

ONCHAN DISTRICT COMMISSIONERS

*Hawthorn Villa,
79 Main Road, Onchan.*

ORDINARY MEETING

1st 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, 6th 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 6th February 2017 *(Appendix 2.1)*
- 3. To approve as a correct record and sign the Minutes of the:-**
 - 3.1. Ordinary meeting held on 20th February 2017 *(Minutes - Appendix 3.1)*
- 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 16/01372 IOM Bank, 26 Main Road
 - (b) PA 17/00141 Birchfield House, Strathallan Road
 - (c) PA 17/00147 12 Alberta Drive
 - (d) PA 17/00150 22 Eskdale Road
 - (e) PA 17/00170 24 Briarfield Avenue
 - (f) PA 17/00174 21 Thirlmere Avenue
 - (g) PA 17/00177 14 Hillcrest Grove

- (h) PA 17/00179 12 Church Avenue
- (i) PA 17/00209 12 Hollydene Avenue
- (j) PA 17/00215 33 Cronk Avenue

7.2. Planning Communications

None

8. Finance & General Purpose Matters.

- 8.1. (P) Management Accounts - January 2017 *(Appendix 8.1)*
(P) Housing Income & Expenditure *(Appendix 8.2)*
[C17/02/03/16(4)] – (previously discussed 20 Feb 17)
- 8.2 (P) Superannuation Scheme - Draft Funding Strategy *(Appendix 8.3)*
- 8.3 (P) Staff *(Appendix 8.4)*

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

- 9.1 (P) Tour of District – His Excellency the Lieutenant Governor *(Appendix 9.1)*

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

- 10.1 Port St Mary Commissioners – Invitation *(Appendix 10.1)*
- 10.2 Treasury – Proposed changes to Social Security Legislation *(Appendix 10.2)*

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)*
- 13.2 Area Plan for the East – Update *(Appendix 13.2)*
- 13.3 (P) Maintenance Services – Tender Report *(Appendix 13.3)*

14. Properties & Amenities Matters.

14.1 Onchan Park Strategic View – Public Consultation
[previously discussed C17/02/03/09(2)]

(Clerk to report)

14.2 (P) Housing Allocation

(a) 08/27 – 2 Bed Bungalow

(Appendix 14.2(a))

(b) 06/61 – 2 Bed House

(Appendix 14.2(b))

(c) 14/08 – 2 Bed Bungalow

(Appendix 14.2(c))

15. Chairman's Announcements.

Chairman to report

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

MEMORANDUM

To: ONCHAN DISTRICT COMMISSIONERS
From: CHIEF EXECUTIVE
Ref: MINUTES – 06 FEBRUARY 2017
Date: 1 March 2017

Following feedback from other parties I would ask the Board to consider further revising the minute which currently reads as set out below:-

“5. Eastern Area Housing

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

Report of the Chief Executive dated 1st February 2017, having previously been circulated, was discussed.

The Chief Executive explained that the report was to gauge Members view on whether the Local Authorities in the eastern area of the Island should come together for mutual assistance to manage the local authority housing.

The Vice-Chairman stated that the Deputy Clerk was aware of the views of the Board and had the historical background, and requested that the Deputy Clerk attends all meetings with the Chief Executive.

In answer to comment, the Deputy Clerk confirmed that it was not the will of the Board to become part of an Eastern Area Housing Authority. He stated that Members were welcome to revisit the issues concerned.

The Chief Executive advised:-

- *Talks were in being undertaken with Garff Commissioners and Braddan Parish Commissioners in coming together to manage the Department of Infrastructure's Housing Stock located in those areas;*
- *The issue being that those Local Authorities would like to look after those houses but have minimal expertise in that area.*
- *Garff Commissioners and Braddan Parish Commissioners have asked for Onchan District Commissioners to join them to provide that service.*
- *We could provide the expertise and advice on maintaining the buildings, dealing with allocations and tenancy management. However, those services would be provided at a charge.*

In answer to question, the Chief Executive advised that the meetings were currently officer led, and there will be some need for political oversight at some stage.

The Vice-Chairman stated that:-

- *It must be made 100% clear that the Board of Onchan District Commissioners want to remain managing and allocating their own housing stock.*
- *That Onchan are not part of the Eastern Area Housing Authority and wish to remain a stand-alone housing authority.*
- *The Deputy Clerk should accompany the Chief Executive to assist with negotiations.*

In answer to comment, the Chief Executive explained that it may well be that Onchan residents may jump to other Local Authority areas if it meant they would be housed sooner.

The Chairman stated that the Board had a right to change its mind. If it is the will of the Board for the Chief Executive and Deputy Clerk to continue with the intelligence gathering, they may do so. However, they must not be coerced in to joining an Eastern Area Housing Authority. Bringing the matter back to the Board will reaffirm the position of the previous Board and assure those concerned that the views of the current Board is to retaining Onchan's housing.

Members agreed that due to the seriousness of the topic, that requesting both the Chief Executive and Deputy Clerk to attend these meetings will demonstrate to others the seriousness of the matter, and to reaffirm that the Board wish to continue acting for the best interests of Onchan. It was also felt that this would show that the Authority wished to work with other Authorities but retaining independence."

After due consideration, set out below is the proposed revision to the minute:-

"5. Eastern Area Housing

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

Report of the Chief Executive dated 1st February 2017, having previously been circulated, was discussed.

The Chief Executive explained that the report was to gauge Members view on whether the Local Authorities in the eastern area of the Island should come together for mutual assistance to manage the local authority housing.

In answer to a question, the Chief Executive advised that the meetings were currently officer led, and there will be some need for political oversight at a later stage.

The Vice-Chairman stated that:-

- It must be made 100% clear that the Board of Onchan District Commissioners want to remain managing and allocating their own housing stock.
- That Onchan wish to remain a stand-alone housing authority.

In answer to comment, the Chief Executive explained that it may well be that Onchan residents may move to other Local Authority areas if it meant they would be housed sooner.

Members agreed that due to the seriousness of the topic, that requesting both the Chief Executive and Deputy Clerk to attend these meetings will demonstrate to others the seriousness of the matter, and to reaffirm that the Board wish to continue acting for the best interests of Onchan. It was also felt that this would show that the Authority wished to work with other Authorities but retaining independence."

Submitted for your consideration.



M.J. MORRISON
CHIEF EXECUTIVE

PLANS LIST

Board Meeting to be held on 6th 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 16/01372	IOM Bank, 26 Main Road	Amended details addressing questions raised from the initial submission.
Recommendation – For Members consideration		
PA 17/00141	Birchfield House, Strathallan Road	Proposed small extension to the side to enlarge the kitchen, and a larger extension to the rear with a balcony over. The proposals do not create overlooking to neighbours.
Recommendation - Approval		
PA 17/00147	12 Alberta Drive	Replacing existing conservatory roof with fibreglass roof including sun tunnels.
Recommendation - Approval		
PA 17/00150	22 Eskdale Road	Proposed external flue for a multi fuel stove fitted to the side elevation.
Recommendation - Approval		
PA 17/00170	24 Briarfield Avenue	Proposed dormer window to the rear with fully glazed elevation.
Recommendation - Approval		
PA 17/00174	21 Thirlmere Avenue	Retrospective application for the installation of a small window to the gable.
Recommendation – Approval		
PA 17/00177	14 Hillcrest Grove	Proposed extension to the rear and new roof to allow attic accommodation. This proposal will increase the ridge height by 1.5m. The remainder of the estate is true bungalows. This could look out of place by having a large feature window facing the road.
Recommendation – For Members consideration		
PA 17/00179	12 Church Avenue	Small single storey extension to the rear infilling the space between the existing kitchen and the neighbouring property. This is a common type of extension in these properties.
Recommendation – Approval		
PA 17/00209	12 Hollydene Avenue	Replacement of existing conservatory roof with lightweight tiles.
Recommendation - Approval		
PA 17/00215	33 Cronk Avenue	Proposed dormer to side elevation to provide improved bathroom accommodation.
Recommendation – Approval		

Appendix 10.1



Port St Mary Commissioners
invite

CHAIRMAN & GUEST

to the

Mona's Queen III Anchor Memorial Service

At Kallow Point, Port St Mary
On Monday 29th May 2017 at 2pm
Refreshments will be served in the
Town Hall after the service

Please RSVP before Friday 28th April 2017 to Mrs D Greenwood,
Port St Mary Commissioners, Town Hall, The Promenade, Port St Mary,
Isle of Man, IM9 5DA. d.greenwood@portstmary.gov.im

The Treasury

Yn Tashtey

Julie McNicholl
Housing Policy Manager
Department of Infrastructure
Markwell House
Market Street
Douglas
Isle of Man IM1 2RZ

Chief Financial Officer
Sheila Lowe
Nick Gough
Policy and Legislation Section

Markwell House
Market Street, Douglas
Isle of Man
IM1 2RZ

Direct Dial No: (01624) 685223
Website: www.gov.im
Email: Nick.Gough@gov.im

Date: 21 February 2017

Ref:

Dear Julie,

Proposed changes to social security legislation to improve administration of income-related benefit housing allowances

I am writing to let you know that Treasury intends to change its legislation to improve the administration of income-related benefit housing allowances it pays (see the proposals in paragraphs 1 to 4 set out overleaf).

We do not intend to formally consult with stakeholders like yourselves, because the matters are largely concerned with how Treasury enforces its own legislation. But if you do have any questions or comments then please let me know.

It would be helpful, too, if you could bring this matter to the attention of local authorities and joint local authorities who are landlords. If they have any comments or questions then they can be addressed to me directly – or indirectly through you.

I hope this information is helpful, but please let me know if you have any questions or would like to comment on anything else proposed in 1 to 4 overleaf.

Yours sincerely,

Nick Gough
Policy and Legislation Manager

1. New power for social security inspectors to require landlords to provide information in relation to benefit matters

Section 109B(2) of the Social Security Administration Act 1992 as it has effect in the Island ("the Administration Act") lists the persons (such as employers and managers of pension schemes) whom social security inspectors can require to provide information to them to ascertain if benefit is properly payable or if any social security legislation has been contravened. That list does not include landlords.

It is proposed that landlords should be added to the list of persons in section 109B(2) (including their agents or servants). "Landlords" would include the owners of property occupied under licence as well as the owners of leased accommodation.

2. New power for social security inspectors to enter a landlord's property to conduct an enquiry

Section 109C(4) of the Administration Act lists the premises which social security inspectors may enter and conduct an enquiry there currently. It does not include landlords' properties.

It is proposed that premises which are the subject of a contract of tenancy, etc. should be added to the list in section 109C(4).

3. New general Treasury information-gathering powers about landlords

Treasury currently has no explicit power to require landlords to provide information to social security officers to verify that income-related benefit housing allowances are being properly paid, unlike in Great Britain (see section 126A the Social Security Administration Act 1992).

It is proposed that landlords should be required to provide a list of all tenants in their property for whom housing allowances are paid under rent-direct arrangements amongst other things on a periodic basis. Failure to do so in certain circumstances could be made an offence.

Please note that these powers are different from 1 and 2.

4. Evidence of housing costs to be shown by way of a tenancy agreement or completed verification form

In some cases it is hard to obtain evidence showing that a person claiming an income-related housing allowance is liable for housing costs on a commercial basis - and is therefore entitled to that allowance.

To allow persons to do so more easily it is proposed that claimants should be required to provide either a tenancy agreement or a completed housing costs verification form (signed by the tenant and the landlord or the landlord's agent) when they make their claim for benefit.

It is understood that all local authority housing tenants have written tenancy agreements.

The Treasury

Yn Tashtey

Julie McNicholl
Housing Policy Manager
Department of Infrastructure
Markwell House
Market Street
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Isle of Man IM1 2RZ

Chief Financial Officer
Sheila Lowe
Nick Gough
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Direct Dial No: (01624) 685223
Website: www.gov.im
Email: Nick.Gough@gov.im

Date: 21 February 2017

Ref:

Dear Julie,

Proposed new legal powers for Treasury to share housing information with the Department of Infrastructure (DOI) and local authorities and joint local authorities who are landlords

I am writing to let you know that Treasury intends to change its legislation to further improve the administration of income-related benefit housing allowances it pays and to help DOI, local authorities and joint local authorities who are landlords carry out their functions.

Currently there is no explicit legal power for (a) the Treasury and (b) DOI and local authorities and joint local authorities to share relevant housing information they have with each other.

A large number of people living in social housing in the Isle of Man receive low income benefits, including allowances for their housing costs. Occasionally, issues arise as to whether tenants of social housing are actually living in the property they are renting – and whether tenants are allowing other people to live in the property they are renting without permission (i.e. in breach of their tenancy). Both issues could be relevant to the person's entitlement to benefit (e.g., they are claiming an income-related benefit as a lone parent when in fact they are living with their partner).

Currently there is no straightforward way in which (a) Treasury (Social Security) and (b) DOI (Housing) and local authorities can share information about housing matters without breaching the data protection principles.

After relevant discussions, it is proposed that a new statutory information gateway is put in place allowing Treasury to share housing information about social security benefit claimants it has with DOI and local authorities for specified purposes (see below), subject to restrictions on its further disclosure which are found in other social security information gateways. Information would flow in the other direction from DOI and local authorities.

It is proposed that Treasury would use the information supplied to it by DOI and local authorities to–

- (a) prevent, detect, investigate or prosecute social security offences;
- (b) check the accuracy of information relating to benefits or to other social security matters and amending or supplementing such information;
- (c) ascertain in relation to any case whether a benefit is or was properly payable; or
- (d) ascertain whether the relevant social security legislation is being, has been or is likely to be contravened (by particular persons or generally).

DOI and local authorities would use the information supplied to them by Treasury to–

- (a) exercise powers or duties under Part IV of the Housing Act 1955 exercisable by DOI pursuant to section 1 of the Housing (Miscellaneous Provisions) Act 1976;
- (b) exercise any power or duty under section 3 of the Housing (Miscellaneous Provisions) Act 1976 (allocation of housing by DOI and local authorities);
- (c) prevent, detect, investigate or prosecute offences under Part 2 Housing (Miscellaneous Provisions) Act 2011 (Housing Assistance); or
- (d) enforce any term of any tenancy agreement as between the DOI and any other person.

Sharing housing information in this way would be in addition to the other initiatives aimed at detecting, preventing and prosecuting housing benefit fraud.

As well as DOI considering what Treasury is proposing, it would be helpful if you could bring this matter to the attention of local authorities and joint local authorities who are landlords. If they have any comments, questions or need more information they can be addressed to me directly – or indirectly through you.

I hope this is helpful, but please let me know if you have any questions or would like to comment on anything I have said.

I will provide copies of the draft legislation once it is finalised.

Yours sincerely,

Nick Gough

Nick Gough
Policy and Legislation Manager

Michael Morrison

From: Smith, Pam (CO) <Pam.Smith@gov.im>
Sent: 24 February 2017 14:32
To: Michael Morrison
Subject: Area Plan for the East



Cabinet Office

Oik Coonceil ny Shirveishee

CHIEF SECRETARY
Mr Will Greenhow, ACMA

Dear Clerk of Onchan,

Re: Update on the Area Plan for the East

I write to provide an update regarding the Department's work on the Area Plan for the East, and to advise that the 'Preliminary Publicity' public consultation will commence on the 24th February 2017 and will be open for submissions until the 21st April 2017. The consultation material has been informed by the responses to the 'Call for Sites' which was carried out last year.

The Area Plan for the East

The Area Plan for the East will provide detailed policy proposals (including site allocations) and replace the current development plans in operation, namely:

- the Douglas Local Plan (1998);
- the Braddan Local Plan (1991);
- the Onchan Local Plan (2000);
- the Laxey and Lonan Area Plan (2005); and
- the relevant parts of the 1982 Development Plan.

Preliminary Publicity

The Cabinet Office has produced a report entitled "Area Plan for the East – Preliminary Publicity". This sets out the matters which are intended to be dealt with by the Plan. The report sets out the strategic policy context provided by the Isle of Man Strategic Plan 2016, the key baseline information and outlines the issues which it is envisaged the plan will address. The report is accompanied by five Annexes, as summarised below.

- Annex 1: An Overall Map of the East
- Annex 2: Eight Inset Maps focusing on the settlements of Douglas, Onchan, Union Mills, Laxey, Baldrine, Strang, Crosby, Glen Vine and Newtown
- Annex 3: A Site Identification Report explaining how sites for assessment were identified
- Annex 4: A Site Assessment Framework which explains the methodology and assessment process
- Annex 5: A Scenario Testing Report which examines the implications of different development approaches on infrastructure in the East

The Report and Annexes are supplemented by specific site submissions and information and draft site assessments for each site.

How to respond to the consultation

The Department now asks for representations on the Preliminary Publicity (i.e. the Report, Annexes and draft site assessments). The consultation documents can be viewed and downloaded from the Isle of Man Government website at www.gov.im/tape

Copies of the Report and Annexes may be purchased, price £4, from the Welcome Centre, Sea Terminal, Douglas (*please note the price is based on maps being A3 size*). It is also available to view at the locations set out below:

- 1st floor, Sea Terminal, Douglas (Planning Policy Team, Cabinet Office)
- 3rd floor, Government Office, Bucks Road, Douglas (Main Cabinet Office reception)
- 1st Floor, Murray House, Mount Havelock, Douglas (Planning and Building Control reception - DEFA)

Due to the large volume of material associated with the site submissions and draft site assessments, these documents are only available to view online or in person subject to making prior arrangement with the Planning Policy Team at the Sea Terminal who can be contacted at planningpolicy@gov.im or on 685905 / 686985.

All responses should be submitted using a Response Form. This can be accessed and downloaded from the website above and for those without internet access hard copies are available on request. Responses to the consultation can be emailed to planningpolicy@gov.im or posted to the Planning Policy Team, Cabinet Office, Sea Terminal, Douglas, IM1 2BU. All representations will be made available for public viewing and should be submitted by **5pm on 21st April 2017**.

Next Steps

Following the Preliminary Publicity Stage, the Department will consider all of the representations before embarking on the remaining stages in plan preparation as set out in Schedule 1 of the 1999 Act, namely:

- the publication of a Draft Plan (Early 2018)
- the undertaking of a Public Inquiry (2018),
- publicity of the Inquiry Report (2018),
- the adoption of the Plan by the Cabinet Office (Early/Mid 2019); and
- the publication of the Plan after approval by Tynwald (Early/Mid 2019).

If you require any further information please do not hesitate to contact me.

Yours sincerely,



Diane Brown MRTPI
Head of Planning Policy