

Minutes of the Ordinary Meeting of the **ONCHAN DISTRICT COMMISSIONERS** held in the Boardroom, Hawthorn Villa, 79 Main Road, Onchan, on Monday 24th July 2023 at 7:00 pm

Present:	Miss Z Lewin	(Chair)
	Miss K Williams	(Vice Chair)
	Mr A Allen	
	Mr D Crellin	
	Mr R Turton	(Lead Member for Housing)
	Mr D Quirk	(Lead Member for Environmental and Technical Services)
Apologies:	Ms F Logan	(Lead Member for Finance and General Purposes)
In attendance:	Mr R Phillips	(Chief Executive/Clerk)

Miss Lewin took the opportunity to remind all those present of Section 11 of the Authority's Corporate Governance Principles and Code of Conduct.

"It is expected that you respect the Chair, your colleagues, Local Authority employees and any members of the public present within your meeting room during Local Authority meetings or other formal proceedings of the Authority. You must comply with rulings from the Chair in the conduct of business of your Local Authority".

C23/07/02/01

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

Not necessary.

C23/07/02/02

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

None.

C23/07/02/03

MINUTES

1. Ordinary Meeting held on Monday 10th July 2023

The Minutes of the Ordinary Meeting held on Monday 10th July 2023, copies of which having previously been circulated were considered.

Amendments:

Page 1 – To Dispose of Any Business Arising from such Minutes – first paragraph amend "collaborated" to "corroborated".

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

Mr Allen did not cast a vote as he was not present at the meeting.

C23/07/02/04**TO DISPOSE OF ANY BUSINESS ARISING FROM SUCH MINUTES****1. Ordinary Meeting held on Monday 10th July 2023**

Mr Crellin asked if he can raise a matter now, or during any other business. The matter related to the discussion held at the Authority's last Board Meeting regarding proposed highways restrictions for some vehicles.

Miss Lewin agreed that Mr Crellin could raise the matter now.

Mr Crellin stated that he had previously brought a proposal to the Board for consideration regarding an Onchan Resident who had approached him about providing an area within the District on their own land to allow larger vehicles such as motorhomes to park securely and away from the highway.

Mr Quirk raised a point of order.

Mr Crellin asked Mr Quirk to name the Standing Order that had not been adhered to?

Mr Quirk stated that the matter was not discussed at the previous meeting of the Board, but during another meeting.

Miss Lewin interjected between Mr Crellin and Mr Quirk and requested that Mr Crellin continue as he had the floor. [ODC 07/08/2023]

Mr Crellin commented that following the meeting where this matter was considered, he has been informed that the land owner who had approached him with the proposal has been contacted by the Planning Department regarding a suspected breach of planning. It is disappointing that business transacted in the Boardroom has now negatively impacted a resident and it appears as though the Authority does not support the principal of an area being provided at no cost to the Authority to allow larger vehicles to park away from the highway.

Mr Crellin further commented that the report to the Planning Department must have come from the meeting as no one else knew about it. [ODC 07/08/2023]

Miss Lewin commented that she agrees that it is disappointing if this has occurred and that some form of proof or further information would be required for consideration. It is noted that this matter should have been discussed later in the proceedings of the meeting under any other business, as this matter was not discussed at the previous meeting.

C23/07/02/05**TO DISPOSE OF ANY BUSINESS ADJOURNED FROM A PREVIOUS MEETING**

None.

C23/07/02/06**TO DEAL WITH ANY BUSINESS EXPRESSLY REQUIRED BY STATUTE TO BE DONE**

None.

C23/07/02/07**PLANNING DECISIONS/COMMUNICATIONS FROM THE DEPARTMENT OF INFRASTRUCTURE PLANNING COMMITTEE****1. Plans to the Board**

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

(i) PA 23/00748/B Mr M Walshe – 20 Furman Close

Members were advised that the planning application is for the removal of existing chimney stack and to replace the existing roof tiles with original (new) tiles.

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 28th July 2023.

After a discussion, it was proposed by Mr Quirk and seconded by Mr Allen and unanimously **RESOLVED** that **PA23/00748/B – 20 Furman Close** be recommended for approval.

C23/07/02/08**FINANCE AND GENERAL PURPOSES****1. Audit Fee for the Year Ended 31st March 2023 & 31st March 2024**

To be considered In Committee.

C23/07/02/09**REPORT FROM THE CLERK OR OTHER OFFICER****1. General Data Protection Regulations (GDPR) – Compliance Review**

To be considered In Committee.

2. Authority Organogram and Staffing Review.

To be considered In Committee.

C23/07/02/10**CONSIDERATION OF ANY RELEVANT CORRESPONDENCE****1. Douglas Borough Council – Civic Sunday**

A copy of the correspondence dated 19th July 2023, received from the Chief Executive of Douglas Borough Council advising of the change of date for their Civic Sunday Church Service, which will now be held on Sunday 24th September 2023, having previously been circulated was noted.

2. Invitation to Sight Matters Art Exhibition

A copy of the invitation received from Sight Matters inviting Members to attend their Art Exhibition of the 4th August 2023 at 5:45 pm, having previously been circulated was noted.

C23/07/02/11**TO ANSWER ANY QUESTIONS ASKED UNDER STANDING ORDER 34**

The Chair advised the Board that the following question in accordance with Standing Order 34 had been received from Commissioner Quirk:

1. Question:

Can the Clerk give an update on the progression and implementation of the live streaming of Onchan District Commissioners public meetings?

The Chair answered the question as follows:

Answer:

- We are still awaiting a response and advice from the Authority's Data Protection Officer regarding the Impact Assessment undertaken by the Chief Executive/Clerk;
- Priority has been given to undertaking the Authority's Data Protection Compliance Review as currently there are matters that require addressing and improvement;
- Without an Impact Assessment the Board will not be in a well-informed position to progress the implementation of live streaming without first considering the potential associated risk and possible legal implications; and
- The Impact Assessment, and quotes for additional IT equipment will be provided to the Board for consideration as a memorandum prior to the Authority's rate setting exercise because if the Board are to proceed funding will be required.

Mr Turton asked the Chair if he could make a comment. The Chair agreed that Mr Turton could.

Mr Turton commented that he is disappointed that this matter has not progressed quick enough. The Board previously approved the motion to introduce live streaming of our public meetings. Mr Turton further commented that he cannot understand why we have not started broadcasting.

It is recorded that Section 27 subsection 7 of the Local Government Act 1985 and the Authority's Standing Order 34.4 were contravened due to the question answered being debated without suspending Standing Orders.^[ODC 07/08/2023]

Mr Crellin stated that Standing Order 34 answers to questions submitted to the Chair are not for debate or discussion following their presentations. When questioned by the Mr Crellin the Chief Executive/Clerk confirmed that Mr Crellin's interpretation of the Standing Orders is correct.^[ODC 07/08/2023]

Miss Williams highlighted that Mr Turton had requested permission for the Chair to speak and the Chair had approved.

Mr Crellin stated that the Board need to fully consider the legal implications and associated risks with live streaming. The wording of the resolution being referred to clearly states that the Authority will make provision to live stream in principle only. Mr Crellin further stated that further investigation is required before fully committing ourselves, as highlighted previously by the Chief Executive/Clerk and the Authority's former Data Protection Officer, Mr Peter Cannell on behalf of Quinn Legal.

C23/07/02/12

TO CONSIDER ANY MOTIONS

None.

C23/07/02/13

ENVIRONMENTAL AND TECHNICAL SERVICES

None.

C23/07/02/14
HOUSING MATTERS

None.

C23/07/02/15
CHAIR'S ANNOUNCEMENTS

1. Chair's Attendances

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

2. Dates for the Diary

Date	Organisation	Event	Time
1 st August 2023	Onchan District Commissioners	Commissioners Surgery – Springfield Court	2:00 pm to 3:00 pm
7 th August 2023	Onchan District Commissioners	Board Meeting	7:00 pm
21 st August 2023	Onchan District Commissioners	Board Meeting	7:00 pm

C23/07/02/16
ANY OTHER BUSINESS

1. Off Road Parking for Larger Vehicles

Miss Lewin asked Mr Crellin if he wished to further discuss his concerns regarding the matter relating to an Onchan Resident, highway vehicle restrictions, and the planning enforcement.

Mr Crellin confirmed that he had discussed everything which he wished to raise during matters arising earlier in this evenings meeting.

2. Compliant Received

Mr Allen asked the Chair if the Board can discuss the recent complaint received by the Board from a member of the public regarding a Member's conduct.

The Chair agreed and provided an overview in relation to the complaint received, and the reply provided by the Chief Executive/Clerk on behalf of the Authority.

Mr Allen asked if the complainant will receive any further response.

The Chair confirmed that the Chief Executive/Clerk has responded on behalf of the Authority, but if Members wish to respond individually they can do so.

The Public session of the Meeting ended at 7:20 pm

C23/07/02/17FINANCE AND GENERAL PURPOSES**1. Audit Fee for the Year Ended 31st March 2023 & 31st March 2024**

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

The Report of the Finance Manager dated 19th July 2023, having previously been circulated was discussed.

A discussion between Mr Allen, Miss Lewin, Mr Turton and Miss Williams took place.

Mr Turton commented that the Authority needs to write to Treasury to make them aware of the Board's disappointment regarding this situation and the increased fees imposed on the Authority for external audit services.

Mr Quirk returned to the meeting at 7:36pm

Mr Allen stated that the Authority has already received correspondence from Treasury regarding this matter, and that under the relevant regulations, the Authority has no choice but to except the increased audit charges and fund this from the Authority's reserves.

Mr Quirk stated that he believes the Authority needs to make the Treasury Minister aware of the Board's disapproval of the increase.

After a discussion, it was proposed by Mr Allen and seconded by Mr Crellin and **RESOLVED that the increased external audit fees for the years ended 31st March 2023 and 31st March 2024 be noted and that the funds for the additional expenditure be taken from the Authority's reserves.**

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

Against: Mr Turton and Mr Quirk

C23/07/02/18REPORT FROM THE CLERK OR OTHER OFFICER**1. General Data Protection Regulations (GDPR) – Compliance Review**

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

The Report of the Chief Executive/Clerk dated 27th June 2023, having previously been circulated was discussed.

The Chief Executive/Clerk provided the Board with an overview in relation to the Authority's Compliance Review Report ("the Report").

The Chief Executive/Clerk provided the Board with his 10 key recommendations following the Report that the Authority need to implement to provide a greater level of General Data Protection Regulations compliance.

The Chief Executive/Clerk advised the Board that some of the work required will require input, acceptance and support from the staff and the elected Members as all have responsibility under the General Data Protection Regulations.

Mr Quirk asked the Chief Executive/Clerk how long will it take to implement the recommendations.

The Chief Executive/Clerk advised that at this stage he cannot provide a definitive programme, but it is proposed that 12 months would be a reasonable time frame. The Chief Executive/Clerk

further advised that some of the work required had already commenced, most notably the drafting of the required policies which are due for consideration by the Board during the forthcoming meetings.

2. Authority Organogram and Staffing Review.

See Staff Minute Book.

C23/07/02/19

ANY OTHER BUSINESS

1. Public Section of the Ordinary Meeting of 24th July 2023

Mr Allen commented that he wishes to discuss what occurred following the close of tonight's public meeting.

Mr Allen stated that he is embarrassed by the behaviour displayed by a Member. Not only did the Members witness the behaviour, but the members of the public witnessed it as well.

Mr Allen further stated that the conduct of any Member and their actions has an impact on the rest of the Board and the Authority. The events that took place tonight does not show us in a good light. I am greatly disappointed, as such I would consider not sitting in this boardroom in the future, if this is how business of the Authority is going to be transacted.

Mr Quirk commented that the member of the public who spoke out against him after the close of tonight's public meeting does not like him. The member of the public has e-mailed a complaint about me to the Authority which you have all read, and the reply from the Chief Executive/Clerk on behalf of the Authority.

Mr Quirk further commented that he will be taking action against these claims noted within the complaint, and the Isle of Man Constabulary will be informed of the threats made against him this evening as witnessed by all those in attendance.

Mr Quirk commented that he worries for the future of our meetings, and he believes that live streaming our meetings would resolve issues of poor behaviour and conduct going forward.

Mr Crellin commented that he agrees with the comments made by Mr Allen. Mr Crellin further commented that he also worries about the future functioning of the Board and the impact of complaints being made as these affect us all as Members, and the Staff of the Authority.

Mr Turton commented that no actions of a Member warranted the behaviour displayed tonight by the member of the public.

Miss Williams commented that Miss Lewin needs to remind members of the public who are in attendance at the public meetings they are not to disrupt proceedings, and that they attend as observers.

Mr Crellin asked for clarity was the incident involving a member of the public recorded during the public meeting minutes.

The Chief Executive/Clerk confirmed that Members had indicated that the public meeting had ended at 7:20 pm and that all business to be considered by the Board in public was transacted. The incident took place after the close of the public meeting and prior to the commencement of the private meeting.

2. Audit Fees for the Year Ended 31st March 2023 and 31st March 2024

After a discussion, it was proposed by Mr Quirk and seconded by Mr Turton and **RESOLVED** that the Chief Executive/Clerk formally write to the Treasury Minister to express the Board's disappointment regarding the increased audit fees and the manner in which they have notified the Authority after the Authority's budget setting process.

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

There being no further business the meeting ended at 8:20 pm