

Minutes of the Ordinary Meeting of the **ONCHAN DISTRICT COMMISSIONERS** held in the Boardroom, Hawthorn Villa, 79 Main Road, Onchan, on Monday 10<sup>th</sup> July 2023 at 7:04 pm

**Present:** Miss Z Lewin (Chair)  
 Miss K Williams (Vice Chair)  
 Mr D Crellin  
 Ms F Logan (Lead Member for Finance and General Purposes)  
 Mr R Turton (Lead Member for Housing)  
 Mr D Quirk (Lead Member for Environmental and Technical Services)

**Apologies:** Mr A Allen

**In attendance:** Mr R Phillips (Chief Executive/Clerk)

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**C23/07/01/01**

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

Not necessary.

**C23/07/01/02**

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

None.

**C23/07/01/03**

**MINUTES**

**1. Ordinary Meeting held on Monday 26<sup>th</sup> June 2023**

The Minutes of the Ordinary Meeting held on Monday 26<sup>th</sup> June 2023, copies of which having previously been circulated were considered.

Amendments:

Page 1 – Minutes – Paragraph 5 – delete the word “telephoned” and amend to “spoke to”.  
 After “to discuss” include the word “some”.

Page 2 – To Dispose of Any Relevant Business Arising from Such Minutes – amend the word “refused” to “disputed”.

Subject to the above mentioned amendments, it was proposed by Mr Quirk and seconded by Ms Logan and **RESOLVED that the minutes be agreed as a correct record of the proceedings and be signed by the Chair.**

***Miss Williams and Mr Turton did not cast a vote as they were not present at the meeting.***

**C23/07/01/04**

**TO DISPOSE OF ANY BUSINESS ARISING FROM SUCH MINUTES**

**1. Ordinary Meeting held on Monday 26<sup>th</sup> June 2023**

Mr Crellin advised the Board that he has spoken with others present at the Ordinary Meeting held on Monday 12<sup>th</sup> June 2023, who have corroborated<sup>[ODC 24/07/2023]</sup> that he did make the comments that were disputed by other Members.

C23/07/01/05TO DISPOSE OF ANY BUSINESS ADJOURNED FROM A PREVIOUS MEETING

None.

C23/07/01/06TO DEAL WITH ANY BUSINESS EXPRESSLY REQUIRED BY STATUTE TO BE DONE

None.

C23/07/01/07PLANNING DECISIONS/COMMUNICATIONS FROM THE DEPARTMENT OF INFRASTRUCTURE PLANNING COMMITTEE1. Plans to the Board

(a) The following plans were considered by the Board:-

(i) **PA 23/00699/B Mr & Mrs K Bruder – Part Field 534725, Ballakilmartin Cottage**

Members were advised that the planning application is for the erection of a single storey prefabricated bespoke 10 unit cattery building, and adjacent wooden office and an access path, with shared existing on-site parking

In answer to questions, the Chief Executive/Clerk advised that:

- No comments had been received from neighbouring properties; and
- The return date for the application is the 21<sup>st</sup> July 2023.

After Members consideration, it was proposed by Mr Crellin and seconded by Ms Logan and unanimously **RESOLVED that PA23/00699/B – Part Field 534725, Ballakilmartin Cottage be recommended for approval subject to the comments from the Department of Infrastructure – Highways Division.**

(ii) **PA23/00733/B Mrs Qing Zhang-Hou – 127 King Edward Road**

Members were advised that the planning application is for a proposed window to the north elevation, two flat roof lights, new parking area with roller gates to entrance and the removal of one palm tree.

In answer to questions, the Chief Executive/Clerk advised that:

- Comments had been received from the Department of Infrastructure – Highways Division; and
- The return date for the application is the 21<sup>st</sup> July 2023.

After a discussion, it was proposed by Mr Crellin and seconded by Ms Logan and unanimously **RESOLVED that PA23/00733/B – 127 King Edward Road be recommended for approval subject to the comments received from the Department for Infrastructure – Highways Division.**

**C23/07/01/08****FINANCE AND GENERAL PURPOSES**

None.

**C23/07/01/09****REPORT FROM THE CLERK OR OTHER OFFICER****1. Onchan Youth Development Fund**

The Report of the Chief Executive/Clerk dated 22<sup>nd</sup> June 2023, having previously been circulated was considered.

The Chief Executive/Clerk provided the Board with an overview in relation to how the Onchan Youth Development Fund (“the Youth Development Fund”) was created, and that previous discussions had taken place involving previous Board Members and Chief Executive/Clerks regarding the legalities involved with a Local Authority administering funds obtained from charities and trustees.

The Chief Executive/Clerk provided the Board with a further overview in relation to his concerns regarding the Authority undertaking fund raising to increase funds following a review of the relevant legislation, namely:

- the Local Government Act 1985;
- Charities Registration and Regulation Act 2019;
- the Rate and Valuation Act 1985; and
- the Blind Persons Welfare Act 1937.

A discussion between all Members regarding the positive attributes of the fund and the potential risks that need to be clarified with the relevant Government Department, namely the Attorney General Chambers.

It was agreed that the Chief Executive/Clerk obtain advice from the Attorney General Chambers and bring the matter back to the Board for consideration, before any decisions are made regarding the future administration of the Youth Development Fund.

**2. Hawthorn Villa – Electric Vehicle Charging Point Proposal**

The Report of the Chief Executive/Clerk dated 26<sup>th</sup> June 2023, having previously been circulated was considered.

The Chief Executive/Clerk provided the Board with an overview in relation to the proposal.

Mr Turton expressed concerns on behalf of Onchan Silver Band regarding the location of the proposed spaces, namely trailing leads from vehicles potentially causing a hazard on the adjacent footpath that is used by many, not just the Band.

Mr Turton advised that he had met with the Authority’s District Surveyor to ask if The Manx Utilities Authority would consider moving the proposed parking spaces away from the path.

Ms Logan highlighted that she is aware that other electric vehicle charging points on the Island limit the use of those spaces to electric vehicles only, and that originally she was of the understanding that any vehicle may use these spaces at all times.

Mr Quirk provided an example of electric vehicle spaces that have presented issues following their installation on Elm Tree Road in Onchan.

The Chief Executive/Clerk provided the Board with an explanation of the Authority’s Parking Places Order and that the Authority has the enforcement powers and administration

responsibility regarding parking restrictions on the land that is owned by the Authority, such as Hawthorn Villa car park as is being considered as part of this proposal.

After a discussion, it was proposed by Mr Quirk and seconded by Ms Logan and **RESOLVED to accept Manx Utilities Authority offer to provide charging facilities for two designated parking spaces at Hawthorn Villa, subject to their proposed location being moved away from Onchan Silver Band Hall.**

***Mr Turton declared an interest and did not cast a vote.***

### **3. Ocean Views**

The Chief Executive/Clerk provided the Board with an overview of the alcohol licence application in relation to the former arcade in Onchan Park, which is currently tenanted by JK Foods Limited. The Chief Executive/Clerk noted that the Board has previously discussed supporting the licence application but queried regarding the use of the outdoor seating area on the adjacent terrace.

Mr Turton commented that he is against outside drinking in this area, and has concerns regarding how it would be managed as the area is not attached to the proposed licenced premises.

The Chief Executive/Clerk highlighted that the outdoor seating area currently is not included within the tenancy, but there has been a long standing informal agreement that those who tenant the café and arcade are permitted to use the area to provide seating for patrons.

Mr Quirk commented that he is sure that JK Foods Limited, could put measures in place to manage any issues or concerns, and include this area as part of their licence application proposal.

Mr Crellin commented that he shares the concerns of Mr Turton.

Mr Quirk commented that the Authority should be supporting this business as it contributes to Onchan Park.

Miss Lewin commented that consideration could be given to allow the outdoor area to be used in the evenings and night-time to limit impact to those who may be effected during the daytime.

Mr Crellin asked the Chief Executive/Clerk if the licence application is for use only during functions.

The Chief Executive/Clerk advised that he is of the understanding that the licence if approved will not restrictively stipulate when alcohol is to be served i.e. during functions only.

After a discussion, it was proposed by Ms Logan and seconded by Miss Williams and **RESOLVED that the Authority support the tenants alcohol licence application in relation to the proposed function room within the existing arcade at Onchan Park excluding the adjacent outdoor seating area.**

***For: Miss Lewin, Miss Williams, Ms Logan, Mr Crellin and Mr Turton***  
***Against: Mr Quirk***

**C23/07/01/10****CONSIDERATION OF ANY RELEVANT CORRESPONDENCE****1. Douglas Borough Council – Civic Sunday**

A copy of the correspondence received from the Chief Executive of Douglas Borough Council dated 23<sup>rd</sup> June 2023 advising that they are proposing to hold their Civic Sunday Service on Sunday 17<sup>th</sup> September 2023 at 11:00 am at St Mary's Church was noted.

**2. Department of Infrastructure – Highway Services Division**

A copy of the correspondence dated 3<sup>rd</sup> July 2023, received from the Director of Highways Services in relation to weekend and overnight parking restrictions in residential areas, having previously been circulated was considered.

The Chief Executive/Clerk provided the Board with an overview and advised that he had made enquiries with the Local Government Unit and the Department of Infrastructure as the correspondence received refers to a recent consultation but the Chief Executive/Clerk was not aware of any such consultation.

The Chief Executive/Clerk noted that the Authority have not formally been consulted recently regarding the proposals until now.

The Chief Executive/Clerk advised the Board that he has the following concerns:

- the impact on those vehicle owners whose vehicles will be effected, as the vehicle dimensions proposed will apply to a large number of vehicles currently parking within the District;
- the correspondence refers to Local Authority involvement relating to enforcement, and this may negatively impact the Authority's current resources;
- the practicality of enforcement;
- the lack of public consultation.

After a discussion, Miss Lewin requested that before the Authority responds the Chief Executive/Clerk contact other Local Authorities for their thoughts and bring the matter back to the Board.

**C23/07/01/11****TO ANSWER ANY QUESTIONS ASKED UNDER STANDING ORDER 34**

The Chair advised the Board that the following question in accordance with Standing Order 34 had been received from Commissioner Quirk:

**1. Question:**

Following the meeting with Mr Thomas DOI Minister on 23<sup>rd</sup> June 2023 have we received any minutes/notes from this meeting?

**Answer:**

No notes/minutes have been received yet.

**2 Question:**

Will you place a copy of the agenda from this meeting in the public domain?

Mr Crellin asked if the meeting was a private meeting.

After a discussion, it was agreed that the Chief Executive/Clerk would contact the Local Government Unit for clarity.

**Answer:**

Yes we place the agenda in the public domain once an answer is received from the Local Government Unit.

**C23/07/01/12**

**TO CONSIDER ANY MOTIONS**

None.

**C23/07/01/13**

**ENVIRONMENTAL AND TECHNICAL SERVICES**

None.

**C23/07/01/14**

**HOUSING MATTERS**

**1. Public Sector Housing Access & Eligibility Thresholds**

A copy of the report of the Housing Manager dated 4<sup>th</sup> July 2023, having previously been circulated was discussed.

The Chief Executive/Clerk provided the Board with an overview in relation to the thresholds.

The Lead Member for Housing also provided the Board with an overview following his discussion with the Housing Manager.

After a discussion, it was proposed by Mr Turton and seconded by Mr Quirk and unanimously **RESOLVED that:**

- **The Department of Infrastructure's Guidelines on the Implementation and Management of Fixed Term Tenancies in Public Sector Housing are approved and implemented by the Authority;**
- **Further that the current policy of:**
  - **reviewing income affordability assessments continue to be undertaken on tenancy renewals, irrespective of the duration of the tenancy or licence; and**
  - **the review of tenancy can be undertaken as and when required, for example, when there is cause for concern of trigger events.**

**C23/07/01/15**

**CHAIR'S ANNOUNCEMENTS**

**1. Chair's Attendances**

Miss Lewin advised Members that she and Ms Logan had attended the Tynwald Ceremony on Wednesday 5<sup>th</sup> July 2023.

Ms Logan advised Members that she had attended the opening of the new Eastern Civic Amenity Site.

## 2. Dates for the Diary

Date	Organisation	Event	Time
15 <sup>th</sup> July 2023	Onchan District Commissioners	Party in the Park	12 noon to 11:00 pm
20 <sup>th</sup> July 2023	Manx Wildlife Trust	Outside fitness with Liz Corran – Village Green	7:00 pm
24 <sup>th</sup> July 2023	Onchan District Commissioners	Board Meeting	7:00 pm
1 <sup>st</sup> August 2023	Onchan District Commissioners	Commissioners Surgery – Springfield Court	2:00 pm to 3:00 pm
7 <sup>th</sup> August 2023	Onchan District Commissioners	Board Meeting	7:00 pm

**C23/07/01/16**

### **ANY OTHER BUSINESS**

Mr Crellin made the following statement:

*“I was disappointed at the last public meeting that two Commissioners were rude and out of order in the way they addressed members of the public, who left the meeting.*

*I do not wish to be associated with their conduct”.*

Mr Quirk stated that Mr Crellin should name members if allegations are made.

Miss Lewin stated that it was an unfortunate incident. The members of the public did unfortunately disrupt the meeting and should this happen again the future Members should consider their responses carefully.

***The Public session of the Meeting ended at 8:25 pm***