officer were allowed to participate, the scheduled time of the hearing should have been kept clear in the Minister's diary on the basis that parliamentary duties should take precedence.

14. In the light of our conclusions we make the following recommendations.

Recommendation 1

That Tynwald is of the opinion that the handling by the Department of Infrastructure of the Economic Policy Review Committee's planned public oral evidence hearing with the outgoing Airport Director in October 2024 was unacceptable.

Recommendation 2

That Tynwald re-affirms the principle that parliamentary duties are to take precedence.

Jason Moorhouse

John Wannenburg

November 2024

WRITTEN EVIDENCE

Appendix 1:

**Three to two weeks before the hearing:
emails between the Airport Director and the
Office of the Clerk of Tynwald**

From: [name redacted]
Sent: 22 September 2024 21:10
To: [name redacted]
Subject: RE: Tynwald Committee Public Hearing

Hi [name redacted], Gary can do the 11th or 14th, although he is technically on leave from 12th before his final working day.

Personal Secretary, Airports Division

From: [name redacted]
Sent: 20 September 2024 14:03
To: Cobb, Gary
Subject: Tynwald Committee Public Hearing

Good Afternoon, Gary

I am contacting you on behalf of the Economic Policy Review Committee of Tynwald. They are doing an inquiry on Economic Strategy and would like you to come along to a public hearing to talk to them.

I have the following suggested dates for you, but if these don't suit would you be able to let me know of a date that would suit you? Obviously, there is an urgency to set a date that is soon before you vacate your post.

Below are the suggested dates:

Friday 11th October at 2.30pm
Monday 14th October at 2.30pm
Friday 18th October at 2.30pm
Monday 21st October at 10.30am or 2.30pm
Wednesday 30th October at 3pm

A link to the Committee page is here:

<https://tynwald.org.im/committee/EPRC>

and their Economic Strategy page here:

<https://tynwald.org.im/committee/EPRC/economic-strategy>

I look forward to hearing from you

Kind regards

[name redacted]

Research and Scrutiny Support Officer

Appendix 2:

Two weeks before the hearing:

emails between the Airport Director and the

Office of the Clerk of Tynwald

From: Cobb, Gary
Sent: 26 September 2024 10:43
To: [name redacted]
Subject: RE: Tynwald Committee Public Hearing

Unfortunately not. I've got the CEO of SERCO Impact visiting me from across, so I won't be able to reschedule that

Gary Cobb

Airport Director

From: [name redacted]
Sent: 25 September 2024 09:15
To: Cobb, Gary
Subject: FW: Tynwald Committee Public Hearing

Good Morning Gary

A quick question, we have the hearing with you scheduled for Friday 11th October, but I wonder if you would be free on the previous afternoon at all? The Committee have another hearing in the afternoon, and we could tag you on to that one, to save them having a hearing a day after the other. If, however, this would not work for you, we will stick with the original Friday 11th October.

I look forward to hearing from you

Kind regards

[name redacted]

Research and Scrutiny Support Officer

From: [name redacted]
Sent: 23 September 2024 15:07
To: Cobb, Gary
Subject: RE: Tynwald Committee Public Hearing

Dear Gary

I have spoken to the clerk and the Committee will be looking generally at travel and connectivity to the Island in relation to the Economic Strategy and following up on the presentations that were on that topic at the Government Conference.

Hope that helps

Kind regards

[name redacted]

Research and Scrutiny Support Officer

From: Cobb, Gary
Sent: 23 September 2024 14:38
To: [name redacted]
Subject: Re: Tynwald Committee Public Hearing

Hi [name redacted]

Is it possible to tell me what the subject is or what questions I'm going to be asked to prepare?

Regards

Gary

On 20 September 2024 at 14:03:22 GMT+1, [name redacted] wrote:

Good Afternoon, Gary

I am contacting you on behalf of the Economic Policy Review Committee of Tynwald. They are doing an inquiry on Economic Strategy and would like you to come along to a public hearing to talk to them.

I have the following suggested dates for you, but if these don't suit would you be able to let me know of a date that would suit you? Obviously, there is an urgency to set a date that is soon before you vacate your post.

Below are the suggested dates:

Friday 11th October at 2.30pm
Monday 14th October at 2.30pm
Friday 18th October at 2.30pm
Monday 21st October at 10.30am or 2.30pm
Wednesday 30th October at 3pm

A link to the Committee page is here:

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and their Economic Strategy page here:

<https://tynwald.org.im/committee/EPRC/economic-strategy>

I look forward to hearing from you

Kind regards

[name redacted]

Research and Scrutiny Support Officer

Appendix 3:

**10 days before: Ten days before the hearing:
emails between the Minister's Office and the
Office of the Clerk of Tynwald**

From: [name redacted]
Sent: 01 October 2024 09:00
To: [name redacted]
Subject: RE: Tynwald Committee Public Hearing

Good Morning [name redacted]

Sorry I couldn't get back to you yesterday, the committee sat after the hearing. I have spoken with the Clerk and the decision was to just have Gary.

Kind regards

[name redacted]

Research and Scrutiny Support Officer

From: [name redacted]
Sent: 30 September 2024 14:58
To: [name redacted]
Subject: RE: Tynwald Committee Public Hearing

Ok [name redacted], thank you for checking – I look forward to hearing from you.

Kind regards,

[name redacted]

Executive Assistant to the Minister | Central Support & Change Division

From: [name redacted]
Sent: Monday, September 30, 2024 2:50 PM
To: [name redacted]
Subject: RE: Tynwald Committee Public Hearing

Hi [name redacted]

The Chair wanted to discuss with the other committee Members in their meeting today. They are currently taking evidence as soon as I know I will be in contact.

Kind regards

[name redacted]

[Research and Scrutiny Support Officer]

From: [name redacted]
Sent: 30 September 2024 14:37
To: [name redacted]

Subject: RE: Tynwald Committee Public Hearing
Importance: High

Hi [name redacted],

Thank you for your email below – I was just wondering if you'd had a response from the Chair?

Kind regards,

[name redacted]

Executive Assistant to the Minister | Central Support & Change Division

From: [name redacted]
Sent: Friday, September 27, 2024 10:52 AM
To: [name redacted]
Subject: RE: Tynwald Committee Public Hearing

Good Morning [name redacted]

I believe it was just Gary they wanted to talk to before he leaves. I will check with the Chair

[name redacted]

[name redacted]

Research and Scrutiny Support Officer

From: [name redacted]
Sent: 27 September 2024 10:45
To: [name redacted]
Subject: FW: Tynwald Committee Public Hearing

Hi [name redacted],

I was just wondering if you'd had the opportunity to consider my email below – the Minister is looking for an update.

Kind regards,

[name redacted]

Executive Assistant to the Minister | Central Support & Change Division

From: [name redacted]
Sent: Thursday, September 26, 2024 11:00 AM
To: , [name redacted]
Cc: Crookall, Tim (MHK); Curphey, Emily
Subject: FW: Tynwald Committee Public Hearing

Dear [name redacted],

In relation to your email below, asking Gary Cobb, the outgoing Airport Director, to appear at a Public Oral Evidence Hearing of the EPRC; my understanding is that the usual convention is for the Minister and Chief Officer to attend, accompanied by the relevant officer. Please could you advise accordingly?

Kind regards,

[name redacted]

Executive Assistant to the Minister | Central Support & Change Division

On 20 September 2024 at 14:03:22 GMT+1, [name redacted] wrote:

Good Afternoon, Gary

I am contacting you on behalf of the Economic Policy Review Committee of Tynwald. They are doing an inquiry on Economic Strategy and would like you to come along to a public hearing to talk to them.

I have the following suggested dates for you, but if these don't suit would you be able to let me know of a date that would suit you? Obviously, there is an urgency to set a date that is soon before you vacate your post.

Below are the suggested dates:

Friday 11th October at 2.30pm
Monday 14th October at 2.30pm
Friday 18th October at 2.30pm
Monday 21st October at 10.30am or 2.30pm
Wednesday 30th October at 3pm

A link to the Committee page is here:

<https://tynwald.org.im/committee/EPRC>

and their Economic Strategy page here:

<https://tynwald.org.im/committee/EPRC/economic-strategy>

I look forward to hearing from you

Kind regards

[name redacted]

[name redacted]
Research and Scrutiny Support Officer

Appendix 4:

One week before the hearing:

emails between the Minister's Office and the

Clerk of Tynwald

From: [name redacted]
Sent: 03 October 2024 12:11
To: Jonathan King
Subject: RE: Public Oral Evidence Hearing - Economic Policy Review Committee

Dear Dr King,

Thank you for providing clarification.

Kind regards,

[name redacted]

Executive Assistant to the Minister | Central Support & Change Division

From: Jonathan King
Sent: Thursday, October 3, 2024 12:01 PM
To: [name redacted]
Cc: Crookall, Tim (MHK); Curphey, Emily; Corkish, Joann
Subject: RE: Public Oral Evidence Hearing - Economic Policy Review Committee

Dear [name redacted]

Thank you for your email. The Economic Policy Review Committee has invited Gary Cobb to come and give oral evidence in public as part of the Committee's inquiry into the Economic Strategy. You contacted this Office in September to ask, as I understand it, whether the Minister and Chief Officer, DOI, were needed at this hearing. The Committee discussed this query at its meeting earlier this week.

The view taken by the Committee was that as this was a public session, the Minister and Chief Officer would of course be welcome to attend. However, as Mr Cobb is about to leave and this is likely to be the Committee's last chance to hear from him, the Committee felt that the best use of its time would be for Mr Cobb to appear as the only witness.

You refer to a convention that the Minister and Chief Officer would normally appear alongside. I agree that where operational staff are asked to appear before a Committee, it is generally appropriate for them to be supported by a senior officer. However, I would expect a witness at the level of an Airport Director to have the capability and confidence to appear on their own.

If for any reason the Minister and Chief Officer would prefer to appear as witnesses alongside Mr Cobb then I would suggest that the Minister approach the Chair of the Committee direct to discuss this.

Jonathan

From: [name redacted]
Sent: 03 October 2024 10:53
To: Jonathan King
Cc: Joann Corkish; Tim Crookall; Curphey, Emily
Subject: Public Oral Evidence Hearing - Economic Policy Review Committee

Dear Dr King,

I am writing to seek your advice with regards to a request for our outgoing Airport Director, Gary Cobb, to attend a public oral evidence hearing of the Economic Policy Review Committee to discuss travel and connectivity to the Island in relation to the Economic Strategy and to follow up on the presentations given at the Government Conference.

The Minister and Chief Officer have been made aware of this request and noted that the usual convention would be for them to attend such hearings, accompanied by the relevant officer and as such, I approached the Clerk of the Committee for clarification; I was advised that the Chair is content that only Mr Cobb attends.

I would be most grateful if you could offer your guidance on this matter.

Kind regards,

[name redacted]

Executive Assistant to the Minister | Central Support & Change Division

Appendix 5:

One day to three hours before the hearing:

emails between the Department of

Infrastructure and the Office of the Clerk of

Tynwald

From: Jonathan King
Sent: 11 October 2024 11:27
To: [name redacted] [Business Support Officer]
Cc: [name redacted]; Claire Christian MHK; John Wannenburgh; [name redacted]; Jason Moorhouse; Carlos Phillips; Tim Crookall; Gary Cobb
Subject: Urgent - Public Oral Evidence Hearing - Economic Policy Review Committee

Dear [name redacted]

There appears to have been some misunderstanding here. The Committee has invited Mr Cobb to appear today and has specifically explained, at the Department's request, that it has not invited the Minister. While the Minister would be welcome to attend as an observer his presence is not necessary. If the Minister wished the meeting to be rescheduled to enable his in-person attendance, this should have been requested in good time so that it could be given due consideration by the Committee. For the Department unilaterally to seek to withdraw Mr Cobb from today's meeting at 5pm yesterday without reference to the Committee is disrespectful to the Committee and is not something the Committee can accept.

The Committee has not agreed to reschedule the meeting and will expect it to go ahead as planned, with Mr Cobb in attendance, unless some agreement is reached between the Minister and the Committee between now and 2pm.

Jonathan

From: Cobb, Gary
Sent: 10 October 2024 17:12
To: [Research and Scrutiny Support Officer]
Subject: Fwd: Public Oral Evidence Hearing - Economic Policy Review Committee

Hi [name redacted]

Apologies but I have received the below so won't be able to attend tomorrow. Can you please pass on my apologies and those of the Minister as expressed below.

Regards

Gary

----- Forwarded message -----

From: [name redacted]
Date: 10 October 2024 at 17:07:33 GMT+1
Subject: Public Oral Evidence Hearing - Economic Policy Review Committee

To: Cobb, Gary

Cc: Crookall, Tim (MHK), Curphey, Emily, DOI, Minister

Hi Gary,

Further to the invite to the Public Oral Evidence Hearing please advise the Committee that you are unable to attend as Minister Crookall, who was going to attend with you, has a calendar commitment which has been accepted and unfortunately without political representation your attendance would not be appropriate.

Please pass on the Minister's apologies on this occasion.

If the Committee would like to forward the questions to the Department we will arrange for responses to be provided.

Best regards

[name redacted]

(On behalf of the Minister & Chief Officer's Office)

Business Support Officer | Central Support & Change Division

Department of Infrastructure | Sea Terminal Building | Douglas | Isle of Man | IM1
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January 2024