

Minutes of the Ordinary Meeting of the **ONCHAN DISTRICT COMMISSIONERS** held in the Boardroom, Hawthorn Villa, 79 Main Road, Onchan, on Monday 12th June 2023 at 7:05 pm

Present: Miss Z Lewin (Chair)
 Miss K Williams (Vice Chair)
 Mr A Allen
 Mr D Crellin
 Ms F Logan (Lead Member for Finance and General Purposes) (From 7:50 pm)
 Mr D Quirk (Lead Member for Environmental and Technical Services)
 Mr R Turton (Lead Member for Housing)

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

C23/06/01/01

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

Not necessary.

C23/06/01/02

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

None.

C23/06/01/03

MINUTES

1. Extra Ordinary Meeting held on Thursday 25th May 2023

To be considered In Committee.

2. Ordinary Meeting held on Tuesday 30th May 2023

The Minutes of the Ordinary Meeting held on Tuesday 30th May 2023, copies of which having previously been circulated were considered.

Amendments:

Page 6 - after paragraph 10 include the following:

"Mr Crellin re-read his motion statement, quoting when questions could be asked for example current agenda items or matters affecting the District as referenced in Standing Order 34 and gave examples of overhanging hedges/weed spraying if they were not already on the agenda.

Page 6 - delete the word "RESOLVED" from the resolution.

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

Miss Williams did not cast a vote as she was not present at the meeting.

C23/06/01/04**TO DISPOSE OF ANY RELEVANT BUSINESS ARISING FROM SUCH MINUTES****1. Ordinary Minutes of Tuesday 30th May 2023**

Mr Allen made reference to the minutes of the Board Meeting held on Tuesday 30th May 2023 in relation to comments made by Miss Lewin regarding Mr Crellin's proposed motion 68.

Mr Allen quoted "Miss Lewin stated the motion could put the Chair in a position where other Members could abuse this process, and rally the public to abuse this for political benefits or personal gain".

Mr Allen questioned if the comments were an accusation, as they could be interpreted negatively or offensively, and have repercussions for the Authority.

Miss Lewin stated that the comments are her opinion and it is what she said during the meeting. Mr Allen stated that he disagrees with Miss Lewin's opinion.

A discussion took place regarding the Authority's current board and potential future boards and how the proposed motion could affect future meetings of the Authority.

Mr Quirk stated that he is not offended or concerned by the comments made by Miss Lewin.

Miss Lewin questioned does Mr Allen not think that other Local Authorities have issues with Members conduct and not abiding to policies.

Mr Allen stated that it is not for him to discuss the practices of other Local Authorities, only Onchan.

A discussion between all Members took place, and Miss Lewin called the Members to order.

2. Privilege under Standing Order 67

Mr Crellin in accordance with the Authority's Standing Order 67 pledged privilege in relation to a matter that occurred following the last meeting of the Board.

A discussion between Mr Crellin and Mr Quirk took place regarding the interpretation of the Authority's Standing Orders regarding points of order and privilege.

The Chief Executive/Clerk intervened and explained the wording of Standing Order 67. Mr Crellin asked the Chief Executive/Clerk for advice regarding claiming privilege. The Chief Executive/Clerk explained that Mr Crellin could discuss the matter now under the provision of Standing Order 67, or the matter could be discussed outside of the meeting with those who it relates to.

The Chief Executive/Clerk advised the Board that in order for Mr Crellin to be heard now, Miss Williams as Vice Chair could be asked for consent under Standing Order 67 rather than the Chair as the matter relates to the Chair, and that it could appear conflicted if the Chair was to decide if the matter be heard or not.

Following a discussion involving, Miss Williams, Mr Quirk and Mr Turton, Miss Williams agreed that Mr Crellin could be heard during the meeting in order to progress the matter.

Mr Crellin made the following statement:

"I wish to claim privilege under Standing Order 67.1 as an aggrieved Member."

The basis for my complaint is the derogatory comments made on social media by the Chair of the Authority, Commissioner Lewin in respect of my motion number 68 heard at the Authority's public meeting on the 30th May 2023.

At the time of Commissioner Lewin's comments on social media in relation to my motion, the minutes of the meeting had not been ratified/published and therefore the general public (except for those who were present at the meeting) would be unaware of the motion, debate and result – still in draft form – Standing Order 12.6 refers. Amendments have been made to the minutes of the motion this evening.

Commissioner Lewin should be aware the Chair of the Authority is the spokesperson and should be neutral, reflect factual and accurate statements.

I did for clarity, read my motion statement twice, because during the meeting some Members did not appear to understand it would be used for current agenda items and matters affecting the District as referenced in part of the Authority's Standing Order 34. The process of implementing it into policy if approved was explained.

All questions have to be put to the Chair, who has Officers and Lead Members support in responding to negating misuse.

The motion lay on the table for two weeks, and the Chief Executive/Clerk did not question the motion in its format, nor did any other Member.

I raised it at the meeting it could be amended but no one made a proposal to do so.

Commissioner Lewin made reference to the motion being vague both at the meeting and on social media, but no logical reason given. The motion statement was clear, to a reasonable person, when questions could be asked.

The Chair should keep their personal opinions to themselves when making public statements/comments. Only expressing the views of the Authority.

In my opinion there is room for improvement and competency by Commissioner Lewin as Chair. I hope she will seek advice and guidance from the Chief Executive/Clerk.

I was prepared to move on after the motion but Commissioner Lewin brought it out of the boardroom and into the public domain, leaving me with no other alternative to use Standing Order 67 (Privilege) to clarify the situation".

Miss Williams stated that she was not present at the meeting of the 30th May 2023, and only has the minutes for reference.

Miss Williams asked Mr Crellin if he wanted Miss Lewin reprimanded, or if he was just making a public statement. Miss Williams further asked Mr Crellin how he wished to resolve the matter.

Mr Crellin stated that he would like Miss Lewin to refrain from making comments on social media in a way that he feels brings the Authority and himself in to disrepute.

Miss Lewin acknowledged Mr Crellin's comments, and stated that she was responding to comments on social media that related to the motion. Miss Lewin apologised if she had gone about it in the wrong way. Miss Lewin stated that she will always take advice from the Chief Executive/Clerk and other Members who have experience to allow her to improve.

Mr Crellin advised that he wishes to move on from the failed motion, but due to the comments made by Miss Lewin on social media he feels aggrieved.

Mr Quirk commented that all Members were copied into the e-mails received from an aggrieved resident regarding the matter. Mr Quirk further commented that the aggrieved resident was not

present at the meeting but as with any member of the public they have the option to attend public meetings.

Miss Lewin acknowledged Mr Crellin's comments, and stated that maybe she should not have commented, but she was just trying to be proactive, and engage with the general public.

Miss Williams asked the Chief Executive/Clerk for advice in relation to how to resolve the matter.

The Chief Executive/Clerk advised the Board that a separate discussion between, Miss Williams, Miss Lewin and Mr Crellin could take place in order to resolve the matter or it could be resolved during the public session of tonight's meeting. The decision is at the Vice Chair's discretion.

Mr Quirk stated that if a private discussion takes place, then it should be formally minuted. The Chief Executive/Clerk disagreed with Mr Quirk and stated that a discussion between individual Members does not require to be minuted, as it would not fall under the provisions of Standing Orders 1 and 2, Minutes of the Authority and Notice of Meetings.

Miss Williams offered that she, Miss Lewin and the Chief Executive/Clerk meet with Mr Crellin at the close of the Meeting to discuss this matter.

Both Miss Lewin and Mr Crellin agreed to meet after the close of tonight's board meeting to resolve the matter.

Ms Logan was present at the meeting from 7:50 pm

C23/06/01/05

TO DISPOSE OF ANY BUSINESS ADJOURNED FROM A PREVIOUS MEETING

1. Minutes of the Ordinary Meeting held on Monday 15th May 2023

The Minutes of the Ordinary Meeting held on Monday 15th May 2023, copies of which having previously been circulated were considered.

Amendments:

Page 2 – Paragraph 6:

Delete: "what is proposed happened at the Annual General Meeting is no different from previous Annual General Meetings"

Delete: "furthermore" and "of Members"

Page 2 after Paragraph 10 include "Mr Crellin stated that at a recent presentation by the Authority's former Data Protection Advocate, had advised that private meetings are acceptable but all Members must be present, and two Members were deliberately excluded.

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

C23/06/01/06**TO DISPOSE OF ANY RELEVANT BUSINESS ARISING FROM SUCH MINUTES****1. Minutes of the Ordinary Meeting held on Monday 15th May 2023**

Ms Logan stated that during the meeting she had provided an example in relation to Mr Crellin's comments regarding private meetings and these comments had not been included within the Minutes.

The example given was that Mr Crellin telephoned Ms Logan prior to the 2022 Annual General Meeting to discuss potential roles for the Members during the 2022/23 Municipal Year. This is no different to what has been proposed happened prior to the 2023 Annual General Meeting.^[ODC 26/06/2023]

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

None.

C23/06/01/08**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 23/00607/B Mr & Mrs M Parpala – 6 The Fairway

Members were advised that the planning application is for a single storey extension.

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

- No comments had received from neighbouring properties; and
- The return date for the application is the 16th June 2023.

After a discussion, it was proposed by Mr Quirk and seconded by Mr Crellin and **RESOLVED that PA23/00607/B – 6 The Fairway be recommended for approval.**

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

(ii) PA23/00629/B Mr R Forgie – 30 The Park

Members were advised that the planning application is for the erection of a 2 storey extension to the rear of the property, the removal of chimneys, raising the height of the existing garage roof and the installation of a new access door.

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 23rd June 2023

Ms Logan declared an interest.

After Members consideration, it was proposed by Mr Quirk and seconded by Mr Allen and **RESOLVED that PA 23/00629/B – 30 The Park be recommended for approval.**

(iii) PA23/00640/B Mr & Mrs D Carroll – Riverside Barn, King Edward Road

Members were advised that the planning application for the erection of a building for the storage of items associated with maintenance on site.

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

- Comments had been received from the Department of Environment, Food and Agriculture and the Manx National Heritage; and
- The return date for the application is the 16th June 2023.

After a discussion, it was proposed by Mr Quirk and seconded by Ms Logan and **RESOLVED that PA 23/00640/B – Riverside Barn, King Edward Road be recommended for approval subject to the conditions received from the Department of Environmental, Food and Agriculture and the Manx National Heritage.**

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

(v) PA23/00667/B Mr & Mrs R Danielson – 20 Banks Howe

Members were advised that the planning application is for the erection of a detached garden room.

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 23rd June 2023.

After a discussion, it was proposed by Mr Quirk and seconded by Ms Logan and unanimously **RESOLVED that PA23/00667/B – be recommended for approval.**

C23/06/01/09

FINANCE AND GENERAL PURPOSES

None.

C23/06/01/10

REPORT FROM THE CLERK OR OTHER OFFICER**1. Commercial Tenancy Update**

To be considered In Committee.

2. Elm Tree House

To be considered In Committee.

C23/06/01/11

CONSIDERATION OF ANY RELEVANT CORRESPONDENCE

1. Kenyon's Youth Café

A copy of the correspondence received from Kenyon's Youth Café ("Kenyon's") dated 24th May 2023, having previously been circulated was discussed.

Miss Lewin provided an overview in relation to the facilities which Kenyon's provides.

Ms Logan advised the Board that there is currently sufficient funds available within the Authority's ear marked reserves account for youth development ("the Youth Development Fund") to cover the amount applied for.

Ms Logan explained who had recently benefitted from donations made from the Authority's Youth Development Fund, and stressed that the Authority needs to proactively increase the Youth Development Fund for future use. Ms Logan stated that she welcomed ideas from Members.

Mr Quirk asked the Chief Executive/Clerk if the Authority can bring forward a charter or process of how to increase the Youth Development Fund. The Chief Executive/Clerk agreed to bring a memo back to the Board regarding the Youth Development Fund.

Mr Crellin stated that he is in favour of the proposal and gave an overview of the positive attributes of Kenyon's.

Mr Turton asked if Kenyon's could raise some of the funds themselves by fund raising.

Miss Williams stated that she is in favour of the proposal, although it is a larger amount requested than other previous donations which had been paid from the Youth Development Fund.

Mr Quirk stated that he notes the comments of Miss Williams. Mr Quirk further stated that all clubs should be supported to fund raise, and he would support the request received from Kenyon's, due to their positive impact on the District.

After a discussion, it was proposed by Ms Logan and seconded by Mr Crellin and unanimously **RESOLVED that a donation in the sum of £800 be made to Kenyon's from the Youth Development Fund.**

Miss Lewin asked the Chief Executive/Clerk to bring forward proposals to increase the Youth Development Fund.

C23/06/01/12

TO ANSWER ANY QUESTIONS ASKED UNDER STANDING ORDER 34

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

1. **Question:**

As of today how much money has been paid to the Authority relating to rates due for the current financial year?

Answer:

Since the 1st April 2023, the Authority has received £1,085,764.97.

2. Question:

What percentage of rates due does this equate to?

Answer:

Approximately 37%

C23/06/01/13
TO CONSIDER ANY MOTIONS

None.

C23/06/01/13
ENVIRONMENTAL AND TECHNICAL SERVICES

None.

C23/06/01/14
HOUSING MATTERS

None.

C23/06/01/15
CHAIR'S ANNOUNCEMENTS

1. Chair's Attendances

Miss Lewin advised that she had not attended any events on behalf of the Authority since the last meeting.

Mr Quirk asked the Chief Executive/Clerk to contact the Department of Infrastructure to enquire how many highway defects are yet to be attended to within the District ie. What is the outstanding number.

2. Dates for the Diary

Date	Organisation	Event	Time
17 th June 2023	Onchan Wetlands Community Group	Onchan Community Picnic – Lakeside Gardens Park	12:30 pm
18 th June 2023	Live at Home	Palace Bingo	3:00 pm to 5:00 pm
26 th June 2023	Onchan District Commissioners	Board Meeting	7:00 pm
1 st July 2023	Onchan District Commissioners	Commissioners Surgery – The Hub	10:00 am to 12 noon

C23/06/01/16
ANY OTHER BUSINESS

Miss Williams gave her apologies for the Board Meeting of the 26th June 2023.

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

C23/06/01/17
MINUTES

1. Extra Ordinary Meeting held on Thursday 25th May 2023

The Minutes of the Extra Ordinary Meeting held on Thursday 25th May 2023, copies of which having previously been circulated were considered.

After a discussion, it was proposed by Mr Allen and seconded by Mr Crellin and unanimously **RESOLVED that the minutes be agreed as a correct record of the proceedings and be signed by the Chair.**

C23/06/01/18
REPORT FROM THE CLERK OR OTHER OFFICER

1. Commercial Tenancy Update

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

The Report of the Chief Executive/Clerk dated 31st May 2023, copies of which having previously been circulated was discussed.

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

2. Elm Tree House

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

The Report of the Chief Executive/Clerk dated 31st May 2023, copies of which having previously been circulated was discussed.

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

After a discussion, it was proposed by Ms Logan and seconded by Mr Allen and unanimously **RESOLVED that the Authority should retain the property rather than selling it.**

C23/06/01/19
ANY OTHER URGENT BUSINESS

1. Apologies Received

Mr Turton gave his apologies for the Board Meeting of Monday 26th June 2023.

Miss Williams and Mr Turton gave their apologies for the Meeting to be held with Minister Thomas on the 28th June 2023.

There being no further business the meeting closed at 8:50 pm