

Minutes of the Ordinary Meeting of the **ONCHAN DISTRICT COMMISSIONERS** held in the Boardroom, Hawthorn Villa, 79 Main Road, Onchan, on Monday 16th June 2025 at 7:00 pm.

Present: Mr A Allen (Chairman)
 Mr S Wilson (Vice Chairman)
 Mr O Lockwood (Lead Member for Finance and General Purposes)
 Mr D Quirk (Lead Member for Environmental & Technical Services)
 Mr R Turton

Apologies: Miss G Corkish
 Mrs S Johnson (Chief Finance Officer)

In attendance: Mr R Phillips (Chief Executive/Clerk)
 Mr R Forgie (District Surveyor)
 Miss A Crellin (Executive Officer/Assistant)

C25/06/02/01

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

Not Applicable.

C25/06/02/02

DECLARATION OF INTERESTS OF MEMBERS AND OFFICERS (in accordance with Standing Order 18)

1. Commercial Tenancy – Breach of Tenancy

The Chairman advised that both the Authority's District Surveyor and Lead Member for Environmental and Technical Services are advised to declare a non-pecuniary interest in the above mentioned agenda item.

The Lead Member for Environmental & Technical Services objected and stated that he does not have an interest in the matter.

The Chief Executive/Clerk stated the following:

- The District Surveyor is a resident of the area adjacent to the tenancy due for consideration, so with the approval of the Chairman, he will withdraw from the meeting when required; and
- The Lead Member for Environmental and Technical Services is currently the president of Onchan AFC, who has a tenancy on the land associated with the matter due for consideration, so it could be perceived by the general public that he may have a bias in relation to the matter; and
- In accordance with the Authority's Standing Order 18.3 the interest needs to be declared and that persons shall withdraw from the meeting while the matter is under consideration by the Authority unless the Authority invites the persons with an interest to remain.

As there was a difference of opinion, the Chairman concluded that the matter would be further considered when the agenda item is considered in the In Committee section of the meeting.

C25/06/02/03

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

None.

C25/06/02/04
MINUTES

1. Minutes of the Ordinary Meeting held on Monday 2nd June 2025

The Minutes of the Ordinary Meeting held on Monday 2nd June 2025 copies of which having previously been circulated were considered.

Amendments:

Page 2 - PA 25/90327/B – Activity Centre, Ballakaighen Farm, Whitebridge Road

First paragraph amend “untaken” to “undertaken”

Page 4 - Department of Infrastructure 20 MPH – Public Consultation

Fifth paragraph, third bullet point amend “blank” to “blanket”

Page 5 - Department of Infrastructure Highways Act 1986 – Delegations of Functions

Fifth bullet point amend “£1000,000” to “£100,000”

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

C25/06/02/05
TO DISPOSE OF ANY BUSINESS ARISING FROM SUCH MINUTES

None.

C25/06/02/06
TO DISPOSE OF ANY BUSINESS ADJOURNED FROM A PREVIOUS MEETING

None.

C25/06/02/07
TO DEAL WITH ANY BUSINESS EXPRESSLY REQUIRED BY STATUTE TO BE DONE

None.

C25/06/02/08
PLANNING DECISIONS/COMMUNICATIONS FROM THE DEPARTMENT OF INFRASTRUCTURE PLANNING COMMITTEE

(i) PA 25/90510/C Mr & Mrs M Hollis – 26A Summerhill Road

Members were advised that the planning application is for the change of use from a dog grooming services to a bakery.

In answer to questions, the District Surveyor advised:

- Highways have suggested no significant negative impact on highway safety, and customer parking and arrival demand is similar or less than existing use;
- No comments as of the date of the meeting have been received from neighbouring properties; and
- The return date for comments for the planning application is the 20th June 2025.

Following a discussion, it was proposed by Mr Quirk and seconded by Mr Lockwood and **RESOLVED that planning application 25/90510/C – 26A Summerhill Road be recommended for approval.**

For: Mr Allen, Mr Lockwood, Mr Quirk and Mr Turton
Against: Mr Wilson

(ii) PA 25/90512/B Mr & Mrs J Gelling – 3 Oak Close

Members were advised that the planning application is for the creation of raised parking, garden walling, steps and widening of vehicular access.

In answer to questions, the District Surveyor advised:

- Highways have suggested that there is no negative impact on highway safety;
- Highways have advised a condition on the parking area that the surfacing be bound and consolidated material;
- No comments as of the date of the meeting have been received from neighbouring properties; and
- The return date for comments for the planning application is the 20th June 2025.

Following a discussion, it was proposed by Mr Quirk and seconded by Mr Wilson and **unanimously RESOLVED that planning application 25/90512/B be recommended for approval.**

(iii) PA 25/90529/B

Mr M Newing – The Grange, Clypse Moar Road

Members were advised that the planning application for the conversion of a redundant outbuilding into a dwelling, demolition of the former pigsty, erection of a detached triple garage and formation of a new access lane (UNIT 1)

In answer to questions, the District Surveyor advised:

- Highways find it to have no significant negative impact upon highway safety, network functionality and/or parking;
- No comments as of the date of the meeting had been received from neighbouring properties; and
- The return date for the planning application is the 27th June 2025.

Following a discussion, it was proposed by Mr Quirk and seconded by Mr Wilson **and RESOLVED that planning application 25/90529/B be recommended for approval.**

For: Mr Allen, Mr Lockwood, Mr Quirk and Mr Wilson
Against: Mr Turton

(v) PA 25/90528/B

Mr M Newing – Grange Barn, The Grange, Clypse Moar Road

Members were advised that the planning application for the conversion of redundant outbuildings into a dwelling, erection of detached double garage, alterations to yard and associated site works (UNIT 2)

In answer to questions, the District Surveyor advised:

- Highways find it to have no significant negative impact upon highway safety, network functionality and/or parking;
- No comments as of the date of the meeting had been received from neighbouring properties at the date of this meeting; and
- The return date for comments for the planning application is the 27th June 2025.

Following a discussion, it was proposed by Mr Quirk and seconded by Mr Lockwood **RESOLVED that planning application 25/90528/B be recommended for approval.**

For: Mr Allen, Mr Lockwood, Mr Quirk and Mr Wilson
Against: Mr Turton

C25/06/02/09**FINANCE AND GENERAL PURPOSES****1. 2023/24 Year End Accounts – Update**

To be considered In Committee.

C25/06/02/10CONSIDERATION OF ANY REPORTS FROM THE CLERK OR OTHER OFFICER**1. By- Election**

The report of the Chief Executive/Clerk dated 16th June 2025, copies of which having previously been circulated was considered.

The Chief Executive/Clerk advised the Board of the following:

- There is currently a vacancy on the Board of Onchan District Commissioners following the resignation of Mr John Hamilton;
- The Authority budgeted £15,000 within the 2025/26 Financial Year Budget and District Rate setting to fund a general election;
- As the General Election in April 2025 was uncontested, this funding will be used to fund a By-Election;
- The staff of the Authority will administer the By-Election in conjunction with the Crown and Elections Team within the Cabinet Office; and
- The staffing required to administer a By-Election will have an impact on other services by the Authority prior to, during and following a By-Election. The proposed date for polling is based on the availability of staffing.

Following a discussion it was proposed by Mr Turton and seconded by Mr Lockwood and unanimously **RESOLVED that a By-Election will be held to fill the current vacancy on the Board of Onchan District Commissioners, and if contested, the date of the poll will be Thursday 7th August 2025.**

2. Eastern Civic Amenity Site Joint Committee – Budget Considerations

The report of the Chief Executive/Clerk dated 16th June 2025, copies of which having previously been circulated was considered.

The Chief Executive/Clerk advised the Board of the following:

- At the latest Eastern Civic Amenity Site (“ECAS”) Joint Committee meeting held on Tuesday 20th May 2025, the following agenda items were raised for consideration in relation to expenditure and budgeting:
 - Site Operator/Contractor's costs to process waste electrical and electronic equipment (“WEEE”) items;
 - Purchase of body-worn cameras and the associated infrastructure for use by the Site Operator/Contractor's staff; and
 - 2026/27 Financial Year budget provision for tree planting to provide additional wind protection to the Site.
- In accordance with the Authority's Standing Order 5, the Board Member acting in the representation of the Board at a Committee, association, or other body is subject to the full Board's approval where a resolution or decision is required.

The Board's ECAS representative and the Chief Executive/Clerk provided the Board with the following recommendations:

- 1) That the Authority continues to monitor the Site Operator/Contractor in relation to processing WEEE items to ensure that any changes to expenditure are raised with the ECAS Joint Committee and the Board of Onchan District Commissioners;
- 2) That the Board considers the requested £472.67 expenditure to fund the Authority's proportion of the purchase costs and implementation of body-worn cameras and the associated infrastructure at the Site. Noted that if approved the Authority can fund the purchase from the existing 2025/26 Financial Year Budget; and

- 3) The Board consider making provision of £176.70 within 2026/27 Financial Year Budget and District Rate setting to fund the Authority's proportion of the tree planting to provide additional wind protection to the Site.

A discussion in relation to the following took place:

The Vice Chairman requested that before the Authority commits to expenditure for body-worn cameras that the Authority request a copy of the Data Protection Impact Assessment so that the Authority can ascertain who will be collecting the personal data, where it will be stored and for how long the data will be kept. It was agreed that this matter would be brought back to the Board for further consideration.

A Member also queried if there would be annual costs associated with this.

Following a discussion, it was proposed by Mr Quirk and seconded by Mr Lockwood and unanimously **RESOLVED that provision of £176.70 be made within the Authority's 2026/27 Financial Year Budget and District Rate setting to fund the Authority's proportion of tree planting to provide additional wind protection at the Eastern Civic Amenity Site.**

3. Commercial Tenancies – Alteration Requests

To be considered In Committee.

4. Commercial Tenancy – Breach of Tenancy

To be considered In Committee.

C25/06/02/11

CONSIDERATION OF ANY RELEVANT CORRESPONDENCE

1. Local Government (Amendment) Bill 2023 – Update

A copy of the correspondence dated 3rd June 2025, received from the Minister for Infrastructure, copies of which having previously been circulated was noted.

The Chief Executive/Clerk advised the Board that:

- Since the agenda for tonight's meeting had been circulated, correspondence had been received from a Member of the Legislative Council inviting representatives from all local authorities to attend an Evidence Stage prior to progressing the Bill through the Legislative Council;
- The Evidence Stage is being held on Tuesday 24th June 2025;
- From correspondence received it is mainly it appears as though it is mainly local authority Clerks who are attending the Evidence Stage on behalf of the respective local authorities;
- It is requested that each local authority have no more than one representative, and that opening statements are limited to only four people on behalf of all the local authorities; and
- All local authorities are trying to arrange a meeting this week to discuss the matter before the Evidence Stage.

It was agreed that the Chief Executive/Clerk would represent the Authority at the Evidence Stage meeting due to be held on Tuesday 24th June 2025.

2. Isle of Man Government Superannuation Scheme – Scheme Reform Drafting Instructions

A copy of the correspondence dated the 30th May 2025 sent by the Authority to the Chief Minister, requesting that the Department of Infrastructure provide a commitment to progressing the reform of the current scheme, copies of which having previously been circulated was noted.

The Chief Executive/Clerk advised the Board of the following:

- The previous Board had requested that the Chief Executive/Clerk write to the Chief Minister to advise that the Authority supports the drafting of a new scheme;
- The new scheme would have cost savings to the Authority as it would see contributions by the Authority decrease and contributions by the Employees increase;
- There has been engagement with members of staff; and
- Douglas City Council, which is the scheme administrator is trying to progress the matter.

The Board noted the correspondence and thanked the Chief Executive/Clerk for the update.

3. Castletown Town Commissioners – Civic Sunday Service

A copy of the invitation received inviting the Chairman to attend Castletown Town Commissioners Civic Sunday Service on Sunday 13th July 2025 at Arbory Street Methodist Church.

The Chairman advised that he cannot attend but has asked that the Vice Chairman attend in his absence.

C25/06/02/12

TO ANSWER ANY QUESTIONS ASKED UNDER STANDING ORDER 25

None.

C25/06/02/13

TO CONSIDER ANY MOTIONS

None.

C25/06/02/14

ENVIRONMENTAL AND TECHNICAL SERVICES

1. Use of Probation Service Users

The Memorandum of the Environmental and Technical Services Manager dated 16th June 2025, copies of which having previously been circulated was noted.

The District Surveyor advised the Board of the following:

- At a meeting held between Officers of the Authority and the Isle of Man Prison and Probation Services to discuss the potential of the Authority taking people who are service users to assist with work within the Parks Department and to enable service users to carry out unpaid work within the community;
- There will also be a potential once up and running for the Probation Service to offer work in other areas throughout the District;
- This provides an opportunity for the Authority to assist in the rehabilitation of persons who have found themselves in circumstances whereby they are subject to carrying out community service;

- Service users of the Probation Service would be invited to attend a joint meeting with the Authority to determine their suitability for working alongside the Authority's staff and undertaking the roles required;
- A request has been made for users on individual placements to have not less than 120 hours community service to offer so that it is beneficial to the Authority;
- They need to commit to at least 7 hours per week, which would be carried out in one day. This should work out as 17 days' work for the Authority; and
- The tasks which will be able to be undertaken under the direct supervision of the Authority's staff will be as follows, but not limited to:
 - Weed removal;
 - Grass cutting;
 - Hedge trimming; and
 - General tidying.

A discussion in relation to the following took place:

- Concerns were raised regarding appropriate risk assessments being in place to protect the Authority's staff, the service users, and members of the public; and
- Questions were asked regarding the type of tasks that the service users will be expected to undertake.

The Chief Executive/Clerk and the District Surveyor provided details regarding the completion of appropriate risk assessments with assistance from the Isle of Man Probation Service, as well as an overview of the proposed tasks to be undertaken, such as street cleansing and public open space maintenance.

The Board Members recorded their support of the initiative.

C25/06/02/15
HOUSING MATTERS

None.

C25/06/02/16
CHAIR'S ANNOUNCEMENTS

1. Dates for the Diary

<u>Date</u>	<u>Organisation</u>	<u>Event</u>	<u>Time</u>
16 th June 2025	Onchan District Commissioners	Board Meeting	7:00 pm
21 st June 2025	St Peter's Church	Hymns & Pimms	7:30 pm
30 th June 2025	Onchan District Commissioners	(P) Health & Safety Presentation	6:00 pm
30 th June 2025	Onchan District Commissioners	Board Meeting	7:00 pm

C25/06/02/17**ANY OTHER BUSINESS****1. Election of Lead Member for Housing for the remainder of the 2025/26 Municipal Year**

The Chairman confirmed that he had consulted with the Chief Executive/Clerk prior to the meeting to discuss the election of a new Lead Member for Housing for the remainder of the 2025/26 Municipal Year.

The Chairman stated that there was no reason to delay the appointment and asked for nominations from the Members.

The following nominations were received:

- Mr Robin Turton; and
- Mr Scott Wilson.

Due to there being more than one nomination received, the election took place by secret ballot in accordance with the Authority's Standing Order 4.3.

Following the ballot, the Chairman advised the Board **that the duly elected Lead Member for Housing for the remainder of the 2025/26 Municipal Year is Mr Scott Wilson.**

2. Confidential Papers

The Chairman requested that it be recorded and acknowledged that before the Board moves into the In Committee session of the Ordinary Meeting that any confidential papers that form part of the agenda are to remain within the Boardroom following the completion of the In Committee session to allow the papers to be disposed of appropriately and not taken out of the building by the Members of the Board.

There being no further business the public session of the meeting ended at 19:43 pm.

The District Surveyor left the meeting at 19:43 pm.

C25/06/02/18**FINANCE AND GENERAL PURPOSES****1. 2023/24 Year End Accounts – Update**

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

In the Chief Finance Officer's absence, the Lead Member for Finance and General Purpose reported to the Board the following in relation to the 2023/24 year end Accounts:

- Following the Board Meeting held on 28th April 2025, it was noted that the only matter delaying the signing and publication of the Accounts is the Tynwald Auditor General's ("TAG") non-acceptance of the declared social housing property values as the Authority has not undertaken a property portfolio valuation since 2020. The TAG considers that housing property values have increased considerably between 2020 and the 2024 year end;
- It was noted that the Authority is not due to undertake a property valuation until 2025 in line with the requirements of the Account and Audit Regulations 2018, Schedule 4. The Authority has historically only undertaken property valuations every five years as this is the maximum allowed period under the Regulations, and is less of a financial burden on the ratepayer as more regular valuations would require more funding;
- Chrystals Estate Agents ("Chrystals") on behalf of the Authority has now completed a valuation report, including the additional work to assist in the completion of the 2023/24 year end Accounts;

- The Authority is currently awaiting a response from its current external auditor (Crowe Isle of Man LLC) ("Crowe") to confirm that they are in agreement with the figure provided by Chrystals regarding social housing property value increases within the 2022/23 year end so that a prior year adjustment can be made within the 2023/24 year end Accounts;
- The Chief Executive/Clerk and the Chief Finance Officer have chased Crowe to request a response as a matter of urgency. If Crowe is in agreement the Officers will make the prior year's adjustment so that the accounts can be presented to Crowe and the TAG to hopefully obtain approval; and
- Depending on Crowe and the TAG's availability it is proposed that the approved year end Accounts for 2023/24 will be presented to the Board for resolution and signing at the Ordinary Meeting due to be held on Monday 30th June 2025.

The Board Members thanked the Lead Member for Finance and General Purposes for the update.

C25/06/02/19

CONSIDERATION OF ANY REPORTS FROM THE CLERK OR OTHER OFFICER

1. Commercial Tenancies - Alteration Requests

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

The report of the Chief Executive/Clerk dated 16th June 2025, copies of which having previously been circulated was considered.

The Chief Executive/Clerk advised the Board of the following:

- Next Level Gym and Storytime Nursery have both recently approached Officers of the Authority to request permission to undertake the following alterations to the premises which they currently occupy:
 - Next Level Gym wishes to paint the exterior pebble dash of the building with black paint to match its branding;
 - Storytime Nursery wishes to dig out the grassed area to the front of the building currently used as a play area, and to install artificial grass;
- Under the terms of the tenancy agreements approval is required from the Authority before any alterations can be undertaken.

a) Next Level Gym

Following a discussion, it was proposed by Mr Lockwood and seconded by Mr Quirk and unanimously **RESOLVED that Next Level Gym's request to apply black paint to the exterior pebble dash of the former garages at Hawthorn Villa, Main Road, Onchan be refused on the ground of negative visual impact.**

b) Storytime Nursery

Following a discussion, it was proposed by Mr Lockwood and seconded by Mr Quirk and unanimously **RESOLVED that Storytime Nursery be allowed to replace the existing grassed play area to the front of the former Workshops at Hawthorn Villa, Main Road, Onchan with artificial grass.**

2. **Commercial Tenancy – Breach of Tenancy**

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

The Chief Executive/Clerk advised the Board that in accordance with the Authority's Standing Orders 18.3, all Members and Officers are required to declare if they have a non-pecuniary interest in an agenda item. It was noted that the District Surveyor had declared an interest and had left the meeting prior to the consideration of the matter.

The Chairman and the Chief Executive/Clerk further explained that:

- The Standing Order and procedural process is intended to protect Members and Officers to avoid any perception of bias; and
- If an outcome of a decision made by the Authority lead to a non-financial gain of a Member or Officer the Authority could be called into disrepute regarding poor governance.

A Member declared that he had no direct conflict of interest and noted that he has been allowed to consider and vote at previous Board Meetings regarding the tenancy. The Chairman highlighted that the Authority's Standing Orders had recently been updated following resolution of the Board and that non-pecuniary interests should now be declared to protect both the Member and the Authority.

The Chairman advised that if the Member does not declare an interest then the matter will be considered but the Member should not involve himself in the discussion and should not vote on the matter if a vote is to be recorded.

The Chief Executive/Clerk advised the Board that the current tenant, Onchan Raceway Limited, is in breach of the tenancy following an investigation into the complaints received from neighbouring properties in relation to the noise created from a drift car event held at Onchan Stadium on Tuesday 10th June 2025.

A discussion in relation to the following took place:

- Concerns were raised regarding the complaints received from neighbouring properties which were sent to the Members and local Members for the House of Keys;
- Noted that this event is not in line with the permitted use clauses of the lease, and that the Board had not received a request from the tenant to permit such an event to be held at the Stadium;
- Noted that there had been previous tenancy issues with the tenant which were addressed following a Notice being issued under the terms of the tenancy agreement; and
- Noted that the current tenancy is due to expire in November 2025 following a one-year extension to the previous lease.

Following a discussion the Chairman requested that the Chief Executive/Clerk contact Onchan Raceway Limited regarding the matter and instruct that no more drift car events are to take place at Onchan Stadium. Furthermore, if required that a Notice under the terms of the tenancy be issued to the tenant in relation to the matter.

The Chairman requested the Chief Executive/Clerk engage with the tenancy and that a report regarding the tenancy be brought back before the Board for consideration prior to November 2025.

C25/06/02/20ANY OTHER URGENT BUSINESS**1. Heywood Court**

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

A Member noted that he had been approached by some residents at the Heywood Court social housing complex in relation to an incident which took place regarding daffodils being destroyed on the complex's boundary hedge.

A discussion in relation in to the following took place:

- A Member requested that the matter be looked into by Officers;
- Another Member noted that the matter had been brought up at the Commissioners' Surgery held at Heywood Court on the 10th June 2025, and Officers had liaised with the residents in attendance in relation to the matter;
- Noted that some residents had requested permission to plant wild flowers around the complex; and
- Confirmed that the matter had been brought up at the Commissioners' Surgery held at Heywood Court on the 10th June 2025, and Officers had liaised with the residents in attendance in relation to the matter.

The Chairman advised Members that matters like this are not urgent and should not be raised under Any Other Urgent Business at future Board Meetings.

2. Happy Valley

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

The Chief Executive/Clerk advised the Board that following consultation with the Chairman he wished to provide the following information. The Chief Executive/Clerk noted that he had been contacted by the Isle of Man Constabulary to request that Happy Valley be cordoned off on 16th June and 18th June 2025 to stop planned gatherings of young people in the area as the Constabulary have concerns.

The Chief Executive/Clerk confirmed that:

- The Constabulary were advised to approach the landowner or the Department of Infrastructure to assist as the Authority has no remit over the land or the adjacent publicly adopted footpath on Seacliff Road; and
- Neither the landowner or the Department provided assistance.

The Chief Executive/Clerk confirmed that he had instructed the Authority's staff to erect a cordon to assist the Constabulary in relation to the concerns. It was further advised that the cordon will be removed on 19th June 2025, and that signage has been erected to allow members of the public to contact the Authority if there are any queries or complaints.

The Board Members thanked the Chief Executive/Clerk for keeping them informed.

There being no further business the meeting ended at 20:38 pm.