

Minutes of the Ordinary Meeting of the **ONCHAN DISTRICT COMMISSIONERS** held in the Boardroom, Hawthorn Villa, 79 Main Road, Onchan, on Monday 21st September 2020 at 7:00 pm

Present:

Mr D Crellin	(Chairman)
Mr M Macfarlane	(Vice-Chair & Lead Member for Finance and General Purposes)
Mr A Allen	(Lead Member for Housing)
Mr C Quirk	(Lead Member for Environmental and Technical Services)
Mr R Turton	
Miss K Williams	

In Attendance:

Mrs L Radcliffe	(Chief Executive/Clerk)
Mr R Phillips	(District Surveyor)
Mrs S Johnson	(Finance Manager)
Miss A Crellin	(Executive Officer/Assistant)

The Chairman thanked Mrs Julie Edge MHK for attending the Meeting and commented that Mrs Edge is a regular at the Board Meetings. The Chairman also thanked the two other attendees for coming to the meeting.

C20/09/02/01

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

Not necessary.

C20/09/02/02

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

Not necessary.

C20/09/02/03

MINUTES

1. Ordinary meeting held on Monday 7th September 2020

The minutes of the Ordinary Meeting held on Monday 7th September 2020, copies of which having previously been circulated, were considered.

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

C20/09/02/04

BUSINESS ARISING FROM SUCH MINUTES IF NOT REFERRED TO IN THE MINUTES

None.

C20/09/02/05

BUSINESS ARISING NOT REFERRED TO IN THE MINUTES

None.

C20/09/02/06

BUSINESS ARISING NOT REFERRED TO IN THE MINUTES CONTINUED

None.

C20/09/02/07BUSINESS EXPRESSLY REQUIRED BY STATUTE TO BE DONE

None.

C20/09/02/08BUSINESS ADJOURNED FROM A PREVIOUS MEETING

None.

C20/09/02/09PLANNING DECISIONS/COMMUNICATIONS FROM THE DEPARTMENT OF INFRASTRUCTURE PLANNING COMMITTEE1. Plans to the Board

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

(i) **PA 20/00884 Mr & Mrs G Horton - 56 Majestic Drive**

Members were advised that the application was for the extension of existing first floor balcony and alteration to first floor window.

In answer to questions, the District Surveyor advised that:-

- No comments had been received;
- The cut-off date to the application is the 11th September 2020;
- Correspondence had been issued to neighbouring properties to advise of the planning application.

After Members consideration it was proposed by Mr Quirk and seconded by Mr Macfarlane and **RESOLVED that PA 20/00884 – 56 Majestic Drive be refused on the grounds of loss of privacy.**

For: Mr Crellin, Mr Macfarlane, Miss Williams and Mr Quirk
Against: Mr Allen and Mr Turton [ODC 05/10/2020]

(ii) **PA 20/00905 Mrs H Gamill - 11 Links View**

Members were advised that the application is for additional use of detached ancillary accommodation as tourist accommodation.

In answer to questions, the District Surveyor advised that:-

- No comments had been received;
- The cut-off date to the application is the 18th September 2020;
- Correspondence had been issued to neighbouring properties to advise of the planning application.

After Members consideration, it was proposed by Mr Quirk and seconded by Mr Turton and unanimously **RESOLVED that PA 20/00905 – 11 Links View be recommended for approval provided that it is used as holiday accommodation only.**

(iii) PA20/00912 Mr J Feeney & Miss A Cowan – 31 Wybourn Drive

Members were advised that the application is for an extension to the side elevation and installation of dormer window.

In answer to questions, the District Surveyor advised that:-

- No comments had been received;
- The cut-off date to the application is 18th September 2020; and
- Correspondence had been issued to neighbouring properties to advise of the planning application.

After Members consideration, it was proposed by Mr Allen and seconded by Mr Macfarlane and **RESOLVED that PA20/00912 – 31 Wybourn Drive be recommended for approval.**

Mr Quirk declared and interest and did not vote.

(iv) PA 20/00971 Mr & Mrs M Breckenridge - 21 Groudle Road

Members were advised that the application is for alterations and an extension.

In answer to questions, the District Surveyor advised that:-

- No comments had been received; and
- The cut-off date to the application is the 2nd October 2020.

After Members consideration, it was proposed by Mr Quirk and seconded by Mr Macfarlane and unanimously **RESOLVED that PA20/00971 – 21 Groudle Road be recommended for approval.**

(v) PA 20/00981 Mrs V Oasgood - 3 Hollydene Avenue

Members were advised that the application is for an extension to the rear.

In answer to questions the District Surveyor advised that:-

- No comments had been received; and
- The cut-off date to the application is the 2nd October 2020.

After a discussion, it was proposed by Mr Quirk and seconded by Mr Allen and unanimously **RESOLVED that PA 20/00981 – 3 Hollydene Avenue be recommended for approval.**

(vi) PA 20/00997 Mr & Mrs R Welch - Conister, Hillberry Road

Members were advised that the application is for alterations, extension of existing dormer window, rendering works, formation of additional parking and widening of vehicular access.

In answer to question, the District Surveyor advised that:-

- No comments had been received; and
- The cut-off date to the application is the 9th October 2020.

It was agreed that **PA 20/00997 – Conister, Hillberry Road be deferred to the next Board Meeting to allow for further information to be provided.**

(vii) PA 20/01007 Mr Macken - 8/8A Central Drive

Members were advised that the application is for the change of use of commercial property with flat above to a residential dwelling (Class 3.3)

In answer to questions, the District Surveyor advised that:-

- No comments had been received; and
- The cut-off date to the application is the 9th October 2020.

After a discussion, it was proposed by Mr Quirk and seconded by Mr Turton and unanimously **RESOLVED that PA20/01007 – 8/8A Central Drive be recommended for approval.**

(viii) PA 20/01009 Mr N Umpathy - 11 Manor Park

Members were advised that the application is for alterations and erection of extensions to the front elevation and first floor extension to side elevation.

In answer to questions, the District Surveyor advised that:-

- No comments had been received; and
- The cut-off date to the application is the 9th October 2020.

After a discussion, it was proposed by Mr Quirk and seconded by Mr Allen and unanimously **RESOLVED that PA 20/01009 – 11 Manor Park be recommended for approval.**

The Lead Member for Environmental & Technical Services thanked the District Surveyor for his work involved.

C20/09/02/10

FINANCE AND GENERAL PURPOSES

None.

C20/09/02/11

REPORT FROM THE CLERK OR OTHER OFFICER

1. Cyber Security

None.

2. Equality

None.

3 Vexatious Complaints, Correspondence and Behaviour Policy

A copy of the Vexatious Complaints, Correspondence and Behaviour Policy, a copy of which having previously been circulated was considered.

The Chairman advised the Board that the policy has been brought forward due to the Chief Executive/Clerk and Officers of the Authority having a large amount of their time taken up by an Onchan resident continually asking the same questions and sending e-mails which have been answered, bad behaviour has also been demonstrated by this resident towards Officers and this policy will give guidance and protection to staff whose time has been taken up from their normal work costing the rate payer increasing expenditure.

The Chairman further advised the Board that the Authority has a very good Chief Executive/Clerk and any unfavourable behaviour towards the Chief Executive/Clerk will not be tolerated.

The Chairman commented that they hope the Board will adopt this policy.

After a discussion, it was proposed by Mr Macfarlane, seconded by Mr Quirk and unanimously **RESOLVED that the Vexatious Complaints, Correspondence and Behaviour Policy be approved and adopted.**

The Vice Chairman advised that the Board have a duty of care to the Chief Executive/Clerk and Officers and that the Board have always supported the Officers.

The Chairman further advised that if there are any issues of this nature they should be referred to him. ^[ODC 05/10/2020]

4. **Onchan By-Election**

The Chairman advised that Board that as they are the Returning Officer and the Chief Executive/Clerk is the Deputy Returning Officer they would be leaving the meeting and the Vice Chairman would be taking the Chair.

The Chairman and Chief Executive/Clerk left the meeting at 19:45 pm

The Vice Chairman took the Chair.

The Vice Chairman wished it to be noted that the Chairman and Chief Executive/Clerk have withdrawn from the meeting as to avoid any conflict of interest given their respected appointments as Returning Officer and Deputy Returning Officer in the forthcoming By-Election.

The Vice Chairman advised the Board that last week a potential candidate expressed several statements in a video published by MTTV titled 'Former Onchan Commissioner voting lists'. Some statements referred to obtaining a copy of the electoral register, being treated unfairly and By-Election legal advice.

The Vice Chairman expressed to the Board that, to-date, there is no formal complaint standing in the name of this individual regarding these matters. The Vice Chairman commented that they are somewhat disappointed that such public statements have been made.

Whilst no complaint exists, The Vice Chairman felt it was in the public interest to make enquiries to ensure this Authority is treating all potential candidates fairly and due process is being followed.

The Vice Chairman commented that they wish to make it clear that they believe fairness is being applied evenly and due process is being followed. The Vice Chairman wished to praise the Chief Executive/Clerk for their diligence in ensuring this by-election is valid and in compliance with current legislation.

The Vice Chairman commented that in terms of the statement regarding the By-Election legal advice, the Authority received a letter from the Department of Infrastructure ("the DOI") which was unclear and open-ended for this Authority to decide on the course of action. The legal

advice was obtained to ensure that any such election was in compliance with legislation and would be valid.

The Vice Chairman commented that in terms of the claim 'being treated unfairly' – from their enquiry, they are satisfied that every potential candidate has been offered the same opportunities of support in respect of the procedure for completing the necessary paperwork. The responsibility to accept such offer of support lays' entirely with the potential candidate and the Vice Chairman commented that they understand some of the others have taken up that opportunity.

The Vice Chairman further commented in terms of the claim regarding the electoral register – the public information contained within such a document is sensitive and as such a request must be compliant with current legislation. Every request received by this Authority is diligently checked to ensure it is in compliance.

A Member made the following statement:-

"I am a resident of Onchan, a public figure in Onchan and also have family living in Onchan.

My attendance record and commitment to Onchan since my election to the Board is exemplary.

Recent comments made in the public domain by a candidate who wants to join the current Board of Commissioners are concerning.

I am deeply disappointed in the comments made by a previous Commissioner and Member of the House of Keys.

Why would anyone behave with such disrespect, it's not professional and it's not acceptable.

Comments made that are not wholly truthful, made by someone, who by his own admission does not read contracts before signing.

Anyone who wants to join this Board in 2020 should practice researching the facts, which will require reading before making any negative, derogatory and personal comments.

Today the Board operates to the highest standards, the seven principles of public life, a code of conduct and good governance, Standing Orders which are very clear if you take the time to read.

I suggest this candidate and all candidates read these documents.

Any candidate who has some difficulty with reading should reconsider if this role is going to be suitable for them and if their conduct will meet the expected standards".

A Member made the following statement:-

"I found Mr Quirk's Manx interview a cheap publicity stunt which will prove counterproductive, if not potentially disastrous in many respects. As a Member of the current Board I am disgusted that a former National Politician could even contemplate bringing other parties' integrity into disrepute in such a belligerent manner on such a public viewing format.

Mr Quirk has placed this Board and Senior Management in an invidious position by his unwarranted comments and lack of veracity in support.

Notably Mr Quirk has referred to the fact that he has contacted the Minister of the Department of Infrastructure to lodge a formal complaint against Onchan District Commissioners. In light of his observation I would propose that the Board refers itself also to the Minister and his department for investigation.

It is accepted that such a course of action may directly impact on the current election process but if the election has to be postponed to a later date, so be it. I feel that it is now imperative that the facts from both sides be established beyond reasonable doubt in its real context.

I am of the opinion that an open, transparent election is now irretrievable until such times Mr Quirk's complaints have been thoroughly investigated by the appropriate authorities. For a person to publicly state that he is being treated "differently" to other candidates is to me alluding to an element of corruptness within the system".

A Member commented that they had not prepared a statement. The Member further commented that they are disappointed that anybody wants to make personal attacks on the Authority's Officers and that the Board supports its Officers entirely.

A Member commented that they had also not prepared a statement. The Member further commented that they always believed that whoever sits on a public authority Board are here to serve the community and they are not there to cause problems for other Members and Officers. They are there to make a positive difference to the community.

The Member further commented that they hope whoever joins the Board has those principles.

The Chairman and Chief Executive/Clerk returned to the meeting at 19:51 pm.

The Chairman then took the Chair.

5. Conflict of Interest Policy

A copy of the Conflict of Interest Policy, a copy of which having previously been circulated was considered.

After a discussion and for clarity it was agreed that the Conflict of Interest Policy be brought back to the next Board Meeting.

6. Officers Action List

A copy of the Officers Action List, having previously been circulated was considered and noted.

The Chairman commented that the Authority has been pro-active and various actions have been completed.

The Vice Chairman commented that the Authority is dealing with time consuming issues. ^[ODC 05/10/2020]

A Member complimented the team in the erection of the Chat Benches and looks forward to seeing more in the future.

7. Recycling Bring Banks

A copy of the Report of the District Surveyor dated 15th September 2020, having previously been circulated was considered.

After a discussion, it was agreed that the matter be deferred to the next Board meeting to ensure that the Board are in compliance with Standing Orders and procedures.

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

8. Commercial Properties Update

To be considered In Committee.

C20/09/02/12**LETTERS, PETITIONS, MEMORIALS AND OTHER COMMUNICATIONS****1. SMP Group Rebrand**

A copy of the correspondence received from the Group Director of Suntrea Global dated 7th September 2020 advising of the SMP Group rebrand, having previously been circulated was noted.

2. Royal Air Forces Association – Battle of Britain Service

A copy of the letter received from the Royal Air Forces Association dated 8th September 2020 inviting Members to the 80th Anniversary service to be held on Sunday 20th September 2020 at St George's Church at 11:00 am having previously been circulated was noted.

3. 80th Celebrations of the Battle of Britain

A copy of the invitation received from the Royal Air Forces Association inviting members to their 80th celebration event on Saturday 26th September 2020, having previously been circulated was noted.

4. Department of Infrastructure

To be considered In Committee.

C20/0201/12**QUESTIONS**

None.

C20/09/02/13**MOTIONS**

None.

C20/09/02/14**ENVIRONMENTAL AND TECHNICAL SERVICES MATTERS**

None.

C20/09/02/15**HOUSING MATTERS****1. Housing Update**

To be considered In Committee.

C20/09/02/16**CHAIRMAN'S ANNOUNCEMENTS****1. Attendances**

The Chairman advised that he had attended the following:-

- (a) The King Edward Bay Golf Club Presentation on Wednesday 9th September 2020
- (b) The Model Boat Club annual event held on Saturday 19th September 2020

- (c) The Royal Air Forces Association – Battle of Britain Service on Sunday 20th September 2020 at St Georges Church

2. Dates for the Diary

Date	Organisation	Event	Time
26 th September 2020	RAF Association	80 th Anniversary Celebration of the Battle of Britain	10:00 am to 4:00 pm
5 th October 2020	Onchan District Commissioners	Board Meeting	7:00 pm
19 th October 2020	Onchan District Commissioners	Board Meeting	7:00 pm

C20/09/02/17 ANY OTHER BUSINESS

None.

The Public session of the Meeting ended at 20:20pm

C20/09/02/18 MINUTES

1. In Committee Minutes of the Ordinary meeting held on Monday 7th September 2020

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

The In Committee minutes of the Ordinary Meeting held on Monday 7th September 2020, copies of which having previously been circulated, were considered.

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

2. Staff Minutes held at the Ordinary Meeting of the 7th September 2020

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

The staff minutes of the Ordinary Meeting held on Monday 7th September 2020, copies of which having previously been circulated, were considered.

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

C20/09/02/19 REPORT FROM THE CLERK OR OTHER OFFICER

1. Commercial Properties Update

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

The Report of the Chief Executive/Clerk dated 9th September 2020, having previously been circulated was considered.

The Chief Executive/Clerk advised that the purpose of the Report is bring to the attention of the Board that in 2017 various commercial properties had been rented out and their leases are coming up for renewal. The Chief Executive/Clerk further advised that due to this there will be an increase in legal fees for 2021/22 financial year.

It was agreed that the Chief Executive/Clerk and Officers undertake the renewal of the leases as and when they become due for renewal.

C20/09/02/20

LETTERS, PETITIONS, MEMORIALS AND OTHER COMMUNICATIONS

1. Department of Infrastructure

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

A copy of the letter dated 16th September 2020, received from the Department of Infrastructure having previously been circulated was considered.

The Chairman reported to the Board that they along with the Vice Chairman and Chief Executive/Clerk had recently met with the Department of Infrastructure in relation to an Onchan resident's allegations and alleged ^[ODC 05/10/2020] complaints against the Chief Executive/Clerk.

The Chairman confirmed that the Authority had contacted the Tynwald Commissioner for Administration, who confirmed that they were not aware of any complaint made by an Onchan resident.

The Chairman confirmed to the Board that all the allegations that have been made are vexatious in nature and the details are to be logged. ^[ODC 05/10/2020]

The Chairman advised that if there is any abusive behaviour the Police are to be called.

C20/09/02/21

HOUSING MATTERS

1. Housing Update

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

A copy of the Report of the Housing Manager dated 17th September 2020, having previously been circulated was considered and noted.

There being no further business the meeting ended at 21:08 pm