

Minutes of the Ordinary Meeting of the **ONCHAN DISTRICT COMMISSIONERS** held in the Boardroom, Hawthorn Villa, 79 Main Road, Onchan, on Monday 16th October 2023 at 7:10 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)
 Mr R Turton (Lead Member for Housing)
 Mr D Quirk (Lead Member for Environmental and Technical Services)

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

C23/10/02/01

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

Not necessary.

C23/10/02/02

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

None.

C23/10/02/03

MINUTES

1. Ordinary Meeting held on Monday 2nd October 2023

The Minutes of the Ordinary Meeting held on Monday 2nd October 2023, copies of which having previously been circulated were considered.

After a discussion, 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, Ms Logan and Mr Allen did not cast a vote as they were not present at the meeting.

2. Staff Minutes of the Ordinary Meeting held on Monday 2nd October 2023

To be considered In Committee.

C23/10/02/04

TO DISPOSE OF ANY BUSINESS ARISING FROM SUCH MINUTES

1. Ordinary Meeting held on Monday 2nd October 2023

Mr Crellin noted on page 5 of the Minutes that Mr Quirk previously stated that he had not received any adverse comments from members of the public following his Data Subject Access Request being discussed publicly. Mr Crellin highlighted that he has received many negative comments from members of the public.

Mr Quirk stated that he has not received any negative comments or complaints regarding the matter.

C23/10/02/05TO DISPOSE OF ANY BUSINESS ADJOURNED FROM A PREVIOUS MEETING

None.

C23/10/02/06TO DEAL WITH ANY BUSINESS EXPRESSLY REQUIRED BY STATUTE TO BE DONE

None.

C23/10/02/07PLANNING DECISIONS/COMMUNICATIONS FROM THE DEPARTMENT OF INFRASTRUCTURE PLANNING COMMITTEE(i) **PA23/01135/D St Peter's Church**

Members were advised that the application is for the erection of a notice board.

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

- No comments had been received; and
- The return date for the application is the 20th October 2023.

After a discussion, it was proposed by Mr Quirk and seconded by Ms Logan and unanimously **RESOLVED that PA 23/01135/D – St Peter's Church be recommended for approval.**

(ii) **PA23/01098/B Mr and Mrs A Townell – “Thie My Chree”, 10 Manor Park**

Members were advised that the application is for alterations, including erection of first floor extension with associated balcony and access to ground floor to south elevation, and alterations to windows and door openings.

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

- No comments had been received; and
- The return date for the application is the 27th October 2023.

After a discussion, it was proposed by Mr Quirk and seconded by Mr Allen and unanimously **RESOLVED that PA 23/01098/B – “Thie My Chree”, 10 Manor Park be recommended for approval.**

(iii) **PA 23/01101/B Mr T Dziardziel - ‘Cornerstones’, 5 Howe Road**

Members were advised that the application is for alterations to the dwelling, cladding to the roof dormers, first floor window alterations, and replacement/expansion of existing garden terrace.

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

- No comments had been received; and
- The return date for the application is the 27th October 2023.

After a discussion, it was proposed by Mr Quirk and seconded by Mr Turton and unanimously **RESOLVED that PA 23/01101/B - ‘Cornerstones’, 5 Howe Road be recommended for approval.**

(iv) **PA 23/01113/B Mr P Buckleigh- Garey Ween, Hague Drive**

Members were advised that the application is for the erection of a garden office with timber cladding 20 feet shipping container for personal use and working from home (retrospective).

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

- No comments had been received; and
- The return date for the application is the 27th October 2023.

After a discussion, it was proposed by Mr Quirk and seconded by Mr Allen and unanimously **RESOLVED that PA 23/01113/B - Garey Ween, Hague Drive be recommended for approval.**

(v) **PA 23/01123/B Mr & Mrs M Beaumont - 55 Bemahague Avenue**

Members were advised that the application is for the demolition of the existing rear porch and the erection of a single storey rear extension.

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

- Comments had been received from a neighbouring property; and
- The return date for the application is the 27th October 2023.

Ms Logan declared an interest.

After a discussion, it was proposed by Mr Quirk and seconded by Mr Allen and unanimously **RESOLVED that PA 23/01123/B – 55 Bemahague Avenue be recommended for refusal on the ground that it does not comply with the Residential Planning Guide 2021.**

(vi) **PA 23/01141/B Mr & Mrs N Morris - 24 Turnberry Avenue**

Members were advised that the application is for the erection of a single storey extension to the rear of the dwelling with an associated flue.

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

- No comments had been received; and
- The return date for the application is the 27th October 2023.

After a discussion, it was proposed by Mr Quirk and seconded by Ms Logan and unanimously **RESOLVED that PA 23/01141/B – 24 Turnberry Avenue be recommended for approval.**

C23/10/02/08

FINANCE AND GENERAL PURPOSES

1. Commercial Rent Arrears

To be considered In Committee.

C23/10/02/09**REPORT FROM THE CLERK OR OTHER OFFICER****1. Built Environment Reform Programme – Public Consultation**

The report of the District Surveyor dated 12th October 2023, copies of which having previously been circulated was considered.

The Chief Executive/Clerk provided an overview of the consultation and the proposed responses compiled by Officers on behalf of the Authority.

The Chief Executive/Clerk asked all Members to provide their comments for inclusion. It was noted that none were received.

After a discussion, it was proposed by Mr Quirk and seconded by Mr Allen and unanimously **RESOLVED that the Built Environment Reform Programme Public Consultation responses provided by Officers be submitted on behalf of the Authority to the Department of Environment, Food and Agriculture.**

2. Ocean Views

To be considered In Committee.

C23/10/02/10**CONSIDERATION OF ANY RELEVANT CORRESPONDENCE****1. Proposed Diversion of Public Right of Way – Ashley Park**

A copy of the correspondence dated 4th October 2023, received from the Department of Infrastructure Highway Services, copies of which having previously been circulated was considered and noted.

The Chief Executive/Clerk provided an overview in relation to the above.

2. Onchan (Various Roads) (Consolidation of Waiting Restrictions) (Amendments) No 2) Order 2023

A copy of the correspondence dated 4th October 2023, received from the Department of Infrastructure Highway Services, copies of which having previously been circulated was noted.

C23/10/02/11**TO ANSWER ANY QUESTIONS ASKED UNDER STANDING ORDER 34**

The Chair advised the Board that a number of questions had been submitted under Standing Order 34.1

The Chair further advised that due to the number of questions submitted it is recommended that answers are provided under the provisions of the following Standing Orders which state that an answer may take the form of:

- 34.5(c) “Where the desired information is contained in a publication of the Authority, a reference to that publication” or;
- 34.5(d) “Where the reply to the question cannot conveniently be given orally, a written answer circulated to Members of the Authority.”

Written answers were circulated to all Members during the Meeting.

Questions submitted by Commissioner Derek Crellin:**1. Question:**

Is a surcharge to be levied on Commissioner David Quirk in relation to the recent Data Subject Access Request that he submitted to the Authority about himself?

Answer:

- The Data Protection (Application of the GDPR) Order 2018, Section 1, Article 12, Point 5 states “Any communication and any actions taken under Articles 15 to 22 and 34 shall be provided free of charge.”
- Where requests from a Data Subject are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may charge a reasonable fee taking into account the administrative costs of providing the information or communication.
- On this occasion Mr Quirk was not informed that there would be a charge in relation to his request, and therefore it would be unreasonable to claim a fee retrospectively now that Mr Quirk is in receipt of the information he requested

2. Question:

The response to the Freedom of Information Request received by the Authority on 30th August 2023 states the amount of staff hours and salaries attributed to complying with Commissioner David Quirk’s Data Subject Access Request. Is this amount the total cost to the Authority when responding to the Data Subject Access Request?

Answer:

- The figures provided within the Authority’s response only include the salaries of staff who collated, reviewed, and redacted the information requested.

No allowance was made for any other staff who were requested to check their records for any data held as no details of their time was recorded. In total 15 staff were requested to search their records.

- Within the figures provided no costs were included for pension contributions, employee tax, and national insurance payments as the question put within the Freedom of Information Request only asks for hours and salaries.
- The number of records reviewed to comply with the Data Subject Access Request totals 2,406 emails, and 19,418 files.

Questions submitted by Commissioner David Quirk:**1. Question:**

What can Onchan District Commissioners as a Local Authority do to support businesses and traders within the district of Onchan?

Answer:

- Members are encouraged to submit ideas or Motions to the Board for consideration regarding their ideas as to how the Authority may be able support businesses and traders within the District.
- Previously the Chief Executive/Clerk presented a report to the Board for consideration at the Ordinary Meeting held on 29th November 2021 where it was suggested that the Board consider establishing a commerce committee with local businesses.
- It was noted that there was no desire from the Board to progress this suggestion following comments from some Members that previously the Authority had tried to operate a commerce committee which had proven unsuccessful.

2. Question:

Could the CEO give an update on the new proposed traffic regulations regarding Belgravia Road Onchan?

Answer:

- At the Ordinary Meeting held on 3rd April 2023 it was requested that the CEO/Clerk ask the Department of Infrastructure to undertake a consultation with the residents regarding a proposed restriction of a maximum stay of 18 hours in a 24 hour period except for those with permits i.e. residents.

The Department requested that the Authority undertake the consultation before making a formal request to implement the proposed restrictions.

The consultation documents have been produced and will form part of a public agenda within the coming months.

- At the Ordinary Meeting held on 7th August 2023 it was requested that the CEO/Clerk write to the Department of Infrastructure on behalf of the Authority to express the Board's views in relation to the Department's proposed Overnight/Weekend Parking Restrictions.

To date the Authority has received no response following the submission of the Board's views.

3. Question:

How many Local Authority houses/flats are there within the District of Onchan?

Answer:

- This information is publicly available and can be viewed on the Authority's website at the following hyperlink:

<https://www.onchan.org.im/services/housing-services/housing-stock>

- This information is also publicly available as part of the audited Statement of Accounts for the year ended 31st March 2022, page 27. This document can be viewed on the Authority's website at the following hyperlink:

<https://www.onchan.org.im/your-commissioners/financial-statements---audited-accounts->

4. Question:

Who owns these properties?

Answer:

- The properties referenced above are in the ownership of Onchan District Commissioners.

5. Question:

What is the estimated value of these properties?

Answer:

- The value of these properties is publicly available as part of the audited Statement of Accounts for the year ended 31st March 2022, page 25. This document can be viewed on the Authority's website at the following hyperlink:

<https://www.onchan.org.im/your-commissioners/financial-statements---audited-accounts->

- The value for the financial year ended 31st March 2023 is yet to be published publicly as the Statement of Accounts has not yet been approved by the Board.
- Members received a draft copy of the Statement of Accounts as part of the agenda for the Ordinary Meeting held on 29th August 2023, agenda item 8.1 "Draft Financial Statements for the Year Ended 31st March 2023."

6. Question:

How many Local Authority sheltered accommodation units are there within the District of Onchan?

Answer:

- This information is publicly available and can be viewed on the Authority's website at the following hyperlink:

<https://www.onchan.org.im/services/housing-services/housing-stock>

- This information is also publicly available as part of the audited Statement of Accounts for the year ended 31st March 2022, page 27. This document can be viewed on the Authority's website at the following hyperlink:

<https://www.onchan.org.im/your-commissioners/financial-statements---audited-accounts->

7. Question:

Who owns these properties?

Answer:

- The properties referenced above are in the ownership of Onchan District Commissioners.

8. Question:

What is the estimated value of these properties?

Answer:

- The value of these properties is publicly available as part of the audited Statement of Accounts for the year ended 31st March 2022, page 25. This document can be viewed on the Authority's website at the following hyperlink:

<https://www.onchan.org.im/your-commissioners/financial-statements---audited-accounts->

- The value for the financial year ended 31st March 2023 is yet to be published publicly as the Statement of Accounts have not yet been approved by the Board.
- Members received a draft copy of the Statement of Accounts as part of the agenda for the Ordinary Meeting held on 29th August 2023, agenda item 8.1 "Draft Financial Statements for the Year Ended 31st March 2023."

C23/10/02/12

TO CONSIDER ANY MOTIONS

None.

C23/10/02/13

ENVIRONMENTAL AND TECHNICAL SERVICES

None.

C23/10/02/14

HOUSING MATTERS**1. Government Conference – Housing – A Model for the Future**

The report of the Housing Manager dated 28th September 2023, copies having previously been circulated was considered.

The Chief Executive/Clerk and Mr Turton provided the Board with an overview in relation to the above.

Mr Quirk requested that Ms Logan raise the matter at the next meeting of the Isle of Man Municipal Association to obtain the views of other local authorities.

Mr Turton commented that the proposals discussed do not appear to offer any cost saving or benefits to tenants, but potentially more cost to administer any such changes.

Mr Turton further commented that he feels that the Board should make the Department of Infrastructure aware of their concerns regarding the information recently shared with social housing providers.

Mr Quirk confirmed that he had attended the presentation and noted that the information presented was not well received by many of those in attendance.

Mr Quirk stated that he feels as though local authorities are still best placed to provide social housing.

Mr Crellin requested that other local authorities are approached to obtain their views. Mr Crellin noted that tenants do not appear to be part of any consultations or information sharing therefore

efforts must be made by the Department of Infrastructure and local authorities to keep tenants informed.

The Chief Executive/Clerk advised the Board that Clerk's from many of the local authorities have already discussed the merits of working together to make arrangements to discuss the proposals with the Department of Infrastructure as a social housing provider group.

Miss Lewin requested that the Chief Executive/Clerk liaise with the other local authorities regarding the matter and that any updates are brought back to the Board for consideration.

C23/10/02/15

CHAIR'S ANNOUNCEMENTS

1. Chair's Attendances

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

2. Dates for the Diary

Date	Organisation	Event	Time
16 th October 2023	Onchan District Commissioners	Board Meeting	7:00 pm
22 nd October 2023	ManxAid	Market – Onchan Scout Hall, School Road	11:00 am to 3:00 pm
25 th October 2023	Friends of Onchan's Heritage	Onchan Silver Band – Music to your Ears – Village Hall, Royal Ave	7:30 pm
30 th October 2023	Onchan District Commissioners	Board Meeting	7:00 pm

C23/10/02/16

ANY OTHER BUSINESS

1. Questions submitted to the Chair by Mr David Quirk

Mr Crellin commented that most of the questions submitted to the Chair by Mr Quirk for inclusion during tonight's meeting are elementary as the information is readily available to the Member already.

2. Complaint/Questions

Mr Crellin stated that he had submitted a complaint and questions to the Chair some time ago regarding a Member's conduct.^[ODC 30/10/2023] The Chair confirmed that she will provide an answer but no answer has been forthcoming.

Miss Lewin confirmed that the complaint is being dealt with, and that Mr Crellin is aware of this. Miss Lewin further confirmed that a response will be provided to Members when the matter has progressed or concluded.

The Public session of the Meeting ended at 8:10 pm

C23/10/02/17
MINUTES

1. **Staff Minutes Ordinary Meeting held on Monday 2nd October 2023**

See Staff Minute Book.

C23/10/02/18
TO DISPOSE OF ANY BUSINESS ARISING FROM SUCH MINUTES

1. **Staffing Minutes Ordinary Meeting held on Monday 2nd October 2023**

See Staff Minute Book.

C23/10/02/19
FINANCE AND GENERAL PURPOSES

1. **Commercial Rent Arrears**

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

The report of the Chief Finance Officer dated 10th October 2023, copies of which having previously been circulated was considered.

Ms Logan provided the Board with an overview in relation to the Authority's current commercial rent arrears.

Miss Lewin queried historic debt amounts relating to previous tenants as the report only notes current tenant's debts.

It was agreed that following the Meeting the Chief Executive/Clerk would circulate historic debt figures to Members.

C23/10/02/20
REPORT FROM THE CLERK OR OTHER OFFICER

1. **Ocean Views**

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

The report of the Chief Executive/Clerk dated 12th October 2023, copies of which having previously been circulated was considered.

The Chief Executive/Clerk provided the Board with an overview, and suggested that for ease the Members consider the 3 proposals separately.

a) **Installation of Awnings to Onchan Park Former Arcade**

After a discussion, it was proposed by Mr Quirk and seconded by Ms Logan **to grant permission to install two awnings to the former Arcade as requested by JK Foods Limited.** A vote was taken and the proposal failed. [ODC 30/10/202023]

For: *Miss Lewin, Ms Logan and Mr Quirk*

Against: *Miss Williams, Mr Allen, Mr Crellin and Mr Turton*

b) Former Arcade change of use Considerations

After a discussion, it was proposed by Mr Quirk and seconded by Ms Logan and unanimously **RESOLVED** that an amendment be made to JK Foods Limited current lease to include the following under clause 14 (Use):-

- i) **Not to use the Demised Premises or any part thereof for the purpose other than those relating to the provision of private functions and as a reception area for use by patrons of the Ocean Views Restaurant; and**
- ii) **Not to permit the consumption of alcohol outside of the Demised Premises, unless otherwise permitted by the Lessor.**

c) Outdoor Seating

After a discussion, it was proposed by Mr Quirk and seconded by Ms Logan and unanimously **RESOLVED** that the current outdoor seating arrangements adjacent to the Café be formalised via a letter to JK Foods Limited and include that the arrangements can be reviewed by the Board should there be a need to in the future.

C23/10/01/21

ANY OTHER URGENT BUSINESS**1. Bus Shelter – Governors Road**

Mr Quirk requested that the condition of the bus shelter on Governor's Road adjacent to the former Coutts Bank building be reported to Bus Vannin.

2. Royal Avenue – Post Box

Mr Turton requested that thanks be given to the Officers who liaised with Manx Telecom to arrange for them to repaint the gold telephone box at the top of Royal Avenue.

There being no further business the meeting ended at 9:12 pm