

ONCHAN DISTRICT COMMISSIONERS

Hawthorn Villa,
Main Road, Onchan.

IN PUBLIC

30th December 2010

Sir/Madam,

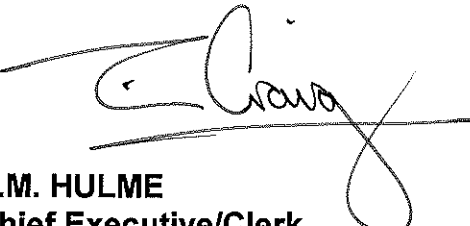
You are hereby summoned to attend an **ORDINARY meeting of the Authority** (**focus: housing and amenities**) to be held in the Boardroom, at Hawthorn Villa, 79 Main Road, Onchan, to transact the undernoted business at:

7.15 p.m. on Tuesday, 4th January 2011

which will be followed by a meeting of the Board sitting *In Committee*.

N.B. The start of the "In Public" section of the meeting is delayed until 7.15 p.m. to permit members to attend the Commissioners Housing Surgery which commences at 6.30 p.m.

Yours faithfully,



P.M. HULME
Chief Executive/Clerk

AGENDA

The order of business at every meeting of the authority shall be in accordance with that laid down in Standing Order No 13 unless varied by the Chairman at his discretion (with the exception of items 1, 2, 4 or 4 which cannot be varied) or by a resolution duly moved and seconded and passed on a motion which shall be moved and put without discussion.

1. To choose a person to preside if the Chairman and vice-chairman be absent
2. To deal with any business required by statute to be done before any other business
3. To approve as a correct record and sign the Minutes of the:-
 - 3.1 Ordinary meeting held on 20th December 2010 (Minutes – Appendix 3.1)
4. To dispose of any relevant business arising from such minutes if not referred to in the minutes of any Special Committee.
 - 4.1 Large vans parked on Church Road (held over to meeting of 10th January)
 - 4.2 Early morning street lighting policy (held over to meeting of 10th January)

5. To dispose of any relevant business adjourned from a previous meeting.

None

6. To deal with any business expressly required by statute to be done

None

7. To consider any planning decisions/communications from the Department of Local Government and the Environment Planning Committee.

7.2 Plans to the Board

(None)

7.1 Planning Communications

(None)

8. Consideration of any report from the Clerk or other officer

8.1 Housing (Miscellaneous Provisions) Bill 2010

(Deputy Clerk to report)

9. Consideration of any relevant correspondence

None

10. To answer questions asked under Standing Order 18

None

11. To consider Motions in the order in which notice has been received. (Note: See Standing Order No14, 15, 16 and 17 attached)

None

12. Chairman's Announcements

Chairman to report

13. Other Business, as authorised by the Chairman for consideration.

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Minutes of the ordinary meeting of the **ONCHAN DISTRICT COMMISSIONERS (focus group Finance and General Purposes)** held in the Boardroom, Hawthorn Villa, Main Road, Onchan, on Monday 20th December 2010 at 7.06 p.m.

Present: Mr B. Stowell, J.P. (Chairman)
 Mr S T Black (Lead Member for Properties and Amenities)
 Mr D. Crellin (Lead Member for Environmental and Technical Services)
 Mr J.R. Kniveton (Vice-Chairman)
 Mr E. J Thorn (Lead Member for Finance and General Purposes)
 Mr J.K. Watterson (from 7.12 p.m.)

Apologies: Mrs J. Kelly
 Mr T.M.G. Reed (Finance Manager)

In Attendance: Mr P.M. Hulme (Chief Executive/Clerk)
 Mr T.R. Craig (Deputy Clerk)
 Ms A.S. Dentith (Personal Assistant)

C10/11/03/01TO CHOOSE A PERSON TO PRESIDE IF THE CHAIRMAN AND VICE-CHAIRMAN BE ABSENT

Not necessary.

C10/11/03/02BUSINESS REQUIRED TO BE DEALT WITH BY STATUTE BEFORE ANY OTHER BUSINESS

None.

C10/11/03/03MINUTES1. Ordinary meeting held on 13th December 2010

The minutes of the public section of the ordinary meeting held on 13th December 2010, copies of which having previously been circulated, were considered. The Chairman advised that he had not had a chance to read the minutes but would rely on the knowledge of the Members. On the proposal of Mr Crellin, seconded by Mr Black, it was unanimously **RESOLVED** that the minutes be signed as a correct record of proceedings and were signed by the Chairman.

C10/11/03/04BUSINESS ARISING NOT REFERRED TO IN THE MINUTES OF ANY SPECIAL COMMITTEES

None.

C10/11/03/05BUSINESS ADJOURNED FROM A PREVIOUS MEETING

None.

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C10/11/03/06

BUSINESS EXPRESSLY REQUIRED BY STATUTE TO BE DONE

None.

C10/11/03/07

PLANNING DECISIONS/COMMUNICATIONS FROM THE DEPARTMENT OF INFRASTRUCTURE
PLANNING COMMITTEE

1. Plans to the Board

(1) The following plans were considered by the Board. Mr Crellin proposed, seconded by Mr Black, and it was unanimously **RESOLVED** that the following plans be recommended approval:-

- a) PA 10/01772 - 32 Howe Road – Mr J. Kinrade – Single storey extensions to the side and rear to form additional bedroom and improved garage accommodation.
- b) PA 10/01777 - 16 King Edward Park – Mr M. Dale – Proposed conservatory to the rear of the property.
- c) PA 10/01783 - 16 Majestic Drive – Mrs K. Hodgson – Amended details to a previously approved application indicating alterations to windows and glazing to the balcony.
- d) PA 10/01796 - Croit Ny Moght, Scollag Road – Mr & Mrs P. Sharrard – Demolition of existing bungalow and construction of two storey house.

Lead Member for Environment and Technical Services advised that the applicant was going to level the bungalow and put a two storey house on the site. He further advised that the footprint was no larger than original.

- e) PA 10/01811 - 46 Turnberry Avenue – Mr & Mrs K. Hegarty – Proposed extension to the side of the dwelling to form a playroom.

(2) The following plans were considered by the Board. Mr Crellin proposed, seconded by Mr Watterson and it was unanimously **RESOLVED** that the following plans be recommended approval:-

- a) PA 10/01759 - 18 Greeba Drive – Mrs S.M. Duchars – A retrospective application for the erection of a fence forward of the building line.

The Lead Member for Environment and Technical Services advised that:-

- the majority of the fence to be erected falls within permitted development however there is a short section of approximately 6m for which permission is required.
- letters of objection have been received, but they refer to the whole of the fence.

Chairman advised that there were mixed feelings around the Board table and some Members expressed grave reservations. However, under the Permitted Development Order most of the fence did not require approval and as the Commissioners would only be able to express a recommendation on a small portion of that fence, it was extremely unlikely that anything we recommended other than approval would find favour because a precedent had been set in other areas. He did not feel that Onchan District Commissioners had any legitimate reason that they could recommend that the application be denied.

On the proposal of Mr Kniveton, seconded by Mr Watterson and unanimously **RESOLVED** that PA 10/01759 – 18 Greeba Drive be approved.

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- b) **PA 10/01821 - 39 Highfield Close – Mr & Mrs T. D'Amore – Proposed first storey extension created by re-roofing the building with a steeper pitch and incorporating dormer windows.**

The Chairman advised that:-

- The ridge height is raised by 2.2m overall.
- There has been a previous application to create a true house by the addition of a first floor for which no recommendation was submitted.

The Lead Member for Environment and Technical Services advised that there were concerns from residents in Highfield Close about this application. No official objections had been received in the Commissioners, the only objection could be grounds for over intensive use.

The Chairman felt that this was a complete and detailed application for the site but did not give the perspective against the adjacent properties.

It was proposed by Mr Black, seconded by Mr Crellin that PA 10/01821 – 39 Highfield Close increased height would overpower the properties in the area and be refused.

It was counter proposed by Mr Watterson, seconded by Mr Thorn that the application be approved.

Mr Watterson felt that the bungalow was on a sufficiently large corner plot and with its rural background would not be intrusive to the surrounding or neighbouring properties. In Birch Hill as a whole there is a mix of property styles.

Chairman called for a vote on the counter proposal:-

For: Messrs Watterson and Thorn
Against: Messrs Black, Crellin, Stowell and Kniveton

A vote was taken on the original proposal.

For: Messrs Black, Crellin, Stowell and Kniveton
Against: Messrs Watterson and Thorn

It was therefore **RESOLVED** that **PA 10/01821 – 39 Highfield Close be refused on the grounds that the proposals do not respect the site and surroundings in terms of the scale form and design.**

C10/11/03/08

REPORT FROM THE CLERK OR OTHER OFFICER

1. C10/12/02/05(2) – Kerbside Recycling

The Chairman suggested that in order to discuss the decision previously made to suspend standing orders be suspended to discuss the item.

The Chairman advised that Members may recall that it was his recommendation that we extend the kerbside collection to March 2012 based on the information we then had.

Mr Watterson stated that Standing Orders would only need to be suspended if the original resolution was to be changed over the decision for the extension period for kerbside collection.

In answer to question, the Chief Executive advised that if Members intended to change their decision at this meeting then they would need to suspend standing orders. There was nothing to prevent any discussion of any previous resolution made by the Board and this did not need Standing Orders to be

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suspended. The decision made was to have the kerbside collection extended from September 2011 to March 2012. His personal belief was that the resolution could stand as there was plenty of time before September to change the resolution if required. He did not know whether it was intended this evening to reverse the decision already made. Personally, he did not think it was necessary. He felt that there was some discussion that needed to take place between Douglas Corporation, Braddan Parish Commissioners and Onchan District Commissioners. His report was presented as a discussion document and there were issues that needed to be talked about with the other Authorities.

The Chief Executive advised that copies of the discussion document had been forwarded to the other Authorities and he was aware that Braddan Parish Commissioners discussed the document at their board meeting but had no results of their deliberations. He was aware that Douglas Corporation were a little concerned about the content. He had been told by Braddan Parish Commissioners that there was at least 1 of their members who thought that the figures were incorrect. He was quite willing to put his hands up and say that he was wrong. ~~It was possible that he had a figure wrong or he had missed a calculation,~~ he was quite prepared to accept any criticism that he had made in his report and adjust accordingly.

Chairman stated that if Members were not going to suspend Standing Orders, then an appraisal of the report be given. He advised Members that at a previous Board meeting Members took the decision to continue with the kerbside collection at our expense for a period of 6 months once the national expenditure had terminated. He had been at the meeting with the Department and other Authorities and brought it as a recommendation to do further evaluation. However, subsequent to that meeting, information came through and he requested the Chief Executive to produce some analysis. He felt that the Chief Executive had done an excellent job with the information that he had available, and thanked him most graciously for the hard work he had put in to preparing the report. The Chief Executive was saying that it may not be definitive. From his perspective he could not say that all the figures contained in that report were accurate, but it was an excellent report and led Members to a conclusion. If anybody could point out where there were discrepancies, errors, miscalculations and misassumptions the Chief Executive and himself would be happy to re-evaluate the report.

The Chief Executive advised:-

- The report was progressed as the Authority wished to extend the contract for an extra 6 months
- The six months revolved around Douglas Corporation's desires to have a waste strategy review which ended in March 2012.
- The Civic Amenity Site Contract also terminated in March 2012, as did the Braddan Waste Contract
- It seemed a good opportunity to bring everything together with the same end date.
- This would also give the three Authorities a chance to get some figures on kerbside recycling and its effectiveness.
- In preparation some figures were provided by Douglas Corporation and in particular the details of the costs to Onchan and the tonnages collected.
- The results are contained within the discussion document.

The Chief Executive advised that he had to agree with the Chairman and he may not be absolutely certain that the figures were accurate to the penny, but nevertheless you would have to make some pretty big adjustments to go from £600,000 to £40,000. After he had evaluated the data he received an email from the Department of Infrastructure giving their estimates for the year beyond that and they were slightly less than the figures given for the last two years but the outcome was remarkably similar.

The Chief Executive stated that the discussion document was open for debate by the Commissioners and also Douglas Corporation and Braddan Parish Commissioners.

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In answer to comment, the Chief Executive advised that a meeting had been organised with Braddan Parish Commissioners, Douglas Corporation and Onchan Commissioners in early January. This was to be an officers meeting but has in the past often extended to political members.

The Chairman stated that the next step once the views are formulated is to enter in to talks with the other Authorities. There would be no decisions made behind closed doors and it was just taking us to the next phase.

Mr Thorn mentioned time scale for the rate setting.

Chairman commented that the Authorities were moving faster with regard to the waste strategy for the Eastern Region but it was unlikely that there would be a lot of decision making in early January.

~~Mr Thorn felt that the report of the Chief Executive was excellent. Recycling was wonderful but because we were on an Island it did increase the cost. He asked was it appropriate to include the calculations of the loss of income to the energy from waste plant. He thought it would be good to have the Finance Manager's input in to what the capital value would be.~~

Chairman agreed with the comments of Mr Thorn and he advised that he had never had such a comprehensive analysis provided before. He agreed that it could be viewed as sensitive information when dealing with a commercial operator. However, the Energy from Waste Plant was run by Sita and the IOM Government were their only customer. Much of Sita's reporting was very public. He felt they were almost a quango. The Authority have, for a long time, been looking at kerbside collection and recycling in a vacuum of the lack of proper analytical data and it was good that this information had come forward. The Board had on many occasions discussed the lack of data and information upon which we would have to base a very significant decision.

In answer to comment, the Chairman stated that if you withdrew any element from the calculations there were factions out there who would ask why it had been left out to affect the overall outcome. The Chief Executive has never claimed that the report he had prepared was definitive, he has never claimed that this was to be the only guide for the Commissioners' decision making process. The Chief Executive has only ever said that this was his interpretation of the facts as provided to him. If anybody had any queries, questions, or could supply additional information he felt certain that the Chief Executive would be happy to adjust the report accordingly. This was an invitation to people who may see things differently to bring them forward.

Mr Watterson asked if it was right that the Energy from Waste Plant was running at 80% capacity at this moment but over the full year it ran at 91.2%. These details were included in the last month's minutes of the RHCC.

In answer to question, the Chief Executive advised that he had received no feedback on his report as yet.

Mr Watterson referred to the sitting of the House of Keys on 6th December which remarked on the lack of capacity at the Energy from Waste Plant due to the amount of waste or the calorific value being low and so many litres of oil had been used. The plant is operated in such a way that it is force fed with oil to raise the temperature, and depending on the number of times it is started and shut down depends on the amount of oil being used. How much is used for start up and shut down and how much used for supplemental?

Chairman stated that there were two waste streams:-

- normal waste stream, just household waste
- secondary waste stream used for clinical waste

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The Chairman explained that there were times where household waste was fed in to the secondary waste stream which was normally used to burn clinical waste. The terms of operation dictates that the secondary stream has to operate at over 1,000°C. In the primary waste stream it is only dealing with household waste and the temperature required is 800°C. Members will appreciate that to achieve those temperatures after a shut down you have to bring the chamber up to that temperature before introducing the waste. It would not be combusted in line with the agreement and you would not destroy the toxins contained in it. During the operation, however, it is possible that the material which is dumped in to the pit is moved around by the crane operator to try and gain a consistent calorific value in the whole of the pit, so when feeding waste in to the machine it remains reasonably constant. If the calorific value wavers greatly, the temperature will start to rapidly increase and the throughput of material can be increased, but if the material goes in of low calorific value the temperature can drop. At such times they introduce recycled oils and these are used to keep waste temperature high enough to ensure the proper operation of the plant. You will find reference to two oils, waste oil which is less value and virgin oil. ~~For purpose of start up it can only be burned at the temperatures as stated in the operator licence.~~

Mr Watterson wondered whether a break down in the oils used in which stream could be provided.

The Chief Executive advised that his report dealt with the primary waste stream. The secondary waste stream was not running effectively and believed that the line was running at only 5 to 10%. The amount of oil used to keep the secondary burner going is about 750,000 litres per year.

The Chairman advised that clinical waste by its nature was problematic and it was coming in decreasing quantities and there was a shut down necessity because there was insufficient waste. Clinical waste can only be stored for 48 hours on site and you cannot stock pile the waste. The regulations say it has to be disposed off and so they have to start up the secondary stream to incinerate that little bit. It takes longer to bring the secondary stream up to temperature than to burn the waste.

The Chairman further stated that if you used the secondary stream to dispose of primary waste the legislation did not allow you to use the bottom ash for recycling as it technically contained clinical waste.

In answer to question, the Chairman felt that we need to talk to our colleagues of the adjacent Authorities. He did not think it should come back to the Board for discussion unless there were any suggestions and that point be brought back to the Board. The decision to continue has implications. Braddan obviously are similar to ourselves in our thinking. Douglas have got the operational side to consider and he was sympathetic to their problems.

Mr Crellin stated that it was an expensive process and it did not include the capital cost of setting it up.

C10/11/03/09

LETTERS, PETITIONS, MEMORIALS AND OTHER COMMUNICATIONS

1. Eastern Civic Amenity Site

Correspondence received dated 13th December 2010 from The Borough Engineer & Surveyor of Douglas Corporation regarding the future operation of the Eastern District Civic Amenity Site.

The Chief Executive advised it was linked with kerbside, Douglas Corporation have the contract to run the site on behalf of the Department. The intention is to try and get a Joint Committee formed to run the site. He had been provided with the previous draft committee agreement and the six authorities will be meeting to discuss that in January to see if we can work out a reasonable compromise on the

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formation of the committee. It is all linked in with the waste strategy. Generally this is for noting and that we are in a process where some decisions will have to be made in the next few months.

The Chairman commented that when it comes to sharing the responsibility, it is impossible to come up with a formula which gives true representation, and will have to be a give and take process. He was deeply conscious that trying to come to an agreement last time brought us in to the wilderness for many years.

C10/11/03/10
QUESTIONS

None.

C10/11/03/11
MOTIONS

None.

C10/11/03/12
CHAIRMAN'S ANNOUNCEMENTS

1. **Torchlight Procession**

The Chairman commented that the Torchlight Procession got off to a shaky start. However, he was happy to say that once it got past that it settled to a very enjoyable evening. He felt that the event was well put together and it went off without incident. Everyone that he had spoken to was very forthcoming with praise of the event.

The Chairman wished to express gratitude to Ms Dentith, Mr Hulme and all the Commissioners Staff who turned out on the evening.

The Chairman wished to express sincere thanks to the following:-

- The Onchan Rotary Club for leading the parade with Santa and his sleigh, the children young and old were delighted.
- Onchan Silver Band
- All the volunteers who came forward of their own volition to assist with the road junctions and other safety issues during the procession.
- The Police for their assistance
- Miss Kelly Lawson for her delightful singing
- Galaxy Fireworks for the wonderful firework display
- The Clergy of the Parish for the carol service.
- The Second Onchan Scouts.
- Shoprite for the provision of mince pies for the event; and also
- The Commissioners who attended and assisted.

He felt that Onchan Torchlight Procession worked out better than he anticipated and looked forward to it growing to a new height next year.

The Vice-Chairman felt that this showed that the people of Onchan do want something to celebrate Christmas and that the residents enjoyed the event.

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2. **Seasons Greetings**

The Chairman stated that on behalf of the Commissioners and Staff of Onchan District Commissioners he would like to wish all the people of Onchan a happy and prosperous new year.

C10/11/03/13
OTHER BUSINESS

1. **The Butt**

In answer to question, the Chief Executive advised that the Police had been speaking with the vehicle owners.

The District Surveyor to report to the next meeting of the Board over the van measurements.

2. **Christmas Lights Competition**

The Chief Executive advised that all the nomination forms had been returned and there were a number of suggestions. There were 15 domestic properties and 5 commercial properties.

The Chairman and Vice-Chairman to do the final judging.

3. **Torchlight Procession**

Mr Watterson wished to add his congratulations to Ms Dentith and Mr Hulme. He stated that this was the first time that Ms Dentith had organised the event and had gone in cold to plan and organise a different type of event. He felt that she had brought enthusiasm and ideas, and realised that she had put 110% effort in to the event.

Mr Watterson wished to express further sincere thanks to all staff involved in making the Onchan Torchlight Procession a successful event.

4. **Street Lighting – Fairway**

Mr Watterson had been asked by a resident what were the Commissioners views on switching lights on in the morning. The resident went off to work 7.15 a.m. in the morning and the street lights were not on and wondered what the policy was? Mr Watterson knew that at Abbeylands the lights were not on in the mornings but were at night. He wondered whether it was a timing issue or a policy issue.

The Chief Executive to report back to the next meeting of the Board.

5. **Kaighins Lane - Gritting**

Mr Crellin asked that a request be given to the Department of infrastructure to grit Kaighins Lane.

In answer to question, the Deputy Clerk advised that there was equipment available owned by the Commissioners which would spread grit on pavements providing there was sufficient manpower to operate the equipment. The Department of Infrastructure provided the grit. This was not a chargeable service, this was a service provided by the Commissioners to help the people of Onchan.

The Chief Executive advised that salt was not as effective at -5°C and not effective at all at temperatures of -7°C or lower.

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The Chairman commented that we need to get letters in to the Department of Infrastructure as many of the roads will be left with potholes after the thaw.

Mr Watterson stated that the pot holes on Lhanjaghan Road were still in the road from last year's bad weather and that the Department of Infrastructure were underfunded and over tasked.

There being no further public business the meeting terminated at 8.30 p.m. and the Board moved into Committee.

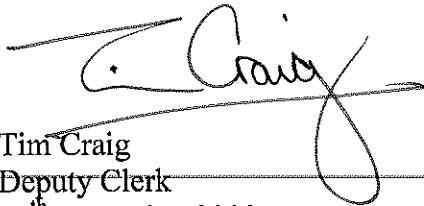
HOUSING (MISCELLANEOUS PROVISIONS) BILL 2010

Briefing Note for the Chief Executive
(Copied to Members for the meeting of 4th January 2011)

1. I have read the above draft bill and explanatory notes that you forwarded to me this morning, and would wish you to be aware of the following issues as there may be an impact on the Authority by way of both workload and expenditure.
2. There is a proposal in Clause 12 for local authorities to be the registration authority for flats and houses in multiple occupation (HMO's) in their area. This in itself is not new, as the District Surveyor already holds a register of flats under the Housing (Amendment) Act 1990, but it does extend the scope to HMO's. I am unsure if we have any qualifying buildings within the district, although Royal Avenue does appear to be an obvious starting point in the search.
3. The compilation of an additional register is not seen as an onerous task, but once registered, any breach of the Housing Standards Regulations to be created under this proposed Act, or breach of the primary legislation itself, falls to the local authority for enforcement action.
4. This is additional responsibility, bringing with it possibly additional work, and expenditure, by way of either enforcement proceedings or the undertaking of rectification works. Naturally, there would be an expectation of recovering some of the cost, if not all, through legal proceedings. However, as the usual reason for owners not undertaking work in the first place is lack of funds, it may be that the expectation is not met by the actuality. I feel it would be appropriate to seek the District Surveyor's views on the implications of these elements before considering what additional provision, if any, the Authority should make.
5. There is also, contained in Schedule 3 of the Bill, a set of requirements placing the management of the local authority's housing budget under the close supervision of the Department of Social Care by amending Section 47 Housing (Miscellaneous Provisions) Act 1976 ("the 1976 Act"). Specifically, the housing authorities will have to run a dedicated housing revenue account in the form approved by the Department, with charges against the account only to be items approved by the Department. There is also the creation of a requirement to produce annual estimates under this account for approval by the Department.
6. While there should naturally be proper controls over all authority finances, this does throw up the query of whether provision of a 30% finance grant should entitle the Department to direct the whole of the authority's housing maintenance and administration programme. If this were to be accepted at face value, Onchan District Commissioners would appear to be surrendering any discretion it has over the maintenance of its housing stock.
7. A further amendment to the 1976 Act will provide for an all-Island policy regarding the allocation of local authority houses. The good news is that further proposed amendment to the 1976 Act provides that anyone obtaining the provision of housing under false pretences commits a criminal offence and can be deprived of the house.

8. In the light of the foregoing, it will be an interesting political question to resolve as to who actually controls the local authority's housing assets, who should control them.

For your consideration please

A handwritten signature in black ink, appearing to read 'Tim Craig'. The signature is written in a cursive style with a large, looping 'C' and 'G'. A horizontal line is drawn across the signature.

Tim Craig
Deputy Clerk
17th December 2010
