

ONCHAN DISTRICT COMMISSIONERS

*Hawthorn Villa,
79 Main Road, Onchan.*

ORDINARY MEETING

2nd October 2025

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 6th October 2025

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
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. 17 or by a resolution duly moved and seconded and passed on a motion which shall be moved and put without discussion.

Chief Executive/Clerk to provide emergency evacuation procedure for Hawthorn Villa at the commencement of the Meeting.

1. To choose a person to preside if the Chair and Vice-Chair be absent:

None.

2. Declarations of Interest of Members and Officers (in accordance with Standing Order 18):

None.

3. To deal with any business required by statute to be done before any other business:

None.

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

4.1 Minutes of the Ordinary Meeting held on Monday 22nd September 2025 *(Appendix 4.1)*

4.2 (P) Staff Minutes of the Ordinary Meeting held on Monday 22nd September 2025 *(Appendix 4.2)*

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

5.1 Public Accountability Meetings *(CEO to Report)*

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

6.1 (P) Internal Audit Risk Areas for the year ending 31st March 2026 *(Members to advise)*

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

None.

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

8.1 **Planning Communications:**
Planning Application 90869/B - Centenary Park, Hillberry Road *(District Surveyor to Report)*

9. Finance and General Purposes:

None.

10. Consideration of any Reports from the Clerk or other Officer:

- 10.1 Rating and Valuation (Amendment) Bill – Pubic Consultation (Appendix 10.1)
- 10.2 Regulations, Orders, and Byelaws Enforcement Policy – Introduction of New Policy (Appendix 10.2)
- 10.3 Mobile Phone Policy – Update (Appendix 10.3)

11. Consideration of any relevant correspondence (already circulated unless indicated):

- 11.1 Eighth Manx Bard – Poetry Concert Invitation (Appendix 11.1)

12. To answer any questions asked under Standing Order 25:

None.

13. To answer any Motions in the order in which notice has been received:

- 13.1 Inclusion of Manx Wording on all Road and Street Name Signage that the Authority has responsibility for. (Appendix 13.1)
- 13.2 That the Authority provides its support for a new strategic approach that seeks to acquire new residential properties, or land to develop housing stock. (Appendix 13.2)

14. Environmental and Technical Services:

- 14.1 Isle of Man Strategic Plan Review – Consultation (Appendix 14.1)
<https://consult.gov.im/cabinet-office/strategic-plan-preliminary-publicity-2025/>
- 14.2 Enforcement Section 51 of the Highways Act 1986 (Appendix 14.2)

15. Housing Matters:

None.

16. Dates for the Diary:

Date	Organisation	Event	Time
4 th October 2025	Isle of Man Federation of Women's Institute	2025 Show – A Sparkling Christmas – Elim Church Hall	12 noon to 3:00 pm
6 th October 2025	Onchan District Commissioners	Board Meeting	7:00 pm
12 th October 2025	Onchan Silver Band	Autumn Concert – Onchan Methodist Church	3:00 pm
20 th October 2025	Onchan District Commissioners	Board Meeting	7:00 pm
1 st November 2025	Onchan Silver Band	Concert of Remembrance – St Peter's Church	3:00 pm

17. Any other URGENT business as authorised by the Chair for consideration:

- 17.1 Isle of Man Municipal Association – Meeting Update (Commissioner Turton to report)



REPORT

Report to:	Board of Onchan District Commissioners
Reporting Officer:	Chief Executive/Clerk
Date of the Meeting:	6 th October 2025
Subject:	Rating and Valuation (Amendment) Bill – Public Consultation
Public or Private Document:	Public

Introduction:

The Treasury is consulting to seek views in relation to amendments to the Rating and Valuation Act 1953. The four proposals outlined within the consultation are as follows:

- 1) Allowing the removal of rates exemptions for dangerous or ruinous buildings to discourage long-term empty/problem properties by amending section 75A.
- 2) Removing the requirement that rebate schemes be funded by the Treasury in all cases to facilitate greater local flexibility by amending section 63A.
- 3) Introducing a discount and potentially a cap on the rateable value of quarries by amending Schedule 4 and inserting a new section 13A in this Act; and
- 4) Clarify whether or not to charge rates on property owned by charitable organisations by amending section 74.

The closing date for responses is 17th October 2025.

Proposed responses on behalf of the Authority are outlined below in the Supporting Rationale section of this report.

Previously Considered by the Board:

Ordinary Board Meeting held on 22nd September 2025.

Minute reference C25/09/02/10.

Recommendation/s or Action/s Taken:

Option 1

That the Board resolves to submit the draft responses to the Treasury Rating and Valuation (Amendment) Bill Public Consultation as outlined within the Chief Executive/Clerk's report dated 6th October 2025.

Option 2

That the Board makes amendments to the draft responses outlined within the Chief Executive/Clerk's report dated 6th October 2025. Furthermore, the accepted amendments be submitted to the Treasury Rating and Valuation (Amendment) Bill Public Consultation.

Supporting Rationale:

Proposal 1 – Removal of rates exemptions for dangerous or ruinous buildings

The proposal aims to allow the removal of rates exemptions for dangerous or ruinous buildings to discourage long-term empty/problem properties by amending section 75A of the Rating and Valuation Act 1953.

The policy intent behind this proposal is to disincentivise empty/problem/dilapidated properties to remain as they are for extensive periods of time without any plans for renovation or refurbishment. The intent is also to provide clarity (regardless of existing custom and practice or any existing vires) on how exemptions are applied under section 75A of the 1953 Act.

At present, said properties are included in a £0 rated list that is produced and updated three times a year by the Treasury.

Proposed amendment – suggested amended wording for section 75A of the Rating and Valuation Act 1953

75A Rating of buildings ceasing to be capable of occupation

- (1) A rateable building which has ceased to be capable of occupation continues to be a rateable hereditament for the purposes of any enactment relating to rating.*
- (2) A building referred to in subsection (1) is rateable by reference to its most recent total gross value.*
- (3) The Treasury may by order amend subsection (1).*

Assumptions

The proposal assumes a lead-in period will be provided to give Ratepayers time to respond before rates are applied to currently exempt properties. These responses may include selling, renovating or seeking planning permission. Properties will be rated based on their last known gross value, and liability will begin from the legislation's implementation date.

Question – Does the proposed amendment achieve the policy proposal?

Yes. However, it is noted that the reference to subsection (1) in the proposed subsection (3) should be to subsection (2).

It is highlighted that currently within Onchan there are properties that can be classified as empty/problematic/dilapidated whose owners still pay rates. This legislative proposal is welcomed, but not all property owners will be incentivised to improve the condition of such properties if the proposal is implemented.

Question – Do you foresee any unintended consequences related to the proposed amendment?

No.

Question – Do you have any other suggestions or alternative proposals to achieve the policy proposal?

Yes. Please see the following:

- It may be appropriate to create a means-tested relief or phased implementation procedure of rates for property owners who are vulnerable or have financial difficulties.
- The provision of a clear definition of “ceased to be capable of occupation” will eliminate any ambiguity or misinterpretation by officers.

Proposal 2 – Removing the requirement that rebate schemes be funded by Treasury in all cases

The proposal aims to give more flexibility in funding local rebate schemes by amending Section 63A of the Rating and Valuation Act 1953. Currently, all such schemes must be funded by the Treasury.

It is understood that the initial policy intent underpinning this section was that rebates might be made for social purposes, to support those in need, hence the current requirement that the Treasury should meet the cost.

There may be instances in which the Treasury would look to introduce a scheme that might allow rate rebates for a period, in certain circumstances – for example: a flood or other disaster event or if certain conditions were met. In addition, a local authority might wish to support development of a dilapidated site provided it was brought back into use within an agreed number of years through a rebate or refund scheme.

The amendment would allow each scheme to determine whether the Treasury reimbursement is necessary, depending on its purpose and context.

Proposed amendment – suggested amended wording for section 63A of the Rating and Valuation Act 1953

63A Rate rebates

(1) The Treasury may make regulations enabling a local authority to make a scheme (a “rebate scheme”) providing for the grant of rebates in respect of rates levied by the authority.

(1A) A rebate may consist of the total amount of the rate that would otherwise be levied.

(1B) A scheme may specify when, and if, the Treasury is required to pay the authority an amount in respect of a grant of a rebate but, if it does not, subsection (3) applies.

(1C) The amount referred to in subsection (1A) may be equivalent to, or less than, the amount of the rebate in question.

(2) The Regulations shall not have effect unless they are approved by Tynwald.

(3) The Treasury shall pay to each local authority out of money provided by Tynwald, at such times and in such manner as the Treasury may determine, the amount by which rates levied by and paid to the authority are reduced by the grant of rebates under a rebate scheme.

Question – Does the proposed amendment achieve the policy proposal?

Yes. However, it is noted that the reference to subsection (1A) in the proposed subsection (1C) should be to subsection (1B).

Question – Do you foresee any unintended consequences related to the proposed amendment?

Yes. Without clear regulations and agreed-upon procedures:

- There is the potential for uneven application of rebate schemes by the differing local authorities. For example, a wealthier authority may offer more generous rebates, while others may struggle to fund similar schemes.
- Differing schemes could complicate oversight and public understanding of entitlements.

Also, without guaranteed Treasury support, some local authorities may launch rebate schemes that could prove financially unsustainable.

Question – Do you have any other suggestions or alternative proposals to achieve the policy proposal?

Yes. Please see the following:

- All rebate schemes are to obtain Treasury approval, even if reimbursement from Treasury is not sought.
- Establishment of minimum standards or eligibility criteria for rebate schemes, and standardised procedures for all local authorities to adhere to.

Proposal 3: Introducing a discount and potentially a cap on the rateable value of quarries

This section and questions are not relevant to Onchan, so it is suggested that no responses be given.

Proposal 4: Policy on charging rates on property owned by charities

The proposal aims to clarify whether charitable organisations should be exempt from paying rates under section 74 of the Rating and Valuation Act 1953.

Currently, the Act does not explicitly exempt all charities, though the Treasury's Rating and Valuation Team's practice is to allow exemptions upon request, provided the property is used for charitable purposes.

Section 74, originally drafted over 70 years ago, is outdated given the evolution of the charity sector and the presence of many more commercial ventures. While the section is titled "Churches or chapels not to be liable to rates," it also includes premises used solely or principally for charitable purposes in its exemption language.

Since charities are already exempt from Income Tax and are exempt from purchases of eligible supplies for VAT, it would seem sensible for the Treasury to take a similar stance and establish a policy that all land and property owned by a charity, where the rent, profit or advantage received is reinvested into the charity, and is therefore not deemed to be a rent, profit or advantage coming within the meaning of section 74 of the Act.

The amendment seeks to modernise and clarify the application of this section to ensure consistency and transparency in how charitable property is treated for rating purposes.

Proposed amendment – in order to clarify the policy applied on whether or not to charge rates on property owned by charitable organisations.

The following policy options have been considered:

- a) Exempt charities from paying rates on property that they hold.
- b) Exempt charities from paying rates on property that they hold to operate from as a charity but charges on “profit” making elements of their property portfolio.
- c) Implement a 50% exemption for charities (other than those already specified in section 74 of the Rating and Valuation Act).
- d) Let Local Authorities choose between a) & b) on an individual basis.

Question – Which above option is preferred and why?

Option (b) is the preferred option because it reduces the risk of abuse/misuse by a charity that may have a commercial or “for-profit” element to its charity.

Question – Do you foresee any unintended consequences related to the preferred option selected?

Yes. It may be difficult for officers to clearly identify charitable and for profit-making elements of a charity. Consider the creation of clear guidelines or standardised procedures to avoid any ambiguity and to limit challenges from charities.

Question – Do you have any other suggestions or alternative proposals to achieve the policy proposal?

Yes. Consider making it mandatory for charities to submit annual declarations on property use and income reinvestment.

It is highlighted that if option (d) is favourable to the Treasury, it is not advisable to progress the proposal without the establishment of clear regulations or standardised procedures. There is the potential for the differing local authorities to misinterpret the application of rates on charities, or potentially biased application of exemptions.

Alternatives Considered but not Recommended:

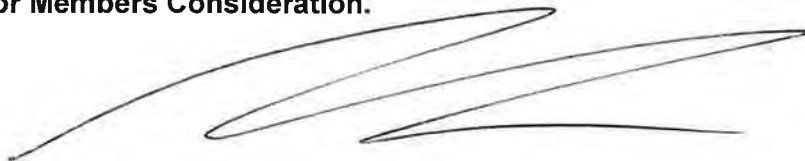
That the Board does not submit a consultation response.

Standing Orders:

Not applicable.

Resource Impact:
Any changes to the Rating and Valuation Act 1953 will impact the officers who work within the Surveyors Department and the Finance Department. However, no additional resource will be required.
Financial Impact:
The Authority could increase its rateable income based on the proposed legislative changes.
Legal and/or Insurance Impact:
Rating and Valuation Act 1953.
Equality Impact:
Not applicable.
Climate Change Impact:
Not applicable.
Consultation with Others:
<ul style="list-style-type: none"> • Lead Member for Finance and General Purposes, and Lead Member for Environmental and Technical Services – Onchan District Commissioners. • Chief Finance Officer, District Surveyor, and Finance Department Manager – Onchan District Commissioners.
General Data Protection Regulations and/or Confidentiality Impact:
Not applicable.
Appendices:
Not applicable.

For Members Consideration.



ROSS PHILLIPS

CHIEF EXECUTIVE/CLERK



REPORT

Report to:	Board of Onchan District Commissioners
Reporting Officer:	Chief Executive/Clerk
Date of the Meeting:	6 th October 2025
Subject:	Regulations, Orders, and Byelaws Enforcement Policy – Introduction of New Policy
Public or Private Document:	Public

Introduction:

Local authorities were contacted by the Environmental Health Unit within the Department of Environment, Food and Agriculture (DEFA) in 2025 to request that the authorities provide their enforcement policies.

The Unit's request intended to allow its officers to obtain a greater understanding of each authority's policy when undertaking an investigation on behalf of an authority following receipt of complaints from members of the public.

It was identified that Onchan District Commissioners does not currently have an enforcement policy in relation to the Authority's statutory and non-statutory responsibilities under the provisions of any relevant regulations, orders, or byelaws.

Based on the template provided by DEFA, a draft enforcement policy for use by the Authority is provided within this report for the Board to consider.

Additional amendments have been made to the original draft that was considered at the Ordinary Board Meeting held on 22nd September 2025. The amendments are based on the information provided by the Vice Chairman/ Lead Member for Housing, and the Lead Member for Finance and General Purposes.

Previously Considered by the Board:

Ordinary Board Meeting held on 22nd September 2025.

Minute reference C25/09/02/10.

Recommendation/s or Action/s Taken:
<p><u>Option 1</u></p> <p>That the Board resolves to approve and implement the Regulations, Orders, and Byelaws Enforcement Policy.</p> <p><u>Option 2</u></p> <p>That the Board requests that alterations be made to the draft enforcement policy, and that the matter be brought back before the Board for further consideration.</p>
Supporting Rationale:
<p>The creation of an enforcement policy aims to:</p> <ul style="list-style-type: none"> • Provide members of the public with clear guidance as to how the Authority will manage it's responsibilities in relation to any relevant regulations, orders, and byelaws; and • Assist the Environmental Health Unit in obtaining a greater understanding when undertaking an investigation on behalf of the Authority following receipt of complaints from members of the public.
Alternatives Considered but not Recommended:
<p>That the Board does not agree to implement any policy in relation to the enforcement of the Authority's statutory and non-statutory responsibilities under the provisions of any relevant regulations, orders, or byelaws.</p>
Standing Orders:
<p>Not applicable.</p>
Resource Impact:
<p>Not applicable.</p>
Financial Impact:
<p>Not applicable.</p>
Legal and/or Insurance Impact:
<p>Examples of some of the legislation under which the Authority has enforcement responsibilities include the following:</p> <p><u>Primary Legislation</u></p> <ul style="list-style-type: none"> • Local Government Act 1985; • Local Government (Miscellaneous Provisions) Act 1984; • Public Health Act 1990; • Building Control Act 1991; • Dogs Act 1990;

- Highways Act 1986;
- Housing Act 1955;
- Litter Act 1972;
- Sewerage Act 1999;
- Trees and High Hedges Act 2005;
- Pedlars and Street Traders Act 1906.

Secondary Legislation

- Building Regulations 2014;
- Onchan Dog Control Byelaws 2021;
- Onchan General Byelaws 2017;
- Housing Standards 2017;
- Onchan Off-Street Parking Places Order 2021.

Equality Impact:

All members of the public, when engaging with the Authority in relation to an enforcement matter, will be treated fairly in relation to the following protected characteristics:

- Age;
- Disability;
- Gender reassignment;
- Marriage or civil partnership;
- Pregnancy and maternity;
- Race;
- Religion or belief;
- Sex; and
- Sexual orientation.

Climate Change Impact:

Not applicable.

Consultation with Others:

- Lead Member for Environmental and Technical Services, Chairman/ Lead Member for Housing, and Lead Member for Finance and General Purposes – Onchan District Commissioners.
- District Surveyor, and Environmental and Technical Services Manager – Onchan District Commissioners.
- Environmental Health Unit – DEFA.

General Data Protection Regulations and/or Confidentiality Impact:

Not applicable.

Appendices:

See enclosed the draft Regulations, Orders, and Byelaws Enforcement Policy.

For Members Consideration.

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name Ross Phillips.

ROSS PHILLIPS

CHIEF EXECUTIVE/CLERK



**ONCHAN
DISTRICT
COMMISSIONERS**

**REGULATIONS,
ORDERS, AND
BYELAWS
ENFORCEMENT
POLICY**

Policy Date: October 2025
Review Date: October 2028

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History or Most Recent	Policy Changes	- MUST BE COMPLETED
Version:	Date:	Change:
Version 1	2025	New Policy

ACKNOWLEDGEMENT

Onchan District Commissioners ("the Authority") would like to acknowledge the guidance of the Department of Environment, Food and Agriculture in developing the Regulations, Orders and Byelaws Enforcement Policy and Procedure.

1. INTRODUCTION

- 1.1 The Authority is responsible for enforcing a wide range of statutory and non-statutory rules, many of which carry a criminal sanction for non-compliance.
- 1.2 The Authority works with the community to protect and enhance the essentials of life and to minimise the impact of ~~unfavorable~~ **harmful** activities on the people who live, work and visit the District.

2. OBJECTIVES

- 2.1 Enforcement should be seen as one of the tools the Authority has to aid in protecting and enhancing the District's environment for ~~members of the public~~ **and safeguarding the wellbeing of residents, businesses, and visitors.**
- 2.2 This policy sets out the general principles that the Authority intends to follow in relation to the regulation of statutory and non-statutory functions:

Proportionality

- Enforcement actions should match the seriousness of the breach.
- Minor infractions may warrant advice or warnings, while serious violations may lead to prosecution, ~~or penalties~~ **enforcement notices or penalties.**

Consistency

- Similar circumstances should lead to similar outcomes.
- ~~Application of rules fairly, regardless of the circumstances~~ **Rules should be applied fairly and consistently, avoiding discrimination or bias.**

Transparency

- Enforcement policies, procedures, and decisions should be clear and accessible, ~~and timely~~
- ~~Adherence~~ **Compliance** with the Authority's responsibilities in relation to the General Data Protection Regulations (GDPR) 2018 (as applied in the Isle of Man).

Targeting

- ~~Resources to be~~ **will be** prioritised towards matters with the ~~outcome in relation to risk or harm~~ **greatest risk of harm** **greatest risk or impact on the community.**
- ~~Prioritisation ensures efficient and effective enforcement~~

Accountability

- Answerable for decisions and actions taken.
- Provision of a mechanism for review, complaints, and public scrutiny ~~where appropriate~~ **in accordance with statutory and local requirements.**

Helpfulness

- Enforcement should support compliance, not just punish non-compliance.
- Officers should aim to provide guidance and education to secure voluntary compliance before escalating matters.

3. ENFORCEMENT PRINCIPLES

- 3.1 The Authority recognises that the best way to achieve compliance with the law in the first place is to ensure, by guidance and advice, that those carrying out regulated activities understand the nature and extent of their responsibilities and comply voluntarily.
- 3.2 However, there are times when conformity with the law needs to be sought by formal enforcement action. Formal enforcement action is about securing compliance with regulatory requirements. To this end, there is a spectrum of ~~civil and criminal options available, ranging from simple advisory visits or letters, warning letters, environmental notices, conditional cautions and criminal prosecutions before the courts~~ regulatory tools available, including advisory visits, written warnings, enforcement notices, formal cautions, fixed penalties, and prosecutions before the courts.
- 3.3 The effective use of enforcement powers contained in Regulations, Orders, and Byelaws is important to secure compliance with the rules and, where necessary, to ensure that those who have not complied ~~may be~~ are held to account.
- 3.4 The Authority ~~needs to take into account~~ will balance the need to maintain a balance between enforcement and other advisory activities when allocating resources.

4. ENFORCEMENT OPTIONS

- 4.1 Although investigation of the circumstances or matters discovered either on inspection or following a complaint is vital, such an investigation may not necessarily lead to criminal proceedings ~~being instigated~~. The Authority will first consider informal or proportionate measures.
- 4.2 The Authority may seek a resolution of matters, taking the most appropriate action, such as:

Education and Advice

- Sometimes, minor breaches ~~of the rules or poor practice are detected that present no direct or potential risk to the public or the environment, in such cases, officers can offer advice or suggest appropriate systematic or educational remedies~~ are identified that pose no significant risk to public safety or the environment, in such cases Officers will provide advice, issue guidance or suggest remedial action.

Warning Letters

- Where ~~more serious offences have occurred (or where previous advice has been ignored)~~ **serious or repeated offences occur, or previous advice has not been acted upon**, the Authority may issue a warning letter detailing the offences together with a warning that if the regulated person does not comply with the law, ~~they may be subject to more formal enforcement action~~ **formal enforcement action may follow**.

Enforcement Notices

- In certain circumstances ~~where serious or repeated offences have been detected, it may be necessary to serve legal notices to ensure an immediate remedy is put in place requiring an immediate remedy or cessation of high risk activity~~ **requiring an immediate remedy or cessation of high risk activity**.

Caution

- Where serious breaches ~~of the rules have occurred and it is felt that those regulated have accepted their guilt and shown that they have taken action to remedy the situation, it may not be in the public interest to proceed with a prosecution~~ **occur and the offender accepts responsibility and take prompt remedial action**, the Authority may issue a caution instead of prosecution if this is considered in the public interest.

5. PROSECUTION

5.1 A prosecution may be commenced where the suspect ~~does not accept their guilt for any offence~~ **denies liability** or where the matter is too serious for a caution.

5.2 Prosecutions will only commence when:

- The Authority is satisfied that there is a realistic prospect of conviction on the available evidence. If the case does not pass this evidential test, it will not go ahead, no matter how important or serious the allegation may be.
- The Board of Onchan District Commissioners ~~have~~ **has** considered the reasoning to commence a prosecution, and a formal Board resolution ~~is~~ **has** been recorded to support the progression of the matter to court.
- Legal Services have been consulted to confirm compliance with evidential and public interest tests.**

5.3 Any decision to commence a prosecution will be considered by the Board of Onchan District Commissioners and recorded as a resolution.

5.4 Public Interest Factors

The Authority will also consider other factors in deciding whether or not to prosecute. These factors include:

- The impact, or potential impact, of the offence on people or the environment.
- Whether the offence was committed deliberately.
- The previous enforcement record of the offender.
- The attitude of the offender, including behaviour towards officers, and whether corrective measures to remedy the offence or prevent reoccurrence have been put in place.
- ~~If the offence arose from unusual circumstances where the situation could not have been foreseen or reasonable precautions would not have avoided the situation, or reasonable steps were taken to mitigate the matter, and the appropriate authorities were notified~~ whether the offence arose from exceptional circumstances where reasonable precautions were taken, or the incident was unforeseeable and prompt mitigation and notification occurred.

6. PROCEDURE

- 6.1** Service users are advised to contact the relevant officers within the Authority's Surveyors Department.

Contact can be made via the following methods:

- Report a Problem Portal – <https://www.onchan.org.im/report-a-problem>
- Telephone – 01624 675564 (Option 1)

7. COMPLAINTS ABOUT SERVICE:

- 7.1** In all cases, the Authority will try to resolve complaints in a professional, fair and equitable manner by reaching a mutual agreement. Where this fails, the Authority will provide a clear, a well-publicised, accessible, effective, and timely complaints procedure.
- 7.2** The Authority's Complaints Procedure can be viewed at <https://www.onchan.org.im/your-commissioners/how-to-complain-to-the-commissioners>
- 7.3** Complainants will be advised of expected response times and escalation routes including referral to the Isle of Man Ombudsman if unresolved.



**ONCHAN DISTRICT
COMMISSIONERS**

Mobile Telephone Policy

Policy Date: ~~August 2021~~ October 2025
Review Date: ~~August 2023~~ October 2028

Policy and Procedures
Mobile Telephone Policy

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Policy Review - History:

Please be aware that a hard copy of this document may not be the latest available version, which is available in the Authority's document management system, and which supersedes all previous versions.

Those to whom this policy applies are responsible for familiarising themselves periodically with the latest version and for complying with policy requirements at all times.

Effective from:	Replaces:	Originator:	Page X of Y
23 rd August 2021	2005	Chief Executive/Clerk	
Board Ratification:			

History or Most Recent Policy Changes – MUST BE COMPLETED		
Version:	Date:	Change:
2		Updated Approved by ODC 23/08/21
3	02/10/25	Updated Approved by ODC TBC

PURPOSE

~~This document sets out Onchan District Commissioners Policy to regulate the issue and use of mobile phones within the Authority.~~ This Policy outlines the expectations and responsibilities for employees issued with an Onchan District Commissioners ("the Authority") mobile telephone device. It ensures that mobile devices are used appropriately, remain accessible during working hours and support operational efficiency through required applications.

SCOPE

Specifically, the following areas are covered by this policy document:

- Eligibility for allocation of a mobile telephone;
- Mobile handsets;
- Mobile usage;
- User responsibilities;
- Contract obligations;
- Managing mobile phone contracts.

The Authority recognises that the use of mobile devices are an essential part of many employees' working lives and access to a mobile device is necessary for certain roles.

The Authority recognises the advantage of mobile devices for lone workers and those working in remote areas.

POLICY

Aims:

- ~~• To allow users to benefit from modern communication technologies;~~
- ~~• To promote safe and acceptable mobile usage.~~

Objectives:

- ~~• Minimise the threat of accidental, unauthorised or inappropriate access to electronic information owned by Onchan District Commissioners;~~
- ~~• Provide guidelines for professional use of mobile devices, to ensure that they are used in such a manner that does not compromise Onchan District Commissioners' reputation or its employees in any way.~~

Policy and Procedures
Mobile Telephone Policy

~~ONCHAN DISTRICT COMMISSIONERS REFERENCES~~

- ~~• Onchan District Commissioners Services' Standards~~
- ~~• Onchan District Commissioners Mobile Telephone Policy Document (2005)~~

~~DEFINITIONS~~

~~Onchan District Commissioners will be referred to as 'the Authority'.~~

~~ROLES~~

~~All~~

~~AUTHORITY TO VARY THE PROCEDURE~~

~~Chief Executive/Clerk~~

PROCEDURE

1. Introduction

The Authority will only provide a mobile phone/device if there is an essential business need specific to the individual role of the Employee.

2. Mobile Phones and Tariffs

The Authority will offer a limited range of handsets and mobile phone tariffs. The most appropriate handset and tariff combination will be determined on-by the business need.

Handset allocation is determined on the basis of cost effectiveness not personal choice unless there is a specific need such as a disability.

3. Mobile Phone Usage

~~Mobile equipment issued by the Authority has to be used primarily for work-related communications.~~ Mobile devices provided by the Authority are provided strictly for business connected to the Authority.

Employees must not use their work issued mobile device for:

- Streaming media or downloading non work-related contents;
- Personal calls, e-mails or messages; or
- Installing unauthorised applications or software.

Failure to comply with this may result in disciplinary action being taken against an Employee.

Regular audits of phone bills will be conducted. Any discrepancies or misuse may result in disciplinary action and reimbursement requirements of any costs owed to the Authority.

~~Use of, or subscription to, premium and/or interactive mobile services using the Authority's phone is strictly prohibited. This includes (but is not limited to) the downloading or forwarding of ring tones, videos and mobile TV. Failure to comply with this may result in disciplinary action being taken against an employee.~~

The Authority does not permit the transfer of the SIM card from the supplied mobile device handset to a personal device. ~~This may incur substantial costs for incorrect tariff usage and the Authority will seek full recompence for any additional charges incurred due to this action. The Authority would also point out that this may cause serious security breaches where 'data' based devices carry Commissioners' the Authority's information.~~

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~~Note: All users and their Line Managers must be aware that call usage will be monitored on a regular basis.~~

4. Responsibilities

All Employees who are issued with a mobile device must have their work device with them, switched on and charged during all working hours. This ensures that all Employees are contactable and able to respond promptly to work related communications.

Employees who are issued with a mobile device must take reasonable care of their work devices and report any loss, theft or damage immediately.

Mobile devices must be secured with a passcode or biometric lock.

The Authority's data must not be stored or shared outside of approved applications, eg Laserfiche application:

The Authority's Laserfiche application will be used for all job related documentation including Job Forms and Risk Assessments. They must be completed and submitted via the Laserfiche application.

The Laserfiche application will be installed on an Employees mobile devices and will be functional and used as required, along with this there is as well as an Authority's e-mail address personal to an eEmployee, which will also be installed on the Employee's mobile device.

Members of staff who are allocated a mobile device will be held responsible for the handset and all calls made and other charges incurred. It is therefore essential that devices must be kept secure at all times and use by anyone other than the named individual is prohibited.

The handset/SIM PIN code or other security locking system should always be used. Sensitive information (e.g. personal data, passwords, or any other data that could bring the Authority into disrepute should it fall into the wrong hands) should not be stored unsecured on a mobile device.

Staff should consider the impact of retrieving their email on mobile devices.

Depending on the contract, allowance is made for reasonable use as an inclusive charge. Exceptional high usage charges exceeding this limit which are not reasonably explained, may result in the user being asked to reimburse the Authority.

In making use of the Authority's mobile telephone all users are expected to act responsibly and keep costs to a minimum.

Policy and Procedures
Mobile Telephone Policy

Wherever possible, staff should avoid directory enquiry numbers and premium directory enquiry services and international calls.

~~Mobile phones provided for employees understand that occasional personal use may be necessary, this should be kept to a minimum. Apps should not be purchased for personal use at the Authority's expense and may not be replaced or refunded if bought from personal funds and downloaded to an Authority's mobile handset.~~

Line Managers are responsible for ensuring that existing and new members ~~Employees of staff~~ are made aware of the content of this policy and for monitoring compliance.

5. Loss/Misplacement of Mobile Device

If the Authority's mobile ~~device phone~~ is lost it must be reported to the Line Manager as soon as possible so that the handset can be deactivated.

If the mobile ~~device phone~~ with work e-mails synchronised to the device is lost then as well as reporting the loss to the Line Manager, this must be reported to the Chief Executive/Clerk, the Deputy Clerk, or the Chief Finance Officer, and the Authority's IT Services mobile telephone service provider so that the handset and e-mail account can be deactivated.

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If an employee loses more than two mobiles within any one-year period, depending on the circumstances, the Authority reserves the right to refuse to issue any further devices to that individual.

If the loss is due to negligence on the part of the user, then the employee may be required to purchase a replacement handset ~~themselves~~.

6. Governance Requirement

Users are responsible for any fine or other penalty incurred for breach of legislation if using a mobile ~~device phone~~ or "hands free" device whilst driving.

It is illegal to use a hand-held mobile phone when driving, even when you are stopped at traffic lights or in a queue of traffic. This includes making or receiving calls, pictures, text messaging or accessing the Internet. Hands-free equipment is also likely to distract your attention from the road. You must pull over to a safe location.

Users should also be aware that they can be prosecuted, receive a monetary fine and have points added to their driving licence. This is the responsibility of the actions of the employee, and the Authority will take no liability for such actions.

7. Leaving the Employment of the Authority

Policy and Procedures
Mobile Telephone Policy

Mobile devices remain the property of the Authority at all times and must be surrendered when ~~a member of staff leaves an~~ Employees leave the employment of the Authority or on demand by the Chief Executive/Clerk or Deputy Clerk. Failure to do so may result in the Employee being charged an amount equivalent to the rental of the phone and any other charges made against the account.

The Authority may also apply an administrative charge to cover costs incurred in recovering the phone and terminating the contract.

8. Contract Obligations

The Authority expects value for money in its telephone provision and therefore employees will not be able to select specific mobile phone handsets or types and may not be given a choice, unless there is a specific business reason for a specific type of phone which must first be approved by the Chief Executive/Clerk, the Deputy Clerk, or the Chief Finance Officer.

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~~Having placed an order for a mobile phone, users are entering into a contract with the service provider. The user is therefore issued with the device for a minimum period of the negotiated contract period.~~

Users must not under any circumstances re-allocate mobile devices to others ~~without first seeking authorisation from the Chief Executive/Clerk~~. In the event that the Chief Executive/Clerk, the Deputy Clerk, or the Chief Finance Officer authorises the reallocation of a device to another individual, all elements of the contract including phone number will also be transferred.

If any ~~staff member~~ Employee is unsure of their contract obligations they should consult their Line Manager.

The ~~Finance Manager~~ Chief Executive Clerk, the Deputy Clerk, and the Chief Finance Officer ~~is are~~ responsible for:

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- Reviewing the ongoing requirement/eligibility for each mobile device funded from budgets;
- Reviewing summary bills and addressing high call and data usage;
- Consulting with ~~IT Services~~ mobile telephone service provider regarding user changes.

If a user changes role, responsibility for the contract will remain with the originating department unless:

- The Chief Executive/Clerk, the Deputy Clerk, or the Chief Finance Officer indicates that a mobile is required in the Employee's new role;
- The Finance Department are made aware of the new cost centre for charging purposes. This should be done before the user changes role;

Policy and Procedures

Mobile Telephone Policy

- If no details are supplied then the mobile will continue to be charged to the old cost centre and the cost centre will continue to carry the costs until the end of the billing period after which notification occurs.

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9. **Contact**

Any incoming (or outgoing) telephone call is potentially the first point of contact with members of the public. The first impression given when making, and in particular when answering, a call goes a long way towards influencing the perception of the Authority's level of performance and quality of service.

When making or receiving any calls, internal or external, employees should aim to be pleasant, informative, and helpful. ~~and brief and in line with the Authority's Service Standards detailed at Appendix 1.~~

10. **Confidentiality**

All information relating to the social housing tenants, commercial tenants, rate payers and ~~our the Authority's~~ business operations is confidential. ~~You~~ Employees must treat any electronic information with the utmost care.

11. **Risk Management**

~~To ensure that the E~~employees have a right to work in a safe environment free from aggressive or threatening behaviour.

Particular care must be taken by Employees when using e-mails ~~on your on a~~ mobile device as a means of communication because all expressions of fact, intention and opinion may bind ~~you Employee~~ and/or the Authority and can be produced in court in the same way as other kinds of written statements.

12. **Exceptions to the Policy**

Requests for non-standard mobile ~~phones~~ devices and contracts purchased by the Authority will only be met when there is a clear business need e.g. where specialised mobile phones are required for a specific purpose or as a reasonable adjustment for any staff member with specific requirements due to a disability.

13. **Driving for Work**

~~As part of our overall Health and Safety Policy, we are committed to reducing the risks which the staff face and create when driving or riding for work. All staff employees must play their part, especially by never making or receiving calls, sending or reading texts or emails, taking or viewing photos, going online or otherwise using a hand held or hands free mobile phone while driving.~~

Policy and Procedures
Mobile Telephone Policy

~~Senior Managers must:~~

- ~~• Lead by example, both in the way they drive themselves and by not tolerating poor driving practice among colleagues; and~~
- ~~• Never use a mobile phone while driving.~~

Line Managers must ensure:

- they also lead by personal example;
- they do not expect staff to answer calls, or otherwise use a mobile phone when they are driving;
- staff understand their responsibilities not to use a hand-held or hands-free mobile phone while driving;
- staff switch phones to voicemail, or switch them off, while driving, or ask a passenger to use the phone;
- staff plan journeys to include rest stops which also provide opportunities to check messages and return calls;
- work practices do not pressurise staff to use a mobile phone while driving
- compliance with the mobile phone policy is included in team meetings and staff appraisals and periodic checks are conducted to ensure that the policy is being followed;
- they follow our monitoring, reporting and investigation procedures to help learn lessons which could help improve our future road safety performance;
- they challenge unsafe attitudes and behaviours, encourage staff to drive safely, and lead by personal example by never themselves using a phone when driving.

Staff who drive for work must:

- never use a hand-held or hands-free phone while driving;
- plan journeys so they include rest stops when messages can be checked and calls returned;
- ensure their phone is switched off and can take messages while they are driving, or allow a passenger to use the phone;
- co-operate with monitoring, reporting and investigation procedures.

ROSPA

14. Compliance with this Policy

Failure to comply with any policy may result in disciplinary action being taken against ~~you~~ an Employee under the Authority's Disciplinary Procedures.

Please note that the procedures and policies outlined in this policy, and in any related Policy, may be reviewed or changed at any time.

15. Data Protection

~~Data protection is about the privacy of individuals, and is governed by the Data Protection Act 2002 and the General Data Protection Regulations.~~

Policy and Procedures
Mobile Telephone Policy

~~References:~~

- ~~IOM Constabulary Motoring Offences~~
- ~~The Highway Code Isle of Man~~
- ~~Road Traffic Act 1985, ss. 2 and 3~~
- ~~Road Vehicles (Maintenance and Use) Regulations 2012, Regulation 69~~
- ~~Royal Society for the Prevention of Accidents ("ROSPA") Driving for Work (Mobile Phones)~~

Policy and Procedures
Mobile Telephone Policy

~~APPENDIX 1~~

~~CUSTOMER SERVICE STANDARDS~~

Alyson Crellin

From: Admin
Subject: FW: Poetry concert invitation - Michael Manning
Attachments: Graih, concert poster.pdf

From: [REDACTED]
Sent: 26 September 2025 19:49
To: Admin <admin@onchan.org.im>
Subject: Poetry concert invitation - Michael Manning

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Onchan Commissioners,

I am writing to invite you to a free poetry and music concert to celebrate the release of my forthcoming poetry book, *Graih: Prophetic-Utopian poems*.

I am the Eighth Manx Bard and the book has been supported by Culture Vannin. The poems engage with my experiences with Graih, a former Manx charity serving the homeless, and include reflections on recent Manx cultural and political history alongside celebrations of the Manx landscape. They try to bear witness to some of the extraordinary men and women of the Isle of Man and to shed a little light on a neglected minority. I think that the lives of these men and women have a national significance for us on the island and the volume is an attempt to reflect on that.

The concert is on Saturday 8th November, 7.30pm at Broadway Baptist Church. I attach a poster for circulation and display. It will not be a formal event but I am keen that as many different people from different parts of Manx life attend.

It would be lovely to see you there.

Thank you for your time and consideration.

Grace and peace, Michael

[REDACTED]
 Eighth Manx Bard



ONCHAN DISTRICT COMMISSIONERS

NOTICE OF MOTION

Proposed by: Commissioner Anthony Allen

To: Chief Executive/Clerk

Date: 8th September 2025

Standing Order 19.5: Any motion of which notice has been duly given, upon being moved and seconded, shall stand deferred without discussion until the next ordinary meeting of the Authority, this being Monday 6th October 2025.

- ***That the Authority will include Manx wording on all road and street name signage that the Authority has a responsibility to provide within the District when replacing such signage upon it requiring replacement due to damage or deterioration.***

I am writing to seek the Board's support for the above Motion. The Manx language is a vital part of the Island's heritage and identity. It's promotion and preservation are essential for both current and future generations.

By including Manx wording on the Authority's signage, the Authority can make a meaningful contribution to this cultural effort with minimal financial and logistical impact.

It is noted that many local authorities across the Island have already adopted this practice, demonstrating a collective commitment to the revitalisation of the Manx language.

This Notice of Motion dated 8th September 2025 signed by:

Name *ANTHONY ALLEN*

Signed *[Signature]*



ONCHAN DISTRICT COMMISSIONERS

NOTICE OF MOTION

Proposed by: Commissioner Scott Wilson

To: Chief Executive/Clerk

Date: 1st October 2025

Standing Order 19.5: Any motion of which notice has been duly given, upon being moved and seconded, shall stand deferred without discussion until the next ordinary meeting of the Authority, this being Monday 20 October 2025.

That in conjunction with the Onchan District Commissioners' Social Housing Strategy, the Authority resolves to:

1. Explore the acquisition of larger residential properties within the district with the specific intention of converting them into Houses of Multiple Occupancy (HMOs) to help meet the diverse housing needs of residents. This can be achieved through direct contact with estate agents, and an advertising campaign encouraging those considering the sale of their properties to contact the Onchan District Commissioners.
2. Undertake an advertising campaign encouraging local landowners to contact the Authority should they wish to sell land that could be used for the development of affordable social housing.
3. Investigate the feasibility of compulsory purchase of land and properties where necessary to progress the delivery of social housing. Such compulsory acquisition would be undertaken under the powers granted to local authorities in the Acquisition of Land Act 1981 (of Tynwald), which enables compulsory purchase for housing and other public purposes, subject to Tynwald approval and safeguards for affected landowners.

MOTION NO. 75

Supporting Information:

The Authority's Housing Strategy highlights the urgent need for additional affordable housing stock. Demand for smaller units, shared housing, and affordable rental accommodation continues to increase. By taking proactive measures, including land acquisition and development, the Authority will demonstrate leadership in tackling the local housing shortage.

This Notice of Motion dated 1st October 2025 signed by:

Name Scott Wilson

Signed [Signature]



REPORT

Report to:	Board of Onchan District Commissioners
Reporting Officer:	District Surveyor
Date of the Meeting:	6 th October 2025
Subject:	Isle of Man Strategic Plan Review – Consultation
Public or Private Document:	Public

Introduction:

The Isle of Man Strategic Plan provides the overarching planning policy framework for the sustainable development of the Island. It guides land use to ensure development is well-located, well designed and respectful of our environment. Its policies carry significant weight in day to day planning decisions and in shaping detailed 'area plans'.

This report provides members with a draft response on behalf of the Authority for the public consultation.

Previously Considered by the Board:

C23/09/02/09

2. Isle of Man Strategic Plan – Preliminary Publicity Consultation

The report of the District Surveyor dated 12th September 2023, a copy of which having previously been circulated was considered.

The Chief Executive/Clerk provided the Board with an overview in relation the preliminary publicity consultation.

It was noted that each question contained within the consultation was put and answered by the Members of the Board.

Miss Lewin requested that all the responses provided by the Board be collated and submitted on behalf of the Authority.

Recommendation/s or Action/s Taken:

The Board resolves that the recommended responses are satisfactory or amend the suggested responses prior to the District Surveyor submitting them on behalf of the Authority.

Supporting Rationale:
<p>Members will find enclosed the Consultation paper and supporting documents for their information. Members are asked to review the consultation documents and return with comments at the meeting dated 20th October 2025 for discussion.</p> <p>The Consultation closes on 27th October 2025.</p> <p>Officers have reviewed the documents and recommend the responses within Appendix 1.</p>
Alternatives Considered but not Recommended:
The Board resolves that no response be submitted.
Standing Orders:
N/A
Resource Impact:
N/A
Financial Impact:
N/A
Legal and/or Insurance Impact:
N/A
Equality Impact:
N/A
Climate Change Impact:
N/A
Consultation with Others:
<p>The Chief Executive/Clerk assisted with the suggested responses.</p> <p>The Lead Member for Environmental and Technical Services has considered and reviewed this report prior to presentation to the Board.</p>
General Data Protection Regulations and/or Confidentiality Impact:
N/A
Appendices:
Appendix A – Draft Response


Consultation Documents

- Paper 1 - Main Explanatory Document
- Paper 2 – The pattern and distribution of development
- Paper 3 – Urban Communities and Centres
- Paper 4 – Rural Communities and the Countryside
- Paper 5 – Our Climate Responsibilities
- Strategic Plan Community Guide
- Draft Planning Policy Statement for Flood Planning Guidance and Flood Risk Assessment Guidance
- Draft Planning Policy Statement for Isle of Man Sustainable Drainage Systems
- Draft Manual for SuDS: Technical Guidance for Sustainable Drainage Systems on the Isle of Man

For Members Consideration



RYAN FORGIE
DISTRICT SURVEYOR

 <p>Isle of Man Government <i>Reillex Eilan Vannin</i></p>	<p>Cabinet Office Strategic Plan</p> <p>Preliminary Publicity 2025</p>	<p>Response Number: <input type="text"/></p> <p>Date Received: Date Acknowledged:</p> <p>FOR OFFICE USE ONLY</p>
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OVERVIEW

Cabinet Office gives notice that it is re-issuing the Strategic Plan review Preliminary Publicity. Preliminary Publicity is the first formal step in the preparation of a development plan and sets out the matters that the proposals in the plan will deal with.

The Strategic Plan provides the overarching, high-level planning framework for the development and other use of land on the Isle of Man and is a consideration in the drafting of Area Plans and other pieces of planning policy as well as in the determination of planning applications by DEFA.

The Strategic Plan review provides an opportunity for stakeholders to input into the Plan's development and to make representations on topics such as; climate change policy, the Island Spatial Strategy, and how the Strategic Plan can reflect the aims of 'Our Island Plan'.

This consultation builds on the findings of an earlier Strategic Plan Preliminary Publicity consultation which was launched in July 2023. Feedback received on the evidence papers during the 2023 consultation has informed the development of the 2025 evidence papers. The findings of the 2023 consultation, coupled with the development of a more comprehensive evidence base mean Cabinet Office have a better understanding of the challenges facing our Island and matters that the proposals in the plan will deal with.

WHY YOUR VIEWS MATTER

In accordance with Schedule 1 of the Town and Country Planning Act (1999), when preparing a Development Plan, Cabinet Office must give adequate publicity to the matters that the plan proposals intend to deal with. The review of the Strategic Plan will cover a wide range of topic areas, including the Island Spatial Strategy, Housing, the Environment, Business (employment land), and Infrastructure. To ensure a robust Draft Plan, Cabinet Office is seeking input from a wide range of stakeholders at this early stage of the Development Plan process.

Respondents are encouraged to complete and submit this form via the [Consultation Hub](#) however the Department will accept completed forms which are sent by email to strategicplan@gov.im or by post to:

**Cabinet Office- Planning Policy
Third Floor Government Office
Bucks Road
Douglas
IM1 3PN**

Processing Notice:

It is important to note that all 'Response Forms' submitted to the Department will be made available for public viewing in due course with commentary from the Department. A Data Protection Impact Assessment has been carried out.

The personal data you provide is being collected for the purposes of updating Area Plan Documents in accordance with statute.

The Cabinet Office will be the data controller for this information and it is being collected and processed with your consent. Details will be retained for planning purposes only. Our Privacy Notice can be viewed at: www.gov.im/CO-privacy

For further information on your rights contact the CO Data Protection Officer: Email: DPO-CabOff@gov.im

RESPONSE FORM

Please use this Response Form to make comments on the Preliminary Publicity stage of the Strategic Plan. You should familiarise yourself with the papers and evidence papers prior to completing this form. The documents are available via the Consultation Hub, as well as on the strategic plan website which can be found at gov.im/strategicplan. The closing date for representations is **5pm on 27th October 2025**.

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1 ABOUT YOU

1.1. What is your name?

Onchan District Commisssoners

1.2. What is your email address?

surveyors@onchan.org.im

1.3. What is your age range?

<input type="checkbox"/> Under 18	<input type="checkbox"/> 45 - 54
<input type="checkbox"/> 18 - 24	<input type="checkbox"/> 55 - 64
<input type="checkbox"/> 25 - 34	<input type="checkbox"/> 65+
<input type="checkbox"/> 35 - 44	

1.4. Which of the following are you?

<input type="checkbox"/> Member of the public or private company (not a developer or built environment professional)
<input type="checkbox"/> Developer or built environment professional
<input checked="" type="checkbox"/> Local Authority or politician
<input type="checkbox"/> Government department
<input type="checkbox"/> Statutory body/board
<input type="checkbox"/> Special interest/community group
<input type="checkbox"/> Landowner
<input type="checkbox"/> Agent (representing another party)

1.5. If you are responding on behalf of another party or organisation, please specify who you are representing and the nature of their interest.

Onchan District Commissioners - Local Authority

1.6. May we publish your response? Please read our Privacy Policy for more details and your rights. (Please note if this question is not answered, nothing will be published publicly)

☒ Yes, you can publish my response in full (your name and surname, organisation name, along with full answers, will be published on the hub; your email will not be published).

☐ Yes, you may publish my response anonymously (only your responses will be published on the hub; your name, organisation, and email will not be published).

☐ No, please do not publish my response (nothing will be published publicly on the hub; your response will only be taken into account as part of a larger summary response document).

2 PAPER 1: MAIN EXPLANATORY DOCUMENT

Supporting Guidance for Questions

The current settlement hierarchy is made up of:

- Main Centre – Douglas
- Service Centres – Ramsey, Peel, Onchan, Castletown, and Port Erin
- Service Villages – Laxey, Jurby, Andreas, Kirk Michael, St Johns, Foxdale, Port St Mary, Ballasalla, and Union Mills
- Villages - Bride, Sulby, Ballaugh, Glen Mona, Baldrine, Crosby, Glen Vine, Glen Maye, Dalby, Ballafession, Colby, Ballabeg, Newtown, and Strang

Paper 1 provides the background to the plan process, sets out what to expect from the plan itself and summarises Papers 2 to 5. While this is an overview and summary paper, there is the option to comment on it as well as the more detailed Papers 2 to 5.

Paper 1 highlights how the new strategic plan will respond to Government's aspirations set out in Our Island Plan and groups topics together under four 'critical issues'.

If you have any comments on how the new strategic plan intends to respond, please select the appropriate 'Issue' below and comment accordingly.

Please refer to Paper 1 for supporting background information.

2.1. Do you have any comments on what the strategic plan should do in response to Issue 1 Population and Housing? *Please provide any comments that you may consider relevant*

The plan should ensure a balanced approach to population growth and housing provision, supporting affordable, high-quality homes in sustainable locations. It should address the needs of young people, families, and an aging population, while promoting mixed communities and supporting local services.

Promote opportunities for Isle of Man residents to obtain homeownership.

2.2. Do you have any comments on what the strategic plan should do in response to Issue 2 Towns, Centres and Regeneration? *Please provide any comments that you may consider relevant*

Support regeneration of town centres through investment in public owned spaces, active travel, and mixed-use development. Encourage reuse of vacant buildings and brownfield sites, and promote vibrant, resilient communities.

2.3. Do you have any comments on what the strategic plan should do in response to Issue 3 Economic Vision (jobs and investment)? *Please provide any comments that you may consider relevant*

Promote a diverse economy by supporting key sectors, encouraging innovation, and providing flexible employment land.

2.4. Do you have any comments on what the strategic plan should do in response to Issue 3 Economic Vision (supporting infrastructure)? *Please provide any comments that you may consider relevant*

Ensure infrastructure (transport, digital, utilities) is planned alongside growth, with investment in sustainable transport and green infrastructure to support economic resilience.

Include consideration for all utility authorities to work collaboratively during any major developments.

2.5. Do you have any comments on what the strategic plan should do in response to Issue 4 Environment and Climate Change? *Please provide any comments that you may consider relevant*

Embed appropriate climate resilience to the Isle of Man and biodiversity into all planning decisions. Protect and enhance natural assets, promote low-carbon development without slowing the industry at an affordable level, and support the Island's net zero ambitions.

3 PAPER 2: THE PATTERN AND DISTRIBUTION OF DEVELOPMENT

Paper 2 - Pattern and distribution of development on the Isle of Man: Explores future options for growth - where development might be focused in future, including broad housing and employment land need figures.

The Employment Land Review 2025, the Isle of Man Landscape Character Assessment 2025, and the Isle of Man Landscape Designations Study 2025 are available at gov.im/strategicplan for further information.

Please refer to Paper 2 for supporting background information.

3.1. To accommodate future development the strategic plan may need to name additional settlements in the settlement hierarchy as being suitable for growth. Do you support this?

☒ Yes

☐ No

☐ Neutral response

3.2. To accommodate future development, the strategic plan may also need to re-order the settlement hierarchy. Generally, higher tiers would be expected to accommodate greater levels of development. Do you support this?

☒ Yes

☐ No

☐ Neutral response

3.3. In respect of questions 1 and 2, do you have any examples of – groups of houses that could be added to the settlement hierarchy and expanded? Please provide any comments that you may consider relevant

None

3.4. In respect of questions 1 and 2, do you have any examples of – existing settlements that could be moved up or down the hierarchy? Please provide any comments that you may consider relevant

None.

3.5. Do you support the principle of one or more new settlements? This would mean building at scale in a particular area of the rural environment that departs from the normal settlement hierarchical pattern.

☐ Yes

☐ No

☒ Neutral response

3.6. The term new settlement is yet to be defined. The Strategic Plan will set out the principles for a new settlement and any location details will be explored as part of an All-Island Area Plan. Do you have any views on what the minimum requirements for a new settlement should be e.g. size, mix of uses or number of new homes? Please provide any comments that you may consider relevant

1. Minimum Size Population: A new settlement should be large enough to support a primary school, local services, and public transport—typically a minimum of 1,000–2,000 residents. Housing: This equates to approximately 400–800 new homes, depending on density and household size.
 2. Mix of Uses Residential: A range of housing types and tenures, including affordable and accessible homes. Employment: Provision for local employment (e.g., business units, remote work hubs, or light industry) to reduce commuting and support economic resilience. Retail & Services: At least a small centre with a convenience store, healthcare (e.g., GP surgery), and community facilities (e.g., hall, sports area). Education: Land and provision for a primary school, with safe routes and access to secondary education. Green Space: Parks, play areas, and green corridors for recreation and biodiversity.
 3. Infrastructure & Location Transport: Direct access to public transport and active travel routes (walking/cycling), with connections to the wider Island network. Utilities: Sufficient capacity in water, drainage, energy, and digital infrastructure. Environmental Suitability: Avoidance of flood risk areas, sensitive landscapes, and biodiversity hotspots. Strategic Fit: The location should complement existing settlements, support government growth targets, and not undermine regeneration of existing towns.
 4. Design & Sustainability Placemaking: High-quality, walkable neighborhoods with a clear identity and sense of place. Sustainability: Net-zero ready, energy-efficient buildings, and integrated green infrastructure. Phasing: Development should be phased to match infrastructure delivery and market demand.
- We recommend that any new settlement proposal be subject to a comprehensive masterplanning process, with early engagement from infrastructure providers and the local community. The settlement should be designed to be resilient to future demographic, economic, and environmental changes, and should not detract from the vitality of existing towns and villages.

3.7. Do you support the seven 'candidate special landscapes' being taken forward for designation as recommended in the Isle of Man Landscape Designations Study 2025? These areas would be mapped on future constraints maps and would represent areas of the Manx landscape that are of the highest value.

☒ Yes

☐ No

☒ Neutral response

Do you have any other comments to make relating to candidate special landscapes?

Protecting special landscapes is vital for tourism, biodiversity, and community well-being.

3.8. Table 5 of Paper 2 states that between 2021 and 2041, gross housing need (using the Objective Assessment of Housing Need) is 9,900 new homes. This equates to a net residential need of 5,553 new homes up to 2041. Do you support the figures on Table 5 and/or the net residential need of 5,533 new homes?

☒ Yes

☐ No

☐ Neutral response

Do you have any other comments to make relating to housing need?

Figures should be regularly reviewed to reflect changing demographics and economic trends.

3.9. Table 6 of Paper 2 states that between 2021 and 2036, gross housing need (using the Objective Assessment of Housing Need) is 7,425 new homes. This equates to a net residential need of 3,286 new homes up to 2036. Do you support the figures on Table 6 and/or the net residential need of 3,286 new homes?

☒ Yes

☐ No

☐ Neutral response

Do you have any other comments to make relating to housing need?

Figures should be regularly reviewed to reflect changing demographics and economic trends.

3.10. Do you support an increase (44ha) in the employment land to meet land use needs connected to manufacturing, engineering, construction, wholesaling and distribution?
<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No
<input type="checkbox"/> Neutral response

3.11. Future development will impact upon and need to be coordinated with the availability of and capacity of infrastructure. Does this concern you?
<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No
<input type="checkbox"/> Neutral response
<i>Please provide any comments that you may consider relevant</i>
Growth must be matched by investment in utilities, transport, and community infrastructure.

3.12. The strategic plan will continue to support the vitality and viability of City, town and villages centres. The review will however review what types of development are permitted on industrial areas (including business parks) and whether exceptions should be made for any other purposes 'out of town' e.g. retail. Do you support this?
<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No
<input type="checkbox"/> Neutral response
Please identify what types of development you think should be permitted and under what circumstances
Allow flexible uses such as research, creative industries, and limited retail where it supports local employment and does not undermine town centres.

3.13. If you would like to make any other comments on matters covered in Paper 2 'The pattern and distribution of development' please include them in the box below. Please provide any comments that you may consider relevant

Prioritise brownfield and infill development before greenfield expansion.

4 PAPER 3: URBAN COMMUNITIES AND CENTRES

Paper 3 - Urban communities and centres: Sets out how a reviewed Strategic Plan would support urban centres by encouraging re-generation, high-quality design and the development of vibrant, resilient town centres.

Please refer to Paper 3 for supporting background information.

4.1. Do you support the seven fundamental principles of placemaking as identified on page 22 of Paper 3?
<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No
<input type="checkbox"/> Neutral response

4.2. Further to Question 1, are there any other measures that could help to make great communities? Please provide any comments that you may consider relevant
Promote community engagement, support local businesses, and invest in amenity spaces.

4.3. 'Masterplanning' is a term used to help plan, phase and co-ordinate development on larger sites. Should this be defined in the strategic plan? Do you have any suggestions to ensure masterplanning works well?
<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No
<input type="checkbox"/> Neutral response
<i>Please provide any comments that you may consider relevant</i>
Masterplans should be collaborative, phased, and include clear design policies.

4.4. How important is it to include policies to protect our built heritage and integrate existing built heritage into new schemes?

☒ Important

☐ Neutral

☐ Unimportant

Please provide any comments that you may consider relevant

Heritage should be integrated into new development to maintain local character and protect historic buildings.

4.5. What changes would you like to see in terms of appearance, use and treatment of the public realm (streets, squares, parks etc.) in our settlements? Please provide any comments that you may consider relevant

More pedestrian-friendly streets, better lighting design, accessible parks, and public art.

4.6. The review will re-examine the current parking standards associated with different types of new development. What do you consider to be the main issues with current parking standards? Please provide any comments that you may consider relevant

Current standards may not reflect changing current travel habits or support active travel.

4.7. If you would like to make any other comments on matters covered in Paper 3: Urban Communities and Centres, please include them in the box below. *Please provide any comments that you may consider relevant*

Encourage mixed-use development and support for local services in urban centres.

5 PAPER 4: RURAL COMMUNITIES AND THE COUNTRYSIDE

Paper 4 - Rural communities and the countryside: Provides an overview of what the Strategic Plan review seeks to achieve taking into consideration of the feedback received during the 2023 consultation.

Please refer to Paper 4 for supporting background information (Please note, landscape is dealt with in Paper 2 questions).

5.1. Do you support the removal of agricultural workers' dwellings from the list of rural exceptions listed in General Policy 3?

☐ Yes

☒ No

☐ Neutral response

Please provide any comments that you may consider relevant

There is still possibilities within the farming community that a dwelling may be required to support the farming operation. Without the possibility of agricultural dwellings this could make it impossible to achieve. Any change should ensure genuine agricultural need is still met.

5.2. Do you think any changes are needed to the definition for previously developed land, as set out on page 23?

☐ Yes

☒ No

☐ Neutral response

Please provide any comments that you may consider relevant

Definition is generally robust but should be reviewed periodically.

5.3. Would you support a policy provision to allow new tourism accommodation in the countryside whether serviced or non-serviced accommodation?

☒ Yes

☐ No

☐ Neutral response

5.4. Should there be exceptions for other development types in the countryside?

☒ Yes

☐ No

☐ Neutral response

Please provide any comments that you may consider relevant

Support for rural enterprises, community facilities, and renewable energy.

5.5. Would you support a more restricted use of the rural exception rule for replacement dwellings (General Policy 3(d)) – to retain examples of Manx vernacular architecture?

☒ Yes

☐ No

☐ Neutral response

5.6. Do you have any examples of what should be included in the definition for ‘rural industries’? *Please provide any comments that you may consider relevant*

None

5.7. When considering General Policy 3 (g) - and the reference to 'overriding national need' – do you have any comments on whether this should be defined?
Please provide any comments that you may consider relevant

Should be clearly defined to avoid misuse and ensure transparency.

5.8. Do you support the inclusion of a new rural exception rule which would look to support the principle of renewable energy production such as on-shore wind farms and solar power?

☒ Yes

☐ No

☐ Neutral response

Please provide any comments that you may consider relevant

Support on-shore wind and solar where landscape and community impacts are managed.

5.9. If you would like to make any other comments on matters covered in Paper 4: Communities and the Countryside, please include them in the box below. *Please provide any comments that you may consider relevant*

Encourage diversification of rural economy and protection of natural assets.

6 PAPER 5: OUR CLIMATE RESPONSIBILITIES

Paper 5 - Our climate responsibilities - embedding the Climate Change Act into development planning: Sets out possible methodologies and approaches for the Island to best achieve its climate goals in a Manx context. The aim would be to develop a proportionate and sensible planning approach to a variety of climate change related issues.

Please note, for consultation questions on Flood Planning Guidance, Flood Risk Assessment and Sustainable Urban Drainage Systems (SuDS) please see Paper 5a of this consultation.

Please refer to Paper 5 for supporting background information.

6.1. Do you have any comments on how Strategic Plan policy will promote carbon sequestration or the maintenance and enhancement of ecosystem services?
<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No
<i>Please provide any comments that you may consider relevant</i>
Support tree planting, and green infrastructure in all new developments.

6.2. The strategic plan will be responding to the climate change requirements to ensure biodiversity net gain (BNG) for particular developments. To achieve this, which of the following options are you most supportive of? (Please select only one option)

☐ On-site provision only

☐ Off-site provision only

☒ A combination of both on-site and off-site provision

☐ Allocation of land within an Area Plan for strategic off-site provision

☐ Off-site provision via agri-environment scheme

Please provide any comments that you may consider relevant

Flexibility ensures best outcomes for biodiversity.

6.3. Which of the following BNG approaches do you support?

☒ A nature-focused policy approach (see page 37)

☐ An amenity focused policy approach (see page 37)

☐ A site focused policy approach (see page 38)

Please provide any comments that you may consider relevant

Prioritise ecological value and connectivity.

6.4. Do you agree that there should be a specific policy provision for active travel – which promotes strong connections to the wider transport network?

☒ Yes

☐ No

☐ Neutral response

6.5. If you would like to make any other comments on matters covered in Paper 4: Communities and the Countryside, please include them in the box below. Please provide any comments that you may consider relevant

Climate resilience should be a core principle in all planning decisions.

7 PAPER 5a: FLOOD MATTERS AND SUSTAINABLE URBAN DRAINAGE SYSTEMS (SuDS)

The following questions relate to documents relating to flood policy, flood risk and sustainable drainage systems. For further information please see:

- Draft Planning Policy Statement for Flood Planning Guidance and Flood Risk Assessment Guidance
- Draft Planning Policy Statement for Sustainable Drainage Systems
- Draft Manual for Manx SuDS: Technical Guidance for Sustainable Drainage Systems on the Isle of Man

Cabinet Office is sharing early drafts of some of the policies ahead of the Draft Plan to allow more time to comment.

Please note, for consultation questions on matters relating to the Island's response to climate change please see Paper 5 of this consultation.

Please note:

- (a) Comments received from questions 7.1 to 7.7 will be shared with DOI Flood Management Team anonymously
- (b) Planning Policy Statements do not form part of the Strategic Plan but sit alongside it. All PPSs are laid before Tynwald via a separate legislative process to the development Plan procedure

Please refer to Paper 5 for supporting background information.

7.1. Do you have any comments on Draft Flood Policy 1 concerning managing the risk of new development, as set out on page 44 of paper 5?
<input checked="checked" type="checkbox"/> Yes
<input type="checkbox"/> No
<i>Please provide any comments that you may consider relevant</i>
Support robust flood risk assessment and avoidance of high-risk areas.

7.2. Do you have any comments on Draft Flood Policy 2 concerning managing the risk of new development, as set out on page 47 of paper 5?
<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No
<i>Please provide any comments that you may consider relevant</i>
Promote natural flood management and sustainable drainage.

7.3. Do you have any comments on Draft Flood Policy 3 regarding flood risk assessments, as set out on page 48 of paper 5?
<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No
<i>Please provide any comments that you may consider relevant</i>
Require site-specific flood risk assessments for all major developments.

7.4. Do you have any comments on Draft Flood Policy 4 concerning managing the risk of new development, as set out on page 50 of paper 5?
<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No
<i>Please provide any comments that you may consider relevant</i>
Support integration of flood resilience into design and construction.

7.5. Do you have any comments on the Draft Sustainable Drainage Systems Planning Policy Statement (PPS)? This PPS sets out the requirements for Sustainable Drainage Systems on development sites and the manner in which surface water will be dealt with during the planning application process.
<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No
<i>Please provide any comments that you may consider relevant</i>
SuDS should be mandatory for all new developments, with clear maintenance plans.

7.6. Do you have any comments on Draft Flood Planning and Flood Risk Assessment PPS? This PPS provides guidance on implementing Strategic Plan policies related to development and flood risk. It explains how to apply these policies when assessing a planning application and offers additional information to support applicants during the submission process.

☒ Yes

☐ No

Please provide any comments that you may consider relevant

Guidance should be clear, practical, and regularly updated.

7.7. Do you have any comments on the DOI's Manual for Manx SuDS? This document sets out the expectations for SuDS design on the Island, and how to meet the design standards as set out in the SuDS PPS.

☒ Yes

☐ No

Please provide any comments that you may consider relevant

Manual should be user-friendly and promote best practice.

If you require additional space to answer any of the previous questions, please use the section below. Please ensure you reference the relevant question or paper number your comments relate to.



REPORT

Report to:	Board of Onchan District Commissioners
Reporting Officer:	Environmental and Technical Services Manager
Date of the Meeting:	6 th October 2025
Subject:	Enforcement Section 51 of the Highways Act 1986
Public or Private Document:	Public

Introduction:

The report presented will require the Board to decide on the course of action required to pursue a property owner in the District, whereby the vegetation from it protrudes into the highway, and following repeated letters, the homeowner is not engaging with the Authority.

Previously Considered by the Board:

Not applicable.

Recommendation/s or Action/s Taken:

That the Board resolves that;

- The Authority issues a notice to the homeowner under Section 51 of the Highways Act 1986.

Or;

- The Authority to engage the services of an advocate to write to the homeowner prior to issuing a notice.

Supporting Rationale:

The property, which is referred to in this report, was first raised as an issue to the Authority on 27th August 2025 by a member of the public. Following this complaint, officers attended the same day to make an assessment of the overhanging vegetation and subsequently issued a request to cut back the vegetation described within a 21 day period. On this occasion, the hedge that boundaries the front of the property is overhanging the footpath by over 50%.

The expiry of this request was 18th September 2025. There was no work undertaken in this period by the homeowner, and officers reattended to engage with the homeowner on the 18th September 2025, but to no avail.

On Tuesday 30th September 2025, officers attended again to inspect the property and found that no works had been undertaken by the homeowner. Officers again sent another request via recorded delivery to cut back the vegetation, this was on the same date, which will expire on Tuesday 14th October 2025.

Due to the factors above, and there being no engagement from the homeowner, a notice has been drafted to serve on the homeowner upon the expiration of the 14 days request from the second letter. An action plan needs to be implemented prior to this date so the Authority can proceed with the enforcement under the Act.

By way of serving a notice under the Act, it will require the homeowner to undertake the works specified in the notice, or if appropriate, the Authority will seek to undertake the works and recover the costs from the recipient of the notice. Should the works not be undertaken within the specified time, the recipient will be liable on summary conviction to a fine not exceeding £2500.

Alternatives Considered but not Recommended:

- Continue to send letters to the homeowner in the hope that the homeowner eventually engages.
- Do nothing and leave the property as it is.

Standing Orders:

Not applicable.

Resource Impact:

- Staffing – There has been a cost of staff time already attributed to this case in the formulation of the letters, the assessment of the land, and delivery of the letters, and also the time to conduct enquiries.

Should the Board pursue the formal notice or the advocate's letter, staffing time will still apply to the building of a case and serving any notices, and populating evidence.

There will also be a resource requirement for undertaking the works, should it be left for the Authority to complete and manage.

Financial Impact:

- A financial impact in the serving of the notice, as this will be delivered via the coroners.
- Should the Authority undertake the works following a failure to comply with the notice, there will be a cost applied for the use of Authority staff to undertake the works, which will need to be recharged; the same will apply if contractors are used.
- Allocation of officer time to the process of claiming the debt from the homeowner, either by potentially pursuing it through the small claims process or placing a burden on the property.

Legal and/or Insurance Impact:
<ul style="list-style-type: none"> • Highways Act 1986. • Local Government Act 1985.
Equality Impact:
Not applicable.
Climate Change Impact:
Not applicable.
Consultation with Others:
<ul style="list-style-type: none"> • Lead Member for Environmental and Technical Services. • Finance Department.
General Data Protection Regulations and/or Confidentiality Impact:
No personal information pertaining to the property owner has been included within this report.
Appendices:
Example of Notice to be issued.

For Members Consideration.



WILL COSTAIN

ENVIRONMENTAL & TECHNICAL MANAGER

ONCHAN DISTRICT COMMISSIOERS

NOTICE REQUIRING REMOVAL OF HIGHWAY OBSTRUCTION

SECTIONS 51 AND 124 OF THE HIGHWAYS ACT 1986

Notice Issue 14 October 2025

REMOVAL OF OBSTRUCTING VEGETATION

TO: [REDACTED]
[REDACTED]
[REDACTED]
OF: [REDACTED]

WHEREAS it appears to Onchan District Commissioners (hereinafter referred to as the local authority) that you have committed an obstruction under subsection (1) of section 51 of the Highways Act 1986 (hereinafter referred to as the Act) at:

[REDACTED] the garden boundary hedge, comprising mainly hedge which is overhanging the public highway and causing an obstruction.

All hedges bounding a public highway must be cut back to the boundary of your property clearing any obstruction and overhang from the public highway.

Several letters and communications have been sent advising of the need to cut back the hedge and remove the obstruction to the highway, all requests have failed to remove the obstruction.

NOW TAKE NOTICE that, by virtue of section 51(1) of the Act, the local authority hereby requires you **WITHIN FOURTEEN (14) DAYS OF THE DATE OF SERVICE OF THIS NOTICE** to remove, lop or cut the offending vegetation.

If you fail to comply with the requirement of this Notice, the local authority may undertake the work and any costs incurred will be recoverable from you as a civil debt.

Notice dated this 14th October 2025

Signed:

Mr R. Phillips

Chief Executive Officer, Onchan District Commissioners

Highways Act 1986

Section 1. Highway authorities

(1) The functions exercisable by the Department of Transport (in this Act called 'the Department') by virtue of this Act with respect to highways shall be exercisable with respect to any highway in the island.

Section 51. Cutting etc. of vegetation

(1) Where a hedge, tree, shrub or other vegetation overhangs a highway or any other road or path to which the public has access so as to endanger or obstruct the passage of any traffic, or so as to obstruct or interfere with the view of drivers of vehicles or the light from a public lamp, the Department may, by notice to the owner of the hedge, tree, shrub or other vegetation, or the occupier of the land on which it is growing, require him within 14 days of the date of service of the notice so to lop or cut it as to remove the cause of the danger, obstruction or interference.

Section 83 *inter alia* Appeals, offences, recovery of expenses, and disposal of things removed

(1) A person aggrieved by a requirement contained in a notice under Section 51 may, within the time for compliance with the requirement, appeal to the High Bailiff, who may uphold, quash or vary the requirement

(2) Subject to any order made on appeal, if a person on whom any such notice is served fails within such time to comply with any requirement contained therein,-

(a) **he shall be guilty of an offence; and**

(b) **the Department may itself carry out the works thereby required to be carried out.**

(3) The Department may recover from a person on whom any such notice is served the expenses reasonably incurred by it in carrying out the works required by the notice to be carried out.

Section 124. Exercise of certain powers by local authorities

(1) Subject to subsection (3), a local authority may, in relation to any road in its district exercise any of the powers conferred by the provisions specified in subsection (2)(a) on the Department in relation to a highway and the provisions specified in subsection (2)(b) shall apply to the exercise of such powers by a local authority; and accordingly in those provisions as they have effect by virtue of this section-

- (i) **references to the Department shall be construed as references to a local authority;**
and
- (ii) **references to a highway shall be construed as references to a highway or a road to which the public has access.**

(2) The provisions referred to in subsection (1) are, *inter alia*- (a) sections 51; and (b) so far as they apply to the provisions in paragraph (a), section 83.

(3) A local authority shall not without the consent of the Department exercise the powers conferred by the provisions specified in subsection (2)(a) in relation to any highway which is a highway maintainable at the public expense ...

On 2nd December 2010 the Department granted consent to Onchan District Commissioners to exercise the powers conferred by the Highways Act, sections 51 and 83.

DRAFT