

Minutes of the Ordinary Meeting of the **ONCHAN DISTRICT COMMISSIONERS** held in the Boardroom, Hawthorn Villa, 79 Main Road, Onchan, on Monday 7th August 2023 at 7:05 pm

Present: Miss Z Lewin (Chair)
 Miss K Williams (Vice Chair)
 Mr A Allen
 Mr D Crellin
 Mr R Turton (Lead Member for Housing)
 Mr D Quirk (Lead Member for Environmental and Technical Services)

Apologies: Ms F Logan (Lead Member for Finance and General Purposes)

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

C23/08/01/01

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

Not necessary.

C23/08/01/02

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

None.

C23/08/01/03

MINUTES

1. Ordinary Meeting held on Monday 24th July 2023

The Minutes of the Ordinary Meeting held on Monday 24th July 2023, copies of which having previously been circulated were considered.

Amendments:

Page 2 – Paragraph 7 after continue include “as he had the floor”

Page 2 – after Paragraph 8 include “Mr Crellin further commented that the report to the Planning Department must have come from the meeting as no one else knew about it”.

Page 4 – Paragraph 3 after presentations include “when questioned by Mr Crellin, the Chief Executive/Clerk confirmed that Mr Crellin’s interpretation of Standing Orders is correct”.

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

C23/08/01/04

TO DISPOSE OF ANY BUSINESS ARISING FROM SUCH MINUTES

1. Ordinary Meeting held on Monday 24th July 2023

Page 2:

Mr Quirk made reference to Mr Crellin’s comments, and stated that when Mr Crellin raised the matter during the meeting held on the 3rd April 2023, all those in attendance will note that Mr

Crellin did not disclose the names or any details regarding the land owner or the site in question.

Mr Quirk further discussed the matter including the recent comments made on local radio, and details of those involved.

Miss Williams informed Mr Quirk that he should not discuss people's names and personal details during a public meeting.

Mr Crellin commented that some Members questioned him regarding the proposal when the matter was raised at the Board Meeting held on the 3rd April 2023.

Mr Quirk and Mr Turton stated that they did not ask any questions.

Mr Turton commented that he is still not fully aware of what Mr Crellin is proposing at the site in question as no details have been provided for him to consider, including where the site is located.

Page 5:

Mr Quirk made in reference to the recent complaint received from a member of the public regarding a Member's behaviour. Mr Quirk discussed further details regarding the matter including details of those involved.

Miss Lewin reiterated Miss Williams' earlier comments regarding not discussing people's names and personal details during a public meeting.

Mr Quirk commented that:

- more information relating to the matter should be discussed publicly as there is nothing to hide;
- the Chief Executive/Clerk had responded on behalf of the Authority and upheld that there had been no wrong doing by the Member when he commented on local radio; and
- the complaint is unfounded and he wants this recording within the minutes.

Miss Lewin stated that Members need to remember that we are here to work for our constituents and not enter into personal disputes. Miss Lewin confirmed that she had contacted the member of the public to try and address their concerns.

Mr Quirk commented that the complainant should complain directly to him to address their concerns.

Mr Crellin commented he is of the opinion that not all the complaints have been addressed, namely to those related to what occurred during the meeting held on Monday 10th July 2023. The Members who were present as well as those in the public gallery can be called as witnesses if required.

The Chief Executive/Clerk stated that:

- he strongly advises that members of the public do not have their personal details discussed during the public meetings of the Authority.
- the complaint was sent to him and the Chair in confidence, and should be treated as such; and
- he further advises the Board that the matter should either be discussed in private or after the close of the public meeting in a more appropriate manner.

Miss Lewin stated the Board should rise above the behaviour displayed recently and work together to progress matters for the benefit of our constituents.

Page 4:

Mr Crellin asked the Chair to direct him to where the Authority's Standing Orders allows a Member to discuss questions asked and answered under Standing Order 34? Mr Crellin stated that he believes by allowing the discussion to take place the Authority have broken Standing Orders.

The Chief Executive/Clerk confirmed that Mr Crellin is correct and that wording will need to be inserted into the minutes to highlight this error. The Chief Executive/Clerk advised that he will also need to inform the Local Government Unit under the provisions of the Local Government Act 1985.

Page 7:

Mr Crellin made the following comments:

- no one threatened Mr Quirk who has made vexatious complaints of a similar nature in the past;
- Mr Quirk's conduct was out of order in the Boardroom;
- Mr Quirk displayed aggressive and intimidating behaviour towards the public present;
- he recalls Mr Quirk commenting to the public that they have no right to be in the Boardroom; and
- it was a public meeting and Mr Quirk should apologise for his unacceptable behaviour.

Mr Quirk stated:

- that if Mr Crellin is making allegations, he will need evidence to substantiate them; and
- Mr Crellin has made allegations previously but did not provide any evidence or details.

A discussion between Mr Crellin and Mr Quirk took place.

Miss Williams intervened and stated that this is becoming a public slanging match which continually keeps occurring and it has to stop.

Miss Lewin stated that she is in agreement with Miss Williams and these actions are not showing this Board in a positive light and it is negatively impacting the business of the Authority.

Miss Lewin closed the discussion with no other Members being heard.

C23/08/01/05**TO DISPOSE OF ANY BUSINESS ADJOURNED FROM A PREVIOUS MEETING**

None.

C23/08/01/06**TO DEAL WITH ANY BUSINESS EXPRESSLY REQUIRED BY STATUTE TO BE DONE**

None.

C23/08/01/07**PLANNING DECISIONS/COMMUNICATIONS FROM THE DEPARTMENT OF INFRASTRUCTURE PLANNING COMMITTEE**

1. Plans to the Board

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

(i) **PA
23/00801/CON**

Mr J Smith – 27 Governors Road

Members were advised that the planning application is for Registered Building Consent for the installation of replacement windows to the front, side and rear elevation and the installation of a replacement to rear door (in association with PA 23/00802/GB Registered Building No 129)

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

- No comments had been received from neighbouring properties; and
- The return date for the application is the 11th August 2023.

After a discussion, it was proposed by Mr Quirk and seconded by Mr Turton and unanimously **RESOLVED that PA23/00801/CON – 27 Governors Road be recommended for approval.**

(ii) **PA23/00802/GB**

Mr J Smith – 27 Governors Road

Members were advised that the planning application is for the installation of replacement windows to the front, side and rear elevation and the installation of a replacement to rear door (in association with PA 23/00801/CON).

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

- No comments had been received from neighbouring properties; and
- The return date for the application is the 11th August 2023.

After a discussion, it was proposed by Mr Quirk and seconded by Mr Turton and unanimously **RESOLVED that PA23/00802/GB – 27 Governors Road be recommended for approval.**

(iii) **PA23/00826/B**

Mr M J Spencer – 4 Birch Hill Avenue

Members were advised that the planning application is for a ground floor extension and alterations.

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

- No comments had been received from neighbouring properties; and
- The return date for the application is the 11th August 2023.

After a discussion, it was proposed by Mr Quirk and seconded

by Mr Crellin and unanimously **RESOLVED** that **PA23/00826/B – 4 Birch Hill Avenue be recommended for approval.**

(v) PA23/00844/B Mr & Mrs Millar – 1 Heywood Way

Members were advised that the planning application is for the conversion of the existing garage to create ancillary living accommodation.

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

- No comments had been received from neighbouring properties; and
- The return date for the application is the 25th August 2023.

After a discussion, it was proposed by Mr Quirk and seconded by Mr Crellin and unanimously **RESOLVED** that **PA23/00844/B – 1 Heywood Way be recommend for approval.**

(vi) PA23/00733/B Mrs Qing Zhang Hou – 127 King Edward Road

Members were advised that the planning application is for a proposed window to the north elevations, two flat roof lights, re-roof, new parking are with roller gates to entrance and the removal of one palm tree (amended plans).

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

- No comments had been received from neighbouring properties; and
- The return date for the application is the 15th August 2023.

It was noted that the Authority would not be making any further comment in relation to PA23/00733/B.

C23/08/01/08

FINANCE AND GENERAL PURPOSES

1. Draft Financial Statements for the Year Ended 31st March 2023

To be considered In Committee.

C23/08/01/09

REPORT FROM THE CLERK OR OTHER OFFICER

1. Proposed Overnight/Weekend Parking Restrictions

The Chief Executive/Clerk provided the Board with an overview in relation to the proposed overnight/weekend parking restrictions.

Mr Quirk made the following comments:

- the matter has been discussed extensively in the public domain; and

- he has been contacted by some residents and has been to visit some of the areas highlighted as having issues such as Belgravia Road, Mount View Road and Greeba Drive

Mr Turton made the following comments:

- this is an all Island issue, not just a local issue;
- many people will be effected by the proposal; and
- a full public consultation is required.

Mr Crellin stated that he is in agreement with Mr Turton and people's opinions should be sort via a consultation.

Mr Allen made the following comments:

- the correspondence makes reference to the Authority being best placed to suggest exemptions for their area; and
- he is of the opinion that the Authority is not best placed to make these kind of decisions without public input.

Miss Lewin requested that the Chief Executive/Clerk write to the Department of Infrastructure reflecting the Board's comments.

C23/08/01/10

CONSIDERATION OF ANY RELEVANT CORRESPONDENCE

1. Port St Mary Civic Sunday

A copy of the correspondence received from Port St Mary Commissioners in relation to their Civic Sunday Service to be held at 10:30 am on Sunday 10th September 2023 at Mt Tabor Church, having previously been circulated was noted.

2. Emergency Planning and Civil Defence Unit

A copy of the correspondence received from the Emergency Planning and Civil Defence Unit dated 1st August 2023, having previously been circulated was considered.

The Chief Executive/Clerk provided the Board with an overview in relation to this matter.

After a discussion, it was proposed by Mr Quirk and seconded by Mr Turton and unanimously **RESOLVED that the Hub (but not including Kenyon's Café) be allowed to be used by the Emergency Planning and Civic Defence Unit as a rest centre should the need to evacuate members of the public to a safe location occur.**

C23/08/01/11

TO ANSWER ANY QUESTIONS ASKED UNDER STANDING ORDER 34

None.

C23/08/01/12

TO CONSIDER ANY MOTIONS

None.

C23/08/01/13

ENVIRONMENTAL AND TECHNICAL SERVICES

None.

C23/08/01/14**HOUSING MATTERS****1. Annual Public Sector Housing Rental Setting 2024/25**

A copy of the correspondence received from the Public Estates and Housing Division dated 26th August 2023 having previously been circulated was considered.

Mr Turton and the Chief Executive/Clerk provided the Board with an overview in relation to the annual public sector housing rent setting for 2024/25.

Mr Turton proposed that the Board consider agreeing to inform the Public Estates and Housing Division that the Authority recommends a 0% increase for social housing rents for the forthcoming year.

Mr Quirk commented that the Authority needs to maintain their housing stock, and labour and material costs are still rising.

The Chief Executive/Clerk advised that;

- the Members consider the matter before making a decision this evening;
- It is apparent that some Members have not fully considered the matter and the information provided; and
- that a response from the Authority is not required until the 15th September 2023.

Mr Allen commented that the Authority has provided recommendations to the Department of Infrastructure regarding rents each year based on a consistent approach and this year's response should be no different.

Miss Williams declared an interest as a social housing tenant of the Authority.

The Chief Executive/Clerk advised the Board that a separate briefing paper is being prepared by the Housing Manager in relation to the periodic rent questionnaire for Members to consider.

Miss Lewin advised the Board that the matter is to be brought back.

2. Quarterly Standards of Performance Data

To be considered In Committee.

C23/08/01/15**CHAIR'S ANNOUNCEMENTS****1. Chair's Attendances**

Miss Lewin advised that she had attended Flat Lawn Bowls on the 6th August 2023 and had presented the Commissioners trophy.

Mr Turton advised that he had attended a coffee morning on the 5th August 2023 and also the recent Sight Mattes Art Exhibition.

2. Dates for the Diary

Date	Organisation	Event	Time
19 th August 2023	Rob Callister MHK	Political Surgery – The Hub	10:00 am to 11:30 am

19 th August 2023	St Peter's Church	Fizzy Afternoon with Musical Entertainment – St Peter's Church	2:00 pm
21 st August 2023	Onchan District Commissioners	Board Meeting	7:00 pm
4 th September 2023	Onchan District Commissioners	Board Meeting	7:00 pm

C23/08/01/16**ANY OTHER BUSINESS****1. Birch Hill Play Park**

Mr Quirk requested for the public seating to be reinstated in the Birch Hill Play Park.

It was noted that the matter would be forwarded to the Authority's District Surveyor.

2. Motion

Mr Crellin asked the Chair if she was still proposing to bring a motion forward regarding a change to the minutes from the Board Meeting held on Monday 10th July 2023.

Miss Lewin confirmed that she was and that the matter would be discussed further during the In Committee meeting.

The Public session of the Meeting ended at 8:08 pm

C23/08/01/17**MINUTES****1. Staff Minutes Ordinary Meeting held on Monday 24th July 2023**

See Staff Minute Book.

C23/08/01/18**FINANCE AND GENERAL PURPOSES****1. Draft Financial Statements for the Year Ended 31st March 2023**

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

The Chief Executive/Clerk advised the Board that the Report from the Chief Finance Officer is not available as planned.

It was agreed that the Report and supporting documentation would be submitted in advance of the summons and agenda to allow Members more time to consider the draft Financial Statements for the year ended 31st March 2023.

Mr Allen highlighted that the information is private and confidential and should be treated as such until transferred into the public domain.

The Chief Executive/Clerk advised the Board that Mr Allen is correct.

C23/08/01/19
HOUSING

1. Quarterly Standards of Performance Data

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

The Chief Executive/Clerk provided the Board with an overview in relation to the quarterly Standards of Performance Data.

Mr Allen requested that thanks be expressed to the Officers within the Authority's Finance, Housing and Surveyors Departments as the reports continually show positive trends in relation to rent debt, allocations, stock management and repairs undertaken.

Miss Lewin, Mr Crellin and Mr Turton requested that their thanks also be given.

Mr Allen requested that an update be provided in relation to tenancy reviews that had been undertaken since the last report.

It was noted that the Chief Executive/Clerk is to progress this matter with the Housing Manager.

C23/08/01/20
ANY OTHER URGENT BUSINESS

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

1. Conduct

Mr Allen stated that he chose not to raise this matter during the public meeting, as he feels as though his comments may provoke a negative response and undesired Member behaviour which he did not want to expose members of the public to during tonight's public meeting.

Mr Allen further stated that earlier this evening Mr Crellin had made a comment regarding Mr Quirk previously making vexatious complaints towards others, when Mr Crellin was making this comment, Mr Quirk stated while Mr Crellin was still talking that scurrilous comments have been made previously by other members, Mr Allen asked for clarity from Mr Quirk as to what comments he is referring to, and who were they made by, Mr Quirk responded that he doesn't know and he will have to think about this before responding.

A discussion between Mr Crellin and Mr Quirk took place.

Miss Lewin interjected and asked that Members remember what is expected in relation to Members behaviour and order of debate.

Mr Allen asked Mr Quirk further for clarity in relation to his accusations of Members making scurrilous comments. Mr Allen stated that Members have personal and professional reputations and to be potentially accused of making such remarks could be harmful.

Mr Quirk commented that he will be writing to Mr Allen regarding the matter.

2. Car Parking

Mr Quirk raised a query regarding ownership and enforcement of restrictions in relation to the car parking spaces behind the War Memorial on Elm Tree Road and following his enquiries with the Department of Infrastructure.

The Chief Executive/Clerk confirmed that the spaces in question form part of the adopted highway, and that Officers of the Authority have no remit to carry out enforcements.

Mr Quirk stated that he has received information from the Department of Infrastructure which contradicts this.

The Chief Executive/Clerk requested that Mr Quirk share his information following the meeting in order that the matter can be resolved.

3. **Recording of the Authority's Minutes**

Mr Allen suggested that in light of recent events the Board should consider how the minutes of the Authority's meetings are recorded.

Mr Allen stated previously the minutes were produced as a short hand record of the business transacted by the Authority, and this style of minutes had been recommended to Member of the Board previously by the Authority's Legal Adviser, the Authority's former Data Protection Officer and by previous Chief Executive/Clerks.

Mr Crellin commented that all Members should follow the expert advice provided by these professional persons.

A discussion took place between the Members and the Chief Executive/Clerk.

Miss Lewin asked that the Chief Executive/Clerk bring back information to the Board for consideration in relation to the formulation of the minutes and the supporting advice received from the Authority's Advisers.

4. **Highways Maintenance**

Miss Lewin requested that the Chief Executive/Clerk contact the Department of Infrastructure regarding her questions submitted to the former Minister Chris Thomas relating to highways maintenance defects in the District.

5. **Creation of Potential Dog Park**

Miss Lewin asked the Chief Executive/Clerk to contact Commissioner Logan regarding the potential creation of a dog park or designated area for dog walkers within the District.

Miss Lewin stated that Commissioner Logan had requested that Miss Lewin raise this matter on her behalf.

6. **Motion**

Miss Lewin stated that she is proposing to bring forward a motion to the Board for consideration in relation to comments made by herself which have been recorded within the minutes of the Authority's Ordinary Meeting held on Monday 10th July 2023.

Miss Lewin further stated that she has taken advice from the Chief Executive/Clerk in relation to Standing Orders and will be contacting the Members after the meeting to progress the matter.

There being no further business the meeting ended at 9:21 pm