

ONCHAN DISTRICT COMMISSIONERS

*Hawthorn Villa,
79 Main Road, Onchan.*

ORDINARY MEETING

19th September 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 22nd September 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 Tuesday 8th September 2025 (Appendix 4.1)

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

None.

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

None.

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 Plans for Consideration (Appendix 8.1)

	Planning Reference	Applicant/Address	Return Date
(a)	PA 25/90826/B	Mr Robert Todd – Crneilagh, 38 Ballachrink Drive	3 rd October 2025
(b)	PA 25/90842/B	Mr William Mark & Mrs Karen Ann Cowley – Rosecroft, 3 Sunnysbank Avenue	3 rd October 2025

9. Finance and General Purposes:

9.1 (P) Internal Audit Report for the Year Ended 31st March 2025 (Appendix 9.1)

9.2 (P) Internal Audit Risk Areas for the Year Ending 31st March 2026 (Appendix 9.2)

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

- 10.1** Tynwald Commissioner for Administration – How Local Authorities can Avoid Complaints of Maladministration & Service Failure, Data Breaches & Employment Disputes *(Appendix 10.1)*
- 10.2** Mooir Vannin Windfarm Public Consultation – Update *CEO to Report*
- 10.3** Regulations, Orders, and Byelaws Enforcement Policy – Introduction of New Policy *(Appendix 10.3)*
- 10.4** Port Jack Recycling Bring Bank Site *(Appendix 10.4)*
- 10.5** (P) Staffing Matter *(Appendix 10.5)*

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

- 11.1** Isle of Man Treasury Public Consultation – Proposed Amendments to the Rating and Valuation Act 1953 *(Appendix 11.1)*
- 11.2** Marown Parish Commissioners – Civic Service Invitation *(Appendix 11.2)*

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** Notice of Motion 74 – Street Signs *(Appendix 13.1)*

14. Environmental and Technical Services:

- 14.1** Phase 1 Street Lighting Replacements – Manor Park Update *(Appendix 14.1)*
- 14.2** Onchan Pleasure Park Bumper Boats – Future Considerations *(Appendix 14.2)*

15. Housing Matters:

None.

16. Dates for the Diary:

Date	Organisation	Event	Time
20 th September 2025	Onchan Methodist Church	Afternoon Quiz	3:00 pm
22 nd September 2025	Onchan District Commissioners	Board Meeting	7:00 pm
6 th October 2025	Onchan District Commissioners	Board Meeting	7:00 pm
20 th October 2025	Onchan District Commissioners	Board Meeting	7:00 pm

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

PLANS LIST

Board Meeting to be held on Monday 22nd September 2025
The Lead Member of Environmental and Technical Services and the District
Surveyor have viewed the applications and recommend the following:

	Applicant/Address	Description
PA 25/90826/B Return Date 03/10/2025	Robert Todd Corneilagh 38 Ballachrink Drive Onchan IM3 4NQ	Erection of fence and creation of hardstanding (part retrospective)
	<i>Recommendation – Refuse</i>	
PA 25/90842/B Return Date 03/10/2025	Mr William Mark & Mrs Karen Ann Cowley Rosecroft, 3 Sunnybank Ave Onchan IM3 3BN	Erection of extension to side elevation and alterations to doors and fenestration of existing dwelling house, erection of replacement garden shed with log store (part retrospective)
	<i>Recommendation - Approve</i>	
PA Return Date		
	<i>Recommendation - Approve</i>	



MEMORANDUM

Memorandum to:	Board of Onchan District Commissioners
Reporting Officer:	Chief Executive/Clerk
Date of the Meeting:	22 nd September 2025
Subject:	Tynwald Commissioner for Administration Presentation Notes
Public or Private Document:	Public

Introduction:

Following an invitation from the Tynwald Commissioner for Administration, the Chief Executive/Clerk attended a presentation on Wednesday 10th September 2025, regarding how local authorities can avoid complaints of maladministration and service failure, data breaches, and employment disputes.

The presentation was hosted by the following:

- The Clerk of Tynwald;
- The Tynwald Commissioner for Administration;
- The Local Government Team, Department of Infrastructure;
- Corlett Bolton and Co; and
- The Information Commissioner.

This memorandum has been prepared to inform the Members of the Board regarding the presentations and the notes provided at the presentation.

Previously Considered by the Board:

Not applicable.

Supporting Information:

See the enclosed housing conference agenda and notes.

Standing Orders:


Not applicable.

Resource Impact:

Not applicable.

Financial Impact:
Not applicable.
Legal and/or Insurance Impact:
Not applicable.
Equality Impact:
Not applicable.
Climate Change Impact:
Not applicable.
Consultation with Others:
Not applicable.
General Data Protection Regulations and/or Confidentiality Impact:
Not applicable.
Appendices:
See the enclosed agenda and notes.

For Members Attention.



ROSS PHILLIPS

CHIEF EXECUTIVE/CLERK

10 September 2025

At the invitation of the Tynwald Commissioner for Administration

Pitfalls and beartraps

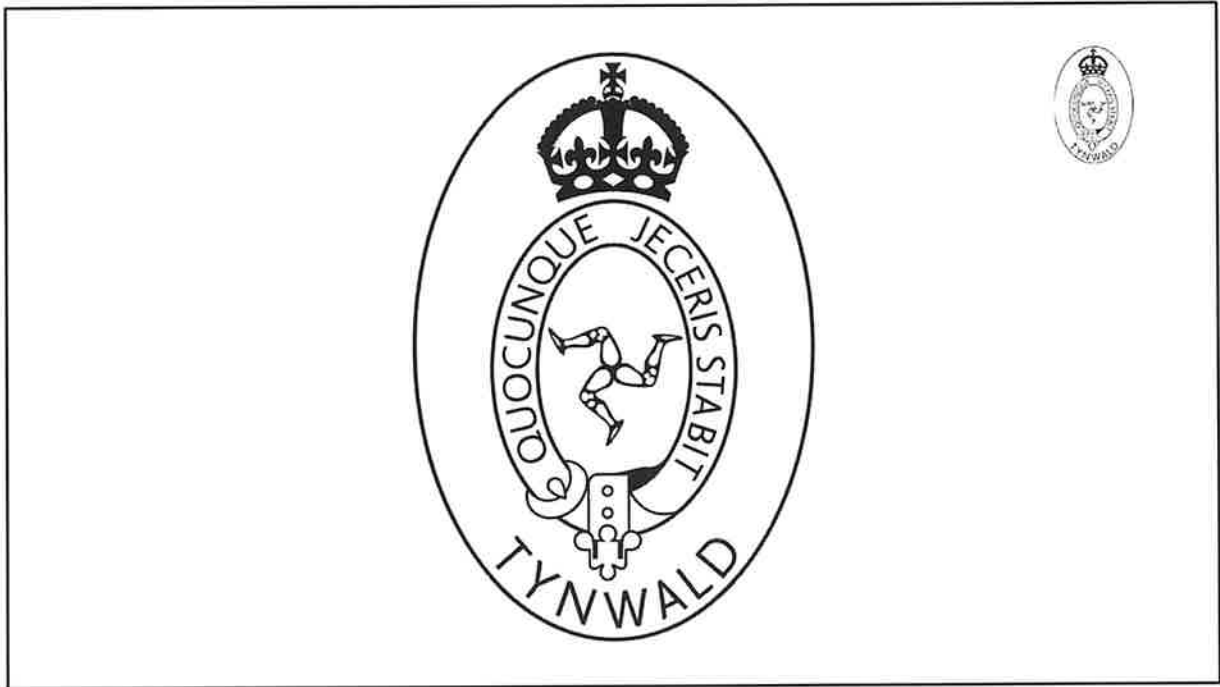
How local authorities can avoid complaints of maladministration and service failure, data breaches and employment disputes

Venue: Barrool Suite, Tynwald Building, Finch Road, Douglas

RSVP ombudsman@parliament.org.im

TIME	SPEAKER	TOPIC
10:00	Dr Jonathan King , Clerk of Tynwald	<i>“Why Tynwald has an ombudsman: complaints in context”</i> An outline of the background to the establishment of the Tynwald Commissioner for Administration, explaining how this service relates to other parliamentary and legal procedures.
10:30	Advocate Paul Beckett , Tynwald Commissioner for Administration	<i>“Maladministration and service failure”</i> An outline of the procedure and of the principles applied by the TCA during the investigation.
11:00	Coffee break	
11:30	Stephen Willoughby , Local Government Team, Department of Infrastructure	<i>“Corporate Governance and Code of Conduct – an overview”</i> Summary of guidance and best practice for Local Authorities.
12:00	Advocate Sally Bolton , Corlett Bolton & Co	<i>“How to avoid beartraps”</i> Putting in place resolutions on when and how to instruct an Advocate. Importance of contracts and terms of reference for employment.
12:30	Dr Alexandra Delaney-Bhattacharya , Information Commissioner	<i>“Data Dangers: Avoiding the hidden traps in handling personal information”</i> How local authorities can reduce risk, protect rights, and build public trust
13:00	End	

(There will be five minutes for questions within each presentation)





Why Tynwald has an ombudsman: complaints in context

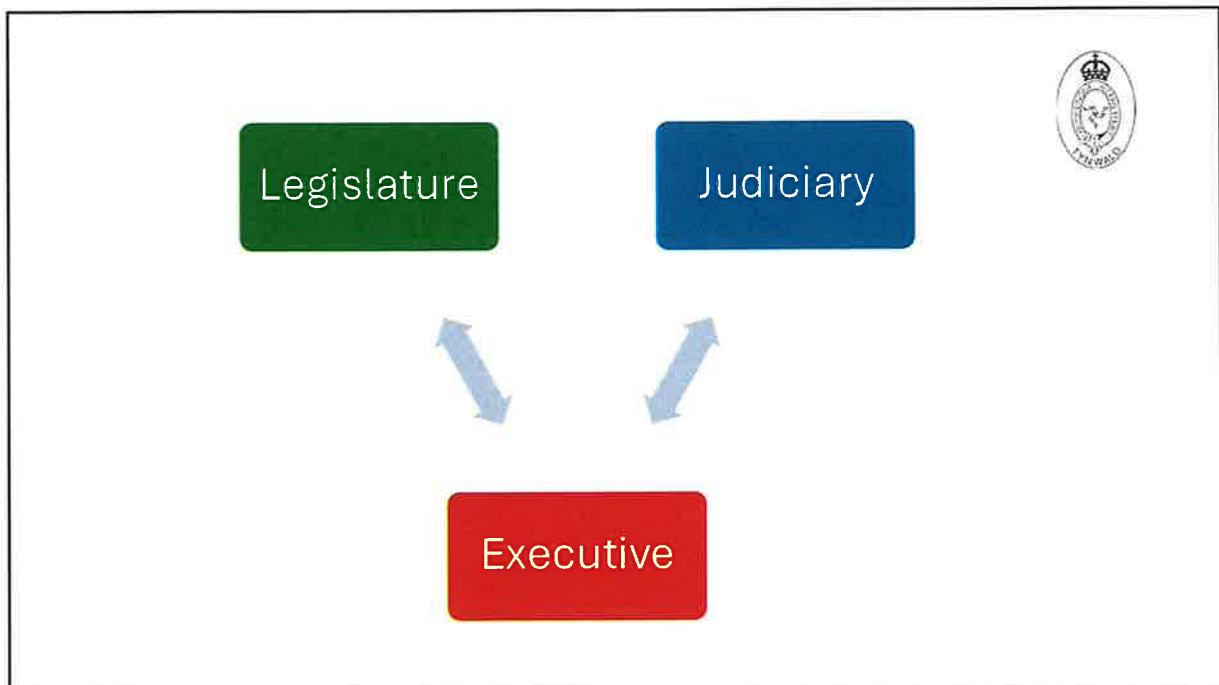
Background to the establishment of the TCA

How TCA relates to other parliamentary and legal procedures

Jonathan King

Clerk of Tynwald

10 September 2025



Everyone in this room is both a producer and a consumer of public services.

To explain the reason for the establishment of the TCA it is easiest to look at the world from the point of view of a consumer of public services.

Later in the day I hope that other speakers will look at the implications for all of us as producers.

Most public services are delivered by the Executive branch of Government.

We think of the Legislature as making legislation, but it is also the function of the Legislature to hold the Government to account. This can include looking at the way the Government has treated an individual.

Meanwhile it is the role of the Judicial branch to settle disputes. This includes disputes between public authorities and individuals (petition of doleance).



To put a human face on it –

in the delivery of public services, things sometimes go wrong. Under the constitutional arrangements which we have inherited, individuals can seek assistance through –

- the Legislative branch of Government, through an MHK or MLC
- the Judicial branch of Government, through an advocate.



The 1960s were a time of optimism and innovation. The development of the Welfare State and nationalised industries after the Second World War led to Government playing a greater role in many people's lives.

1965 – Law Commissions Act

1966 – Practice Statement [1966] 3 All ER 77 issued by the Lord Chancellor saying that the House of Lords would no longer be bound by its own previous decisions

1967 – Parliamentary Commissioner Act

Tynwald Commissioner for Administration Bill 1980



From inside and outside the House there have come indications that with the ever increasing and widespread involvement of Government and its inevitably complicated administrative machine in the lives of individuals, infringement of the legitimate rights of those individuals must be prevented.

I am sure that every hon. member attempts to cope with a variety of complaints from his constituents but the complexity of law and practice, as hon. members know only too well, is constantly adding to the burden of achieving justice and equity in each separate case.

Thomas Edward Kermeen MHK, 1 July 1980

Extract from PP 2009/0139 Report on the Petition for Redress of Grievance of Donald Whittaker

5.15 In 1988 Peter Karran MHK tabled a motion at Tynwald that an ombudsman be introduced. This resulted in the appointment of a committee, which reported in November 1989. Tynwald adopted the Select Committee's recommendations. The Select Committee concluded that there was insufficient evidence to determine whether an Ombudsman could be justified and recommended two interim measures. These were firstly the introduction of a standardised complaints procedure within Government, and secondly that there be an annual report to Tynwald based on records of complaints received during the previous year. These recommendations were implemented.

5.16 On 1st February 2000, the then Chief Minister gave a commitment to look at the idea of an ombudsman afresh. This commitment was given in response to a Question tabled in the House of Keys by Mrs Brenda Cannell MHK.

5.17 On 11th December 2002, Tynwald received the Report of the Select Committee on complaints of maladministration made by Mrs A E S Pilling, and approved the Report's recommendations. Among these was a recommendation for a full review of the current implementation of the standardised complaints procedure including the training of staff in its use and of the desirability or otherwise moving to a complaints regime supervised by an independent Ombudsman.

5.18 On 14th July 2004 the resultant Council of Ministers report was debated by Tynwald. The principal recommendation of the report was that there was merit in establishing an Ombudsman scheme.

5.19 In October 2008 the Government published its Annual Report 2008. This Report included, within the proposed legislative programme a Bill to give effect to this recommendation. The Annual Report listed the Bill under the year 2007/08 and said it was "due for consultation in October 2008". We therefore sought information from the Chief Secretary's Office about this Bill.

5.20 The Chief Secretary's Office told us in a letter dated **16th January 2009** that they hoped to get the draft Bill out to consultation by early February 2009. On 24th February they said "we are looking at March rather than February". We were supplied on 8th April 2009 with a confidential copy of the draft Bill as it then stood. A consultation document incorporating the draft Bill was issued on 6th August 2009 with a request for comments by 17th September 2009.

Tynwald Commissioner for Administration Bill 2010

Mr Speaker, the 29-clause Bill will introduce a fully independent, non-governmental official for the purpose of resolving complaints about the delivery of public services. The most recent origins of the Commissioner Bill came out of the Council of Ministers' review of the standardised complaints procedure and case for the establishment of an ombudsman in 2004, although the need for a complaints ombudsman on the Island has been under discussion since before 1989.

Chief Minister Tony Brown MHK, 2 November 2010



Tynwald Commissioner for Administration Act 2011 (ADO)(No. 1) 2017



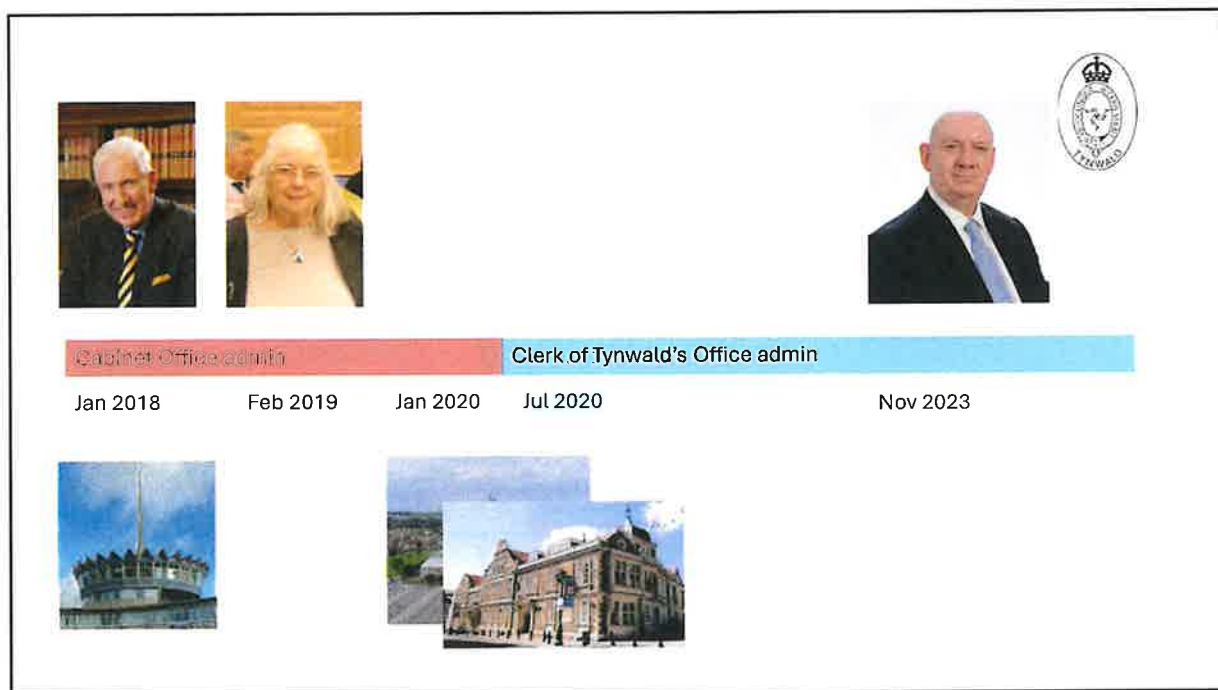
Article 3

Tynwald Commissioner for Administration Act 2011 (Appointed Day) (No. 1) Order 2017

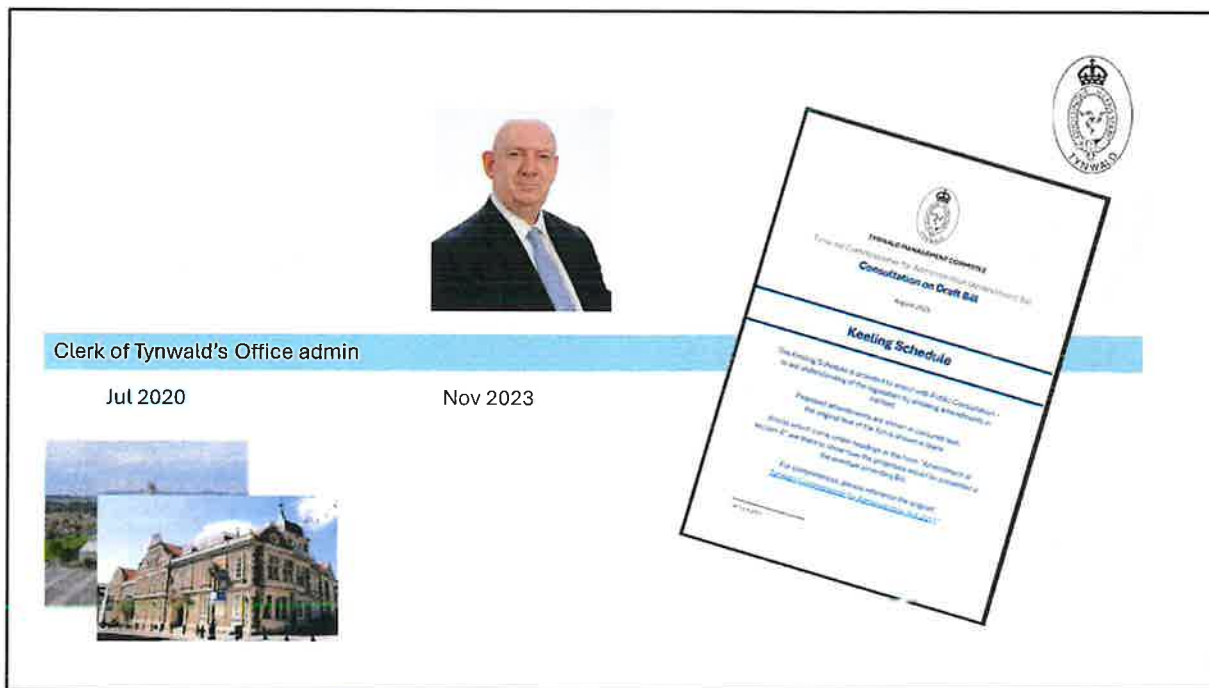
- (iii) subsection (3) to the extent that it inserts paragraph (ic) into section 3(2) of the Personal Liability (Ministers, Members and Officers) Act 2007; and
- (iii) subsection (5); and
- (d) Schedule 1 to the extent it is not already in operation, other than paragraphs 3(3) and 12, come into operation on 1 July 2017.
- (4) The remainder of the Act, comes into operation on 31 December 2017 other than —
 - (a) section 29;
 - (b) section 30(3) to the extent that inserts paragraph (id) into section 3(2) of the Personal Liability (Ministers, Members and Officers) Act 2017;
 - (c) in Schedule 1, paragraphs 3(3) and 12;
- (5) This article is subject to article 3 (transitionals and savings)

The following bodies and offices are listed authorities—

- (a) Departments;
- (b) Statutory Boards;
- (c) local authorities;
- (d) a joint committee of two or more local authorities;
- (e) a joint board being a body corporate established under an enactment and consisting of members appointed — (i) by 2 or more local authorities; or (ii) by the Department of Infrastructure and one or more local authorities;
- (f) the Manx Museum and National Trust;
- (g) the Public Services Commission;
- (h) the Attorney General's Chambers;
- (i) the General Registry;
- (j) [Chief Secretary's Office; repealed 2015]
- (k) Industrial Relations Officers appointed under section 5 of the Trade Disputes Act 1985; and
- (l) Laxey Glen Flour Mills Ltd.



Jan 2018 – first ADO, Departments only; Malachy Cornwell-Kelly appointed
 Feb 2019 – Angela Main Thompson appointed
 Jan 2020 – second ADO, Statutory Boards brought in
 April 2020 – change to CoT admin support
 Jul 2020 – under second ADO, local authorities brought in
 Feb 2022 – Angela's appt extended
 Nov 2023 – Paul Beckett appointed for three-year term



Consultation deadline 16 September 2025

<https://www.tynwald.org.im/members-officers/consultation>

In the draft Bill and consultation:

- a. Recruitment process – making the composition of the Selection Committee more flexible
- b. Conflicts of interest – clarifying and streamlining the process of appointing Deputy and Acting TCAs
- c. Departments’ own complaints procedures – creating a new power for the TCA to appraise these and report on them to Tynwald
- d. Timescale for Departments’ own investigations – clarifying the power for TCA to commence their own investigation if Department’s own investigation is taking too long
- e. Who can be investigated – clarifying the relationship with Manx Care by making HSCOB a “relevant investigator”
- f. Who can be investigated – adding the Safeguarding Board – an improvement suggested by SAPRC and approved by Tynwald in 2016
- g. Protection from suit for defamation – a technical improvement suggested by Angela
- h. Inspection rather than audit of accounts – a technical improvement suggested by the Committee

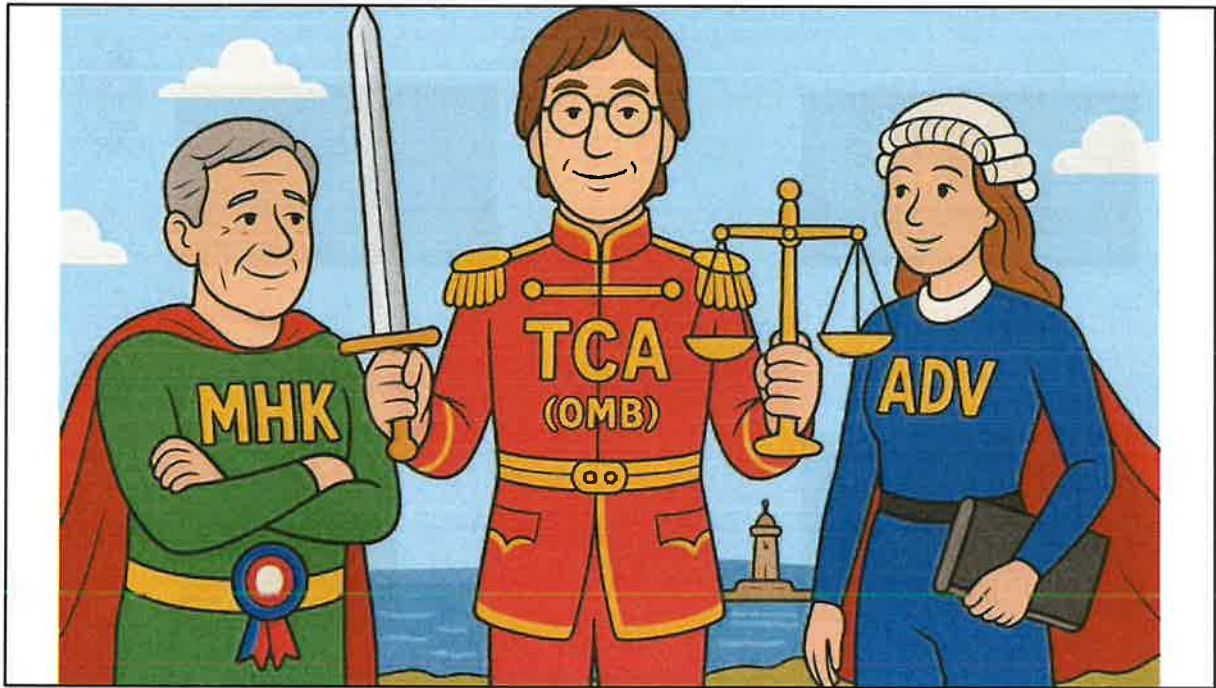
Not in the draft Bill but in the consultation:

- i. Appeal against refusal to investigate – recommended by ENVI and approved by Tynwald in 2016 but on closer examination found to be impractical. But what we are doing is ensuring that decisions not to investigate are given in writing.
- j. Chief Minister’s power to make directions about co-operation between TCA and others – we are not sure that this is appropriate and would welcome comments and suggestions.
- k. Detaching the list of authorities from Personal Liability (Ministers, Members and Officers) Act 2007 – we are not sure that this is for the best but would welcome views.



See table

	Powers to compel evidence	Mode of operation	Remedy	Fees
Courts and tribunals	Written and oral	Public or private proceedings and remedies	Wide-ranging private (can order to re-make decision; also other injunctions and damages in some circumstances)	Court fees always apply; legal representation generally advisable
MHK	None	Private	Limited private (can persuade to re-make decision)	None
Tynwald Committee	Written and oral	Proceedings in public or private; remedy by way of published report	Public only (can recommend changes to policy and legislation)	None
Ombudsman	Written	Proceedings in private; remedy by way of published report	Limited private (can persuade to re-make decision)	None



People can still seek assistance from a Tynwald Member or lawyer, but they can now also seek assistance from the TCA.

TCAs are required to have knowledge and experience of the law.

However, as the name implies, the TCA belongs to the Legislative branch of Government. The thing the TCA can do is report to Tynwald and this has to be done in public. The TCA is different from a court because there are no fees; the TCA cannot compel anyone to do anything; and the TCA cannot award damages.

THE TYNWALD COMMISSIONER FOR ADMINISTRATION

(TYNWALD OMBUDSMAN/ TCA)

ADVOCATE PAUL R BECKETT

ombudsman@parliament.org.im

“PITFALLS AND BEARTRAPS”

10 September 2025

1. Introduction

Origins

The idea of appointing an Ombudsman who would make an independent and impartial examination of good and bad administration originated in Scandinavia in the middle of the last century, and has been taken up worldwide. An Ombudsman strengthens the principle of accountable government and weighs the conduct of faceless officials and bureaucracies. ***The Ombudsman bridges the gap between parliamentary political accountability on the one side and independent scrutiny by courts and tribunals on the other.***

The role and responsibilities of the TCA are set out in the Tynwald Commissioner for Administration Act 2011.¹

Ombudsmen in the Isle of Man

In the Isle of Man, the following are in office and all function as Ombudsmen even if not called by that title:

- **Isle of Man Information Commissioner** <https://www.inforights.im/>

¹ https://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2011/2011-0013/2011-0013_9.pdf A detailed description of the role of the TCA is to be found in the TCA website <https://www.tynwald.org.im/ombudsman>

- **Police Complaints Commissioner** <https://www.gov.im/categories/home-and-neighbourhood/police-complaints-commissioner/>
- **Isle of Man Pensions Ombudsman** <https://www.gov.im/categories/benefits-and-financial-support/pensions/isle-of-man-pensions-ombudsman/>
- **Financial Services Ombudsman Scheme** <https://www.gov.im/about-the-government/statutory-boards/isle-of-man-office-of-fair-trading/financial-services-ombudsman-scheme/>
- **Tynwald Commissioner for Administration / Tynwald Ombudsman**

2. The powers of the TCA and the limitations placed upon him

No role in dispute resolution, no power to award remedies

Something not always known about or fully understood by those making complaints is that even though the TCA may have power to investigate and report on those complaints, they have no role to play in dispute resolution. They have no power to award any remedy, whether this takes the form of compensation or of a direction to the authority complained about to undertake remedial action. The TCA

- is not a Deemster or a Tribunal Chair or an arbitrator or a mediator;
- can only make non-binding recommendations with a view to resolving the matter; and
- if they take the view that serious harm may come to the complainant if a decision is implemented by the authority complained of, may request that any implementation be suspended pending investigation and report; but suspension remains at the discretion of that authority (which does not have to comply with the request).

The role of the TCA can be summed up as seeking to encourage redress and support improvement on the part of the authorities being investigated; to persuade rather than to compel.

All reports of the TCA are provided to Tynwald.

Not a public inquiry

The TCA focusses solely on the complaints made by the complainant. The role of the TCA is not analogous to that of a chair of a public inquiry, and the TCA does not have power under the Act to investigate matters “at large”.

Complaints procedure: “Listed Authorities”

Those who can be investigated by the TCA are referred to in the Act as “Listed Authorities” and include both institutions and individuals. Who can or cannot be investigated is set out in Part 3 of the TCA Website.

Complaints procedure: “member of the public”

The phrase “member of the public” is defined in the Act and means any individual or body or persons (whether a corporation or not) other than:

- a Listed Authority
- any other authority or body whose revenues consist wholly or mainly of money provided, either directly or indirectly, by Tynwald.

The complainant must be **resident** in the Isle of Man at the time the complaint is made (or, if the person has died, must have been so resident at the time of their death).

Nevertheless, a complaint can be made if it relates to an action taken in relation to a person who was not resident but who was merely **present** in the Isle of Man or **aboard** a ship or aircraft operating on a *scheduled* service to or from the Isle of Man (but not a *private* aircraft or vessel).

“**Resident**” and “**present**” are legal descriptions which do not necessarily apply to every person who is in the Isle of Man.

- A complainant who has no *automatic right* of residence under Rule 7 of the Immigration Rules must have been granted **leave to enter and remain** (in the case of “resident”) or **leave to enter** (in the case of “present”) as those terms are used in Part 1 of the Immigration Rules.
- Further, a person physically located in the island without having been granted either leave to enter and remain or leave to enter, who is challenging such refusal either directly under Part 12 of the Immigration Rules or indirectly by way of a Doleance Application to the Isle of Man High Court would, pending the resolution of such a challenge, not be “resident” or “present” for the purposes of the Tynwald Commissioner for Administration Act 2011.

The Immigration Rules are updated frequently, and can be found at: <https://www.gov.im/categories/travel-traffic-and-motoring/immigration/immigration-rules-and-associated-policy/immigration-rules/>

Exhausting internal complaints procedures of the Listed Authorities

Before making a complaint to the TCA, the complainant must first have objected about the action or service failure in writing to the Listed Authority whom the complainant alleges is responsible for it.

The TCA is permitted to commence the investigation only if the Listed Authority in question

- has in its view taken all reasonable steps to deal with the matter to which the allegation relates; or
- having been requested to do so by a member of the public has not, within a period of 28 days following the objection, conducted a proper investigation into the matter and reported its conclusions to the member of the public.

The TCA can, in exceptional circumstances, allow the Listed Authority longer than 28 days to respond, subject to a maximum of three months.

Time limits

The TCA is not permitted to consider a complaint which has been made more than **six months** after a final decision of the Listed Authority has been notified to the complainant.

Complaints procedure: at the request of a Listed Authority

The TCA may also commence an investigation at the request of a Listed Authority itself (but only concerning conduct which the TCA is entitled to investigate) if the TCA is satisfied that

- it has been alleged publicly (whether or not by a complainant) that one or more members of the public have sustained injustice or hardship; and
- the Listed Authority in question has taken all reasonable steps to deal with the matter to which the allegation relates.

“Injustice or hardship”, “service failure”, “maladministration”

The TCA has the power to investigate a complaint by a member of the public *only if a person is claiming to have sustained injustice or hardship*

- as a result of *a service failure*; or
- in consequence of *maladministration* in connection with any administrative action of a Listed Authority.

The terms “injustice or hardship” and “maladministration” are not defined in the Act. Parliamentary Ombudsmen have been appointed worldwide over the past fifty years, and a huge amount has been written about the meaning of these terms. The TCA draws on this shared experience.

Injustice and hardship are both terms which are widely understood, and need no definition in the Act. The TCA interprets injustice and hardship to mean not necessarily that an injury or loss of some kind must have been suffered (though this may be the case), but also where there is a sense of outrage on the part of the complainant, aroused by unfair or incompetent administration. *A general sense of outrage at the behaviour of or procedures adopted by a Listed Authority would not be sufficient to activate the TCA's powers of investigation. There must be a connection between what is complained of and the complainant themselves.*

Authority for the adequacy of “outrage” as corresponding to injustice or hardship, and that there is no requirement that loss should have been suffered (though loss may have been suffered nonetheless) is found in established English authorities. The following passage appears in A W Bradley, K D Ewing and C J S Knight, *Constitutional & Administrative Law* (18th edition, 2022)² on page 724:

Even if maladministration has occurred, this does not mean that injustice has thereby been caused to the individual. Conversely, injustice and hardship may exist, caused not by maladministration but by legislation or a judicial decision. Injustice for this purpose means not merely injury of a kind that a court may remedy, but includes ‘the sense of outrage aroused by unfair or incompetent administration, even where the complainant has suffered no actual loss’³. It is not restricted to a concept such as damage within the meaning of tort law.

² <https://www.pearson.com/en-gb/subject-catalog/p/constitutional-and-administrative-law/P200000007128/9781292402765>

³ *R v PCA, ex p Balchin* [1998] 1 PLR 1 (Sedley J) and *R v PCA, ex p Balchin No. 2* [2000] 2 LGR 87 (Dyson J). The TCA recognises that decisions at first instance of the English Courts are not binding in the Isle of Man, but recognises equally that in the absence of any decision of the Isle of Man Courts to the contrary, it is open to the TCA to apply established English principles of administrative justice.

The potential difficulty for both the complainant and the TCA arises when *maladministration* may have occurred, because what this includes is not specified or explained in the Act. Help is at hand however. Parliamentary Ombudsmen have been appointed worldwide over the past fifty years, and a huge amount has been written about the meaning of maladministration. The TCA, drawing on this shared experience, has defined maladministration to include the following:

Competency:

- Incompetence
- Ineptitude
- Giving misleading or inadequate advice

Procedure:

- Faulty procedures or failing to follow correct procedures
- Mistakes in handling claims
- Avoidable delay
- Neglect
- Arbitrariness
- Refusing to answer reasonable questions
- Not telling an individual about appeal rights
- Not offering an adequate remedy when one is due

Attitude:

- Bias, unfairness or prejudice
- Inattention
- Perversity and lying
- Discourtesy and lack of respect
- Turpitude (depraved or wicked behaviour or character)
- Corruption

Maladministration therefore is not confined to unlawful conduct. Unlawfulness is neither a precondition of, nor concomitant to a finding of maladministration. There may be maladministration without unlawfulness, and vice versa.

The meaning of *service failure* is found in section 9(2) of the Act:

(2) In this Act “service failure” means — (a) any failure in a service provided by a listed authority; (b) any failure of the listed authority to provide a service which it was a function of that authority to provide.

In other words, either failing when providing a service, or failing to provide a service which it ought to have provided. In short, trying but getting it wrong, or not trying at all.

Policy decisions of Listed Authorities and the Wednesbury test

The TCA investigates service failures and maladministration, and it is important to be aware that the *only* concern of the TCA is *administration*. The TCA does not have power to question the merits of *policy* decisions.

The TCA does not - and cannot - override the legal discretionary entitlement of a Listed Authority to act (unless the administrative process which led to the exercise of that discretion has been so flawed that the policy decision itself is called into question).

The investigation is an independent assessment of the Listed Authority’s conduct set against standards of good administration. *Ultimate political and legislative oversight and control remains with Tynwald.*

The issue to be determined by the TCA is whether the administrative process leading to the policy decision was flawed in the sense of being unreasonable under the *Wednesbury* test.⁴

- The Court is entitled to investigate the action of the local authority with a view to seeing whether they have taken into account matters which they ought not to take into account, or conversely, have refused to take into account or neglected to take into account matters which they ought to take into account. Once that question is answered in favour of the local authority, it may still be possible to say that, although the local authority have kept within the four corners of the matters which they ought to consider, they have nevertheless come to a conclusion so unreasonable that no reasonable authority could ever have come to it. [Lord Greene, MR]
- [*Wednesbury* unreasonableness] applies to a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it. [Lord Diplock]

⁴ Lord Greene MR, *Associated Provincial Picture Houses Limited v Wednesbury Corporation* [1948] 1 KB 223, as further considered by Lord Diplock in *Council of Civil Service Unions v Minister for the Civil Service* [1985] AC 374.

Excluded matters

The Act specifies that the TCA cannot investigate any of the following matters:

- **International relations.** The Chief Minister has the power to certify that a matter affects relations or dealings between the Isle of Man Government and any other government or organisation.
- **Extraterritorial actions.** Any action taken in any country outside the Isle of Man by or on behalf of a Listed Authority.
- **Crime and security.** Action taken by or with the consent or authority of the Attorney General or Chief Constable for the purposes of, or in connection with, the detection, investigation or prevention of crime or the protection of the security of the Isle of Man or the United Kingdom.
- An act or omission of a **relevant investigator** if this relates to the discharge of its functions.
- **Court and tribunal proceedings.** The commencement or conduct of
 - civil or criminal proceedings before any court of law;
 - proceedings before any international court or tribunal; or
 - proceedings before any tribunal established under Isle of Man law.
- Action taken by a person acting in an official capacity under the **Criminal Injuries Compensation Scheme**.
- **Employment and pensions.** Action taken in respect of appointment or removal, pay, discipline, superannuation of staff or other personnel matters.
- **Education.** Action in any educational establishment provided or maintained by the Department of Education, Sport and Culture concerning
 - secular or religious instruction
 - conduct, curriculum or discipline
- **Contract and commercial.** Contractual or other commercial transactions of a Listed Authority, whether in the Isle of Man or elsewhere, but notwithstanding this, the following may be investigated:
 - The compulsory acquisition of land or where the circumstances are such that the land could be acquired compulsorily
 - Disposal as surplus of land acquired compulsorily or in circumstances where the land could have been so acquired
 - Whether any government procedure laid down in an enactment or the governing instruments of the Listed Authority were observed (that is, did the Listed Authority act within the limits of its powers?)

- **Other right of appeal or review.** Action in respect of which a complainant has a statutory right of appeal or reference to, or review by, an adjudicator, tribunal or other body; or by way of proceedings in any court.⁵

3. The investigation and reporting process

Unlike Courts or Tribunals, which receive and consider evidence provided by various opposing parties (this is known as an *adversarial* process), the TCA investigates complaints and has the power to call for evidence directly (an *inquisitorial* process).

No system of precedent

Unlike decisions of the Courts and Tribunals, a report issued by the TCA does not form a precedent. This means that every complaint is considered afresh, not limited by anything which the TCA may have decided about earlier complaints.

Submissions and Responses

The Submissions and Responses form the core of a Report. They comprise all the materials provided to the TCA during the course of their investigation. It is the policy of the TCA neither to exclude nor to edit any comments and materials which have been provided. The TCA hopes thereby to eliminate to the greatest extent possible any unconscious bias or prejudice which might otherwise be inferred from a partially reproduced or summarised account.

Correspondence and documentation between third parties to which the Listed Authority was not a party and of which the Listed Authority has not been made aware is, save in exceptional circumstances, excluded as the TCA does not have authority to investigate matters “at large”.

When the TCA is satisfied that a sufficient body of evidence has been provided, they circulate draft Submissions and Responses for review and comment by the complainant, the Listed

⁵ Section 11(3) of the Act provides that even if a complainant has another right of appeal or review, if the TCA is satisfied that it is neither reasonable nor expedient to expect the complainant to exercise that right, the TCA may conduct an investigation. In deciding whether or not to investigate, the TCA must have regard to:

- The inability of the complainant to bear the costs likely to be incurred;
- The likelihood that those costs will be disproportionate;
- The inability to obtain sufficient evidence to justify bringing proceedings; or
- Any other reason which appears sufficient to the TCA.

Authority and any third party referred to.⁶ The TCA remains completely open to any further points which anyone who has been invited to comment may wish to raise and to any requests to cite supporting materials provided but from which the TCA may not have felt it necessary to quote.

The Submissions and Responses are not intended to contain any analysis or commentary from the TCA. In particular, the TCA makes no observations concerning accuracy, completeness or relevance. The TCA's analysis forms part of the reasons and conclusions in the Report.

A Report will be written only after the text of the Submissions and Responses has been finalised to the satisfaction of those commenting. Where there is continuing disagreement, all points of view will be included in full.

The TCA does not circulate *Reports* in draft prior to them being delivered to Tynwald.

Evidence - confidentiality, privacy and secrecy (section 16 of the Act)

- No obligation to maintain secrecy or other restriction on the disclosure of information, whether imposed by any enactment or by any rule of law, applies to the disclosure of information for the purposes of an investigation by the TCA;
- A Listed Authority is not entitled in relation to an investigation by the TCA to claim legal privilege - that is, the privilege which is allowed in legal proceedings which protects a person from having to disclose any legal advice which has been received or to provide documents; and
- In all other cases, no person is compelled for the purposes of an investigation by the TCA to waive legal privilege.⁷

In accordance with section 19(3) of the Act, in a Report the details of the complainant, of individuals who are within a Listed Authority and of third parties are anonymised, unless they have authorised disclosure or unless the TCA regards disclosure as being necessary.⁸

⁶⁶ As provided in **section 15(2)** of the Act: *If an investigation is pursuant to a complaint, the Commissioner must give — (a) the listed authority in question; and (b) any other person who is alleged in the complaint to have taken the action which is its subject; an opportunity to comment on any allegations contained in the complaint.*

⁷ The exceptions to this general principle are explained in Part 5 of the TCA website.

⁸ **Section 19(3)** of the Act: *Apart from identifying the listed authority in question, the report must not — (a) name any person; or (b) contain any particulars which, in the Commissioner's opinion, are likely to identify any person and can be omitted without impairing the effectiveness of the report, unless the person to whom that information relates has consented to the disclosure or Commissioner determines that the disclosure is necessary.*

Special reports

If a report of an investigation contains a finding that the complainant has sustained injustice or hardship, and if it appears to the TCA that the injustice or hardship has not been, or will not be, remedied, the TCA may make a special report on the case.

Annual reports

The TCA must lay before the ordinary sitting of Tynwald in July every year an annual report on the general exercise of their functions.

On 19 May 2021 Tynwald gave directions concerning the form and content of the 2022 annual report, and this now applies to all future reports, which (in addition to any other matters which the TCA wishes to raise) must include:

- a. any general recommendations which the TCA may have arising from the exercise of their functions for the year in question.*
- b. a review of the following matters: i) governance; ii) scope of duties; iii) adequacy of financing; iv) operations; v) system for reporting; vi) cooperation from bodies which are investigated; and vii) follow-up by Listed Authorities of investigations and reports of the TCA.*

The Seventh Annual Report (April 2024), being the first Annual Report of the current TCA, is at:

<https://www.tynwald.org.im/spfile?file=/about/TCA/Documents/PP-2024-0060.pdf>

The Eighth Annual Report (April 2025) is at:

<https://www.tynwald.org.im/spfile?file=/about/TCA/Documents/PP-2025-0056.pdf>

Corporate Governance and Code of Conduct in the Isle of Man Local Government Sector – an overview

10 September 2025



Introduction – Ensuring Integrity and Accountability

- **Overview:** Importance of code of conduct and corporate governance
- **Objective:** To understand the principles and practices in the Isle of Man

Welcome to my presentation. I have been asked to talk to you today about Corporate Governance and agreeing and adhering to a Code of Conduct.

In this presentation, I will discuss the importance of having a code of conduct and strong corporate governance in the Isle of Man's local government sector. Our objective is to understand the key principles and how they should be implemented to ensure ethical behaviour and standards are maintained.

- **Isle of Man Local Government Structure**

- **Description:** Overview of the local government structure
- **Key Entities:** Commissioners, Committees, and Joint Boards



The Isle of Man Local Government Structure is a complex mix, there are 21 Local Authorities, from a larger City Council to smaller rural parishes. There are also Joint Boards and Committees that are made up of Members from various local authorities. Each of these bodies are expected to be mindful of the expectation to have strong corporate governance.

Corporate Governance

- **Definition:** What is corporate governance?
- **Purpose:** Ensuring effective management and control


So, what is Corporate Governance. Corporate Governance refers to the system by which organisations directs and controls its functions. LAs should seek to meet the highest standards and your governance arrangements need to be clear and effective.

Code of Conduct

- **Definition:** What is a code of conduct?
- **Purpose:** Ensuring ethical behaviour and decision-making

<https://www.gov.im/media/324555/corporate-governance-principles-and-code-of-conduct-guidance-pdf.pdf>

A code of conduct is a set of guidelines that outlines the ethical standards and expectations for behaviour within an organisation. Its purpose is to ensure that all members act with integrity, transparency, and accountability in their roles. The Department have issued guidance entitled Corporate Governance principles and Code of Conduct Guidance. This document provides a lot of food for thought for LAs and Boards and Committees to consider. It provides a basis for a draft code which I understand some Local Authorities have used to create a code of conduct for their own authority. To have a code of conduct is current recommended best practice.

- **Implementation of the Code of Conduct**
 - **Training:** Regular training sessions for employees
 - **Monitoring:** Mechanisms for monitoring compliance
 - **Reporting:** Procedures for reporting breaches
- 

To inbed the code of conduct into your organisation it is recommended that there are regular training sessions held for Members and Officers reminding them of the contents of the code.

There should also be mechanisms put in place for monitoring compliance and procedures in place for reporting of breaches.

• **Future Code of Conduct model**

Local Government (Amendment) Bill 2023 contains Clauses which provides for the following:

- A) duty to promote and maintain high standards of conduct
- B) Code of Conduct consistent - Nolan Principles for all LAs/Joint Bds
- C) Register of Members Interests must be established
- D) Makes and defines "disclosable relevant members' interests"
- E) Provides for disclosure of Members' interests not on a register
- F) Provides for interests of a sensitive nature which may expose a member to intimidation/ violence
- G) Provides that a LA may issue a dispensation from the restrictions placed on a Member with a disclosable relevant interest.
- H) Provides for breaches of the new sections which constitute a criminal offence, being subject to fines and potential disqualification.

As of this date there is a piece of legislation that is slowly making its way through the Branches of Tynwald entitled the Local Government (Amendment) Bill 2023. A key tenant of this is introducing legislation seeking to enshrine openness and transparency into the local government sector. A key part of that is amending legislation to bring in a compulsory code of conduct. This legislation will mean that LAs must promote and maintain high standards of conduct and maintain a code of conduct consistent with the Nolan Principles. The rest of the Clauses make and define members "disclosable relevant interests" as well as setting out rules around members interests. Set out in the slides are the full list of Clauses in the Bill. Other clauses provide for dealing with interests of a sensitive nature and includes provisions for breaches of the new sections which may constitute a criminal offence and mean Members may be subject to fines and potential disqualification.

• **Principles of Corporate Governance**

The 3 fundamental principles are:

- **Openness**
- **Integrity**
- **Accountability**

The three fundamental principles of corporate governance are:

Openness An open approach is required to ensure all interested parties are confident in the local authority. Openness in the disclosure of information leads to effective and timely action and lends itself to necessary scrutiny.

Integrity This is described as both straightforward dealing and completeness. It should be reflected in the honesty of the local authority's annual accounts. Minutes of Meetings being made open and available to the public provide the portrayal of a balanced view. The integrity of the business conducted is a reflection of the professional standards within the local authority.

Accountability This is the process whereby individuals (or Boards) are responsible for their actions. It is achieved by all parties having a clear understanding of those responsibilities, and having clearly defined roles through a robust structure.

These principles are relevant to both public service bodies and private sector entities. They apply equally to all public service bodies, irrespective of whether they are elected or appointed.

- **7 Principles of Public Life -The Nolan Principles**



www.alamy.com - G4B4MG

The Seven Principles of Public Life outline the ethical standards those working in the public sector are expected to adhere to. They were first set out by Lord Nolan in 1995 in [the first report of the Committee on Standards in Public Life](#) and they are the bedrock in a range of codes of conduct across public life including Tynwald.

1. Selflessness

- Holders of public office should act solely in terms of the public interest.

2. Integrity

- Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

These are set out over the next few slides. No 1 – holders of public office are expected to act solely in terms of the public interest. No. 2 – holders of public office must act with integrity and avoid placing themselves under obligation to people/ organisations that may seek to unduly influence their decisions. It is for these reasons that any interests should be declared.

3. Objectivity

- Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

- Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

- Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

No. 3 Holders of public office must act with objectivity , be impartial and act fairly.

No.4 Holders of public office are and should always bear in mind that they are accountable to the public for their decisions and actions. They should expect to be open to scrutiny throughout their time in their roles.

Nolan Principle No 5 - Holders of public office should make sure they act and make decisions in an open and transparent manner. This is why minutes of meetings are important. Information should be open to the public unless there are clear and lawful reasons for not doing so.

6. Honesty

- Holders of public office should be truthful.

7. Leadership

- Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Source – Gov.uk

Principle No 6 – There should be honesty and truth at all times.

Finally, the final principle is that holders of public office should exhibit all the other principles in their behaviour and treat others (colleagues, officers, attendees at meeting etc) with respect. They should be looking to promote and support the principles and challenge poor behaviours wherever it occurs.

- **Who should it apply to ?**
- **Commissioners/Councillors:** Duties and responsibilities
- **Officers:** Clerks and other staff
- **Local Authorities and Joint Boards and Committees**

Councillors/Commissioners have specific duties and responsibilities in local governance. All officers of the local authority should also be aware and abide by any code of conduct based on the corporate governance principles set out. This code should apply across the local government spectrum.

- **Ethical Standards**
- **Importance:** Why ethical standards matter
- **Guidelines:** Key ethical guidelines for local government

SO , Why do ethical standards matter? Ethical Standards are vital in maintaining trust and integrity in local government.

These guidelines ensure that all actions and decisions are made with the highest ethical considerations in mind.

- **Declaration of Interest**
- **Definition:** Pecuniary Interests
- **Management:** Strategies for managing interests and conflicts of interest

Members of local authorities are currently required to declare any "pecuniary" (financial) interest they may have in any contract, proposed contract or other matter before the authority. Also, a member with an interest in a matter for discussion by the authority must not take part in the discussion or vote on it. (This also applies to matters before a committee or sub-committee of the authority and a joint committee on which the authority is represented.)

Advice on whether or not a member has a pecuniary interest can be sought from the clerk to the authority or from the authority's legal advisers.

However, as a general rule, **IF IN DOUBT, DECLARE.**

- **Public Participation**
- **Engagement:** Importance of public participation
- **Methods:** Ways to engage the public in governance

When an authority adopts a code of conduct (remembering this will become mandatory when the Local Government (Amendment) Bill becomes enacted. It will be important that the general public are made aware of the contents. It should appear on websites and maybe even introduced through a local publicity campaign.

- **Best Practices**
- **Guidance:** “Corporate Governance Principles and Code of Conduct”
<https://www.gov.im/about-the-government/departments/infrastructure/local-government-team-and-legislation/guidance-and-legislation>
- **Implementation:** How to implement these practices effectively

The Department have issued guidance. This guidance document entitled Corporate Governance Principles and Code of Conduct is available on the Department’s website pages. The intention will be for this guidance document to be updated once the legislation is amended.

The implementation of these practices should be already embedded in your organisation, but every LA/ Board and Committee should be actively focusing on corporate governance and considering what a code of conduct should look like. These practices will both give reassurance to the public whom you are serving but also protect the authority and its members and officers from complaints and legal challenges.

- **Summary:** Recap of key points
- **Importance:** Reinforcing the importance of ethical governance

So in Summary Good Corporate Governance is vital for all organisations, it should be a key part of the work of any Commissioners or Joint Board or Committee. Every Local Authority should be seeking to both create and implement a Code of Conduct and look to embed it into their organisation. All authorities should be following the Nolan Principles every day. This ethical governance would protect the Member and Officers working in the local government sector and help serve the public better.

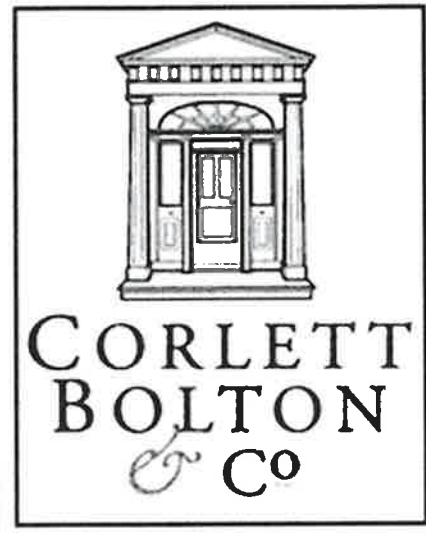
- **Q&A**
- **Questions:** Open the floor for questions and discussions

Do you have any questions?

Some Suggestions For Best Practice To Avoid Pitfalls

SALLY BOLTON

CORLETT BOLTON & CO



1

- As a lawyer, I am often asked to advise local authorities when issues arise which are caused by division or conflict between the various volunteer members, many of which come from different ideologies and have come into local authority service for differing reasons.
- For this reason and many others including the need to evidence competence and transparency it is important that the structure of a local authority is sufficiently robust to withstand differences of opinion and on occasions members acting on their own but purporting to represent the authority.

2

- It is important therefore to ensure that from the outset, the authority (usually through its clerk) has put in place a legal framework to ensure the requisite authority has been given to members and that members recognise that to avoid inquiries and investigation into their actions or inactions they must only act within that framework. The Local Government Handbook provides Guidance in some detail about how members must act in the execution of their roles and duties on behalf of the Local Authority
- I will set out framework which I would recommend a local authority has in place to ensure these pitfalls are avoided.

3

- **A COMMITTEE STRUCTURE** means that actions or decisions maybe delegated to perhaps 2 members to give them only the power to make a recommendation which can then be brought to the whole board with their recommendation on how to vote. If the Committee has been properly appointed they have due authority to act on behalf of the authority as a whole, subject to the requirements of the Standing Orders.

4

- (a) employment of staff including contacts of employees pay reviews etc. which can then be brought to the whole board with their recommendation on how to vote; this committee would be important in setting out the role and authority of the Clerk. In some cases this may include taking legal advice. On occasions it has been a problem if a local authority board is divided when a Clerk has been in a very difficult position regarding who has the power to instruct lawyers.

5

- When we are asked to advise or act for local authorities we always ask for a Resolution to ensure there is authority to act in giving the advice or to justify the taking of advice if it is questioned by ratepayers;
- Resolutions are important both as protection to a member who may be undertaking something on behalf of the Local Authority and to properly and transparently record the extent of that authority

6

- **A CONTRACTS COMMITTEE** to award and review contracts with external contractors. This is especially important as the local authority is utilising public money and is especially important to demonstrate transparency;
- Further any interests involving the award of any contracts **MUST** be declared and the person having the interest should not be involved in the decision making process

7

- These should be approved by the whole Board on a regular basis.
- **NOTE** any contracts involving the sale or purchase of land must be approved at Board level (see para 20 Of the Handbook)

8

- (d) **AN AUDIT COMMITTEE** could be used to review the actions of a committee and produce an annual report for public consumption.

9

- If you have a framework in place please also ensure the actions taken by one or more members is also backed up by a Resolution according to your Standing Orders.

10

- **BEST PRACTICE**

Most cases I have been asked to advise on it has arisen due to a failure to properly authorise something which is then called into question by a member of public, politician or the Ombudsman.

This is known as Maladministration and is referred to in more depth in the paper of the Ombudsman earlier.

11

- A Resolution must be in writing and made according to the Standing Orders or Regulations.

- It is the Duty of the Clerk to bring any action taken by a member without authority to the attention of the rest of the Board at the earliest opportunity. After consideration it may be ratified or rejected. This is often when problems arise.

- Maladministration.

12

- In most circumstances it may be advisable to set out in advance what should then happen and who might be appointed to take over. This could include circumstances when the Clerk overreaches their authority.
- The stronger your procedures the less likely (hopefully) you are to be called into question.

13

- Don't forget to check your insurance – you should be covered for legal expenses and this can often be used to take advice or instruct lawyers to avoid a cost to ratepayers.
- Although please be aware that evidence given to the inquiry by the Ombudsman is not as of right admissible in Court proceedings.

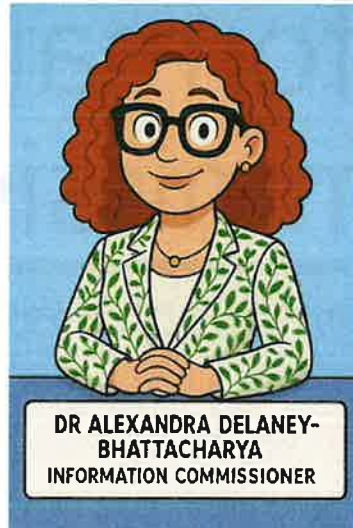
14



information
commissioner

Barrantagh Fysseree

Avoiding Bear Traps in Data Protection



- Good morning, everyone, and thank you for being here.
- First, a warm thank you to Paul for reaching out and making today's session possible.
- It's a pleasure to be with you – especially as it's the first time I'm meeting many of you.
- For those who don't know me, I'm Alex, the new Information Commissioner.
- I've been asked to talk to you today about bear traps in data protection, which sounds very sad and not PETA-friendly.
- Over the next half hour, I'm going to talk about why data is important to this Island and its people and simple ways to make sure that your organisation stays within the law. And how you can also reap the benefits of good data.

- **We'll then open it up for questions and discussion, and I'm very much looking forward to hearing your thoughts.**

Why data matters

- Adequacy status = smooth UK/EU data sharing
- Lose it → lose trust → lose capability



- Organisations here on the Isle of Man benefit from something many other jurisdictions do not: the ability to transfer data freely between the UK and Europe without extra red tape.
- We have this privilege because the Island has been granted what is known as 'adequacy status'. This is international recognition that our laws and our practices uphold high standards of data protection.
- Adequacy is, in effect, our data passport. It allows our financial services, our e-gaming and technology sectors, and many others to move information seamlessly across borders, every single day. Without it, the costs, delays, and barriers would be immediate and significant.
- This is not an abstract issue. Data flows underpin huge parts of our economy. In financial services, where speed and security are everything, adequacy keeps us competitive. In gaming and tech, where customers are global, adequacy keeps the Isle of Man attractive as a base. And for small businesses too, adequacy removes the kind of bureaucracy that can choke growth.
- But adequacy is not something we receive once and then keep forever. It is

subject to ongoing review and international scrutiny. That means we must demonstrate — consistently — that we meet the highest standards, in law and in practice.

- **This is why the role of the public sector is so critical. We hold the most sensitive data of all: people's health records, their financial details, their family circumstances. If we are not seen to uphold standards, the consequences reach far beyond a single breach — they could undermine trust in the Island itself.**

Trust in our services

- Citizens hand us sensitive information
- One mistake damages everyone's reputation
- "The most expensive email ever sent"



- It can be easy to think of data as cold and boring. But the information we hold isn't just facts — it's people's stories. Their health records, their financial details, their family situations. When people give that to the public sector, they are giving us their trust.
- That's why taking data protection seriously isn't just about meeting international standards. It's about showing citizens, clients, and partners that their stories matter — and that we care about protecting them as much as we care about delivering services.
- But here's the challenge: people see government as one group. So when a single authority has a high-profile breach, it doesn't just damage that organisation — it damages trust in the whole public sector, and the Island's reputation too.
- And when mistakes happen, the consequences are real. You'll remember the MoD breach that exposed details of Afghan interpreters — a simple email error, but one officials called "the most expensive email ever sent," with fallout estimated at £850 million. That's not counting the human cost.
- And it's not just major international incidents. Last year we investigated a case much closer to home, where an organisation failed to update a record. A home address was wrongly shared with someone the individual was estranged from. On the surface, it seemed minor — but it forced them to move house, at great financial and emotional cost, and with potentially serious safety implications.
- That's the point: behind every record is a real person. Even small errors can have profound effects.

- **So when we talk about trust in government, data protection is right at the heart of it. Protecting data means protecting people — and protecting the reputation of public services that depend on their confidence.**



- I was born in 1985 — the same year Microsoft released Windows 1.0. I've grown up watching technology move from a luxury to the foundation of our economy and our public services. And one thing I've learned is this: every leap forward only truly succeeds when it's built on a foundation of trust.
- Technology today is moving faster than ever. AI, cloud systems, and online platforms — these are brilliant opportunities. Personal data is being processed at scale and in new ways, and people quite rightly expect the public sector to keep up with the smooth, fast services they see elsewhere.
- But these advancements also bring greater risks. And when something goes wrong, it can be serious — and in the headlines within hours.
- I know this first-hand. I started working in data protection in 2018, just as the Cambridge Analytica scandal broke. Facebook lost \$37 billion in value in a matter of days, but the real collapse was one of trust. Cambridge Analytica didn't disappear because of fines — it disappeared because no one would work with them anymore.
- That taught me something vital: trust is the true currency of the digital age.
- I'm not here to scare you, because the fundamentals of data protection don't change with the technology. Get the basics right, and we can innovate with confidence.
- Think about cars. They didn't truly transform society until we introduced seatbelts and safety standards. Innovation wasn't held back by safety — it was enabled by it.
- Data protection is the seatbelt of the digital era: it keeps people safe, and it gives them the confidence to get in and use the service.
- And for high-performance environments, Formula 1 makes the same point. Drivers only go 200mph because they have world-class brakes. Without brakes, they would crawl around corners at 20mph out of fear. Data protection works the same way — it gives organisations the confidence to move quickly and safely because they know they have control.
- And just like the best racing teams invest in both speed and safety, the most trusted tech companies invest in both innovation and privacy. They know user trust enables the very data flows that fuel growth.

- **So my message is simple: just as safety regulations enabled faster, safer driving, data protection laws create the frameworks for more sophisticated, trustworthy data use. This isn't about slowing down innovation. It's about making sure we can go further, faster — because people trust us to protect them along the way.**

Staying clear of the traps

- Only keep what you need
- Build privacy in from the start
- Check third parties
- Develop culture over compliance



- The bear traps are usually simple, avoidable errors. Collecting more data than you need. Not controlling access to only the people that need it. Forgetting about supplier and contractor risk. And worst of all - seeing compliance as paperwork and not something we must embed into the culture of an organisation.
- Staying clear of the traps is just simple discipline: Only keeping what you need. Think about privacy when designing services so its already built in. Making sure suppliers and contractors are following the same standards that you are. And above all - fostering a culture where everyone understands their role in keeping data safe.
- As a public sector we also have the additional work of having to be compliant with FOI legislation. Having good data hygiene also makes it easier to deal with FOIs and SARs. If you only keep the data you need and have an open, transparent and regular publishing schedule the need for people to use FOI reduces. And when they do ask for something its quicker and easier to find.
- What does this mean for you as leaders? Your role in developing

culture is critical. Make sure you ask the right questions: Do we need this data? Who has access? Are we protecting this information? And if you value it - your teams will too.

The value

- Protects data flows with UK & EU
- Maintains public trust
- Enables confident use of tech
- Avoids cost & reputational harm



- To sum up. Protecting data keeps our international data flows open, reassures the public, lets us embrace new technology with confidence and keeps you safe from fines, costs and bad headlines.
- Avoiding the bear traps gives the ability to deliver modern, efficient and trusted services. It lets the sector protect people, protect trust and protect the ability to innovate responsibly.
- Thinking about my role here: My job as regulator isn't to slow down innovation – it's to ensure that innovation happens in ways that build rather than erode public trust. Because without trust, even the most brilliant technology becomes worthless.
- Many of you will be familiar with the ICO and so I'm not going to spend ages explaining what we do.
- We have proactive and reactive responsibilities. In recent years, we have been doing more in the reactive space. I'm keen to change that.
- Proactive: Promote public understanding of risks, rules, rights

(especially children); advise Tynwald, parliament, government, public authorities; promote awareness in industry.

- **Reactive: Monitor and enforce regulation, support data subjects, handle complaints, conduct investigations, auditing**



- In July, we laid my first annual report — and the first from this office in six years — before Tynwald.
- Who here has read it? If not, please do — it shows just how busy we’ve been running the day-to-day operations of a data regulator. Handling complaints and enforcing the law will always be at our core.
- But when I became Commissioner, I wanted us to do more than just process cases. We have a crucial role to play in our outreach.
- As a small regulator, we have an advantage. We can be agile. We can be deeply connected to our community. And through our international network of data protection authorities, we can punch above our weight — learning from peers, sharing insights on new technologies, and bringing that knowledge back here to the Island.
- My ambition is simple: to make us the best small regulator in the world.
- People choose this beautiful Island because it is a safe place to live and work. That same safety should apply to data. We should aim to be the safest place to do business in the British Isles, with the most trusted public services.
- That is what my office is here to do: not just to enforce the rules, but to

**strengthen trust. Because protecting data means protecting people,
protecting organisations, and protecting the reputation of the Island itself.**

- **If we get trust right, everything else follows.**



REPORT

Report to:	Board of Onchan District Commissioners
Reporting Officer:	Chief Executive/Clerk
Date of the Meeting:	22 nd September 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) during 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.

Previously Considered by the Board:

Not applicable.

Recommendation/s or Action/s Taken:

Option 1

That the Board resolves to approve and implement the Regulations, Orders, and Byelaws Enforcement Policy.

Option 2

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.

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 its 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. <p><u>Secondary Legislation</u></p> <ul style="list-style-type: none"> • 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 – Onchan District Commissioners;
- Environmental Health Unit – DEFA.

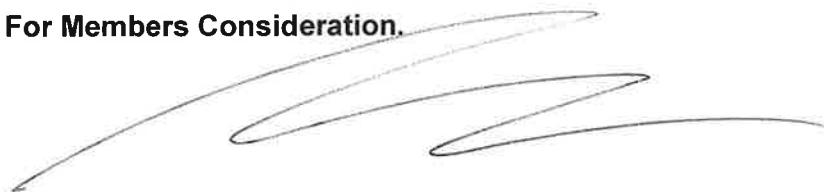
General Data Protection Regulations and/or Confidentiality Impact:

Not applicable.

Appendices:

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

For Members Consideration.



ROSS PHILLIPS

CHIEF EXECUTIVE/CLERK



**ONCHAN
DISTRICT
COMMISSIONERS**

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

Policy Date: October 2025
Review Date: October 2028

Contents:

1.	Introduction.....	Page 3
2.	Objectives.....	Page 3
3.	Enforcement Principles.....	Page 4
4.	Enforcement Options	Pages 4 & 5
5.	Prosecution.....	Page 5
6.	Complaints about Service.....	Pages 5 & 6

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

ACKNOWLEDGEMENT

Onchan District Commissioners 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 unfavourable 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.
- 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.

Consistency

- Similar circumstances should lead to similar outcomes.
- Application of rules fairly, regardless of the circumstances.

Transparency

- Enforcement policies, procedures, and decisions should be clear and accessible.
- Adherence with the Authority's responsibilities in relation to the General Data Protection Regulations.

Targeting

- Resources to be prioritised towards matters with the greatest outcome in relation to risk or harm.
- Prioritisation ensures efficient and effective enforcement.

Accountability

- Answerable for decisions and actions taken.
- Provision of a mechanism for review, complaints, and public scrutiny when appropriate.

Helpfulness

- Enforcement should support compliance, not just punish non-compliance.

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, enforcement notices, conditional cautions and criminal prosecutions before the courts.
- 3.3 The effective use of enforcement powers contained in Regulations, Orders, and Bye-Laws is important to secure compliance with the rules and, where necessary, to ensure that those who have not complied may be held to account.
- 3.4 The Authority needs to take into account 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.
- 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.
- In normal circumstances, this may also involve issuing an advisory letter reminding the regulated person of the need to obey the law and may be sent without prejudice to other remedies.

Warning Letters

- Where more serious offences have occurred (or where previous advice has been ignored), 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.

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 or to stop a particular 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.

5. PROSECUTION

5.1 A prosecution may be commenced where the suspect does not accept their guilt for any offence 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 considered the reasoning to commence a prosecution, and a formal Board resolution is recorded to support the progression of the matter to court.

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.

6. COMPLAINTS ABOUT SERVICE:

6.1 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 well publicised, accessible, effective and timely complaints procedure.

6.2 The Authority's Complaints Procedure can be viewed at <https://www.onchan.org.im/your-commissioners/how-to-complain-to-the-commissioners>

DRAFT



MEMORANDUM

Memorandum to:	Board of Onchan District Commissioners
Reporting Officer:	Environmental & Technical Manager
Date of the Meeting:	Monday 22 nd September 2025
Subject:	Port Jack Recycling Bring Bank Site
Public or Private Document:	Public

Introduction:

There has been an increase in reports received from staff and others in relation to the recycling station based at Port Jack. Officers from the Authority are going to close this recycling site on Thursday 25th September 2025 based on the information in the supporting information.

Previously Considered by the Board:

Not applicable.

Supporting Information:

The Port Jack recycling station was formed in 2013 and in recent times has seen an increase in concerns raised from staff in relation to the location of the site and the parking of the wagon whilst collecting the recycling. There is no safe space to remove the wagon from the road to collect these bins. Officers have visited the site and confirmed the location of the wagon is such that when there is a vehicle parked in the parking spaces opposite the recycling centre there is no way for the flow of traffic to continue, the resting position of the wagon is in a place that oncoming vehicles approaching the wagon are right on the wagon and staff working at the back of the wagon too quickly. There have been previously reported near misses concerning this. The site is also positioned next to double yellow lines which is allowing challenge for complaints in relation to stopping on them.

These same concerns can be placed on members of the public who are crossing the road from the adjacent parking spaces on a blind corner.

The location of the recycling station causes manual handling concerns due to the area not having drop kerbs, the staff are having to bounce 1100L bins full of glass, cans and cardboard off the footpath and on to the roadway, the weight in these bins is sometimes too excessive for staff to move off the pavement safely. Once the bins are empty, they must manually lift the bins back over the kerb edge.



Manx Utilities have complained to the Authority in relation to the storage of the bins and proximity to their substation and the potential risk of fire and damage to their property.

The site has been expanded over the years and doesn't represent the previous design whereby purpose-built bins were installed, failed and not replaced.

Officers will be looking into replacement recycling stations and options for existing sites throughout the district and will bring a report back to the Board for consideration prior to budget setting time.

Photographs have been attached to this report to highlight the concerns raised and layout of the site, attached photographs show that on the approach to the recycling area the refuse wagon stops opposite the blue car a little further down and can't be seen until upon it. This is also the position the wagon comes to rest, preventing through traffic. The site is photographed showing the fact that is no drop kerbs and double yellow lines are present.

Standing Orders:
Not applicable
Resource Impact:
Not applicable
Financial Impact:
Not applicable
Legal and/or Insurance Impact:
The Authority need to mitigate any risks to staff to eliminate any claims for injury from manual handling and causing a Road Traffic Collision.
Equality Impact:
Not applicable.
Climate Change Impact:
Not applicable.
Consultation with Others:
Consultation with the following has occurred and no concerns or comment have been received. District Surveyor Lead Member (Environmental and Technical Services)
General Data Protection Regulations and/or Confidentiality Impact:
Not applicable

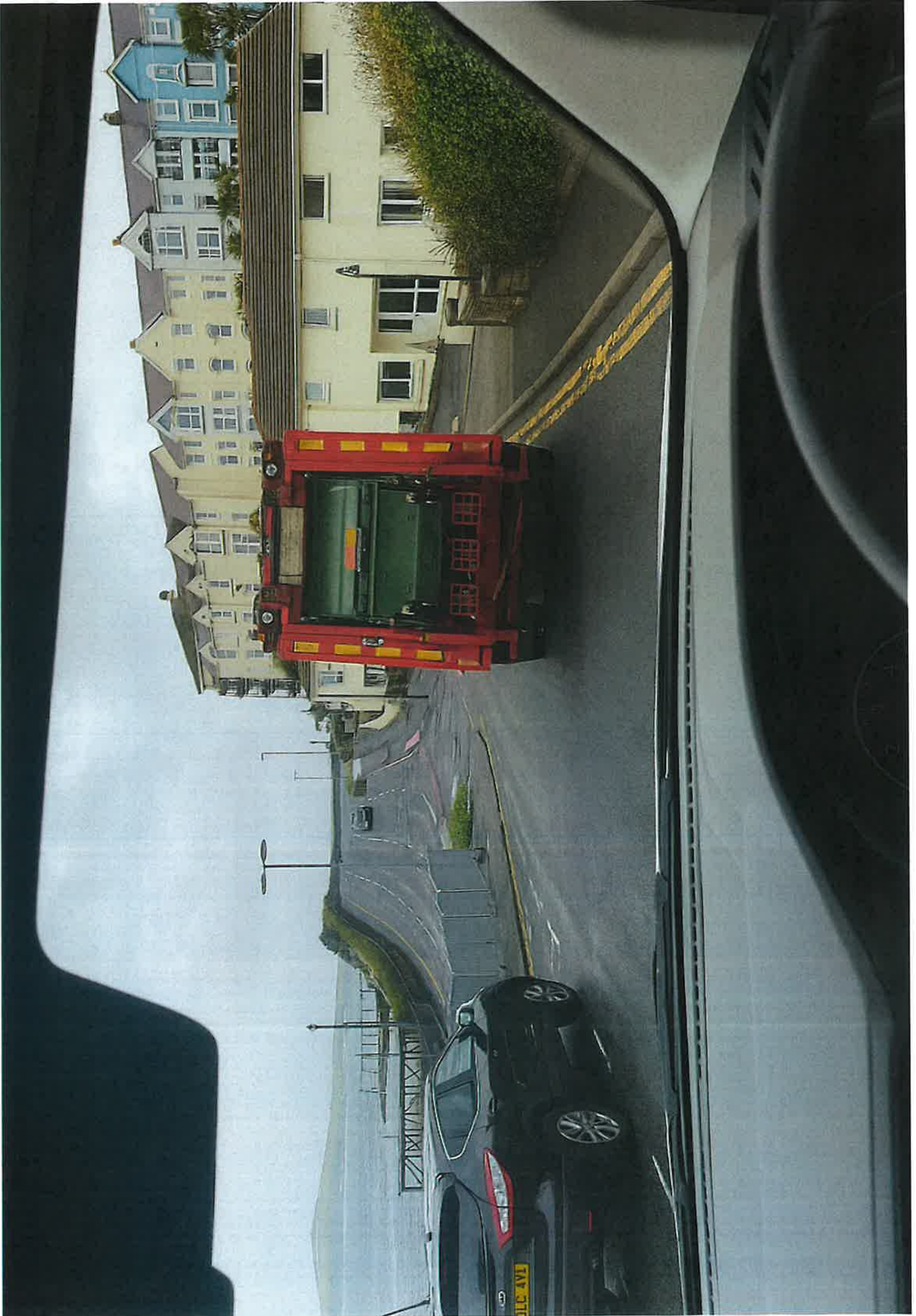
Appendices:
Photographs of the Port Jack Bring Bank Site

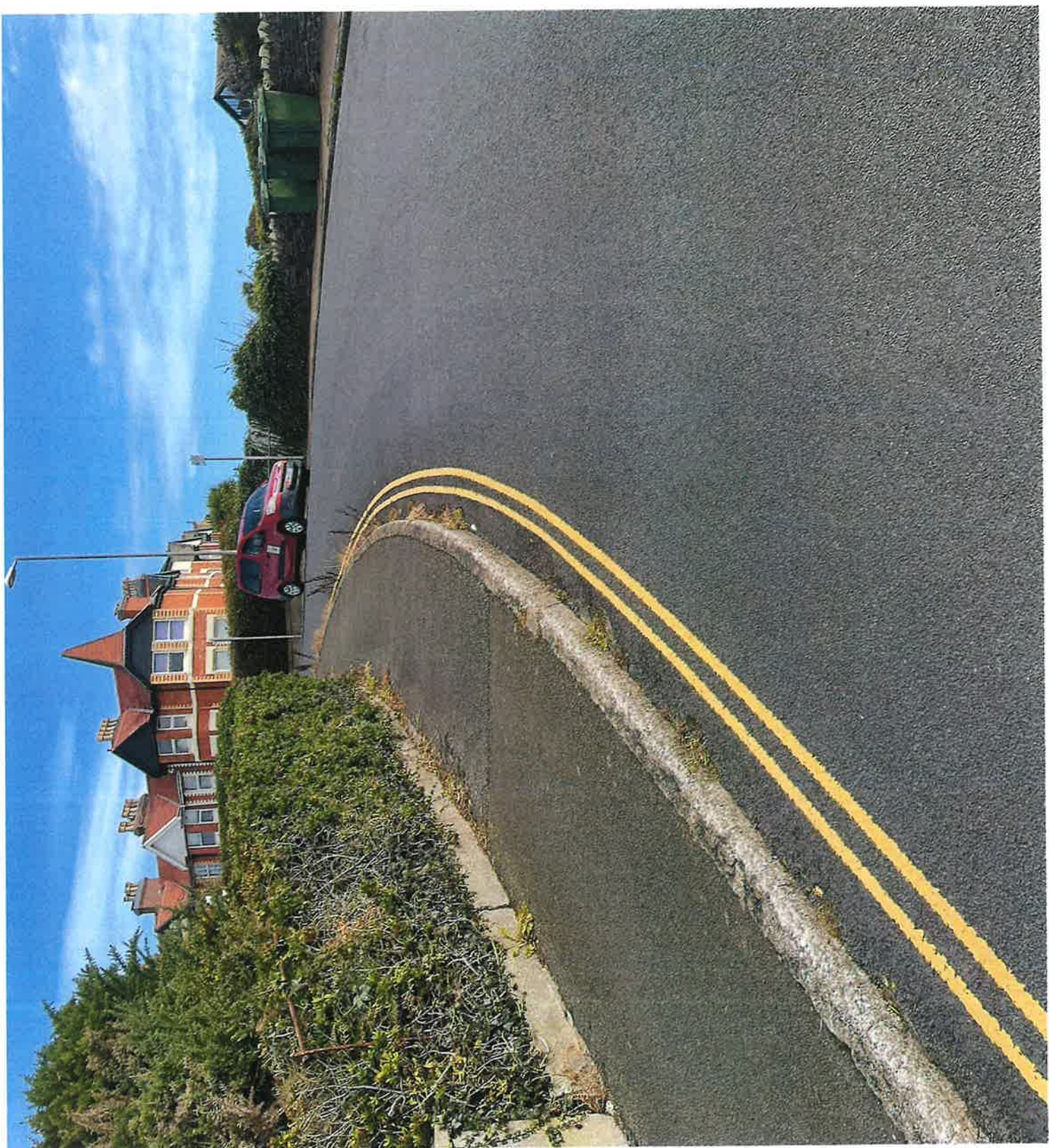
For Members Attention.



Will Costain

ENVIRONMENTAL AND TECHNICAL MANAGER









Alyson Crellin

From: Admin
Subject: FW: Public Consultation: Rating and Valuation (Amendment) Bill: Proposed amendments to the Rating and Valuation Act 1953

From: [REDACTED]
Sent: 05 September 2025 17:13
To: [REDACTED]
Cc: [REDACTED]
Subject: Public Consultation: Rating and Valuation (Amendment) Bill: Proposed amendments to the Rating and Valuation Act 1953

You don't often get email from treasuryconsultations@gov.im. [Learn why this is important](#)

Dear All,

On behalf of the Treasury Minister, please see below links to a Press Release and Public Consultation re. proposed amendments to the Rating and Valuation Act 1953.

- Press Release: <https://www.gov.im/news/2025/sep/05/rates-charges-for-dilapidated-properties-included-in-treasury-consultation/>
- Consultation: <https://consult.gov.im/treasury/rating-and-valuation-amendment-bill/>

Kind regards,

Treasury FGD Policy & Legislation Team
Government Offices
Bucks Road
Douglas
IM1 3PU

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No employee or agent is authorised to conclude any binding agreement on behalf of any of the Departments or Statutory Boards of the Isle of Man Government with any party by e-mail without express written confirmation by a Manager of the relevant Department or Statutory Board.

RAAUE: S'preevaadjagh yn chaghteraght post-l shoh chammah's coadanyn erbee currit marish as ta shoh coadit ec y leigh. Cha nhegin diu coipal ny cur eh da peiagh erbee elley ny ymmyday yn chooid t'ayn er aght erbee dyn kied leayr veih'n choyrtagh. Mannagh nee shiu yn enmyssagh kiarit jeh'n phost-l shoh, doll-shiu magh eh, my sailliu, as cur-shiu fys da'n choyrtagh cha leah as oddys shiu.



Public Consultation Document

Rating and Valuation (Amendment) Bill:
Proposed amendments to the Rating and Valuation Act 1953

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Consultation process

This consultation paper is issued by the Isle of Man Treasury.

The purpose of the consultation is to seek the views of our community on some very discrete amendments to the Rating and Valuation Act 1953 related to the payment of rates.

The consultation is relevant to all residents of the Isle of Man.

The closing date for responses is 17 October 2025.

To ensure that your opinion is considered, please proceed to the online survey on the consultation page on the Engagement Hub: <https://consult.gov.im/treasury/rating-and-valuation-amendment-bill/>.

Alternatively, you may also submit responses by e-mail or post to:

Treasury FGD Policy & Legislation Team
Government Offices
Bucks Road
Douglas
IM1 3PU

Email: Treasuryconsultations@gov.im

About you

Please note that most questions on this consultation are optional, with the exception of question 2 below, 'May we publish your response?'

There are multiple text boxes provided throughout the consultation, but you are not required to complete them unless you want to explain your view.

Please refrain from adding personal information to these boxes. Any personal information added will be redacted.

Confidentiality

You are not required to provide any of your personal information to complete this consultation.

Please consider your choice from the following options:

- **Publish in full** – your organisation name, along with full answers may be published on the hub (your e-mail address will not be published).
- **Publish anonymously** – only your responses may be published on the hub (your organisation name and email address will not be published).
- **Do not publish** – nothing will be published publicly on the hub (your response will only be part of a larger Summary of Responses document).

The collection and processing of your personal information in relation to this consultation are done so on the basis of your consent (Article 6(1)(a) of the Applied GDPR).

Should you wish to withdraw your consent at any time, please contact the Department at Treasuryconsultations@gov.im or in writing to the address detailed above, after which your personal information will be deleted from the dataset within one calendar month.

Further information about the Isle of Man Government Consultation principles and guidance on these can be found here: <https://www.gov.im/consultation>

Reasonable adjustments and alternative formats

The Treasury is committed to equal opportunities and our aim is to make our documents easy to use and accessible to all.

We will take steps to accommodate any reasonable adjustments and provide such assistance as you may reasonably require to enable you to access or reply to this consultation.

If you would like to receive this document as a paper copy, in another format or need assistance with accessing or replying to this consultation, please email Treasuryconsultations@gov.im or telephone (01624) 685980.

Storage of personal data

The Treasury will ensure that data is only retained and used in accordance with GDPR rules.

For more information regarding GDPR, visit <https://www.gov.im/about-the-government/data-protection-gdpr-on-the-isle-of-man/>

All responses submitted will be treated in accordance with the Department's Privacy Notice available from <https://www.gov.im/about-the-government/departments/the-treasury/privacy-notice/>

QUESTION 1

Are you responding on behalf of an organisation?

Yes / No

Organisation

QUESTION 2

REQUIRED

May we publish your response?

Please read our [Privacy Policy](#) on https://consult.gov.im/privacy_policy/ for more details and your rights.

- Yes, you can publish my response in full
- Yes, you may publish my response anonymously
- No, please do not publish my response

Foreword

For many years there has been concern expressed about the ongoing presence of empty and dilapidated properties, both residential and commercial, in our villages, towns and city. These are not only an eyesore and potential risk to neighbours, but deprive communities of regeneration and economic progress.

At a time of housing shortage, especially in the private rental sector, properties left deliberately empty and dilapidated undermine the efforts by Government and local authorities to address the real need for accessible and affordable housing.

There have been several recent Tynwald debates on this subject, Treasury has consulted on a range of incentives, and disincentives that could be used to bring these properties back into use. Grants have recently been introduced through the Local Economy Strategy to help regenerate our high streets and the enhanced Town and Village Regeneration Scheme was launched earlier this year, providing significant financial support including for flats above retail units to be bought back into use.

In March 2024 the Treasury conducted a 6 week targeted internal consultation on addressing issues associated with empty/problem properties; seeking feedback on proposed incentive and disincentive options that may be appropriate to enable the Treasury and local authorities to address the associated issues empty/problem properties pose. Seventeen broad proposals were presented, with the most favoured by respondents including:

1. Rates exemptions removals to discourage vacant properties
2. Treasury grants to local authorities to support enforcement actions to tackle all problem property
3. Multiplier rate for rateable values on empty/problem properties.

When we have spoken to local authorities they are frustrated that owners can apply for their properties to be £0-rated, sometimes indefinitely, and therefore avoid any financial incentive to improve them. Several cases have been brought forward for determination by the Isle of Man Rent and Rating Appeal Commissioners, but some of the wording in the existing legislation - the Rating and Valuation Act 1953, has resulted in perceived ambiguity.

There was also a request for clear advice and support from some of the smaller local authorities to help improve their neighbourhoods. By working together and communicating clearly with property owners, we can improve our communities, regenerate areas around our Island, and provide more housing where people want to live and work.

Work is currently underway to support local enforcement actions which sometimes involve local authorities intervening to restore a property and having a charge attached to return this cost. Treasury is also considering alternative models to introduce additional disincentives for those who deliberately leave properties derelict.

Whilst there have been calls for much wider rates and local authority reform, Treasury are keen to try and sustain the momentum already underway to support local communities, enable local authorities and ensure our Island is more secure, vibrant and sustainable.

In addition, at the same time, other provisions are deemed to need updating and clarifying to create a fairer payment system under the legislation. For this consultation, they include the following three areas:

1. How rebate schemes are funded;
2. How the rateable value of quarries is treated;
3. How rates should be charged on all property owned by charitable organisations

I am pleased to present this consultation, which seeks the views of our community on some very discrete amendments to the Rating and Valuation Act 1953 related to the payment of rates that will help improve a number of anomalies and ambiguities that exist and it is believed can be effectively implemented quickly to benefit all our communities.

Yours truly,

Dr Alex Allinson MHK
Minister for the Treasury

Introduction

[The Rating and Valuation Act 1953](#) sets out a system of property taxation on the Isle of Man commonly referred to as "rates." These rates are levied on properties to fund essential community services, including:

- Local services provided by local authorities
- Burial grounds maintained by churchwardens
- Water and sewerage services managed by the Manx Utilities Authority

Braddan Parish Commissioners, Douglas Borough Council and Onchan District Commissioners are responsible for collecting their own rates. The Isle of Man Treasury collects all other rates on behalf of the relevant authorities.

For further information on property rates and valuations, please visit:

<https://www.gov.im/categories/tax-vat-and-your-money/rates/rates-valuation/>.

Calculation of rates

Gross value

For rating purposes, each property has a gross value which is the annual rent at which the property might reasonably be let, where the landlord was responsible for the payment of the tenant's rates and taxes and the cost of repairs and maintenance.

A gross value can be calculated for each property even if it is owned by the occupier. The current gross value for each property was established in 1969 or if a property was built or improved after this date, is based on the rental value of a similar property built before this date.

Rateable value¹

The rateable value of a property is calculated by reducing the gross value by a percentage set out in the Rating and Valuation Act 1953 as follows:

- Land without buildings – none;
- Domestic and commercial properties – 20%;
- Certain commercial properties – 33%;
- Certain industrial properties – 50%.

The Treasury maintains a list which sets out the rateable value of each property. This figure can be found in the annual rates bill issued each April for payment in June.

¹ See [The Rating and Valuation Act 1953](#) Fourth Schedule (p.40) for *Classes of Hereditaments and Maximum Rate of Deductions*

Background & Context

The purpose of the amendments proposed within this consultation document are to make very discrete revisions to the Rating and Valuation Act 1953 related to the payment of rates concerning four distinct aspects: dangerous or ruinous buildings, rebate schemes, quarries and property owned by charitable organisations.

In Scope

1. Removal of rates exemptions for dangerous or ruinous buildings;
2. Removing the requirement that rebate schemes be funded by the Treasury in all cases;
3. Introducing a discount and potentially a cap on the rateable value of quarries;
4. Clarifying whether or not to charge rates on all property owned by charitable organisations

Out of Scope

- Wider Rates Reform or Local Authority Reform

Potential Impacts

Some basic information related to potential impacts associated with the proposals can be found at the appendices of this document.

The responses to this consultation will help inform a more formal impact assessment, which will be carried out following this consultation in order to take into consideration feedback provided and any potential unforeseen impacts/consequences.

Consultation overview

The purpose of this consultation

The Treasury is consulting on four discrete proposals related to the payment of rates, as follows:

1. A proposal allowing 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;
2. A proposal removing the requirement that rebate schemes be funded by the Treasury in all cases to facilitate greater local flexibility by amending section 63A of the Rating and Valuation Act 1953;
3. A proposal introducing a discount and potentially a cap on the rateable value of quarries by amending Schedule 4 of the Rating and Valuation Act 1953 and inserting a new section 13A in this Act;
4. A proposal clarifying whether or not to charge rates on property owned by charitable organisations by amending section 74 of the Rating and Valuation Act 1953.

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

Policy proposal:

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.

➤ See [Appendix A](#) for additional initial information related to potential impacts

Proposed amendment (s):

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).
Tynwald procedure - approval

➤ See [Appendix C](#): Extracts of original wording within the Rating and Valuation Act 1953 related to the four proposed amendments

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 3:**Does the proposed amendment achieve the policy proposal?****Response: Yes/No****Please provide further information or comments that you may consider relevant****QUESTION 4:****Do you foresee any unintended consequences related to the proposed amendment?****Response:****QUESTION 5:****Do you have any other suggestions or alternative proposals to achieve the policy proposal?****Response:**

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

Policy proposal:

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 (s):

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.

➤ See [Appendix C](#): Extracts of original wording within the Rating and Valuation Act 1953 related to the four proposed amendments

QUESTION 6:**Does the proposed amendment achieve the policy proposal?****Response: Yes/No****Please provide further information or comments that you may consider relevant****QUESTION 7:****Do you foresee any unintended consequences related to the proposed amendment?****Response:****QUESTION 8:****Do you have any other suggestions or alternative proposals to achieve the policy proposal?****Response:**

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

Policy proposal:

The proposal seeks to introduce a discount and potentially a cap on the rateable value of quarries by amending Schedule 4 of the Rating and Valuation Act 1953 and inserting a new section 13A in the Act. The manner in which quarries are charged rates is somewhat anomalous, as their rateable values fluctuate in line with their turnover. For all other properties, there is a consistent basis for the calculation of rates, with the only fluctuation being the rate set by the local authority in which they are situated.

In respect of quarrying and mining, under the Rating and Valuation Act, 1953, companies in these sectors pay non-domestic rates based on the previous year's mineral royalty payment. As such, the annual rates payment for each company in this industry fluctuates in line with their annual turnover, creating high levels of uncertainty for these businesses particularly when planning and forecasting.

The Isle of Man mineral royalty rate is 4% of the ex-mine value of minerals recovered, which is the value of the mineral after it is brought to the surface. This is payable to central Government.

Current System Issues:

- At present, the rates payable for quarries are based on the mineral royalty rates and their annual output; no other business is judged in such a way on performance.
- No discount currently applies to quarries, unlike domestic and commercial properties (20%), certain commercial (33%) and certain industrial properties (50%).
- Rates fluctuate based on the quarries output, unlike rates for other properties, where the only fluctuation is the rate set by the local authority in which they are situated.

Proposed Interim Measures

- Introduce a discount for quarries, aligned with commercial or industrial premises.
- Consider a cap on total rates payable to reduce year-on-year fluctuations and provide certainty for businesses and local authorities.
- The cap would be based on the previous 5-year average, reviewed every 5 years or as needed.

➤ See [Appendix B](#) for additional information related to potential impacts

Long-Term Consideration:

- A broader reform of the rating system is recommended before making fundamental changes to how quarries are assessed.
- The current proposal is intended as an interim solution, not a comprehensive overhaul.

Legislative Mechanism:

- The Fourth Schedule of the Act governs maximum deductions.
- If a cap is introduced, a new section 13A could be inserted to allow the Treasury to set and revise the cap by Order, enabling updates via secondary legislation.

Proposed amendment (s):

- 1) To amend the fourth Schedule of the Act to remove the reference to the 1881 Act and update the maximum deductions**

Proposed substitution:

"Class 5. Mines and quarries 20 per cent/ 33 per cent/ 50 per cent"

- 2) Insert a new section 13A to introduce a discount and potentially a cap on the rateable value of quarries**

Proposed insertion:**"13A Annual rateable value of quarries**

The Treasury must, by regulations, make provision in respect of the rateable annual value of a quarry.

Tynwald procedure – negative"

➤ See [Appendix C](#): Extracts of original wording within the Rating and Valuation Act 1953 related to the four proposed amendments

QUESTION 9:

Does the proposed amendment achieve the policy proposal?

Response: Yes/No

Please provide further information or comments that you may consider relevant

QUESTION 10:

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

Response:

QUESTION 11:

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

Response:

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

Policy proposal:

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 (s):

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

➤ See [Appendix C](#): Extracts of original wording within the Rating and Valuation Act 1953 related to the four proposed amendments

QUESTION 12:

Which above option is preferred and why?

Response:

QUESTION 13:

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

Response:

QUESTION 14:

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

Response:

Appendix A: Initial Impact Assessment: Rates exemptions removals (under Section 75A) to discourage empty/problem properties included on the £0 Rated list

All-Island £0 Rated Properties (domestic and commercial - that would be affected following removal of rates exemptions for section 75A – dangerous and ruinous buildings) and associated potential income calculation for 2025/26 if the current exemption(s) did not exist.

Area	No. of £0 Rated Properties	Total Rateable Value (£) of £0 Rated Properties	Calculation of Potential Income 2025/26 ²
Andreas	6	294	£ 4,233.60
Arbory	6	460	£ 841.80
Ballaugh	0	0	£ -
Braddan	7	805	£ 2,873.85
Bride	1	36	£ 252.00
German	9	678	£ 6,576.60
Jurby	5	490	£ 837.90
Lezayre	9	979	£ 1,116.06
Lonan	5	285	£ 583.99
Malew	9	895	£ 1,781.05
Marown	10	1485	£ 3,549.15
Maughold	7	860	£ 1,762.23
Patrick	13	684	£ 1,012.32
Rushen	10	891	£ 1,630.53
Santon	3	156	£ 291.72
Castletown	10	1083	£ 4,310.34
Douglas	135	24665	£ 148,483.30
Peel	19	1407	£ 3,827.04
Ramsey	67	9773	£ 49,842.30
Laxey	16	1476	£ 3,024.47
Kirk Michael	4	602	£ 969.22
Onchan	23	3204	£ 13,809.24
Port Erin	9	1281	£ 4,931.85
Port St Mary	15	2256	£ 9,452.64
Total	398		£ 265,993.20

² The calculation of potential income column does not include discount on rates paid on or before 30th June, as applicable

Appendix B: Initial Impact Assessment: Quarries

Quarry income does of course fluctuate, but at maximum is considerably less than £500,000 per annum across all Local Authorities at the current time.

The Island's eight quarries are sited in only four local authorities, which does though magnify the impact of any changes.

Bride Commissioners (Point of Ayre quarry) have raised concerns regarding the impact fluctuations have in their ability to set rates. The Commissioners have indicated that they would in principle support an amendment if it were to provide a more consistent known level of income.

Although three quarries (Billown, Stoney Mountain and Pooil Vaaish) are situated in Malew, estimations based on 2021/22 Financial Statements suggest that any impact on their income would be minimal. In fact, in recent years, there has been a significant increase in the number of domestic properties in Malew so the impact on future income will be even less significant.

Receipts from commercial rates in Malew are also increasing, as industrial areas in Ballasalla continue to be developed.

For German, however, (Poortown and Ballaharry quarries), the proposed reduction in rates could have a more significant impact. According to the 2021 census, there were 445 households in German. Although not current, figures suggest a 20% reduction in quarry rates would give rise to a 9.93% reduction in income from general rates.

Potential risks associated with the application of a cap and/or discount include:

1. The operator could stop operation at the quarry for the next 5 years. Then the Gross Value will be at a low rate for the next 5 years. During this time the quarry could come to an end of life and then the operator closes the quarry after taking a large amount of minerals out of the quarry, therefore not having to pay for the extra minerals. As soon as the operator stops work, the Gross Value will be £0. (Risk of cap if applied).
2. The Local Authorities set the rate on Gross Value. As we have seen with Braddan Commissioners in year 2024/25 their rate on the pound increased by 36.6%. This will not give the operator consistent rates over the said term, as the rate is set by the local authority. (Risk of cap if applied).
3. The Local Authorities receive income from the Gross Value of the quarries in their income. Other ratepayers would therefore have to pick up this loss of income. (Risk of cap and discount if applied).

Appendix C: Extracts of original wording within the Rating and Valuation Act 1953 related to the four proposed amendments

1. The proposal allowing 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;

Section 75A Rating of dangerous or ruinous buildings

(1) A building which has been rateable but which has ceased to be capable of occupation must notwithstanding any rule of practice to the contrary continue to be treated as a rateable hereditament for the purposes of any enactment relating to rating where any of the circumstances mentioned in subsection (2) apply.

(2) The circumstances are that —

(a) An order under section 22 of the Building Control Act 1991 has been made in relation to the building or any part of it; or

(b) A notice requiring the carrying out of work under section 24(1)(a) or (b)(i) of the Building Control Act 1991 has been served in relation to the building.

(3) Where following an appeal an order or notice mentioned in subsection (2) is set aside, the court setting the order or notice aside may give directions about liability to rates under this section.

(4) The Treasury may by order amend subsection (2).

(5) An order under subsection (4) may not come into operation unless it is approved by Tynwald.

2. The proposal removing the requirement that rebate schemes be funded by the Treasury in all cases to facilitate greater local flexibility by amending section 63A of the Rating and Valuation Act 1953

Section 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.

(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.

3. The proposal introducing a discount and potentially a cap on the rateable value of quarries by amending Schedule 4 of the Rating and Valuation Act 1953 and inserting a new section 13A in this Act

Schedule 4 current wording:

CLASSES OF HEREDITAMENTS AND MAXIMUM RATE OF DEDUCTIONS

(...)

Class 5. Mines and quarries to be determined under the provisions of the Rating Act, 1881

4. The proposal clarifying whether or not to charge rates on property owned by charitable organisations by amending section 74 of the Rating and Valuation Act 1953

Section 74 Churches or chapels not to be liable to rates

No person shall be rated, or shall be liable to be rated, or to pay any rates, for and in respect of any church, chapel, meeting-house or premises, or such part thereof as shall be exclusively appropriated to public religious worship, or for or in respect of any building solely or principally occupied and used for charitable purposes: Provided always, that no person shall be hereby exempted from any such rates for and in respect of any parts of such church, chapel, meeting-house, or other premises which are not so exclusively appropriated, and from which parts not so exclusively appropriated, such person shall receive any rent, or shall derive profit or advantage: Provided always, that no person shall be liable to any such rates because the church, chapel, meeting-house or other premises, or any vestry rooms belonging thereto, or any part thereof, may be used for a Sunday School or for the charitable education of the poor.



MAROWN PARISH COMMISSIONERS

R.P.

Date: 11.09.2025

Clerk to the Commissioners
Mrs J B Devereau
Telephone: 07624 463024

Email: marown.comm@manx.net

c/o Staarvey Farm
Staarvey Road
Peel
Isle of Man
IM5 2AJ

Mr Ross Phillips
Clerk to the Commissioners
Onchan District Commissioners
Hawthorn Villa
79 Main Road
Onchan
IM3 1RD

ONCHAN DISTRICT COMMISSIONERS RECEIVED	
11 SEP 2025	
FAO	
ACKNOWLEDGED	
REPLIED	

09 September 2025

Dear Mr Phillips

Marown Civic Service – Sunday 29 September 2024

Mrs Eliza Cox, the Chairman of Marown Parish Commissioners, extends a warm invitation to you, your Chairman and Commissioners to attend her Civic Service in the Crosby Methodist Church, Old Church Road, Crosby on Sunday 28 September 2025 at 1100 am. Chains of Office may be worn.

Light refreshments will be available after the service.

It would be helpful if you could indicate whether you will be able to attend.

Yours sincerely

Jenny Devereau
Clerk to the Commissioners



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]*



REPORT

Report to:	Board of Onchan District Commissioners
Reporting Officer:	District Surveyor
Date of the Meeting:	22 nd September 2025
Subject:	Street Lighting Project – Phase 1 Scheme 09 Manor Park
Public or Private Document:	Public

Introduction:

As part of the phase 1 street lighting replacement project, scheme 09 Manor Park was included to replace the 14 existing ornamental columns with new 6 metre tubular swaged steel columns in the same positions.

This scheme was included in the £250,000 petition that the Authority had approved for the replacement of street lighting during the financial year 2025/26. The budget allowed for scheme 09 was £20,000.

Residents received a letter dated 14th July 2025 informing them of the proposed scheme and a start date of 28th July 2025 including the approved contractor's details and details of the replacements. The Authority has received a number of comments from residents raising concerns with the proposed installation of street lighting.

Residents have since been informed that the scheme is postponed until further information can be obtained.

Previously Considered by the Board:

The Board agreed to submit a petition under Section 51 of the Local Government Act 1985 to apply for borrowing over a 20 year period to fund the scheme with the initial loan repayments to be budgeted for within the 2025/26 financial year budget.

Scheme 09 - Manor Park

The existing ornamental cast iron columns regularly fail in strong winds due to the method of securing. These columns are no longer fit for purpose and require full replacement. It is proposed that the columns be replaced as per the positions and lamp specifications within the proposed lighting design.

- Minute reference C24/11/02/13.

**Recommendation/s or Action/s Taken:**Option 1

That the Board resolves to continue with the original planned scheme, installing standard galvanised 6 metre columns, replacing the existing ornamental columns installed, and ensuring that the road is compliant with the relevant British Standards.

Option 2

That the Board resolves to increase the budget with an additional £21,896.70 to purchase the Painted Heritage style Embellished Column and install these with the designed scheme, ensuring that the road is compliant with the British Standards.

Supporting Rationale:

Manor Park consists of 28 plots with 27 of them being occupied by a residential dwelling. Following the letter sent to residents notifying them of the scheme, the Authority has received comments from 10 of the residents. The following is an overview of the comments received:

General Comments

- Some lights are erected on private property.
- Department of Infrastructure refuse to adopt the footpath.

Negative Comments

- Current lights are shorter than those proposed and worried new ones will be too tall and bright.
- As a small estate would prefer to keep the style and level of light that is there currently. In keeping with the Mock Tudor houses and "*give sufficient safe lighting for residents and visitors*".
- Proposed columns out of character and unnecessary.
- The road not a through road for traffic.
- Assumes the current installs have head covers to stop back light.
- It would seem a total waste of money to change them.
- The current lighting "*while adequate for safety*" complements the residential and neighbourly character of the area.
- Concerned standard tubular columns used throughout district are "*more industrial style fittings*".
- Concerned proposal will significantly increase in light pollution.
- Feel that it would not be of any enhancement to the street either in performance or aesthetics.

Positive Comments

- Lighting could be improved.
- Current lights not very bright.
- I would fully support the changing of the current "bulbs" to correctly sized new LED lights as these will help to reduce the environmental impact

The general consensus from the comments received is that the residents who have contacted the Authority are feeling worried and uneasy with the current proposals. Residents have requested that the Commissioners reconsider the specification for the proposed scheme taking into account the distinctive setting of Manor Park and the views of its residents, and the principle that not all streets in the district are best served by a single, standardised lighting solution.

The current scheme has been designed in accordance with BS5489-1:2020 to a lighting class P4 with an assumed environmental zone E3/E4 (ILE GN01).

Table 1

	Existing				Proposed				Annual Saving	CO2 reduction
	Number of Columns	KWH/Ann um	Cost/annum	Emissions tCO2/annum	Number of Columns	KWH/Ann um	Cost/annum	Emissions tCO2/annum		
Scheme 9 - Manor Park	14	1943	£565.49	0.777	14	1402	£407.85	0.561	£157.64	0.216

Alternatives Considered but not Recommended:

Option 3

That the Board resolves to increase the budget by an additional £56,000 to cover the cost of installing 4 metre embellishment kits and installing an additional 14 columns on the other side of the road to meet the requirements, ensuring that the road is compliant with the British Standards.

Option 4

That the Authority does not address the issues raised in relation to the current street lighting in Manor Park and continues to carry out responsive repairs as and when failures occur.

Retaining the existing columns and installing new LED heads, however, will not meet the British Standards for lighting of this road category.

The remaining budgeted provision of £20,000 following repairs could be utilised on another scheme.

Standing Orders:

Not applicable.

Resource Impact:

- Officers' time in relation to not liaising with residents and contractors, and procurement of additional materials.

Financial Impact:
<p><u>Option 1</u></p> <p>No further financial impact on the existing £20,000 approved budget.</p> <p><u>Option 2</u></p> <p>The additional costs to include embellishment kits and decorative lanterns at 5 or 6 metres would be £21,896.70.</p> <p><u>Option 3</u></p> <p>The additional costs to include embellishment kits and decorative lanterns at 4 metre columns will be £56,000 + civil costs (estimate) + Manx Utilities Costs (estimate) = £86,000.</p>
Legal and/or Insurance Impact:
<ul style="list-style-type: none"> • Health and Safety at Work Act 1974; • British Standard BS 5489-1:2020, Design of Road Lighting – lighting of roads and public amenity areas, Code of Practice; • The Authority's Combined Insurance policy does provide cover for accidents that may occur relating to public liability, but will not cover any costs of prosecution from the Health and Safety Inspectorate.
Equality Impact:
Not applicable.
Climate Change Impact:
Not applicable
Consultation with Others:
<ul style="list-style-type: none"> • Chief Executive/Clerk, and Chief Finance Officer – Onchan District Commissioners. • Chairman, and Lead Member for Environmental and Technical Services – Onchan District Commissioners. • Residents – Manor Park
General Data Protection Regulations and/or Confidentiality Impact:
Not applicable.
Appendices:
Not applicable.

For Members Consideration.

A handwritten signature in black ink, appearing to read 'RYAN FORGIE', written over a faint, light-colored rectangular stamp or watermark.

RYAN FORGIE

DISTRICT SURVEYOR



MEMORANDUM

Memorandum to:	Board of Onchan District Commissioners
Reporting Officer:	Environmental & Technical Manager
Date of the Meeting:	Monday 22 nd September 2025
Subject:	Bumper Boats in Onchan Pleasure Park
Public or Private Document:	Public

Introduction:

Onchan Pleasure Park offers a range of attractions within the park and one of the most popular attractions is the bumper boats, which are engine based rigid inflatable boats that are designed to bounce into each other. During the 2025 season there have been numerous issues reported which have developed into faults that have rendered some engines and mountings beyond economical repair.

This memorandum has been produced to provide the Members of the Board with early notice of the issues that have occurred, and to allow time for consideration of any financial implications that may arise following officers' investigations as to how to resolve the matter.

Previously Considered by the Board:

Not applicable.

Supporting Information:

The bumper boats in some forms have been in the Pleasure Park for more than 3 decades and are one of the most popular attractions.

During the 2021 season engines were replaced for a newer 4-stroke unit due to the previous engines reaching the end of their life cycle. The engines by and large are still serviceable and fit for purpose, the main issues reported are the mounting brackets which hold the engine to a custom made collar that fits into the boat are no longer securing the engines and shafts in place and have damaged the brackets beyond repair, this has caused some of the engines to be removed from service and leaving the usable stock below the amount of hulls we currently have and reducing the service to the public.

Each of the mounts and collars that connect the engines into the boats has been manufactured previously by the Authority and served a purpose, but now are no longer fit for future maintenance and the time to make long lasting changes has come. The current setup which has been in place for several years has caused damage to the hulls of the

current boats due to the ill-fitting mounts, which has had remedial works carried out on them for the 2025 season.

The purpose of this report is to highlight to the Board that there will need to be a significant expenditure on the boats before the start of the 2026 season at Easter. The options will be brought back to the Board prior to any spending with options to ensure the future of the bumper boats.

Officers are currently investigating a redesign of the engine mounting in the existing boats or the renewal of the bumper boats with new hulls, hypalons, and engines.

Along with the redesign or renewal of the boats there is a requirement to install an engine lift at the bumper boat lake to prevent injury caused by excessive manual handling lifting the engines in and out of the boats.

Standing Orders:

No applicable.

Resource Impact:

- Staffing: The current stock of boats is causing significant staffing times to repair the engines and mountings which is resulting in other duties not being fulfilled.
- Vehicles, machinery, equipment: There will be a requirement to install a lifting crane at the bumper boat lake to reduce the manual handling of the engines in and out of the boats.
- Training: On site training by way of toolbox talks and risk assessment overview will be conducted in relation to manual handling or use of engines and equipment.

Financial Impact:

Not applicable.

Legal and/or Insurance Impact:

The Authority needs to mitigate any risks to staff to eliminate any claims for injury from manual handling.

Equality Impact:

Not applicable.

Climate Change Impact:

Not applicable.

Consultation with Others:

Consultation with the following has occurred, and no concerns or comments have been received.

- Clerk/Chief Executive Clerk.

- | |
|---|
| <ul style="list-style-type: none">• District Surveyor.• Chief Finance Officer.• Lead Member (Environmental and Technical Services). |
| General Data Protection Regulations and/or Confidentiality Impact: |
| Not applicable. |
| Appendices: |
| Not applicable. |

For Members Attention.



Will Costain

ENVIRONMENTAL AND TECHNICAL MANAGER

