

Minutes of the Ordinary Meeting of the **ONCHAN DISTRICT COMMISSIONERS** held in the Boardroom, Hawthorn Villa, 79 Main Road, Onchan, on Monday 7<sup>th</sup> February 2022 at 7:00 pm

<b>Present:</b>	Mr R Turton	(Chairman)
	Miss K Williams	(Vice-Chair)
	Mr A Allen	(Lead Member for Finance and General Purposes)
	Mr D Crellin	
	Ms F Logan	(Lead Member for Environmental and Technical Services)
	Miss Z Lewin	
	Mr D Quirk	(Lead Member for Housing)
<b>In attendance:</b>	Mr R Phillips	(Acting Chief Executive/Clerk)
	Mrs S Johnson	(Finance Manager)
	Mrs A Gale	(Housing Manager)

#### **C21/02/01/01**

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

Not necessary.

#### **C21/02/01/02**

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

##### **1. 2022/23 Rate Setting**

At the meeting of the Board of Onchan District Commissioners held on Monday 24<sup>th</sup> January 2022, the rate was set for the financial year ending 31<sup>st</sup> March 2023.

The Lead Member for Finance and General Purposes commented that high inflation, energy costs and waste disposal charges means that the rate will increase for the 2022/23 financial by 20p to 346p in the pound.

This will enable the Authority to invest in people, machinery and infrastructure to provide local services for the benefit of everyone in Onchan.

The Chairman advised that the rate announcement had been released after the meeting and the Department of Infrastructure advised.

#### **C21/02/01/03**

#### **MINUTES**

##### **1. Ordinary Meeting held on Monday 24<sup>th</sup> January 2022**

The minutes of the Ordinary Meeting held on Monday 24<sup>th</sup> January 2022, copies of which having previously been circulated, were considered.

It was proposed by Mr Allen and seconded by Miss Lewin and unanimously **RESOLVED** that the minutes be agreed as a correct record of the proceedings and be signed by the Chairman.

#### **C21/02/01/04**

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

None.

C21/02/01/05TO DISPOSE OF ANY BUSINESS ADJOURNED FROM A PREVIOUS MEETING

None.

C21/02/01/06TO DEAL WITH ANY BUSINESS EXPRESSLY REQUIRED BY STATUTE TO BE DONE

None.

C21/02/01/07PLANNING DECISIONS/COMMUNICATIONS FROM THE DEPARTMENT OF INFRASTRUCTURE PLANNING COMMITTEE1. Plans to the Board

(a) The following plans were considered by the Board.

## (i) PA 22/00003 Mr G Whorrall - 39 Sunningdale Drive

Members were advised that the planning application is for the erection of a detached summerhouse/office to the rear garden,

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

- The application had previously been deferred.
- Three neighbouring properties had been notified with no comments received;
- The return date for the application is the 11<sup>th</sup> February 2022.

After a discussion, it was proposed by Ms Logan and seconded Miss Lewin by and unanimously **RESOLVED that PA 22/00003 – 39 Sunningdale Drive be recommended for approval.**

## (ii) PA 22/00029 Mrs L Dancox – 16 Falkland Drive

*The Acting Chief Executive/Clerk declared an interest.*

Members were advised that the planning application is for the widening of the existing driveway and vehicular access.

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

- No comments had been received from neighbouring properties;
- Highways have not yet made any comments but cannot foresee any issues;
- The return date for the application is the 18<sup>th</sup> February 2022.

After a discussion, it was proposed by Ms Logan and seconded by Mr Quirk and unanimously **RESOLVED that PA 22/00029 – 16 Falkland Drive be recommended for approval.**

**(iii) PA 22/00031 Sight Matters – Corrin Court, Heywood Avenue**

Members were advised that the planning application is for the erection of detached ancillary accommodation with associated garden area, access, retaining walls, fencing and planting.

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

- No comments had been received from neighbouring properties;
- He highlighted the potential of overlooking from St Ninian's Lower School, but the Acting Chief Executive/Clerk informed the Board that the applicant had liaised with the School and there were no issues to consider as both organisations worked together.
- There will be privacy screening provided by planting of hedging; and
- The return date for the application is the 11<sup>th</sup> February 2022.

In answer to question, the Acting Chief Executive/Clerk advised that there were no restrictions indicated for the accommodation. However, the submission states that the accommodation would be suitable for less able adults and children, for very short breaks away from home giving them some respite.

After Members consideration, it was proposed by Ms Logan and seconded by Mr Quirk and unanimously **RESOLVED that PA 22/00031 – Corrin Court, Heywood Avenue be recommended for approval.**

**(ii) PA 22/00034 Mr M Weldon – Land Corner Lhondhoo/Lhonvane Close**

Members were advised that the planning application is for the construction of 9 new garages and 2 bike stores.

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

- The previous application was approved by the Planning Committee and went to an appeal, which was unsuccessful. The development had not proceeded as two parcels of land had been included which were owned by the Authority.
- Previously there were a number of residents who opposed the previous application.
- There were two residents opposing the current planning application.
- The current planning application was similar to that previously submitted.
- No traffic impact survey had been carried out.
- The return date for the application is the 11<sup>th</sup> February 2022.

A Member commented that the building of garages would interfere with the streetscape of neighbouring properties and that some residents at Lhon Vane Close will be overlooking that site and be looking at garage roofs.

The Acting Chief Executive/Clerk advised that the same style of garages is proposed in this application as indicated in the previous application submitted.

The Lead Member for Housing stated that:-

- Previously some garages had been demolished to make sure that there were fire exits to go around the Avenue.
- The garage area is a dead end and some garages are leased to commercial operators.
- The concern is that this is a residential area.
- All traffic activity comes up via Wybourn Drive and Bemahague Avenue, the access point to the garages location is very narrow.
- They also expressed concern regarding storm water run-off on to the highway.

A Member commented [ODC 21/02/2022], that Onchan District Commissioners oppose the planning application PA 22/00034 - Land Corner Lhondhoo/Lhonvane Close on the grounds that the narrowness of the entrance to the garages area from Bemahague Avenue creating a pinch point.

The Lead Member for Finance commented that the traffic will not necessarily be from residents of that area, the Authority have no control over the letting of the garages.

In answer to question, the Acting Chief Executive/Clerk stated that the Planning Committee will not take in to consideration legal covenants and are only interested in the planning considerations.

Proposed by Ms Logan, seconded by Miss Lewin, and unanimously **RESOLVED that PA 22/00034 - Land Corner Lhondhoo/Lhonvane Close be recommended refusal on the grounds that it has a negative impact on visual appearance, residential amenity, increased traffic and additional strain to the existing drainage infrastructure.**

**(iv) PA 22/00051 Mr K Battery – 35 Majestic Drive**

Members were advised that the planning application is for replacement windows and roof to existing conservatory.

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

- No comments had been received from neighbouring properties; and
- The return date for the application is the 18<sup>th</sup> February 2022.

After a discussion, it was proposed by Ms Logan and seconded by Miss Lewin and unanimously **RESOLVED that PA 22/00051 – 35 Majestic Drive be recommended for approval.**

**(v) PA 22/00057 Mr L Coxon - 20 Seaview Road**

Members were advised that the planning application is for the removal of the front garden wall and formation of hardstanding for car parking facility, lowering of kerb for access. The erection of

rear decking and replacement of windows and doors to detached outbuilding with associated work.

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

- Neighbouring properties had been contacted; and
- The return date for the application is the 11<sup>th</sup> February 2022.

After a discussion, it was agreed that **PA 22/00057 – 20 Seaview Road be deferred to the next Board Meeting to allow time for comments to be received from the public. (Notify 18 and 22 Seaview Road).**

**(vi) PA 22/00030 Mrs A Hegarty – 46 Turnberry Avenue**

Members were advised that the planning application is for the re-roofing, glazing of existing conservatory and formation of a new front porch from existing patio.

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

- No comments had been received from neighbouring properties; and
- The return date for the application is the 18<sup>th</sup> February 2022.

After a discussion, it was proposed by Ms Logan and seconded by Mr Allen and unanimously **RESOLVED that PA 22/00030 – 46 Turnberry Avenue be recommended for approval.**

**(vii) PA 22/00067 Mr & Mrs K Fogelman – 15 Banks Howe**

Members were advised that the planning application is for the removal of a chimney stack.

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

- No comments had been received from neighbouring properties; and
- The return date for the application is the 18<sup>th</sup> February 2022.

After a discussion, it was proposed by Ms Logan and seconded by Mr Quirk and unanimously **RESOLVED that PA 22/00067 – 15 Banks Howe be recommended for approval.**

**(viii) PA 22/00073 Ms C Kelly – 16 Highfield Crescent**

Members were advised that the planning application is for the creation of additional vehicular access and parking area.

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

- No comments had been received from neighbouring properties; and
- The return date for the application is the 18<sup>th</sup> February 2022.

After a discussion, it was proposed by Ms Logan and seconded by Miss Lewin and unanimously **RESOLVED that PA 22/00073 – 16 Highfield Crescent be recommended for approval.**

**(ix) PA 22/00075 Mr P Oldham – 60 Majestic Drive**

Members were advised that the planning application is for the erection of a detached summerhouse in the rear garden.

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

- No comments had been received from neighbouring properties; and
- The return date for the application is the 18<sup>th</sup> February 2022.

After a discussion, it was proposed by Ms Logan and seconded by Miss Lewin and unanimously **RESOLVED that PA 22/00075 – 60 Majestic Drive be recommended for approval.**

**(x) PA 22/00111 Mr & Mrs M Wade – 15 Birch Hill Grove**

Members were advised that the planning application is for the installation of two windows.

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

- No comments had been received from neighbouring properties; and
- The return date for the application is the 4<sup>th</sup> February 2022.

After a discussion, it was proposed by Ms Logan and seconded by Mr Quirk and unanimously **RESOLVED that PA 22/00111 – 15 Birch Hill Grove be recommended for approval.**

**C21/02/01/08**

**FINANCE AND GENERAL PURPOSES**

**1. Elderly Persons Complexes - Heating and Service Charges 2022/23**

To be considered In Committee.

**C21/02/01/09**

**REPORT FROM THE CLERK OR OTHER OFFICER**

**1. Office Closure during Christmas and New Year Period 2022/23**

The report of the Acting Chief Executive/Clerk dated 26<sup>th</sup> January 2022, having previously been circulated was considered. It was noted that the office will be closed during the Christmas period from the 23<sup>rd</sup> December 2022 to 3<sup>rd</sup> January 2023.

**2. Housing Consideration within Onchan**

The Acting Chief Executive/Clerk informed the Board that a member suggested investigating the potential to purchase and develop the site adjacent to the Methodist Church in Onchan. After review, the site did not provide value for money.

The Acting Chief Executive/Clerk advised that he has made an approach to Department of Infrastructure for the redundant gas works site at Ashley Park as a development similar to Marion Road would fit on the site.

In answer to question, the Acting Chief Executive/Clerk advised that he was aware that the site was included as part of the comprehensive treatment area under the Eastern Area Plan.

The Board were in agreement that the Acting Chief Executive/Clerk look for any sites that may be developed at this time.

In answer to comment, the Acting Chief Executive/Clerk stated that the owners at Molly's Kitchen site do not wish to sell the site.

Members and residents of the district were encouraged to inform the Acting Chief Executive/Clerk of any sites or properties that may be viable for development.

It was further agreed that the Acting Chief Executive/Clerk make a fresh approach to the Department of Infrastructure regarding the possibility of managing the Department's stock adjacent to Onchan. Although caution was expressed by the Chairman as to the standard of the Department's housing stock and in what standard they would be expected to be maintained.

In answer to question regarding the former Howstrake Holiday Camp Site, the Acting Chief Executive/Clerk advised that following the Area Plan for the East this site was outside the main development of Onchan and a large scheme on the site would not obtain planning permission.

### **3. Gardens and Christmas Lights Competitions**

After due consideration, it was proposed by Mr Turton, seconded by Mr Allen, and unanimously **RESOLVED that the following competitions be held during 2022:-**

- **Commissioners' Gardens Competition be extended to the whole district, rather than just the social housing estates.**
- **Christmas Lights Competition**
- **Photograph Competition**

**That social media be used to promote the competitions and that a short list will be judged by the Commissioners.**

**C21/02/01/10**

### **CONSIDERATION OF ANY RELEVANT CORRESPONDENCE**

#### **1. Play Street Pilot Project**

A copy of the correspondence dated 24<sup>th</sup> January 2022, received from Active Travel Liaison Officer for Schools, having previously been circulated was considered and discussed.

The Acting Chief Executive/Clerk advised that he had contacted both primary schools to make them aware of the scheme.

In response to comment, the Chairman stated that there were a number of green sites around the Onchan, including the open space of the playgrounds within the schools.

The Acting Chief Executive/Clerk was requested to respond thanking the Active Travel Liaison Officer for their correspondence, but at this moment in time the Board have reservations as there are adequate green spaces and they are welcome to do something within these green spaces rather than on the streets.

## 2. **Centenary Park Lease Renewal**

To be considered In Committee.

**C21/02/01/11**

### **TO ANSWER ANY QUESTIONS ASKED UNDER STANDING ORDER 34**

#### 1. **Question submitted by Mr D.J. Quirk**

What is the policy of Onchan District Commissioners with reference to picking up and putting back refuse bins?

The Chairman stated that there is no formal Onchan District Commissioners' policy in place regarding picking up and returning bins. We operate in line with the primary legislation of the Public Health Act 1990, Section 65 (Collection of Waste), and Section 66 (Dustbins etc).

Working practice is that our staff return the bin to the area from where it was left by the property occupier, ideally adjacent the curtilage of the property. Sometimes to save time, if an occupier fails to leave their bin near the curtilage of the property we will still collect it if it's visible and easy to access to save having to arrange a return visit later that day or the following day.

Onchan District Commissioners also operate assisted collections where occupiers can apply for their bin to be collected from somewhere other than the curtilage of the property and our staff will collect and return it on their behalf.

#### 2. **Question submitted by Mr D. J. Quirk**

If an Onchan District Commissioners' bin is left on the highway or the pavement who is legally responsible for it?

The Chairman stated that regarding legal responsibility for the bin once it's on the highway whether this is before or after collection, it's the home owner's responsibility. Please refer to Section 18 of our Onchan General Byelaws 2017, Section 18 (Failure to Remove Refuse Bins from Highway after Collection).

From a legal stance, we are permitted to create byelaws under the Local Government Act 1985, Sections 28 through to 30A inclusive.

The Chairman stated that we are not lawyers, but imagine it would be difficult for anyone to challenge this. If you want me to progress this further I can obtain advice from our legal advisors.

**C21/02/01/12**

### **TO CONSIDER ANY MOTIONS**

None.

**C21/02/01/13**

### **ENVIRONMENTAL AND TECHNICAL SERVICES**

#### 1. **Eastern Civic Amenity Site**

To be considered In Committee.

#### 2. **Department of Infrastructure – Petition**

To be considered In Committee.



**C21/02/01/14**  
**HOUSING MATTERS**

**1. Commissioners Surgery Rota**

The report of the Housing Manager dated 31<sup>st</sup> January 2022, having previously been circulated was considered and attendance agreed as follows:-

<b>Surgery Day</b>	<b>Surgery Date</b>	<b>Location</b>	<b>Time</b>	<b>Attendance</b>
Tuesday	1 <sup>st</sup> March 2022	Heywood Court	2.00 pm to 3.00 pm	Mr Crellin Miss Lewin
Saturday	5 <sup>th</sup> March 2022	The Hub, School Road	10.00 a.m. to 12 noon	Mr Crellin Miss Lewin
Saturday	2 <sup>nd</sup> April 2022	The Hub, School Road	10.00 a.m. to 12 noon	Mr Quirk Ms Logan
Tuesday	3 <sup>rd</sup> May 2022	Springfield Court	2.00 pm to 3.00 pm	Mr Turton Miss Williams
Saturday	7 <sup>th</sup> May 2022	The Hub, School Road	10.00 a.m. to 12 noon	Miss Williams Mr Quirk
Saturday	4 <sup>th</sup> June 2022	The Hub, School Road	10.00 a.m. to 12 noon	Mr Turton Mr Quirk
Tuesday	7 <sup>th</sup> June 2022	Heywood Court	2.00 pm to 3.00 pm	Miss Lewin Mr Crellin

**2. Housing Allocations Update**

The report of the Housing Manager dated 31<sup>st</sup> January 2022, having previously been circulated was considered and noted.

**3. Quarterly Standards of Performance Data**

The report of the Housing Manager dated 2<sup>nd</sup> February 2022, having previously been circulated was considered and discussed.

In answer to comment, the Finance Manager advised that the rent arrears figure cannot show a true representation due to timing of the payments received, and is a snapshot taken on 31<sup>st</sup> December 2022.

Members were assured that all rent arrears were being actioned.

**C21/02/01/15**  
**CHAIRMAN'S ANNOUNCEMENTS**

**1. Attendances**

The Chairman advised the Board that he had attended the Malew Parish Commissioners Annual Civic Service on Sunday 6<sup>th</sup> March 2022.

The Chairman announced that the Crosh Pobble Chonnaghyn reception for the recipient was to be held on Friday 18<sup>th</sup> February 2022 and hoped that Members would be able to attend.

## 2. Dates for the Diary

Date	Organisation	Event	Time
5 <sup>th</sup> February 2022	Onchan District Commissioners	Commissioners Surgery – The Hub Commissioners Crellin and Williams attending)	10:00 am to 12 noon
7 <sup>th</sup> February 2022	Onchan District Commissioners	Onchan District Commissioners Board Meeting	7:00 pm
18 <sup>th</sup> February 2022	Onchan District Commissioners	Crosh Pobble Chonnaghyn Reception	4:00 pm to 6:00 pm
21 <sup>st</sup> February 2022	Onchan District Commissioners	Onchan District Commissioners Board Meeting	7:00 pm
1 <sup>st</sup> March 2022	Onchan District Commissioners	Commissioners Surgery – Heywood Court	2:00 pm to 3:00 pm
2 <sup>nd</sup> March 2022	Onchan District Commissioners	Junior Commissioners Meeting	2:00 pm to 3:00 pm
5 <sup>th</sup> March 2022	Onchan District Commissioners	Commissioners Surgery – The Hub	10:00 am to 12 noon
6 <sup>th</sup> March 2022	Malew Parish Commissioners	Annual Civic Service – Abbey Church, Ballasalla	3:00 pm

**C21/02/01/16**

### **ANY OTHER BUSINESS**

#### 1. **Commissioners Surgery – The Hub**

A Member advised that they had been in attendance at the Commissioners Surgery held at The Hub on Saturday 5<sup>th</sup> February 2022. A resident had attended who expressed concern over the heating charges at Springfield Court. The question was asked as to why the gas supply cannot be regulated individually so that residents only pay for what they use. He understood that at present it is not feasible but requested if this could be investigated.

Discussion ensued with regards to the timing of the heating, and it was agreed that the timing would be adjusted.

#### 2. **Former Howstrake Camp Site**

A Member advised that they had received an email expressing interested in using the Howstrake Camp Site for the skateboarding community, and was advised that this site was in private ownership and use of the site would be trespass without the owner's consent.

#### 3. **Tennis Courts – Motorhome Parking**

Concern was expressed regarding the number of motorhomes parking in and around the Tennis Court area. It was suggested that a 16 in 24 hour parking zone be investigated.

#### 4. **Elderly Persons Complex – Survey**

It was agreed that a presentation on the findings of the survey would be given to the Board of Commissioners on Thursday 17<sup>th</sup> February, 2.00 p.m.

***The Public session of the Meeting ended at 8.30 pm***

C21/02/01/17**FINANCE & GENERAL PURPOSES****1. Elderly Persons Complexes - Heating and Service Charges 2022/23**

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

The report of the Finance Manager dated 2<sup>nd</sup> February 2022, having previously been circulated was considered and discussed.

**(a) Heating Charges**

In answer to comment, the Finance Manager advised that the gas charged was at a commercial tariff, rather than at a higher domestic tariff.

Members discussed the impact of the different percentage increases.

The Finance Manager was requested to carry out more calculations, and left the meeting to undertake same.

**(b) Service Charges**

It was proposed by Mr Quirk, seconded by Miss Logan and unanimously **RESOLVED that the service charge be held at a charge of £2.26 a week to cover the anticipated costs.**

C21/02/01/18**CONSIDERATION OF ANY RELEVANT CORRESPONDENCE (already circulated unless indicated)****1. Centenary Park – Licence Renewal**

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

A copy of the correspondence dated 6<sup>th</sup> January 2022 between the Acting Chief Executive/Clerk and the Chairperson of the Isle of Man Woodland Trust having previously been circulated was considered and discussed.

The Board agreed that the Acting Chief Executive/Clerk make contact with the Isle of Man Woodland Trust to request what their aspirations were for the next 3 to 7 years and inform them that the Board are not prepared to cease green waste tipping on the site. Bring back to the next meeting of the Board.

C21/02/01/19**ENVIRONMENTAL AND TECHNICAL SERVICES****1. Eastern Civic Amenity Site**

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

A copy of the correspondence received from the Eastern Civic Amenity Site Meeting of the 14<sup>th</sup> December 2022, having previously been circulated was considered and noted.

The Acting Chief Executive/Clerk informed the Board that figures had been requested for the scrap or sale cost of the current grab excavator and hook loader on site. Further investigation in to the matter is required.

## 2. Department of Infrastructure – Petitions

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

A copy of the correspondence received from the Department of Infrastructure dated 17<sup>th</sup> January 2022 having previously been circulated was considered and discussed.

The Acting Chief Executive/Clerk advised that the petitions related to three parcels of land, one of which was almost concluded. The Board had previously resolved a land sale value for two parcels of land adjacent to Groudle Glen with the purchasers covering the legal expenses. However, the Government Valuer has viewed the land and states that the sale value for the land should be higher based on current market valuations.

Member stated that the Board have a duty to do the best for the rate payer and the sewerage enforcement matters surrounding these sites has historically proved costly.

It was proposed by Mr Quirk, seconded by Miss Lewin and unanimously **RESOLVED that the Board continue with the previous resolution and note the Department of Infrastructure's suggested valuation.**

*The Finance Manager returned to the meeting.*

C21/02/01/19

### FINANCE & GENERAL PURPOSES

#### 1. Elderly Persons Complexes - Heating Charges 2022/23 continued

The Finance Manager explained that there was an increase in gas prices. To calculate a break even position using the previous year's usage and incorporating the gas price increase would equate to a significant rise.

The Finance Manager informed the Board that the heating charges have not been increased since 2017, and it was expected that the gas prices were likely to increase further.

After discussion, it was proposed by Mr Allen, seconded by Miss Lewin, and unanimously **RESOLVED that the heating charges be increased by 40% in line with the utility charges at 46.62 per point.**

C21/02/01/20

### ANY OTHER URGENT BUSINESS AS AUTHORISED BY THE CHAIRMAN FOR CONSIDERATION

None.

*There being no further business the meeting ended at 21.45 pm*