

Minutes of the ordinary meeting of the **ONCHAN DISTRICT COMMISSIONERS** held in the Boardroom, Hawthorn Villa, 79 Main Road, Onchan, on Monday 10th December 2018 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)
 Miss K. Williams

Apologies: Mr C. Quirk
 Mr R. Turton (Lead Member for Finance and General Purposes)

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

C18/12/02/01

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

Not necessary.

C18/12/02/02

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

None.

C18/12/02/03

MINUTES

1. Ordinary meeting held on Monday 26th November 2018

The minutes of the ordinary meeting held on Monday 26th November 2018, copies of which having previously been circulated, were considered.

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

2. Extra-Ordinary meeting held on Monday 19th November 2018

The minutes of the extra-ordinary meeting held on Monday 19th November 2018, copies of which having previously been circulated, were considered.

It was proposed by Mr Allen, seconded by Miss Williams, 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.

3. Staff Minutes of Ordinary meeting held on Monday 12th November 2018

To be considered In Committee.

4. Staff Minutes of Extra-Ordinary meeting held on Monday 19th November 2018

To be considered In Committee.

5. **Staff Minutes of Ordinary meeting held on Monday 26th November 2018**

To be considered In Committee.

4. **Staff Minutes of Ordinary meeting held on Monday 5th December 2018**

To be considered In Committee.

C18/12/02/04

BUSINESS ARISING NOT REFERRED TO IN THE MINUTES

None.

C18/12/02/05

BUSINESS EXPRESSLY REQUIRED BY STATUTE TO BE DONE

None.

C18/12/02/06

BUSINESS ADJOURNED FROM A PREVIOUS MEETING

1. **Hedge Cutting and Verge Management**

Correspondence received dated 6th November and deferred from the previous meeting of the Board was considered.

In answer to question the District Surveyor advised that the Authority followed the 2006 Department of Infrastructure Guidelines, which was the standard when the service was transferred to Onchan District Commissioners.

The Chairman acknowledged that there was a balance to be struck. The District Surveyor was requested to liaise with the Department of Infrastructure and the Department of Environment, Food and Agriculture to review the standards for hedge cutting and verge management, as it was felt that this should be an Island wide policy.

The District Surveyor stated that a review was overdue and this would tie in with the contract tender process in April 2019.

2. **Authorised Bank Signatories**

To be considered In Committee.

C18/12/02/07

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 18/01202 Mr and Mrs P Quirk, 2 Groudle View

Members were advised that the planning application was for the proposed replacement of an existing conservatory with a larger sun room. This is a substantial plot and the extension sits comfortably within in it.

No comments received.

It was proposed by Mr Crellin, seconded by Mr Cherry and unanimously **RESOLVED that PA 18/01202 – 2 Groudle View be recommended for approval.**

(ii)	PA 18/01207	Mrs M. O'Brien, 43 Bemahague Avenue
		Members were advised that the planning application to certify the legal use of the existing conservatory built some 8 years ago. No comments received. It was proposed by Mr Crellin, seconded by Mr Cherry and unanimously RESOLVED that PA 18/01207 0 43 Bemahague Avenue be recommended for approval.
(iii)	PA 18/01210	Mr G Ward, 8 Consiter Close
		Members were advised that the planning application was for the replacement of conservatory roof with lightweight tiles. No comments received. It was proposed by Mr Cherry, seconded by Miss Williams and unanimously RESOLVED that PA 18/01210 – 8 Conister Close be recommended for approval.
(iv)	PA 18/012541	Mr S.M. Welsh, 9 Alberta Drive
		Members were advised that the planning application was for the widening of an existing driveway to accommodate additional off-street parking. No comments received. It was proposed by Mr Crellin, seconded by Mr Allen and unanimously RESOLVED that PA 18/012541 – 9 Alberta Drive be recommended for approval.
(v)	PA 18/01256/B	Mr M. Leonetti, Begoade Cottages, Begoade Road.
		Members were advised that the planning application was for replacement of an existing conservatory roof with tiled roof. It was proposed by Mr Cherry, seconded by Miss Williams and unanimously RESOLVED that PA 18/01256/B – Begoade Cottages be recommended for approval.

2. Planning Communications

None.

C18/12/02/08 FINANCE AND GENERAL PURPOSES

None.

C18/12/02/09

REPORT FROM THE CLERK OR OTHER OFFICER

1. Draft Whistle Blowing Policy

The draft Whistle Blowing Policy dated December 2018, having previously been circulated was considered.

The Chief Executive informed Members that the draft policy was an amalgamation of that used by Douglas Borough Council with some minor alterations. The document will require consultation with the Unions. Members were further advised that the policy was consistent with other Local Authorities on the Island and in the United Kingdom and fell within current legislation.

In answer to question, the Chief Executive stated that the staff are the eyes and ears of the Authority, and may not feel they can raise any issues in a supportive way. The policy document will assist those who wish to come forward for the right reasons. If the concern is vexatious then there are other process which would be followed, i.e. disciplinary.

A brief discussion ensued with regard to detail within the draft Policy. The Chief Executive also advised that as part of the informative process to staff, that a discussion would take place giving live examples relevant to that sections operational areas, explaining that the door is always open and that they do not have to go through their own line manager. Normally an allocated person would be appointed, in our case it is the Finance Manager – mainly as they are less involved in the workings and operational aspects of the business.

The Chairman asked that consultation be undertaken with the Union bodies and that the matter be brought back to the Board.

2. Draft Onchan Dog Control Byelaws 2019

The draft Onchan Dog Control Byelaws 2019, having previously been circulated were considered.

A Member raised concern regarding the definition of 'The keeper of a dog' and felt that this should also refer to 'a person in charge of the dog'. It was felt that the person in charge is not necessarily the keeper of the dog.

Chief Executive to investigate further and bring the revised document back to the next meeting of the Board.

3. GDPR – Privacy Statement

The proposed Privacy Statement, having previously been circulated was considered.

The Chief Executive informed Members that a Data Protection Officer must be appointed. The Privacy Policy is linked to this provision, as the policy informs the public as to what information the Authority are keeping, and for what purpose it is being kept.

The Chief Executive advised that there are further elements which could be included but required further thought, and would like to see the privacy policy implemented as soon as possible.

It was proposed by Mr Allen, seconded by Mr Cherry and unanimously **RESOLVED that the privacy policy be implemented on the website as soon as possible.**

It was acknowledged that the privacy policy is a living document and may be subject to change.

Members further agreed that the Chief Executive may explore the costs associated with appointing an independent Data Protection Officer.

The Chief Executive advised Members that insurance was being investigated with regard to cover breaches in cyber security.

4. Interim Structure

To be considered In Committee.

5. Staffing Matter

To be considered In Committee.

C18/12/02/10

LETTERS, PETITIONS, MEMORIALS AND OTHER COMMUNICATIONS

1. RNLI – Sir William Hillary Commemorative Service

Invitation received dated 28th November 2018, from the Royal National Lifeboat Institution to attend the Annual Commemorative Service to honour the memory of Sir William Hillary on Sunday 13th January 2019 at St George's Church, Douglas at 3.00 p.m. The Chairman indicated his attendance.

2. IOM Woodland Trust – Invitation, Centenary Park

Email correspondence received dated 6th December 2018, inviting the Board to a guided tour and explain what had been carried out over the years to improve Centenary Park. Members agreed that they would like to set up a mutually convenient date and time early 2019.

3. Onchan Heritage – Molly Corrooin's Cottage

After discussion with the Chairman of the Friends of Onchan's Heritage, it was agreed that the matter be transferred to the public domain.

A Member commented that they had attended the Committee meeting of the Friends of Onchan's Heritage Committee and had explained that the request had come out of the blue from one member.

The Chairman acknowledged the good and valued work that the Friends of Onchan's Heritage carry out, and that it was an asset to the District.

Members agreed that they were content with the way the service was operated and gave thanks to the Friends of Onchan's Heritage for the donations given to other charities in the District.

It was noted that The Friends of Onchan's Heritage hold an Annual General Meeting each April, and if residents wished to attend as a member there is an annual fee of £2.50, or £1 on the door of each meeting.

C18/12/02/11

QUESTIONS

None.

C18/12/02/12

MOTIONS

None.

C18/12/02/13

ENVIRONMENTAL AND TECHNICAL SERVICES MATTERS

1. Nuisance Abatement Notice

To be considered In Committee.

C18/12/02/14

PROPERTIES AND AMENITIES MATTERS

1. Small Claims Court

To be considered In Committee.

2. Housing Allocation – E1/16

To be considered In Committee.

3. Sheltered Housing Appeal

To be considered In Committee.

4. Housing Allocation – E1/39

To be considered In Committee.

5. Commercial Lease

To be considered In Committee.

C18/12/02/15

CHAIRMAN'S ANNOUNCEMENTS

1. Dates for the Diary

Date	Organisation	Event	Time
13 th December 2018	President of Tynwald	Tynwald Christmas Service	1.10 p.m.
16 th December 2018	Onchan Silver Band	Christmas Concert	3.00 p.m.
18 th December	Manx Blind Welfare	Christmas Celebration	2.00 p.m.
19 th December	Onchan Methodist Church	Carol Service	7.30 p.m.
5 th January 2019	Onchan District Commissioners	Commissioners' Surgery Mr Crellin and Mr Cherry to be in attendance.	11.00 a.m. – 1.00 p.m.
7 th January 2019	Onchan District Commissioners	Board Meeting	7.00 p.m.
13 th January 2019	Royal National Lifeboat Institute	Sir William Hillary Commemorative	3.00 p.m.

C18/12/02/16

ANY OTHER BUSINESS

None.

The public section of the meeting closed at 7.30 p.m.

C18/12/02/17
MINUTES

The following matters were considered In Committee.

1. **Staff Minutes of Ordinary meeting held on Monday 12th November 2018**
To be considered later in the meeting.
2. **Staff Minutes of Extra-Ordinary meeting held on Monday 19th November 2018**
To be considered later in the meeting.
3. **Staff Minutes of Ordinary meeting held on Monday 26th November 2018**
To be considered later in the meeting.
4. **Staff Minutes of Ordinary meeting held on Monday 5th December 2018**
To be considered later in the meeting.

C18/12/02/18
BUSINESS ADJOURNED FROM A PREVIOUS MEETING

1. **Bank Signatories**

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

After a brief discussion, it was proposed by Mr Cherry, seconded by Mr Allen, and unanimously **RESOLVED** that the four signatories will be:

Mrs Linda Radcliffe	Chief Executive/Clerk
Mrs Stephanie Johnson	Finance Manager
Mr Brian Price	District Surveyor
Mr Ross Phillips	Property Maintenance Manager

That:

- 3.1 **A banking relationship will be maintained with both HSBC and Isle of Man Bank Limited (the Bank) and that this Mandate will apply to all existing and future Accounts of the Customer with the Bank.**
- 3.2 **The Authorised Signatories are the individuals identified above, or on a separate Authorised Signatory list, as amended from time to time.**
- 3.3 **The Authorised Signatories may, in accordance with the Signing Rules or as set out on a separate Authorised Signatory list, on behalf of the Customer:**
 - 3.3.1 **Sign cheques or give instructions for Standing Orders, Direct Debits, banker's drafts and other payments from the Accounts, even if it causes an Account to be overdrawn or exceed any limit.**
 - 3.3.2 **Sign, accept or endorse bills of exchange or other orders and give instructions for discounting inland or foreign bills.**
 - 3.3.3 **Close Accounts with credit balances.**
- 3.4 **The Authorised Signatories identified in the Signing Rules for unlimited amounts may, in accordance with the Signing Rules, on behalf of the Customer:**

- 3.4.1 Open new Accounts with the same Signing Rules and Authorised Signatories and agree the Account terms for Accounts.**
- 3.4.2 Give instructions for the issue of Letters of Credit, Bonds or Guarantees.**
- 3.4.3**
 - (i) Approve and sign any agreement with the Bank for the Customer to use the Bank's electronic banking service, SWIFT or other electronic means to instruct the Bank to make payments or open and operate the Accounts, or otherwise to communicate with or instruct the Bank;**
 - (ii) accept the relevant electronic banking or other Terms or agreement; and**
 - (iii) agree and sign or accept any other document required for the provision of an electronic banking or communication service.**
- 3.4.4 Receive, and authorise others to receive, the security devices in relation to the operation of electronic banking.**
- 3.4.5 Appoint electronic banking Administrators and Payment Authorisers or Authorised Users who have important payment and other powers in relation to the Customer's use of electronic banking, including (in some systems) the appointment of other Authorised Users with authority to create payments or transactions and setting their limits. The Authorised Signatories may appoint themselves.**

Any existing electronic banking or communications agreement and the appointment of electronic banking Administrators, Payment Authorisers and Authorised Users, will continue until the Authorised Signatories request any changes.

- 3.5 Any of the Authorised Signatories may, on behalf of the Customer:**
 - 3.5.1 Give other instructions to or request information from the Bank in relation to the Accounts.**
 - 3.5.2 Give instructions to close Accounts with nil balances.**
 - 3.5.3 Give instructions to withdraw securities, documents or articles lodged for safe custody.**
 - 3.5.4 Request that an Account be removed from or added to electronic banking.**
 - 3.5.5 Request the removal of electronic banking Administrators, Payment Authorisers and Authorised Users.**
- 3.6 The Bank may accept instructions that do not have an original written signature if the Bank is satisfied that the instruction is genuine and subject to any other agreement the Bank may require for those instructions.**
- 3.7 Any Authorised Representative of the Customer may give notice to the Bank to change any Signing Rules or as set out on a separate Authorised Signatory list, and/or add or remove an Authorised Signatory above or the separate list.**
- 3.8 The Customer accepts that the authority for entering into foreign exchange and money market deposit transactions (other than through electronic banking) is not governed by the terms of this Mandate.**
- 3.9 The Customer accepts that if a winding up petition is presented against the Customer, the Bank may refuse to make payments out of the Accounts.**

3.10 The Customer will keep the Bank informed of any changes to the Authorised Representatives of the Customer.

3.11 This Mandate will continue until the Customer gives the Bank a replacement Mandate.

C18/12/02/19

CONSIDERATION OF ANY REPORT FROM THE CLERK OR OTHER OFFICER

1. Interim Structure

Deferred to the end of the meeting.

2. Staffing Matter

Deferred to the end of the meeting.

C18/12/02/20

ENVIRONMENTAL AND TECHNICAL SERVICES MATTERS

1. Nuisance Abatement Notice

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

Report of the District Surveyor, dated 6th December 2018, having previously been circulated was considered.

The Chief Executive informed Members:-

- that the Directions Hearing was scheduled for 14th December 2018.
- that a meeting had been held with the party on 5th December, where options for a resolution were discussed, such as screening and amendment to the emptying of the recycling bins.
- The party has issued an instruction to the Court for a postponement.
- The Authority would revert to their Legal Advisers after the meeting of the Board.

In answer to question, the District Surveyor confirmed that the land was owned by the Department of Infrastructure, and that planning permission would be required to install screening. The Chief Executive/Clerk confirmed Ramsey Town Commissioners had already started a screening programme for such sites. The Chief Executive/Officer also advised that the bins were due for renewal and that officers were currently investigating the use of plastic or timber surrounds rather than metal.

The Chairman cautioned that the Authority were in danger of setting a precedent.

Members were disappointed that the options had not been submitted earlier. The Chief Executive informed that proposed alternative solutions had only recently been discussed and tabled to officers and this was the first opportunity to place before the Board.

After discussion, Members agreed to wait for the outcome of the Direction's Hearing.

C18/12/02/21

PROPERTIES AND AMENITIES MATTERS

1. Small Claims Court

The following matter was considered In Committee.

Report of the Senior Administrator dated 6th December 2018, having previously been circulated was considered.

After detailed discussion, it was proposed by Mr Cherry, seconded by Mr Allen, and unanimously **RESOLVED that the proposed small claims action be dismissed.**

2. Housing Allocation – E1/16

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

It was proposed by Mr Cherry, seconded by Miss Williams, and unanimously **RESOLVED that the tenancy of E1/16 be granted to SHA 462.**

3. Sheltered Housing Appeal

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

It was proposed by Mr Cherry, seconded by Mr Allen, and unanimously **RESOLVED that after consultation with the Department of Infrastructure, that SHA 460 be accepted on to the Commissioners' sheltered housing waiting list.**

4. Housing Allocation – E1/39

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

It was proposed by Mr Cherry, seconded by Mr Allen, and unanimously **RESOLVED that the tenancy of E2/39 be granted to SHA 460.**

5. Commercial Lease

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

The Chief Executive informed Members of the latest position regarding Onchan Park Cafe and outstanding issues. Resolutions were being discussed with the parties concerned.

The Chief Executive advised Members that examples had been given with regard to poor communication and the proprietor felt that this was causing obstruction to the business.

In answer to question, the District Surveyor confirmed that Onchan Park was zoned as recreational, under planning terms, and the Board requested clarification be sought for the Arcade Area.

In answer to comment, the Chief Executive clarified that the Board resolution states that the area is let as a Café and Arcade. The lease was signed by both parties and the former arcade has been referred to within the lease as a storeroom. This is one business, with one lease, which covers two areas.

C18/12/02/22

ANY OTHER BUSINESS

None.

The Chief Executive/Clerk was asked to remain in the meeting, and all other officers left the meeting at 21.30 p.m.

C18/12/02/13

MINUTES

1. Staff Minutes of Ordinary meeting held on Monday 12th November 2018

The following matters were considered In Committee.

The staffing minutes of the ordinary meeting held on Monday 12th November 2018, copies of which having previously been circulated, were considered.

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

2. Staff Minutes of Extra-Ordinary meeting held on Monday 19th November 2018

The following matters were considered In Committee.

The staffing minutes of the ordinary meeting held on Monday 19th November 2018, copies of which having previously been circulated, were considered.

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

3. Staff Minutes of Ordinary meeting held on Monday 26th November 2018

The following matters were considered In Committee.

Minutes to follow.

4. Staff Minutes of Ordinary meeting held on Monday 5th December 2018

The following matters were considered In Committee.

Minutes to follow.

C18/12/02/24

CONSIDERATION OF ANY REPORT FROM THE CLERK OR OTHER OFFICER

1. Interim Structure

The following matter was considered In Committee.

See Staff Minute Book.

C18/12/02/25

SUSPENSION OF STANDING ORDERS

It was proposed by Mr Cherry, seconded by Mr Allen, and it was unanimously agreed that Standing Orders be suspended until 10.15 p.m. to conclude the business on the agenda.

C18/12/02/24

CONSIDERATION OF ANY REPORT FROM THE CLERK OR OTHER OFFICER

1. Staffing Matter

The following matter was considered In Committee.

See Staff Minute Book.

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