

ONCHAN DISTRICT COMMISSIONERS

*Hawthorn Villa,
79 Main Road, Onchan.*

ORDINARY MEETING

16th March 2022

Sir/Madam

You are hereby summoned to attend an **ORDINARY Meeting of the Authority** to be held in the Boardroom at **HAWTHORN VILLA, 79 MAIN ROAD, ONCHAN** to transact the undernoted business on:

Monday 21st March 2022

7:00 pm - Board Meeting

which will be followed by a meeting of the Board sitting **IN COMMITTEE**. Items on this agenda marked **(P)** will be considered in private, and correspondence is circulated separately.

Please note that the minutes referred to in the agenda have yet to be confirmed by the Authority as a true and correct record of proceedings at the various meetings, and will be published after ratification.

Yours faithfully



R. PHILLIPS
ACTING CHIEF EXECUTIVE/CLERK

AGENDA

The order of business at every meeting of the authority shall be in accordance with that laid down in Standing Order No. 24 unless varied by the Chairman at his discretion (with the exception of items 1, 2, 3 or 4 which cannot be varied) or by a resolution duly moved and seconded and passed on a motion which shall be moved and put without discussion.

1. To choose a person to preside if the Chairman and Vice-Chairman be absent.
2. To deal with any business required by statute to be done before any other business.

3. To approve as a correct record and sign the Minutes of the:-

3.1 Minutes of the Ordinary Meeting held on the 7th March 2022. (Appendix 3.1)

4. To dispose of any relevant business arising from such minutes if not referred to in the Minutes of any Special Committee:-

None.

5. To dispose of any relevant business adjourned from a previous meeting:-

None.

6. To deal with any business expressly required by statute to be done:-

None.

7. To consider any planning decisions/communications from the Department of Infrastructure Planning Committee:-

7.1 Plans for Consideration

(Appendix 7.1)

	PA Reference	Applicant/Address	Return Date
(a)	P22/00166	Mr S M Jagger - 37 Eskdale Road	18 th March 2022
(b)	P22/00217	Mr M Williams - 33 Summerhill Road	1 st April 2022
(c)	P22/00219	Mrs M C Eastlake - 35 Groudle Road	1 st April 2022
(d)	P22/00226	Mrs D Daly - 113 King Edward Road	1 st April 2022
(e)	P22/00239	Mr & Mrs N Slattery - 7 Birch Hill Crescent	1 st April 2022
(f)	P22/00241	Mr B Douglas - Fy-Yerrey, Ballanard Road, Abbeylands	8 th April 2022

7.2 Planning Communications

PA 22/00034 – Land Corner Lhondhoo/Lhonvane Close

(Appendix 7.2)

8. Finance & General Purpose Matters:-**8.1 (P) Cyber Security Insurance***(Appendix 8.1)***9. Consideration of any report from the Clerk or other Officer:-**

None.

10. Consideration of any relevant correspondence (already circulated unless indicated):-**10.1 Climate Change (Single Use Plastic) Regulations 2022***(Appendix 10.1 - For Members attention only)***10.2 The Tynwald Commissioner for Information – Role in Local Authority Complaints Procedure***(Appendix 10.2 – For Members attention only)***11. To answer questions asked under Standing Order 34:**

To be confirmed.

12. To consider Motions in the order in which notice has been received:-*(Note: See Standing Order No. 26)*

None.

13. Environmental & Technical Services Matters:-

None.

14. Housing Matters:-**14.1 (P) 10 Year Residency Direction***(Appendix 14.1)***15. Chairman's Announcements:-****Dates for Diary**

Date	Organisation	Event	Time
19 th March 2022	Onchan Baptist Church	Meal in support of Ukrainian Refugees	2:00 pm to 4:00 pm
21 st March 2022	Onchan District Commissioners	Board Meeting	7:00 pm
2 nd April 2022	Onchan District Commissioners	Commissioners Surgery – The Hub – Commissioners Logan and Quirk attending	10:00 am to 12 noon
4 th April 2022	Onchan District Commissioners	Board Meeting	7:00 pm

16. Any other URGENT business as authorised by the Chairman for consideration:-

16.1 (P) Staffing Minutes of the Ordinary Meeting of 7th March 2022 *(Appendix 16.1)*

16.2 (P) Staffing Matter *(Appendix 16.2)*

PLANS LIST

Board Meeting to be held on 21st March 2022
The District Surveyor will provide recommendations at the meeting

Planning Application	Applicant/Address	Description
PA 22/00166 Return Date 18/03/22	Mr S.M. Jagger 37 Eskdale Road	Alterations, extension and widening of driveway.
Recommendation – For members consideration		
PA 22/00217 Return Date 01/04/22	Mr M. Williams 33 Summerhill Road	Extensions, installation of pitched roof to garage and widening of existing driveway and vehicular access.
Recommendation – Approve		
PA 22/00219 Return Date 01/04/22	Mrs M.C. Eastlake 35 Groudle Road	Amendments to PA 20/01123/B for relocation of existing entrance and relocation of proposed entrance.
Recommendation - Approve		
PA 22/00226 Return Date 01/04/22	Mrs D. Daly 113 King Edward Road	Variation of Condition 1 of PA 17/01301/B, alterations and extensions including detached garage with terrace above, to extend the period of approval for a further 2 years.
Recommendation – Approve		
PA 22/00239 Return Date 01/04/22	Mr & Mrs N. Slattery 7 Birch Hill Crescent	Alteration of first floor and inclusion of roof dormer on rear elevation, window alteration on front elevation.
Recommendation – Approve		
PA 22/00241 Return Date 08/04/22	Mr B. Douglas Fy-Yerrey, Ballanard Road, Abbeylands	Detached dwelling with improvements to existing vehicular access.
Recommendation – Deferred		

PLANNING COMMUNICATIONS

Ross Phillips

To: Alyson Crellin
Subject: FW: Intended development of nine garages and two bike sheds

From: Ross Phillips
Sent: 09 March 2022 10:14
To: 'L'
Subject: RE: Intended development of nine garages and two bike sheds

Morning all,

Currently the application is pending consideration and no approval has been given. If approval is given then we or anyone opposing the application will have 21 days to lodge an appeal following the date of approval.

Once we receive notice of the planning decision then I will bring the matter before the Board for their consideration.

Kind regards

Ross Phillips
District Surveyor/Acting Chief Executive
Onchan District Commissioners

Hawthorn Villa, Main Road, Onchan, Isle of Man. IM3 1RD. Tel: (01624) 675564 or 624967.

Rent, Rate and other payments can be made 24 hours a day, 7 days a week online @ www.onchan.org.im

 www.onchan.org.im  [OnchanDistrictCommissioners](https://www.facebook.com/OnchanDistrictCommissioners)  [TheHubOnchan](https://www.facebook.com/TheHubOnchan)  [@OnchanDC](https://twitter.com/OnchanDC)  [@OnchanLibrary](https://twitter.com/OnchanLibrary)

Our Island, Our Environment, Our Future



Please consider the environment before printing this e-mail



IMPORTANT:

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Sent: 08 March 2022 09:21

Cc:
Subject: Re: Intended development of nine garages and two bike sheds

Hi Ross and John W
 My view that we should take this to appeal

Sent from my iPad

On 7 Mar 2022, at 20:02, ,

Dear Mr Phillips and Mr Quirk

The Onchan Commissioners expressed opposition to the proposed development in the turning bay at Bemahague Avenue, namely nine garages and two bike sheds and at long last I received acknowledgement from . to my letter. He told me over the phone that an objection in person, at one of the planning meetings would cost over £200. Perhaps the Commissioners would to do so as they have expressed their disquiet at their own meeting.

A few thoughts as well the original history which I expressed to the planners and which Mr Quirk and probably Mr Crellin and Mr Turton, both who have lived in the area will be conversant with.

1. The would-be developer is an absentee landlord and one wonders if he would view the same incursion in his own domicile in leafy .
 2. It is an entirely financial development benefitting no one but himself and will not alleviate the parking problems in the area at all. Indeed it will only exacerbate them.
 3. He appears to be using a householder to 'police' the turning bay, as I discovered when I made an 'innocent' inquiry about parking there, in exchange for the free parking of various vehicles of his own including caravans. He quoted me £15 per calendar month for this.
- This proposed development is of as much benefit to the residents of the area as a piranha in a goldfish bowl.

Hopefully as our local elected representatives you will give the development the thumbs down.

Your sincerely

Climate Change (Single Use Plastic) Regulations 2022

Department of Environment, Food and Agriculture

What we are doing?



A legislative ban on the supply of the following (bar necessary exemptions) **single use** plastic items:

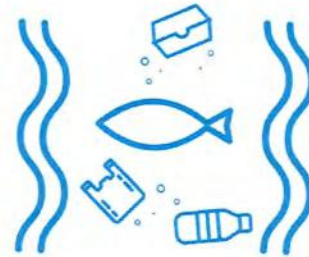
- **single use plastic plates**
- **carrier bags**
- **straws**
- **stirrers**
- **cutlery**
- **polystyrene food containers for immediate use**
- **polystyrene cups**
- **plastic stemmed cotton buds**
- **balloon sticks**
- **oxo-degradable plastics.**

A legislative ban on the manufacture, sale and distribution of rinse-off personal care products that contain **plastic micro beads**.

NOTE:

- Possession and use of the items is **NOT** being banned.
- No one will be charged for owning or using the items.
- The ban is on businesses supplying the items.

Why we are doing it?



Plastic pollution is a critical global issue, one that threatens the environment, wildlife and human health, and significantly contributes to global greenhouse gas emissions.

An important first step in tackling this issue – strong public support

These Regulations ensure we are aligned with surrounding jurisdictions such as Scotland and England and match the EU Plastics Directive.

Exemptions

- Compostable plastics – at this time
- Single Use Plastic Straws – for medical and accessibility needs
 - Available at pharmacies and hospitality and catering establishments on request
- Cotton buds for medical and forensic requirements
- Certain single use carrier bags – eg. for unwrapped meat

Some items which are **NOT affected by these regulations:**

- Rolls of bin bags, dog poo bags, sandwich bags etc. Only bags provided at the point of sale for immediate use are being banned.
- VegWare and similar compostable plastics – at this time.
- Bags for Life – the thicker plastic carrier bags intended for multiple use.
- Hard plastic take-away containers

Enforcement

- Step 1. Raising awareness and understanding
Avoiding 'green washing'
- Step 2. Working with businesses to achieve compliance
- Step 3. Civil sanctions eg. variable penalties
 - No criminal record
 - Options to 'make-good' via 'enforcement undertakings'
- Step 4. Criminal charges - last resort

Timescale



- May Tynwald
- 6 month transitional period for suppliers to use up existing stock and find suitable alternatives
- End date for the supply of these products will likely be November 2022
- Guidance will be provided to assist businesses in adapting to the changes proposed by these regulations

Questions are now welcome.

For more information email plastics@gov.im

The Tynwald Commissioner for Administration

Role in Local Authority Complaints Procedures

The Tynwald Commissioner for Administration

Maladministration

Maladministration is the action (or inaction) of a government body (on the Island, a listed authority) which causes hardship or injustice to a member of the public.

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*What constitutes
maladministration?*

The following are examples of maladministration-

- delay
- poor record keeping
- failure to take action
- failure to follow procedures or the law
- poor communication
- giving out misleading information
- an organisation failing to do what it said it would

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*The 7 Principles of
Public Life*

The guiding principles for public administration, formulated by the Committee on Standards in Public Life, chaired by Lord Nolan are

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

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Functions

- The functions of the Tynwald Commissioner for Administration (“the TCA”) are set out in the Tynwald Commissioner for Administration Act 2011 (“the Act”) which became effective on 1 January 2018.
- “The general functions of the Commissioner are to conduct investigations in accordance with [the Act] into the actions and service failures of listed authorities,.....” Section 5 of the Act.
- “Action” is any action taken by a listed authority in exercise of its administrative functions.
- Service failure means any failure in a service provided by the listed authority or a failure to provide a service which is its function to provide.
- The TCA is required to lay a report to Tynwald on the findings and recommendations of an investigation, including the decision not to investigate.
- Local Authorities were included as listed authorities in the Act in July 2020.

The Tynwald Commissioner for Administration

Complaints

- Complaints to the TCA must—
 - Be in writing;
 - Be made by a member of the public being any individual or body of persons **except a listed authority or an authority or body wholly or mainly funded by Tynwald**;
 - Indicate that the complainant has sustained injustice or hardship in consequence of maladministration;
 - Be within 6 months of the notification to the complainant of the final decision on an investigation by the listed authority; or
 - Be made within 6 months of the listed authority failing to undertake a proper investigation in accordance with the Act (see section 10 of the Act).
- The matter must fall within the scope of the TCA's powers of investigation and not be excluded under section 11 of the Act.

The Tynwald Commissioner for Administration

Excluded Matters

- Excluded matters include–
 - Personnel Matters.
 - Matters connected to court proceedings or investigations by relevant supervisors (Communications and Utilities Regulatory Authority, IOMFSA, IOMOFT, Gambling Supervision Commission) .
 - Actions taken with consent or authority of Attorney General or Chief Constable in connection with crime prevention or a criminal investigation.
 - Contractual or commercial transactions of a listed authority (subject to some exceptions).
 - Matters in which the complainant has a statutory right of appeal or reference,

Note that the TCA has a discretion to investigate matters under the last point if the cost or evidential burden of pursuing those options make them impracticable.

The Tynwald Commissioner for Administration

Investigation

- TCA must decide whether to investigate any complaint by a member of the public of such action or service failure or a request to investigate by a listed authority.
- Powers equivalent to the High Court to collect evidence (under compulsion if need be) both documentary and in interview from the listed authorities in order to investigate a complaint.
- Legal privilege will not apply to information held by the authority.
- The TCA will consider the evidence and will produce a report with her decision and recommendations in draft.
- The TCA has a duty to maintain confidentiality and the report is anonymised as regards individuals.
- The TCA does not have powers to make a financial award, but may make recommendations to resolve the complaint.

The Tynwald Commissioner for Administration

Decision not to investigate

- If the TCA decides not to investigate a complaint, the complainant and the listed authority must be informed of the reasons for the decision
- If the TCA decides not to investigate a matter following a request from a local authority, the local authority must be informed of the reasons for the decision
- Depending on the reason leading to the decision, the TCA may lay a special report about the decision under section 21(5) of the Act.

The Tynwald Commissioner for Administration

Local authority complaints (1)

- Any complaint from a member of the public dissatisfied with an action taken by the Local Authority, or the service provided by them or with the authority's failure to provide a service that they are required to provide.
- Complaint may be from anyone who has sustained hardship or injustice from the action or service failure.
- The TCA is concerned with maladministration in the performance of a Local Authority's executive functions and this can arise from the actions, or inactions, of their Board and their staff.

The Tynwald Commissioner for Administration

*Local authority
complaints (2)*

- A complaint may arise through the actions of another party if the Local Authority fails to take reasonable steps to address it where it is within its powers and responsibility to do so.
- The handling of a complaint by the Local Authority has two aspects:
 - the subject matter of the complaint ,and
 - the way in which the complaint has been handled, which itself can become a cause of a complaint to the TCA.

The Tynwald Commissioner for Administration

Complaints Procedure

- Why have a written Complaints Procedure?
 - Clarity
 - Consistency
 - Fairness
 - Transparency
 - Certainty
 - Record-keeping and monitoring
 - Accountability
 - Compliance with the requirements of the Act

Complaints are an inevitable consequence of any organisation interacting with third parties in any capacity, and an effective written complaints procedure protects the complainant AND the authority.

The Tynwald Commissioner for Administration

Local Authorities' Complaints Procedure

- Simple and clear allowing both sides in a complaint to fully understand the process, the timeframe and progress with a final outcome.
- Normally, a Complaints Procedure provides for three identifiable stages with target timeframes for each.
- Time frames are important for clarity, to ensure progress is made in the complaint and compliance with the Act.
- Fixed timeframes can be difficult to meet, but target timeframes should be given.
- Complainant should be advised if target likely to be missed.
- All correspondence should be acknowledged within a set period, even if a substantive response cannot be given then.

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Local Authorities' Complaints Procedure Time limits

- A final decision on a written complaint must be made within 28 days.
- The time limit can be extended by the TCA (not the authority) from 28 days to 3 months in exceptional circumstances.
- Note that even the Commissioner cannot extend the time limit beyond 3 months from receipt of the written complaint.

The Tynwald Commissioner for Administration

The Three Stage Complaints Process

Best practice complaints process can be broken down into three stages:

- Stage 1 – Initial - the complaint is often, but not always, oral and may be satisfactorily dealt with at an administrative level.
- Stage 2 - Investigation/Formal – the initial complaint has not been satisfactorily resolved at an administrative level and requires more investigation, often by the Clerk in larger authorities.
- Stage 3 – Review – the complaint remains unresolved and is subject to review by the Chairman or Board to make a final decision.

Stages 1 and 2 may need to be combined in smaller authorities. Objective is to achieve a clear and fair process producing a well-argued final decision, including an indication that the complainant has exhausted the entire process with the Local Authority.

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The Three Stage Complaints Process- Stage 1

Three Stage Process explained

- **Stage 1** - Initial - This is the stage where most complaints are likely to be resolved and successfully concluded. This stage would usually be completed verbally and dealt with by the person receiving the complaint, escalating it as necessary within the Local Authority in order to give an initial response. A complaint at this stage should be entered into the complaints register to provide background should the complaint prove not be resolved.

The Tynwald Commissioner for Administration

Complaints Process- Stage 1 Timescale

Three Stage Process explained

- **Stage 1 Timescale** – Usually the response is immediate, but, if not, an initial response seeking to resolve the complaint should be sent within 7 days of receiving the complaint.
- If the complaint is made orally, the 28 day time limit does not begin to run, but if it is made in writing (including by e-mail) it does.

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The Three Stage Complaints Process – Stage 2

- **Stage 2** – Investigation – where the complaint cannot be dealt with in the initial stages, or the complainant is dissatisfied with the outcome. It is for the Local Authority's own internal processes and resource to decide if this stage is dealt with by the Clerk or another member of the Board. The reason that it may be preferable to have this stage dealt with by the Clerk is to allow for Stage 3 to be carried out by another person who is not involved in the day to day matters of the Local Authority as the equivalent to an internal appeal and the final decision. This stage should be completed in writing and the outcome recorded in the Complaints Register.

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The Three Stage Complaints Process – Stage 2 Timescale

- **Stage 2 Timescale** - The Local Authority should attempt to send the complainant a substantive response within 14 working days of receiving the formal written complaint. A “substantive response” is one which conveys the investigating officer’s decision on the complaint.
- It will not always be possible to meet this timescale, and in such cases the complainant should be advised of the situation within 10 working days, given an explanation for the delay and an indication of when a substantive response can be expected.

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The Three Stage Complaints Process – Stage 3

- **Stage 3** - Review. If the complainant is not satisfied with the outcome of Stage 2, they can then refer the matter for review, usually this would be the Chair and is effectively the internal appeal. This is the stage that the authority's decision has become final having exhausted all processes with the Local Authority, ("the Final Decision") and the complainant should then be able to refer the matter to the TCA if they are still not satisfied within 6 months of receiving the Final Decision. Again, this should be in writing and recorded in the Complaints Register.

The Tynwald Commissioner for Administration

The Three Stage Complaints Process – Stage 3 Timescale

- **Stage 3 Timescale** - The outcome of the Review (“the Final Decision”) is to be conducted and reported to the complainant within 28 days from the receipt of the written complaint, or in exceptional circumstances three months. If the latter, the complainant should be advised of the situation within 10 working days, giving an explanation for the delay and an indication of when a substantive response can be expected.
- *NB [If a mediator/ investigator is engaged in this stage, the LA cannot extend these time limits.]*

The Tynwald Commissioner for Administration

Complaints Procedure - Publication

- Complaints Procedure should be published on the Local Authority's website, available in hard copy at their premises and sent on request.
- It should also be sent to all complainants who raise a complaint.
- Complaints Procedures **must** include information about the right to make a complaint to the TCA, the time limit for doing so and the contact details for the TCA.
- Correspondence, including the final decision, **must** include the same information regarding the right to complain to the TCA and how to do so.
- The TCA's contact details are on the last slide of this presentation.

The Tynwald Commissioner for Administration

Contact details

The TCA and the Assistant TCA welcome any comments or questions on the Complaints Procedure and TCA investigation by email to ombudsman@parliament.org.im or asstombudsman@parliament.org.im.

The contact details to be included in the Complaints Procedure and correspondence:

By Post:

The Tynwald Commissioner for Administration
Legislative Buildings
Finch Road
Douglas
Isle of Man IM1 3PW

Email: ombudsman@parliament.org.im

- Further information may be found at:
<https://www.tynwald.org.im/about/TCA>