

Minutes of the ordinary meeting of the **ONCHAN DISTRICT COMMISSIONERS** held in the Boardroom, Hawthorn Villa, 79 Main Road, Onchan, on Monday 13<sup>th</sup> November 2017 at 7.00 p.m.

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

**In Attendance:** Mr T.R. Craig (Deputy Clerk)  
 Mr B.T. Price (District Surveyor)  
 Ms A.S. Dentith (Senior Administrator)

**Apologies:** Mr D. Vincent (Interim Finance Manager)

**C17/11/01/01**

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

Not necessary.

**C17/11/01/02**

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

None.

**C17/11/01/03**

**MINUTES**

**1. Ordinary meeting held on Monday 30<sup>th</sup> October 2017**

The minutes of the ordinary meeting held on Monday 30<sup>th</sup> October 2017, copies of which having previously been circulated, were considered.

**(a) C17/10/03/16(1) – Apologies**

At the end of the paragraph add in “Commissioner Cherry advised that he would be attending other remembrance services”.

**(b) C17/10/0-3/20(1) – Communication – Internal and External**

Last paragraph, last sentence, change to read “Each Member has a right as an individual to make a statement if they believe the statement is correct and justified.”

In answer to question, the Deputy Clerk clarified that if Members make an individual statement they would be personally liable for any legal costs, etc. If Members make a statement as a body corporate then the Local Authority would cover any legal costs, etc.

Subject to the above amendments, it was proposed by Mr Cherry, seconded by Mr Macfarlane and unanimously **RESOLVED that the minutes be agreed as a correct record of proceedings and be signed by the Chairman.**

Mr Quirk did not cast a vote as they were not present at the meeting.

C17/11/01/04

BUSINESS ARISING NOT REFERRED TO IN THE MINUTES OF ANY SPECIAL COMMITTEES

None.

C17/11/01/05

BUSINESS EXPRESSLY REQUIRED BY STATUTE TO BE DONE

None.

C17/11/01/06

BUSINESS ADJOURNED FROM A PREVIOUS MEETING

1. C16/10/03/06(1) - Civic Sunday

Members were advised that Sunday 20<sup>th</sup> May 2018 would be available for Civic Sunday to be held at 3.00 p.m. at St Anthony's of Padua.

C17/11/01/07

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 17/01113 – 2 Brookfield, Little Mill Road, single storey extension to the side/rear of the property.

It was proposed by Mr Cherry, seconded by Mr Turton, that PA 17/01113 – 2 Brookfield, Little Mill Road, be recommended for approval.

It was counter proposed by Mr Crellin, that PA 17/01113- 2 Brookfield, Little Mill Road be recommended for refusal. No seconder received.

A vote was taken on the original proposal, and it was **RESOLVED that PA 17/01113 – 2 Brookfield, Little Mill Road, be recommended for approval.**

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

- (ii) PA 17/01130 – Land adjacent Groudle Glen Hotel, proposed installation of biodisc sewerage treatment plant.

It was proposed by Mr Cherry, seconded by Mr Quirk, and unanimously **RESOLVED that PA 17/01130 – Land adjacent Groudle Glen Hotel Road be recommended for approval, subject to a fence being erected around the treatment bank.**

- (iii) PA 17/01143 – Plot 23B Manor Park, Amendment to previous approval altering the position of the boundary between residential plots.

It was proposed by Mr Cherry, seconded by Mr Quirk, and unanimously **RESOLVED that PA 17/01143 – Plot 23B Manor Park be recommended for approval.**

- (iv) PA 17/01151 – Unit 12A Village Walk, Proposed change of use of office to a small molecular biology lab.

It was proposed by Mr Quirk, seconded by Mr Cherry, and unanimously **RESOLVED that PA 17/01151 – Unit 12 Village Walk be recommended for approval.**

**2. Planning Communications**

None.

**C17/11/01/08**  
**FINANCE AND GENERAL PURPOSES**

None.

**C17/11/01/09**  
**REPORT FROM THE CLERK OR OTHER OFFICER**

**1. Manx Blind Welfare Presentation**

The Deputy Clerk advised that he had been approached by the Director of Manx Blind Welfare Society who requested to speak with the Board regarding proposals to develop the field area behind Manx Blind Welfare building.

The Board agreed to meet with the Director of Manx Blind Welfare Society prior to their Board meeting at 6.30 p.m. on 11<sup>th</sup> December 2017 .

**2. 10 Elm Tree Road – Tenancy**

To be considered In Committee.

**C17/11/01/10**  
**LETTERS, PETITIONS, MEMORIALS AND OTHER COMMUNICATIONS**

**1. Marown Parish Commissioners – Civic Service**

Letter of invitation dated 1<sup>st</sup> November 2017, to attend the Marown Christmas Civic Service to be held on 10<sup>th</sup> December 2017 at 11.15 a.m. Members were asked to advise the Senior Administrator if they wished to attend.

**2. C17/10/03/09(1) – Changing Local Government Legislation - Consultation**

Briefing Paper of the Deputy Clerk dated 8<sup>th</sup> November 2017, having previously been circulated was considered. Members thanked the Deputy Clerk for his report, and clarified points as follows:-

- (a) Data Protection 2002 – The General Data Protection Regulation was expected to be in force by May 2018.
- (b) Joint Boards – The Deputy Clerk advised Members that this was discussed at the Clerk's Forum held on 9<sup>th</sup> November 2017. There was a joint concern that this was an opportunity for the Department to bring in some enabling legislation which will give them draconian powers in the future.

The Chairman referred to the shared housing waiting list:-

- He stated that at the Political Meeting held on 9<sup>th</sup> November the impression had been given that Castletown Town Commissioners were signed up and committed.

However, on speaking with the Chairman of that Authority, he had advised that it was under constant review as they could choose to opt out.

- Port St Mary Commissioners were refusing to join the shared housing waiting list.

A Member stated that this Authority should liaise with Port St Mary Commissioners, as they felt that the more we stand united, the more difficult it is to knock you over.

It was proposed by Mr Cherry, seconded by Mr Turton, and unanimously **RESOLVED that the report of the Deputy Clerk regarding Charging Local Government Legislation Consultation be submitted as the Commissioners' response.**

### 3. Local Authority Transition

Correspondence received dated 2<sup>nd</sup> November 2017 from Minister of the Department of Infrastructure to seek views from Local Authority Members and Clerks on Local Authority Transition.

The Deputy Clerk stated that it should be noted that the correspondence is in relation to Transfer of Services to the Local Authority, however, on several occasions the Minister has been reminded that the Authority is not transitioning .

Members went through the Survey as follows:-

#### (a) **Highway Maintenance**

##### (i) Street sweeping

- This was an agency function up to 2015, from 2015 it is the responsibility of the Authority.
- Pavement sweeping is carried out.

Members agreed that street sweeping should continue under the Authority.

However, it is strongly recommended that street sweeping of strategic routes in the District be retained by the Department of Infrastructure.

##### (ii) Gully Emptying

- This is a transfer of service.
- The Authority's responsibility under this service is to only clear the gully pot, anything other than this is the responsibility of the Department of Infrastructure.
- The District Surveyor advised that this was a reactive service rather than a proactive service.
- Discussion ensued with regard to the drainage system.
- Prior to the transfer of service, there were known areas of difficulty and it was expected that the Department of Infrastructure would pass these over in a serviceable condition.

Members agreed that due to the issues surrounding this task and ongoing issues with drainage, the gully emptying service should be passed back to the Department of Infrastructure.

##### (iii) Removal of Weeds

- This is a transfer of service.
- The Authority uses sub-contractors for the service.

- It was acknowledged that there had been some complaints. However, the weed spraying is only contracted for two sprays during the growing season. If more regular sprays are necessary then the contract would require a review and this would be at an increased cost.
- A Member referred to boundary fences which had been moved and weeds growing through them or overgrowing from private land, which is not the responsibility of the Authority, but that of the landowner.

It was agreed that Onchan District Commissioners continue to sub-contract and monitor the removal of weeds as some Members felt the control had improved over the last year.

(iv) Maintenance of Hedges

- This is a transfer of service.
- The Authority uses sub-contractors for the service.

It was agreed as there were no issues identified, that Onchan District Commissioners continue to sub-contract the maintenance of hedges.

**(b) Management of Car parks and Parking Control**

There is no warden employed for the management of car parks and parking control.

**(c) Management of Toilets**

There are no government owned toilets requiring management.

**(d) Question 2**

Members requested that it should be pointed out that the survey is with regard to transfer of services and not transition of the Local Authority.

**(e) Question 3**

No comment.

**(f) Question 4**

Members felt that relationships were suffering as a result of the transfer of services and it was felt that it was a little one-sided. For instance, the liaison regarding the Department of Infrastructure and Manx Utilities responsibility for drainage, citing the Laurel Avenue/Hackett Close/Ashley Park scenario.

There were no issues regarding the relationship with other Local Authorities

**(g) Question 5**

The decisions regarding transfer of services is that of a Board of Commissioners. Members agreed that the survey should have been issued as Board, and not as individual members.

**C17/11/01/11**  
**QUESTIONS**

None.

**C17/11/01/12**  
**MOTIONS**

None.

**C17/11/01/13**  
**ENVIRONMENTAL AND TECHNICAL SERVICES MATTERS**

None.

**C17/11/01/14**  
**PROPERTIES AND AMENITIES MATTERS**

1. **Housing Allocations**

To be considered In Committee.

**C17/11/01/15**  
**CHAIRMAN'S ANNOUNCEMENTS**

1. **Attendances**

11<sup>th</sup> November – Children's Poppies at the Memorial Garden, St Peter's Church.  
12<sup>th</sup> November – Remembrance Service and Act of Remembrance, Onchan War Memorial  
12<sup>th</sup> November – Remembrance Service and Act of Remembrance, St Johns National War Memorial.

2. **Dates for the Diary**

- 16<sup>th</sup> November – Marion Road Development – Official Handover from Contractor
- 1<sup>st</sup> December – Celebration of Christmas, Port St Mary Commissioners
- 5<sup>th</sup> December – Commissioners' Surgery
  - 6.30 p.m. – Onchan Hub
- 8<sup>th</sup> December – Onchan Torchlight Procession and Christmas Market
- 10<sup>th</sup> December – Marown Christmas Civic Service
- 13<sup>th</sup> December – Methodist Church Carol Service

**C17/11/01/16**  
**ANY OTHER BUSINESS**

1. **Rent Increase 2018/19**

The Chairman advised that a press release had been issued stating that the Board were recommending a 0% rent increase.

2. **Heywood Court – Fountain**

The Deputy Clerk advised that the pump will be acquired as soon as possible and will be funded from the Community Allowance.

3. **Dog Byelaws**

The Deputy Clerk advised that there was no detriment with any forthcoming legislation with regard to the renewal of the Dog Byelaws. There is a template which is being used for the drafting of the new byelaws.

4. **Code of Conduct**

Members were advised that the Code of Conduct is progressing and will be brought back to the Board meeting in December. <sup>[amended by ODC 13/11/17]</sup>

5. **Clerks' Forum**

The Deputy Clerk advised that the meeting of the Clerks' Forum was an interesting meeting.

However, the Deputy Clerk wished to bring to Members attention that he had received an email from the Director of Strategy, Policy and Performance of the Department of Infrastructure issued shortly after the meeting to advise that it had just come to the Department's attention that the November Tynwald Order Paper includes the following item:

*"Local Authority Reform*

*The Hon. Member for Douglas North (Mr Ashford) to move-*

*That a committee of three Members be appointed to investigate and bring before Tynwald recommendations on Local Authority Reform and to report by May 2018."*

The Director gives assurance that they were not aware of the motion ahead of the Clerk's Forum and the Department were considering how best to respond.

6. **Installation of AED's**

The Deputy Clerk advised that in conjunction with the Co-ordinator at the Ambulance Service, three sites had been agreed:-

- Manx Arms Toilet
- Onchan Park
- The Hub,

Members were advised that the three defibrillators would be donated by Craig's Heartstrong Foundation, with one housing unit being donated by the charity Onchan Community Fund. The Authority would be required to purchase the remaining two housing units.

It was proposed by Mr Macfarlane, seconded Mr Cherry, and unanimously **RESOLVED that the cost of installation be approved up to the cost of £2,000.**

7. **C17/10/03/16(3) - Kenyon's Café, 44-46 Main Road/Onchan Hub**

A Member expressed frustration that the matter had not yet been resolved.

The Deputy Clerk advised that Dean Wood had been instructed to place the property for sale and to give a current valuation of sale.

To date he had not been able to make contact with the Trustees of Kenyon's Café to ascertain the latest position.

The Chairman commented that there had been a window of opportunity to move items from Kenyon's Café to the Club Room at Onchan Hub over the October half-term, and felt that the Board had been more than generous with their patience.

8. **Onchan Community Cross Award**

The Chairman advised that the Cross Pobble Chonnaghyn or Onchan Community Cross Award is awarded every two years, the recipient being selected from the numerous people in the Parish of Onchan who have added to the quality of life in the District. It is in recognition of their publicly spirited work within the community.

The Trustees of the Award would welcome nominations for the award from the general public. Such nominations should be in writing and be forwarded to the Secretary of the Trustees at Onchan District Commissioners' Office, Hawthorn Villa, Main Road, Onchan, on or before Friday 1<sup>st</sup> December 2017.

## **9. Director of Planning and Building Control**

The District Surveyor advised of correspondence received dated 10<sup>th</sup> November 2017 detailing the Government looking into taking Building control from the Authorities.

The Deputy Clerk advised that building control was a significant revenue source for the Authority and should it be taken away, it would have a significant impact on the finances of the Authority.

Members requested that a report be produced for the next meeting of the Board to advise:-

- How much income is generated annually over the last three years?
- What is the estimated expenditure?
- Liaise with Douglas Corporation as to their views, as it was felt they would not want to relinquish the provision Building Control.
- Agreement with Douglas Borough Council to work together to retain the independent services, which can then be presented to the Onchan MHKs.

*The meeting moved to In Committee proceedings at 8.55 p.m.*

### **C17/11/01/17**

#### **REPORT FROM THE CLERK OR OTHER OFFICER**

##### **1. 10 Elm Tree Road – Tenancy**

The following matter was considered in committee and transferred to the public domain.

After a brief discussion, Members agreed, in principle:-

- That a dental practice operate at the premises.
- That the occupant will need to pursue planning permission for change of use;
- That a 5 year lease be granted.
- No rent free period.
- No staggered rent.
- As a compromise the window replacement programme would be brought forward.

### **C17/11/01/18**

#### **PROPERTIES AND AMENITIES MATTERS**

##### **1. Housing Allocations**

The following matter was considered in committee and transferred to the public domain.

On the proposal of Mr Cherry, seconded by Mr Quirk, it was unanimously **RESOLVED** that the following housing allocations be approved en bloc:-

- (a) 05/72 – 2 Bed Bungalow - that the tenancy of 05/72 be offered to HA 3787.
- (b) 18/18 – 2 Bed Adapted Flat- that the tenancy of 18/18 be offered to TG 398.
- (c) 16/01 – 2 Bed Flat - that the tenancy of 16/01 be offered to TG 411.

*The District Surveyor and Senior Administrator left the meeting at 9.15 p.m.*

##### **2. Staffing Matter**

See Staff Minute Book.

***There being no further business, the meeting closed at 22.00 p.m.***