

19<sup>th</sup> August 2004

**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,  
Main Road,  
Onchan.

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## IN PUBLIC

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*19<sup>th</sup> August 2004*

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, 23<sup>rd</sup> August 2004**

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:-
    - a) Ordinary meeting held on 19<sup>th</sup> July 2004 *(Minutes - APPENDIX 2)*

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  2. To dispose of business (if any) remaining or arising from the above said meeting
    - 2.1 C04/07/091/02(2) – Port Jack Stream *(Surveyor to report)*
    - 2.2 C04/07/01/10(5) – Port Jack Glen Lighting Scheme *(email circulated)*
    - 2.3 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. Chairman's Announcements

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  5. Questions asked under the provisions of Standing Order No 7(2). *(Copies circulated)*
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6. To receive and consider reports, minutes and recommendations of committees. The chairman of the respective committees to report.

- 6.1 Works and Cleansing Committee
- 6.2 Leisure and Amenities Committee
- 6.3 Policy and Finance Committee
- 6.4 Rural Committee

***The above Committees did not meet during the month of August, in accordance with the policy of the Board and so there are no minutes for consideration.***

6.5 Housing Committee meeting held 26<sup>th</sup> July 2004 (*Minutes – APPENDIX 3*)

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

- 7.1 Planning decisions/communications from the D.L.G.E. Planning Committee  
(*Schedule - APPENDIX 8*)
  - 7.2 Isle of Man Flat Green Bowling Club re: Visit of Ireland Team (*circulated*)
  - 7.3 Ellis Brown – Naming of Cul-de-Sac – Groudle Village (*circulated*)
  - 7.4 Department of Education re: Youth and Community Committee (*circulated*)
  - 7.5 Department of Agriculture, Fisheries and Forestry re: Tree Preservation Act 1993  
(*circulated*)
  - 7.6 Planning Committee – Notice of Proposal to remove a building from the Protected Buildings Register (*circulated*)
  - 7.7 Department of Transport re: Temporary Closure of Ballanard Road/Johnny Wattersons Lane Junctions (*circulated*)
  - 7.8 Department of Local Government and the Environment re: Waste Management Consultation Document (*circulated*)
  - 7.9 Any other communication.
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8. To consider any report from the Clerk or the Surveyor.

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

No 31. Motion to amend Standing Orders on the Making of Contracts by Commissioner Mr D. Crellin (*copies circulated*)

Minutes of the ordinary meeting of the **ONCHAN DISTRICT COMMISSIONERS** held in the Boardroom, at Hawthorn Villa, Main Road, Onchan, on Monday 19<sup>th</sup> July 2004 at 7.00 p.m.

<b>Present:</b>	Mr M.J. Kennaugh	(Chairman)
	Mr G.K. Astill	
	Mr S.T. Black	
	Mr D. Crellin	
	Mr E.D.R. Killey	
	Mrs W.E. Megson	
	Mr A.T.W. Norton	
	Mr D.J. Quirk	
	Mr B. Stowell	
	Mr J.K. Watterson	
<b>In Attendance:</b>	Mr M.J. Williams	(Deputy Clerk)
	Mr B.T. Price	(Building Control Officer)
	Mrs S. Dougherty	(Administrative Assistant)

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**C04/07/01/01**  
**MINUTES**

The minutes of the public section of the ordinary meeting held on 14<sup>th</sup> June 2004, copies of which having previously been circulated, were considered, were agreed as a correct record of proceedings and were signed by the Chairman.

**C04/07/01/02**  
**BUSINESS ARISING**

1. **C04/06/01/02(2) – Hawthorn Villa Project**

It was confirmed that tender documentation had been issued to four contractors on 7<sup>th</sup> July 2004 and return of the documentation was required by 12 noon on Wednesday 4<sup>th</sup> August 2004. Arrangements would be made for the opening and consideration of the tenders.

2. **C04/06/01/08(3) – Port Jack Glen Stream**

Reference was made to the letter circulated with the agenda dated 29<sup>th</sup> June 2004 from the network Operations Manager at the Department of Transport, which acknowledged receipt of correspondence from the Commissioners dated 16<sup>th</sup> June 2004.

In noting the acknowledgement, reference was made to the Works Committee consideration of the issue and it was subsequently **RESOLVED** *that the District Surveyor should arrange a meeting with appropriate representatives at the Department of Transport to be attended by the District Surveyor and the Chairman of the Works and Cleansing Committee, to further discuss the issues relating to Port Jack Glen stream.*

3. **C04/06/01/16(4) – Cost Effectiveness of Present Local Authorities and Departments Supervisory Powers**

Reference was made to the correspondence circulated with the agenda and issued on behalf of the Authority dated 17<sup>th</sup> June 2004 in response to the requests for information from the Department of Local Government and the Environment. The thanks of the Chairman to the Chief Executive/Clerk were recorded.

Comment was passed that the cost effectiveness of the policies of Central Government should also be examined.

#### **4. C04/06/01/16(6) – Policing Plan 2004/05**

Reference was made to the continuing problems at Onchan Park, and to the proposed meeting between the Onchan District Commissioners and the Chief Constable at which such problems would be discussed. A suggestion was made that the leaseholders within Onchan Park should also be invited to attend as they were directly affected by issues within the Park. Arising from this, a further suggestion was made that if some were to be invited, perhaps a public meeting should be called. The latter suggestion did not find favour and it was noted that the public meetings of the Police Consultative Forum were normally held on an annual basis.

On the proposal of Mr Crellin, seconded by Mr Astill, it was **RESOLVED** *that the Onchan District Commissioners continue to seek a meeting with the Chief Constable to discuss policing issues within the District, and that the leaseholders of commercial premises within the Onchan Park be invited to attend that meeting in relation to discussions about incidents within Onchan Park.*

*Mr Norton voted against the resolution.*

It was left with Officers to determine those commercial leaseholders within Onchan Park who should be invited.

#### **C04/07/01/03** **BUSINESS ARISING FROM PREVIOUS MEETINGS**

None.

#### **C04/07/01/04** **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:-

##### **1. Tynwald Ceremony – 5<sup>th</sup> July 2004**

The Chairman confirmed that he and his wife had been proud to represent the Onchan District Commissioners at the Tynwald Ceremony in 2004.

##### **2. Flat Green Bowling**

The Chairman confirmed that he had attended at the Onchan Flat Green to present a trophy following competition on 13<sup>th</sup> June 2004.

##### **3. Litter Bins**

The Chairman drew attention to the provision of additional litter bins in Ballachrink and expressed encouragement to the Members of the public to utilise the facilities.

##### **4. Beating of the Bounds**

The Chairman confirmed that the 'Beating the Bounds' event had taken place on 30<sup>th</sup> June 2005.

##### **5. Mr J. Rolfe**

The Chairman drew attention to the fact that Mr J. Rolfe, employee on the staff of the Onchan District Commissioners had recently completed 30 years service. Arrangements were in hand to mark this achievement.

**6. Bowling Club**

The Chairman confirmed that he was to attend the Bowling Club at Onchan Park, toward the end of July for the purpose of presenting awards.

**7. Civic Service**

The Chairman confirmed that the Onchan Civic Service was to take place on Sunday 25<sup>th</sup> July 2004 at 11.00 a.m. at St Peter's Parish Church.

**C04/07/01/05**  
**QUESTIONS**

None.

**C04/07/01/06**  
**HOUSING COMMITTEE MINUTES**

The minutes of the public section of the Housing Committee meeting held on Monday 21<sup>st</sup> June 2004, copies of which having previously been circulated, were considered. Arising therefrom:-

**1. H04/06/01/02(1)(c) – Housing Transfer Policy**

A summary of the proposal of the Housing Committee was given, the effect of which would be to offer an amnesty to those housing transfer applicants who had been in arrear, to commit to clear those arrears and maintain a clear account thereafter. Any previous rent arrear would not be counted against the applicant, and the transfer application would be permitted to continue.

An argument was presented in opposition to the linking of rent arrear with the need for a housing transfer. It was suggested that there was an applicant with four or five children presently residing in a property with two bedrooms, and that the linking of rent arrear to the housing transfer procedure had resulted in that applicant being denied a transfer. It was, however, clarified that if a tenant who required a transfer was prepared to commit to clear the arrear, that the application would be permitted to continue, on a one-off basis. It was also stated that whilst some tenants were in arrear of rent, some of those tenants had indicated that if a transfer application could be granted, the arrear would be cleared. It was certainly considered that some tenants regarded a certain rent arrear level as acceptable, using it as a loan facility.

A further point was made that the provision of public sector housing was classed as social housing and that Members had had to have this in mind when considering such matters. It was, however, pointed out that the Onchan District Commissioners had always been very considerate in dealing with the question of rent arrear, and the door to the officers who dealt with such matters was always open to tenants to discuss individual circumstances. Tenants experiencing difficulty in the payment of rent were encouraged to contact the Commissioners' housing department staff in order to obtain advice and perhaps be guided to other agencies who might be able to assist.

It was noted that during the Local Authority Induction Course presently being operated, delegates had been provided with the clear message that the cost of housing was likely to continue to increase.

It was considered that the Onchan District Commissioners had always been very balanced in its views in relation to rent arrear matters.

It was clarified that those tenants who made payment by Standing Order on a regular basis, provided the payments were in accord with the calculation of the Commissioners' Staff any small arrear accruing during the year would not be counted against them.

The question of the policy of the Department of Local Government and the Environment in the linking of rent arrears to transfer was raised.

**2. H04/06/01/02(1)(f) – Public Sector Housing – Conservatories**

The attention of Members was drawn to the fact that an approach had been made to a Commissioner from a tenant in relation to an application for the erection of a conservatory. It was confirmed that the application was to replace a lean-to unit which it was alleged was in disrepair.

Concern was expressed in relation to the implications of any approval from the Department of Local Government and the Environment for tenants to erect conservatories. The issues raised included insurance, maintenance provision, residual value upon vacation of the property, the responsibilities of a new tenant, the size and configuration of acceptable units and the difficulty that may develop with some houses having conservatory units and being more desirable than those without. It was also suggested that the provision of public sector housing was intended for those persons who could not afford alternative accommodation and an argument could be made that a tenant who could afford to fund the purchase and erection of a conservatory ought not to benefit from public sector housing.

A short discussion took place with regard to the specific unit for which application had been made.

It was clarified that the Tenancy Agreement signed by each occupant of public sector housing within the District required, when the property was vacated, that the property be returned to the condition it was upon letting. The application of that condition in relation to a conservatory, and the practical implication of the removal of same, was raised.

It was subsequently **RESOLVED** that a letter be issued to the Department of Local Government and the Environment, confirming the Onchan District Commissioners' opposition to granting permission for the erection of conservatories, and drawing the attention of the Department to the issues of insurance, maintenance, value, tenant's responsibility and design as reasons for such opposition.

(For: Mrs Megson, Messrs Astill, Crellin, Kennaugh, Killey, Stowell and Watterson;  
Against: Messrs Black, Norton and Quirk)

### **3. H04/06/01/10(1) – Public Sector Housing Discussion Document**

Concern was expressed that the Onchan District Commissioners continued to take into account the value of a persons home when considering whether an applicant for sheltered housing within the District should be accepted and reference was made to an application from an 80 year old which had not been permitted to progress.

It was noted that a report on the procedures adopted by other Authorities in this regard was to be made to the Housing Committee at its next meeting.

### **C04/07/01/07** **RECEIVING OF MINUTES**

It was **RESOLVED** that the minutes of the public section of the Housing Committee meeting held on 21<sup>st</sup> June 2004, be and are hereby received. It was further **RESOLVED** that the resolution contained therein requiring the consent of the Board were approved as follows:-

1. ***That a letter should be issued to each of those applicants, whose name had appeared on the Housing Transfer Waiting List, but now no longer satisfied the criteria due to an arrear accrual, offering the opportunity for an applicant to clear that arrear and subsequently maintain a clear account, in order that the applicant's name could remain upon the Housing Transfer Waiting List.***

*Messrs Black and Quirk voted against the resolution.*

### **C04/07/01/08** **WORKS AND CLEANSING COMMITTEE MINUTES**

The minutes of the public section of the Works and Cleansing Committee meeting held on Monday 28<sup>th</sup> June 2004, copies of which having previously been circulated, were considered. Arising therefrom:-

1. **WC04/06/3 – Matters Arising from Previous Meetings – Groudle Road**

It was confirmed that the issue of the accumulation of surface water on Groudle Road had been raised with the Traffic Liaison Committee for the eastern area. The outcome of deliberations was awaited and it was confirmed that the minutes of that meeting would be circulated when received.

2. **WC04/06/4(a)(vi) – Street Cleaning**

It was noted that the new pavement sweeping machine provided through the Department of Transport was more suited to the purpose within the Onchan district and should suffer less mechanical damage. A further request was made for the provision of a plan to individual members, illustrating the route and timetable for pavement and lane cleaning. It was confirmed that certain areas around the Main Road and on route to Port Jack were cleaned on a daily basis, although the precise route to Port Jack did vary from day to day. Other areas were cleaned on a three week cycle.

Specific mention was made of the condition of the lane to the rear of Ballachurry Close and it was suggested that despite reference to the condition of that lane at previous meetings, the pavement sweeper had only visited that lane on one occasion at the commencement of the pavement sweeping project.

It was noted that a plan of the routes was available for inspection in the Surveyor's Department by any Commissioner. The request for the provision of individual plans was, however, repeated.

3. **WC04/06/5(b) – Any Other Business – Belgravia Road**

Reference was made to commercial vehicles which were parked in Belgravia Road at night and particularly over the weekend, contrary to the road traffic legislation.

Reference was also made to vehicles apparently abandoned in the Manx Arms Car Park and concern was expressed that the vehicles had not yet been removed. It was clarified that whilst the Manx Arms Car Park is available for public use, the car park itself was private land and the Commissioners have no jurisdiction in that area.

A short discussion ensued following which it was **RESOLVED** *that Officers should meet with representatives of Isle of Man Breweries to discuss the issue of abandoned cars in the Manx Arms Car Park, and ways in which such difficulties could be resolved.*

It was also noted that the concerns expressed in this regard did not relate to any of the officers of the Authority. It was recognised as a logistical issue.

4. **WC04/06/12(iii) – Bollard Lighting, Heywood Park**

In answer to enquiry, it was confirmed that the difficulties with bollard lighting at Heywood Park were being addressed. An update on progress would be obtained as soon as possible.

5. **WC04/06/12(i) – Adoption, Heywood Way/Marion Court**

In answer to enquiry, it was confirmed that a letter had been issued to the Department of Transport in order to expedite these matters.

6. **WC04/06/4(a)(iii) – Staffing**

Reference was made to the retirement in the previous week of Mr J. Jay, who had been employed by the Authority for over 11 years, latterly giving service in the Refuse Collection Department. The appreciation of the Board Members was recorded.

7. **WC04/06/14(d) – North Bank Land**

Reference was made to the tour of the North Bank Land that had taken place on 14<sup>th</sup> July 2004. The area was described as a rural setting and appreciation was recorded for the standard that had been achieved and was being maintained. Members looked forward to the adoption of that land by the Authority.

8. **WC04/06/5(iii) – Street Signs**

In answer to enquiry, it was confirmed that the street sign difficulty was being resolved, with those signs available having been erected and the remainder of the signs being on order.

Comment was made with regard to the need to ensure the permission of a property owner should a street sign be affixed to property, and concern was expressed to ensure that the backing board to which a street sign had been fixed was pre-treated.

9. **WC04/06/5(vii) – Public Clock**

In answer to enquiry, it was confirmed that the minute hand on one side of the clock at the Manx Arms had become detached and that the hour hand was therefore fixed in the six position. A contractor had indicated that works were required to the clock and that the unit would have to be removed to have such work carried out. *Noted.*

**C04/07/01/09**  
**RECEIVING OF MINUTES**

It was **RESOLVED** that the minutes of the public section of the Works and Cleansing Committee meeting held on 28<sup>th</sup> June 2004, be and are hereby received. There were no resolutions contained therein requiring the consent of the Board.

**C04/07/01/10**  
**LEISURE AND AMENITIES COMMITTEE MINUTES**

The minutes of the public section of the Leisure and Amenities Committee meeting held on Tuesday 6<sup>th</sup> July 2004, copies of which having previously been circulated, were considered. Arising therefrom:-

1. **LA04/07/02(b)(iii) – Train Feature**

It was noted that the replacement train feature had now been installed at Onchan Park.

2. **LA04/07/08(b) – Village Fair /Memorial to J.A.C.K. Nivison**

It was noted that the Village Fair had taken place on 10<sup>th</sup> July 2004 and that despite some unfavourable weather condition, the event had been successful. Particular reference was made to the renaming of the Onchan Stadium as the Nivison Stadium, and the attendance at the ceremony of Mr Nivison's daughters and his son.

3. **LA04/07/03(f) – Skateboard Park**

It was confirmed that an appeal had been lodged against the planning approval granted to the Commissioners upon review. A date for the Appeal Hearing was awaited.

4. **LA04/07/07(a)(ii) - Basketball**

In answer to enquiry, it was noted that officers were unsure as to whether the basketball post had yet been resited at the Youth and Community Centre Car Park.

5. **LA04/07/09 – Outstanding Matters – Port Jack Glen, Lighting Scheme**

Reference was made to the concerns expressed at the Committee meeting and Mr Stowell confirmed his opposition to the progression of the proposed scheme to light the footpaths in Port Jack Glen. It was suggested that the installation of lighting would encourage the public to utilise the Glen in the dark, and it was suggested that it would be necessary to ensure that the Glen was clear before lighting was extinguished. It was suggested that the paths meandered through the Glen and there would be danger to

the public should the lighting extinguish whilst in the Glen whereas leaving the Glen in its current condition without lighting meant that the public were aware of the circumstances prior to entering the Glen in the dark.

Mr Stowell proposed that the officers be thanked for their work to date in relation to the proposal to install lighting at Port Jack Glen, but that the project be now abandoned.

Support for the scheme was, however, expressed, including concern about the condition of the existing paths within the Glen which were used at any time. It was pointed out that the Board had agreed that any works to the paths would include the installation of ducting. It was also pointed out that to the personal knowledge of Members, the Glen had never been locked to prohibit access even at night.

The contra argument was again stated, suggesting that if lit, the Authority was duty bound to ensure the safety of users in the dark. In addition, concern was expressed that the installation of lighting would attract youths to the area which may be problematic and the suggestion was made that even if progressed, the scheme may well be more expensive than had at first been envisaged.

Finally, the view was expressed that the Commissioners should take steps to enhance Port Jack Glen, and that the omission of lighting would not necessarily absolve the Authority of responsibility for the safety of users of the Glen.

The proposal of Mr Stowell was not seconded and the matter was therefore concluded.

**6. LA04/07/03(b)(i) – Greenkeepers Hut**

Reference was made to the praise recorded for Constable Kemp for his prompt and efficient action following an incident in the Park on 7<sup>th</sup> June 2004. It was suggested that a letter might be issued to convey such appreciation but it was subsequently agreed that officers convey such appreciation to Constable Kemp at the next opportunity. It was also agreed that the matter would be raised with the Chief Constable at the next joint meeting with the Board.

**7. LA04/07/03(iv) – Tree Growth Adjoining Houses**

In answer to enquiry, officers confirmed that they were not aware as to whether a letter had been issued to the resident alongside the trees to advise him of the present situation.

**8. LA04/07/03(c)(ii) – Flower Festival**

Thanks were recorded for the flower arrangement provided and used at the Flower Festival.

On the proposal of Mr Quirk it was unanimously **RESOLVED** *that in the event of requests being made to participate in local events in respect of the provision of flower pots, that if the Authority were able to assist, arrangements should be made to satisfy that request.*

**10. LA04/07/08(e) – Southern Motorcycle Racing Limited**

It was confirmed that a letter had been received that day from Southern 100 Motorcycle Racing Limited confirming that the event proposed for 26<sup>th</sup> August 2004 to involve the Purple Helmets would not now proceed.

**11. LA04/07/08(g) – Advertising**

It was clarified that a list of hotels and the number of rooms available could be obtained from the Department of Tourism and Leisure.

**12. LA04/07/12(c) – Crazy Golf**

It was suggested that consideration be given to the replacement of the existing crazy golf units with a concrete style facility similar to those offered at other parks on the Island, and for the resiting of that equipment onto the area which was no longer required for croquet purposes. It was noted that the existing wooden crazy golf units were regularly subject to vandalism and required substantial repair. It was also suggested that the putting green be resited in the area of the existing crazy golf facility.

A request was also received for the Leisure and Amenities Committee to consider the provision of seating in the area of the crazy golf facility in order that parents and grandparents might sit and watch their children or grandchildren utilising the facility.

It was subsequently **RESOLVED** that a feasibility study be undertaken on the suggestion of the replacement of the crazy golf units with a concrete based facility and the possible exchange of sites for the crazy golf and putting facilities at Onchan Park. The report to be made to the next meeting of the Leisure and Amenities Committee.

#### **C04/07/01/11** **RECEIVING OF MINUTES**

It was **RESOLVED** that the minutes of the public section of the Leisure and Amenities Committee meeting held on 6<sup>th</sup> July 2004 be and are hereby received. There were no resolutions contained therein which required the consent of the Board.

#### **C04/07/01/12** **POLICY AND FINANCE COMMITTEE MINUTES**

The minutes of the public section of the Policy and Finance Committee meeting held on Monday 12<sup>th</sup> July 2004, copies of which having previously been circulated, were considered. Arising therefrom:-

1. **PF04/07/05(1) – Department of Local Government and the Environment – Port St Mary Inquiry Report**

The attention of Members was drawn to the content of the Inquiry Report in relation to Port St Mary Commissioners, the content of which had been noted by the Committee.

2. **PF04/07/04(1) – Rates Collected**

Reference was made to the amount of rates due which had been collected in the year to date. *Noted with pleasure.*

#### **C04/07/01/13** **RECEIVING OF MINUTES**

It was **RESOLVED** that the minutes of the public section of the Policy and Finance Committee meeting held on 12<sup>th</sup> July 2004, be and are hereby received. It was further **RESOLVED** that the resolutions contained therein requiring the consent of the Board be approved as follows :-

1. ***That the said payment from revenue account as detailed on the list attached to the Minutes be endorsed***

#### **C04/07/01/14** **RURAL COMMITTEE MINUTES**

The minutes of the public section of the Rural Committee Meeting held on Wednesday 7<sup>th</sup> July 2004, copies of which having previously been circulated, were considered. Arising therefrom:-

1. **R04/07/07(b) – Hedges**

The attention of Members was drawn to the fact that concern had been expressed over the growth of some hedges throughout the district. A letter had been issued to the Department of Transport drawing attention to the concerns of the Rural Committee.

It was subsequently confirmed that hedges had been trimmed in certain areas in the district on the grounds of safety but that other stretches, not regarded as a safety issue had not been addressed. The exception to this was the Scollag Road which had now been trimmed.

2. **R04/07/07(f) – Mobile Phones**

Attention was drawn to the question which had been raised at the Rural Committee with regard to the Commissioners' Policy for the use of mobile phones at meetings.

It was pointed out that on occasion Members may well be on call and may need to respond to such calls.

After a short discussion, it was noted that mobile phones could be retained but set so as not to disturb the meeting and Members seeking the permission of the Chairman to leave the meeting in the event of such a call being received. It was therefore agreed that rather than set a formal policy, the co-operation of Members in this regard would be preferable.

**C04/07/01/15**  
**RECEIVING OF MINUTES**

It was **RESOLVED** that the minutes of the public section of the Rural Committee meeting held on 7<sup>th</sup> July 2004 be and are hereby received. There were no resolutions contained therein requiring the consent of the Board.

**C04/07/01/16**  
**LETTERS PETITIONS MEMORIALS AND OTHER COMMUNICATIONS**

**1. Planning Decisions/Communications From The Department Of Local Government And The Environment Planning Committee**

The following planning communications were considered:-

<b>P A NUMBER</b>	<b>DESCRIPTION</b>	<b>COMMENT</b>
PA04/0327	Create skateboard area including ramps, shelter and additional lighting, The Rec, School Road	ODC recommendation - Approval Initial planning decision - Approval Review decision reported – Approval confirmed. Notification of submission of appeal received.
PA04/0486	Extension, King Edward Road	ODC recommendation - Approval Initial planning decision - Refusal Review decision reported – Refusal confirmed.
PA04/0924	Alterations, 19 Bay View Road, 1/7 Imperial Terrace	ODC recommendation - Refusal Initial planning decision - Refusal Review decision reported – Refusal confirmed.
PA04/0584	Garage at Warehouse Bar and Grill, Harbour Road	ODC recommendation – Refusal Initial planning decision - Approval Conditions of approval reported..
PA03/1437	New Secondary School, Bemahague Fields/Heywood Drive	ODC recommendation - Observations Initial planning decision - Approval Conditions of approval reported – consideration deferred
PA04/0324	(a) Installation of Metal Ramp; (b) Omission of Ground Floor Windows – Holiday Cottages, Ballacain, Little Mill Road.	ODC recommendation - Approval Initial planning decision – Metal Ramp – refused; Omission of windows – approved. Decision reported and noted.
PA04/0860	Footbridge, Land to Rear of Heywood Drive/1 Hailwood Avenue	ODC recommendation - Approval Initial planning decision - Approval Design of bridge discussed. Decision noted.

Copies of the decisions in relation to the Secondary School (PA03/1437) and the Footbridge (PA04/0860) to be circularised to Members.

**2. Richmond Hill Consultative Committee**

The approved minutes of the meeting of the Richmond Hill Consultative Committee which had been held on 27<sup>th</sup> May 2004 had been circulated with the agenda. *Noted.*

**3. Department of Transport – Summary Notes**

The summary notes of a meeting held on 6<sup>th</sup> July 2004 with regard the Ballanard Junction Improvement had been circulated with the agenda.

Some concerns were expressed with regard to possible delays for traffic travelling through the Onchan area as a result of the planned diversion. A suggestion was made that the introduction of a temporary one-way arrangement might be preferable from the Onchan perspective, rather than a road closure to facilitate the works. Comment was also made that the weight of traffic through Onchan diminished during the School Holiday periods.

Comment was made with regard to the frustration that was felt when motorists witnessed plant and machinery used in road maintenance sitting idle during daylight hours after the staff had completed their work for the day. A suggestion was made that consideration should be given to the introduction of staggered working hours, to take advantage of daylight hours and to make better use of the plant and machinery. It was acknowledged that this would not always be practical, since, as in the Ballanard Road Junction Improvements, the works were adjacent to a sheltered housing facility and disturbances for, perhaps, 12 hours per day and through weekends might not be appropriate.

A question was also posed as to the costs of the installation and upgrading of roads leading to the Nobles Hospital facility in Braddan.

**4. Department of Transport – Road Safety Initiative 2004-2007 – Consultation Document**

It was agreed that this matter be deferred for consideration at the meeting of the Onchan District Commissioners to be held 23<sup>rd</sup> August 2004.

**5. Onchan Park - Mr and Mrs Davies, Port Erin**

An email received congratulating the Authority on the lovely, clean and safe condition of the playground area at Onchan Park had been circulated with the agenda. *Noted with pleasure.*

**6. R.N.L.I. – Invitation to Annual Sir William Hillary Commemorative Service 2005**

A letter received from the Lifeboat Operations Manager of the Douglas Station Branch of the Royal National Lifeboat Institution dated 12<sup>th</sup> July 2004, inviting attendance to the Sir William Hillary Commemorative Service 2005 to be held on 9<sup>th</sup> January next, at St Georges Church, Douglas, was circulated with the agenda. *Noted.*

7. **Department of Local Government and the Environment – Removal and Disposal of Vehicles Regulations 2004**

A letter received from the Department of Local Government and the Environment dated 29<sup>th</sup> June 2004, providing a copy of The Removal and Disposal of Vehicles Regulations 2004, had been circulated with the agenda.

Comment was made that the present method of disposal of vehicles involved the crushing of most of the vehicle, after the removal of the gearbox. However, the situation was likely to change in the near future, with a greater number of parts having to be removed from the process. As a result, the cost of the disposal of vehicles may well increase.

An inquiry was made as to how much the Authority had recovered from a vehicle owner after disposal by the Authority, and how many occasions a vehicle had been disposed of by the Authority and the owner of that vehicle had subsequently sought to repossess it. Answers to be provided.

**C04/07/01/17**  
**CLERKS REPORT**

None.

**C04/07/01/18**  
**DISTRICT SURVEYORS REPORT**

None.

**C04/07/01/19**  
**MOTIONS**

None.

***There being no further business the meeting terminated at 8.50 p.m.***

Minutes of a meeting of the **HOUSING COMMITTEE** held in the Boardroom, Hawthorn Villa, Main Road, Onchan, on Monday, 26<sup>th</sup> July 2004 commencing at 7.00 p.m.

<b>Present:</b>	Mr J.K. Watterson	(Chairman)
	Mr S.T. Black	
	Mr M.J. Kennaugh	
	Mrs W.E. Megson	
	Mr B. Stowell	
<b>In attendance:</b>	Mr M.J. Williams	(Deputy Clerk)
	Mr A.B. Sutherland	(Housing Maintenance Manager)
	Mrs S. Dougherty	(Administrative Assistant/Housing Officer)

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#### **H04/07/01/01** **MINUTES**

The minutes of the meeting of the Committee held on Monday, 21<sup>st</sup> June 2004, copies of which having previously been circulated, were considered, agreed as a correct record of proceedings and signed by the Chairman.

#### **H04/07/01/02** **MATTERS ARISING FROM THE MINUTES**

The following matters were arising from the minutes, being items which had not been referred to elsewhere on the agenda:-

##### **1. Administrative Report**

The Administrative report dated 23<sup>rd</sup> July 2004, was circulated with the Agenda. Arising therefrom:-

##### **(a) H04/06/01/02(b) – House Purchase Policy**

It was confirmed that on 22<sup>nd</sup> June 2004, an email had been issued to the Director of Estates and Housing pointing out that a letter had been written to the Department on 30<sup>th</sup> January 2004, 20<sup>th</sup> April 2004, and 12<sup>th</sup> May 2004, to establish the current policy of the Department relating to the purchase of existing properties to public sector housing usage. It was acknowledged that the Director of Estates and Housing had been on leave, but that he had returned to the office that week. A response to the email had yet to be received.

##### **(b) H04/06/01/02(c) – Housing Transfer Policy**

It was confirmed that following approval of the Board to the letter to Housing Transfer applicants with regard to rent arrears, had yet to be actioned.

##### **(c) H04/06/01/02(d) – Proposed Meeting with Mrs A. Craine MHK**

It was confirmed that attempts were continuing to arrange an alternative date for a meeting with Mrs Craine, with regard to housing issues, such a meeting to take place on a day other than a Monday during September. As soon as a date had been finalised, it was confirmed that the Commissioners would be advised accordingly.

##### **(d) H04/06/01/02(e) – Common Tenancy Agreement**

It had been confirmed that the proposal to progress with a common tenancy agreement was now unlikely to proceed during August. It was further confirmed that when there were any developments in this regard, Members would be advised.

##### **(e) H04/06/01/02(f) – Public Sector Housing – Conservatories**

It was confirmed that the decision of the Board from Monday 19<sup>th</sup> July 2004, to the advice of the Department of the reasons why the Onchan District Commissioners continued to oppose the erection of conservatories, had yet to be actioned.

**H04/07/01/03**  
**BUSINESS ARISING FROM PREVIOUS MEETINGS**

There were no matters arising.

**H04/07/01/04**  
**HOUSING AND OTHER ESTATES BUSINESS**

**1. Maintenance Report**

The report, dated 21<sup>st</sup> July 2004, had been circulated with the agenda. Arising therefrom:-

**(a) Replacement of Fascias, Etc – Ashley Park (Scheme 13 – 60 units)**

It was confirmed that the contractor had now completed works to all properties in Ashley Park and that the “snagging list” had been issued to the contractor. The project had been undertaken well within programme and within budget. It was further confirmed that the opportunity had been taken to replace the fascia and soffits on two of the garages within Ashley Park.

**(b) Replacement of Fascias, etc – Hackett Close/Meadow Close/Nursery Avenue (Schemes 11, 11a and 12 – 36 units)**

It was confirmed that contractors continued to make satisfactory progress with the project, which was now 70% complete. It was anticipated that the project would be completed within programme.

**2. Administrative Report**

The Administrative Report, dated 23<sup>rd</sup> July 2004, had been circulated with the agenda. There were no matters arising therefrom.

**3. Nursery Avenue and Lane**

An email received from Commissioner Quirk on 19<sup>th</sup> July 2004 had been circulated with the agenda. The email contained photographic evidence of wall damage in Nursery Avenue, a car which had apparently been abandoned, and the condition of the lane to the rear of properties alongside the new development at the former Nursery Hotel Site. Matters were being addressed.

**4. Barrule Drive (Scheme 7) – Rear Porches**

A debate took place with regard to the specific circumstances of one property at Scheme 7 in Barrule Drive. Repair works to that porch were to be undertaken, but it was agreed that further consideration should be given to the projected works in relation to all of the rear porches at Scheme 7, Barrule Drive. Officers were required to report back in this matter as soon as possible.

**5. Manx Gas – Conversion Audit**

It was reported that a small number of specific difficulties had arisen with regard to the acceptability of certain privately owned gas appliances within the Onchan District Commissioners' properties, and particularly in relation to the acceptability of gas fires. The difficulty appeared to relate to the flue which was being used for this purposes.

It was confirmed that in a small number of cases, the existing chimney flue had not passed the gas safety test and so the gas fire could not be used until remedial works had been undertaken. It was further confirmed that in each case the fire was the responsibility of the tenant but the flue was the responsibility of the Authority to maintain. In relation to gas fires, this provided some risk for the Authority in that in the event of an incident, the Commissioners may well be held responsible if a flue was found to be deficient.

It was reported that not all tenants had applied for permission for the installation of a gas fire and therefore the Authority would not be aware of all gas fires that were in operation. Furthermore, that even if the

Authority was aware of all of the gas fires, the responsibility to test each flue and to undertake remedial works would be both time consuming and expensive.

The view was expressed that as the Authority continued to provide central heating to all of its housing units, and that a gas fire would form the basis of background heating only, of an electric fire could always be utilised as an alternative..

The concern with regard to the longevity of flues to which gas fires were attached was noted by the Committee, as was the fact that any gas fire would simply form background heating in one room with the availability of main central heating elsewhere . It was also noted that the gas fire itself may contribute to the deterioration of the existing flue. After a lengthy discussion it was **RESOLVED:-**

***That an exercise be undertaken to attempt to identify those properties with gas fires, and thereafter a letter be issued to those tenants to draw their attention to the possible deficiency of the Flue and reaffirm the Commissioners' policy that the use of a gas fire in the Commissioners' Housing Stock could only be approved subject to the condition that a proper copex flue liner would fitted to that fire. Should this not be the case, the use of the fire must discontinue forthwith as no permission was granted.***

**H04/07/01/05**  
**SPRINGFIELD COURT MATTERS**

**1. Maintenance Report**

Nothing to report.

**2. Administrative Report**

The administrative report dated 23<sup>rd</sup> July 2004 had been circulated with the agenda. Arising therefrom:-

**(a) H04/06/01/05(2)(a) – Feeding of Birds**

It was confirmed that a memorandum had been issued to the residents at Springfield Court, dated 23<sup>rd</sup> June 2004, requiring the cessation of the feeding of larger birds such as gulls, at the premises. Contact had been made with the complainant in this matter who had confirmed that the issue of the memorandum had made a big difference and the complainant would contact the Commissioners again should the difficult reoccur.

**(b) H04/06/01/05(2)(b) – Communal Television Licence**

Technical difficulties were being experienced with the T.V. Licensing Department in obtaining the communal television licence in respect of Springfield Court and Heywood Court. On two occasions, the T.V. Licensing Authority had rejected the applications on the basis that the format of the application was not precisely that which the T.V. Licensing Authority expected. A third and hopefully final attempt to secure the issue of the television licences had been made. *Noted.*

**(c) H04/06/01/05(2)(c) – Fire Alarm – Stand By Back Up Batteries**

It was confirmed that on 29<sup>th</sup> June 2004, the Engineers had attended Springfield Court and undertook the annual service of the fire alarm system. During that service, three L.E.D. display units (external indicators of the activation of a fire alarm in a particular flat) failed and were replaced. The report also advised that the batteries in the fire alarm panel and interface unit had been replaced. Enquiries had subsequently been made, for the avoidance of any doubt, to ensure that all of the batteries had been replaced. The first email had been issued on 8<sup>th</sup> July 2004 and the second email on 16<sup>th</sup> July 2004 but neither had received a response. The matter would be further investigated.

**(d) Lifts – Passenger Release Procedures**

An investigation with regard to the requirements in relation to passenger release procedures had been undertaken, in respect of lifts both at Springfield Court and Heywood Court. The investigation had come about due to an offer of a course for the staff at the Commissioners from the Lift Engineers.

Advice had been obtained from the Commissioners' advisers in relation to health and safety, who were of the opinion that there was no need for anyone within the Authority to be trained as suggested. It was, rather, considered more appropriate for the fire service to be brought in, in case the passenger in the lift required medical attention when released. It had also been noted that the preferred policy of the Lift Maintenance Company was for the competent lift personnel or fire service personnel to undertake such tasks. The advice received, therefore, was to leave well alone and, in the event of someone being trapped, to call the emergency services.

It had, however, been confirmed that there should be signage at each level to advise of such procedures. Officers were co-ordinating with the Health and Safety Advisers over the precise requirements and would ensure compliance therewith.

**(e) Lifts – Servicing**

It was confirmed that the monthly service to the lifts for June and July 2004 had been completed and no problems had been reported.

**3. Decoration – Communal Areas (Internal and External)**

It was confirmed that it was the view of officers that the decoration of the communal areas of Springfield Court, both internal and external, were in need of redecoration. Such works would include the community room, corridors, stairwells, together with the external fascias and soffits of the premises. In addition, some decorative and remedial works were required to the external balcony areas.

It was further confirmed that the cost of such works could not be contained within the annual maintenance allowance set at 33 1/3 % of rents receivable. An additional fund would also be available, subject to the permission of the Department of Local Government and the Environment, by way of the Community Facilities Reserve Fund. The purpose of which was at least in part to assist with the decoration of the communal areas.

It was suggested that the matter should be discussed with the Deputy Chief Executive of the Department of Local Government and the Environment and it was subsequently **RESOLVED**\*:-

***That an application be made to the Department of Local Government and the Environment to undertake the decorative works at Springfield Court, the application requesting that the funding of such works be met in part from the maintenance allowance, and that permission be sought to underwrite any overspend at the end of the year with the utilisation of funding from the community facilities reserve fund and, if necessary, the sheltered housing reserve fund.***

**H04/07/01/06**

**HEYWOOD COURT MATTERS**

**1. Maintenance Report**

None.

**2. Administrative Report**

None.

**3. Garden Maintenance**

An email received in this regard had been circulated with the agenda, drawing attention to the fact that the landscaped areas at the premises were in need of attention. It was confirmed that a contractor had been engaged to undertake the remedial landscaping works, and that arrangements would be made for the longer term maintenance of the landscaped areas.

**4. Use of Footpath**

It was confirmed that a verbal had been made from a resident at Heywood Court with regard to the use of the footpath around the perimeter of the premises by visitors to the complex to gain access to ground floor external flats by way of patio doors. The approach had been made by a resident who was concerned about the disturbance that this caused when utilising the patio area outside of their flat.

A plan of the layout of the facility was examined, and it was confirmed that the pathway had been provided for the use of residents and visitors to the complex. Whilst understanding the concerns of the particular resident who had complained, it was considered inappropriate to stop residents from utilising the footpath. It was agreed, however, that if it could be established as to whether there was a particular resident or visitors to a resident who had been using the footpath, it may be possible to approach that resident and advise of the difficulty and seek co-operation from them.

**5. Lift**

It was noted that the Warden Call System at Springfield Court had been linked to the lifts within that facility, and that in both cases, a button existed at both ground floor and lift operation level to seek assistance either from the Warden or from Manx Carephone in the event of a difficulty. The lift at Heywood Court, however, was linked to the lift manufacturers own help line. It was suggested and subsequently agreed that if possible, the Warden Call System should be extended into the lift at Heywood Court and the existing assistance system be linked to the Warden Call System and Manx Carephone rather than the Otis helpline.

**H04/07/01/07**  
**GARAGE MATTERS**

None.

**H04/07/01/08**  
**PLANNED HOUSING MAINTENANCE**

The Planned Housing Maintenance Report, dated 23<sup>rd</sup> July 2004, was circulated with the agenda. The following matters were noted therefrom:-

**1. Planned Housing Maintenance Survey Update**

No progress.

**2. Upgrade of Electrical Wiring - Nursery Avenue, The Park and School Road (Schemes 1 -5 – 90 units)**

No progress.

**3. Upgrade of Electrical Wiring – Barrule Drive (Schemes 6 and 7 – 42 units)**

No progress.

4. **Replacement of fascias, etc. - Ashley Park (Scheme 13 - 60 units)**

For progress report see the maintenance report in relation to Housing and Other Estates Business.

5. **Replacement of fascias, etc. – Hackett Close/Meadow Close/Nursery Avenue (Scheme 11, 11a and 12 – 36 units)**

For progress report see the maintenance report in relation to Housing and Other Estates Business.

6. **Proposed Render Works – School Road (30 units)**

No progress.

7. **Paths/Walls – The Park Houses (Scheme 4 - 12 units)**

It was confirmed that verbal indication had been received from the Local Government Unit Manager at the Department of Local Government and the Environment that the petition had been submitted to the Treasury and returned, and that the matter had to be placed before the Minister for his confirmation.

It was understood that comment had been made by the Treasury with regard to the possibility of the utilisation of the Commissioners' housing reserve fund rather than borrowing funding for works which are of a less expensive nature. A response had been made that the officers had in mind the utilisation of reserve funding for sickle repairs works such as the painting project which had been undertaken two years previously in respect of Heywood Park, Ballachrink Drive and the Park Houses. The cost of such works were beyond the 33 1/3% maintenance allowance in any one year and so it was necessary to utilise the reserves for that purpose.

**H04/07/01/08**

**HEALTH AND SAFETY BUSINESS**

None.

**H04/07/01/09**

**OFFICERS REPORT**

1. **Housing Allocations**

A report was made with regard to the current situation in relation to each vacant property. In all but one case, the property had been allocated and was awaiting occupation or the completion of works. There were three other properties, the tenancy for which was in dispute. These matters were ongoing.

2. **H04/06/01/10(1) – Public Sector Housing Discussion Document**

It was confirmed that the Commissioners' views in relation to the Public Sector Housing Consultative Document had been submitted on 19<sup>th</sup> July 2004, the date upon which submissions were required.

3. **Department of Local Government and the Environment – Quarterly Housing Return – 25<sup>th</sup> June 2004**

Copies of the quarterly housing returns in respect of both general and sheltered housing, submitted to the Department of Local Government and the Environment early in July, were circulated for information.

It was noted that the figures were open to differing interpretation from differing Authorities. As an example, the number of days for which properties were empty could mean working days or actual days. Furthermore, when a quarter was completed prior to the end of a particular month, when most standing order payments were made, the amount of rent collected could be significantly down upon that which was due for that quarter. This situation had arisen in the quarter in question and would arise again in the next quarter. Conversely, the previous quarter had resulted in more rent being collected than was due for that quarter, particularly taking into account the payment of some significant rent and mesne profit arrear.

Concern was expressed that if other Authorities interpreted the questions differently, the figures of other Authorities might reflect a better circumstance. It was agreed, therefore, that whenever figures such as those which were required on a quarterly basis were submitted, the basis upon which the calculation had been made should be included in order that the comparison of performance of one Authority to another should not be undertaken without reference to such provisos.

#### **4. Housing Purchase Assistance (Amendment) Scheme 2004**

A copy of the House Purchase Assistance (Amendment) Scheme 2004, approved by Tynwald at the July sitting, had been obtained and it was noted that the Scheme amended the House Purchase Assistance Scheme 2004 by increasing the maximum purchase price of a dwelling, the maximum approved income, and the amount of grant assistance to applicants. The scheme also allowed owners of existing approved dwellings to apply for another, larger, approved dwelling.

It had been understood that the total gross income figure which had been set by the Department of Local Government and the Environment in respect of public sector housing applications had been linked to the approved income figure of the House Purchase Assistance Scheme 2002 and so an email enquiry had been made, on 6<sup>th</sup> July 2004, to establish whether the approval of the amendment scheme by Tynwald would affect the income limits contained within the uniform criteria for general public sector housing. A response was awaited.

#### **5. Tynwald Question – Rents**

It was noted that a question had been asked at the July Sitting of Tynwald in relation to public sector rents and in particular, relating to outstanding balances. The Department had sought the required information which had been provided, and the information was copied to Members. *Noted.*

**H04/07/01/10**

#### **ANY OTHER CORRESPONDENCE/COMMUNICATIONS**

##### **1. Local Authority Deficiency Payments**

Reference was made to a letter previously circulated as received from the Department of Local Government and the Environment which illustrated some of the financial circumstances in relation to Local Authority Housing Deficiency Payments. *Noted.*

##### **2. Chronically Sick and Disabled Persons Committee**

The newsletter of the Chronically Sick and Disabled Persons Committee for June 2004 had been circulated with the agenda. It was noted that the Wardens of Heywood Court and Springfield Court were being consulted with regard to that item referred to the newsletter whereby the Lions Club had introduced, free of charge, an emergency information scheme known as “message in a bottle”. It was noted that the scheme was for use by anyone who felt vulnerable by living at home, provided emergency services with vital details of any illness or allergy and also with a contact name if the emergency services were called to the home.

It was noted that whilst the Wardens were on duty and Manx Carephone were available to help, that the participation within the emergency information scheme, both for sheltered housing and for those tenants of general housing who wished to participate may provide a better service for those residents. Further enquiries in this regard were to be made.

**H04/07/01/11**

#### **FINANCIAL REPORTS**

The financial reports in respect of housing maintenance and sheltered housing maintenance for the period to 23<sup>rd</sup> July 2004, both in the Commissioners’ format and in the format required by the Department of Local Government and the Environment, had been circulated with the agenda and were noted.

**H04/07/01/12**

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

None.

**H04/07/01/13**

#### **ANY OTHER BUSINESS**

##### **1. Date of Next Meeting**

It was noted that there were to be no meetings of Committees to take place in August. However, the next meeting of the Housing Committee would ordinarily take place on Monday 30<sup>th</sup> August 2004. This being a

bank holiday, it would normally be transferred to 31<sup>st</sup> August 2004 and it was suggested that rather than wait for a further five weeks before the next meeting of the Housing Committee that the next meeting take place on Wednesday 1<sup>st</sup> September 2004, complying with the policy of the Commissioners and avoiding any undue delay. It was therefore agreed that the next meeting of the Committee would take place on Wednesday 1<sup>st</sup> September 2004, commencing at 7.00 p.m.

**2. Commissioners' Surgery**

It was noted that the next Commissioners' Surgery was to take place on Thursday, 26<sup>th</sup> August 2004, commencing at 6.30 p.m.

***There being no further business, the meeting closed at 11.00 p.m.***