

Minutes of the Ordinary Meeting of the **ONCHAN DISTRICT COMMISSIONERS** held in the Boardroom, Hawthorn Villa, 79 Main Road, Onchan, on Monday 14th November 2022 at 7:00 pm

Present: Miss K Williams (Chair)
Miss Z Lewin (Vice Chair)
Mr A Allen
Mr D Crellin
Mr D Quirk (Lead Member for Finance & General Purposes)
Mr R Turton (Lead Member for Housing)

Apologies: Ms F Logan (Lead Member for Environmental and Technical Services)

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

C22/11/02/01

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

Not necessary.

C22/11/02/02

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

None.

C22/11/02/03

MINUTES

1. Ordinary Meeting held on Monday 1st November 2022

The Minutes of the Ordinary Meeting held on Monday 1st November 2022, copies of which having previously been circulated, were considered.

Amendments:-

Page 1 – Minutes delete the wording “when a full Board was present” and add Miss Williams stated that two Members had requested that the Minutes of the 14th November 2022 be deferred prior to the Meeting, in addition two Members were going to be absent from the Meeting^[ODC 14/11/2022]

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

Miss Lewin and Mr Allen did not cast a vote as they were not present at the meeting.

2. Extra Ordinary Meeting held on Monday 26th September 2022

To be considered In Committee.

C22/11/02/04

TO DISPOSE OF ANY RELEVANT BUSINESS ARISING FROM SUCH MINUTES

None.

C22/11/02/05TO DISPOSE OF ANY BUSINESS ADJOURNED FROM A PREVIOUS MEETING**1. Minutes of the Ordinary Meeting held on Monday 17th October 2022**

The Minutes of the Ordinary Meeting held on Monday 17th October 2022, copies of which having previously been circulated, were considered.

Page 6 after paragraph 5 include the following:–[ODC 12/12/2022]

Mr Quirk further stated:

“I have always said to the Chief Executive/Clerk and this Board when certain issues came about which are of a staffing issue nothing to do with me as Mr Quirk.

Due to Section 27 Subsection 7 of the Local Government Act and the Authority’s Standing Order 22.2 being contravened the remainder of Mr Quirk’s statement was transferred to Staffing Minutes.

Further amendments:

Page 5 amend paragraph 17 from “Miss Williams needs to be confirmed before proceedings” to Miss Williams need to confirm before proceedings.

Page 6 - Paragraph 7 after delete the word “commenting” and amend to comment.

Page 6 – Paragraph 20 after amend “they are disappointed” to he is disappointed.

Page 7 first bullet point include after “as the Chair” include in relation to this matter.

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

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

C22/11/02/06TO DISPOSE OF ANY RELEVANT BUSINESS ARISING FROM SUCH MINUTES

Mr Crellin made the following comments:

- Page 6 paragraph 3 – Mr Crellin had not mentioned how he was going to vote prior to the motion being heard;
- Mr Quirk’s statement refers to complaints against two Members and that this was highly inappropriate. Also that threatening behaviour was witnessed by the Chief Executive/Clerk, this is untrue;
- it is untrue that Mr Crellin did not receive any support at the Annual General Meeting as he was nominated by Mr Turton to be the Authority’s Isle of Man Municipal Association representative which he had turned down;
- paragraph 4 - Mr Quirk does not dispute the claims against him, he just responded with accusations against Members;
- Miss Lewin stated that not all options had been explored – what are the other options, please?
- Mr Quirk gave an interview to the press in a room outside of the Boardroom which in itself could have a potential GDPR issue. Did Mr Quirk have permission to do so?

Miss Williams stated that she and the Chief Executive/Clerk had been approached by the press as well, and that no comment had been made as it was a staffing matter which must not to be discussed in the public domain, and it is disappointing and a worry that comments were publicly made by some Members.

Mr Quirk stated that Mr Crellin is talking about something that took place outside the Meeting after the motion was heard.

Mr Crellin stated that the comments made by Mr Quirk in relation to the complaints about Members are vexatious and are not relevant to the Minutes.

Mr Turton highlighted that in relation to the statement made by Mr Allen it wasn't agreed that Mr Quirk should resign and that this comment should be removed from the Minutes.

The Chief Executive/Clerk advised that Board in relation to discussing staffing matters in the public domain and the risk this places upon the Authority. The Chief Executive/Clerk further advised the Board that Minutes are a record of what was said and not whether or not comments are factually correct.

Mr Allen made the following comments:

- page 6 - He did not propose to be a Lead Member, he had previously been Lead Member for Finance and General Purposes;
- he had discussed the behaviour/threats with Miss Williams and he knows that he did not use threatening behaviour;
- the comments made publicly are inaccurate and have had an impact on his personal and work life causing^[ODC 12/12/2022] reputational damage.

Miss Williams stated that there are incorrect comments which were made publicly to the press.

Mr Allen further stated that:

- he had meet with Miss Williams and asked if any progress had been made in relation to the Member complaints;
- the comments made were defamatory; and
- they had taken legal advice and the advice received was to potentially issue a cease and desist order;

Mr Crellin stated that:

- he had also taken legal advice and the complaints made against him are vexatious; and
- Mr Quirk at the Board Meeting of the 17th October 2022 had disclosed confidential information which was discussed In Committee into the public domain.

Mr Quirk stated that:

- Mr Allen and Mr Crellin had gone off topic under matters arising;
- Mr Allen and Mr Crellin should release the letters of complaints into the public domain if they wish; and
- the Board were ashamed of Mr Allen and Mr Crellin's behaviour.

Miss Williams interjected due to Mr Quirk's comments.

Mr Turton stated that Mr Allen is wrong in his comments that it was agreed that Mr Quirk should stand down, but he will accept the Chair's decision to accept the minutes and include what was actually said during the Meeting.

Miss Lewin stated that Mr Quirk, Mr Allen and Mr Crellin are all attacking each other and why do they bother coming to the Meetings. The Authority is not progressing because of this behaviour.

Mr Turton requested that the Board move on.

Miss Williams stated that it is for the Board to resolve all the issues and function appropriately.

C22/11/02/06

TO DEAL WITH ANY BUSINESS EXPRESSLY REQUIRED BY STATUTE TO BE DONE

None.

C22/11/02/07**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
22/00816/B

Mr C Corkill – Southwinds, Church Road

Members were advised that the planning application is for a second floor extension to the front and rear with a balcony, erection of a single storey extension to the front and side with glazed balcony and the installation of replacement doors, windows and roof (amended plans).

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 18th November 2022.

After a discussion, it was proposed by Ms Logan and seconded by and unanimously **RESOLVED that PA 22/00816/B – Southwinds, Church Road be recommended for approval.**

(ii) PA
22/01280/B

Mr R S Grosvenor – 20 Highfield Crescent

Members were advised that the planning application is for a two storey extension, install double doors to side elevation, replacement of a window and erection of front porch and replacement shed.

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

- Neighbouring properties had been notified; and
- The return date for the application is the 18th November 2022.

After a discussion, it was proposed by Mr Quirk and seconded by Miss Lewin and unanimously **RESOLVED that PA 22/01280/B – 20 Highfield Crescent be recommended for approval.**

(iii) PA
22/01307/C

Mr & Mrs D Waddington – Field 530509, Lower Ballacashin, Abbeylands

Members were advised that the planning application is for the creation of a private non-commercial fenced arena area for exercising applicant's horses, removal of two trees and the change of use of field from agricultural to equestrian.

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

- No comments had been received;
- The return date for the application is the 25th November 2022.

After a discussion, it was proposed by Mr Quirk and seconded by Mss Lewin and unanimously **RESOLVED that PA 22/01307/C – Field 530509, Lower Ballacashin, Abbeylands be recommended for**

approval subject the Department of Environment, Food and Agriculture in relation to trees.

**PA
22/01369/B**

Manx Mobility – 8 Summerhill Road

Members were advised that the planning application is for a replacement front door and window to create a disabled access.

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 25th November 2022.

After a discussion, it was proposed by Miss Lewin and seconded by Mr Quirk and unanimously **RESOLVED that PA 22/01369/B – 8 Summerhill Road be recommended for approval.**

**PA
22/013396/B**

Mrs V Kingley – 44 Birch Hill Close

Members were advised that the planning application is for a new dormer to the rear, works to existing dormer and internal alterations.

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 2nd December 2022.

After a discussion, it was proposed by Mr Quirk and seconded by Mr Crellin and unanimously **RESOLVED that PA 22/013396/B be recommended for approval.**

PA22/01142/B Mr & Mrs R Welch – Conister, Hillberry Road

Members were advised that the planning application is for the replacement dwelling with attached double garage, the creation of a turning area and widening of existing vehicular access (amended plans).

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

- Comments had been received from neighbouring properties; and
- The return date to the application is the 21st October 2022.

After Members consideration, it was proposed by Mr Crellin and seconded by Mr Quirk and unanimously **RESOLVED that PA 22/01142/B – Conister, Hillberry Road be recommended for refusal due to the layout and density of the buildings design.**

C22/11/02/08

FINANCE AND GENERAL PURPOSES

1. Insurance Renewal

To be considered In Committee.

C22/11/02/09**REPORT FROM THE CLERK OR OTHER OFFICER****1. Information Sharing Agreement**

The Report of the Chief Executive/Clerk dated 25th October 2022, a copy of which having previously been circulated was considered and noted.

Mr Allen asked if Sheltered Housing Co-Ordinators attend the meetings. The Chief Executive/Clerk advised the Board that they don't.

2. Commissioners Surgeries

The Report of the Housing Manager dated 26th October 2022, a copy of which having previously been circulated was considered and discussed.

It was noted that Mr Crellin had attended the Commissioners Surgery held on 5th November 2022 instead of Mr Quirk and that Miss Williams had also been in attendance.

It was noted that no residents had attended. Miss Williams asked if the Commissioners Surgeries at the Hub are still effective.

Mr Quirk recommended that a review should be carried out in January 2023. Miss Williams agreed that the Commissioners Surgeries should continue until then.

It was noted that a memo would be brought to the Board in January 2023.

3. Youth Development Fund

The Chief Executive/Clerk advised the Board of information in relation to Unity Dance School Limited.

After a discussion, it was proposed by Mr Crellin and seconded by Mr Allen and unanimously **RESOLVED that a donation of £500.00 be made to Unity Dance School Limited from the Authority's Youth Development Fund.**

4. Commercial Tenancy – Nursery, 79 Main Road

To be considered In Committee.

C22/11/02/10**CONSIDERATION OF ANY RELEVANT CORRESPONDENCE****1. Royal Artillery Association**

A copy of the invitation received from the Royal Artillery Association inviting the Chair and Members to their St Barbara's Day service on Sunday 4th December 2022, at St Thomas Church, Finch Road, Douglas at 10:45 am having previously been circulated was noted.

Miss Williams advised that they were unable to attend. Miss Lewin would be attending the service.

2. Tynwald Christmas Carol Service

A copy of the invitation received from the President of Tynwald inviting Members to the Tynwald Christmas Carol Service on Thursday 15th December 2022 at St Mary's of the Isle RC Church at 2:00 pm having previously been circulated was noted.

Miss Williams confirmed that they would be attending.

3. Lawn Bowls Isle of Man

A copy of the correspondence received from the Secretary of the Lawn Bowls Isle of Man dated 3rd November 2022, having previously been circulated was considered and discussed.

Mr Turton requested that Ms Logan and the Chief Executive/Clerk contact Lawn Bowls Isle of Man and request and outline of what they wish to discuss with the Board.

C22/11/02/11**TO ANSWER ANY QUESTIONS ASKED UNDER STANDING ORDER 34**

The following question was submitted by Mr Quirk:

1. Question

Could the Chief Executive/Clerk give an update on the possibility of live streaming ODC public meetings?

Answer

Miss Williams provided an overview in relation to live streaming and it was agreed that the Chief Executive/Clerk would bring a Memo back to the Board for consideration.

Miss Williams also advised that Mr Quirk had submitted questions in relation to grievances and complaints.

Miss Williams requested that Mr Quirk clarify the purpose of the questions, and stated that some answers could not be provided in the public domain due to them being of a staffing nature. Miss Williams also stated that Mr Turton, the previous Chair would also need to provide some answers as she had only been the Chair since the 3rd May 2022 and the questions refer to the period prior to her time as the Chair.

Mr Turton suggested that the matter be deferred to the next Board Meeting, or alternatively the Chair write to the Members in private.

Mr Crellin stated that in accordance with Standing Order 34, questions can only be considered if they are in relation to any matter to which the Authority has powers, or duties or which effects the district.

Mr Crellin further stated that Miss Williams should ensure that the questions comply/conform to the Authority's Standing Orders.

Miss Williams asked Mr Quirk to review the questions.

C22/11/02/12**TO CONSIDER ANY MOTIONS**

None.

C22/11/02/13**ENVIRONMENTAL AND TECHNICAL SERVICES**

None.

C22/11/02/14
HOUSING MATTERS

1. Customer Feedback Survey – Repairs & Maintenance

The Report of the Housing Manager dated 30th September 2022, having previously been circulated was considered and noted.

Mr Turton and the Chief Executive/Clerk gave an overview in relation to the survey.

Mr Allen stated that there are miscommunication issues with the tenants at the Elderly Persons Complexes.

Mr Turton stated that having the Property Maintenance Officer attending the Commissioners Surgeries along with the Housing Manager and/or the Housing Officer works well to improve communications.

2. Heating Charges

To be considered In Committee.

C22/11/02/15
CHAIR'S ANNOUNCEMENTS

1. The Chair confirmed that they had attended the following:

- Commissioners Surgery – Saturday 5th November 2022;
- Short Service and 2 minute silence – Friday 11th November 2022;
- Children's Poppies Service – Saturday 12th November 2022;
- Onchan Silver Band Remembrance Concert – 12th November 2022;
- Remembrance Sunday; and
- Junior Commissioners Meeting – Monday 14th November 2022.

2. Dates for the Diary

| Date | Organisation | Event | Time |
|--------------------------------|----------------------------------|---------------------------------------|---------------------|
| 14 th November 2022 | Onchan District Commissioners | Board Meeting | 7:00 pm |
| 26 th November 2022 | St Peter's Church | Christmas Fair | 11:00 am to 3:00 pm |
| 28 th November 2022 | Onchan District Commissioners | Board Meeting | 7:00 pm |
| 30 th November 2022 | The Friends of Onchan's Heritage | The White Boys | 7:30 pm |
| 3 rd December 2022 | Onchan District Commissioners | Commissioners Surgery – The Hub | 10:00 am to 12noon |
| 6 th December 2022 | Onchan District Commissioners | Commissioners Surgery – Heywood Court | 2:00 pm to 3:00 pm |
| 7 th December 2022 | Onchan District Commissioners | Night of Light – Onchan Park | 5:30 pm to 9:30 pm |

C22/11/02/16
ANY OTHER BUSINESS

The Public session of the Meeting ended at 21:00 pm

22/11/02/17
MINUTES

1. **Minutes of the Extra Ordinary Board Meeting held on Monday 26th September 2022**

Deferred to the end of the Meeting.

22/11/02/18
FINANCE AND GENERAL PURPOSES

1. **Insurance Renewal**

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

The Report of the Finance Manager dated 2nd November 2022, having previously been circulated was considered and noted.

C22/11/02/19
REPORT FROM THE CLERK OR OTHER OFFICER

1. **Commercial Tenancy – Nursery 79 Main Road**

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

The Report of the Chief Executive/Clerk dated 27th October 2022, having previously been circulated was considered and discussed.

After a discussion, it was proposed Mr Quirk and seconded by Mr Allen and **RESOLVED that a three year term commencing with an increased initial rated based on CPI to account for the previous 3 year fixed rent period.**

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

Miss Williams used her casting vote.

A counter proposal was proposed

After discussion, it was proposed by Mr Crellin and seconded by Mr Turton and **RESOLVED that the first 3 years of the term rent to be fixed with a clause that a rent review will be undertaken during year 3 of the term to allow for an increase to be agreed following consideration by the Board.**

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

The counter proposal failed.

Miss Lewin left the meeting at 21:20 pm

C22/11/02/20
HOUSING MATTERS

1. **Heating Charges**

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

The Chief Executive/Clerk advised the Board in relation to heating charges.

Mr Quirk suggested that a debt surgery be arranged.

Mr Turton stated that the heating charges should be reduced until the 31st December 2022.

Mr Allen proposed that the tenants be written to, and provided with a rent history and that there [ODC 12/12/2022] have been no increases or profits made. No seconder was received.

Mr Quirk suggested that the reductions be passed on to the tenants. Miss Williams recommended the reductions only lasts until the 31st December 2022.

C22/11/02/21

SUPENSION OF STANDING ORDERS

It was proposed by Mr Crellin, seconded by Mr Turton and **unanimously RESOLVED to suspend Standing Orders to conclude the discussion in relation to heating charges.**

C22/11/02/22

HOUSING MATTERS

1. Heating Charges

After a discussion, it was proposed by Mr Turton and seconded by Mr Quirk and **RESOLVED that heating charges be reduced from the 14th November 2022 to the 31st December 2022 and that the tenants be notified accordingly.**

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

It was noted that Mr Turton and Miss Williams would be meeting with the Elderly Persons Wardens on the 24th November 2022 at 2:00 pm.

C22/11/02/21

ANY OTHER URGENT BUSINESS

1. Minutes of the Extra Ordinary Board Meeting held on Monday 26th September 2022

Deferred to the Board Meeting of the 28th November 2022.

There being no further business the meeting closed at 22:25 pm