

## GARFF PARISH DISTRICT COMMISSIONERS

### Minutes of the Monthly Meeting

Wednesday 19<sup>th</sup> December 2018 7.00 pm

**Present:** Mr N. Dobson (Chairman), Mrs M. Fargher MF) (Vice Chairman),  
Mr T. Kenyon (TK), Mr P. Kinnish (PK), Mr L. Miller (LM), Mr. J. Quayle (JQ),  
Mr J. Smith (JS), Mrs J. Pinson (JP).  
Mr P. Burgess (PB), Clerk, Mr M. Royle (MR), Deputy Clerk/RFO, Mrs J. Mattin (JM),  
Housing Manager.

**Apologies:** All Present

|                 |   |  |
|-----------------|---|--|
| <b>7.00 pm</b>  | <p>Attendance of Ms. Dawn Kinnish: Presentation on the implementation of the Equality Act 2017. <b>ND</b> welcomed Ms. Kinnish to the meeting. She briefed the Commissioners on the objectives and implications of the Equality Act 2017 which is being enacted from the 1<sup>st</sup> of January 2019. Ms Kinnish outlined the 'protected characteristics' which are currently age; disability; gender reassessment: marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation. It was explained that local authorities were charged with upholding the three aims of the 'Public Sector Equality Duty', these being to:</p> <ol style="list-style-type: none"><li>1. <u>Eliminate unlawful discrimination, harassment &amp; victimisation and any other conduct prohibited under the Act</u></li><li>2. <u>Advance equality of opportunity</u></li><li>3. <u>Foster good relations</u></li></ol> <p>Ms. Kinnish briefed Members on the detail of these aims and advised that she would make her slide presentation available to the office for circulation. There followed a question and answer session during which several matters relative to the Act were discussed.</p> <p><b>TK</b> referred to the current vacancy for a Commissioner in the Lonan Ward. He asked if the Act would offer any protections from "harassment, victimisation, humiliation and offensive language" (as indicated in the wording of the Act) to those in public life, adding that this was an all too regular occurrence on social media. He felt that this was a significant reason why people were not prepared to become involved in local politics, particularly when it was considered that there was only a small attendance allowance. Ms. Kinnish advised that such comments on social media could also fall under the scope of the Act and could, potentially, be challenged by it.</p> <p><b>ND</b> thanked Ms Kinnish for attending and providing such a clear and detailed synopsis of the Act. Ms Kinnish left the meeting at 7.42 pm.</p> |  |
| <b>Chairman</b> | <p>To open the meeting and request that Members consider this agenda and declare any interest that they may, or may be perceived to have, in its business. <i>This was noted.</i></p> <p><b>ND</b> referred to Standing Orders and reminded Members that they should not engage in conversations across the table; adding that they should conduct discussion through the Chair at all times. (<i>Standing Order 20.16 states, "Whenever the Chairman interrupts a debate, the Members shall be silent."</i>) This request from the Chair was noted by Members.</p> <p><b>ND</b> read out a message in which Mr Stewart Clague had forwarded compliments of the season to all Members and officers. This statement was welcomed and warmly received by Members. The clerks were instructed to forward the Best Wishes of the Board to Mr Clague.</p>  |  |
| <b>140/18</b>   | <b>Planning Applications</b>  |  |
| <b>a)</b>       | <p>18/01254/B 4 New Road, Laxey, Conversion of first floor retail unit (class 1) to provide tourist living accommodation.</p> <p><i>There were no objections to this application.</i></p>   |  |
|                 | <b>Planning Approvals</b>   |  |

|               |  |  |
|---------------|--|--|
| <b>b)</b>     | 18/00829/B Ballakilly Beg, Dreemskerry Hill, Alterations and erection of a first floor extension – Approved 10.12.18. <i>This matter was noted. No further instruction given.</i>  |  |
| <b>c)</b>     | 18/00939/B Green Hills, Pinfold Hill, Alterations and erection of a two storey extension – Approved 06.12.18. <i>This matter was noted. No further instruction given.</i>  |  |
| <b>d)</b>     | 18/01087/B Sunny Bank, South Cape, Erection of a shed/workshop – Approved<br><i>This matter was noted. No further instruction given.</i>   |  |
|               | 18/01123/B The Bungalow, Baldrine Hill, Installation of a flue – Approved 18.12.18.<br><i>This matter was noted. No further instruction given.</i>   |  |
|               | 18/01168/B Holly Trees, Glen Mona Loop Road, Installation of flue from multi fuel fire – Approved 18.12.18.<br><i>This matter was noted. No further instruction given.</i>   |  |
|               | 18/01164/B Glen Side, Glen Road, Laxey, Replacement of existing pvc windows with new pvc units and replacement pvc front door – Approved 18.12.18.<br><i>This matter was noted. No further instruction given.</i>  |  |
|               |  |  |
|               | <b>Planning Refusals -</b>   |  |
| <b>e)</b>     | 18/01150/B Ard Aalin, Pinfold Hill, Laxey, Alterations and erection of a first floor extension – Refused 13.12.18. <i>This matter was noted. No further instruction given.</i>   |  |
|               | <b>Planning Appeals –</b><br>18/00705/B Ballamoar Farm , Ramsey Road, Lonan, Erection of stables. Appeal by the applicant against conditions accompanying the approval. Written submissions requested by the 3 <sup>rd</sup> of January 2019. <i>MR was instructed to submit comment on the four conditions that were being challenged. These being:</i><br><i>Condition 3 – request that the clause be amended to include a facility for an extension to the 12 month time restriction to be available if submitted with appropriate justification and reason.</i><br><i>Condition 5 – request that the Condition is amended to allow a plan for a lighting scheme that minimises light pollution to be submitted.</i><br><i>Condition 6 – request that this apparent naming 'error' be investigated and amended as necessary.</i><br><i>Condition 8 – request that the pruning recommended by the tree surveyor in his report is undertaken.</i><br><i>These matters were noted. MR was instructed to submit comment from the Commissioners.</i>   |  |
|               |  |  |
| <b>141/18</b> | <b>Approval of Minutes</b>   |  |
| <b>a)</b>     | Approval of minutes of the meeting of the 5 <sup>th</sup> of December 2018.<br><i>These were agreed to be a correct record of the meeting. Proposed, <b>JQ</b>. Seconded, <b>PK</b>. Resolved.</i>   |  |
|               |  |  |
| <b>142/18</b> | <b>Matters Arising &amp; Other Business</b>  |  |
| <b>a)</b>     | To finalise the list of conditions to be requested on any approval of PA 18/01160/B for Harbour and Sea Defences in Laxey ( <i>document previously circulated</i> ).<br><br><i><b>ND</b> proposed that as a decision on the Commissioners' submission to the Planning Authority had been made at the previous meeting <b>JP</b> should be allowed to remain in the meeting for the discussion of the request for conditions that the Commissioners would submit to the Planning Authority. This was agreed by the Board. Both <b>JP</b> and <b>PK</b> were asked to register their interest in the meeting file. There followed discussion of the conditions which should be requested. The issue of beach management was debated. A variety of opinions were heard. <b>JP</b> asserted that there must be common approach if the management were to be shared with DoI. <b>ND</b> advised that the Commissioners input would be towards costs and that DoI would undertake and manage the works. <b>JS</b> stated that he would support a 50% contribution towards the cost of beach management from the Commissioners if it would encourage them to undertake the work</i> |  |

more effectively. **ND** stated that the Commissioners must re-iterate their requests to Manx Utilities for a river management plan to be brought forward as soon as possible. **JQ** stated that any beach management strategy must be carefully investigated as several seemingly contradictory theories had been presented through a range of sources. He added that some theories supported the placement of stones in front of sea walls as they acted as resistance, taking energy out of the sea. **JP** expressed disagreement with this as she believed that the stones caused a 'ramp' effect. It was agreed that the condition should request that expert advice be sought and an appropriate beach management plan presented by DoI before any works commenced. **PK** asked for a condition that a plan to ensure accessibility onto the beach be the subject of a condition. This was agreed. **LM** requested various conditions for the finish and style of both the sea and harbour walls stating that they must be kept in sympathy with the current styles. It was agreed that a request would be sent to the Planning Authority that the following draft conditions be attached to any approval of the planning application.

**Condition 1 - Access:** That the Department submits a fully detailed plan to the Planning Authority that demonstrates arrangements for Disabled access at both ends of the raised walkway, as well as a 'dropped' kerb at a mid-point on the long 116 metre section where the pavement remains at current kerb level. This plan to be approved by the Planning Authority prior to the commencement of any works on the sea wall.

**Condition 2 - Parking:** That the Department of Infrastructure submits a fully detailed plan to the Planning Authority that demonstrates that there will be no loss of parking provision along Laxey Promenade; including the retention of the current number of spaces for those with disabilities. This plan to be approved by the Planning Authority prior to the commencement of any works on the sea wall.

**Condition 3 – Beach Management:** That the Department of Infrastructure submits a fully detailed plan to the Planning Authority for an annual beach management scheme which will complement the efficient operation of the newly constructed wall.

**Condition 4 – Finish and Style:** That the Department of Infrastructure submits a fully detailed plan to the Planning Authority that indicates the finish/colour of concrete used on all wall faces, ensuring that it reflects the finish and style of the current walls; that the architectural style of the current sea wall is maintained with similar recurrent pillars that are in keeping with the current design; that new pavements are in keeping with the retained pavement south of the slipway; that the 'Victorian' lamp-posts are retained; that all fittings used on both the sea and harbour walls are in keeping with current and sensitive to the amenity of the location. This plan to be approved by the Planning Authority prior to the commencement of any works.

**Condition 5 – Boat Yard Access and Capacity:** That a fully detailed plan is submitted by the Department of Infrastructure to the Planning Authority that demonstrates adequate means of access to the Boat Park for users, and that there will be no change to the number of boats that can be stored at the facility as a result of the harbour wall proposals. This plan to be approved by the Planning Authority prior to the commencement of any works on the harbour wall.

**Condition 6 – Access to the Beach:** That a fully detailed plan is submitted by the Department of Infrastructure to the Planning Authority indicating how the steps from the pavement to the beach will be refurbished and integrated into the new wall structure. This plan to be approved by the Planning Authority prior to the commencement of any works on the sea wall.

|                  |  |  |
|------------------|--|--|
| <p><b>b)</b></p> | <p>To discuss the details and content of the submission to be made to the Department of Infrastructure in regard to the proposed Laxey Harbour and Sea Defences.</p> <p><i><b>ND</b> referred to the request from DoI for the Commissioners to make a submission indicating public opinion on their proposals for sea defences. It was noted that around 50/60 Members of the public had submitted written comment to the Commissioners at the time of the meeting; of these in excess of 90% were opposed to the DoI's proposals; the general grounds for opposition being loss of amenity caused by a wall of increased height. Some correspondents felt that the proposals would not be effective and were too costly, generally concluding that other solutions such as beach management and new technologies should be investigated, etc. All correspondence had been circulated to Members. The variety of reasons stated in these letters had been noted and included in the discussions and considerations of the proposals. <b>ND</b> stated that the Commissioners had made their decision based on consideration of the correspondence received from the public, as well as the evidence from experts in a variety of fields that had been put before them by DoI and through their own research. At this point, <b>ND</b> stated that those who were content with the proposals were less likely to write in. <b>JP</b> asserted that that the Board could not comment on the opinions of people who had not written in. The meeting broke down into several isolated conversations. <b>ND</b> called Members to order, once again reminding Members that they must speak through the chair.</i></p> <p><i>It was agreed that the Commissioners would submit all comment received on the DoI's proposals to the Department so that they would be fully aware of the level and direction of public opinion that had been received. This would permit the Department to consider whether to progress their scheme.</i></p> |  |
| <p><b>c)</b></p> | <p>To confirm forthcoming schemes for inclusion in YE 2020 Budget Estimates.</p> <p><i>Members made a variety of suggestions regarding projects to include in the budget estimate for YE 2020. <b>JP</b> asked if there was any significant maintenance needed regarding the Commissioners properties or facilities. It was noted that refurbishment of the beach huts was the next item. It was agreed that expenditure should be included in the budget for this facility should a decision be made. <b>JP</b> asked if the Authority's computer systems were due for replacement as had been suggested previously. It was agreed to set aside a sum of £2,000 in the budget. It was also agreed to set aside an amount of £2,000 for a contribution to the cost of beach management during the year. <b>JS</b> asked about the need for a replacement maintenance vehicle. A recommendation on this matter would be made to the Board by the clerks at the meeting on the 9<sup>th</sup> of January. There followed discussion of the need for the engagement of a gardener/maintenance person. There was no outcome to this discussion. <b>ND</b> stated that if the Board were to make an appointment there needed to be more clarity about what was required. Once this was established a decision could be made. <b>JM</b> advised that the current maintenance persons had requested additional training in gardening skills. It was felt that, should training become available, it could be delivered cost effectively from contingencies built in to the budget. <b>PB</b> stated that the purpose of this discussion was to identify large schemes that would have a significant impact on financial arrangements. It was noted that the NCAS Committee was meeting on the 20<sup>th</sup> of December to set the budget for Balladoole CA Site. Any rise would be included in the estimates being prepared.</i></p>   |  |
| <p><b>d)</b></p> | <p>To discuss the future use of the Laxey Promenade Beach Huts following site meeting on 07.12.18.</p> <p><i><b>JP</b> had prepared a report dated 17.12.18 that had been circulated to Members. <b>JQ</b> spoke about the report stating support for the proposal to preserve the huts for members of the community to rent and make use of. He had concerns regarding the ability to attract tenants. <b>MR</b> indicated that quotations obtained indicated that an investment of between £12,000 &amp; £16,000 would need to be made. <b>JP</b> stated that she had gathered a synopsis and an overview of a proposal for leasing the huts to Members of the public that demonstrated that, if the rental levels were increased, there could be a return that would match this level of investment. <b>JP</b> outlined how the report included research she had undertaken from similar facilities in the UK and Ireland. In order to determine a likely income from the units, <b>JP</b> advised that she had also spoken to past users of</i></p>  |  |

|               |  |  |
|---------------|--|--|
|               | <p>the beach huts asking what they would be prepared to pay in the future. <b>PK</b> stated that enquiries had been made by a local business in regard to leasing the beach huts as an entity. It was noted that any lease arrangement would have to be the subject of a public tender process. <b>MF</b> asked whether it was preferable to retain the huts for the use of the general public as beach huts. <b>JS</b> felt that they were an eyesore and should be refurbished, even if there was not a full financial return. There followed a discussion of the past take up rates of the beach huts. <b>PB</b> advised that Laxey Commissioners had struggled to rent them at times. At this point, <b>JP</b> stated that she felt she had not been given opportunity to present her report, and questioned whether Members had read it. <b>ND</b> stated that the report had been circulated, and that it was the duty of Members to prepare for the meeting by reading the circulated documents. <b>JP</b> stated that she felt aggrieved and discriminated against. <b>MF</b> noted that in her report <b>JP</b> had made a proposal to further investigate the cost of renovation with a view to renting the units to the public. <b>MF</b> stated that she would second this proposal if <b>JP</b> wanted to bring it forward. This proposal was put and <b>Resolved</b> by the Board. It was also agreed to use the website and social media to appeal for expressions of interest in the rental of individual beach huts by the public. <b>JQ</b> asked if means for disabled access could be investigated. <b>JP</b> stated that she had asked an officer to photograph and measure the internal size of a beach hut. <b>PB</b> challenged this, stating that <b>JP</b> had asked him to photograph inside the store at the side of the facility, not inside a beach hut. There followed a heated exchange between the two parties during which the two opposed positions were re-stated. <b>ND</b> called for order and asked if requests to the officers could be submitted by email to avoid misunderstandings; stating that there was no evidence to reprimand anybody in these situations if written evidence were unavailable. He also reminded Members that this kind of dispute was not good for the operation of the Board. <b>ND</b> then began referring to an incident that day in the UK House of Commons in which the speaker had stated that he would accept the word of his officers... at this point <b>JP</b> stated that in effect <b>ND</b> was accusing her of being a "liar". Both <b>ND</b> and <b>JP</b> spoke simultaneously for several moments. <b>ND</b> attempted to interrupt <b>JP</b> asking her to be silent: this eventually culminated in <b>ND</b> requesting that <b>JP</b>, "...shut up and Listen". The meeting was called to order.</p> <p><b>ND</b> continued, referring once again to Standing Orders and the requirement to speak through the Chair. He stated that his original sentence had been interrupted and that he was going to add that, as well as the word of his officers, he also accepted the word of Board Members.</p> <p><b>JP</b> stated that this was a more acceptable response.</p> |  |
| e)            | To discuss Glen Road Survey Results (further report circulated).<br>MR had circulated further information in regard to the survey results. This was noted. Submissions made by <b>TK</b> and <b>JS</b> were also noted. It was agreed that a meeting of the sub-committee should be convened in the New Year to investigate the options provided by the survey.  |  |
| f)            | To discuss delays with the Mines Road street-lighting and water main project (correspondence between a resident and D.J. Cain, Water Asset Engineer & Planning Supervisor at Manx Utilities) – Additional information from Manx Utilities.<br>MR reported that Manx Utilities were seeking to ease the details of the tender specification with a view to attracting a contractor to undertake the scheme. Clerks to report to the resident who had been in contact with the Commissioners.  |  |
| g)            |  |  |
| <b>143/18</b> | <b>General correspondence</b>  |  |
| a)            | 13 items of correspondence from a resident in regard to the Laxey Sea and Harbour Wall Proposals.<br>These had been circulated to all Members and were noted. It was agreed that <b>ND</b> should draft a response that would be circulated to Members, approved and forwarded to the resident.  |  |
| <b>144/18</b> | <b>Committee Reports</b> <ul style="list-style-type: none"> <li><b>TK</b> advised that the Laxey Valley Trail Project Committee had met. He updated Members on the latest progress with the organisations administration and projects.</li> </ul>  |  |

|               |   |  |
|---------------|---|--|
|               | <ul style="list-style-type: none"> <li>• <b>PK</b> asked when the next NTLMG meeting was scheduled. The clerks advised that no notification had been received. They were instructed to contact the Department and request a meeting be scheduled.</li> </ul>  |  |
| <b>145/18</b> | <b>Officers Reports</b> <ul style="list-style-type: none"> <li>• <b>JM</b> advised that a report had been circulated to all Members. This was noted.</li> <li>• <b>JM</b> advised that a 'fire evacuation drill' scheduled for December had been cancelled by the Fire Brigade with short notice. It was anticipated that another drill would be arranged in the near future.</li> <li>• Government had set the rent increase at 2.1% for YE 2020. This was noted.</li> <li>• The Cooil Roi Christmas Party had been very enjoyable and considered a great success. Members thanked all Members of the Cooil Roi staff who had organised the event.</li> </ul>  |  |
| <b>a)</b>     | <b>Health and Safety</b> – There were no incidents, near misses or other matters reported.  |  |
| <b>b)</b>     | <b>Works and Amenities</b> – Christmas Refuse Collection Schedule.<br>PB advised that the only change over the festive fortnight was that all properties that had their bins emptied on a Tuesday would have their bins emptied on the Wednesday.   |  |
| <b>146/18</b> | <b>Staffing Matters</b> – nothing to report.  |  |
| <b>147/18</b> | <b>Chairman's Report</b> - nothing to report.   |  |
| <b>148/18</b> | <b>Any Other Business</b> -   |  |
| <b>a)</b>     | Proposal for additional street lighting on the A2 at Baldrine Hill, and an additional light on The Crescent ( <i>documents circulated 18.12.18</i> ).<br>MR advised that quotations had been received from Manx Utilities for three new street lights on Baldrine Hill and on the Crescent, which had been identified as areas where the level of street lighting was poor. These amounted to a total expenditure of £4,100. There followed discussion, the outcome being that <b>JP</b> proposed that installation of all three be approved. This was seconded by <b>JQ</b> and <b>Resolved</b> .  |  |
| <b>b)</b>     | Email correspondence from Resident dated 17.12.18 in regard to the information the Commissioners will forward to DoI to inform their decision as to whether to progress their proposed scheme for sea/harbour defences in Laxey, and a request for clarification of decisions made in regard to Members' conflict of interest.<br><i>The first matter regarding the DoI submission had been dealt with at item 142/18.b above.</i><br><b>ND</b> advised the rationale behind the decision to allow <b>PK</b> to remain in the meeting when discussing the sea wall as he had declared an interest that was not pecuniary. It was noted that the Commissioners were currently following a policy on the declaration of interests that had been agreed at the request of several Members who had been concerned with the interpretation previously adopted. The change in policy was the subject of a draft Standing Order that had been circulated to Members and would be approved in due course once its efficacy had been established.<br><i>The clerks were instructed to respond accordingly to the resident.</i> |  |
| <b>c)</b>     | Mark Cleator, Station Officer, Laxey Fire Station – Correspondence thanking the Commissioners for their assistance with the Bonfire Night Event.<br><i>This correspondence was noted.</i>   |  |
| <b>d)</b>     | <ul style="list-style-type: none"> <li>• <b>MF</b> thanked the maintenance staff for their hard work in erecting all the Christmas decorations in the Sheading;</li> <li>• In response to a question from <b>TK</b> in regard to the forthcoming election in Lonan, PB advised that the date of the election was expected to be Thursday the 7<sup>th</sup> of February 2019. Further details to be announced following consultation with the Returning Officer.</li> <li>• <b>TK</b> asked if an 'open day' could be arranged in early January in order to encourage candidates to come forward. This was agreed. Clerks to arrange.</li> <li>• <b>LM</b> proposed that DoI be approached and asked to undertake a programme of beach management at the earliest opportunity. This was seconded by <b>JP</b> and <b>Resolved</b>.</li> </ul>   |  |

|               |  |  |
|---------------|--|--|
|               | <ul style="list-style-type: none"> <li>• <b>JQ</b> asked if the contact details on the website could be updated. This was agreed. Clerks to arrange.</li> <li>• <b>PK</b> was advised that the railing on the fence at Laxey Football Club would be replaced early in the New Year.</li> <li>• <b>JS</b> was advised that the office would be open every day except Tuesday and Wednesday next week and on January the First.</li> </ul> |  |
|               | <p><i>At this juncture a Member of the public stood and addressed the Board referring to the discussion between the Chair and <b>JP</b> at item 142.18.d. The Board did not respond to this interjection. The Member of the public then left the meeting room.</i></p> <p><i>At this point, <b>JP</b> advised the Board that she was content that the concerns she had expressed at item 142.18.d had been adequately resolved.</i></p>  |  |
|               | <b>Engagements/Diary Dates</b>   |  |
| <b>a)</b>     | <ul style="list-style-type: none"> <li>• Sir William Hillary Commemorative Service, St George's Church, Douglas, 13.01.19.</li> </ul> <p><i>This service was noted.</i></p>  |  |
| <b>149/18</b> | <b>Private Session</b>   |  |
| <b>a)</b>     | A discussion took place in to staff terms and conditions.  |  |
| <b>b)</b>     | A discussion took place in regard to the issue of media statements.  |  |
|               | <p style="text-align: center;">Meeting closed at 9.58 pm.</p> <p style="text-align: center;">Date of next meeting: 9<sup>th</sup> January 2019</p>   |  |