

Minutes of the Ordinary Meeting of the **ONCHAN DISTRICT COMMISSIONERS** held in the Boardroom, Hawthorn Villa, 79 Main Road, Onchan, on Monday 17<sup>th</sup> October 2022 at 7:10 pm

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

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

Miss Williams advised the members of the public who were in attendance that they are unable to comment during the meeting unless they are invited to do so by the Chair.

**C22/10/02/01**

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

Not necessary.

**C22/10/02/02**

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

None.

**C22/10/02/03**

**MINUTES**

**1. Ordinary Meeting held on Monday 3<sup>rd</sup> October 2022**

The Minutes of the Ordinary Meeting held on Monday 3<sup>rd</sup> October 2022, copies of which having previously been circulated, were considered.

Amendments:-

Page 6 – amend “the Authority should appreciate what the charity provides” to the Authority should appreciate what the charity provides.

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

***Ms Logan and Mr Crellin did not cast a vote as they were not present at the meeting.***

**2. Staffing Meeting held on Monday 3<sup>rd</sup> October 2022**

To be considered In Committee.

**C22/10/02/04**

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

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

Mr Quirk asked Miss Williams to provide an answer to the first question submitted by Mr Crellin at the Board Meeting of the 5<sup>th</sup> September 2022.

Miss Williams confirmed that an update will be provided in due course.

C22/10/02/05TO DISPOSE OF ANY BUSINESS ADJOURNED FROM A PREVIOUS MEETING

None.

C22/10/02/06TO DEAL WITH ANY BUSINESS EXPRESSLY REQUIRED BY STATUTE TO BE DONE

None.

C22/10/02/07PLANNING DECISIONS/COMMUNICATIONS FROM THE DEPARTMENT OF INFRASTRUCTURE PLANNING COMMITTEE

1. Plans to the Board

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

(i) **PA22/01124/B Mr S Howarth - 11 Laurel Avenue**

Members were advised that the planning application is for alterations and an extension.

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

- Neighbouring properties had been notified; and
- The return date for the application is the 4<sup>th</sup> November 2022.

After a discussion, it was agreed that PA 22/0124/B – 11 Laurel Avenue be deferred to the next Board Meeting to allow time for public comments to be received.

(ii) **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.

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

- Neighbouring properties had been notified; and
- The return date to the application is the 21<sup>st</sup> October 2022.

After a discussion, it was agreed that PA 22/01142/B – Conister, Hillberry Road be deferred to the next Board Meeting to allow time for public comments to be received.

(iii) **PA 22/01237/C Miss K M Druggan – Field 534504, Sunnyside, Whitebridge Road**

Members were advised that the planning application is for the additional use of the fenced paddock for private dog walking (retrospective).

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 28<sup>th</sup> October 2022.

After a discussion, it was proposed by Ms Logan and seconded by and Miss Lewin unanimously **RESOLVED that PA 22/01237/C – Field 534504, Sunnyside, Whitebridge Road be recommended for approval.**

(v) PA  
22/01262/LAW

**Mr D Bird – Glen Bower, Little Mill Road**

Members were advised that the planning application is for a certificate of lawful development for the erection of a tree house.

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 28<sup>th</sup> October 2022.

After a discussion, it was proposed by Ms Logan and seconded by and Miss Lewin unanimously **RESOLVED that PA 22/01262/LAW – Glen Bower, Little Mill Road be recommended for approval.**

**C22/10/02/08**

**FINANCE AND GENERAL PURPOSES**

**1. Commercial Rent Arrears**

To be considered In Committee.

**2. Housing and Garage Rent Arrears**

To be considered In Committee.

**C22/10/02/09**

**REPORT FROM THE CLERK OR OTHER OFFICER**

**1. Guidance on the use of Closed Circuit Television**

The Report of the Chief Executive/Clerk dated 3<sup>rd</sup> October 2022, having previously been circulated was considered and discussed.

Mr Quirk asked if the Authority's staff check installations. The Chief Executive/Clerk confirmed that they do undertake inspections of installations once they are made aware of them. All tenants should submit an alterations application when proposing to carry out any works on a property.

Mr Quirk further asked who controls the data. The Chief Executive/Clerk confirmed that tenant is responsible for the data and that we advise them to consult the Information Commissioner.

After a discussion, it was proposed by Mr Turton and seconded by Mr Allen and unanimously **RESOLVED that Guidance on the use of Closed Circuit Television (CCTV) for Social Housing be approved and adopted with immediate effect.**

**2. Commercial Tenancy – 12 Elm Tree Road**

To be considered In Committee.

**3. Springfield Court Refurbishment**

To be considered In Committee

C22/10/02/10CONSIDERATION OF ANY RELEVANT CORRESPONDENCE1. Local Authorities – Deputy Returning Officers

A copy of the correspondence received from the Cabinet Office dated 6<sup>th</sup> October 2022, in relation to Local Authorities nominations for Deputy Returning Officers, a copy of which having previously been circulated was considered.

After a discussion, it was proposed by Mr Turton and seconded by Mr Quirk and unanimously **RESOLVED that the Chief Executive/Clerk be appointed as the Authority's Deputy Returning Officer.**

C22/10/02/11TO ANSWER ANY QUESTIONS ASKED UNDER STANDING ORDER 34

None.

C22/10/02/12TO CONSIDER ANY MOTIONS1. Motion 66– Under Standing Order Number 26

Miss Williams offered Mr Quirk the opportunity to stand down as Lead Member for Finance and General Purposes and for the Motion of no confidence to be withdrawn.

Mr Quirk stated the following:

- the Motion needs a seconder;
- he has done nothing wrong;
- he was democratically voted as Lead Member for Finance and General Purposes; and

Mr Quirk further stated to Miss Williams that he would not be standing down as Lead Member for Finance and General Purposes.

Miss Williams stated that the Motion of no confidence is a last resort. Miss Williams stated that the Motion can now proceed.

Mr Allen table Motion number 66:-

*“that the Lead Member for Finance and General Purposes, Mr David Quirk be removed from the position with immediate effect”.*

Miss Williams called for a seconder, as no seconder came forward Miss Williams seconded the Motion.

Mr Quirk stated that the Motion is not signed by four Members. Miss Williams referred to the Authority's Standing Orders 26, 32 and 71 in relation to Motions.

Mr Allen made the following statement:

*“We have been advised that since May 2022 when Commissioner David Quirk was appointed as Lead Member for Finance and General Purposes he has had no contact with the Finance Manager and there is no working relationship. A good working relationship with the Finance Manager is paramount to meet the demands of this role.*

*The responsibilities of the role are outlined in Schedule A of the Standing Orders. To advise and inform the Board on Financial and other matters. As a consequence the Board have not been kept fully informed.*

*Commissioner David Quirk has not shown any interest in this important role.*

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

*No Officers except the Clerk have attended any Board meetings since June 2022 as a result of his behaviour during meetings.*

*This decision to keep staff away from meetings was made by the Clerk who has a duty of care to his staff.*

*The Clerk under considerable strain presented his report to the Board on the 16<sup>th</sup> September 2022 in support of his staff, seeking a solution.*

*Following this meeting an Extra Ordinary Meeting was called on the 26<sup>th</sup> September 2022. In summary the conclusion reached was for Commissioner David Quirk to do the right thing and resign as Lead Member in the best interests of the staff, the Board and the ratepayers of Onchan.*

*The Clerk in his report makes it clear that a change of Lead Member would be acceptable to him and the staff, which is also supported by the Chair.*

*The Chair Kathryn Williams subsequently has had conversations with Commissioner David Quirk asking him to stand down.*

*Kathryn Williams sent an email on the 5<sup>th</sup> October 2022, to all Commissioners confirming her conversation with Commissioner David Quirk and suggested a Motion of no confidence was a way to resolve this matter.*

*This issue has been left unresolved and consequently matters have worsened in the absence of a solution.*

*Commissioner David Quirk does not accept the complaints made against him and maintains a no fault position.*

*Commissioner David Quirk has repeatedly been given the opportunity to stand down as Lead Member and has refused to cooperate.*

*Therefore the responsibility now lies with the Board to issue a vote of no confidence and remove him from the role of Lead member for Finance in the best interests of the staff, the Board and the ratepayers of Onchan.*

*I request the Board consider this Motion as suggested by the Chair and vote to support the Chair, the Clerk, and Staff in the best interests of good governance of the Authority and the ratepayers of Onchan.*

*This is not about personalities!*

*This serious matter is about the difference between right and wrong.*

*This is about showing a duty of care and the good governance of the Local Authority of Onchan".*

The Chief Executive/Clerk advised Miss Williams that they can either proceed with hearing the Motion now or it can be deferred until the next Ordinary Board Meeting in line with the Authority's Standing Orders. Miss Williams needs to confirm before proceeding. ODC 14/11/2022]

Miss Williams stated that the Motion should be heard at this meeting due to the potential impact to the Authority.

The Chief Executive/Clerk advised that the Members must be mindful of their comments made during the meeting and the potential risk to the Authority of their actions.

Mr Turton stated that as Mr Allen has been allowed to comment, then Mr Quirk should also be allowed to comment.

Mr Quirk made the following statement:

*"I really don't know why Mr Allen is so concerned about my position, but I can only assume that it's because he didn't get the Lead Member for Finance himself. In fact, neither Mr Allen nor Mr Crellin got any support for a position within the Authority.*

*Or could it be because I have a written formal complaint lodged against Mr Allen and Mr Crellin about their highly inappropriate and threatening behaviour at a Board Meeting in June, which was witnessed by all Members and the CEO".*

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.

Mr Turton suggested to Miss Williams that all Members should be allowed to speak on this matter.

Miss Lewin stated that she does not agree with the Motion, but agrees that some points made by Mr Allen are valid. Furthermore Miss Lewin feels that not all options have been explored to resolve the matter.

Ms Logan stated that she agrees with Miss Lewin and that the Board are unable to comment [ODC 14/11/2022] on staffing matters in Public.

Mr Crellin made the following statement:

*"The current situation has put unnecessary strain and pressure on the Chief Executive/Clerk. This is taking him away from his responsibility of running the Authority.*

*The Members should consider supporting the Chief Executive/Clerk and the Chair, that the Lead Member for Finance and General Purposes be changed.*

*The Chief Executive/Clerk and the Authority have a duty of care towards staff, which is not being exercised to the fullest extent.*

*The Lead Member for Finance and General Purposes has never advise the Board on any financial matters which he has a duty to do under Schedule A of the Authority's Standing Orders which also includes staff.*

*In the absence of the Finance Manager attending Board Meetings, it is important that he does engage with her to update the Board on financial matters at Board Meetings.*

*The Authority is rapidly approaching the rate setting season where the Finance Manager and the Lead Member need to work together.*

*Since the Annual General Meeting, 6 months ago when the Lead Member was elected to the position, he has not made contact with the Finance Manager.*

*The current situation is having an adverse effect on the operation of the Authority. I will be supporting the Motion”.*

Mr Crellin further stated that the complaints referenced in Mr Quirk’s statement are vexatious.

Mr Turton made the following comments:

- Members have not made a decision yet;
- He is<sup>[14/11/2022]</sup> disappointed that Miss Williams seconded the Motion; and
- Miss Williams is no longer independent in relation to her position as the Chair in relation to this matter. <sup>[ODC 14/11/2022]</sup>

Miss Lewin stated that they cannot support the Motion in good faith without it being debated further in private.

Mr Quirk stated that it is their preference that a vote be taken tonight.

Mr Turton stated that the matter can’t be deferred and needs to be voted on tonight.

Motion 66 proposed by Mr Allen, seconded by Miss **Williams that the Lead Member for Finance and General Purposes, Mr David Quirk be removed from the position with immediate effect.**

**For: Miss Williams, Mr Allen and Mr Crellin**

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

The Motion failed.

#### **C22/10/02/13**

#### **ENVIRONMENTAL AND TECHNICAL SERVICES**

None.

#### **C22/10/02/14**

#### **HOUSING MATTERS**

##### **1. Housing Allocation – Update**

The Report of the Housing Manager dated 30<sup>th</sup> September 2022, a copy of which having previously been circulated was considered and noted.

The Lead Member for Housing gave an overview and expressed their thanks to the Housing Team.

##### **2. Income Threshold – General Housing**

The Report of the Housing Manager dated 3<sup>rd</sup> October 2022, a copy of which having previously been circulated was considered and discussed.

***Miss Williams declared an interest.***

Mr Turton stated that they are in support of the Report.

Ms Logan comments that using a scale rather than bands could be a more fair option when accessing people’s income.

Mr Allen and Mr Crellin stated that they support the Report.

The Chief Executive/Clerk was asked to write to Minister Chris Thomas to request that a review is undertaken as a priority.

##### **3. Annual Housing Review**

To be considered In Committee.

**C22/10/02/15**

**CHAIR'S ANNOUNCEMENTS**

**1. Highways Charter**

It was noted that the Highways Charter Meeting has been re-arranged for Monday 7<sup>th</sup> November 2022 at 7:00 pm at the Hub.

**2. Andreas Civic Sunday**

The Chief Executive/Clerk advised the Board that an invitation had been received for the Chair and Members to attend Andreas Civic Sunday which is to be held on Sunday 30<sup>th</sup> October 2022.

It was requested that the Chief Executive/Clerk would circulate the information to Members and Members would confirm by Friday 21<sup>st</sup> October 2022 if they would be attending.

**3. Dates for the Diary**

Date	Organisation	Event	Time
23 <sup>rd</sup> October 2022	Onchan Baptist Church	Harvest Thanks Giving	10:00 am
23 <sup>rd</sup> October 2022	Abbeylands Methodist Church	Harvest Festival Services	3:00 pm and 6:00 pm
24 <sup>th</sup> October 2022	Onchan District Commissioners and Members of the House of Keys for Onchan	Joint Political Meeting	6:30 pm
24 <sup>th</sup> October 2022	Abbeylands Methodist Church	Harvest Festival Service and Supper	7:00 pm
31 <sup>st</sup> October 2022	Onchan District Commissioners	Board Meeting	7:00 pm
1 <sup>st</sup> November 2022	Onchan District Commissioners	Commissioners Surgery – Springfield Court – Commissioners Williams and Turton attending	2:00 pm to 3:00 pm
5 <sup>th</sup> November 2022	Onchan District Commissioners	Commissioners Surgery – The Hub – Commissioners Williams and Quirk attending	10:00 am to 12 noon
7 <sup>th</sup> November 2022	Department of Infrastructure	Highways Charter Meeting	7:00 pm

**C22/10/02/16**

**ANY OTHER BUSINESS**

**1. Re-Painting of Onchan Post Box**

Mr Quirk asked the Chief Executive/Clerk if the Authority had been consulted by the Isle of Man Post Office regarding the repainting of the gold Post Box.

The Chief Executive/Clerk advised the Board that the Authority had not been consulted by the Isle of Man Post Office.

***The Public session of the Meeting ended at 20:25 pm***





**C22/10/02/17**  
**MINUTES**

**1. Staffing Meeting held on Monday 20<sup>th</sup> September 2022**

Deferred to the end of the Meeting.

**C22/10/02/18**  
**FINANCE AND GENERAL PURPOSES**

**1. Commercial Rent Arrears**

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

The Report of the Finance Manager dated 12<sup>th</sup> October 2022, having previously been circulated was considered.

Mr Quirk stated that they have concerns regarding the commercial rent arrears of one tenant in particular.

Mr Allen suggested that the Chief Executive/Clerk issue a letter of intent to the tenant regarding their rent arrears, before any formal action is commenced.

The Chief Executive/Clerk stated that the Authority currently does not have commercial rent arrears policy. The Chief Executive/Clerk is currently drafting a policy to be brought before the Board for consideration.

**2. Housing and Garage Rent Arrears**

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

The Report of the Finance Manager dated 12<sup>th</sup> October 2022, having previously been circulated was considered.

The Chief Executive/Clerk gave the Board an overview and thanks was given to the Finance Team for reducing the rent arrears.

**C22/10/02/19**  
**REPORT FROM THE CLERK OR OTHER OFFICER**

**1. Commercial Tenancy – 12 Elm Tree Road**

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

The Report of the Chief Executive/Clerk dated 27<sup>th</sup> September 2022, having previously been circulated was considered.

After a discussion, it was proposed by Mr Quirk and seconded by Ms Logan and **RESOLVED that a 3 year fixed lease with a 2 year review be offered to the proposed tenant subject to the appropriate planning permission for change of use being received.**

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

**2. Springfield Court**

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

The Report of the District Surveyor dated 11<sup>th</sup> October 2022, having previously been circulated was considered and noted.

Mr Turton requested that the Government Housing Energy/Efficiency Fund be included on the Agenda for the Joint Political Meeting to be held on Monday 24<sup>th</sup> October 2022 to see if any funding can be provided to assist with the scheme.

**C22/10/02/20**

**HOUSING MATTERS**

1. **Annual Housing Report**

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

The draft Annual Housing Report having previously been circulated was considered.

The Chief Executive/Clerk provided the Board with an overview in relation to the draft Annual Housing Report and provided answers to the questions submitted by Mr Allen.

**C22/10/02/21**

**ANY OTHER URGENT BUSINESS**

1. **Housing and Communities Board Meeting**

Ms Logan advised that they had attended the above and that they will share their notes.

2. **Staffing Minutes held on Monday 20<sup>th</sup> September 2022**

The Staffing Minutes of the Ordinary Meeting held on Monday 3<sup>rd</sup> October 2022, copies of which having previously been circulated, were considered.

After a discussion, 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.**

***Ms Logan and Mr Crellin did not cast a vote as they were not present at the meeting.***

***There being no further business the meeting closed at 21:40 pm***