

GARFF PARISH DISTRICT COMMISSIONERS

Meeting at Commissioners' Offices, 35 New Road, Laxey Meeting Minutes

Wednesday 5th February 2020, 7.00 pm

Present:	Mr J. Smith (JS) (Chair), Mr N. Dobson (ND), Mrs M. Fargher (MF), Mr T. Kenyon (TK), Mr P. Kinnish (PK), Mr L. Miller (LM), Mr A. J. Moore (AJM), Mr. J. Quayle (JQ).
In Attendance:	Mr P. Burgess, Clerk, Mr M. Royle, Deputy Clerk/RFO, Mrs J. Mattin (JM) Housing Manager.
Apologies:	Mrs J. Pinson (Vice-Chair), (JP)
7.00 pm	Public Session – Meeting opened at 7.03 pm.
21/20	Planning Matters <p>Planning Applications</p> <p>a) 19/01303/B Gumtree Cottage, Glen Road, Laxey IM4 7AJ. Installation of a flue and new windows and door on rear elevation (all retrospective). AMENDMENT <i>There were no objections to these proposals.</i></p> <p>b) 20/00054/B Ashmead, Croit E Quill Road, Erection of an extension to dwelling and a carport to existing garage. <i>There were no objections to these proposals.</i></p> <p>c) 20/00061/B Belmont Lewaigue Road Dreemskerry Erection of a detached replacement dwelling with associated driveway. <i>Members noted the view expressed by Maugold Commissioners in 2015. The Commissioners had objected at that time on policy grounds. It was noted that the current application was a re-submission of the 2015 proposals which had been approved but not commenced. MF expressed concern with the size and scope of the proposals, but noted that the Planning Officer's Report from the time indicated a balanced assessment had been made even if the conclusion had differed from the view expressed by the Commissioners. The consensus was that a pragmatic approach was the most appropriate in the circumstances. There were no objections to these previously approved proposals.</i></p> <p>d) Planning Application: 20/00072/B Erection of an agricultural building to provide livestock shelter. Field 624084 Rhowin Road, Maughold. <i>There were no objections to these proposals.</i></p> <p>Approval Notices (DEFA Planning Committee)</p> <p>e) 19/01403/B Cronk Ashin, Ballaskeig, Ballafayle Road, Cornaa IM7 1EE. Erection of a detached building to provide a studio in association with existing dwelling. APPROVED 29.01.19. This approval decision was noted. No further instruction.</p> <p>f) 19/01395/B 10 Church Close, Lonan, Replacement of existing glazed conservatory roof with tile and installation of a flue – Approved 30.01.20. This approval decision was noted. No further instruction.</p> <p>g) 19/01272/B Veg Veen, Glen Road, Laxey, Alterations extension, temporary posts and floor barriers – Approved 29.01.20. This approval decision was noted. No further instruction.</p> <p>Refusal Notices (DEFA Planning Committee) – ntr</p> <p>Appeal Notices (DEFA Planning Committee) – ntr</p> <p>Other Planning Matters</p>
22/20	Approval of Minutes
a)	Approval of minutes of the meeting of the 22nd of January 2020. <i>These were agreed to be a correct record of decisions made at the meeting. Proposed, JQ. Seconded, ND. Resolved.</i>
23/20	Matters Arising & Other Business

a)	<p>Members and Officers conduct at public meetings - reminder of Principles of Corporate Governance and the Code of Conduct which all members and officers must abide by.</p> <p><i>This matter had been raised by the Officers following the meeting on the 22nd of January 2020. It was noted that under the terms of the 'Principles of Corporate Government and Code of Conduct' that Members and Officers should avoid making comments in public that could be interpreted as critical of other Members or Officers. JM advised Members of their data handling responsibilities under the terms of GDPR regulations that any materials. These matters were noted by Members and Officers.</i></p>	
b)	<p>To discuss the future of the changing cubicles/beach huts on Laxey Promenade (<i>documents circulated 31.01.20</i>).</p> <p><i>Members noted that discussions about the future use of the Changing Cubicles/Beach Huts had been taking place since prior to 2016. There had been several factors that had impeded progress particularly the derelict condition of the building, the fact they had fallen out of use, and whether they were fit for their original purpose even if renovated. A range of documents had been re-circulated to Members for their consideration with the meeting papers. ND outlined the options for future use of the facility. These included:</i></p> <ol style="list-style-type: none"> 1. <i>full refurbishment (projected cost in excess of £30,000). It was noted that the internal dimensions of the units was small and that they could be more accurately described as 'changing cubicles' rather than 'beach huts'. As such it was anticipated that they would yield a projected return of between £600 - £1,200 per annum.</i> 2. <i>The removal of the upper section and utilisation of the upper section as a 'viewing terrace' (Projected cost £15-£20,000).</i> 3. <i>An option to lease the facility commercially to an established local business had also been considered previously with expressions of interest from two parties received.</i> 4. <i>A full tender process for commercial lease.</i> <p><i>Several Members questioned whether the cost of full refurbishment was effective use of ratepayers' money when there was a small financial return and the outcome would be to the benefit of just six residents. This point was noted. Further extended discussion of the options followed. It was noted that the facility had been derelict and effectively out of use for at least four years, and that prior to this each unit had attracted a return of £110.00 and had not been fully utilised by the public at times. The clerks reported that the LGU had been contacted in regard to the option to lease commercially and a senior officer had provided advice for the Commissioners' consideration. The principle consideration offered by the officer being that it was for the Board to decide 'best value' for the ratepayer. JS stated that the LGU had also said that the Commissioners' must balance the loss of the facility as it had been used against the value it would provide if it were utilised differently. There was a suggestion that the facilities could be hired to members of the public on a 'daily basis'. It was noted that this option had been discussed previously and discounted on grounds of 'take-up' and administration; if the 'changing cubicle' use were to continue it would be more efficient to rent them on an annual basis. JS asked if Members felt that if used as changing cubicles it would be justified to spend a large sum of ratepayers' money to refurbish them. The small size of the units was noted against the size of the much larger 'beach hut' units elsewhere. ND stated that if they were being built today they would have to be much bigger units and could not be built on the small footprint of the current site. The clerks reported that the public had been consulted and the number of responses had indicated that, despite their small size, the 6 units would likely be rented out on an annual basis, if they were refurbished and the rent was set at a level of up to £200.00. The developing consensus was that this level of outlay on behalf of the ratepayer could not be justified. TK asked if the facility was of any historical interest. MR reported that the Senior Planning Officer for the north had indicated that he 'did not believe that the principle of what (the Commissioners) are proposing would raise a concern', adding that he would be happy to consider any more detailed plans that were brought forward. TK wondered about the proposal to have them demolished which had been discussed previously. PK felt that that was unnecessary. This option was not discussed further. There followed discussion of the comments on the structure of the facility that had been obtained from BB Consulting in 2019. PK asked about the option to lease commercially. It was noted that discussion of this option would involve discussion of the details of the expressions of interest that had been submitted previously</i></p>	

	<p><i>and that this would involve sensitive financial information. JS proposed that further discussion be reserved until the private session of the meeting. This was seconded by ND, and agreed.</i></p> <p>JS stated that he felt the subject had been discussed extensively and in detail and closed the public discussion of this matter.</p>	
c)	<p>Response from Ms. Julie Edge, Chair of the IOM Post Office Board, responding to the Commissioners request for clarification of the future of postal counter services in Laxey.</p> <p><i>This was noted and discussed. The consensus was that the community benefit of the facility was not being taken into account by the Post Office Board and central government. The Commissioners had raised their concerns agreed to monitor the situation closely and continue to express opposition to any reduction in the current service level provided.</i></p>	
d)	<p>To discuss the provision of resources by Laxey Dog Club to purchase 'doggy' bag dispensers and dog bins in the Sheading.</p> <p><i>The clerks advised that they were sourcing bins and bag dispensing units and liaising with the Club to identify appropriate locations for their installation.</i></p>	
e)	<p>To note: the provision of a defibrillator by Maughold Parish Social Club in Maughold Village. Request for the Commissioners to assist with facilitation.</p> <p><i>This was noted. The Commissioners agreed that they would consider requests for logistical and financial assistance if these were submitted by MPSC.</i></p>	
f)	<p>Report from the maintenance team on actions that could be undertaken to establish a 'Laxey River Trail'.</p> <p><i>The clerks advised that the maintenance team had walked the river and identified locations at which the public amenity of the river could be enhanced. A report had been circulated. It was anticipated that a 'Laxey River Trail' could be initiated and developed to provide a further feature to attract visitors to Garff. This was noted. The clerks were instructed to continue with the investigations and report back to the meeting on February 19th.</i></p>	
24/20	General correspondence -	
a)	<p>Letter from Department of Agriculture and Lands seeking the Boards views on the request by Manx Utilities for removal of a large tree on Mill Road.</p> <p><i>The amenity value of the tree was noted and discussed. It was also noted that the tree had been identified by a tree surveyor engaged by DEFA as posing a potential flood risk should it further undermine a retaining wall and the riverbank. In this circumstance it was agreed that the Commission would not oppose the trees removal by DEFA.</i></p>	
b)	<p>Email from member of the public regarding the status of the changing cubicles and End Café on Laxey Promenade.</p> <p><i>An email from a resident in regard to these two structures had been circulated and was noted in the discussion at item 23/20.b. Members were advised that Environmental Health had been called down to the site again in October 2019 and the owner had been sent communication and instruction. PK stated that the MHKs should be contacted with a view to changing legislation to make compulsory purchase easier. It was noted that the local authority would not have the financial resources to compulsorily purchase such sites; this would have to be funded by central government if it were to be viable. MR reported that communication with the owner's agent was on-going. The clerks would report the response from the owner once received.</i></p>	
c)	<p>DoI – Regarding the proposed diversion of Public Right of Way 359 at the 'Cairns' site, Laxey.</p> <p><i>It was noted that the course of the footpath through the site had been diverted many years ago by the then site owner. This route had become 'custom and practise' over the years and the current notification was 'regularising' the current direction of the path. There were no objections from the Commissioners.</i></p>	
25/20	Committee Reports	
a)	<p>Municipal Association – JS advised that Clare Barber MHK and a senior co-ordinator organising this year's 'Isle of Pride' which was taking place in June had been in attendance. The Association had discussed a range of matters including post office counter services.</p>	
b)	<p>Laxey & Lonan Heritage Trust – ND advised that several regulatory matters were currently being regularised. The Duck Race was scheduled for May 10th to run alongside the Brass Band Festival. It was noted that several public talks that had taken place recently had been well attended. A talk on Lonan Chapels by Frank Cowin was upcoming on the 5th of March.</p>	

c)	Laxey & Lonan Sports and Community Facilities – ntr	
d)	Northern Traffic Management Liaison Committee – ntr	
e)	Northern Neighbourhood Policing Team Community Partnership meeting – <i>The clerks reported that the co-ordinator of the 'community service' workers had been contacted. A date for a meeting would be advised in due course.</i>	
f)	Eastern Civic Amenity Site Joint Committee - ntr	
g)	Northern Civic Amenity Site – JQ reported on how the new opening arrangements were bedding in at the weekend. This was noted.	
h)	Northern Swimming Pool Board - ntr	
i)	Northern Sheltered Housing Committee – MF reported that construction of the Mayfield site was behind schedule. Further updates in due course.	
j)	Waste Management Steering Group - ntr	
k)	Employment Sub-Committee - ntr	
l)	Glen Road Recreation Area Sub-Committee – A meeting was re-scheduled for 12.30 on Tuesday 11 th of February at 35 New Road. PK, ND, & TK to attend.	
26/20	Officers' Reports –	
	Finance – Report to be circulated prior to the meeting on the 19 th of February 2020.	
27/20	Cool Roi Report –	
28/20	H&S & Maintenance Report – report circulated.	
29/20	Any Other Business	
a)	MF reminded Members of the public 'drop-in' meeting in regard to the Northern Area Plan which was taking place at the Dhoon Hall on Wednesday 12 th of February, between 7.00 and 9.00 pm. It was also noted that there would be a further meeting for Members with Paul Craine on demographics in Maughold on Wednesday 26 th of February, 7.00 pm at 35 New Road.	
b)	MF raised concerns with vehicle flow directions in the coach Park at the fire station on Mines Road. The matter was discussed. No further instruction given.	
c)	AJM asked for information on use of the signage poles at the tram station. PB advised that VLV had indicated that they would like to make use of them. Clerks to contact VLV for an update on their intentions.	
d)	JQ noted that a planning application for the development of a tholtan in the south of the Island had just been approved. Clerks to investigate and report on any shift in policy.	
e)	To discuss proposal for entertainment events in Garff during 2020 (report circulated 05.02.20). This matter was deferred.	
f)	Correspondence received: letter from Dept of Infrastructure re proposed changes to parking New Road, Laxey. This matter was discussed in terms of the conditions and enforcement, etc. LM questioned whether the reference to 'Class A' vehicles was correct. PB suggested that the designation should perhaps be 'Class B'. The clerks were instructed to obtain clarification.	
g)	Resident – Request for assistance with the purchase of a defibrillator to be located at the Cool Roi Sheltered Housing Complex (Circulated & dated 02.02.20.).	
h)	Manx Utilities – to discuss further options for non-destructive testing of lamp posts aged over 10 years. This matter had been discussed at a previous meeting. MR advised that MU had suggested that the testing of poles over ten years old could be conducted over a three year period thus reducing the annual cost. It was agreed that this option could be taken up. JS proposed that a sum of £2,000 be put into the streetlighting budget going forward to cover these costs. This was agreed.	
i)	AJM referred to the land beside New Road between the Queen's Hotel and South Cape. Part of this land, the section owned by the Commissioners, had had ivy removed and trees had been managed. AJM proposed that a price be obtained for similar management of the second section owned by DEFA be obtained. This was agreed.	
j)	DEFA – Consultation on proposals to extend provisions for Permitted Development (document circulated 05.02.20). Members were asked to contact the officers with their views on this matter.	Members

k)	<p>Resident – Request for improved recycling facilities at the current location on Glen Road in Laxey (<i>Circulated & dated 31.01.20</i>). <i>It was noted that the cardboard and plastic recycling that was available at the site was undertaken by a private company. They had been approached with a view to increasing the frequency of collections from once to twice a week. They had declined on grounds of economy due to the current low-return on these recyclables. The contractor had indicated that he was investigating the provision of larger, more efficient receptacles, but installation of these would involve financial commitment from the local authority. One particular issue was that the cardboard boxes needed to be flat-packed, otherwise the bins were filled quickly. Monitoring of the site by maintenance staff occurred on every week day. JS proposed that an update on the provision of new receptacles be obtained from the contractor. The clerks were instructed to continue investigations.</i> <i>TK noted that the DoI recycling facilities at the former Liverpool Arms site had been withdrawn. MR reported that this had been at the request of the site owner. There followed discussion of potential recycling sites in Lonan. Members were asked to consult with the public and bring forward suggestions.</i></p>	Clerks Members
l)	<p>For Information – Laxey Branding Meeting for local traders and stakeholders. Led by Tim Cowsill and Rachel Hopkinson, Laxey Sailing Club, 7.00 pm, Thursday 20th February 2020. <i>JS advised that the previous meeting in January had been very positive. The branding materials brought forward had been received favourably by the traders. Many ideas had been put forward and further meetings for stakeholders would take place on the 20th of February as indicated. The involvement of the Commissioners was discussed. It was agreed that this was a matter for the traders to decide and advise on.</i></p>	
m)	<p>Resident – Enquiry on restoring Snaefell Mines Road beyond the ‘Road Closed’ sign. <i>A discussion took place in regard to the meaning of the designation of the road. The Department had not indicated when remedial works would take place. The clerks were instructed to ask if pedestrians were permitted to access the track.</i> <i>MF also asked if the clerks could clarify the status of the U92 Maughold Mountain Road in Glen Mona that had been closed for some time.</i> <i>TK & PK asked for details on the resurfacing works that were due to re-commence on the Agneash Road. It was noted that there would be some inconvenience in the short term, but residents had been communicated with by DoI.</i></p>	
30/20	Matters in Private	
a)	<p>(23/20.b Continued) <i>To discuss the future of the changing cubicles/beach huts on Laxey Promenade (documents circulated 31.01.20).</i> <i>The discussion that had initiated at item 23/20.b was continued.</i> <i>The clerks confirmed again that the LGU had been consulted for advice on how to proceed in the matter of offering a commercial lease on the building. The advice being given that the Commissioners needed to determine whether the Local Authority had the vires to lease properties to private concerns. It was noted that the vires were provided by the Leisure and Entertainments Act as evidenced in the lease of properties elsewhere on the Promenade, and by the lease of properties by other local authorities across the Island. The other aspect that the LGU asked the Commissioners to consider was which of all the options would provide best value to the ratepayer. It was noted again that if the Commissioners were to refurbish the building the costs were likely to be in excess of £30,000 and that this would effectively be for the benefit of just 6 ratepayers. It was noted that if the building were leased commercially with an agreement that the operator would refurbish the building at their own expense then the rent could be set at a reduced level to off-set the costs that would be incurred. The consensus was that this would be in the interest of the ratepayer as the arrangement would give opportunity to enhance the amenities offered to residents and visitors on the Promenade without burdening the ratepayer with significant costs.</i></p>	

AJM noted the two commercial expressions of interest that had been submitted which would involve leasing the building. The two expressions of interest received were both considered. It was noted that one submission had indicated that he would refurbish the cubicles and make them available to the public. The Shed had indicated that they would operate the upper tier as a sitting/viewing platform, retain one of the units downstairs for the public to change in, and make the remaining two available to other parties as outlets selling art/crafts/baked products, etc. These options were discussed.

Members agreed that footfall on the Promenade had increased significantly since the opening of 'The Shed'. It had been marketed and branded in an extremely effective fashion. The business could not expand from the current room that was leased and it was noted that the owners had considered re-locating the business to another town at times due to the restrictions of their current building. The plan they had submitted of how the cubicles would be operated was considered.

JS asked how it was indicated in the second expression of interest that the refurbishment would be financed. **ND** advised that the proposal was to gain a return from renting the units to the public. The viability of this option as a sound business proposal was considered. **ND** stated that the concern of the Commissioners was not whether the second proposal made sense in business terms, but what was the best option to enhance and develop Laxey Promenade suggesting that, once again the Commissioners should be looking to an option that developed the units for the benefit of the whole community not just for six members of the public. It was stated that, although not a certainty, it was likely that the development of the cubicles by the Shed would continue the trend of increasing the footfall on the Promenade and through Laxey Village and that it was less likely that renting the units to 6 individual Members of the public would increase this footfall with any significance. The consensus at this point was that the proposal from the Shed was considered the most preferable option from a business perspective.

MF stated that she saw the sense in this proposal, but wondered if there were any other parties who might have proposals for the units. **TK** stated that he felt that the Commissioners should still advertise for further expressions of interest. **AJM** stated that the business known as 'The Shed' would be best placed to maximise the amenity value of the building due to their proximity to it and to the track record of the Shed in attracting visitors to Laxey. **JS** stated that he felt that the proposal from the Shed and their track record made a convincing reason to make an agreement and set aside the option to advertise for further expressions of interest. **PK** stated that this option made the most sense, the discussions of what to do with the beach huts had gone on for years and the Commissioners should just get on with it. **JQ** felt that to go though a second process of obtaining expressions of interest would cause further delay that was unnecessary. **MF** felt that there was a need to move things forward.

It was noted that on several previous occasions a precedent had been in regard to circumstances in which a business wished to extend the buildings it leased.

It was noted that on several previous occasions other businesses who leased property from the Commissioners had been permitted to take out additional leases on buildings. It was noted that when the decision was made to award the lease of the Promenade Shelter Small Store to the tenant of the kiosk that two bids had been received and that the kiosk tenant's had been accepted. Notices had been placed in several noticeboards in Laxey advertising the store leases, but no formal Local Government Petition process had been deemed necessary at the time this lease was awarded. It was also noted that in the case of the proposal to lease the Changing Cubicle building to The Shed Company Limited that two expressions of interest had been received. The consensus was that in both circumstances the decisions made sense in that they permitted the opportunity for each business to develop and grow to the benefit of the local economy.

JS noted that the Kiosk had also been permitted to 'appropriate' the Public Shelter as an extension to increase the 'offer' it could provide to its customers. The shelter remained open to the public technically, but it was felt that some members of the public could be put off from accessing the shelter due to the impression being given that it was directly

associated with the 'Laxey Beach Stop Café'. Members agreed that these factors had to be balanced to allow 'best-use' of the amenity for public enjoyment and for the Laxey Beach Stop Café business which was providing an amenity for visitors and residents. It was felt that offering the Shed an extended lease would be an action that reflected the opportunities provided to the Laxey Beach Stop Café proprietor and would enhance the amenity provided to the public at both ends of Laxey Promenade.

AJM proposed that negotiations be entered into with the owners of the Shed with a view to leasing the changing cubicle building with a reduction in rent in lieu of the works that were necessary to return the structure to a good condition. Once an outline agreement had been negotiated with the owners of The Shed a further motion should be put to the Board in due course setting out the terms this agreement including indications of completion dates, the quality of the work that would be carried out, the level that the nominal rent should be set, the duration of the contract, etc. This proposal was seconded by **PK**. **JS** asked Members to indicate support for this motion to enter negotiations and form an agreement with the Shed. Seven Members raised their hands. **JS** asked for Members to indicate if they opposed the motion. One Member indicated opposition with a raised hand. **JS** declared the motion carried.

There followed discussion of the benefits of regularising The Shed's existing lease with any new lease for the cubicles that was agreed. This would be investigated as part of the negotiation process.

JS closed the discussion. This being the final item of business, the meeting ended at 9.44 pm.

	Date of next meeting: 19 th February 2020	
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