

30<sup>th</sup> January 2003

**PLEASE NOTE:**

1. That the attached Minutes have yet to be confirmed by the Authority/Committees as true and correct record of proceedings at the various meetings; and
2. That the resolutions of the various Committees, marked with an asterisk (\*), are subject to the approval of the Authority.

A handwritten signature in black ink, appearing to read 'J.E.S. Smith', with a large, stylized flourish at the end.

**J.E.S. SMITH**  
**CHIEF EXECUTIVE/CLERK**  
**ONCHAN DISTRICT COMMISSIONERS**

*Hawthorn Villa,*

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**IN PUBLIC**

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**30<sup>th</sup> January 2003**

Sir/Madam,

You are hereby summoned to attend an ORDINARY meeting of the Authority to be held in the boardroom at the offices of the Board to transact the undernoted business at:

**7.00 p.m. on Monday, 3<sup>rd</sup> February 2003**

which will be followed by a meeting of the Board in Committee.

Yours faithfully,

J.E. S. Smith  
**Chief Executive/Clerk**

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**AGENDA**

*The order of business at every meeting of the authority shall be in accordance with that laid down in Standing Order No 4 unless varied by the Chairman at his discretion or by a resolution duly moved and seconded and passed on a motion which shall be moved and put without discussion.*

1. To approve as a correct record and sign the Minutes of the:-  
Ordinary meeting held on 30<sup>th</sup> December 2002 *(Minutes - APPENDIX 2)*

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  2. To dispose of business (if any) remaining or arising from the above said meeting
    - 2.1 C01/12/01/03(1) Proposed Onchan Secondary School (Memorandum circulated)
    - 2.2 Any other business arising

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  3. To dispose of business (if any) remaining or arising from meetings held prior to the last ordinary meeting.

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  4. Matter referred for debate in public from Extraordinary Meeting of the Board held on 15<sup>th</sup> January 2003:  
  
Motion to make an Order in respect of the rating year 2003/04 to amend sub-section 4(1) of the Onchan District Act 1986 to alter the factor by which the general rate is to reduced in respect of any hereditament within the Rural Ward.  
  
(Copy of letter from Department of Local Government and the Environment circulated)
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5. Chairman's Announcements

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6. Questions - As may be asked by members under the provisions of Standing Order No 7(2).  
(Circulated)

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7. To receive and consider reports, minutes and recommendations of committees. The chairman of the respective committees to report.

- 7.1 Housing Committee  
- Meeting held 6th January 2003 (Minutes – APPENDIX 3)
  - 7.2 Works and Cleansing Committee  
- Meeting held 13<sup>th</sup> January 2003 (Minutes – APPENDIX 4)
  - 7.3 Leisure and Amenities Committee  
- Meeting held 20<sup>th</sup> January 2003 (Minutes – APPENDIX 5)
  - 7.4 Policy and Finance Committee  
- Meeting held 27<sup>th</sup> January 2003 (Minutes – APPENDIX 6)
  - 7.5 Rural Committee  
- Meeting held 22<sup>nd</sup> January 2003 (Minutes – APPENDIX 7)
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**Note:**

Standing Order No 7(1) provides that “A member of the Authority may ask the chairman of a committee any question upon an item of the minutes, report or recommendations of a committee when that item is under consideration by the Authority.”

Other questions may be asked, after due notice in writing under the provisions of Standing Order No 7(2).

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8. To consider letters, petitions, memorials and other communications.

- 8.1 Planning decisions/communications from the D.L.G.E. Planning Committee  
(Schedule - APPENDIX 8)
  - 8.2 Department of Local Government and the Environment re: Local Government (Miscellaneous Provisions) Bill 2003 (Circulated)
  - 8.3 Office of the Council of Ministers – Government Plan 2003-2006
  - 8.4 Any Other Communication
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9. To consider any report from the Clerk or the Surveyor.

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10. To consider Motions in the order in which notice has been received. (ref Standing Order No 5)

Minutes of the ordinary meeting of the **ONCHAN DISTRICT COMMISSIONERS** held in the Boardroom at Hawthorn Villa, Main Road, Onchan, on Monday 30<sup>th</sup> December 2002 at 7.00 p.m.

**Present:** Mr S.T. Black, J.P. (Chairman)  
Mr G.K. Astill  
Mr D. Crellin  
Mrs E.J.C. Kelly  
Mr M.J. Kennaugh  
Mr E.D.R. Killey  
Mr A.T.W. Norton  
Mr H.L.G. Parkin (until 8.20 p.m.)  
Mr D.J. Quirk  
Mr J.K. Watterson

**In Attendance** Mr J.E.S. Smith (Chief Executive/Clerk)  
Mr M.J. Williams (Deputy Clerk)  
Mr E.K. Convery (District Surveyor)

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At the commencement of the meeting, the Chairman expressed sadness at the passing of Mr L.R. Cretney, Chairman of the Onchan District Commissioners. After paying tribute to Mr Cretney, Members were asked to stand for a minutes silence in his memory.

**C02/12/01/01**  
**MINUTES**

The minutes of the public section of the ordinary meeting held on 18<sup>th</sup> November 2002, copies of which having previously been circulated, were considered.

An amendment to minute C02/11/01/02(2) – Skateboarding, was requested by Mr Crellin, to the effect that he had stated that he believed that more matters should be dealt with in public, but that he would vote against the proposal to move matters in to public because the original consideration had been undertaken in committee. The amendment was agreed.

Mr Crellin confirmed that a similar statement had been made in relation to minute C02/11/01/10 – Leisure and Amenities Committee minutes.

Mr Norton requested an amendment to C02/11/01/15(3) – Local Authority Elections, to the effect that he stated that he believed that compulsory voting would be in accord with Human Rights Legislation if an additional option was included on a ballot paper to confirm that the voter had not recorded a vote against any of the candidates who were standing. The amendment was agreed.

Mr Crellin sought a further amendment in relation to minute C02/11/01/16(5) Litter, Fixed Penalty Order and Regulations to the effect that he had stated the Litter Act granted an “Authorised Officer” power of arrest in certain circumstances.

Subject to the agreed amendments, the minutes were agreed as a correct record of proceedings and signed by the Chairman.

**C02/12/01/02**  
**BUSINESS ARISING**

None.

**C02/12/01/03**

**BUSINESS ARISING FROM PREVIOUS MEETINGS**

**1. Proposed Onchan Secondary School**

The Chief Executive/Clerk reported receipt of a letter dated 23<sup>rd</sup> December 2002 inviting the Commissioners to a presentation in relation to the new Onchan Secondary School which was to be held at 10.30 a.m. on Monday 27<sup>th</sup> January 2003.

After a short discussion, it was agreed that whilst 7 members would be able to attend, a request would be made for an alteration to the time of the meeting to 12 noon, to accommodate those members who would otherwise be unable to attend due to work commitments.

**C02/12/01/04**

**CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:-

**1. Torchlight Procession**

The Chairman expressed thanks to all staff who had been involved in the arrangements for the Onchan Torchlight Procession. Thanks were also expressed to Coutts Bank for their participation.

**2. Onchan Rotary Club - Rudolph**

The Chairman expressed thanks to the Rotary Club for the visit of Rudolph to the district on Sunday 22<sup>nd</sup> December 2002.

**3. Onchan Community Cross**

The Chairman confirmed that a meeting would be convened very shortly of the Trustees of the Onchan Community Cross, in order to determine the recipient of the award.

**C02/12/01/05**

**QUESTIONS**

The following questions had been submitted by Commissioner D.J. Quirk, under the provisions of Standing Order Number 5:-

(a) To Chairman of Onchan Commissioners – ref:: Unadopted Private Lanes in Onchan.

1. *Can you tell me what is the procedure for having unadopted lanes considered for adoption?*
2. *Can the Works Committee assess the number of lanes in and around Onchan for possible adoption in the future?*
3. *What is the criteria for Onchan Refuse Vehicles being used on these lanes?*
4. *Is the Surveyor's Department aware of a number of complaints with reference to heavy vehicles using these lanes?*

The Chairman answered as follows:-

- i. The procedures for having unadopted lanes considered for adoption were laid down in the Highways Act 1986, the Chairman quoting from that Act, and confirming that a full copy of the relevant section was available for inspection at the District Surveyor's Office.
- ii. The approximate number of lanes in Onchan which were presently unadopted was 20 with a total overall length of approximately 2.4 kilometres.
- iii. Providing the lane was accessible and not in a condition liable to cause damage to the refuse vehicle, the vehicles travelled thereon.
- iv. From time to time complaints were made required regarding heavy vehicles using those lanes.

(b) To the Chairman of Onchan Commissioners - ref: Wheeled Bins in Onchan

1. *Can you tell me what is the procedure for placing your wheeled bin out for collection?*
2. *After the wheeled bin has been emptied into the refuse wagon, where should the bin be placed?*

3. *Why are there a number of bins left from week to week in back lanes?*
4. *If a wheeled bin is left out on the highway/pavement and it causes damage who is responsible for any claim?*

The Chairman answered as follows:-

- i. Prior to 8 a.m. on the day of collection, the wheeled bin should be placed on the driveway/pathway of the property as near as possible to the boundary of the property with the handles facing out.
- ii. The bin should be returned to the same location after emptying with the handles facing in.
- iii. Bins should not be left in lanes. It is the responsibility of the occupier of the property to ensure that they are kept within the curtilage of the property following emptying.
- iv. If a wheeled bin is left out on the highway/pavement by the occupier for emptying, and it is returned to the same position by the refuse operatives the onus lies with the occupier to ensure that the bin is taken within the curtilage of the property. The Commissioners' operatives could only be held liable if it could be proved that he had acted in a negligent manner.

#### **C02/12/01/06** **HOUSING COMMITTEE MINUTES**

The minutes of the public section of the Housing Committee meeting held on Monday 25<sup>th</sup> November 2002, copies of which having previously been circulated, were considered. The following matters were arising therefrom:-

#### **1. H02/11/01/02(1)(1.1) – Sheltered Housing Consultative Committee**

*Mr Kennaugh confirmed that the response awaited from the Department of Local Government and the Environment in relation to matters of clarification raised by the Deputy Clerk over the new criteria, was still awaited.*

#### **2. H02/11/01/05(3) – Visit**

*Mr Kennaugh confirmed that a date for the proposed visit of the Housing Committee to Springfield Court had yet to be arranged.*

#### **3. H02/11/01/09 – Health and Safety Business**

Mr Kennaugh referred to the reports which had been given by the Housing Maintenance Manager in relation to health and safety matters.

#### **4. H02/11/01/15(1) – Commissioners' Surgery**

The Chairman confirmed that the Commissioners' Surgery would take place on 2<sup>nd</sup> January 2003.

#### **C02/12/01/07** **RECEIVING OF MINUTES**

It was **RESOLVED** that the minutes of the public section of the Housing Committee meeting held on 25<sup>th</sup> November 2002, be and are hereby received. There were no resolutions contained therein requiring the consent of the Board.

#### **C02/12/01/08** **WORKS AND CLEANSING COMMITTEE MINUTES**

The minutes of the public section of the Works and Cleansing Committee meeting held on Monday 2<sup>nd</sup> December 2002, copies of which having previously been circulated, were considered. The following matters were arising therefrom:-

#### **1. WC02/12/03(a) – Hawthorn Close**

In answer to enquiry from Mr Quirk, the District Surveyor confirmed that the matters raised had been referred to the Planning Enforcement Officer and were being pursued.

#### **2. WC02/12/06(b) (i) – Alberta Drive**

In answer to enquiry from Mr Quirk, the District Surveyor confirmed that the matter had been referred to the Department of Transport. Mr Quirk asked that the matter be expedited, as the gullies were described as "non-runners". In answer to enquiry from Mr Crellin, the District Surveyor confirmed that he understood that the gullies were simply blocked and required attention by the Department of Transport, but that nothing further was awry.

**C02/12/01/09**

**RECEIVING OF MINUTES**

It was **RESOLVED** that the minutes of the public section of the Works and Cleansing Committee meeting held on 2<sup>nd</sup> December 2002, be and are hereby received. There were no resolutions contained therein requiring the consent of the Board

**C02/12/01/10**

**LEISURE AND AMENITIES COMMITTEE MINUTES**

The minutes of the public section of the Leisure and Amenities Committee meeting held on Monday 9<sup>th</sup> December 2002, copies of which having previously been circulated, were considered. The following matters were arising:-

1. **LA02/12/03(b)(ii) – Christmas Trees**

Mr Astill described the Christmas lighting within the village as very good.

2. **LA02/12/04(c) - Christmas Competition**

*Mr Astill confirmed that a shortlist of properties had been drawn up and that a final decision in relation to the Christmas competition would be made shortly.*

3. **LA02/12/03(b)(i) – Changing Room Facilities**

Mr Quirk referred to difficulties which had arisen in relation to resolutions of the Leisure and Amenities Committee, but in answer to his enquiry, the District Surveyor confirmed that quotations for refurbishing the showers in the stadium were awaited.

4. **LA02/12/06(a) – Librarian's Report - Internet**

In answer to enquiry from Mr Kennaugh, it was confirmed that the opportunity of sending one free email with Christmas greetings by pensioner members of the Onchan Library had been taken up.

5. **LA02/12/08(f) – Day in the Park etc**

Mr Quirk expressed the hope that Members would find it possible to support suggestions regarding "Day in the Park".

**6. LA02/12/04(f) – Centenary Park**

The Chairman confirmed that he had met Mr Pearn of Rainbow Borders, and thanked him for the 25 indigenous oak trees which had been planted at the Centenary Park.

**7. LA02/12/12(e) – North Bank Land**

Mr Quirk asked that arrangements for the Onchan District Commissioners to view the North Bank Land development site since the Authority would be responsible for the maintenance of the landscaped areas. Chief Executive/Clerk confirmed that the developers would have to maintain the landscaped areas for five years after completion of the project. However, after noting that the contractor had previously agreed to the Commissioners' visiting the development, the Chief Executive/Clerk confirmed that arrangements would be made for such visit in Spring 2003.

**C02/12/01/11**

**RECEIVING OF MINUTES**

It was **RESOLVED** that the minutes of the public section of the Leisure and Amenities Committee meeting held on 9<sup>th</sup> December 2002, be and are hereby received. There were no resolutions contained therein requiring the consent of the Board.

**C02/12/01/12**

**POLICY AND FINANCE COMMITTEE MINUTES**

The minutes of the public section of the Policy and Finance Committee meeting held on Monday 16<sup>th</sup> December 2002, copies of which having previously been circulated, were considered. The following matters were arising therefrom:-

**1. PF02/12/03(1) – Refuse Disposal Charges**

In answer to enquiry from Mr Quirk, the Chief Executive/Clerk gave details of discussions held at a meeting with Mr E. Lowey, MLC, and officers in relation to waste disposal. It had been clarified that although it had not been specifically included within the Tynwald resolution, it was the intention to charge 100% of the cost of refuse disposal to Local Authorities in relation to commercial refuse. The Chief Executive/Clerk was not convinced that the legislation provided for this but argued that a legal challenge would be costly and doubtful. He understood that it had been a decision of the Council of Ministers that the charge of 100% for commercial waste should be levied. Mr Lowey had, however, undertaken to examine requests for financial assistance for Local Authorities, to allow those Authorities to allocate the charge for commercial waste fairly to their customers. It was understood that the attended meeting would be the first of a number of such meetings when further advice would be offered by the Department of Local Government and the Environment to Local Authorities. The Chief Executive/Clerk confirmed that the proposals meant that a lot of work had to be undertaken in a very short time period, since charging would commence 1<sup>st</sup> April 2003. In addition, there would be a considerable impact upon the rates levied by each Local Authority.

In answer to enquiry from Mr Watterson, as to whether the Department had introduced any initiatives to help develop their policy of reduce, reuse and recycle, the Chief Executive/Clerk stated that the Waste Operations Management Unit was in its early days of formulation, and there had been little indication so far of such initiatives. He went on to refer to the composting proposals which were in development, and confirmed that the Onchan District Commissioners were seeking clarification as to whether a disposal charge would be made for delivery of compost to the Southern Civic Amenity Site. That investigation was ongoing. He understood that consideration was being given to the expansion of composting facilities to other areas on the Island, but added that the Civic Amenity Site in the West was not large enough to participate. He also understood that the Department had looked at the possibility of recycling plastics, but this had not been viable.

In answer to enquiry from Mrs Kelly, Chief Executive/Clerk confirmed that the Department of Local Government and the Environment paid for emptying of recycling bins.

In answer to enquiry from Mr Quirk, the Chief Executive/Clerk confirmed that he was not aware whether documentation provided to the Local Authority had been made available to the Chamber of Commerce. Mr Quirk suggested that such documentation should be circulated to the businesses of Onchan. Mr Quirk also referred to verbal indications which had been given, and suggested that these should be provided in writing and circulated to Members.

In answer to enquiry from Mrs Kelly, the Chief Executive/Clerk confirmed that the Commissioners had yet to determine how the charge for refuse collection would be levied of its customers.

**C02/12/01/13**  
**RECEIVING OF MINUTES**

It was **RESOLVED** that the minutes of the public section of the Policy and Finance Committee meeting held on 16<sup>th</sup> December 2002, be and are hereby received. It was further **RESOLVED** that the resolution contained therein requiring the consent of the Board be approved as follows:-

1. ***that the said payments from revenue account as detailed on the list attached to the minutes be endorsed.***

**C02/12/01/14**  
**RURAL COMMITTEE MINUTES**

The minutes of the public section of the Rural Committee meeting held on Wednesday 11<sup>th</sup> December 2002, copies of which having previously been circulated, were considered. The following matters were arising therefrom:-

1. **Schollag Road**

In answer to comment, Mr Watterson expressed some concern that the Schollag Road continued to flood 11 years after the matter had been reported to the Department of Transport.

2. **R02/12/06(c) – Further Planning Communication – PA02/1313 Construction of Car Park and Associated Works, Clype and Kerrow Dhoo Reservoirs.**

In answer to enquiry from the Chairman, Mr Watterson explained the reasons for the withdrawal of the planning application, when the Isle of Man Water Authority, after reconsidering the matter, had determined that there was no need to continue with the planning application. It had been determined that the existing car park was sufficient for current demands.

**C02/12/01/15**  
**RECEIVING OF MINUTES**

It was **RESOLVED** that the minutes of the public section of the Rural Committee meeting held on 11<sup>th</sup> December 2002, be and are hereby received. There were no resolutions contained therein requiring the consent of the Board.

**C02/12/01/16**  
**LETTERS, PETITIONS, MEMORIALS AND OTHER COMMUNICATIONS**

1. **Planning Decisions/Communications from the Department of Local Government and the Environment Planning Committee**

| <b>PA Number</b> | <b>Description</b>   | <b>Comment</b>   |
|------------------|--|--|
| 02/0846          | Approval in Principle for erection of 6 dwellings to replace existing garages, land at corner of Lhon Dhoo Close/Lhon Vane Close | ODC Recommendation – Refusal<br>Planning Decision – Refusal<br>An appeal against the decision on review submitted by applicant – date awaited. |
| 02/1073          | Land between 87 and 93 Royal Avenue  | ODC Recommendation – Approval<br>Planning Decision – Refusal<br>Reasons for refusal reported – left with applicant to pursue if desired.       |

2. **The Fixed Penalty Order 2002**

The Chief Executive/Clerk had circulated with the agenda a copy of a letter from the Department of Transport dated 28<sup>th</sup> November 2002, confirming Tynwald approval to the Fixed Penalty Order 2002, which

would become operational on 1<sup>st</sup> January 2003. This would have the effect of increasing fixed penalty fines under the terms of the Road Traffic Regulation Act 1985 and would be applicable to certain Local Authorities in respect of the provision of off-street and on-street car parking orders.

Mr Killey confirmed that the Local Authority did not receive any fine imposed despite the fact that the incident might have taken place on Local Authority property.

### **3. Environmental Protection Strategy – Consultation Document**

The Chief Executive/Clerk had circulated with the agenda a copy of a letter received from the Department of Local Government and the Environment, dated 28<sup>th</sup> November 2002, which enclosed a copy of the Department's Environmental Protection Strategy Consultation Document. This required the submission of views by 31<sup>st</sup> December 2002.

Mr Quirk suggested that a special meeting should have been held to look at the document more closely. Mr Watterson expressed agreement with most of the document but was concerned that additional resources would be required to cope with the additional work load which strategy would create. The goals were admirable but there was a significant staffing implication. He questioned whether the Department would be able to put resources in to the development of the strategy.

The District Surveyor commented that the report appeared to stray in to matters which were the responsibility of other Departments. In particular, he referred to the provision of an L.G.P. vehicle. Mr Watterson understood that the Department of Local Government and the Environment had been testing the use of such a vehicle but the results of that test had never been published.

After such short discussion, it was **RESOLVED** that the Onchan District Commissioners were generally in favour of the principles set out in the document. Mr Quirk recorded his vote against the resolution.

### **4. Environment and Management Services – Agreements to Secure the Adoption of Estate Roads**

The Chief Executive/Clerk had circulated with the agenda copies of a letter received from Environment and Management Services dated 2<sup>nd</sup> December 2002, regarding the intention of the Department of Transport to implement new procedures to secure the adoption of estate roads.

Mr Watterson commented that the proposals appeared to rely upon voluntary agreement between the parties and upon complete and thorough searches. He did not believe that the safeguards which were proposed were entirely satisfactory and suggested that a more substantial scheme should be developed, which did not rely on voluntary agreement between parties.

### **5. 30 Sunnybank Avenue – Purchased by Isle of Man Children's Centre**

The Chief Executive/Clerk had circulated with the agenda copies of the minutes of a meeting which had taken place on 1<sup>st</sup> December 2002, regarding the purchase of 30 Sunnybank Avenue by the Isle of Man Children's Centre. Mr Quirk suggested that the minutes should simply be noted. Mr Kennaugh enquired whether the purchase of 30 Sunnybank Avenue for the purposes specified constituted a change of use, and whether a business was therefore being operated from the premises. The District Surveyor commented that other similar property use was regarded as residential. Mr Watterson agreed.

Mr Killey noted that a report back to residents was due by 6<sup>th</sup> December, and suggested that an update of the circumstances be obtained.

### **6. Policing Plan and Force Strategy**

*The Chief Executive/Clerk had circulated a copy of his letter dated 9<sup>th</sup> December 2002, to the Chief Constable, with regard to the Policing Plan 2003/04 and the Force Strategy for 2003 to 2006. The letter was noted.*

### **7. Minutes of Meetings**

*The Chief Executive/Clerk had circulated with the agenda a copy of a letter received from the Department of Local Government and the Environment, dated 10<sup>th</sup> December 2002, which made comment about the content of recorded minutes of a Local Authority meeting, about which the Department had received a number of questions by members of the public.*

*The Chief Executive/Clerk referred to the third paragraph of the letter which appeared to contradict its self by stating that there was no distinction between a "private" meeting and a "public" meeting of a Local Authority but adding that it was obvious that matters involving staffing, housing allocations, contracts and tenders should be discussed at a private session of a statutory meeting. In a subsequent conversation, the author of the letter had clarified that minutes of private sessions should remain as private minutes. However, a letter to this effect would not be issued.*

*The Chief Executive/Clerk clarified that meetings of the Onchan District Commissioners sitting as that Authority were held in public. The Board also sat "In Committee" to consider private issues. This appeared to be supported by legislative restrictions on the disclosure of information from private meetings, contained within the Local Government Act 1985. He understood, however, that in event of a Court Hearing, all minutes, whether from the public session of the Authority or when the Board sat in committee, would have to be disclosed to the Court. Mr Watterson advised that the Onchan District Commissioners' system for the recording of minutes was successful and was respected.*

*Mr Quirk enquired whether it was possible to have an extraordinary public meeting of the Onchan District Commissioners. The Chief Executive/Clerk confirmed that this could be the case if circumstances so warranted it. The Chief Executive/Clerk clarified that he had explained that the Onchan District Commissioners' system to the author of the letter who appeared to be content therewith.*

**Mr Parkin left the meeting at 8.20 p.m.**

**8. Special Service on Holocaust Memorial Day**

*The Chief Minister had written a letter dated 12<sup>th</sup> December 2002, copies of which had been circulated with the agenda, inviting the Commissioners to join him and His Excellency the Lieutenant Governor in the Island's commemoration of Holocaust Memorial Day on Sunday 26<sup>th</sup> January 2003. The content of the letter was noted.*

**9. Gaming (Amendment) Act 1984 – Applications**

*The Chief Executive/Clerk had circulated with the agenda copies of a letter received from the Isle of Man Gambling Control Commissioners dated 16<sup>th</sup> December 2002, advising of an application which had been received for a full certificate which had been received from David Grogan Limited in respect of Unit 2B, The Village Walk, Onchan. The number of machines which had been requested were 2 "amusement with prize" machines. No objection to the application was raised.*

**10. Friends of the Glens**

*The Chief Executive/Clerk had circulated with the agenda, copies of a letter dated 18<sup>th</sup> December 2002 from the co-ordinator of Friends of the Glens.*

*Mrs Kelly confirmed that she would be attending the meeting of the organisation which was to be held on 8<sup>th</sup> January 2003.*

**11. Royal National Lifeboat Institution Commemorative Service 2003**

*The Chief Executive/Clerk reported receipt of a letter dated 21<sup>st</sup> December 2002 from the Station Honorary Secretary of the Royal National Lifeboat Institution, Douglas Lifeboat Station Branch. It confirmed that the annual commemorative service to honour the memory of Sir William Hillary, the founder of the Institution would be held on Sunday 5<sup>th</sup> January 2003. It invited the Chairman and his wife, Commissioners and officials and wives to join them for the service. Noted.*

**C02/12/01/17**  
**CLERK'S REPORT**

**1. Select Committee on the Petition for Redress of Grievance of Helen Margaret Hyde**

*The Chief Executive/Clerk reported that at the December sitting, Tynwald considered a motion made that the report of the Select Committee on the Petition for Redress of Grievance of Helen Margaret Hyde be received and its recommendations be approved. The Petition had suggested that there were inadequacies in the current rating system which needed to be addressed.*

During consideration of the motion, an amendment was moved to add a further paragraph to the motion, which stated, that the Council of Ministers' report on the issues raised in paragraph 5.2a of the Select Committee Report by the July 2003 sitting of the Tynwald Court. The paragraph was quoted, and the Chief Executive/Clerk anticipated a further investigation of the matter by the Council of Ministers, and that Local Authorities may be asked to comment upon the matters raised.

Mr Quirk asked that copies of the report be circulated to Members for information.

**C02/12/01/18**  
**DISTRICT SURVEYOR'S REPORT**

None.

**C02/12/01/19**  
**MOTIONS**

**1. Motion Number 24 - Commissioner M.J. Kennaugh moved:-**

At a meeting held of the Commissioners held on 18<sup>th</sup> November 2002, Mr Kennaugh had moved the following motion:-

*That the following sub-paragraph be added to Standing Order number 1 "Meetings of the Authority" :-*

*"(1)(4) Meetings of the Authority shall conclude not later than 11.00 p.m. and any business on the agenda that has not been transacted by that time shall stand adjourned until the next meeting of the Authority.*

The motion had been seconded by Mr Killey and in accordance with Standing Orders had been adjourned without discussion to the following meeting.

Speaking on the motion, Mr Kennaugh considered that meetings of the Authority were becoming longer and longer and that this was difficult for Members who were in employment and commenced their working duties early the following morning. He added that he believed that late night consideration became muddled and some matters may be rushed and pushed through without sufficient consideration.

The following comments were made in favour of the motion:-

- (a) that officers had already worked a full day in preparation for the meeting, and were having to continue to work in the same vein until after 11.00 p.m.;
- (b) that there should be stricter control exercised within the meetings, and less "chit chat";
- (c) some questions need not be asked at meetings, but could be asked of officers during normal working hours.

The following comments were made in opposition to the motion:-

- (i) that unfinished business would have to wait at least 5 weeks to be completed;
- (ii) that if unfinished business were held over, such matters should be placed at the head of the agenda for consideration at the next meeting;
- (iii) a lot of work was undertaken in one evening every five weeks – clock watching would be a retrograde step.

*Mr Quirk proposed an amendment to the motion, to the effect that any business which remained unfinished be completed at a meeting to be convened the following evening. The amendment was not seconded.*

A vote was taken and the Motion carried, with Messrs Astill, Kennaugh, Killey, Norton, and Watterson voting in favour. Miss Kelly and Messrs Black, Crellin and Quirk voted against.

Mr Quirk made reference to further motions which had been submitted dated 27<sup>th</sup> December 2002, received 30<sup>th</sup> December 2002, and sought suspension of Standing Orders to allow acceptance of the motions for discussion at that meeting.

Mr Watterson objected strongly to the discussion of the motions, about which he had received no prior notice. The motions affected the Rural district, and he had had no opportunity to discuss the content with the Rural Committee Members. Mr Quirk pointed out that the consideration of motions were a matter for the Board and not for the Rural Committee Members. Mr Watterson enquired whether copies of the

motions had been circulated to Rural Committee Members for information and Mr Quirk confirmed that they had not as they were not Members of the Board.

An amendment to the proposal to suspend Standing Orders was made by Mr Watterson, that the motions stand adjourned in accord with Standing Orders for consideration at the next meeting of the Authority. The amendment was seconded by Mr Kennaugh. A vote was taken in respect of the amendment which carried with Messrs Black, Astill, Kennaugh, Killey, Norton and Watterson voting in favour. Mrs Kelly and Mr Quirk voted against the amendment and Mr Crellin abstained from voting.

***There being no further business the meeting terminated at 8.57 p.m.***

Minutes of a meeting of the **HOUSING COMMITTEE** held in the Boardroom, Hawthorn Villa, Main Road, Onchan, on Monday 6<sup>th</sup> January 2003 beginning at 8.00 p.m.

**Present:** Mr M.J. Kennaugh (Chairman)  
Mr S.T. Black, J.P.  
Mr D. Crellin  
Mrs E.J.C. Kelly  
Mr A.T.W. Norton

**In attendance:** Mr M.J. Williams (Deputy Clerk)  
Mr A.B. Sutherland (Housing Maintenance Manager)  
Mrs S. Dougherty (Administrative Assistant)

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**H03/01/01/01**  
**MINUTES**

The minutes of the meeting of the Committee held on Monday 25<sup>th</sup> November 2002, copies of which having previously been circulated, were considered, agreed as a correct record of proceedings and signed by the Chairman.

**H03/01/01/02**  
**MATTERS ARISING FROM THE MINUTES**

There were no matters arising from the minutes which were not referred elsewhere on the agenda.

**H03/01/01/03**  
**MATTERS ARISING FROM PREVIOUS MEETINGS**

There were no matters arising from previous meetings which were not referred elsewhere on the agenda. .

**H03/01/01/04**  
**HOUSING AND OTHER ESTATES BUSINESS**

1. **Maintenance Report**

None.

2. **Deputy Clerk's Report**

None.

3. **H02/11/01/04(3) – Abandoned Cars, Nursery Avenue**

The Housing Maintenance Manager confirmed that all cars reported as abandoned in the lane off Nursery Avenue had been removed.

**H03/01/01/05**  
**SPRINGFIELD COURT MATTERS**

1. **Maintenance Report**

None.

2. **Deputy Clerk's Report**

None.

**3. H02/11/01/05(3) – Visit**

It was agreed that, due to other issues pressing upon the Officer's time that the proposed visit to Springfield Court would be considered again at the next meeting of the Committee.

**H03/01/01/06**  
**HEYWOOD COURT MATTERS**

The Deputy Clerk reminded Members that at the recent meeting of the Board, arrangements had been had been made to the Heywood Court Complex, by the Commissioners and SSAFA/JESA organisations on Friday 17<sup>th</sup> January 2003. Furthermore, the Board had agreed that an open day would be held at the Complex on Friday 24<sup>th</sup> January 2003, to which residents of the district, and prospective residents of Heywood Court in particular, would be invited to attend.

Arrangements had been made for a meeting with the SSAFA/JESA organization to take place on Thursday 16<sup>th</sup> January 2003, for the purpose of allocating selected applicants to individual units.

The Deputy Clerk confirmed that arrangements were proceeding for the purchase of furniture for the communal lounges, over night room and the warden's office, and it was hoped that everything would be in place for the opening of the facility in early April 2003.

**H03/01/01/07**  
**GARAGE MATTERS**

None.

**H03/01/01/08**  
**PLANNED HOUSING MAINTENANCE**

**1. Upgrade of Electrical Wiring – Ashley Park (60 Units)**

The Deputy Clerk confirmed submission of a petition for borrowing powers to be granted in respect of works to upgrade electrical systems within properties at Ashley Park. Response awaited.

**H03/01/01/09**  
**HEALTH AND SAFETY BUSINESS**

The Housing Maintenance Manager confirmed that all electrical appliances had been inspected and tested by a competent person, and either certified as passing the tests or otherwise.

**H03/01/01/10**  
**OFFICERS REPORT**

**1. Housing Officers Meeting – 4<sup>th</sup> November 2002**

The Deputy Clerk confirmed that he had attended a meeting of Housing Officers on 4<sup>th</sup> November 2002, and consideration had been given to various matters common to all Housing Authorities and specifically in relation to the application of the new uniform housing waiting list criteria, the direct payment of rent and mesne profit from the Department of Health and Social Security, eviction issues and the content of tenancy agreements. All of these issues would be discussed further at the next meeting.

**2. Public Housing Consultative Committee**

The Deputy Clerk confirmed that the Chairman and Vice-Chairman of the Committee, and the Deputy Clerk had attended the Public Housing Consultative Committee on Friday 6<sup>th</sup> December 2002. The proceedings had included:-

- (1) an introduction by the Minister for Local Government and the Environment, the Hon. Mrs P.M. Crowe MHK;
- (2) suggestions for rent increases and for maintenance and administration allowances for the year commencing 1<sup>st</sup> April 2003;
- (3) implementation issues relating to the acceptance criteria for Local Authority housing;
- (4) implementation issues in relation to the pointing of applications for Local Authority housing;

- (5) a presentation on the impact of human rights legislation in respect of housing;
- (6) the possibility of the introduction of a common tenancy agreement;
- (7) a presentation on the success gained in tenant consultation;
- (8) an update in relation to the success of the first time buyer programme.

**H03/01/01/11**

**OTHER CORRESPONDENCE/COMMUNICATIONS**

None.

**H03/01/01/12**

**FINANCIAL MATTERS**

The Chief Finance Officer had prepared financial reports in respect of income and expenditure for the activities of the Housing Committee under the headings of housing maintenance expenditure, elderly persons complex maintenance expenditure and housing non-maintenance activities. The following matters were arising:-

**1. Wages – Masonry Maintenance**

In answer to enquiry it was confirmed that half of the annual cost of the employment of Masons had been used, for budgetary purposes to ascertain the likely cost of such services for housing;

**2. Skip Hire and Tipping Charges**

Such estimate and expenditure related to skips obtained for the removal of household rubbish as a result of works carried out to the housing stock and any other household waste disposed of, particularly at a time of change of tenancy.

The reports were noted.

**H03/01/01/13**

**OUTSTANDING MATTERS**

None considered this month.

**H03/01/01/14**

**MATTERS REFERRED BY THE BOARD/OTHER COMMITTEES**

None.

**H03/01/01/15**

**ANY OTHER BUSINESS**

**1. Local Authority Housing**

Mrs Kelly advised that she had received an enquiry as to whether a tenant would be able to purchase the Onchan District Commissioners' property in which the enquirer resided. The Deputy Clerk confirmed that Local Authority Housing could not be sold to the tenants.

**2. Commissioners' Surgery**

It was noted that the next Commissioners' Surgery was due to take place on Thursday 6<sup>th</sup> February 2003, commencing at 6.30 p.m.

**3. Date of Next Meeting**

It was noted that the next ordinary meeting of the Committee would be held on Monday 10<sup>th</sup> February 2003, commencing at 7.00 p.m.

***There being no further business, the meeting closed at 10.15 p.m.***

Minutes of a meeting of the **WORKS & CLEANSING COMMITTEE** held in the Boardroom, Hawthorn Villa, Main Road, Onchan, on Monday 13<sup>th</sup> January 2003 at 7.32pm.

**Present:** H.L.G. Parkin (in the chair) Messrs S.T. Black JP, D. Crellin, D.J. Quirk and J.K. Watterson

**In attendance:** J.E.S. Smith (Clerk), E.K. Convery (Surveyor) and Peter Kelly (Administration)

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**WC/03/1/1**  
**MINUTES**

Minutes of the meeting held on 2<sup>nd</sup> December 2002, copies of which having previously been circulated, was taken as read, confirmed and signed.

**WC/03/1/2**  
**MATTERS ARISING**

There were no matters arising from the public minutes other than those items listed separately on the agenda paper.

**WC/03/1/3**  
**MATTERS ARISING FROM PREVIOUS MEETINGS**

a) **Bemahague Sheltered Housing Complex**

The Surveyor reported that a hand out leaflet was being prepared for future tours. The furnishings for the two communal rooms, the warden's office and the visitors room were currently being selected. A snagging list had been provided for the contractor. The Surveyor's Department were currently learning the workings of the heating and ventilation system. Mr Watterson enquired as to why the plants in the communal area were plastic. The Surveyor responded it was because there was not enough natural light in this area and gave his personal assurance that when the plants were installed observers would not know the difference between the artificial plants and real plants.

**WC/03/1/4**  
**WASTE MANAGEMENT AND OTHER CLEANSING BUSINESS**

a) **Officer's Report**

Copies of the Officer's report had been circulated prior to the meeting and was noted without further comment.

**WC/03/1/5**  
**STREET LIGHTING**

a) **Officer's Report**

Copies of the District Surveyor's report had been circulated prior to the meeting, and was noted with the following points being discussed further

i) **King Edward Road**

The Surveyor confirmed that all new columns were now up and running. Painting of the columns was yet to take place.

ii) **Street Furniture**

The Surveyor reported that the street furniture scheme was being held abeyance but work would have to take place in front of the new Main Road toilets once the old toilets were demolished. Noted.

**WC/03/1/6**  
**DRAINAGE FUNCTION**

a) **Officer's Report**

Copies of the Officer's report had been circulated prior to the meeting and was noted with the following point being discussed further:-

Sewer Rehabilitation

The Surveyor confirmed the comments made in his report that rehabilitation work in Onchan was waiting for Insituform to complete works in Castletown.

WC/03/1/7

**PLANNING MATTERS**

a) **Planning Communications**

The Surveyor reported on two planning applications where the decision of the Planning Committee and the recommendation of the commissioners differed:-

PA 02/1487 Alterations to include extension of dining area to part of first floor, Tudor Inn, 5 Port Jack

The commissioners had recommended approval of the application but the Planning Committee had refused it. The Surveyor advised that the applicant had now sought a Review of the decision.

PA 02/1131 Change of use of part ground floor to incorporate hairdressing salon, 15 Howe Road

The original application had been approved despite the commissioners raising objection thereto. A Review decision had been received whereby the Planning Committee has confirmed its approval. The Surveyor advised that he was aware residents in Howe Road were going to seek Appeal. On the proposal of Mr Quirk it was

**RESOLVED**

***"to request an Appeal of the decision in respect of this application".***

b) **New Applications**

Copies of the minutes of the extraordinary meeting held on Thursday 9<sup>th</sup> January 2003, dealing with planning applications, was taken as read, confirmed and signed.

c) **Deferred Matter**

PA 02/1900 Alterations and extensions to Thiekiaull, 82 King Edward Road for Mr C.W. Craine

Members had been requested to view the site over the weekend. The Surveyor reported that in his opinion, whilst initially it seemed to be a large extension onto the present house, given the size of other properties in King Edward Road it in fact would be more in place with the extension added than at present. Members further commented that the property was set down below the road and therefore the extension would not dominate the area.

**RESOLVED**

***"that the Planning Committee be advised that the commissioners raised no objection to this application. It was further agreed that the adjoining neighbours should be notified as to the application".***

WC/03/1/8

**CAPITAL AND REVENUE SCHEMES**

a) **Officer's Report**

Copies of the Clerk's report had been circulated prior to the meeting and was noted with the following items being discussed further

i) **Main Road Toilets**

The Surveyor advised that the contract which was originally due to start before Christmas had been postponed until the beginning of January once the workforce had returned from the long holiday. On Christmas Eve three of the long-term employees of the successful company left and the contractor has requested a deferment until 3<sup>rd</sup> March. He could commence at present but felt the job would not be going on full strength whereas another contract was due to finish prior to the beginning of March which would

give him a better chance. He undertook to carry out the contract for the fixed price originally quoted despite the delay.

Mr Quirk commented that the Legion Club had had to close because of the pending works to which the Surveyor replied that to the best of his knowledge the Legion Club was not closed on account of works taking place beneath them. He understood they were closed whilst they had certain works carried out as requested by the Fire and Rescue Service. On the proposal of Mr Crellin it was

**RESOLVED**

***“that the contractor be granted a deferment of commencement date to 3<sup>rd</sup> March 2003 but that no further extension be granted”.***

ii) **Willow House**

Mr Quirk enquired as to the current position regarding air conditioning at Willow House. The Surveyor responded that it was in hand and whilst there may be equipment sitting in the car park outside, work had certainly been progressing on the inside of the building. Noted.

**WC/03/1/9**

**BUILDING CONTROL**

There were no matters relevant to building control for reporting. Noted.

**WC/03/1/10**

**HIGHWAY AND TRAFFIC MATTERS**

a) **Church Road**

The Surveyor reported that he noticed that traffic counters had been placed in Church Road.

**WC/03/1/11**

**FURTHER REPORTS**

There were no further reports from the Clerk or Surveyor in public.

**WC/03/1/12**

**CORRESPONDENCE/OTHER COMMUNICATIONS**

Nil.

**WC/03/1/13**

**OUTSTANDING MATTERS**

Copies of the list of outstanding matters had been circulated prior to the meeting and were noted with the following being discussed further

WC/09/23(b) – pavement/give way sign, Furman Road – **Delete give way sign as matter decided by DoT.**

3 Street Lighting Matters (1) – King Edward Road/Port Jack – **Amend to read Awaiting painting by MEA**  
W/00/03/19(b) Properties abutting lanes rear of Nursery/Church Avenues/Elm Drive -

Mr Watterson enquired whether there was anything to report in respect of improving the condition of these lanes. The Surveyor advised that he would have the matter checked out.

8 Proposed possible land purchase (3) land 56 Main Road – **Delete as scheme not proceeding**

WC/03/09/03 proposed Secondary School, Bemahague – View proposals – **Delete as meeting to take place on 22<sup>nd</sup> January.**

**WC/03/1/14**

**MATTERS REFERRED BY BOARD/OTHER COMMITTEES**

Nil.

**WC/03/1/15**  
**FINANCIAL REPORTS**

Copies of the Financial Report had been circulated covering the period 1<sup>st</sup> April 2002 to 9<sup>th</sup> January 2003. Member noted the over expenditure on wages for the refuse department. They were advised that this was due to sickness and the necessity of taking on replacement employees and contractors as the conditions dictated. Noted.

**WC/03/1/16**  
**ANY OTHER BUSINESS**

a) **Next Meeting**

Monday 17<sup>th</sup> February 2003 at 7pm.

b) **Depositing of Rubbish**

Mr Watterson referred to an incident involving a lorry was parked up on Ballanard Road close to Ballacretch Corner. The same vehicle had previously been parked in one of the streets of Onchan and was in contravention of the Road Traffic Act dealing with commercial vehicles parked within built up areas.

It would appear that the vehicle was repaired at the road side and the defunct part, the differential, was left by the road side after the vehicle had driven away. He reported this matter to the police as he regarded the part as having been dumped.

The matter was investigated by the police who had since advised Mr Watterson that they were not going to take out a prosecution for dumping as they had established that the owner thought the mechanic was going to take the part away and the mechanic thought the owner was. They had previously advised Mr Watterson that he didn't need to make a statement if the culprit admitted the offence. The part in question was left on the verge for three weeks and was only moved after the police had become involved.

Mr Watterson then expressed his concern that if fly tipping is going to become more prevalent as a result of the tipping charges which are to be introduced then were the police likely to act in such cases or would they have the same attitude as they had to this particular incident. He drew the matter to the attention of the committee and wondered whether he should personally pursue the matter as he had made the complaint or whether in fact the local authority wished to do so.

Mr Crellin stated that in his opinion it was an "absolute offence" and all the facts were known. Agreed the Surveyor to take the matter up with the police.

c) **Refuse Charges**

Mr Quirk commented that he felt that all commercial premises in the district should be advised as soon as possible as to the potential cost of commercial waste removal in the forthcoming municipal year. **Meeting terminated at 9.07pm.**

Minutes of a meeting of the **LEISURE AND AMENITIES COMMITTEE** held in the Boardroom, Hawthorn Villa, Main Road, Onchan, on Monday 20<sup>th</sup> January 2003 at 7.00pm.

**Present:** Mr G.K. Astill (in the chair) Messrs S.T. Black JP, A.T.W. Norton, D.J. Quirk and J.K. Watterson (from 7.29pm)

**In attendance:** Peter Kelly (Administration) and Ray Quane (Amenities Officer)

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**LA/03/1/1**  
**WELCOME**

The Chairman welcomed members to the first meeting of the new year and extended New Years greetings to them.

**LA/03/1/2**  
**MINUTES**

Minutes of the meeting held on 9<sup>th</sup> December 2002, copies of which having previously been circulated, was taken as read, confirmed and signed.

**LA/03/1/3**  
**MATTERS ARISING**

There were no matters arising that were not already on the agenda.

**LA/03/1/4**  
**PLAYGROUNDS/PARKS**

a) **Playground Log Books**

The Amenities Officer reported that there were no matters of concern. The log books to be signed by the chairman when next in the office.

b) **Amenities Officer's Report**

Copies of the report had been circulated prior to the meeting and was noted with the following matters being discussed further:-

i) **Christmas Decorations**

Mr Quirk, noting that all the decorations had been taken down and put into storage, queried whether the Rudolph decoration for the side of the Surveyor's Department had been repaired. The Amenities Officer reported that it hadn't as the Surveyor had indicated that it would not go up next year on account of the building being extended and a better decoration being required. Members commented briefly on whether the office extension would be complete by that time and Mr Black added that if the feature could be repaired it would better to have it done so that it could be reused next year even if in a different location. The Chairman added that he was recently at Tynwald Mills and met a member from another local authority who was buying decorative lighting at half price from the garden centre sale. Noted.

ii) **Changing Room Facilities**

The Amenities Officer reported receipt of a quotation of £3,889 for the installation of an electric heater, shower heads, supply to wash basins in toilets in the grandstand building. The previous quotation received had been £2,400 plus a further £500 for electrical work. The Administrative Officer sought confirmation in respect of the supply of hot water to the toilets and then pointed out that the football club paid for the consumption of electricity at present in respect of the showers and queried how this could be separated. The Amenities Officer suggested that 10% be taken off the total bill. On the proposal of Mr Quirk, seconded by Mr Norton it was

**\*RESOLVED**

**"that the quotation of Astin Bros amounting to £2,400 together with the quotation of £500 from Richard Esp, electrician be in respect of work in the showers and toilets within the grandstand building at Onchan Park be accepted".**

**iii) Football Pitch**

The Amenities Officer, in answer to question, advised that no great difficulties were being experienced with the pitch this season. Noted.

**iv) Missing Petrol Can**

The Amenities Officer reported that the Deputy Clerk had now written to the police confirming that compensation was requested from the parents of the person responsible for the removal of the can.

**v) Crazy Golf**

Members noted the Amenities Officer's report that obtaining prices from contractors over the Christmas period had not been practicable. Mr Quirk suggested that Sean Craig be approached. The Administrative Officer reminded members that an allowance had been made in the estimates but the estimates were yet to be considered by the Board and therefore the question of replacement was pending that decision.

**vi) Recycling Site**

The Amenities Officer reported that he had located a site on Hague Crescent which should be suitable for the placing of a couple of recycling bins to cover lower Onchan. The collection vehicle driver had viewed the site and was happy with same. There was now a need to obtain permission or the views of the police and DoT. Mr Quirk enquired whether it would be possible for such information to be available by the time of the next meeting of the Board.

**c) Pennington Hall**

The Amenities Officer reported that the Surveyor had spoken with the architects and prepared a rough outline brief for them. He had interviewed boatman/mechanic and also the parks charge hand in order to establish what was required to be stored and this information had been passed to the Surveyor.

Following the recent tidy out of the workshop and storage area things looked a lot tidier. Mr Norton enquired whether any of the yellow benches had been put back out in the district. The Amenities Officer reported that a couple of benches had been placed out but people tended not to sit on them in a damp state at this time of the year.

**d) Skateboarding**

Letter reported as received from a parent of two of the youths who had an interview with the Administrative Officer in July. Whilst the letter did not specifically address the various sites suggested at that meeting which the lads were going to look at, the parent did make repeated reference to the lower tennis courts. In his reply, the Administrative Officer, queried where the suggestion had come from that the lower tennis courts had been recommended to the commissioners as being a suitable location for a skateboard park as this was not the case. The parent had telephoned that afternoon to advise that he had been informed by two commissioners, the police sergeant at Peel and also the community officer at Onchan. Furthermore he had been speaking that day to one of the commissioners who had informed him as to the amount of money which had been requested in the estimates to provide a skateboard facility in Onchan and commenting that it was likely to be thrown out of the estimates because of other priorities.

In his reply the Administrative Officer had requested that the youths visit the various sites as originally suggested and put forward their comments as to the suitability or otherwise of each site and also give an indication of the type of facility required rather than being provided with something by the commissioners which may not necessarily be to their liking. The parent had indicated that the lads were now doing this. Noted.

The Chairman made reference to skateboarders going down the slide within the children's playground to which Mr Quirk suggested that the CCTV tapes should show who has been using the slide in this way and also who is skateboarding on the battery operated car site and causing damage to the hut. Amenities Officer to view the tapes.

**e) Disturbances in the Park**

Letter reported as sent to the Community Police Officer following reports of groups of youths gathering in Onchan Park at night over the weekends. Mr Norton commented that a recent report by the Youth Outreach Team had suggested that this was no longer a point of assembly. Noted.

f) **Finance Report**

Copies of the Finance Officer's report had been circulated at the meeting and were noted without further comment.

g) **Hanging Baskets**

The Amenities Officer produced a sample of a hanging basket which he had previously described. This had a built-in reservoir on the underside of the plastic container and he estimated that, subject to weather conditions, watering need only occur possibly every three days. Consequently it would cut down on bringing staff in on a Saturday morning for watering. In answer to question regarding the planter tubs he felt that these retained the water a lot better than the hanging baskets and therefore they would not require watering over the weekend either. Members anticipated therefore that the hanging baskets would be watered only three times per week at the maximum.

**LA/03/1/5**  
**OPEN SPACES**

a) **Amenities Officer's Report**

Copies of the Amenities Officer's report had been circulated prior to the meeting and were noted with the following matters being discussed further:-

i) **Port Jack Glen Shelter**

Mr Norton advised that he was impressed with the sign which had been erected on the fascia of the shelter at the top entrance to Port Jack Glen.

ii) **The Rec**

The Amenities Officer confirmed that the contractor was, subject to weather, due to start during the current week to concrete that section of entrance to the Recreation Ground adjoining School Road between the safety barriers. Noted.

b) **North Bank Land**

The Administrative Officer reported having sent a memo to the District Surveyor enquiring as to when he anticipated taking the Works Committee to view the land adjoining the Groudle View development which was eventually to come under the control of the commissioners so that the Leisure and Amenities Committee could attend at the same time. The Surveyor replied that he felt it was still far too early to visit the site and this would be better left until the contractors had finished in respect of the housing development and had generally tidied the area. He further added that as the developers were responsible for the maintenance of this area for a five-year period in any event it would be far better to wait until the weather was improved and the nights were lighter. Mr Watterson suggested that the matter be left in the hands of the Surveyor. Mr Quirk was not in agreement.

c) **Port Jack Glen**

The Administrative Officer reported having spoken to the Surveyor in respect of a design for the lower entrance to Port Jack Glen. This was to take the form of two pillars with an arched sign above similar to that used on School Road Recreation Ground and also originally used in the 1930s at Port Jack Glen improvement scheme. The Surveyor had commented that whilst the committee had requested provision within the estimates for the forthcoming municipal year until such time as it was confirmed that that money would be available it seemed a pointless exercise in producing a design. Mr Quirk pushed for the work to be undertaken using any surpluses which were appropriate to the Leisure and Amenities Committee from other headings. The Administrative Officer pointed out that a planning application would have to be made and as the financial year closed at the end of March it was doubtful whether approval would be received and the work carried out within that short period. At the suggestion of Mr Quirk it was agreed that the Administrative Officer should make the planning application.

d) **Jubilee Park**

The Administrative Officer reported on correspondence with Messrs Corlett Bolton in an effort to progress the Deed of Gift from Heritage Homes to the commissioners of additional land adjoining Jubilee Park, Birch Hill.

The Administrative Officer further added that now that Heritage Homes had installed tarmacadam footpaths linking to Jubilee Park and also to the path on the top side thereof it left some additional work which needed to be carried out by the commissioners. This included extending the path which terminates at the gate to Jubilee Park for another 1½ to 2 metres beyond the gateway so that it would not become a mud bath in this location and the path on the top side of the park required to be extended to the footpath running alongside the road. He had visited the site in the company of the Amenities Officer and details would be sent out to suitable contractors to price for this work and the tarmacadaming of the footpath leading to Centenary Park between two properties in Highfield Close. Such works to be carried out from balance of monies relevant to Centenary Park and for tarmacadam at Onchan Park.

e) **Centenary Park**

The Administrative Officer reported on the planting of oak trees by Mr Pearn of Rainbow Borders and showed photographs taken by the Building Control Officer on the commissioners' digital camera. He further reported on a meeting with Mr Andree Dubbeldam who had since sent a very comprehensive report in respect of wild flower and tree planting. Copies of this were to be circulated to members. It was noted that he was recommending that planting take place next October.

The Administrative Officer also reported on meeting an adjoining neighbour who had complained of water coming into her property from Centenary Park. The Administrative Officer reported that it required a further a site visit during heavy rain to witness what she had described. At the time of the visit there was water seepage coming out of the embankment above the bedrock but this would undoubtedly have been happening ever since the adjoining owner excavated into her own bank in order to create a vehicle turning area.

f) **Arbor Week**

The Administrative Officer reported that Arbor Week would be week commencing Monday 3<sup>rd</sup> March 2003. A circular had been sent to the W.I groups together with the Onchan Townswomen's Guild and contact had been made with DAFF regarding ordering the trees. The trees were to be planted in Sunnybank Avenue as in the past. Member were advised that this work was now well over half way complete with an avenue of trees being the end result.

LA/03/1/6

**PUBLIC CONVENIENCES**

a) **Amenities Officer's Report**

Copies of the report had been circulated prior to the meeting and was noted, with the following matters being discussed further:-

i) **Main Road Toilets**

Mr Quirk commented on the space that would be left once the present toilets in Main Road were demolished and suggested that one of the spiral planters as shown in the catalogue for hanging baskets would be suitable to fill the gap. The Administrative Officer reported that he understood the Surveyor was pushing for the streetscape scheme to be commenced in this area.

ii) **Damage to Toilets – Port Jack**

Mr Quirk noted that the police had requested a costing of the damage and therefore enquired whether the culprit had been caught. The Amenities Officer advised that he was not aware.

LA/03/1/7

**PUBLIC LIBRARY**

a) **Librarian's Report**

Copies of the Librarian's report had been circulated prior to the meeting and was noted. The Administrative Officer highlighted that the statistics indicating that in the December issues there was an increase in fiction, junior, audio and video issues. The only decrease was in the non-fiction section. Subscriptions for the year January to December 2002 showed an increase of 28 adults but a decrease of 53 juniors. Total membership stood at 1,465. Total issues for the period January to December 2002 was an overall increase of 3,588 making a total of issues for the year at 74,703, an increase of 5%.

b) **Handi-Lens**

Copies of details made available to the library from a firm producing a combined bookmark/magnifying lens had been circulated prior to the meeting. It was noted that the librarian wished to purchase a starter pack which would retail to library users at £2 inclusive of VAT. Members felt the idea to be good and should be popular with library users. Librarian to proceed.

c) **Amenities Officer's Report**

Members noted from the report that no repairs or other works had been carried out at the library since the last meeting. Noted.

LA/03/1/8

**YOUTH & COMMUNITY CENTRE**

**Amenities Officer's Report**

Copies of the Amenities Officer's report had been circulated prior to the meeting and with the following mater being discussed further:-

**Entrance Door**

The Amenities Officer confirmed that the Deputy Clerk had now written to the police in respect of compensation from the youth who damaged the entrance door. Noted.

a) Website

The Administrative Officer reported on the recent additions to the website. The history section was now up and running. This was an item which he wrote when in Liverpool in November but had been held up from being put on the web by the service provider due to difficulties over the photographs. There were four pages to the history section.

Another section under the title of Commissioners Information gave an outline of the committees and listed the membership thereof. A Public Notices section had been added which currently displayed information regarding the open day at Heywood Court on 24<sup>th</sup> January. A Situations Vacant section had been added which currently displayed the advertisement for a warden for the Heywood Court complex. The previous section headed Bus Services but merely gave the telephone number of Isle of Man Transport had now been greatly increased list all the services to Onchan and the routes which they took. Under the History section a page had been added describing the Onchan Crest. Under the Commissioners Information section a new "Contact Us" page had been added which listed phone, fax and e-mail numbers for administration, finance, library and works sections. Members noted the librarian's request for the office fax number to be quoted rather than the library number to avoid the receipt of junk mail. Members did not agree with this and requested that the library fax be shown as the benefit of public communication outweighed the disadvantages of junk mail. The number would not be listed in the phone directory and therefore the likelihood of unwanted faxes was reduced. The contact section also included help line numbers set out alphabetically based on enquiries that came to the commissioners office. These included outside agencies where appropriate as the public generally were not aware of the differential between the commissioners, DoT, Water Authority etc.

The Administrative Officer then referred to the request made at the previous meeting for a link to be made to the Onchan AFC website. He advised that he viewed the website and consequently had printed off some pages so that the members could decide whether there should be a link. Copies of the pages were distributed which showed a photograph of a player exposing his posterior and then the comments which had been received relevant to the photograph. Messrs Watterson and Norton expressed their concern over the content thereof. Mr Quirk suggested that all it required to be removed was a telephone call to the club secretary who had already been advised and to the best of his knowledge the offending pages had been removed. The Administrative Officer reported that the pages distributed had been printed off that day.

Mr Norton suggested that at the very least there should be written confirmation from the club that they would not repeat something of that nature if the site was to be linked to the commissioners' website. Mr Watterson advised that he thought the club would have had better standards and didn't feel that the commissioners website should be associated in anyway. He proposed therefore that the commissioners should leave the matter of linking to the Onchan AFC website for the time being so as to monitor what appears on their site in the meantime and to hold back on linking until there is sufficient proof that the site is properly regulated. This was seconded by Mr Norton and agreed. Mr Quirk was not in favour.

b) Christmas Light Competition

The Chairman commented that it had been difficult to make a decision as properties varied from being detached, semi-detached, bungalow, house etc. There were also occasions during their visits when the lights in question were not illuminated. However the winner of the domestic property section was Mr and Mrs Johnson 24 Ballachrink Drive. With regard to commercial premises there were only two properties and the judges did not think either of them were sufficiently decorative to merit the prize.

In answer to question the two judges advised that there had been little input from the other commissioners in respect of advising as to the location of some of the lights. Mr Watterson, on behalf of the committee expressed thanks to Messrs Astill and Norton for carrying out this duty and expressing a hope that the number of decorative lights in Onchan would continue to grow.

c) Santa's Visit

Members confirmed that Santa and Rudolph came to Onchan on Sunday 21<sup>st</sup> December.

d) Christmas Trees/Decorative Lighting

Letter reported as received from a resident in Ballachurry Avenue congratulating the commissioners on the wonderful display of Christmas decorations in the village over the Christmas period. Noted with pleasure.

e) **Torchlight Procession**

Members concurred that numbers had reduced in terms of attendance at the Torchlight Procession. Reference was also made to the windy night which may have put people off. Mr Black stated that candle grease seemed to be a problem. He added that any procession should end up at Springfield Court but there was a need to include more carol singing and less prayers and preaching.

Mr Watterson was of the opinion that after twelve successive torchlight processions the time had possibly come when perhaps it should be dropped for a year or two for a rest and then when restarted there should be greater interest. Mr Norton suggested that perhaps it could be improved by adding a firework display but it was pointed out that firework displays were not even permitted in Onchan Stadium now under health and safety and therefore would not be practicable at Springfield Court or anywhere else. He then made reference to the Santa Sprint which took place in Douglas and wondered whether something of that nature could be incorporated. Members commented that the streets were darkened but Mr Norton felt they could be seen in the light of the torches. Mr Quirk commented on the possibility of having fibre optic sticks which could be reused rather than the burning torches. Mr Norton then enquired about whether the commissioners could consider making something of the switch on of Christmas lights in Onchan. Mr Black said this would be difficult as they were all individually switched and as the commissioner put up more than one Christmas tree it would be a case of deciding at which location to hold the event. There was also the logistics of crowds gathering in such locations where the roads would have to be closed for a longer period than during the torchlight procession itself. Mr Norton then enquired whether it would be possible to serve some form of hot non-alcoholic punch after the event. Members were reminded that on one occasion refreshments were served in the Youth and Community Centre afterwards but this was poorly attended and was not something, particularly with the punch, one could anticipate numbers for catering purposes in advance.

On the proposal of Mr Quirk, seconded by Mr Norton it was

**\*RESOLVED**

**“that the Torchlight Procession should be retained but that Board members should be requested to think of new ideas to enhance the event and encourage greater participation”.**

f) **Day in the Park etc**

The Administrative Officer had produced a report on past events held in Onchan Park, the Village Green, Queen's Golden Jubilee Football Competition and Onchan Park Passports. These had been circulated prior to the meeting and were noted.

Mr Watterson commented that the holding of village fairs was rather like the Torchlight Procession that if they happened every year they became repetitive and people lost interest whereas if they were spaced out as had been the case with fairs in Onchan then they get a much greater attendance. He agreed with the Administrative Officer that the village green was a better location for such an event rather than the stadium at Onchan Park which was far too large and required many thousand people to be in attendance to make it look anything like full.

Mr Quirk was of the opinion that the three suggestions worked well together, a fair on the village green, passport weekend and the football competition. He advised that Onchan AFC were keen to have the under 14s football competition repeated but it was pointed out that last year's was in fact under 8s. Members noted from the report that the event held last year only had a couple of teams from Onchan participating so it was really an all Island event rather than an Onchan related event. Mr Quirk reiterated the keenness of the football club to put on the competition. Members therefore were in agreement that if the club wished to do so then they would be provided with the pitch free of charge one Saturday morning so to do. Mr Quirk then enquired about the commissioners providing prizes before the competition stating that there was a trophy from the Golden Jubilee Year. The Administrative Officer pointed out that the trophy was a one off for that event. Members were of the opinion that if the football club wished to put on the competition then it was a matter for them to provide the prizes Mr Quirk stated that he thought this was unfair and that he would personally provide the prizes himself. It was then noted that there had not in fact been an official approach from the football club for the competition but members agreed that in the event of such formal approach being made then approval be granted to the free use of the pitch for a morning.

Discussion then took place in respect of the passport. The Administrative Officer in his report had pointed out that when passports were related to a specific weekend it results in the necessity of taking on additional staff in anticipation of crowds of people coming to obtain free use of the facilities whereas when the passport has been extended over the whole summer season participants can go at their leisure and there are not queues waiting for the motorboats as is the case in a limited period.

On the proposal of Mr Watterson, seconded by Mr Norton it was

**\*RESOLVED**

**“that the commissioners should issue a passport to each household via the rates bill to cover free use of facilities (one turn) in Onchan Park at any time during the summer season”.**

With regard to holding an event on the Village Green, Mr Watterson reiterated that there was a need for a theme to such an event rather than just having yet another village fair. The Administrative Officer pointed out to members that the year 2003 is the centenary year of the death of Henry Bloom Noble. The Noble Trustees presented Onchan Village Commissioners with £1,000 at a time that they were purchasing Hawthorn Villa in the early 1920s. The money was to provide for the purchase of two small fields at the rear of Hawthorn Villa which were then to be turned into a children’s playground. This happened and the playground, officially known as the School Road Playing Fields but more commonly known as The Rec was the result.

The Administrative Officer suggested then that as something different the fair could be held in The Rec which would highlight its existence for Onchan residents who lived in other parts of Onchan, could incorporate the unveiling of a plaque on the gate pillar to record the Noble Trustee gift. Mr Norton suggested that perhaps the Youth Centre could be highlighted as well and members concurred that an open day could be held in the Youth Centre so again those residents who are not familiar with the building could see it first hand. After further discussion it was

**\*RESOLVED**

**“that a village fair type event be held in the School Road Recreation Fields on Saturday 5<sup>th</sup> July 2003 (following day if wet) and that the Youth and Community Centre hold a open day to coincide with this event”.**

**g) List of Commissioners**

The Administrative Officer confirmed that following the last meeting a list of commissioners with their addresses and phone numbers had been placed in the Urbis Board adjoining the Onchan War Memorial.

**h) TIC Information**

The Administrative Officer reported receipt of the annual questionnaire from the Tourist Department for updating their records in respect of Onchan Park. He had made a number of alterations by adding car parks and disabled persons toilets to the list and also had listed the route numbers of buses that could be used to reach the park. Noted.

## LA/03/1/10

### OUTSTANDING MATTERS

The list of outstanding matters had been circulated prior to the meeting and was noted with the following matters being discussed further:-

LA/02/7/3 (iii) Alternative planting for replacement tree Onchan Park - The Amenities Officer reported that this would be carried out in the spring. Mr Quirk commented that it needed to be near the tree that fell over and had to be removed.

LA/02/7/12 (c) Fit lock to boiler house behind park café – Mr Quirk enquired whether this was done to which the Amenities Officer replied that it was. Mr Quirk suggested that it wasn't. The Amenities Officer to confirm.

LA/02/12/17 Good Neighbour Scheme – Mr Norton distributed at the meeting copies of an item downloaded from the internet in respect of a "Neighbour from Heaven" award scheme. Members viewed the particulars and noted that the scheme was run by a charity entitled Care for the Family and there were regional winners from England, Scotland, Northern Ireland, Wales and the Isle of Man.

Mr Norton suggested that the commissioners should run such a scheme in Onchan. He added that in the UK sponsorship was obtained from local firms and members noted that the regional prize winners were accommodated in a top London hotel, had a trip on the London Eye, a tour of the Houses of Parliament and lunch. Mr Watterson enquired how the local competition could be judged to which Mr Norton replied that he didn't know. Mr Watterson added that he saw merit in the scheme but on the other hand there were people who were extremely good to their neighbours but they did not do it for reward and may be offended if they were highlighted in this way by prize giving etc. He then added that he wasn't so sure that the local authority should be involved. He also saw the administration being complicated.

Mr Quirk commented that the commissioners were already involved Crosh Pobble and it was no different. The Administrative Officer pointed out that the Crosh Pobble was dropped upon the commissioners by its promoter Mr Peter Karran MHK who involved the Chairman of the Commissioners as one of the judges and then requested that the commissioners administer the nomination and presentation process. The Crosh Pobble was in fact for a member of the community and their service to the community which was more akin to the remit of the commissioners rather than to a individual's assistance with a neighbour which did not affect the community as a whole. Mr Quirk suggested that the award could be made alternative years with the Crosh Pobble it was therefore proposed by Mr Quirk, seconded by Mr Norton and

**\*RESOLVED**

**"that the principle of commissioners holding a Good Neighbour Competition be accepted and that the matter go forward to the Board of Commissioners for further consideration".**

PP/ 99/02/5 (vii) Water Feature – Port Jack Glen – Mr Quirk to see James Vickers to progress – The Chairman enquired as to whether Mr Quirk had had this meeting.

Mr Quirk advised that he had been speaking to an employee at Royal Skandia who had moved into offices in Onchan with a work force of approximately 230 people. He had gleaned the information that they do projects and he thought that perhaps they could become involved in the scheme for Port Jack Glen. The Chairman then asked where does that leave Onchan Rotary who previously indicated a willingness to co-operate. Mr Quirk suggested that perhaps Royal Skandia could adopt the glen and look after it in general. The Administrative Officer pointed out that before anybody could become involved in carrying out work in the glen there needed to be proper scheme on paper and that as yet had not been forthcoming.

## LA/03/1/11

### MATTERS REFERRED BY BOARD/OTHER COMMITTEES

Nil.

LA/03/1/12

CORRESPONDENCE OR OTHER COMMUNICATIONS

a) Manx Model Boat Club

Letter reported as received from Manx Model Boat Club requesting the use of the boating lake in Onchan Park on Saturday 21<sup>st</sup> June 2003 for their annual Manannan Model Boat Festival. The pool would be required from 10am continuing until approximately mid afternoon. Members noted that this was now the 7<sup>th</sup> year that the festival had taken place and agreed to repeat permission for the use of the pool on this occasion.

b) Flat Green Bowling

Letter reported as received from the Isle of Man Flat Green Bowling Club requesting permission to use the green free of charge in the early part of the season in order to instruct new bowlers. After discussion it was agreed that they could use the first four weekends that the green was open with the exception of the Easter weekend.

Letter further enquired as to the possibility of the flat and crown green season tickets being interchangeable in the hopes of them gaining potential new members. After consideration and noting that players could only play on one green at any given time it was, on the proposal of Mr Quirk and seconded by Mr Norton

**\*RESOLVED**

**“that the season tickets for flat and crown green bowling be interchangeable at no additional cost”.**

c) Bowling Festival

Letter reported as received from the Department of Tourism regarding the Isle of Man Crown Green Bowling Festivals to be held in June and September. Letter requested use of the crown green at Onchan from 9<sup>th</sup> to 13<sup>th</sup> June and 1<sup>st</sup> to 5<sup>th</sup> September with practicing available on the Saturday and Sunday prior to the festival. Members noted that this was a repeat request and the fee for such use had already been discussed in committee. It was therefore

**RESOLVED**

**“that permission be granted”.**

LA/03/1/13

ANY OTHER BUSINESS

a) Date of Next Meeting

Monday 24<sup>th</sup> February 2003 at 7pm.

b) Ground Force

Mr Quirk made reference to a letter which he had sent to the production team in respect of the television programme “Ground Force” in the hopes that they would become involved in the make over of Port Jack Glen. The reply received by him in May 2002 was that the post bag was closed as from the end of February but would reopen in December for the next series. He proposed therefore that a letter be sent to them requesting consideration of Port Jack Glen for inclusion in a future series. Members were dubious as to the eligibility of the scheme but saw no harm in writing. The Administrative Officer instructed so to do.

c) Taverners Playground

Mr Quirk made reference to the station master springer unit which still required to be refitted following the braking of the spring. The Amenities Officer confirmed that the station master was held in store at Pennington Hall and therefore he was instructed to order a new spring and have the feature reinstated.

d) **Park Inspection**

Mr Quirk commented that it had previously been agreed that an inspection of the park should be made prior to the opening for the season. The Chairman pointed out that whilst that was the case it was a little early in the year to which the Amenities Officer added that no maintenance had been undertaken as yet and therefore the park was much the same as when last inspected at the end of the season. Agreed that the matter be placed on the agenda for the next meeting.

**Meeting terminated at 10.45pm.**

Minutes of a meeting of the **POLICY AND FINANCE COMMITTEE** held in the Boardroom at Hawthorn Villa, Main Road, Onchan, on Monday, 27<sup>th</sup> January 2003, at 5.35 p.m.

**Present:** Mr E.D.R. Killey (Chairman) (from 6.45 p.m.)  
Mr G.K. Astill  
M.J. Kennaugh  
Mr H.L.G. Parkin  
Mr S.T. Black, J.P.

**In Attendance** Mr J.E.S. Smith (Chief Executive/Clerk)  
Mr A.S. Booth, F.C.A. (Finance Officer)

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## **CHAIRMAN**

In the absence of the Chairman who was temporarily indisposed Mr Black, the Vice-Chairman, took the chair.

## **PF03/01/01** **MINUTES**

Minutes of a meeting held on 16<sup>th</sup> December 2002, copies of which having previously been circulated, were taken as read, confirmed and signed.

## **PF03/01/02** **BUSINESS ARISING**

### **1. Refuse Disposal Charges**

Copies had been circulated of a letter dated 22<sup>nd</sup> January 2003 from the Waste Operations Manager of the Department of Local Government and the Environment together with a copy of the slide presentation given to Local Authorities and the commercial sector at regional meetings held in December 2002.

The manager advised that the Waste Management Unit had had an opportunity to assess the views received from Local Authorities and to discuss the various issues that had been raised. They therefore proposed to refer a letter to the next Department meeting recommending the following:-

- (1) For the period 1<sup>st</sup> April 2003 to 30<sup>th</sup> June 2003 the charge for disposal for all waste types at Wrights Pit Landfill remain at £10 per tonne;
- (2) From 1<sup>st</sup> July 2003 all waste deposited at Wrights Pit Landfill site will be charged at £100 per tonne with the exception of domestic waste which has been collected and delivered in a refuse collection vehicle (RCV) by or on behalf of a Local Authority. This domestic waste (as defined in Section 77(2) of the Public Health act 1990) will attract a 90% subsidy and therefore would be charged at £10 per tonne.

*The above changes had been put forward to the Department to give each Local Authority time to install the mechanisms that would allow them to differentiate and or weigh domestic and commercial wastes.*

The Department may be prepared to consider a business case presented by any Local Authority seeking financial assistance towards the cost of installing appropriate weighing systems. Any such case would have to include a detailed analysis of the system, the Authority was planning to install together with detailed costs for the supply and installation of the system.

Clerk reported that subsequent to that letter the Tynwald debate on the subject had taken place on Thursday 23<sup>rd</sup> January 2003 at the conclusion of which an amended motion by the Chief Minister had been carried which read as follows:-

### **“Tynwald is of the opinion that the Minister for Local Government and the Environment –**

- (a) *reaffirms that for the financial year 2003/04 Local Authorities will receive 90% rebate on the £100 per tonne waste disposal charge;*
- (b) *introduces a moratorium until 1<sup>st</sup> July 2003 on the increased charges for waste for both commercial and household waste from the private sector; and*

- (c) *reports to the June sitting of Tynwald Court on the progress of consultation on the implementation of charging on the detailed measures for implementing charges and proposals for the introduction of a charging regime."*

It was agreed that although this decision gave Local Authorities an extra three months it was little enough time to research bin weighing systems; to present a business case to the Department seeking financial assistance towards the capital cost; to convert the vehicles in order to accommodate the weighing systems; to install the necessary computer equipment and software; establish the database and prove the system prior to "going live" on 1<sup>st</sup> July. It would still be necessary to make provision within the 2003/04 estimates for additional staffing to control and administer the system including invoicing, receipts reconciliation, bad debt collection and dealing with the inevitable queries.

Reference was also made to the considerable increase in the costs of the Civic Amenity Site as usage of that site would have to be better controlled to ensure that only residents of the three Districts (Douglas, Onchan and Braddan) use the site and that no commercial waste was accepted thereat. It was understood that the waste disposal charge for civic amenity site waste would be at the household rate of £10 per tonne provided that there was no commercial waste included in which case it would be at £100 per tonne.

Clerk read email received from the Clerk to Lonan Parish Commissioners suggesting that an urgent meeting be held of representatives of all 24 Local Authorities to discuss a collective position and the right to disagree with the Department over the rate of the charges and to seek arbitration.

After discussion, it was agreed that if such a joint meeting was to be held that the Clerk represent the Onchan Board together with the Chairman of the Board should political representation be required.

#### **PF03/01/03**

#### **MATTERS ARISING FROM PREVIOUS MEETINGS**

There were no matters arising from the minutes of previous meetings other than those dealt with in the Clerk's and Finance Officer's reports and those matters listed separately on the agenda paper.

#### **PF03/01/04**

#### **FINANCE OFFICER'S REPORT**

The Finance Officer's report, copies of which having previously been circulated was considered and arising therefrom:-

#### **1. Rates Collected**

It was noted that the total estimated collectable rates and cash received in the current financial year to 21<sup>st</sup> January 2003 compared with the previous financial year were as follows:-

|   |                     |
|---|---------------------|
| <b>2002/03</b> estimated amount collectable including arrears brought forward | £1,098,373          |
| <b>2002/03</b> collected to 21 <sup>st</sup> January 2003 less refunds        | £1,091,545 (99.38%) |

Comparative figures

|   |                    |
|---|--------------------|
| <b>2001/02</b> estimated amount collectable including arrears brought forward | £1,031,869         |
| <b>2001/02</b> collected to 21 <sup>st</sup> January 2002 less refunds        | £1,024,913(99.33%) |

#### **2. Revenue Account Payments**

The list of payments from revenue account during the month of December 2002, copies of which having previously been circulated, was considered and it was **RESOLVED**\*:-

... That the said payments from revenue account as detailed on the list attached to the minutes be endorsed.

#### **3. Debtors**

The list of general debtors copies of which having previously been circulated was considered. Total sum outstanding as at 22<sup>nd</sup> January 2003 was £124,212.80. It was noted that there was a total sum of £2,083.40 for trade refuse collection charges – debts aged 3 months and over. This was an indication of

the likely problems that would be experienced of bad debts when the cost of waste disposal was added to these collection costs.

Finance Officer was however confident that all debts would be collected in full before the end of the financial year.

**PF03/01/05**

**HEALTH AND SAFETY AT WORK – ADMINISTRATION SECTION**

The Clerk advised that he had nothing further to report with regard to Health and Safety at Work within the Administration Section since the previous meeting. *Noted.*

**PF03/01/06**

**CORRESPONDENCE AND OTHER COMMUNICATIONS**

**1. Local Election (Fees) Order 2002**

Copies had been circulated of a letter from the Manager, Legislation and Policy Unit of the Department of Local Government and the Environment together with a copy of the Local Election (Fees) Order 2002 which had been approved by Tynwald on 10<sup>th</sup> December 2002 and came in to operation on 1<sup>st</sup> January 2003. The Order increased the fees paid to election officials with respect to local elections and after discussion the schedule detailing the fees was noted. The letter further advised that over the next few weeks the Department would also be advising of details of the proposed legislative changes regarding the Local Election process. This would involve amendments to the Local Elections Act 1986 and the Local Election Fees 1996. *Noted.*

**2. Local Government (Expenditure on Entertainments) Order 2003**

Copies had been circulated of a letter from the Local Government Unit Manager together with copies of the Local Government (Expenditure on Entertainments) Order 2003 which it was intended be referred to either the February or March sitting of Tynwald and for the same to come into operation on 1<sup>st</sup> April 2003.

The Department had previously sought the views of Local Authorities regarding proposals to increase expenditure on entertainment and the Department had now decided to make the order which increases from 4p to 5p in the pound, the maximum rate which may be levied by Local Authority for the purposes ..... of improving or prolonging the visiting season, increasing its advantages as a resort, and providing public entertainments.

After discussion it was agreed that the proposed Order be noted.

**PF03/01/07**

**MATTERS REFERRED BY COMMISSIONERS/OTHER COMMITTEES**

None to report in public.

***Mr Killey joined the meeting at 6.45 p.m., he apologised for his unavoidable late attendance and took the chair.***

**PF03/01/08**

**RECOMMENDATIONS WITH POLICY OR FINANCIAL IMPLICATIONS FROM OTHER COMMITTEES**

It was **RESOLVED** that the following recommendations from the Leisure and Amenities Committee meeting held 20<sup>th</sup> January 2003 be endorsed:-

- 1. That the quotation of Astin Bros amounting to £2,400 together with the quotation of £500 from Richard Esp, electrician in respect of work in the showers and toilets within the grandstand building at Onchan Park be accepted.**
- 2. That the commissioners should issue a passport to each household via the rates bill to cover free use of facilities (one turn) in Onchan Park at any time during the summer season”.**
- 3. That the principle of commissioners holding a Good Neighbour Competition be accepted and that the matter go forward to the Board of Commissioners for further consideration”.**
- 4. That the season tickets for flat and crown green bowling be interchangeable at no additional cost”.**

With regard to recommendation number 3, Members agreed that it should go forward to the Board for further consideration, whilst reserving their remarks with regard to the proposal.

**PF03/01/09**

**OTHER BUSINESS**

There was no other business for consideration in public.

**PF03/01/10**  
**NEXT MEETING**

It was agreed that the next ordinary meeting of the Committee be held at 5.30 p.m. on Monday 3<sup>rd</sup> March 2003.

*There being no further business the meeting terminated at 7.20 p.m.*

Minutes of a meeting of the **RURAL COMMITTEE** held in the Boardroom, Hawthorn Villa, Main Road, Onchan, on Wednesday 22<sup>nd</sup> January 2003 at 5.17pm.

**Present:** J.K. Watterson (in the chair), Mrs E.J.C. Kelly (from 5.25pm), Messrs J.M. Bulley, B.H. Moore and A.T.W. Norton (until 6.43pm)

**In attendance:** Peter Kelly (Administration) & B.T. Price (Building Control Officer)(until 6.25pm)

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**R/03/1/1**  
**MINUTES**

Minutes of the meeting held on 11<sup>th</sup> December 2002, copies of which having previously been circulated, was taken as read, confirmed and signed.

**R/03/1/2**  
**MATTERS ARISING**

The following matters were arising from the minutes:-

a) **Rates on Rural Properties**

The Administrative Officer reported that following the issue of the supplemental list in December whereby certain properties now had a standard domestic rating rather than an agricultural rating there had been no comments from the owners in question. Only one had been in touch where in that instance a derelict farmhouse had in fact now had a zero valuation applied and as a result the owner wished to claim back a proportion of the rates paid for the current financial year. Noted. The Chairman commented that this only left one set of farm buildings where there had been alleged to be commercial usage for other purposes and into which the valuation officer was carrying out further investigations. He further added that the committee had undertaken their duty by having these matters regularised.

b) **Begoade Road**

Copy letter read as received from Mr Orry Mitchell, Area Maintenance Engineer for DoT and sent to a resident in Begoade Road following a complaint over flooding in the area.

Members noted that a full survey of existing drains was to be carried out. Mr Bulley advised members that a survey had been undertaken of recent by M.I.S.S. but he was unaware as to the outcome. Members concurred that a letter should be sent to Mr Mitchell thanking him for his prompt attention to this matter.

**R/03/1/3**  
**OUTSTANDING MATTERS**

There were no outstanding matters for consideration.

**R/03/1/4**  
**MATTERS FROM PREVIOUS MEETINGS**

Nil.

**R/03/1/5**  
**MATTERS REFERRED BY BOARD/OTHER COMMITTEES**

Nil.

**PLANNING MATTERS**

a) **Planning Decisions**

The Building Control Officer reported on the receipt of the following planning decisions at the initial stage:-

PA 02/590 Amended application – erection of agricultural building with vehicular access and drive, Field 349, Middle Ballacashin for Mr S.T. Harvey – Approved subject to the external sheeting being dark green and the building used for agricultural purposes only.

PA 02/1439 Erection of dwelling to replace former dwelling, Begoade Farm, Begoade Road, Onchan for Mr J. Moore - Refused on the grounds that whilst there had been a previous approval for a new dwelling on this site (PA 94/189) that permission had not been taken up and in the meantime the holding had been farmed without the use of a dwelling. No justification has been given for the new dwelling with regard to its necessity related to Middle Begoade Farm.

PA 02/1692 Amended plans for 3 holiday units and dwelling, Glenville Farm, Scollag Road for Mr B. Stowell – Approved subject to parking conditions, limitation of the tourist units to bona fide tourists between the months of April and October and the lowering of the boundary wall to promote better visibility.

Members expressed concern as the recommendation of the committee and the decision of the Board was to object to the application as the dwelling was now to be “new build” contrary to the new dwellings in the countryside policy and furthermore no agricultural necessity had been proved, in fact there was a previous refusal for a new dwelling on this holding for reasons of no agricultural need.

The Chairman enquired as to members views pointing out that visually the change in the application was nil but the whole reason of objection related to planning policy. Mr Moore commented that the committee had raised objection which had been confirmed by the Board and therefore he felt the matter should go to Review. Mr Norton was not so sure being concerned that the applicant might feel the commissioners were being petty and vexatious. The matter was considered further with the Administrative Officer suggesting that if it was the wish of the committee to go for Review then they should ask for an oral hearing so that their case could be fully explained. Members agreed to that format. The Building Control Officer, after obtaining further details from his office, advised members that the letter sent to the Planning Committee, whilst stating the reasons of objection, was part of a standard letter and consequently contained the words “the commissioners would recommend that the application be APPROVED for planning purposes subject to the following conditions”:-

The reasons of objection were then stated as a condition to the approval. Members were of the opinion that the letter requesting the Review should point out this error and it was all the more reason why an oral hearing should be requested so that this error could be highlighted and the true intent affirmed. This decision was unanimous.

PA 02/1793 Installation of replacement uPVC windows to south elevation and door to west elevation Glen Bower, Little Mill Road for Mr & Mrs McCauley – Approved.

b) **Reviews**

The Building Control Officer reported that the commissioners had sought a Review in respect of PA 02/1592 Conversion of garage to additional living accommodation, 5 Larch Hill Grove, Onchan. On the grounds that the conversion would result in a loss of parking behind the building line in accordance with the Onchan Local Plan.

c) **Appeal**

The Building Control Officer reported receipt of the Appeal decision in respect of PA 02/292 Conversion and extension of industrial unit to holiday cottages with ancillary facilities, Ballacain House, Little Mill Road, Onchan for Mr & Mrs R.K. Corkill. It was noted that the inspector had recommended that the decision of the Planning Committee to approve this application should be upheld. Noted.

R/03/1/7

**ANY OTHER BUSINESS**

a) **Time and Date of next meeting**

Wednesday 26<sup>th</sup> February 2003 at 5.15pm. It was noted that the Building Control Officer would be on leave.

b) **Dumping**

The Chairman advised members as to an item which had been reported at the recent meeting of the Works and Cleansing Committee in respect of the dumping of a motor vehicle part at Ballacreech Corner. When this matter was considered by that committee it was agreed that a letter should be sent to the police enquiring as to why a prosecution had not taken place when an offence had occurred and the culprits had been identified. The Building Control Officer read the letter as sent to the Chief Constable to which, as yet, a reply had not been received.

The letter expressed the concern of the Works and Cleansing Committee that the introduction of waste disposal charges is likely to cause further fly tipping and here was an instance where a prosecution should prove successful and hopefully act as a deterrent. Mr Norton commented that he felt this matter should be brought to the attention of the Honourable Pamela Crowe MHK who, as Minister for the Department of Local Government and the Environment, had that very morning stated on Manx Radio that she did not foresee the introduction of a waste disposal charge as resulting in fly tipping.

c) **Clucas Laundry - Chimneys**

The Administrative Officer enquired as to the position regarding the registration of the chimneys as he was under the impression that the commissioners should have received notification of the intention to register and therefore had an obligation to reply. It was noted that the request for registration had come from the commissioners in the first instance and therefore it was felt important that the commissioners case should be properly put.

d) **Scramble Course**

Mr Bulley informed members that following their approach to the Department of Transport regarding the breaking up of the road surface near to the entrance of the scramble course being created alongside the Creg-na-Baa Back Road, the road surface had now been made good. Noted with pleasure. Mr Norton suggested that perhaps a letter should be sent to the club enquiring as to their intentions regarding the construction of the scramble course as it seemed to be taking a long time, it was noted however that they still had time to run on their planning approval.

e) **Rates in the Rural Ward**

The Chairman explained to members that at the Board meeting held on 30<sup>th</sup> December 2002, Commissioner Quirk submitted two motions which were not accepted by the Board for reasons that they had not been submitted five clear days before the meeting and nor would their consideration comply with the 1985 Local Government Act because they did not appear on the agenda for that meeting. Consequently they were held over until the next meeting of the Board for presentation and consideration.

There was an extraordinary meeting of the Board held on Wednesday 15<sup>th</sup> January 2003 and both motions were presented. One motion related directly to rates charged in the Rural Ward and the other motions related to the creation of a "special district" under the Local Government Act 1985.

The Chairman advised that at that meeting he requested that the proposals should be referred to the Rural Committee for consideration first. However the Board voted on the matter with the two board members who were also on the Rural Committee voting with the other members to approve the motion. Only he voted against. The matter was considered "in committee" but on the proposal of Commissioner Killey, seconded by himself it was agreed that the matter "be referred to "in public" at the next meeting of the Board".

The Chairman expressed his concern that whilst the motion accepted by the Board was for the making of an order to vary the rural rate it was being implied that this in fact should be "equalised" although that had not been formally proposed or agreed by the Board. Mrs Kelly commented that she was under the

impression at that meeting that the intention was for equalisation. Mr Norton commented that no specific rate was fixed and he only voted in favour of a variation taking place, not an amount.

The Chairman stated that the point he would like to make was that the two elected Rural Members (Messrs Bulley and Moore) had no prior notification that this matter was going to be put to the Board. He also had no prior notification from Mr Quirk that he was raising the matter at the meeting on 30<sup>th</sup> December. He was aware subsequently however that other members of the Board had been so advised by Mr Quirk on the day in question. Mr Norton commented that any comments he made were not to be taken as defending anything that Mr Quirk had done.

The Chairman added that although that meeting was held in committee and was yet to be brought into public at the next meeting of the Board, the Board Chairman, Mr Terry Black had been quoted in the Isle of Man Examiner of that week and Commissioner David Quirk had been interviewed by Manx Radio and that interview was broadcast on Mandate that very day. In both cases they referred to an equalisation of the urban and rural rates and made reference to the necessity as a result of the increase in refuse charges. This was not a matter which had in fact been laid before the Board in that regard. He was very disappointed in the way in which the whole matter had handled, firstly in the way that Mr Quirk went about putting forward his motion and secondly that the Board did not give the Rural Committee a chance to consider the matter first when it affected the people in the Rural Ward.

The Administrative Officer then read section 3 (1) of the Onchan District Act 1986 viz:-  
**“there shall be established a committee of the commissioners to be known as the Rural Committee, which shall from time to time consider matters affecting the rural ward and make a recommendations thereon to the commissioners”.** The Administrative Officer pointed out the word “shall” in respect of the committee considering matters affecting the Rural Ward. The motion which had been considered by the Board struck at the very heart of the Rural Ward and therefore most certainly should have been considered by the Rural Committee and their recommendation then being considered by the Board.

Mrs Kelly commented that it was thought that the Rural Committee were meeting on 15<sup>th</sup> January and therefore the extraordinary meeting of the Board was also fixed on that date so that the views of the Rural Committee could be made known. The Administrative Officer replied that the meeting date for the Rural Committee was clearly stated in the minutes of the meeting held on 11<sup>th</sup> December and the suggestion that it was being held on 15<sup>th</sup> January would appear to stem from a typographical mistake made when the Clerk produced a list of meeting dates. All that apart, in his opinion as the motions had not yet been formally laid before the Board on 30<sup>th</sup> December 2002 they could hardly have been referred to the Rural Committee for consideration as they were only appearing on an agenda of the extraordinary meeting of the Board being held after the supposed meeting of the Rural Committee. He added that in his opinion, anyone who thought that this was following correct procedure was only fooling themselves.

Mr Norton commented that he was in favour of the levelling of the two rates but only over a period of time.  
**Mr Norton left the meeting at 6.43pm.**

The Administrative Officer then referred to the fact that he was the part time Clerk to Onchan Parish Commissioners at the time of the negotiations for amalgamation in 1985 and the present Clerk to the District Commissioners was the Clark to the Village Commissioners at that time also. None of the commissioners on either of the two boards were now members of the District Commissioners. He added that both clerks were deeply involved in the negotiations and referred members to schedule 3 of the original Onchan District Act 1986 which showed how the rating differential was introduced in stages from 12<sup>th</sup> May 1986 when the rural rate was 75% of the urban rate to 1990 when it was 55% and the following year reducing to 50% which was the agreed figure at that time as covered by section 4 (1) of the Act. Section 4 (2) was inserted to give the new board the power to amend the percentage factor at any time in the future should the occasion arise. It was intended as an enabling clause as without it no changes could be made. Even with it, any changes have to be approved by Tynwald.

The Administrative Officer then quoted an instance where such a change had been made. When the land at Ashley Hill Farm was developed the estate roads and drainage connected on to the Birch Hill Park estate and it was regarded that that new development was a natural extension of the urban ward with all facilities being available to those residing in that area. Consequently the boundary of the urban and rural ward was amended so that these properties fell in line and the urban rate was applicable. To the best of his knowledge that was the intention in respect of the clause providing for variation, that is to say where there was equalisation of facilities and not a case of trying to recoup further money.

He then made reference to the fact that under the Local Government Act it was possible to set up a "special district". He quoted an example of one of the parish commission when it introduced refuse collection in a village within its area creating the village as a special district so that those residing there paid the standard parish rate plus an extra rate to cover their refuse collection. Similar districts were once established in connection with drainage. He felt therefore that a special district could be created to cover the rural ward so that any increase in refuse charges could be not only covered by that "special district" but also could be altered annually without the necessity of going back to Tynwald for approval. If that were the case then those residing in the rural ward were paying their full share towards refuse costs but were not being asked to contribute fully to something which they do not receive.

The Chairman commented that this in fact was the basis of a second motion put forward by Mr Quirk but when the first motion was accepted the second was left abeyance.

Mr Bulley stated that even if it could be proved that the commissioners were not legally bound to refer this matter to the Rural Committee in accordance with section 3 (1) of the Onchan District Act then they should at least be morally bound so to do. The Chairman informed members that at the extraordinary meeting of the Board Mr Quirk gave as an example a property in the Rural Ward which only paid £14 per year rates. If Mr Quirk had looked at the rating list he would have seen that this in fact was a derelict, unoccupied farmhouse. If that was the basis of his argument then he was totally wrong. The Chairman was concerned however that since the decision was taken both the Board Chairman and Commissioner Quirk had brought the question of refuse charges into the equation in their public statements. If that was the cause of concern then that item that should be looked at. He felt that a committee comprising both urban commissioners and representation from the Rural Committee should look into the matter and report back. He added "a lack of planning on the part of Commissioner Quirk does not constitute a crisis on the part of the Rural Committee".

Mr Bulley added that the Rural Committee had simply been ignored. He admitted that he had received a phone call from Mr Quirk who quizzed him on whether residents in the Rural Ward should contribute to the increased costs in refuse collection. He had indicated that he felt this to be fair and, as far as he understood this was the purpose of Mr Quirk's call. No mention was made of rate equalisation to the best of his recollection.

Mr Moore commented that he felt Mr Quirk was now using refuse as an excuse for equalisation. He further added that by this time of the year he would anticipate that the commissioners have worked out what their rate charge would be for the next financial year. If that was the case then it would be worked out on the basis of the rural ward residents still paying a 50% rate. Equally, if that were the case then there did not seem to be a necessity to push for a variation in the rate for the rateable year 2003 as it would throw out all the figures.

The Chairman again referred to his attempt to have the matter referred to the Rural Committee and pointed out that his counter proposal didn't even receive a seconder. He asked Mrs Kelly why she had voted with the Board and did not support the matter being referred to the Rural Committee. Mrs Kelly replied "I voted that way because I don't agree with little committees, I feel all matters should be dealt with by the Board. I don't agree with the Rural Committee particularly". She then made reference to the Youth and Community Advisory Committee and how its membership was made up with co-opted members and it was only advisory with others making decisions. She looked on the Rural Committee in similar light. The Chairman explained to Mrs Kelly how in fact the two Rural Members were subject to election by the voters of the Rural Ward and the fact that the Rural Committee was the only committee of the commissioners specifically created by a particular act and had to exist.

The Chairman, referring again to the suggestion of equalisation of rates made reference to a number of items which were paid for from the district rate including streetscape works within the centre of the village, grass cutting on the estates, new street lighting schemes extending to several thousand pounds all of which were in fact contributed to by residents in the Rural Ward with their 50% rate yet they received no direct benefit from these items of expenditure. To suggest that they benefited when they drove through the village was an argument which could equally be applied to residents of Baldrine, Laxey and beyond. He was of the distinct impression that the whole matter should be looked at and examined with points in favour and against. If the argument now centred on the cost of refuse collection then the matter should be addressed by the second motion which has gone unresolved.

After further brief discussion it was, on the proposal of Mr Bulley, seconded by Mr Moore

**\*RESOLVED**

***“that the Board of Commissioners should refer to the Rural Committee the question of varying the rural rate (under section 4 (2) of the Onchan District Act) in accordance with the requirements of section 3(1) of the same act as approved by Tynwald on 21<sup>st</sup> January 1986”.***

Voting for:- Messrs Bulley, Moore and Watterson. Against:- Mrs Kelly.

Mr Moore requested that these discussions be recorded in the public section of the minutes of the Rural Committee as he was concerned that the rural ratepayers, having read the article in the Isle of Man Examiner quoting the Board Chairman, and having heard Commissioner Quirk on Manx Radio, would be under the impression that the Rural Committee were in favour of what was implied in both of those interviews whereas that was not the case. The Chairman advised that as the Board had agreed to bring the matter into public and as two commissioners had made it public, he saw no reason why that should not be the case.

***Meeting terminated at 7.15pm.***