

# ONCHAN DISTRICT COMMISSIONERS

*Hawthorn Villa,  
79 Main Road, Onchan.*

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## ORDINARY MEETING

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14<sup>th</sup> March 2017

Sir/Madam,

You are hereby summoned to attend an **ORDINARY meeting of the Authority** to be held in the Boardroom at **HAWTHORN VILLA, 79 MAIN ROAD, ONCHAN**, to transact the undernoted business at:

**7.30 p.m. on Monday, 20<sup>th</sup> March 2017**

which will be followed by a meeting of the Board sitting *In Committee*. Items on this agenda marked **(P)** will be considered in private, and correspondence is circulated separately.

**Please note that the minutes referred to in the agenda have yet to be confirmed by the Authority as a true and correct record of proceedings at the various meetings.**

Yours faithfully,



**M.J. MORRISON  
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, 3 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.**
  - 2.1. Ordinary meeting held on 6<sup>th</sup> March 2017 *(Clerk to report)*
- 3. To approve as a correct record and sign the Minutes of the:-**

None.
- 4. To dispose of any relevant business arising from such minutes if not referred to in the minutes of any Special Committee.**

None.
- 5. To deal with any business expressly required by statute to be done.**

None.
- 6. To dispose of any relevant business adjourned from a previous meeting.**

None.
- 7. To consider any planning decisions/communications from the Department of Infrastructure Planning Committee.**
  - 7.1. Plans for Consideration *(Appendix 7.1)*
    - (a) PA 16/00891 Lanjaghan Lodge, Abbeylands
    - (b) PA 17/00213 42 Howe Road
    - (c) PA 17/00221 Unit 23B, Village Walk
    - (d) PA 17/00228 4 Birch Hill Gardens
    - (e) PA 17/00229 Bibaloe View, Groudle Road
    - (f) PA 17/00255 27 Fairfield Avenue
    - (g) PA 17/00262 103 Wybourn View

7.2. Planning Communications

None

**8. Finance & General Purpose Matters.**

8.1. (P) Rate Arrears (Appendix 8.1)

8.2. (P) Rent Arrears (Appendix 8.2)

**9 Consideration of any report from the Clerk or other officer.**

9.1 Onchan Byelaws – Consultation (Appendix 9.1)

9.2 (P) Proposed Improvements to Governance of Meetings (Appendix 9.2)

9.3 (P) Accountancy Services (Appendix 9.3)

9.4 (P) Step Student (Appendix 9.4)

9.5 (P) Commercial Properties (Appendix 9.5)

9.6 (P) Staffing - Parks Section (Appendix 9.6)

9.7 (P) Tour of District – His Excellency the Lieutenant Governor (Appendix 9.7)

[Previously discussed C17/03/01/09]

**10 Consideration of any relevant correspondence (already circulated unless indicated).**

10.1 Onchan District Explorer Scout Unit (Appendix 10.1)

**11 To answer questions asked under Standing Order 18.**

None

**12 To consider Motions in the order in which notice has been received.**

(Note: See Standing Order No. 14, 15, 16 and 17 attached)

None

**13 Environmental & Technical Services Matters.**

13.1 Groudle Glen House (Clerk to report)

[Previously discussed C17/03/01/13(1)]

13.2 LED Street Lights (District Surveyor to report)

13.3 (P) Maintenance Services – Tender Report (District Surveyor to report)

[Previously discussed C17/03/01/13(3)]

**14. Properties & Amenities Matters.**

- 14.1** Onchan Park Strategic View – Public Consultation *(Clerk to report)*  
[previously discussed C17/03/01/04(2)]
- 14.2** **(P)** 2017/18 Housing Deficiency Estimate *(Appendix 14.2)*  
[previously discussed C17/03/01/08(2)]
- 14.3** **(P)** Public Sector Housing Access & Eligibility Criteria – Consultation *(Report to follow)*  
[previously discussed C17/02/02/04(3)]
- 14.4** **(P)** Housing Allocation
- (a)** **E1/21 – 1 Bed Ground Floor Flat** *(Appendix 14.4(a))*
  - (b)** **13/13 – 2 Bed House** *(Appendix 14.4(b))*
  - (c)** **13/06 – 2 Bed Bungalow** *(Appendix 14.4(c))*

**15. Chairman’s Announcements.**

Chairman to report

**16. Any other URGENT business as authorised by the Chairman for consideration.**

**IN PUBLIC**

Minutes of the ordinary meeting of the **ONCHAN DISTRICT COMMISSIONERS** held in the Boardroom, Hawthorn Villa, 79 Main Road, Onchan, on Monday 20<sup>th</sup> February 2017 at 7.15 p.m.

Mr R. Turton	(Chairman)
Mr A. Allen	
Mr J. Cherry	
Mr D. Crellin	(Vice-Chair and Lead Member for Environmental and Technical Services)
Mr M. Macfarlane	(Lead Member for Finance and General Purposes)
Mr C. Quirk	
Miss K. Williams	(Lead Member for Properties and Amenities)
Mr B.T. Price	(District Surveyor)
Mr M.J. Morrison	(Chief Executive/Clerk)
Mr T.R. Craig	(Deputy Clerk)
Mr T.M.G. Edwin-Reed	(Finance Manager) <i>(until 9.37 p.m.)</i>
Mr R. Phillips	(Property Maintenance Manager) <i>(until 7.38 p.m.)</i>
Ms A.S. Dentith	(Senior Administrator)

**C17/02/03/01****TO CHOOSE A PERSON TO PRESIDE IF THE CHAIRMAN AND VICE-CHAIRMAN BE ABSENT**

Not necessary.

**C17/02/03/02****BUSINESS REQUIRED TO BE DEALT WITH BY STATUTE BEFORE ANY OTHER BUSINESS**

None.

**C17/02/03/03****MINUTES****1. Ordinary meeting held on Monday 6<sup>th</sup> February 2017**

The minutes of the ordinary meeting held on Monday 6<sup>th</sup> February 2017, copies of which having previously been circulated, were considered.

**(a) C17/02/01/08(3) - Heating Charges – Elderly Persons Complexes**

Within the resolution delete the words 'and service'. At the end of the resolution add in, 'It was further agreed, that the service charges be frozen at £1.90 per week.'

**(b) C17/02/01/02(1) – Rate Announcement**

Page 2, second paragraph. Delete the phrase 'unanimously agreed' and replace with the phrase 'agreed by a majority'.

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

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

***IN PUBLIC*****2. Extra-ordinary meeting held on Monday 13<sup>th</sup> February 2017**

The minutes of the extra-ordinary meeting held on Monday 13<sup>th</sup> February 2017, copies of which having previously been circulated, were considered.

**(a) C17/02/03/2 - Onchan Park and Stadium – Strategic View**

Second sentence, change to read 'The Board agreed to submit an application ...'.

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

**C17/02/03/04****BUSINESS ARISING NOT REFERRED TO IN THE MINUTES OF ANY SPECIAL COMMITTEES****1. C17/02/01/14(3) – Nivison Stadium Lease**

In answer to question, the Chief Executive advised Members that the payment of rates had been received.

**2. C17/02/01/13(5) – Groudle Glen House**

In answer to question, the Chief Executive advised that the matter will be heard before the Courts on 7<sup>th</sup> March 2017 for failure to comply with the Sewerage Act 1999.

**C17/02/03/05****BUSINESS EXPRESSLY REQUIRED BY STATUTE TO BE DONE**

None.

**C17/02/03/06****BUSINESS ADJOURNED FROM A PREVIOUS MEETING**

None.

**C17/02/03/07****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 17/00097 - 18 King Edward Park**

The Property Maintenance Manager advised that the application:-

- Proposed kitchen and utility extension to the front of the property and sun lounge and terrace to the rear.
- Several properties along the road including this one have garages forward of the main building.
- The proposed extension to the front does not protrude beyond the garage and therefore does not contravene any building lines.
- The rear terrace overlooks the Manx Electric Railway and would not create any overlooking to neighbours more than currently occurs.

*IN PUBLIC*

It was proposed by Mr Crellin, seconded Mr Cherry, and unanimously **RESOLVED that PA 17/00097 – 18 King Edward Park be recommended for approval.**

(ii) PA 17/00100 – 5 Furman Road

The Property Maintenance Manager advised that the application:-

- Proposed single storey extension to the rear to create additional living accommodation with a patio area beyond.
- The proposals mimic those already existing on the adjoining property.

It was proposed by Mr Crellin, seconded by Mr Allen, and **RESOLVED that PA 17/00100 – 5 Furman Road be recommended for approval.**

(iii) PA 17/00125 – 4 Ennerdale Avenue

The Property Maintenance Manager advised that the application was for a proposed replacement conservatory with a larger single storey flat roof extension for kitchen/dining room.

It was proposed by Mr Crellin, seconded by Mr Cherry, and **RESOLVED that PA 17/00125 – 4 Ennerdale Avenue be recommended for approval.**

(iv) PA 17/00123 – Ballakaighen Farm, Whitebridge Road

The Property Maintenance Manager advised that for the application:-

- Permission was granted in February 2016 for the demolition of existing buildings and replacement with a new shed.
- This application proposes amendments to that approved by increasing the size by 193m<sup>2</sup> (22%) and altering the finishes to a grey roof in lieu of green, profiled metal cladding in lieu of timber and upvc windows in lieu of wooden.
- These finishes are proposed to match adjacent buildings on the site.

After discussion, it was proposed by Mr Crellin, seconded by Mr Cherry, and **RESOLVED that PA 17/00123 – Ballakaighen Farm, Whitebridge Road be recommended for approval.**

2. Planning Communications

None.

C17/02/03/08

FINANCE AND GENERAL PURPOSES MATTERS1. Rate Arrears

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

Report of the Finance Manager dated 15<sup>th</sup> February 2017, having previously been circulated, was considered. The Finance Manager advised that a number of debtors have been taken to the Small Claims Court, and gave an update of payments received since the last report.

***IN PUBLIC***

In answer to question, the Finance Manager informed Members that the normal recovery processes are carried out. When these have not been successful the debt is referred to the Small Claims Court as a last resort, any costs incurred are recovered as an additional charge. If Judgement and Execution is granted, then the Authority are a known creditor for recovery of the debt once the property is sold.

In answer to comment, the Deputy Clerk advised that once a judgement is recorded against the debtor it would affect their ability to gain credit in other areas. As with the rent arrears process, this highlights that if you have a debt with the Authority it will be pursued and not be written off.

In answer to comment, the Finance Manager advised that the three payments received since the end of January had all been through the Small Claims Court process.

**2. Rent Arrears**

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

Report of the Finance Manager dated 15<sup>th</sup> February 2017, having previously been circulated, was discussed.

The Finance Manager advised that the reduction in the reported rent arrears figure was not unexpected after the increase over the Christmas/New Year period.

In answer to question, the Deputy Clerk explained the Notice to Quit procedure and clarified the resolution of the Board that once a debt has been cleared after a Notice to Quit has been issued, that the tenancy will be renewed on a five year fixed term tenancy. The conduct of the tenancy including rent payments will be taken in to account as part of the review of offering a further five year fixed term tenancy.

**C17/02/03/09****REPORT FROM THE CLERK OR OTHER OFFICER****1. Tour of District – His Excellency the Lieutenant Governor**

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

Report of the Senior Administrator dated 9<sup>th</sup> February 2017, having previously been circulated, was discussed.

Members agreed that a buffet lunch be organised at the Onchan Youth and Community Centre. Guest list will be circulated to Members prior to issue of invitations.

The Chairman requested that this be left on the agenda for updates.

**2. Onchan Park – Strategic View**

The amended report of the Chief Executive, having previously been circulated was discussed further.

Members were asked to give any comments to the Chief Executive by close of business on 23<sup>rd</sup> February, to enable a press release to be issued on Friday 24<sup>th</sup> February 2017 regarding the public consultation for the future of Onchan Park. This will be also released through the website and social media.



*IN PUBLIC*

The Chairman requested that it would be appreciated if Members could make themselves available for the consultation which will take place in the Harvey Briggs Onchan Library on the morning of Saturday 18<sup>th</sup> March 2017.

**3. Action List**

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

The action list, having previously been circulated was considered, and the following points were discussed:-

**(a) Local Authority Transition**

Members requested that the Chief Executive invite the Minister of the Department of Infrastructure to a meeting of the Board.

**(b) Affordable Housing – Future**

Discussion ensued with regard to the clarification of the terms in housing for 'care' and 'extra care'.

The Deputy Clerk informed Members that the terms are used for providing more care and extra care in the community and are the next two steps beyond Elderly Persons Housing before full-time nursing care. This is a recognised facet of care in the UK. For example:-

- 'Care' package is an individual who perhaps has a home help twice a week.
- 'Extra Care' is an individual who perhaps requires a nurse to change an oxygen cylinder.

**(c) Anti-Social Behaviour**

In answer to comment, the Deputy Clerk advised that there had been very little anti-social behaviour since Christmas.

**(d) Recycling Stations**

Members requested that an update be brought to the Board.

**(e) Surface Water Flooding - Laurel Avenue, Ashley Park, Hackett Close**

The Chairman requested that the Chief Executive seek an update from the Department of Infrastructure.

**(f) Quarterly MHK's Meeting**

It was agreed that the next quarterly meeting would be held on a separate evening to the Board Meeting.

Members gave thanks for the work carried out on the action list.

*IN PUBLIC***C17/02/03/10****LETTERS, PETITIONS, MEMORIALS AND OTHER COMMUNICATIONS****1. Kenyon's Café**

Correspondence received dated 15<sup>th</sup> February 2017 from the Secretary of Kenyon's Café, having previously been circulated was considered.

After a brief discussion, it was agreed that the Chief Executive arrange a meeting for Members with representatives from Kenyon's Café to meet on site where it was felt many of the questions raised in correspondence would be answered.

**2. Communications, Compliments and Complaints**

Members received a briefing and demonstration of a new computer system. That a report be presented to the Board in April detailing the analytical information and what has been carried out to improve the internal communication. [amended by ODC 03/03/07]

**C17/02/03/11****QUESTIONS**

None.

**C17/02/03/12****MOTIONS**

None.

**C17/02/03/13****ENVIRONMENTAL AND TECHNICAL SERVICES MATTERS****1. C17/02/01/13(4) - Groule Glen House**

This matter was considered earlier in the meeting.

**C17/02/03/14****PROPERTIES AND AMENITIES MATTERS****1. Commissioners' Surgery**

The Deputy Clerk advised that there had been three callers to the Commissioners' Surgery held on 7<sup>th</sup> February 2017. Arising therefrom:-

**(a) TG 386**

The transfer applicant had suggested that the two flats at 23 and 23a Main Road be knocked through to create one property to house their family and grandmother.

Members agreed that this suggestion was not financially viable.

After a brief discussion, it was agreed that the District Surveyor prepare a report on this Victorian property and that Deanwood be requested to undertake a property valuation.

*IN PUBLIC***(b) TG 403**

Members were advised that the applicant was on the transfer waiting list for a bungalow accommodation.

In answer to question, the Deputy Clerk explained the factors that are taken into account when considering a transfer application.

It was suggested that the transfer applicants be invited in to speak with the Housing Team.

**2. Draft Repairs Policy**

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

The report of the Deputy Clerk dated 8<sup>th</sup> February 2017, having previously been circulated was considered.

It was agreed that staff might take into account the circumstances of the tenant and use their discretion regarding recharging for repairs. Where this cannot be agreed, then the tenant can appeal to the Board of Commissioners.

In answer to question, Members were advised property inspections were being carried out on a rolling basis.

**3. Draft Access and Eligibility Criteria – General Housing**

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

It was agreed that the consultation document would be considered at the next meeting of the Board.

**4. 12 Elm Tree Road – Lease**

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

The Chief Executive advised that due diligence checks had been carried out on the proposed interested party.

It was proposed by Mr Crellin, seconded by Mr Cherry, and unanimously **RESOLVED that a five year lease for 12 Elm Tree Road be granted to the proposed tenant.**

**C17/02/03/15**

**CHAIRMAN'S ANNOUNCEMENTS**

None.

*IN PUBLIC*

**C17/02/03/16**  
**OTHER URGENT BUSINESS**

**1. Maintenance Matters**

- (a) School Road - All the windows in the telephone box have been smashed. Manx Telecom to be advised.
- (b) Kaighen's Lane – Street Lights reported as not working. District Surveyor's Officers to investigate.
- (c) Kaighen's Lane - Overhanging Tree.

In answer to comment, the Chief Executive advised that if a branch is overhanging in to the owner's property they do have the rights to lop the branch themselves.

It was agreed that a quotation would be issued from the Authority detailing the work entailed and the associated costs to carry out the works.

- (d) Springfield Court – Warden Call System

A Member had received reports that the electricians were not on site that week. Members expressed concern over the delay in finishing the warden call system as this should be top priority.

- (e) Steve Hislop Memorial

A Member reported that the garden area around the Steve Hislop Memorial required some attention.

**2. Tenders**

In answer to question, the Chief Executive advised that the companies which are employed by the Authority are expected to have qualified tradesmen. A brief discussion ensued with regard to the craftsmen's qualification process carried out by the Department of Economic Development.

**3. C17/02/01/08(1) – Management Accounts**

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

- The final settlement of the grading claim was a result of the staff restructuring programme in 2009.
- Recommendations had been approved by the Board at that time.
- The grading was reviewed due to the transfer of responsibilities on the retirement of the former Amenities Officer.
- The regrading had been approved earlier in the financial year.

**4. Housing Expenditure**

The Chief Executive responded to questions from Members regarding the management accounts. He confirmed information which had previously been supplied showing a reduction in income and increase in expenditure against agreed budgets. These differences being funded from reserves, and had been reported monthly to the Board.

***IN PUBLIC***

A Member stated that officers should be mindful that Commissioners do not have the day to day information to hand, so when a question is asked the answer needs to be as current as possible.

After discussion, the Chairman stated that Members required a balance of reserves every month.

The Deputy Clerk advised that due to the amount of movement within the housing stock, this has reduced the waiting list time for a 2 bedroom home from 5 years to 3 years, and has significantly reduced the waiting lists for 2 and 3 bedroom property.

The Chairman requested the Chief Executive to explore how the management accounts could be redrafted to make them easier to read.

## PLANS LIST

Board Meeting to be held on 20<sup>th</sup> March 2017

The Lead Member for Environmental and Technical Services has viewed the applications with the District Surveyor and proposes the following:-

Planning Application	Address	Description
PA 16/00891	Lanjaghan Lodge, Abbeylands	Amended design to previous submission for this replacement dwelling. Amendments are relocation of the proposed sun-lounge to the rear elevation rather than the side, and making the double garage detached rather than attached. Previous ODC recommendation was Approval
<b>Recommendation – Approval</b>		
PA 17/00213	42 Howe Road	Proposed extension to the rear to create new kitchen/dining room accommodation plus alterations to create an in/out driveway. Other properties in this area have similar driveway features.
<b>Recommendation - Approval</b>		
PA 17/00221	Unit 23B, Village Walk	Change of use of unit to for veterinary practice and/or groomers.
<b>Recommendation -Approval</b>		
PA 17/00228	4 Birch Hill Gardens	Installation of a flue for a solid fuel appliance. The flue is only visible above the roof line.
<b>Recommendation - Approval</b>		
PA 17/00229	Bibaloe View, Groudle Road	This property currently has a first floor balcony to the rear off the kitchen/utility area. It is proposed to increase the size of the balcony by some 900% (6.5m <sup>2</sup> to 59m <sup>2</sup> ) These are very large plots and even though the proposed balcony wraps around the side of the building there remains some 25m to the boundary with the neighbouring property.
<b>Recommendation – For Members consideration (notify 66 Groudle Road)</b>		
PA 17/00255	27 Fairfield Avenue	Creation of off-street parking for two vehicles. This is a tight cul-de-sac where parking is difficult, however this proposal results in the loss of all the front garden
<b>Recommendation – For Members consideration</b>		
PA 17/00262	103 Wybourn View	Proposed replacement shed by new 30m <sup>2</sup> shed to house a ride-on mower. The proposed shed is screened by large hedges.
<b>Recommendation – Approval</b>		

## MEMORANDUM

To:	Chairman and Members of Onchan District Commissioners		
From:	Chief Executive / Clerk		
Ref:	Onchan Byelaws – For Consultation		
Date:	14 <sup>th</sup> March 2017	File Reference	

### Introduction

We have received the latest version of the Onchan byelaws from the Attorney General's Chambers via the Department of Infrastructure. Subject to Board approval the Byelaws can now be subject to a consultation period of six weeks with rate-payers before being returned to the Department and consideration by Tynwald.

The Board last considered the Byelaws at its meeting on the 12<sup>th</sup> December 2016.

### Changes since the last version

Byelaws which have been removed:-

- a) Street Collections - duplicates the requirements of section 3 of the Charitable Collections (Regulation) Act 1939. This Act requires charitable collections to be licensed by the Chief Constable.
- b) Street Traders - duplicates the provisions made under the Pedlar and Street Traders Act 1906.



Michael Morrison

Clerk



## ONCHAN GENERAL BYELAWS 2017

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Statutory Document No. XX/20XX



*Local Government Act 1985*

## ONCHAN GENERAL BYELAWS 2017

*Approved by Tynwald:*

*Coming into Operation:*

*xxxx 2017*

The Onchan District Commissioners makes the following Byelaws under section 28 and 30(7) of the Local Government Act 1985.

### 1 Title

These Byelaws are the Onchan General Byelaws 2017.

### 2 Commencement

If approved by Tynwald, these Byelaws come into operation on xxxx 2017<sup>1</sup> and cease to have effect on the xxxx 2037<sup>2</sup>.

### 3 Interpretation

In these Byelaws —

“**the Act**” means the Local Government Act 1985;

“**authorised person**” means a duly authorised officer of the local authority;

“**carriageway**” has the same meaning as in section 119 of the Highways Act 1986;

“**controlled waste**” has the same meaning as in section 77 of the Public Health Act 1990;

“**footway**” has the same meaning as in section 119 of the Highways Act 1986;

“**highway**” has the same meaning as in section 119 of the Highways Act 1986;

“**invalid carriage**” has the same meaning as in section 65 of the Road Traffic Act 1985;

“**the local authority**” means Onchan District Commissioners;

<sup>1</sup> Tynwald approval is required by section 30(4) of the Act

<sup>2</sup> In accordance with section 28(3) of the Act the byelaws cease to have effect on the expiration of 20 years after the date on which they come into operation

“**motor cycle**” means a motor cycle as defined in section 65 of the Road Traffic Act 1985 whether or not made, adapted or permitted to be used on a road;

“**motor vehicle**” means any mechanically propelled vehicle, whether or not made, adapted or permitted to be used on a road, other than a motor cycle or invalid carriage; and

“**public place**” means any highway and any other premises or other place to which at the material time the public are permitted to have access, whether on payment or otherwise.

#### **4 Penalties and enforcement**

- (1) A person contravening any of these Byelaws commits an offence and is liable on summary conviction to a fine not exceeding £2,500.
- (2) These Byelaws are enforceable by a constable in uniform or an authorised officer of the local authority without the need for a complaint having been made.

#### **5 Excessive noise**

- (1) After being asked to desist by a constable in uniform or an authorised person a person must not, in any public place —
  - (a) play upon or sound any musical or noisy instrument;
  - (b) sing or shout;
  - (c) operate or permit to be operated, any radio, amplifier, compact disc player or other similar device; or
  - (d) otherwise make any noise,in a manner so loud or so continuous or repeated as to cause disturbance or nuisance or give reasonable grounds for annoyance to any other person.
- (2) Paragraph (1) does not apply to a loudspeaker used in circumstances where section 14 of the Public Health Act 1990 (noise in streets) applies.
- (3) To avoid doubt, paragraph (1) does not apply to anything done in compliance with a written authorisation or consent from a Department, Statutory Board or the local authority.

#### **6 Touting**

- (1) A person must not in any public place, without the prior written consent of the local authority —
  - (a) advertise or solicit custom or for service; or
  - (c) seek to gather information for use in the supply of goods or services,



in such a manner as to cause obstruction or give reasonable grounds for annoyance to any other person.

- (2) The local authority may give consent under paragraph (1) unconditionally, or subject to conditions that may include (but are not limited to) –
- (a) requiring those persons to retrieve any discarded leaflets so as to prevent littering; and
  - (b) requiring those persons to remain in specified areas.

## 7 Dangerous games near streets

A person must not play football or any other game on land adjacent to a street in a manner likely to –

- (a) cause danger or give reasonable grounds for annoyance to any person; or
- (b) cause obstruction to traffic in the street.

## 8 Ball games, self-propelled vehicles, etc. to the annoyance of local residents

- (1) A person must not –
- (a) play football or any other ball game;
  - (b) ride a pedal cycle; or
  - (c) skate, slide or ride on rollers, skateboards or other self-propelled vehicles,

in any public place or parking place provided by the local authority under section 13 of the Road Traffic Regulation Act 1985, so as to cause danger, obstruction or give reasonable grounds for annoyance to any person.

- (2) In this byelaw “**self-propelled vehicle**” means a vehicle, including a pedal cycle, propelled by the weight or force of one or more persons standing, skating, sliding or riding on the vehicle, or by one or more persons pulling or pushing the vehicle but does not include a wheelchair or a perambulator (in each case) used in the manner for which it was constructed.

## 9 Repairing vehicles

- (1) A person must not repair any motor vehicle on the footway or carriageway of any street.
- (2) If a person commits an offence under paragraph (1), and the local authority decides that it is necessary to cleanse the street or any surface water drain as a consequence of such repair, the local authority may

undertake the cleansing and recover the cost of so doing from that person.

- (3) A person must not, to the annoyance of residents, service, repair or work upon a motor vehicle or motorcycle in any street.
- (4) In proceedings for an offence under paragraph (3) it is a defence to show that –
  - (a) the vehicle had broken down and the act complained of was necessary in order to remove it; or
  - (b) the vehicle had been left outside suitable premises to await removal from the street at the earliest possible time, for such service, repair or maintenance work.

## 10 Interference with life-saving equipment

A person must not, except in an emergency for which the equipment is designed, remove, displace or otherwise interfere with any life-saving appliance placed by the local authority.

## 11 Cycling and skating

A person must not cycle, skate on roller skates, a skateboard, rollers or wheels or any similar device on any footway in such a manner as to cause danger or annoyance to any person.

## 12 Moveable dwelling

- (1) A person must not maintain or reside in a moveable dwelling in any public place without prior written consent from the local authority.
- (2) For the purpose of this byelaw, the following maintain a moveable dwelling –
  - (a) a person by whom the dwelling was placed there; and
  - (b) a person who resides in or makes domestic use of the dwelling.
- (3) In this byelaw, “**moveable dwelling**” means any tent, caravan, van, or other conveyance (whether or not capable of being used on roads), and any shed or similar structure, which is made, adapted or used for human habitation.

## 13 Washing or cleaning yards, gardens, premises, etc.

A person or business must not wash, sluice or brush, or cause to be washed, sluiced or brushed, into any street or public place, any dirt, debris or other waste from any yard, garden or other part of the curtilage of the premises.



**14 Feeding of animals and birds**

A person must not feed, or attract the gathering of wild birds, other wildlife or vermin, by providing any food in a manner likely to cause nuisance, inconvenience or to give reasonable grounds for annoyance to any person.

**15 Removal of notices and signs**

A person, other than an authorised person, must not remove or otherwise tamper with any notice, sign, street name plate or other article that has been erected, placed on or attached to any property, by or on behalf of the local authority in pursuance of any statutory functions or for public information.

**16 Shopping trolleys**

- (1) A person must not leave or abandon a shopping trolley in any public place away from the shop from which it was obtained.
- (2) On being notified by the local authority of the whereabouts of an abandoned shopping trolley, the owner of the shop must remove it.
- (3) If the owner of a shopping trolley fails to remove it within 48 hours of being notified by the local authority of its whereabouts, the local authority may deliver the trolley to the shop and recover its reasonable costs for collection and delivery from the owner.
- (4) In this byelaw “**shopping trolley**” means a trolley provided by the owner of a shop to customers for use by them for carrying goods purchased at the shop.

**17 Drying or airing clothes, etc.**

A person must not hang, drape or otherwise leave any clothing, bedding, towels or other items to be dried or aired on any string, line, rail or other apparatus at the front of any premises or at the side of any such premises where that side abuts a street.

**18 Failure to remove refuse bins from highway after collection**

- (1) The occupier of any premises from which controlled waste is collected must remove any bin from the highway as soon as practicable after the bin has been emptied by the local authority or any contractor.
- (2) Paragraph (1) does not apply to a bin that is placed on the highway with the consent of the Department of Infrastructure and in compliance with any conditions to which that consent is subject.

**19 Artificial Light**

- (1) A person must not install security lights or exterior lights to a building or structure so as to cause a nuisance or give reasonable grounds for annoyance to a person in his or her home as referred to in paragraph (2).
- (2) The light causing the alleged nuisance or grounds for annoyance must affect a habitable room such as a bedroom or living room.

**20 Failure to provide particulars**

If a constable in uniform or an authorised person has reasonable grounds for believing a person is committing, or has committed, an offence under these Byelaws the constable or authorised person may require the person to give his or her full name and address.

**THE COMMON SEAL<sup>3</sup> of Onchan District Commissioners was affixed on [date] in the presence of —**

(L.S.)

MADE

**ROBIN TURTON**

*Chairman, Onchan District Commissioners*

**MICHAEL MORRISON**

*Clerk to Onchan District Commissioners*

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<sup>3</sup> As required by section 30(2) of the Local Government Act 1985.



***EXPLANATORY NOTE***

*(This note is not part of the Byelaws)*

These Byelaws regulate various activities and are aimed at preventing and suppressing nuisances within the local authority district of Onchan and maintaining the quality of life for residents and visitors.

# MEMORANDUM

To:	Board Of Commissioners		
Copies:	MJ Morrison, Chief Executive; TR Craig, Deputy Clerk BT Price, District Surveyor		
From:	T M G Edwin-Reed, Finance Manager		
Subject:	Request for donation for the Youth Development Fund		
Date:	10 March 2017		

We have had the attached request from Onchan District Explorer Scout Unit.

There is currently approximately £2,400 in the Youth Development

We have had similar requests in the past and have made some contributions from the fund. These have been in the range of £100 to £200 for similar requests.

If the members are minded to assist the members of Onchan District Explorer Scout Unit with this expedition then a similar donation would not be unreasonable.

**Please can members consider this request.**

*T M G Edwin-Reed*

Finance Manager



## ONCHAN DISTRICT EXPLORER SCOUT UNIT



Stephen White,  
30, Third Avenue,  
Onchan,  
Isle of Man,  
IM3 4NA.  
Tele: 01624-613429  
Mobile: 07624-309680  
E-Mail: [cyclops@manx.net](mailto:cyclops@manx.net)

Mr M Morrison,  
Chief Executive Clerk,  
Onchan District Commissioners,  
Hawthorne Villa,  
79, Main Road,  
Onchan,  
Isle of Man.  
IM3 1RD

02 March 2017

Dear Mr Morrison,

I am writing on behalf of four members of the Onchan District Explorer Scout Unit (14 – 18 age group) who are this year embarking on an expedition to Iceland.

The Scouts have set themselves a big challenge and that is to raise enough funds through donations, sponsorship and fundraising events to enable them to travel to Iceland in July 2017.

The aim is for the Scouts to complete the requirements for the Explorer Belt Award. This requires them, as a team to take part in a ten-day (minimum) expedition in a foreign country. Over the course of the ten days the Scouts must find out about the country's culture, undertake a major project plus ten minor projects, compile a logbook of their experience and finally give a presentation to an invited audience.

The expedition will be both educational and cultural. if successful, will mean that the Scouts have completed the requirements for the Explorer Belt Award which is one of the highest awards in scouting, a superb achievement, which I feel should be encouraged.

it is to this end that I write to the Commissioners to enquire if there are funds available to help raise the £5,500 needed to fund this expedition.

Your help and assistance would be much appreciated.

Yours sincerely,

*S. White*

Steve White  
Explorer Scout Leader