

Minutes of the ordinary meeting of the **ONCHAN DISTRICT COMMISSIONERS** held in the Boardroom, Hawthorn Villa, 79 Main Road, Onchan, on Monday 4th February 2019 at 7.00 p.m.

Present:

Mr. M. Macfarlane	(Chairman)
Mr A. Allen	(Vice-Chairman)
Mr J. Cherry	(Lead Member for Properties and Amenities)
Mr D. Crellin	(Lead Member for Environmental and Technical Services)
Mr C. Quirk	
Mr R. Turton	(Lead Member for Finance and General Purposes)
Miss K. Williams	

In Attendance:

Mrs L. Radcliffe	(Chief Executive/Clerk)
Mrs S. Johnson	(Finance Manager)
Mr B. Price	(District Surveyor)
Ms A.S. Dentith	(Senior Administrator)

C19/02/01/01

TO CHOOSE A PERSON TO PRESIDE IF THE CHAIRMAN AND VICE-CHAIRMAN BE ABSENT

Not necessary.

C19/02/01/02

BUSINESS REQUIRED TO BE DEALT WITH BY STATUTE BEFORE ANY OTHER BUSINESS

None.

C19/02/01/03

MINUTES

1. Ordinary meeting held on Monday 21st January 2019

The minutes of the ordinary meeting held on Monday 21st January 2019, copies of which having previously been circulated, were considered.

It was proposed by Mr Allen, seconded by Mr Quirk, and unanimously **RESOLVED that the minutes be agreed as a correct record of proceedings and be signed by the Chairman.**

Mr Cherry did not cast a vote as he was not in attendance at the meeting.

2. Staff Minutes of Ordinary meeting held on Monday 21st January 2019

To be considered In Committee.

C19/02/01/04

BUSINESS ARISING NOT REFERRED TO IN THE MINUTES

None.

C19/02/01/05

BUSINESS EXPRESSLY REQUIRED BY STATUTE TO BE DONE

None.

C19/02/01/06

BUSINESS ADJOURNED FROM A PREVIOUS MEETING

1. C19/01/03/10(2) – Department of Infrastructure – Periodic Rental Policy

The Chief Executive/Clerk informed Members that in conjunction with the Lead Member for Properties and Amenities and the Senior Administrator, the populated document was distributed for Members' attention.

Members made comments with regard to the document and made the following comments:-

- Section 1 – Existing Arrangements
 1. As a housing provider, do you consider that the rental levy should be considered on an annual basis as it is at present? **YES**
 2. Only if answered Yes to question 1, would you like to see any changes to the existing arrangements? **Onchan District Commissioners want the real time ability to look at the facts before them to see what the status is before agreeing the rental on an annual basis to take into account the requirements of the tenants.**

Discussion ensued with regard to the specimen model circulated and how any increase would be based on CPI. It seemed as though there would be a compulsory setting of a minimum of 2%. The Board's position over the last few years was zero increase and this model is the opposite of the Board's wishes.

C19/02/01/07

PLANNING DECISIONS/COMMUNICATIONS FROM THE DEPARTMENT OF INFRASTRUCTURE PLANNING COMMITTEE

1. Plans to the Board

(a) The following plans were considered by the Board.

- (i) PA 19/00012 Mrs E.G. French, 4 Harbour View

Members were advised that the planning application was to confirm additional information which was requested with regard to the proposed levels of this development in relation to the neighbouring property. Some further information has been provided indicating that there is a fall across the site of 1.48m. There is a 1.8m high fence on the boundary, but the level of the higher paved area is approximately 300 higher than the fence. The paved area is approximately 2.7m from the fence at its closest point and 11.7m from the neighbouring dwelling.

It was proposed by Mr Crellin, seconded by Mr Allen and unanimously **RESOLVED that PA 19/00012 – 4 Harbour View be recommended for refusal on the Grounds of General Policy 2G in that the development will adversely affect the amenity of the neighbouring property.**

- (ii) PA 19/00040 Mr J.B. Faragher, Ballaskelly Farm, Hillberry

Members were advised that the planning application was for the proposed agricultural building adjacent to an existing structure. The roof of the new building to extend over the existing. No comments received.

It was proposed by Mr Crellin, seconded by Mr Allen and **RESOLVED that PA 19/00040 – Ballaskelly Farm be recommended approval.**

- (iii) PA 19/00044 Mr & Mrs C.M. Hussey, 42 Alberta Drive
- Members were advised that the planning application was for the proposed replacement roof covering from tile to glass fibre on the rear annex. No comments received.
- It was proposed by Mr Crellin, seconded by Mr Cherry and unanimously **RESOLVED** that **PA 19/00044 – 42 Alberta Drive View be recommended approval.**
- (iv) PA 19/00046 Mr G. Johnson, 61 Howe Road
- Members were advised that the planning application was for the replacement conservatory roof with lightweight tiles. No comments received.
- It was proposed by Mr Crellin, seconded by Mr Cherry, and unanimously **RESOLVED** that **PA 19/00046 be recommended approval.**
- (v) PA 19/00048 Mr & Mrs P. Bergquist, 57 Governors Road
- Members were advised that the planning application was for retrospective application for the creation of off-street parking. No comments received.
- It was proposed by Mr Crellin, seconded by Mr Cherry, and unanimously **RESOLVED** that **PA 19/00048 be recommended refusal on the grounds that the proposed fails to comply with General Policy 2 (h), (i) of the Island Strategic Plan namely it has an adverse effect on road safety.**

2. Planning Communications

None.

C19/02/01/08 FINANCE AND GENERAL PURPOSES

1. 2018 Year End Internal Audit Report

To be considered In Committee.

C19/02/01/09 REPORT FROM THE CLERK OR OTHER OFFICER

1. Draft Whistle Blowing Policy

The Chief Executive advised no update from the trade unions had been received, and it was agreed that a chase up be issued requesting a response by a certain date.

It was agreed that the Chief Executive/Clerk issue the document as is, with presentations to the staff. Should any amendments be requested by the Trade Unions the document can be changed and reissued.

2. Draft Onchan Dog Control Byelaws 2019

The Chief Executive/Clerk advised that the Local Government Unit wished to meet to discuss terminology and the plans in more detail. An update will be brought back to the Board in due course.

3. GDPR Update

Report of the Chief Executive dated 30th January 2019, having previously been circulated was considered.

It was noted that for the period November 2018 to 30th January 2019:-
2 x Data Subject Access Requests
7 x Freedom of Information requests

Article 31 request from the Information Commissioner with regard to the appointment of the Chief Executive/Clerk and seems to revolve around the process. There had been a request for the matrix for all candidates, however, the information on some candidates would be identifiable and a response was being formulated back to the Information Commissioner.

Article 33 – Data Breach regarding the annual occupancy audit. The Information Commissioner has been informed, and the form adjusted to prevent a reoccurrence of the data breach. The Information Commissioner has responded that he is content with action taken to date. However, wishes to be informed of the exact number when all occupancy update forms have been returned.

The Chief Executive/Clerk informed Members of meetings regarding the role of Data Protection Officer. However, this will potentially be at a high cost to the Authority. The Chief Executive/Clerk will continue to investigate alternative options.

4. Planning Policy on Additional Parking

Report of the District Surveyor, dated 31st January 2019, having previously been circulated was discussed.

It was proposed by Mr Crellin, seconded by Mr Cherry, and **RESOLVED that the current stance on recommending refusal for applications on the grounds of the loss of the garden for car parking be no longer exercised.**

For: Messrs Macfarlane, Crellin, Quirk, Cherry, Allen and Miss Williams
Against: Mr Turton

5. Staffing Matter

To be considered In Committee.

C19/02/01/10

LETTERS, PETITIONS, MEMORIALS AND OTHER COMMUNICATIONS

1. Onchan Raceway – Fixtures List

Noted.

2. IOM Astronomical Society

Correspondence received dated 23rd January 2019 from the Chairman of the Isle of Man Astronomical Society, giving a note of thanks regarding the three day stargazing event held in Onchan Pleasure Park.

3. Arbory Parish Commissioners – Civic Service

Invitation received from the Chairman and Members of the Board of Arbory Parish Commissioners to attend their Civic Service on Sunday 10th February 2019 at Colby Methodist Chapel at 10.30 p.m.

4. Department of Infrastructure – Road Map

To be considered In Committee.

C19/02/01/11
QUESTIONS

None.

C19/02/01/12
MOTIONS

None.

C19/02/01/13
ENVIRONMENTAL AND TECHNICAL SERVICES MATTERS

1. Street Lighting Report

The street lighting report for August to December 2018 having previously been circulated was considered. The District Surveyor advised that the street lighting contractor was other detained for a period of time. The maintenance works had now caught up.

The District Surveyor answered question with regard to the contract and the street lights detailed within the report.

2. Nuisance Abatement Notice

To be considered In Committee.

3. Select List of Tenders for Maintenance Works

To be considered In Committee.

C19/02/01/14
PROPERTIES AND AMENITIES MATTERS

1. Empty Property Report

To be considered In Committee

2. Housing Allocation

To be considered In Committee

3. Commercial Leases

To be considered In Committee.

C19/02/01/15
CHAIRMAN'S ANNOUNCEMENTS

1. Dates for the Diary

Date	Organisation	Event	Time
10 th February 2019	Arbory Parish Commissioners	Civic Service	10.30 a.m.
18 th February 2019	Onchan District Commissioners	Board Meeting	7.00 p.m.
3 rd March 2019	Malew Parish Commissioners	Civic Sunday	3.00 p.m.
1 st March 2019	Onchan District Commissioners	Commissioners' Surgery	11.00 a.m. to 1.00 p.m.
5 th March 2019	Onchan District Commissioners	Commissioners Surgery – Heywood Court	2.30 p.m.

C19/02/01/16
ANY OTHER BUSINESS

1. Onchan Park

Lead Member for Finance and General Purposes requested that Onchan Park be placed on the agenda to discuss the summer season, review the policy on charging, etc. Officers to prepare a report.

The public section of the meeting closed at 7.52 p.m.

C19/02/01/17
MINUTES

1. Staff Minutes of Ordinary meeting held on Monday 21st January 2019

Deferred to the end of the meeting.

C19/02/01/18
ANY BUSINESS ARISING

None.

C19/02/01/19
FINANCE AND GENERAL PURPOSE MATTERS

1. 2018 Year End Internal Audit Report

The following matter was considered In Committee and transferred to the public domain.

Report of the Finance Manager dated 29th January 2019, along with attached final Internal Audit Report for the year ended 31st March 2018, having previously been circulated were discussed. The Chief Executive/Clerk and the Finance Manager will be undertaking a review of the process. The Internal Auditors will be invited to meet with the Board.

It was proposed by Mr Turton, seconded by Mr Cherry, and **RESOLVED to accept the Internal Audit Report for the year ended 31st March 2018.**

For: Messrs Macfarlane, Turton, Quirk, Cherry and Miss Williams
Against: Messrs Allen and Crellin

2. **Department of Infrastructure – Road Map**

The following matter was considered In Committee and transferred to the public domain.

The Chief Executive/Clerk informed Members that further to the recent meeting with the Department of Infrastructure, they wished to work in partnership with the Authority in developing a road map of Onchan. This would be in relation:-

- to background project work to specific areas;
- looking for direction on key issues;
- how would issues be captured;
- how do we publicise;
- gather constituent's opinions of what needs to be addressed.

Members agreed to the suggestion that a leaflet be circulated with the rate demands, along with use of social media and posters around the District.

Discussion ensued with regard to the consultation process and inclusion of members of the community who may have additional opinion.

There was a brief discussion regarding cycle lanes and active travel.

The Chief Executive/Clerk informed Members that there was regeneration money available from Central Government. Members were requested to forward ideas to the Chief Executive/Clerk.

C19/02/01/20

CONSIDERATION OF ANY REPORT FROM THE CLERK OR OTHER OFFICER

1. **Staffing Matter**

Deferred to the end of the meeting.

C19/02/01/21

ENVIROMENTAL AND TECHNICAL SERVICES

1 **Nuisance Abatement**

The following matter was considered In Committee and transferred to the public domain.

In answer to comment, the Board were pleased that the complainant has agreed to pay half of the cost to install fencing/screening.

2. **Select List of Tenders for Maintenance Works**

The following matter was considered In Committee and transferred to the public domain.

Report of the District Surveyor on the select list of tenderers for maintenance works, dated 30th January 2019, having previously been circulated was considered.

The Chairman requested that, in future, please ensure that adverts are placed on the website.

The Board requested that a more flexible approach is adopted when requesting expressions of interest.

The Chief Executive/Clerk advised that once the contracts go out to tender, there needs to be a quality matrix and process in place with regard to the decisions made.

A Member referred to Standing Orders, in that the Authority do not have to accept the lowest tender, but do have to document the reasons.

In response to question, the value for the last three years of each contract to be visible to the Board before awarding contracts.

Discussion ensued with regard to the professional services currently engaged with the Authority. The Chief Executive/Clerk and Finance Manager would investigate further and report back to the Board.

It was proposed by Mr Cherry, seconded by Miss Williams, and unanimously **RESOVLED that the tender packs be issued to the contractors as listed in the report of the District Surveyor.**

C19/02/01/21

PROPERTIES AND AMENITIES MATTERS

1. Empty Property Report

The following matter was considered In Committee and transferred to the public domain.

The report of the District Surveyor and Senior Administrator regarding the Empty Properties dated 29th January 2019., having previously been circulated was considered.

Members expressed concern that the spend above £14,000 had not come to the Board,

A Member referred to Standing Orders and the responsibilities for the Lead Member and it was agreed that the maintenance for housing falls under the Lead Member for Environmental and Technical Services.

A Member referred to the poor state of the outside areas at Ashley Park.

It was proposed by Mr Crellin, seconded by Mr Allen, and unanimously **RESOLVED that the Void Policy be amended to remove the Lead Member for Properties and Amenities to the Lead Member for Environmental and Technical Services in line with Standing Orders.**

The policy now reads as follows:-

1. *That approval must be given by the Board for expenditure on social housing maintenance beyond the budget in the current financial year.*
2. *On application by Officers the Board would be minded to approve transfers from reserves to the social housing maintenance budget during the current financial year.*
3. *Lead Member for Environmental and Technical Services must be notified, in advance, where a single property is assessed as requiring expenditure in excess of £10,000 but less than £14,000 from the social housing maintenance budget before it is re-let.*
4. *That the Board must be notified, in advance, where a single property is assessed as requiring expenditure in excess of £14,000 from the social housing maintenance budget before it is re-let.*

The Chief Executive/Clerk will set up a meeting to discuss further, with Lead Member for Finance and General Purposes, Lead Member for Environment and Technical Services, Chief Executive/Clerk, Finance Manager and District Surveyor.

2. Housing Allocation - 13/26 – 2 Bed Bungalow

The following matter was considered In Committee and transferred to the public domain.

(a) 13/26 – 2 Bed Bungalow

After discussion, matter to be brought back to the Board.

(b) 15/39 – 2 Bed House

It was proposed by Mr Cherry, seconded by Mr Quirk, and **RESOLVED that TG 322 be granted a five year fixed term tenancy for the property 15/39**

For: Messrs Macfarlane, Crellin, Turton, Quirk, Cherry, and Allen
Against: Miss Williams

C19/02/01/22
SUSPENSION OF STANDING ORDERS

It was proposed by Mr Cherry, seconded by Mr Crellin, and **RESOLVED that Standing Orders be suspended to conclude business on the agenda no later than 22.10 p.m.**

For: Messrs Macfarlane, Allen, Cherry, Quirk and Crellin
Against: Miss Williams and Mr Turton

C19/02/01/23
PROPERTIES & AMENITIES MATTERS

(a) Café, Onchan Park

The following matter was considered In Committee and transferred to the public domain.

The Chairman advised of a meeting held with representatives of Onchan Park Café.

After discussion, it was proposed by Mr Cherry, seconded by Mr Turton, and unanimously **RESOLVED that the Chief Executive/Clerk and Chairman resolve the outstanding matters relating to Onchan Park Café Ltd.**

C19/02/01/24
ADJOURNED MATTERS

The following matters to be carried forward to the next meeting of the Board to be held on 18th February 2019.

1. Staff Minutes of Ordinary meeting held on Monday 21st January 2019
2. Staffing Matter
3. Commercial Lease
 - (a) 1st and 2nd Floor Elm Tree House
 - (b) 35 Main Road
 - (c) 75 Main Road
 - (d) Onchan Park

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