

**IN PUBLIC**

Minutes of the ordinary meeting of the **ONCHAN DISTRICT COMMISSIONERS** held in the Boardroom, Hawthorn Villa, 79 Main Road, Onchan, on Monday 22<sup>nd</sup> May 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

**Apologies:** Mr T.R. Craig (Deputy Clerk)

**In Attendance:** Mr M.J. Morrison (Chief Executive/Clerk)  
 Mr B.T. Price (District Surveyor)  
 Mr T.M.G. Edwin-Reed (Finance Manager) (until 21.25 p.m.)  
 Ms A.S. Dentith (Senior Administrator)

**C17/05/03/01****TO CHOOSE A PERSON TO PRESIDE IF THE CHAIRMAN AND VICE-CHAIRMAN BE ABSENT**

Not necessary.

**C17/05/03/02****BUSINESS REQUIRED TO BE DEALT WITH BY STATUTE BEFORE ANY OTHER BUSINESS****1. C17/05/02/11(2) - Onchan Byelaws**

The Chief Executive advised that the Onchan Byelaws had received approval from the Attorney General's Chambers. The Chairman and Chief Executive signed the new Onchan Byelaws so that they could then be submitted to Tynwald for consideration.

**C17/05/03/03****MINUTES****1. Ordinary meeting held on Monday 8<sup>th</sup> May 2017**

The Chief Executive explained that two sets of minutes had been circulated, one set recording the minutes in the format of the agenda issued, and the second set recording the minutes in the order that matters were considered within the meeting.

It was proposed by Mr Cherry, seconded by Mr Macfarlane, and **RESOLVED that the minutes recording the meeting be laid out in the order that business was discussed.**

*For:* Messrs, Allen, Quirk, Cherry, Crellin <sup>[amended by ODC 12/06/17]</sup> and Macfarlane.  
*Against:* Messrs Turton and Miss Williams

The minutes of the ordinary meeting held on Monday 8<sup>th</sup> May 2017, copies of which having previously been circulated, were considered.

**(a) C17/05/02/11(4) - Governance of Meetings**

Last sentence to be amended to read "It was agreed that the topic would be explored further as an ongoing staffing matter."

*IN PUBLIC***(b) C17/05/02/18(3) – Housing Reserves Control Measures**

Third paragraph to read “Members were asked to give consideration to the following:-“

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

**C17/05/03/04****BUSINESS ARISING NOT REFERRED TO IN THE MINUTES OF ANY SPECIAL COMMITTEES****1. C17/05/02/11(4) - Governance at Meetings**

To be considered to in committee.

**2. C17/05/02/14(2) - Centenary Park – Update**

The District Surveyor answered questions with regard to the ration regarding the mixing of green waste.

After a brief discussion, a Member requested that it would be in the interests of all parties, if the Authority contacted the Environmental Health Officer to seek a written report on the possible leeching and bring the matter back to the Board for consideration.

**3. C17/05/02/14(3) - Kenyon’s Café – Onchan Hub**

The Chief Executive gave back ground as to where the matter lay with regard to Kenyon’s Café. He advised that the Trustees of Kenyon’s Café were occupying the lease of 44-46 Main Road as ‘tenant at will’.

A Member stated that there was a Board resolution authorising the sale of 44-46 Main Road, and that Kenyon’s Café would be offered to hire a room at the refurbished Onchan Hub, but no provision to have a dedicated room for their sole use.

Discussion ensued with regard to the terms and conditions which may be offered to Kenyon’s Café for the use of the ‘Club Room’ at Onchan Hub.

It was agreed that the Chief Executive was now aware of the parameters from the Board and will open negotiations with the Trustees of Kenyon’s Café.

In answer to question, the Chief Executive advised that the building insurance is covered by the Authority. Regarding accidental damage of equipment owned by the Trustees of Kenyon’s Café would be their own responsibility.

In answer to comment, the Chief Executive confirmed that the proceeds of the sale of 44-46 Main Road would be used to offset some of the costs of the refurbishment of The Onchan Hub.

A Member suggested that agreement should be reached with the Trustees of Kenyon’s Café to vacate the existing premises before the start of the Autumn Term.

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

None.

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**C17/05/03/06**  
**BUSINESS ADJOURNED FROM A PREVIOUS MEETING**

None.

**C17/05/03/07**  
**PLANNING DECISIONS/COMMUNICATIONS FROM THE DEPARTMENT OF INFRASTRUCTURE PLANNING COMMITTEE**

**1. Plans to the Board**

The Chairman explained the process with regard to the recommendation from the District Surveyor and the Lead Member for Environmental and Technical Services. The Chairman felt that applications recommended for approval could be accepted en bloc. Any contentious issues to be debated by the Board.

A Member stated that they were not happy with accepting the plans en bloc, as this was the only chance that the members of the public get to know that the plans have been before the Board.

It was agreed that should any Member have a concern about any of the plans that they may ask for them to be considered separately.

It was proposed by Mr Macfarlane, seconded by Mr Quirk, and **RESOLVED that planning applications recommended for approval by the District Surveyor and Lead Member for Environment and Technical Services may be accepted for approval en bloc. Further, that a Member may request a planning application to be considered separately.**

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

*Against:* Miss Williams and Mr Turton.

(a) It was proposed by Mr Crellin, seconded by Mr Quirk, and unanimously **RESOLVED that the following planning applications be recommended to the Planning Committee for approval en bloc:-**

Planning Application	Address	Description
17/00482	1 Marina Close	Proposed alterations to windows and doors.
	<b>Recommendation – Approval</b>	
17/00483	7 Beech Avenue	Proposed bedroom extension to the rear.
	<b>Recommendation – Approval</b>	
17/00512	7 Harbour View	Replacement of existing flat roof to porch with a pitched roof.
	<b>Recommendation – Approval</b>	
17/00515	1 Governors Road	Proposed extension to porch and pitched roof to existing bay window.
	<b>Recommendation – Approval</b>	
17/00518	14 Briarfield Avenue	Widening of existing driveway and dropped kerb.
	<b>Recommendation – Approval</b>	

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

- (i) **PA 17/00472 - Flat 3, 7 Royal Avenue West** – Change of use of a bedroom to a tattoo studio.

Members expressed concern:-

- Regarding car parking in the area.
- Placing a commercial business in a residential area
- Undesirable use within a residential area.

It was proposed by Mr Crellin, seconded by Mr Cherry and unanimously **RESOLVED that PA 17/00472 – Flat 3, 7 Royal Avenue West be recommended refusal as the planning application is deemed undesirable use within a residential area.**

- (ii) **PA 17/00485 - 58 Summerhill Road** - Replacement of a garage with a two storey flat roofed extension to the side of the property, and a conservatory to the rear.

It was proposed by Mr Cherry, seconded by Mr Quirk, and unanimously **RESOLVED that PA 17/00485 – 58 Summerhill Road be recommended refusal on the grounds that the proposed side extension would unbalance the appearance of the pair of semi-detached properties adversely impacting on the character of the neighbourhood.**

- (iii) **PA 17/00523 – 19 Highfield Crescent** - Proposed two storey extension to the side and single storey extension to the rear.

It was proposed by Mr Crellin, seconded by Mr Cherry, and unanimously **RESOLVED that PA 17/00523 – 19 Highfield Crescent be recommended approval.**

## **2. Planning Communications**

None.

**C17/05/03/08**

## **FINANCE AND GENERAL PURPOSES MATTERS**

### **1. Morton Hall**

The Chief Executive advised communication had been received from the Chairman of the Onchan Pensioners Social Club who felt that the minutes were inappropriate.

In answer to question, the Chief Executive advised that the assistance offered was not of a financial nature, it was administrative and supportive.

The Chairman invited the Chairman of the Onchan Pensioners Social Club to address the Board.

The Chairman of the Onchan Pensioners Social Club advised that:-

- The Club were disgusted that the Authority did not speak with them before making the subject public.
- The Club were going through the charitable registration process.
- The Club had never paid or been challenged to pay Commissioners' rates for 41 years.
- There is a data subject access request with the Department of Infrastructure who have measured the premises and are being fully co-operative.
- He further stated that when a private citizen attends the Commissioners' Surgery they do not expect their private conversation to be made public. This does not give residents the confidence to attend. The other two attendees did not have their matters raised in the public domain. No apology to the Club has been received.

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The Chairman of the Authority recognised the importance of Morton Hall and the senior citizens of Onchan, there was no intention to cause offence and every intention was to be as helpful as possible to find a solution to the matter that would not cause any embarrassment to any member of the Club. The offer of help to reach that solution was done with the best of intentions.

**2. Onchan Youth Development Fund Request**

The report of the Finance Manager dated 16<sup>th</sup> May 2017, having previously been circulated was considered.

*Mr Turton declared an interest.*

It was proposed by Mr Macfarlane, seconded by Mr Crellin, that a £75 donation be granted to the applicant.

It was counter proposed by Mr Cherry, seconded by Miss Williams, that a donation of £100 be granted to the applicant.

A vote was taken on the counter proposal:

*For: Mr Cherry and Miss Williams [amended by ODC 12/06/17]*  
*Against: Messrs Macfarlane, Crellin, Quirk and Allen*

The proposal failed.

A vote was taken on the original proposal.

It was unanimously **RESOLVED** that a **£75 donation be granted to the applicant.**

**3. Local Authority Borrowing Agreements – Signatories**

The report of the Finance Manager dated 16<sup>th</sup> May 2017, having previously been circulated was considered.

It was proposed by Mr Cherry, seconded by Mr Turton, and **RESOLVED**

- 1. That the Authority has the power to borrow and the purpose for which it will borrow amounts under the Agreement is consistent with the authority in Section 51 of the Local Government Act 1985.**
- 2. That any two of the following:-**
  - (a) Michael James Morrison, Chief Executive/Clerk;**
  - (b) Timothy Roy Craig, Deputy Clerk; and**
  - (c) Brian Thomas Price, District Surveyor**

**are hereby authorised to sign any Agreements and to sign any other documents that may be considered by such signatory necessary or desirable for the purposes of carrying into effect any of the foregoing resolutions or the transactions contemplated thereby.**

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

The Chairman wished to thank the Finance Manager for his service to the Authority and wished him well in his new appointment. He also hoped that the Finance Manager would be available should the Authority need to call upon him during the transitional period.

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**C17/05/03/09**

**REPORT FROM THE CLERK OR OTHER OFFICER**

**1. Joint Board Meeting – Braddan Parish Commissioners**

Members were advised that a joint meeting with Braddan Parish Commissioners will be held on Thursday 20<sup>th</sup> July 2017 at 7.00 p.m..

**2. Recording of Meetings**

Report of the Chief Executive dated 15<sup>th</sup> May 2017, having previously been circulated was considered.

Discussion ensued with regard to recording of meetings in relation to the Freedom of Information Act.

A Member reminded the Board that if verbatim minutes there was a potential to leave Members open to certain legal issues.

A Member stated that the Local Government Unit of the Department of Infrastructure were content that the minutes were compiled correctly.

The Chairman added that it is not clear that the minutes are not verbatim and represent a summary of the discussion and any agreed action points

The Chief Executive added that we some work needs to be undertaken to make the agenda and minutes more easily understood.

It was proposed by Mr Turton, seconded by Mr Crellin, that the status quo remain.

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

**C17/05/03/10**

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

**1. H.E. Lieutenant Governor - Letter of Thanks**

Letter of thanks for the tour of Onchan District received from His Excellency the Lieutenant Governor, Sir Richard Gozney. Noted with pleasure.

**C17/05/03/11**

**QUESTIONS**

None.

**C17/05/03/12**

**MOTIONS**

None.

*IN PUBLIC***C17/05/03/13****ENVIRONMENTAL AND TECHNICAL SERVICES MATTERS****1. Area Plan for the East**

The Lead Member for Environment and Technical Services thanked the District Surveyor the copy of the submission.

Members agreed that the submission now be issued. In answer to comment, the District Surveyor advised that the next stage will be identifying those areas deemed suitable for development and subsequent investigation. This will be a public consultation and as part of that process it will be inspected by an independent.

Members were made aware of a public meeting at Bemahague High School on Tuesday 23<sup>rd</sup> May at 7.30 p.m.

**2. Surface Water Flooding – Laurel Avenue, Ashley Park and Hackett Close**

The Chief Executive advised that a letter had been issued to the Department of Infrastructure, and copied to the Onchan MHKs. No response to date.

The Vice-Chairman requested that the copy correspondence be circulated to Members.

The District Surveyor informed Members that during the heavy rain the previous week there was still evidence of a flooding issue. However, on this occasion it did not overflow into Ashley Park.

**3. C17/05/02/15(3) – Groudle Glen House**

The Chief Executive advised that the matter had now been resolved, and the receipt of the fines and costs will be payable over a number of years.

**4. Groudle Glen Water Wheel**

In answer to question, the Chief Executive clarified that:-

- The Groudle Water Wheel dates from 1897, although very little of the original structure remains with the water wheel being replaced twice during that time.
- Onchan District Commissioners are the owners of Groudle Glen.
- Onchan District Commissioners own the properties within the Glen
- Legal Advice has been received that the Authority are responsible for the structure of the buildings.
- The Department of Environment, Food and Agriculture were responsible for the decoration.

The Chief Executive commented that there has been much debate since the matter was raised in Tynwald. In consultation with the Chairman a press release has been issued, including a copy of the structural report on the fabric of the building by Curtins on behalf of the Department of Environment Food and Agriculture, and also a copy of the lease. All parties have agreed that the documentation can be released in to the public domain.

In answer to comment, the Chief Executive advised that if the cost of refurbishing the water wheel was to be rate borne this would be at a cost of approximately £4.20 each year per property. This matter will be considered again when the budget for the Authority is to be considered.

A Member asked that should any volunteer groups who may be able to offer support and experience express an interest that the matter be brought back to the Board.

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**C17/05/03/14**  
**PROPERTIES AND AMENITIES MATTERS**

**1. Heywood Court Communal Lounge – Redecoration**

Lead Member for Environment and Technical Services requested that consideration be given to the redecoration of the downstairs communal lounge at Heywood Court.

Members were advised that no budget has been put aside for redecoration this financial year.

The District Surveyor commented that perhaps a planned maintenance programme of works for the communal lounge at Heywood Court, and the balcony and stairwells at Springfield Court could be combined. This would need to undergo a tender process.

It was proposed by Mr Crellin, seconded by Mr Quirk that the communal lounge at Heywood Court be decorated during the summer at a cost not exceeding £500.

It was counter-proposed by Mr Cherry, seconded by Miss Williams that a planned maintenance programme of works for the communal lounge at Heywood Court, and the balcony and stairwells at Springfield Court be carried out.

A vote was taken on the counter-proposal

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

The proposal failed. A vote was taken on the original proposal.

*For: Messrs Allen, Macfarlane, Crellin, and Quirk* <sup>[amended by ODC 12/06/17]</sup>  
*Against: Messrs Cherry, Turton and Miss Williams*

**2. Empty Property Report**

The Chief Executive advised that the Board did not resolve a particular way to address this matter.

**C17/05/03/15**  
**CHAIRMAN'S ANNOUNCEMENTS**

None.

**C17/05/03/16**  
**OTHER URGENT BUSINESS**

**1. Onchan Park**

A Member reported that the roundabout located at Onchan Park appeared to be sticking.

**2. Finance Manager**

A Member requested that an advert be published advertising the vacancy.

**3. Civic Sunday**

A Member expressed disappointment that the date agreed by the Board had been cancelled without first discussing the matter with Members. At the time the date was set it had been taken into account that Civic Sunday would fall on Father's Day.



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The Chairman advised that the availability of the Clergy is limited and reduces the choice of dates which do not clash with other events on the Island. The office are working with various parties to find a mutually convenient date and time.

A Member reiterated that if the Board makes a decision, and the decision is to change then it should be brought back before the Board.

It was proposed by Mr Quirk, seconded by Mr Crellin, and unanimously **RESOLVED that Standing Orders be suspended in order to set a new date for Civic Sunday.**

It was proposed by Mr Cherry, seconded by Mr Crellin, and unanimously **RESOLVED that Civic Sunday be held in September. Further that Civic Sunday where possible, be held on the 2<sup>nd</sup> Sunday in July.**

**C17/05/03/17**

**FINANCE AND GENERAL PURPOSES MATTERS continued**

**1. Rate Report**

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

The report of the Finance Manager dated 12<sup>th</sup> May 2017, having previously been circulated was considered. The Finance Manager gave an update with regard payments received within the last month.

**2. Rent Report**

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

The report of the Finance Manager dated 12<sup>th</sup> May 2017, having previously been circulated was considered. The Finance Manager gave an update with regard payments received this month. There is a slight increase this month due to the delay in the monthly direct debits being claimed due to the bank holiday.

**3. Draft Financial Statements to 31<sup>st</sup> March 2017**

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

The draft financial statements for the 12 month period to 31<sup>st</sup> March 2017, having previously been circulated were considered.

The Finance Manager advised that under Regulation 11.2 of the Accounts and Regulations 2013, that the Responsible Finance Officer needs to formally approve the accounts before they are submitted to the Auditor and the intention was that this would be done the following day.

The Internal Auditors have confirmed verbally that there are no issues arising from their work. The Finance Manager noted that the Chief Executive, Lead Member for Finance and General Purposes had met with the external Auditors for the audit planning meeting the previous week.

The Lead Member for Finance and General Purposes thanked the Finance Manager for his work on the financial statements.

**4. C17/05/02/10(1) - Accountancy Services – Update**

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

The Chief Executive advised that the services will be retained of SMP Partners Limited, on a pay as you go basis.

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5. **C17/05/02/10(2) – Appointment of Responsible Finance Officer**

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

Correspondence circulated dated 16<sup>th</sup> May 2017 from the Local Government Unit at the Department of Infrastructure which recommends that the Assistant Finance Manager be appointed as Responsible Finance Officer.

In answer to question, the Chief Executive advised that there would be an enhancement in salary during the interim period.

It was proposed by Mr Macfarlane, seconded by Mr Cherry, and unanimously **RESOLVED that the Authority seek permission to appoint the Assistant Finance Manager as the Responsible Finance Officer on an interim basis for a six month period.**

The Chief Executive to liaise with the Assistant Finance Manager.

6. **C17/05/02/10(3) - Housing Reserves – Control Measures**

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

The report of the Chief Executive dated 18<sup>th</sup> May 2017, having previously been circulated was considered.

This matter was deferred until consideration of the Empty Property Report.

7. **Empty Property Report**

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

The Chief Executive's report dated 18<sup>th</sup> May 2017, having previously been circulated was considered.

A Member stated that there was a list of empty properties which have access to the reserve fund to refurbish the stock. Thanks were expressed to the Chief Executive for providing the information and being transparent.

The Chief Executive pointed out that there was insufficient staff and contractors to complete the back log in a short period of time.

Questions were asked with regard to employment of additional contractors and the tender procedure.

Members expressed the following comments:-

- Disappointed with the length of turnaround.
- Suggestion of forming a sub-committee to look at housing.
- Perhaps a loan to carry out some works, so as not to decimate the housing reserves

In answer to comment, the Chief Executive advised that increasing the number of contractors comes at a cost. An alternative perhaps, is to approach applicants and explain that there is a property available which is of a habitable condition and if they are willing to accept that property, work would be carried out in the future. This would give a property which is occupied, and rental coming in.

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It was proposed by Mr Macfarlane, seconded by Mr Cherry, and unanimously **RESOLVED**:-

1. That approval must be given by the Board for expenditure on social housing maintenance beyond the budget in the current financial year.
2. On application by Officers the Board would be minded to approve transfers from reserves to the social housing maintenance budget during the current financial year.
3. Lead Member for Properties and Amenities must be notified, in advance, where a single property is assessed as requiring expenditure in excess of £10,000 but less than £14,000 from the social housing maintenance budget before it is re-let.
4. That the Board must be notified, in advance, where a single property is assessed as requiring expenditure in excess of £14,000 from the social housing maintenance budget before it is re-let.

It was proposed by Mr Cherry, seconded Mr Turton, and unanimously **RESOLVED** that a **Housing Sub-Committee be formed with the Vice-Chairman who will chair the meetings, the Lead Member for Properties and Amenities, Lead Member for Finance and General Purposes and Commissioner Turton.**

The Chief Executive stated that the main purpose with regard to the Sub-Committee is to reduce the number of empty properties to 2%, and recommended that the Sub-Committee sit with officers and test the resolve on how to reduce the number of vacant properties as quickly as possible.

**C17/05/03/17****SUSPENSION OF STANDING ORDERS**

It was proposed by Mr Macfarlane, seconded by Mr Cherry, and unanimously **RESOLVED** that the meeting continue till no later than 10.30 p.m. to conclude the business on the agenda.

**C17/05/03/18****ENVIRONMENTAL AND TECHNICAL SERVICES MATTERS continued****1. Request for Use of Land – Sewerage System**

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

After a brief discussion, it was proposed by Mr Cherry, seconded by Mr Quirk and unanimously **RESOLVED** to transfer, in principle, a small parcel of land to site a klargester bio disk system.

**C17/05/03/19****PROPERTIES AND AMENITIES MATTERS continued****1. Housing Allocation**

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

It was proposed by Mr Cherry, seconded by Miss Williams, and unanimously **RESOLVED** to allocate the tenancy of E3/23 to sheltered housing applicant SHA 403.

A brief discussion ensued with regard to level of points for allocating within an amalgamated list.

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C17/05/03/20

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

1. **Staffing Matter**

The consideration of this matter had been deferred from earlier in the meeting and Officers were requested to leave the meeting at 22.05 p.m.

*There being no further business, the meeting closed at 10.05 p.m.*