

## GARFF PARISH DISTRICT COMMISSIONERS

### Meeting of the Commissioners'

To be Conducted using Video Conferencing Software

## Agenda

Wednesday 3<sup>rd</sup> June 2020, 7.00 pm

<b>Present:</b>	Mr J. Smith (JS) (Chair), Mrs J. Pinson (JP) (Vice-Chair), Mr N. Dobson (ND), Mrs M. Fargher (MF), Mr T. Kenyon (TK), Mr P. Kinnish (PK), Mr L. Miller (LM) [joined 19.14pm], Mr. J. Quayle (JQ).
<b>In Attendance:</b>	Mr P. Burgess (PB), Clerk, Mrs J. Mattin (JM), Housing Manager, Mr M. Royle (MR), Deputy Clerk/RFO.
<b>Apologies:</b>	Mr A. J. Moore (AJM) [AJM joined the meeting for the discussion of item 113/20.b]
<b>In attendance</b>	Mr  Aaron Ibanez (Member of the press), Mrs Daphne Caine MHK.

7.00 pm	Public Session - Preliminary Matters for consideration
(1)	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>No interests were declared at this point in the meeting.</i>
(2)	To discuss suspension of Standing Orders to permit use of Video Conferencing for Meetings of the Board. <i>Members unanimously agreed to suspend Standing Orders for this meeting.</i>
113/20.f	<p><b>JS</b> moved the discussion of the recently published report by ARUP into the circumstances of the severe flooding that had occurred in Laxey on October 1<sup>st</sup> 2019. The report had been circulated and its contents and recommendations were discussed in detail. A summary report had been issued to Members by PB (attached below). This report was also considered. PB summarised the report for Members.</p> <p>Members noted the criticisms in the report of ineffective communication between key Government agencies and Departments such as Manx Utilities, DoI, and DEFA. Members noted the devastation caused on Glen Road which had been highlighted in the ARUP report, but also noted that it recognised that other areas in Laxey such as Minorca, Mines Road and Baldhoon had been badly affected. The consequences of the poor management of trees and vegetation in the catchment area were discussed, along with the inadequacy of highway and other drainage systems which were acting to worsen the impact of flooding of properties. In particular, it was noted that the large tree dam higher up the Glen Roy River that had been reported by the Commissioners had formed the bulk of materials which were swept down and blocked the weir beside Glen Road.</p> <p>The consensus was that there was a lack of a coherent strategic vision. This needed to be implemented and timescales set out. This would allow the public and Commissioners to monitor progress and bring Government to account more easily. <b>ND</b> stated that an adequate budget must be put in place as a matter of urgency. If this had been in place there may have been more ability and willingness to clear blockages such as the one the Commissioners had alerted Manx Utilities to on the Upper Glen Roy River. <b>JP</b> concurred with this adding that Government must provide more money. She added that following the floods of 2015 many deadlines that had been set for flood modelling to be completed and other practical measures to be implemented had not been met. It was noted that the report suggested that more staff should be engaged in the Flood Risk Management team – currently there were just two staff.</p> <p>It was noted that the review stated that Local Authorities cannot to be expected to undertake infrastructure upgrades at any scale to highway drainage, as it is beyond their powers and budget. It was noted that the drainage infrastructure throughout Laxey was generally inadequate for coping with high levels of storm water that were being experienced. A modern estate such as Ard Reayrt had 46 gullies for example, whilst Glen Road had around 10. There were also serious structural problems with drainage provision in areas such as Minorca Vale, etc.</p> <p>Members welcomed the recommendation that the roles and responsibilities of key Government Officers was made clear and that a Board or Committee with an effective chair be appointed. The report stated that this would enable the LA and MHK's to build robust channels of Communication. <b>MF</b> stated that clear lines of responsibility and communication were essential. Members felt that</p>

	<p><i>the chair could work across all the Departments to ensure that an effective strategic plan with timescales was delivered and implemented.</i></p> <p><i>The outcome of the discussion was that the Commissioners would petition Government to implement the recommendations, in particular in terms of:</i></p> <ul style="list-style-type: none"> <li><i>• The implementation of a robust strategic policy with clear timescales</i></li> <li><i>• Ensuring the provision of an adequate budget and resources to allow effective management of flood risk</i></li> <li><i>• Improved Communication between Departments, with the public, and with the Local Authority.</i></li> <li><i>• The implementation of an insurance scheme to underwrite flood risk for residents</i></li> </ul> <p><i>It was agreed that it was the Commissioners role to pressure Government to take swift and effective action.</i></p> <p><i>Mrs Caine was invited to comment at this stage. She advised that communication was the key in her view. All agencies must work together much more effectively, and what was clearly needed was a person to expedite actions across Government and to make sure they were implemented on the ground and on time.</i></p> <p><i>PK stated that works needed to take place on the southern bank of the main river to re-build the collapsed structures and banks, and to help mitigate against the problems experienced by the Shore Hotel and other properties in the vicinity.</i></p> <p><i>TK referred to the monthly 'Flood Strategy' meetings that had been taking place with MU/DoI prior to the Covid outbreak. It was agreed that a meeting should be arranged with senior officers and managers from Manx Utilities and DoI in order that Members can probe the agencies on their with addressing all the issues of concern in the Laxey Catchment Area.</i></p>
	<i>19.42 pm. Mr Ibanez left the meeting.</i>
<b>111/20</b>	<b>Planning Matters</b>
	<b>Planning Applications</b>
<b>a)</b>	20/00457/B Hillcrest House, Baldhoon Road, Laxey, Installation of a heat pump. <i>There were no objections to this application.</i>
<b>b)</b>	20/00082/B Sewage Works, Breezehill, Laxey, Erection of replacement sewage treatment works with associated landscaping and bridge for vehicle access – <i>Additional information (circulated 28.05.20).</i>
	<i>It was noted that a Member of Manx Wildlife Trust had been appointed as 'Clerk of Works' to supervise the removal on 'invasive plants and transplanted of the Lizard population. These works had commenced. It was noted that planning permission was not required for these works to take place. Two documents relating to the above actions had been circulated and were noted. It was also noted that the Commissioners had written to the Planning Authority requesting that consideration by the Planning Committee be postponed until circumstances were available in which the public could be present and have the opportunity to make a direct statement to the assembled Committee. TK asked about a questionnaire that had been issued by Manx Utilities. MR reported that the Office had been advised that a summary of the responses made to MU was due for imminent publication and would be circulated when received.</i>
	<b>Approval Notices (DEFA Planning Committee) – ntr Noted.</b>
	<b>Refusal Notices (DEFA Planning Committee) – ntr. Noted.</b>
	<b>Appeal Notices (DEFA Planning Committee) – ntr. Noted.</b>
	<b>Other Planning Matters - ntr</b>
<b>112/20</b>	<b>Approval of Minutes</b>
<b>a)</b>	Approval of minutes of the meeting of the 20 <sup>th</sup> of May 2020. <i>These were agreed to be a correct record. Proposed, ND. Seconded, JQ. Resolved.</i>
<b>113/20</b>	<b>Matters Arising &amp; Other Business</b>
<b>a)</b>	To discuss a 're-start' and 're-imagining' of the various visitor promotions in Garff that had been initiated prior to the Covid-19 emergency. <i>It was felt that now was not the correct time to fully 're-start' the marketing activities that had been underway prior to the development of the Covid situation. It was agreed that this decision</i>

	<p>would be reviewed at the meeting on the 17<sup>th</sup> of June 2020. MR to make contact with DfE in this regard. PB reported that the campsite had re-opened successfully. Only motorhomes were being accepted at the moment but arrangements were currently being made to open washing-up facilities and the shower block with strict social-distancing rules in place. In this respect tents would now be accepted provided the slot was pre-booked. Full Risk Assessments had taken place. PPE was provided for the camp-site manager along with hand sanitiser for guests, etc. The operation of the camp-site would also be reviewed at the next meeting.</p>
<p><b>b)</b></p>	<p><b>AJM</b> joined the meeting at 8.02 pm. To consider the following motion:</p> <p><i>Notice of Motion</i> That the Board meets in Committee to discuss the conduct of a member in regard to the 'Principles of Corporate Governance and Code of Conduct' guidelines as issued by the Department. Proposer <b>AJM</b>. Seconder <b>PK</b>.</p> <p>A general discussion took place of the IOM Government's 'Principles of Corporate Governance &amp; Code of Conduct for Local Authorities' Document. This set out general principles that local authority members and officers should follow to ensure that the Board and Office functioned correctly and to avoid bringing the organization into disrepute, etc. It was unanimously agreed that a Committee Meeting would be arranged for eight Members to attend on Wednesday the 10<sup>th</sup> of June 2020 at 7.00pm to discuss this motion. The clerks were asked to refer to the Local Government Unit to obtain further advice. <b>AJM</b> left the meeting at 8.09 pm.</p>
<p><b>c)</b></p>	<p><b>JS</b> to raise a further matter in regard to the call for a 'Requisition Meeting' made to the Captain of Lonan Parish.</p> <p><b>JS</b> advised that he had been approached by <b>JP</b> with a proposal that 2 of the residents who had signed the Requisition Letter issued to Captain Carter attend a meeting at which 2 Board Members would also be present to discuss the process of the decision to lease the changing cubicles to The Shed Company Limited. <b>JP</b> had suggested to <b>JS</b> that this may give an opportunity for the request for a Requisition Meeting to be dropped by the signatories. <b>JS</b> stated that the Board would need to agree to such a meeting. <b>JS</b> stated that he felt this was an idea that was worth considering. <b>MF</b> said that in normal circumstances this would be a positive idea, but she was not in favour of this proposal stating that the situation had caused damage to the reputation of the Commissioners and that due to these circumstances, she would like the opportunity to 'defend my actions' at a full public meeting with public and press attending. <b>MF</b> added that the whole matter was adding additional workload and stress onto staff at an already difficult time. <b>JS</b> spoke about the reputational and other damage that the whole matter was generating for the Commissioners. <b>JS</b> brought forward the proposal made by <b>JP</b> that a meeting take place between 2 of the signatories requesting a Requisition Meeting and representatives from the Commissioners rather than waiting for a full Requisition Meeting. This was seconded by <b>TK</b>. <b>JP</b> declared an interest and did not take part in the vote. <b>AJM</b> was absent. The motion failed with 5 Members voting against and 2 voting for.</p> <p><b>ND</b> stated that the only authority the Captain of the Parish has is to call a Requisition Meeting. He cannot be involved in any discussion making process. <b>PK</b> asked if any Members of the Board had signed the request for a Requisition Meeting. <b>JS</b> stated that he 'would be very surprised if that was the case'. It was noted that at this point Captain Carter had declined the request of the Commissioners to have a sight of the full letter of request for a Requisition Meeting; in this circumstance the Board was unaware of who the signatories were. <b>TK</b> was unsure of the duties of the Captain of the Parish. He added that this could set a precedent for every decision of the Commissioners being a subject of a Requisition Meeting and stating 'where would it end?'. He felt that clarification should be obtained of the role and duties of the Captain. <b>ND</b> stated that the office of the Captain of the Parish was an ancient one and there was little written down other than the indication that Requisition Meetings are called at times of election. <b>ND</b> stated that he was aware that such meetings had been called at other times other than times of election. <b>JQ</b> stated that he was very content for the Captain to call a Requisition Meeting but failed to see what further information could be given other than that that had already been made available at considerable length through the minutes and other documents. The majority of the debate had been conducted in public as the minutes revealed. The only details that had been discussed in private were financial</p>

and close contractual details. MR advised that the decision had been the result of a long debate and had made through the democratic process which had come to an outcome and was publically recorded. He added that it remained the advice of the officers that the Commissioners attend a Requisition Meeting to re-iterate the process by which the decision had been made as had been published in the minutes and in other documents that were already available to the public.

**JS** stated that a Requisition Meeting had no authority to make decisions but it would be an opportunity for the Commissioners to explain the reason for the decision.

MR advised that a report in the media had suggested that the Public Meeting at Laxey Pavilion that followed the October the 1<sup>st</sup> floods had been a 'Requisition Meeting'. For clarity, this was not the case as the meeting had been called and arranged by the Commissioners. In the interest of impartiality, Captain Carter had Chaired the meeting at the request of the Board.

At this point, MR reported that some posts made by Members of the public on social media that referred to the decision to award the lease to the Shed had indicated a perception that the Clerk to the Authority had been involved with discussions between the Commissioners and Shed Company Limited in regard to the proposals they had submitted and the terms of the lease. MR stated that this was not the case and that these matters had been handled solely by the Deputy Clerk to the Authority. The terms of the negotiations had been set by the Board as indicated in the minutes of the meetings of 5<sup>th</sup> February 2020 and the 19<sup>th</sup> of February 2020. **JS** said he had noted the comments made on social media and reminded all Members of the Board that it was in the interest of the Local Authority that they all distance themselves from any comments that might act against its corporate reputation, as well as its Members, and particularly its staff. **MF** added that the staff were a major concern to her. She noted they had suffered increased stress from some of the comments made on social media, etc, stating that this was not fair. **MF** stated that the amalgamation into the Garff Authority had been held up as a model in terms of the way it was set up and operated; its senior staff had also been commended on several occasions by Government Ministers. In terms of the Board itself, Members of the three former authorities had developed an excellent working relationship, but she was now concerned that the situation that had developed could cause damage to the staff, Board Members, and the Local Authority itself. **PK, JS, and ND** stated their agreement with the comments made by **MF**, adding that the Board was there to bring benefit to the residents of Laxey, Lonan, and Maughold.

MR reported that there was an error in the minutes of the meeting held on the 5<sup>th</sup> of February 2020 in regard to the circumstances of the additional lease for the store that had been awarded to the tenant of the adjacent Promenade Kiosk in March 2008. The advice that was available and given at the meeting on February 5<sup>th</sup> 2020 had been that no tender process had taken place. Investigation into the matter had revealed that, although there had not been a formal 'Petition process', two parties had submitted bids. The minute could therefore be considered as inaccurate as written. Members agreed that the minute should be altered to reflect the fact that Laxey Commissioners had advertised on the noticeboards for expressions of interest and that two bids had been received. For clarity, it was also noted that there was no requirement to enter into the 'Petition Process' for the lease of the Store or indeed for the more recent decision to lease the Changing Cubicle Building to The Shed Company Limited.

8.42 pm	Mrs Caine left the meeting.
<b>d)</b>	To discuss ongoing operational matters in the current public health situation. MR reported that all services were now being delivered as normal. The internal maintenance staff were cutting grass in Lonan. This was being reviewed on an ongoing basis. Some hedge cutting operations would begin in Maughold week commencing 8 <sup>th</sup> June at junctions and for road safety reasons.
<b>e)</b>	To discuss confirmatory actions necessary in regard to the Emergency Powers (Coronavirus) (Local Government) Regulations 2020 as set out in the email from the LGU at Appendix 1 below. These regulations came into force on the 19 <sup>th</sup> of May 2020. This means that any decisions made between the first 'video conferencing' meeting on 01.04.20 up until the 19.05.20 need to be formally Resolved by the Board.

	A motion was put that all decisions made at Commissioners meetings between the dates between the 18 <sup>th</sup> of March 2020 and the 19 <sup>th</sup> of May 2020 be confirmed and Resolved. Proposed <b>JS</b> . Seconded <b>ND</b> . Resolved Unanimously.
<b>f)</b>	To discuss the "Laxey Flood of 1 <sup>st</sup> October 2019 Independent Review" conducted by ARUP and issued by the Cabinet Office on 29.05.20 ( <i>Documents circulated 29.05.20</i> ). <i>This matter was moved to the start of the meeting – see minute above.</i>
<b>114/20</b>	<b>General correspondence -</b>
<b>a)</b>	'Fire and Ice' – Application for a street trading licence (information previously circulated). <i>This application was discussed. It was agreed that the application should be re-considered once the Covid-19 situation had resolved and local businesses were functioning normally.</i>
<b>115/20</b>	<b>Committees &amp; Boards –</b> by exception due to suspension of meetings.
<b>a)</b>	<i>L&amp;L Sports and Social Committee: <b>ND</b> informed Members that a meeting had taken place outdoors at which all social-distancing guidelines had been observed. It was agreed that it was sensible to have just one Member from the Commissioners on the Committee now there was a combined Authority. This was resolved. <b>ND</b> to advise the Chairman of the Committee.</i>
<b>116/20</b>	<b>Officers' Reports –</b>
	<i>Finance – MR advised that a report would be circulated prior to the meeting on the 17<sup>th</sup> of June 2020. <b>ND</b> asked if there was any indication of the level of rate income that was being received as yet. The clerks advised that it was too early to gauge at this early stage in the financial year.</i>
<b>117/20</b>	<b>Cooli Roi Report –</b> To be circulated by JM. <i>It was agreed that the replacement of five doors on one of the top corridors of the Complex would be replaced as agreed in the budget for the financial year. <b>MF</b> reported on a fire that had taken place at a complex in another local authority area. This had been caused by a faulty oven heater fan. JM advised that the fans at Cooli Roi were the subject of regular inspection in line with the relevant regulations. There were currently two older fans, one was due to be replaced once the Covid situation eased. The other was not used by the resident. JM advised that she had attended a meeting that morning in regard to assisting older persons to re-integrate into society as the Covid &amp; shielding regulations were eased and lifted. <b>JS</b> commended JM and her staff for the manner in which they had planned for and managed the Covid-19 situation.</i>
<b>118/20</b>	<b>H&amp;S &amp; Maintenance Report –</b> Report to be circulated prior to the meeting on the 17 <sup>th</sup> June 2020.
<b>119/20</b>	<b>Any Other Business</b>
<b>9.38pm</b>	<b>JQ</b> left the meeting.
<b>a)</b>	<b>MF</b> asked if meetings could be re-instated in the Board Room at 35 New Road. The clerks advised that this was unlikely, but it was probable that meetings could start to take place in a larger space such as the WMI. An announcement was expected in the next few days that might relax matters further and make it possible to hold traditional meetings again.
<b>b)</b>	<b>MF</b> asked if any announcements had been made in regard to Maughold Parish Day. The clerks advised that they had not been advised by the Club to date.
<b>c)</b>	<b>MF</b> asked if a newsletter was being considered this year. It was agreed to put this matter on the agenda of the next meeting.
<b>d)</b>	<b>TK</b> asked if the Leylandii tree at the Baldrine Memorial Garden could be removed as per the quotation that had been received. <b>TK</b> proposed. <b>JP</b> seconded. A vote was taken and the motion carried. The clerks were instructed to obtain a felling licence from DEFA.
<b>e)</b>	<b>TK</b> asked if the speed limits on Croit e Quill could be investigated. <b>JP</b> declared an interest in this matter, but also advised that she thought there was already a 20mph limit in force on part of the road. The clerks were instructed to report back to the Commissioners with full information.
<b>f)</b>	<b>TK</b> asked if a large crater in the car park at Maughold Brooghs could be reported to MNH. He also advised that there were briars growing into the road.
<b>g)</b>	<b>PK</b> asked about use of the Public Shelter on Laxey Promenade in light of the letter which had been circulated by a Member of the Public. It was agreed to postpone discussion of this matter to a future meeting. No Member declared an interest in this matter during the discussion. <b>JP</b> took no part in the discussion or the decision made.
<b>h)</b>	<b>PK</b> asked if the area on the Promenade where the raft and large bins were stored could be improved. <b>PK</b> to meet <b>MR</b> to discuss on site.

<b>120/20</b>	<b>Matters in Private – <i>No business was conducted in Private Session.</i></b>
	The meeting closed at 9.42 pm.
	Date of next meeting: 17 <sup>th</sup> June 2020