

GARFF DISTRICT COMMISSIONERS	
Wednesday 2nd August 2023, 7.00 pm	
Commissioners' Offices, 35 New Road, Laxey	
Minutes of the Meeting	
	Present: Mr S. Ryzak (SR) Chair, Mr S. Clague (SC), A. Creer (AC), Mr T. Kenyon (TK), Mr P. Kinnish (PK), J. Pinson (JP), Mr. J. Smith (JS). Officers: Mr P. Burgess (PB), Clerk, Mr M. Royle (MR), Deputy Clerk/RFO, Mrs J Mattin, Housing Manager. Apologies: Mrs M. Fargher (MF) Vice Chair, Ms M. Christian (MC).
7.00pm	Public Meeting 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>
	Planning Matters
71/23	Planning Applications
a)	23/00817/C Beach Cottage Port Mooar Maughold, Change of use from tourist accommodation to residential. <i>There were no objections to this proposal.</i>
b)	23/00818/REM Balla Bluff Pinfold Hill Laxey, Reserved Matters application to PA 22/00669/A for the erection of two residential dwellings addressing siting, landscaping, drainage, means of access, internal layout and external appearance. <i>SR declared an interest and withdrew from the meeting. TK chaired for the duration of the discussion. The location and style of the proposed buildings were discussed. There were no objections to the proposals.</i>
c)	23/00820/B Hazelbank Minorca Hill Laxey, Proposed alterations and extension to provide additional living accommodation, and erection of shed. <i>AC declared a potential conflict of interest and withdrew from the meeting for this item. It was noted that the property owners had permission to build an extension that was granted in 2009 but had lapsed. Recently construction had begun without planning approval in place; and this application sought to reconcile the situation. The proposed extension was discussed in terms of its visual impact. The consensus was that this aspect was acceptable. Expressions of concern from residents below the site on Glen Road regarding storm water drainage were considered. It was agreed that the flood risk management team should be contacted to ensure that these issues were adequately addressed before any approval was issued by the planning authority.</i>
d)	23/00821/CON Hazelbank Minorca Hill Laxey Isle Of Man IM4 7DN Proposal: Registered Building consent for demolition elements to PA 23/00820/B. <i>These matters were in conjunction with the previous application. No further instruction was given.</i>
e)	22/01421/B Cliff View Pinfold Hill Laxey, Replace existing single garage with double garage with sun lounge above. <i>These amendments to the proposal were considered. It was felt that the new proposal was more acceptable visually and more in keeping with the main dwelling. Some concerns were raised about the size, visibility, and potential impact on the surrounding area, especially due to the large expanse of glass overlooking neighbouring property to the south; the potential for 'overlooking' was also discussed. Members agreed to raise concerns with Highways regarding road safety, particularly the adequacy of visibility splays, etc. Members agreed to raise their concerns, but also to defer to the Planning Authority and Highways in the determination of this application.</i>
f)	23/00799/B Eskdale King Edward Road Onchan, Demolish existing house and construct a replacement dwelling including new vehicular access for associated parking. <i>It was agreed to defer this application for consideration at the next meeting.</i>
g)	23/00780/B Rhennie Farm Main Road Dhoon, Conversion of agricultural building to tourist accommodation. <i>There were no objections to this Change of Use to Tourist Accommodation.</i>
h)	23/00842/B 33 Baldrine Park Baldrine, Removal of a chimney stack. <i>There were no objections to these proposals.</i>
i)	23/00854/B Land Adjacent To Laurieston House Booilushag Ballajora Maughold. Variation of condition one of PA 21/00058/REM, Erection of a detached dwelling and garage, to extend period of permission by two years.

	<i>JS declared a potential conflict of interest and withdrew. There were no objections to extending the period of permission requested.</i>
j)	Hawthorn Cottage Maughold, Alterations to create new vehicle access and additional parking. <i>It was agreed to defer consideration of this application until the next meeting.</i>
(Planning AOB)	<i>There followed discussion in which the Board considered how planning application documents should be accessed and reviewed by Members. The Department had moved to a digital approach, where plans were viewed online by Commissioners and the public. Some members preferred printed plans, while others advocated for online access. The importance of members reviewing plans before meetings was emphasized, as it would enhance the quality of discussions. Officers provided brief reports, but members were expected to view the complete applications online or visit the office in advance. Plans were also displayed on-screen during meetings.</i> <i>There was a debate about providing hard copy plans for members and the public to view. Some felt A1 size plans should be made available, while others mentioned that some members, less confident with technology, already called in to view hard copies.</i> <i>The decision was made to have plans copied at a printing firm and made available at the office when the agenda was published, with the take-up being monitored and assessed at the next meeting. Links to planning would be published weekly, and a list of applications would be posted on noticeboards.</i> <i>The discussion then focused on informing the public about planning applications in their vicinity. Yellow notices had been implemented, and from January 2023, notification letters were issued to immediate neighbours.</i>
	Approval Notices (DEFA Planning Committee) <i>The following approvals were noted. No further instruction given to the clerks.</i>
i)	22/01419/B Proposed new driveway and vehicular access At: Cairn Cottage Ramsey Road Laxey.
j)	23/00425/B Proposed enlargement of parking area At: Ard Beg Pinfold Hill Laxey
k)	23/00304/B Alterations and extension to dwelling to create additional/improved living accommodation At: Burford Ballabeg Laxey
l)	22/01218/B Erection of an agricultural building At: Ballacreggan Farm Slieau Lewaigue Lewaigue
m)	23/00270/B Demolition and rebuild of outbuilding to form ancillary living accommodation to include installation of a flue At: Glen Drink Ballaragh Road Laxey
n)	23/00612/C Additional use of residential ground floor room as a beauty salon At: Ballacosney House Baldhoon Road Laxey
	Refusal Notices (DEFA Planning Committee) - ntr
	Appeal Notices (DEFA Planning Committee) <i>MR advised that an appeal on PA 22/00879/B was live. A submission was required by the 22nd of August 2023. This was noted.</i>
	Planning Enforcement (DEFA Planning and Building Control) <i>MR advised that a matter had been reported by a Maughold resident and that a planning enforcement request had been submitted to the Department.</i>
	Withdrawal Notices (DEFA Planning And Building Control) - ntr
	Demolition Notice (DEFA Planning And Building Control) -
	<i>At this point JP asked if there had been any progress with the situation at the former End Café Site. A discussion took place regarding controls on the developer undertaking works on the site in future. The site would be monitored, and should development recommence the Commissioners would immediately inform the relevant agencies and request that the situation was managed appropriately with due regard to the safety of the public and others. MR advised that government departments had stepped back and indicated that this was a civil matter between the developer of the site and the owner of the property above; the clerks had been advised that the matter was</i>

	<p><i>with each party's insurance company. There followed discussion of whether the property would sustain further damage from any more landslips. MR referred Members to the audit trail of correspondence with Government Departments and agencies which indicated the warnings that the Commissioners had given that a landslip was a possibility. The inaction of Government was a matter of frustration to the property owner and to the Board. A discussion took place regarding the surveys that had been conducted on the bank as required by the planning conditions. It was noted that the developer had not followed the recommendations in the survey report. The Planning & Building Control Division and the H&S Inspectorate had both stated that no breaches had occurred at the site. The consensus was that P&BC had not overseen the situation appropriately. Correspondence from the AG that had distanced government agencies from any responsibility regarding monitoring the developer and the subsequent landslip was referenced. It was agreed to write to the Health and Safety Inspectorate again to request that they reassess and report on the current situation, particularly the current position regarding health and safety and the potential risk to the public if the property were to become even more unstable. The clerks were asked to copy in the Chief Minister, Ministers, Garff MHKs, Planning, Building Control, and Highways into this correspondence with a further request that a cross government assessment takes place in regard to ensuring that there were no dangers to the public. SC proposed sending a second letter to the two Garff MHKs asking them to support the Commissioners in their efforts to get the matters addressed. This was agreed.</i></p>
72/23	Approval of Minutes
a)	<p>Approval of minutes of meeting of 12th July 2023. These were agreed to be a correct record. Proposed, TK. Seconded, AC. Resolved.</p>
73/23	Matters Arising & Other Business
a)	<p>To discuss instruction from the Auditors regarding complying with new Corporate Governance responsibilities under the recently revised Audit Regulations for Local Authorities. <i>MR reported that the audit for the year end 2023 was underway, and it was progressing well. It was reported that seven of the nine recommendations in YE22 Audit Report had been implemented. The final two recommendations would be implemented before October 2023. These were ensuring that dual signatory payment permissions were implemented across the whole organisation and that at least two officers signed staff wage payments. It was also noted that the audit regulations had changed for the current year, requiring the completion of a questionnaire to report on the integrity of the Authority's financial systems and anti-fraud policies. These matters were noted.</i></p>
b)	<p>Feedback from SR on the recent Heritage Rail review meeting & consultation (12th August deadline). <i>SR provided a briefing on the Heritage Railways' Review meeting, where a UK company was evaluating the current railway system. Local authority Members were concerned that the review's outcome was pre-determined, with potential recommendations to close certain parts of the lines. They found the questionnaire to have leading questions that suggested unprofitability in certain sections of the railway. The local authorities emphasized viewing the railway as a complete system from Ramsey to Port Erin. Attendees had stressed the importance of the railway for tourism and the overall welfare of the island. They proposed modernising and promoting the railway stations to attract more passengers. Garff Members questioned the cost-effectiveness of hiring a UK company for the report and expressed the value of the island's heritage railways. The consultation deadline was mentioned, and participants were encouraged to submit individual questionnaires or written submissions to present a balanced perspective on the railway's importance to Garff and the Island's economy. The Board's views would be submitted by August 13th.</i></p>
c)	<p>Correspondence from a resident regarding personal safety of paddle boarders (<i>circulated 26.07.23</i>). <i>The Board considered a resident's correspondence regarding the personal safety of paddle-boarders. There was a growing concern about the safety of paddle-boarders, leading to more callouts for emergency agencies. Members debated whether it was the local authorities' responsibility to address this issue. Some Members believed that individuals using the beach and</i></p>

	<i>water should take personal responsibility, and placing warning signs might imply acceptance of responsibility by the Commissioners. The Harbours Authority (DoI), Coast Guard, and RNLI were mentioned as organizations better suited to promote safety for those using the sea. The discussion concluded with the consensus that individuals should ultimately be responsible for their safety during water activities.</i>
d)	<p>Update on meeting with DoI regarding the provision of additional sheltered housing and new office premises.</p> <p><i>A meeting had taken place with the Department of Infrastructure (DOI) regarding the possibility of additional sheltered housing provision and new office premises at the former Princes Motors Site. The officers reported that the meeting had been very positive. It was noted that the DOI would assess the project's feasibility and inform the group within a fortnight whether they would support its progression. Delays caused by frequent staff turnover at DoI were discussed. SR suggested sending a letter to DOI highlighting the cost implication of their delays and inefficiencies on the Authority.</i></p> <p><i>The discussion also touched upon the connection between the project and the goal of keeping elderly residents in their own homes. The Officers would update Members on progress as soon as DoI had reported back on the project business plan.</i></p>
e)	<p>Mobile Sauna – Update from Green Creek. Regarding request to provide mobile sauna facilities on Laxey Promenade. Email Circulated to members on 26.07.23.</p> <p><i>SR stated that he supported the mobile sauna proposal and the siting at the slipway for set periods. He had seen how successful and efficient it was operating in Port Erin and felt it would be a positive addition to the offer on the Promenade. AC agreed and proposed a trial of the proposal. SC opposed the idea as he felt it would cheapen the area and be detrimental to the beach experience. Concerns were also expressed by PK about parking for other visitors. The proximity of the facility in the proposed location was also questioned. PB outlined the schedule the operator had proposed. The consensus was that the beach is one of the best attractions and should be encouraged. AC made a proposal to trial the facility at the slipway. This was seconded by SR. A vote took place with five voting for the proposal. One Member was against, and one abstained. The motion carried. Officers to advise the operator.</i></p>
f)	<p>Update on meeting with DoI regarding their proposals for a new Laxey harbour wall and overtopping mitigation on Laxey Promenade.</p> <p><i>The presentation for the public by DoI at the Sailing Club was noted. This had been well attended. The consensus was that most people were in favour of implementing the harbour wall proposal. The proposed removable barrier across Tent Road was discussed. PK expressed some concern about the overtopping water coming over the proposed flood gates across Tent Road at times of severe storms. He suggested that a sump and pump be installed to fully safeguard the properties on Tent Road. AC highlighted the urgency of addressing the harbour issue to prevent potential flood problems in the future, particularly as it was likely that more storm water would be in the river due to the ongoing flood defence works. SC suggested that the wall on Tent Road could be lower, and that seating could be provided as an attraction. This was noted. Measures to alleviate flooding on the sewage plant side of the river were discussed. SC advised that DoI were investigating this issue. SR closed the discussion by stating the discussion had been a general one, and that the outcome is yet to be determined with DoI.</i></p>
74/23	General correspondence -
a)	<p>Update on progress with the 'Presumption of Dedication of Right of Way through Laxey School'.</p> <p><i>SR acknowledged that the school had been used as a thoroughfare by the public for many years but also stated that the issue of duty of care for the children should be effectively assessed. It was established that the access through the school had never been an officially designated public right of way. DoI were now proposing to designate the route as such. It was also noted that the school grounds were officially the private property of the DESC. MR advised that the Commissioners had offered to discuss using part of the campsite as an alternative. The PROW officer had replied that this was not legislatively possible as it had not been previously used. MR stated that the matter was now being considered by the DESC and the Attorney General. AC stated that the DoI needed to address the poor state of the Quarry Falls footpath. MR advised that</i></p>

	<p><i>meetings had taken place at this location with the Minister and senior DoI officials. A commitment had been given to improve the path, but the Department had said they were not able to say when the work could be carried out due to budget restrictions. It was noted that the situation that pertained in the 1980s was perhaps different because of the growth of the school over the years. SR closed the discussion. The response of the DESC, DoI, and AG would be monitored.</i></p>
b)	<p>Weekend and Overnight Parking in Residential Areas – Letter from the former DoI Minister Chris Thomas seeking views on proposals to restrict parking of vehicles more than 1.87 metres high or 5.5 metres long overnight and at weekends in residential areas. Correspondence circulated to members on 26/07/23.</p> <p><i>The Department’s letter (dated 3rd July 2023) relating to new legislation they wanted to bring to Tynwald regarding ‘Weekend and Overnight Parking in Residential Areas’ was discussed. The view was expressed that the letter from the senior officer at DoI appeared as an attempt to give the public the perception that the proposal was driven by the local authorities. There were undoubtedly issues from time to time in which large vehicles caused undue nuisance: for example, where large motorhome owners parked well away from their own properties and in front of other people’s dwellings. Members agreed that the proposals in their current form were unacceptable and a disproportionate reaction to the situation for large vehicle owners and tradespeople. The consensus was that the proposals needed to be reconsidered. The outcome was that a letter opposing the proposals would be submitted to the Director of Highways.</i></p>
75/23	<p>Committees & Boards – By exception</p> <p><i>Northern Local Authority Swimming Pool Board</i></p> <p><i>JS advised that there is financial pressure from the Treasury, and the pool has already implemented energy cost reductions by installing LEDs lights, etc. The Board plans to submit data from the last four years to show their efforts in reducing energy usage. He advised that some Authorities were paying the full 6p rate that was requested (Garff, Ramsey, Bride), but Lezayre and Andreas had only contributed at the 2.5p rate. The level of commitment/responsibility of some local authorities to the Swimming Pool Board was discussed.</i></p>
76/23	<p>Operational Reports</p>
a)	<p>35 New Road –</p> <p>Update on Skatepark development.</p> <p><i>MR advised that the concrete platform had been installed and that the modular equipment was being assembled on site. It was hoped that the park would be open in the next 7 days. The Shred House had agreed to assist with an official opening of the facility on the 19th of August.</i></p> <p>Update on External Audit Planning meeting with Crowe (27.07.23).</p> <p><i>MR advised that this year’s audit (YE23) was underway and progressing well. It was anticipated that Garff would be one of the first local authorities to have its financial statements produced. PB advised that the Auditor General had investigated the 60% rise in the audit charges levied by Crowe and would not be challenging their implementation. This was felt to be disappointing in that it placed an undue, unforeseen financial burden on the ratepayer.</i></p>
b)	<p>Cooil Roi –</p> <p><i>A report had been circulated by JM. This was noted. All fire tests were up to date. JM advised that after a long period of negotiation the insurers had agreed to pay for the failed window glazing. cost of repairing the failed glazing had been £800. JM advised that work to repair the river wall had commenced and DoI had agreed that the ‘temporary’ road that had been built when the river wall collapsed could be retained by the Commissioners. Planning would have to be applied for if the road were to be deemed permanent. JM advised that an issue with the complex’s boiler had been resolved by a contract plumber. The rise in heating charges which had been agreed previously would go ahead at the end of September 2023. An empty flat was being readied for the next tenant. A garden party had raised £428.70 for Hospice; Members congratulated residents and staff for this very successful event at the complex. JM encouraged Members to add a stone to ‘Charlie the Caterpillar’ which was growing very fast! JM advised that fibre broadband was currently being installed at the complex.</i></p> <p><i>There followed a discussion of the previously approved rise in heating charges from the end of September. This was discussed, it was agreed that financial circumstances were such that this</i></p>

	<i>should still go ahead but be a matter of ongoing review. JM advised that the annual rent setting process had started. A figure and justification needed to be submitted by the end of July. CPI is rising but inflation is going down. Everyone is struggling but the costs of running the complex are not reducing. JM had submitted a recommendation for an increase of 5%. This would keep finances on an even keel as there were no major projects planned in the next year. There followed a discussion about the need for a housing subcommittee, a potential deputy lead, and succession planning should a new Member take responsibility. JM also advised that further staff training would take place in early September at the complex.</i>
77/23	Any Other Urgent Business <i>(to be submitted in writing by mid-day the previous Tuesday to the date of the meeting).</i>
a)	<i>Firework Displays. It was agreed that donations would be given to the Laxey Fire Service and to Maughold Social Club at the same level as in 2022.</i>
b)	<i>MR advised that Dawn Kinnish MLC was assisting with investigations into providing adequate disabled toilets at Laxey Promenade Harbour. Negotiations were underway with DoI Properties who leased the building to the Commissioners and with the Manx Lottery Trust.</i>
c)	<i>MR advised on progress with investigations into the provision of a new play park on Laxey Promenade to include accessible equipment. Tenders would be sought from suppliers in due course.</i>
d)	<i>PB reported that DoI had had a company measure up for safety railings on the steps down to Laxey Beach. This was noted. Clerks to contact the liaison officer for an update on progress.</i>
78/23	Matters in Private
	Note: Local Government Act 1985, section 65; Disclosure of Information 'Any member or former member of a local authority who, without the consent of the authority, divulges any information communicated to him in confidence as such member shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1000.'
a)	Promenade Kiosk Lease A discussion took place.
	Meeting declared closed at 10.10pm Date of Next Meeting: Wednesday September 6 th 2023