

Minutes of the ordinary meeting of the **ONCHAN DISTRICT COMMISSIONERS** held in the Boardroom, Hawthorn Villa, 79 Main Road, Onchan, on Monday 19<sup>th</sup> February 2018 at 7.05 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

**Apologies:** Miss K. Williams

**In Attendance:** Mr T.R. Craig (Deputy Clerk)  
 Ms A.S. Dentith (Senior Administrator)  
 Mr P. Sutton (Operations Manager)  
 Mr R. Phillips (Acting District Surveyor)

**C18/02/03/01**

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

Not necessary.

**C18/02/03/02**

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

None.

**C18/02/03/03**

**MINUTES**

**1. Ordinary meeting held on Monday 5<sup>th</sup> February 2018**

The minutes of the ordinary meeting held on Monday 5<sup>th</sup> February 2018, copies of which having previously been circulated, were considered.

(a) C18/02/01/24(1) – Code of Conduct

End of first sentence, reword to read “currently understaffed in the senior management positions”.

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

**2. Staff Minutes of Ordinary meeting held on Monday 5<sup>th</sup> February 2018**

To be considered In Committee.

**3. Minutes of the Extra-Ordinary meeting held on Monday 15<sup>th</sup> January 2018**

To be considered In Committee.

4. **Staff Minutes of the ordinary meeting held on Monday 22<sup>nd</sup> January 2018**

To be considered In Committee.

5. **Staff Minutes of the extra-ordinary meeting held on Monday 29<sup>th</sup> January 2018**

To be considered In Committee.

**C18/02/03/04**

**BUSINESS ARISING NOT REFERRED TO IN THE MINUTES**

1. **Chairman-Elect**

To be considered In Committee.

2. **Chief Executive/Clerk Recruitment**

To be considered In Committee.

**C18/02/03/05**

**BUSINESS EXPRESSLY REQUIRED BY STATUTE TO BE DONE**

1. **Code of Conduct**

To be considered In Committee.

**C18/02/03/06**

**BUSINESS ADJOURNED FROM A PREVIOUS MEETING**

None.

**C18/02/03/07**

**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 17/01157 - White Cottage, King Edward Road, creation of off-road parking for 2 vehicles. Installation of septic tank, and retrospective permission for decking area to the rear of the property.**

The Acting District Surveyor informed Members that this matter was brought back for information only, and:-

- The planning application had previously been approved by the Authority on 27<sup>th</sup> November 2017.
- Further information was requested by the Department of Infrastructure Highways Division regarding visibility splays from the new parking area.
- New drawings have been submitted to show the visibility splays.

- (ii) **PA 17/01042 – The Old Toll House, King Edward Road, Installation of Biodisc Treatment Tank.**

The Acting District Surveyor informed Members that this matter was brought back for information only, and:-

- The planning application had previously been approved by the Authority subject to a fence being erected around the treatment tank.
- Details provided show an existing 1.5m high fence would be retained.
- Application has been re-submitted to show the treatment tank discharging into Groudle River rather than onto the embankment adjacent to the river.
- Comment received from the Department of Environment, Food and Agriculture Forester stipulating method of workmanship and supervision of an Arborist.

**(iii) PA 18/00090 – 26 Belgravia Road, Infill Extension and removal of Chimney Stack.**

After discussion, It was proposed by Mr Crellin, seconded by Mr Quirk, and unanimously **RESOLVED that PA 18/00090 – 26 Belgravia Road be recommended for approval.**

**(iv) PA 18/00108 – Unit 16, Tromode Estate, Conversion of existing unit into two separate units including installation of new external doors.**

After discussion, it was proposed by Mr Crellin, seconded by Mr Cherry, and unanimously **RESOLVED that PA 18/00108 – Unit 16, Tromode Estate be recommended for approval.**

**(v) PA 18/00111 – Site adjacent to 10 Birchley Terrace, Approval in principle for a detached dwelling.**

Mr Allen declared an interest and took no part in the discussion.

The Vice-Chairman took the Chair.

In answer to question, the Deputy Clerk advised that a planning application can be submitted even if that person does not yet own the land.

The Acting District Surveyor advised that:-

- Vehicular access is of concern due to proximity of the entrance to Birchleigh Close and Hillberry Road.
- The proposed dwelling is not in-keeping with the design of the neighbouring properties in Birchleigh Close and Birchley Terrace.
- The Department of Infrastructure Highway Services would have comments to make with regard to the visibility splay.

In answer to comment, the Deputy Clerk stated that:-

- The detached property should have no link to any other property otherwise it is at best a semi-detached property.
- The plans indicate that there appears to be attachment to the adjoining property.
- The attachment would be a matter between the parties as to rights of support.

Members felt that there were insufficient drawings and information to give a clear picture, as there is no detail regarding the height of the dwelling in relation to the terraced properties.

It was proposed by Mr Crellin, seconded by Mr Quirk, and unanimously **RESOLVED PA 18/00111 – Site adjacent to 10 Birchley Terrace should not be approved:-**

- **The information supplied is insufficient with regard to the height of the elevation;**
- **No details of the union with the property at number 10 Birchley Terrace;**

- **Concerns over the vehicular access; and**
- **Not in keeping with the surrounding area.**

The Chairman re-took the chair.

**2. Planning Communications**

**1. Creation of additional detached garages at Bemahague Avenue.**

The Acting District Surveyor advised that communication had been received prior to submitting a planning application for Members comment.

A Member suggested that a meeting be arranged with the Architect, Lead Member for Environment and Technical Services and the Acting District Surveyor to discuss the proposals in greater detail.

**C18/02/03/08**

**FINANCE AND GENERAL PURPOSES**

**1. Miscellaneous Fees 2018/19**

To be considered In Committee.

**C18/02/03/09**

**REPORT FROM THE CLERK OR OTHER OFFICER**

**1. Refuse Garage – Roller Doors**

To be considered In Committee.

**2. On-Call Allowance**

To be considered In Committee.

**3. Business Case – Replacement Pick-up Vehicle**

To be considered In Committee.

**4. Wheeled Bins – Purchase**

To be considered In Committee.

**5. Lease and Licence – Nivison Stadium**

To be considered In Committee.

**C18/02/03/10**

**LETTERS, PETITIONS, MEMORIALS AND OTHER COMMUNICATIONS**

**1. Library Provision**

Correspondence received from the Office of the Clerk of Tynwald dated 12<sup>th</sup> February 2018 regarding the Select Committee of Tynwald on Library Provision, seeking the Commissioners' views on library provision.

Members requested the Deputy Clerk to respond advising:-

- The Authority provides an efficient library service in the District which is a valuable community resource. Members are content with the current provision which is well used.
- The Authority does not wish to contribute funding for a service which is not used in the district.

## 2. World Scout Jamboree 2019

Mr Turton declared an interest.

Correspondence received dated 7<sup>th</sup> February 2018 requesting support for five Onchan Scouts to attend the World Scout Jamboree 2019.

It was proposed by Mr Macfarlane, seconded by Mr Cherry, and **RESOLVED that a donation of £250 from the Onchan Youth Development Fund be granted to the Second Onchan Scouts to support the sending of five Onchan Scouts to the World Scout Jamboree 2019.**

## 3. Additional Sites – Area Plan for the East

Correspondence received from the Head of Planning Policy with regard to a consultation on the Additional Sites – Area Plan for the East dated 14<sup>th</sup> February 2018.

The Deputy Clerk advised of his concern that the Consultation was not following the Government's Public Engagement and Consultation Principles dated October 2017. The correspondence was received on 14<sup>th</sup> February with comments to be received by 9<sup>th</sup> March 2018, which only left the Board three weeks to culminate their views and responses.

Members requested that a briefing paper be submitted to the next meeting of the Board.

In answer to comment, the Chairman stated that the Cabinet Office would not move the deadline.

A comment was made that the consultation was being manipulated, and the concern was that the Board were not being given an appropriate length of time to consider the matter. It may also need a public meeting to bring this in to the public domain.

Members requested that the Deputy Clerk contact the Head of Planning Policy requesting more time to consider the five sites, and the Board are willing to discuss direct with the Head of Planning Policy at the next meeting of the Board.

## 4. TT Races/Festival of Motorcycling – Road Closures

Correspondence received dated 7<sup>th</sup> February 2018 from Project Co-ordinator for the Department of Enterprise detailing road closures for postponed practice. *Noted.*

## 5. Craig's Heartstrong Foundation

Letter of thanks received 8<sup>th</sup> February 2018 from Craig's Heartstrong Foundation. *Noted.*

Members requested that a press release be issued.

### C18/02/03/11 QUESTIONS

None.

### C18/02/03/12 MOTIONS

None.

**C18/02/03/13****ENVIRONMENTAL AND TECHNICAL SERVICES MATTERS****1. Street Lighting Report**

The Street Lighting Report for the period September to December 2017 having previously been circulated was considered.

The Deputy Clerk advised that the street lamp in the centre of the roundabout at Lazy Corner had been replaced whilst other works were being undertaken.

Members requested the Acting District Surveyor to contact Manx Utilities Authority to find out when the testing of the columns and machinery would take place.

A Member advised that the light opposite Onchan School on School Road was not working.

The Deputy Clerk advised that the Authority now had possession of the Institute of Lighting Professionals TR 22 report.

**C18/02/03/14****PROPERTIES AND AMENITIES MATTERS****1. Housing Transfer**

To be considered In Committee.

**C18/02/03/15****CHAIRMAN'S ANNOUNCEMENTS****1. Dates for the Diary**

- 20<sup>th</sup> February – The Worshipful the Mayor of Douglas, Councillor Debbie Pitts
- 23<sup>rd</sup> February – Kenyon's Hub, informal preview. Between 6.00 p.m. and 7.00 p.m.
- 4<sup>th</sup> March – Malew Parish Commissioners, Civic Service
- 6<sup>th</sup> March 2018 – Commissioners Surgery
  - 6.30 p.m. – Onchan Hub

**C18/02/03/16****ANY OTHER BUSINESS****1. Burning of Materials**

In answer to comments, the Operations Manager advised that:-

- burning of gorse had taken place near the area of Groudle View.
- That some dry materials had been brought in to assist in getting the fire started on the damp gorse.
- Work was being undertaken to open up the footpaths to Groudle Glen and on North Bank.
- Other disposal options had been considered but had a significant cost element.

The Operations Manager confirmed that in future a more pro-active approach would be undertaken to forewarn residents.

In answer to comment, Members were advised that 1 complaint had been reported direct to the office, and had been addressed.

*The meeting moved to In Committee proceedings at 8.13 p.m.*

C18/02/03/17

CONSIDERATION OF ANY REPORT FROM THE CLERK OR OTHER OFFICER

1. Refuse Garage – Roller Doors

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

The report of the Deputy Clerk dated 14<sup>th</sup> February 2018, having previously circulated was considered.

In answer to comment, the Deputy Clerk confirmed:-

- Work previously carried out was on the motors of the roller doors;
- There are no issues with regard to alarms at the garage;
- Whenever there is no power, the new doors will lock at whichever position they are in.

In answer to question, the Operations Manager clarified what was stored at the refuse garage.

A Member expressed concern that the Authority owned a property which should be in Onchan. They were of the opinion that Pennington Hall could be redesigned to house the parks and refuse departments.

In answer to comment, the Deputy Clerk:-

- Explained that the refuse vehicles had been moved away from the residential area in the centre of the Village due to the noise disturbance to residents.
- Planning in principle could be investigated for the Pennington Hall site should the Board so wish.

In answer to comment, the Operations Manager stated that the early starts for the Refuse Department were to avoid obstructing the main arterial routes.

A Member stated that the Snugborough Garage was valuable asset and would only increase in value, and felt it would be a disservice to the ratepayer to dispose of the asset.

It was proposed by Mr Macfarlane, seconded by Mr Cherry and unanimously **RESOLVED that Standing Orders on the making of contracts be suspended on the grounds of safety and urgency on the action required.**

It was proposed by Mr Macfarlane, seconded by Mr Cherry, and **RESOLVED that the contract for the replacing of the garage doors and operating mechanisms at the Snugborough Refuse Garage be awarded to the Garage Door and Gate Company.**

*For: Messrs Allen, Cherry, Crellin, Quirk, and Macfarlane*

*Against: Mr Turton*

2. Business Case – Replacement Pick up Vehicle

Report of the Operations Manager dated 6<sup>th</sup> February 2018 having previously been circulated was considered.

The Operations Manager advised that he had contacted the Department of Infrastructure who were looking into a vehicle which would have a tail lift, tow bar and tipping facility. If this proved to be uneconomical, the best use of the vehicle stock would be to have a vehicle with a tail lift facility and the tow bar which would be used by the Refuse Department, and their vehicle with tail lift and tipping facility to be used by the Parks Department. If either section needed to use either vehicle these could be swapped around within the departments.

Update to be given to the next meeting of the Board.

#### 4. Wheeled Bins

Report of the Operations Manager dated 7<sup>th</sup> February 2018, having previously been circulated was considered.

In answer to question, the Operations Manager advised that the amount of bins purchased is a full load, so there is no benefit for bulk purchasing with other Local Authorities.

The Vice-Chairman voiced concern that there would be no budget left for waste bins after the purchase of the wheeled bins.

In answer to question, the Operations Manager stated that:-

- there was not a regular provision for waste bin purchase.
- He had a reserve stock of dog waste bins.
- He had mapped out where litter bins and dog bins were located within the District.
- New locations were difficult to finalise, as people do not wish to have a bin located near in front of their property.

Report to next meeting of the Board.

It was proposed by Mr Macfarlane, seconded by Mr Cherry, and unanimously **RESOLVED that the purchase of trade and domestic wheelie bins from SSI-Schaefer be approved.**

#### 4. Lease and Licence – Nivison Stadium

The Deputy Clerk advised that he had circulated Football Association report on the pitch at Nivison Stadium to Members.

Discussion ensued, with the following comments:-

- Cost to the authority for maintaining the pitch is quite significant compared to income received.
- Time period for any renewal of the licence to occupy the pitch is currently 6 months.
- Should the Club be responsible for maintenance and materials, as grants are available for football clubs.
- Should a lease be granted to Onchan Raceway with the option to sublet to Onchan AFC.

In answer to question, the Deputy Clerk advised that:-

- The Property Maintenance Officer had advised an Engineering Consultant would be required to carry out an inspection to advise on a suitable method of work for demolition of the cantilever roof on the concrete grandstand.
- A short extension to the current emergency lighting was required at the entrance to the concrete grandstand.
- The fire current alarm services all buildings in Onchan Park including the stadium. The existing fire alarm requires updating, which would allow a new system to be zoned and addressable. The Property Maintenance Officer is obtaining costs for a new system and is working with the Fire Service.

In answer to question, the Operations Manager advised that:-

- It was the suggestion of Onchan AFC that they do not play on the pitch until September.
- The pitch was water logged.
- The Football Association expert has put forward a proposal to resolve the issue, which will require a small amount of capital expenditure for the next two years.
- Grant aid is available to the football club, but they do require security of tenure to proceed.

A Member requested that a report on the following be brought to the next meeting of the Board:-

- the concrete grandstand and cantilever roof;
- the wooden grandstand;
- fire certificate and any associated issues; and
- what it would take to bring the grandstands up to the accessibility standard.

Any further debate with regard to a Lease and Licence Renewal to be held over until after discussions have taken place with both parties.

In answer to comment, the Deputy Clerk added that they could speak with the Structural Engineers requesting a fee proposal for the safe working method, but this would then need to go through a tender process.

Deputy Clerk was requested to set up a meeting with Onchan AFC and Onchan Raceway separately.

*Mr Sutton and Mr Phillips left the meeting at 9.25 p.m.*

#### **5. Commercial Waste – New Business**

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

A Member requested that a report be presented to the next meeting of the Board.

#### **6. On Call Allowance**

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

Report of the Deputy Clerk dated 14<sup>th</sup> February 2018, having previously been circulated was considered.

The Deputy Clerk gave the background of the current on-call arrangements and that officers have been made aware that other Authorities operate a more generous compensation package. Examples were given on the type of call outs which officers may attend.

In answer to questions, the Deputy Clerk stated that:-

- officers would accept that the retainer fee was set, then they would settle for time in lieu for attendances rather than payment.
- the on-call officers log all calls with regard to date and time and type of call.
- Response times are published in the tenants handbook.
- Time in lieu is given at the prevailing rates.
- There is no minimum call out for time.

The Vice-Chairman would be interested to see other call-out schemes.

The Deputy Clerk stated that it was felt that the Authority was comparable with Ramsey as they have similar infrastructure, and not with smaller Authorities. Clerical staff pay was already linked to that of Ramsey.

A member requested that the Deputy Clerk speak with officers and bring back the proposals to the next meeting of the Board.

A Member stated that if any individual Member wished to do any research themselves for comparative schemes, they can do so.

**C18/02/03/18**

**BUSINESS ARISING NOT REFERRED TO IN THE MINUTES**

**1. Chairman-Elect**

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

Lead Member for Environment and Technical Services explained the previous policy of the Board in voting in a Chairman-Elect prior to the end of the municipal year.

It was proposed by Mr Crellin, seconded by Mr Quirk, and **RESOLVED that the Chairman-Elect and Vice Chairman-Elect be agreed during the In Committee meeting of the Board of Commissioners on 21<sup>st</sup> April 2018 for the municipal year 2018/19.**

*Against: Messrs Turton and Cherry*

**2. Chief Executive/Clerk Recruitment**

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

Chairman advised that the advertisement and recruitment format would be as laid down previously.

Discussions ensued with regard to the recruitment of a Chief Executive/Clerk, and the need for an independent person to oversee the process.

The Interview Panel would consist of three Members of the Board and an independent member, someone with a H.R. background.

It was agreed that the Manx Industrial Relations Service and the Chief Executive of Douglas Borough Council be contacted.

A Member commented that there is no reason that the recruitment and interview process could not be run internally with an independent Chairman.

**C18/02/03/19**

**SUSPENSION OF STANDING ORDERS**

It was proposed by Mr Crellin, seconded by Mr Macfarlane, and unanimously **RESOLVED that Standing Orders in respect of meetings of the Authority be suspended to no later than 10.30 p.m. to complete the business on the agenda.**

**C18/02/03/20**

**BUSINESS EXPRESSLY REQUIRED BY STATUTE TO BE DONE**

**1. Code of Conduct**

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

The draft Code of Conduct dated February 2018, having previously been circulated, was considered.

The following amendments were required:-

- Page 12, second paragraph, remove caps and bold type on the word 'you'.
- Page 16, first paragraph, remove caps and bold type on the word 'shall'
- Page 19, point 21, first paragraph, remove caps and bold type on the word 'but'
- Page 22, first line, remove bold type on the words 'is not'

- Page 28, second paragraph, to read “Shall provide a report to the board of all reported breaches of this Code as soon as practicably possible”.

In answer to comment, regarding the insertion of the word maladministration on page 27, first paragraph, the Deputy Clerk clarified that no officer goes out to maladminister something, if that occurs then there is a disciplinary process to go through. Any breaches would happen in real time and there would be an investigation process to undergo before a breach in the code of conduct is reported.

It was proposed by Mr Crellin, seconded by Mr Quirk, and unanimously **RESOLVED that subject to the above amendments, that the Onchan District Commissioners’ Corporate Governance Principles and Code of Conduct 2018 be implemented.**

### **C18/02/03/21**

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

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

###### **(a) Property 08/41**

Papers regarding the transfer appeal of TG417, having previously been circulated to the Board were considered.

After discussion, it was proposed by Mr Cherry, seconded by Mr Quirk and unanimously **RESOLVED that TG417 be allocated 08/41.**

###### **(b) Property 02/46 and 02/48**

Members were given details of maintenance works which were required at the property.

After discussion, it was proposed by Mr Cherry, seconded by Mr Crellin, and unanimously **RESOLVED that TG 409 be approved to transfer to 02/48 to allow maintenance works to commence on property 02/46.**

### **C18/02/03/21**

#### **ADJOURNED ITEMS**

The following items were adjourned to the meeting of Monday 5<sup>th</sup> March 2018.

- Staff Minutes of Ordinary meeting held on Monday 5<sup>th</sup> February 2018
- Minutes of the Extra-Ordinary meeting held on Monday 29<sup>th</sup> January 2018
- Extraordinary Minutes of the meeting held on Monday 12<sup>th</sup> February 2018
- Miscellaneous Fees 2018/19
- A Rights of Way – Policy & Strategy 2018-2018
- Ballachrink Stores

**There being no further business, the meeting closed at 10.30 p.m.**