

Minutes of the ordinary meeting of the **ONCHAN DISTRICT COMMISSIONERS** held in the Boardroom, Hawthorn Villa, 79 Main Road, Onchan, on Monday 30th October 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 R. Turton
Miss K. Williams

Apologies: Mr C. Quirk

In Attendance: Mr T.R. Craig (Deputy Clerk)
Mr B.T. Price (District Surveyor)
Mr D. Vincent (Interim Finance Manager)
Ms A.S. Dentith (Senior Administrator)

C17/10/03/01
TO CHOOSE A PERSON TO PRESIDE IF THE CHAIRMAN AND VICE-CHAIRMAN BE ABSENT

Not necessary.

C17/10/03/02
BUSINESS REQUIRED TO BE DEALT WITH BY STATUTE BEFORE ANY OTHER BUSINESS

None.

C17/10/03/03
MINUTES

1. **Ordinary meeting held on Monday 16th October 2017**

The minutes of the ordinary meeting held on Monday 16th October 2017, copies of which having previously been circulated, were considered.

(a) **C17/10/02/10(4) – Thanks**

Amend to read “Members and Officers”.

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

Messrs Cherry, Crellin and Miss Williams did not cast a vote as they were not present at the meeting.

2. **Staff minutes of the ordinary meeting held on Monday 16th October 2017**

To be considered *In Committee*.

C17/10/03/04
BUSINESS ARISING NOT REFERRED TO IN THE MINUTES OF ANY SPECIAL COMMITTEES

None.

C17/10/03/05

BUSINESS EXPRESSLY REQUIRED BY STATUTE TO BE DONE

None.

C17/10/03/06

BUSINESS ADJOURNED FROM A PREVIOUS MEETING

1. C16/10/02/06(1) - Civic Sunday

The Deputy Clerk advised that the matter had previously discussed. Clarification was given with regard to the minutes of 22 May 2017, which state:-

“that Civic Sunday be held in September. Further that Civic Sunday where possible, be held on the 2nd Sunday in July.”

A Member stated that they would like to see Civic Sunday return to the 3rd Sunday in May, being the first civic service in the municipal year.

Members requested that the Clergy of the District be contacted to see if the third Sunday would be available to hold the Civic Sunday. Matter to be brought back to the next meeting of the Board.

2. C16/10/02/09(1) – Torchlight Procession

Chairman advised that the Onchan Silver Band is not available for this year's torchlight procession due to other commitments. Members agreed that Ellan Vannin Pipes and Drums will lead the procession.

Discussion ensued with regard to the selling of lit torches, it was agreed that community groups be approached to see if they would like to carry the lit torches. For the procession it was agreed that more stewards be required to monitor the safe usage of the lit torches.

It was suggested that the school choirs be approached to perform at the Onchan Hub.

3. C16/10/01/18(1) – Onchan Raceway - Lease

To be considered In Committee.

4. C16/10/01/18(2) – Onchan AFC - Licence

To be considered In Committee.

5. C16/10/02/17(3) – Mission Statement

To be considered In Committee.

5. C16/10/02/18(1) – Christmas Trees

To be considered In Committee.

C17/10/03/07

**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 17/01063 – 36 King Edward Park, additional use of part of ground floor living space as tourist accommodation.

It was proposed by Mr Crellin, seconded by Mr Cherry, and unanimously **RESOLVED that PA 17/01063 – 36 King Edward Park be recommended for approval.**

- (ii) PA 17/01080 – 13 Belgravia Road, creation of garage, the demolition of existing outbuildings and relocation of kitchen doorway.

It was proposed by Mr Crellin, seconded by Mr Cherry, and unanimously **RESOLVED that PA 17/01080 – 13 Belgravia Road be recommended for approval.**

- (iii) PA 17/01085 – 29 Fairfield Avenue, creation of hardstanding for vehicle parking to the front of garden of the property.

A Member expressed concern regarding the removal of all the garden area to create the hardstanding

It was proposed by Mr Cherry, seconded by Mr Turton, and unanimously **RESOLVED that PA 17/01085 – 29 Fairfield Avenue that there is no objection to the principle of off-street parking, but created with retention of 50% of the garden in line with the Policy of the Board.**

2. Planning Communications

None.

C17/10/03/08

FINANCE AND GENERAL PURPOSES

1. 2017/18 Accounts

To be considered In Committee.

2. 2017 Park Income

To be considered In Committee.

3. 2016/17 Audit

To be considered In Committee.

C17/10/03/09**REPORT FROM THE CLERK OR OTHER OFFICER****1. Changing Local Government Legislation – Consultation**

Consultation issued on the Department of Infrastructure's proposed amendments to the Local Government Act 1985 and other local government legislation. The closing date for consideration of responses is 4th December 2017.

In answer to comment, the Deputy Clerk advised that he had some reservations over the consultation, as he felt that the Board were not being presented the legislation, they were only seeing what the Department of Infrastructure would like to do but not what they are going to do by law. He referred to:-

- Implementation of the Select Committee of Tynwald on Local Authorities: Member's Interests.
- Byelaws could be streamlined by going to the Department.
- Suggestion to update the powers of the Department in relation to local authority governance.
- Under section 5 of the Local Government Act 1985 the Department already has power to perform a duty on behalf of the Authority or authorise that duty be passed over to another Local Authority.
- To give the Department any further powers would potentially create the power for the Department itself to create a joint board of Local Authorities and to stipulate the membership what that joint board would do.
- For example, if this Authority took a stance on social housing which the Department do not agree with, then currently it is up to the Department to make a persuasive argument for the Board to change their mind. However, if there is a legislative provision to create a joint board, then the need is removed for the Department to make the persuasive argument.
- Members can make their own submissions individually, and a joint submission as a body corporate.

Members expressed concern over:-

- The formation of legislation to create joint boards.
- That the candidate must remain a resident of the district they represent during the term of their office.
- That Onchan boundary for the district should remain as it stands. They did not agree with the division of the District for the MHK Elections. The Authority did not want to lose their defined boundaries.

The Deputy Clerk stated that under the current legislation as long as you are on an electoral roll somewhere on the Island you could stand for Election to a Local Authority. He did not see the relevance other than at the time of the election, as it this did not affect the function of the individual once they become a Member.

Chairman requested that the Deputy Clerk provide a briefing paper for discussion at the next meeting of the Board.

2. Review of Planning – Consultation

Consultation issued on possible ways of improving the Island's planning system. The closing date for consideration of responses is 15th December 2017.

Members requested that the District Surveyor provide a briefing paper for discussion at the meeting of the Board to be held on 27th November 2017.

3. Communication – Internal and External

To be considered In Committee.

C17/10/03/10

LETTERS, PETITIONS, MEMORIALS AND OTHER COMMUNICATIONS

1. Department of Infrastructure – Rent Increase 2018/19

Correspondence received from the Direct of Housing dated 6th September 2017 regarding rent increase 2017/18 and the Allowances available from rental income.

(a) Rent Increase

The Commissioners unanimously agreed that there should be no rent increase for their social housing. They believed that the tenants have had minimal pay rises in the last 12 months and had suffered financial hardship.

Members requested that a press release should be issued stating why the Board of Commissioners recommend a 0% increase. The Board felt that they had consistently maintained their stance of 0% increase over the last five years.

(b) Allowances:

The Deputy Clerk's report dated 20th October 2017, having previously been circulated was considered.

In terms of general housing stock, the management allowance stipulated by the Department of Infrastructure is 5.5% of rents receivable. The median for running EPC in the United Kingdom (UK) is £5,200 per unit, and this Authority are only receiving approximately £3,000 in rent and are having to make any shortfall up from general housing rent.

UK providers are receiving £1,300 per unit for administration costs, and £1,780 per unit for maintenance and renewals. This Authority does not receive that amount in allowances, it could be argued that the costs of labour and materials is higher on the Island than it would be in the UK. The financial shortfalls if the UK allowance is applied to Onchan stock are £562,741 for administration and £359,071 for maintenance.

Members agreed that the allowances are a separate issue to the rents. They felt that it was clear that the allowances needed increasing to cover expenditure and running costs.

Members requested that the Deputy Clerk write to the Department of Infrastructure stating that having reviewed the allowances they believed they were inaccurate and should be more in line with the UK counterparts.

Members also requested that a press release be issued.

2. National Service of Remembrance

Letter of invitation received dated 18th October 2017, from the Chief Minister to attend the National Service of Remembrance and R-dedication at the Royal Chapel of St John and the National War Memorial, St Johns. The Chairman indicated his attendance.

3. Alzheimer's Society

Letter of thanks received 24th October 2017 from the Customer Care Administrator of the Alzheimer's Society for the proceeds received from the collection pot on Civic Sunday 17th September 2017. *Noted.*

4. **Park Lighting**

To be considered In Committee

5. **Onchan Park Café**

To be considered In Committee.

C17/10/03/11
QUESTIONS

None.

C17/10/03/12
MOTIONS

None.

C17/10/03/13
ENVIRONMENTAL AND TECHNICAL SERVICES MATTERS

1. **Energy from Waste Plant – Gate Fees**

Correspondence received dated 20th October 2017 from the Business and Contractors Manager of the Waste Management Unit of the Department of Infrastructure, advising that with effect from 1st April 2018 the Department will be increasing the waste gate fee charges at the Energy from Waste Plant and Wrights Pit North by 4.92%. The domestic waste being charged at £86.95 plus VAT and commercial waste charged at £173.12 per tonne plus VA.T

2. **Select List of Tenderers – Park Houses/First Avenue**

To be considered In Committee.

C17/10/03/14
PROPERTIES AND AMENITIES MATTERS

1. **Housing Allocations**

To be considered In Committee.

C17/10/03/15
CHAIRMAN'S ANNOUNCEMENTS

1. **Attendances**

24th October – Planning Appeal, PA 16/00859/B – Land adjacent Onchan School

27th October – Visit to the Mayor's Parlour,
Thanks were expressed to The Worshipful the Mayor of Douglas for her hospitality. A reciprocal invitation to be offered before Christmas.

2. **Dates for the Diary**

- 3rd November – Local Elections Root and Branch Review
- 7th November – Commissioners' Surgery
 - 2.30 p.m. – Heywood Court
 - 6.30 p.m. – Onchan Hub
- 9th November – Eastern Region Political updates Housing Reform

- 11th November – Children’s Poppies, St Peters Church Memorial Garden
- 12th November – Remembrance Day Service and Laying of Wreaths
- 1st December – Celebration of Christmas, Port St Mary

C17/10/03/16**ANY OTHER BUSINESS****1. Apologies**

Due to prior commitments, Commissioner Turton and Commissioner Cherry extended their apologies for Remembrance Weekend. Commissioner Cherry advised that he would be attending other remembrance services. [amended by ODC 13/11/17]

2. Groudle View

In answer to question, the District Surveyor advised that the sign would be removed. However, the site would be monitored and should any further fly tipping occur then the sign would be reinstated.

In answer to comment, the District Surveyor advised that the area concerned is the grassed area where it meets the woodland. Residents are believed to have been tipping grass cuttings in that area.

3. Kenyon’s Café

The Deputy Clerk advised that a copy of the updated proposed lease of the Hub premises to Kenyon’s together with the annotated updated lease showing the changes which have been made in line with the requests by the Board and Kenyon’s had been issued, but he had not heard anything back from the Trustees.

The Deputy Clerk was asked to communicate with the Trustees advising that the Board expected the contract to be returned by the end of this week. Further that Deanwood be instructed to market the building for sale.

The meeting moved to In Committee proceedings at 8.25 p.m.

C17/10/03/17**MINUTES****1. Staff minutes of the ordinary meeting held on Monday 16th October 2017**

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

The staff minutes of the ordinary meeting held on Monday 16th October 2017, copies of which having previously been circulated, were considered.

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

Messrs Cherry, Crellin and Miss Williams did not cast a vote as they were not present at the meeting.

C17/10/03/18

BUSINESS ADJOURNED FROM A PREVIOUS MEETING

**1. C16/10/01/18(1) – Onchan Raceway - Lease
C16/10/01/18(2) – Onchan AFC - Licence**

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

The Deputy Clerk confirmed that Members had asked for the lease for Onchan Raceway and the licence for Onchan AFC to be circulated for their information.

The Chairman commented that Onchan Raceway were looking for an early decision regarding the renewal of the lease.

The Deputy Clerk advised that the lease and licence expire through the effluxion of time in September 2018.

Discussion turned to the document "The Future of Onchan Park: Report on the future provision of community services at Onchan Park". A Member confirmed that three items had been taken from the document for the relevant investigations for inclusion in the budget setting for the next financial year, being the installation of a lift at Views Restaurant, new kiddie cars and track extension and replacement of the crazy golf course. The rest of the document had been held over for further consideration at a later date.

The Deputy Clerk informed Members that any redevelopment of the stadium area would be of significant expense and Members would need to decide if they wish to proceed further with the investigation.

A Member commented that until the Board had made a decision they would be unable to review the lease.

A further Member commented that the document had been released as a consultation document and, at this point in time, the Board had not had an opportunity to discuss the document fully.

The Deputy Clerk suggested that legal advice be sought with regard to the timeline for potential renewal, as it is possible that the Board may need to have made a firm decision by no later than 6 months prior to the expiry of the lease.

The Chairman requested that the Deputy Clerk write a suitable letter to the tenant.

It was further agreed that an extraordinary meeting be arranged to move the consultation forward, as a separate meeting, to discuss the future of Onchan Park.

Commissioner Turton asked that the document be recirculated.

3. C16/10/02/17(3) – Mission Statement

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

After a brief discussion, it was agreed not to progress the matter further at this time.

4. C16/10/02/18(1) – Christmas Trees

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

After a brief discussion, it was agreed that the status quo in respect of the decision to ask for a contribution to the little Christmas Trees be retained.

C17/10/03/19
FINANCE AND GENERAL PURPOSES

1. 2017/18 Accounts

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

The 2017/18 Accounts for the second quarter to 30th September 2017, having previously been circulated were considered.

The Interim Finance Manager explained the change in layout of the accounts and went through differentials within the rate borne expenditure as follows:-

- Salary Increases and changes to senior management posts.
- Surveyor's Department, higher income than budgeted for due to an increase in building regulation fees being received.

- Leisure and Amenities – Increase in Park Income.

- Works and Cleansing – increase in income due to all commercial properties being let. There has been an increase on the budget expenditure due to the refurbishment of Willow House.

The Interim Finance Manager reassured Members that the position is similar to last quarter.

In answer to enquiry, the Interim Finance Manager advised that the additional timers for the street lights would show in the accounts for the third quarter.

- Non Rate Borne Expenditure
 - The voids have had quite high in expenditure but are reducing significantly as the year progresses.
 - The deficit in income received for Elderly Persons Housing Complexes was due to the changes instigated by the Department of Infrastructure, these had not been included in the budget.

2. 2017 Park Income

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

Report of the Interim Finance Manager, dated 1st October 2017, having previously been circulated was considered and noted.

The Interim Finance Manager reported that the income from Onchan Park had increased on the previous year, the difference being reflected in the introduction of the play all day wristband system.

3. 2016/17 Audit

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

The Interim Finance Manager advised that there had been a number of queries which were in the process of being resolved. He had informed the Department of Infrastructure that the Audit would not meet the deadline, and hoped it would be submitted by the end of the week depending on any other queries being received.

C17/10/03/20**REPORT FROM THE CLERK OR OTHER OFFICER****1. Communication – Internal and External**

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

The Chairman advised that communications which have left the Authority by various means, letter, verbally, social media, to one extent or another have caused problems. Members and Officers should all understand where the boundaries are and what should not be communicated.

The Chairman asked that if Commissioners make comments as individuals, or individual commissioners, they must be clear that this is the case, and they are not speaking on behalf of Onchan District Commissioners.

The Chairman confirmed that any formal statement of the Board would be communicated by the Chairman of the Authority or as delegated by the Chairman.

A Member stated that each Member was an individual, and as individuals they were all accountable. Having guidance is very good, but again it is guidance, there is no way we can bind one or all of us to anything. Each Member has a right as an individual to make a statement if they believe the statement is correct and justified. ^[amended by ODC 13/11/17]

C17/10/03/21**LETTERS, PETITIONS, MEMORIALS AND OTHER COMMUNICATIONS****1. Park Lighting**

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

The Deputy Clerk advised of correspondence which has been received from the tenants of Views Restaurant who were looking for additional lighting on the public walkways.

A Member stated that for this year it would be a quick fix to place festoon lighting along the pathways.

Members agreed that the District Surveyor investigate the installation of festoon lighting, and that they be erected as soon as possible. Further that costings be investigate for budget setting for the next financial year.

2. Onchan Park Café

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

Correspondence received dated 24th October 2017 from Onchan Park Café Ltd, having previously been circulated was considered.

A Member requested that a qualified professional review the boating lake as to whether damage would be caused.

In answer to comment the Deputy Clerk stated that there was difficulty with the lease as it was deficient in several ways and there were ongoing discussions with the tenants regarding resolution.

C17/10/03/22**SUSPENSION OF STANDING ORDERS**

It was proposed by Mr Macfarlane, seconded by Mr Cherry, and unanimously **RESOLVED** that **Standing Orders be suspended to allow the remaining business on the agenda to be completed, but the meeting to continue no later than 10.15 p.m.**

C17/10/03/23**LETTERS, PETITIONS, MEMORIALS AND OTHER COMMUNICATIONS****2. Onchan Park Café continued**

In answer to question, the Deputy Clerk advised Members of the clauses which are not correct or missing within the current lease. A deed of rectification will need to be put in place.

The Chairman advised that there is a meeting organised with the directors of Onchan Park Café Ltd to discuss the current terms of their lease.

C17/10/03/24**ENVIRONMENTAL AND TECHNICAL SERVICES MATTERS****1. Select List of Tenderers – Park Houses/First Avenue**

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

The report of the District Surveyor dated 24th October 2017, having previously been circulated was considered.

It was proposed by Mr Cherry, seconded by Miss Williams, and unanimously **RESOLVED** that **the tender documents be issued to the contractors detailed on the Select List of Tenderers.**

A Member requested that the tender documents be circulated to Members.

C17/10/03/14**PROPERTIES AND AMENITIES MATTERS****1. Housing Allocations**

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** that **the tenancy of 05/72 be offered to TG417.**

There being no further business, the meeting closed at 22.15 p.m.