

GARFF DISTRICT COMMISSIONERS
Wednesday 3rd April 2024, 7.00 pm
Commissioners' Offices, 35 New Road, Laxey

Minutes of the Meeting

Present: Mr S. Ryzak (SR) Chair, Mrs M. Fargher (MF) Vice 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, Mrs J Mattin, Housing Manager.
 Apologies: Ms M. Christian (MC).

7.00pm

Public Meeting

Note: MF took the Chair at the beginning of the meeting as SR was attending an NCAS meeting on behalf of the Commissioners [SR joined the meeting at 7.50pm] The meeting was opened at 7.03pm.

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.

19.24.b

Cooil Roi Report

JM referred to the report she had circulated on the 27.03.24 which covered Health & Safety, maintenance, finance, and the outcome of a recent Housing Manager's meeting. JM advised that she had spoken to the fire alarm call centre to reinforce the correct procedure to follow if an alarm was triggered during daytime hours.

JM advised that an update had been received from the Department indicating that a decision from them on the proposal for sheltered housing at the former Princes Motors site was imminent. PB advised that Dawn Kinnish MLC had obtained indication this week that Treasury were still awaiting submission of audited accounts from a number of local authorities and would not be in a position to progress any proposal the Department brought forward until these had been received. Once received Treasury would be in a position to process the level of deficiency payments across the Island and consider the projects that the Department were supporting.

JM advised that she had had to write to several Members who had not yet registered with the Data Commissioner. She advised that documents with personal/sensitive information could not be issued if Members remained unregistered. JM asked that this matter is dealt with as a matter of urgency.

Planning Matters

14/24

Planning Applications

a) 24/00236/B Field No. 612879 Abutting Fir Trees Clay Head Road Baldrine
 Proposal: Alterations to site levels (retrospective).
The impact on the countryside of these developments was agreed to be negligible. There were no objections to the proposals.

b) 24/00311/B Fields 614954, 614147 & 610513 Agneash
 Proposal: Reinstatement of existing entrances to fields 610513, 614147 and 641954.
SC declared an interest in this application and withdrew from the meeting for the duration of this discussion. Members considered the benefits to the public that had been provided by the opening up of the large area of countryside beyond these field entrances. It was agreed that this aspect was very positive for visitors and general public. Members recalled the opposition to the field entrances and use of the land that had been expressed by some residents in Agneash when the entrances had been established in 2021. The applicant had been compelled by Planning Enforcement to submit the planning application following these expressions. It was noted that no written submissions had been made from Members of the Public in relation to this application. It was also noted that Highways had not as yet submitted comment regarding adequacy of visibility splays, etc. It was agreed that, due to the public amenity that had been provided, the Commissioners should submit comments supporting the application notwithstanding any future submissions from Highways on traffic impacts.

c) 24/00370/B Laxey Sailing Club Tent Road Laxey Isle Of Man IM4 7DB
 Proposal: Installation of replacement windows and doors.
This application was the subject of robust discussion regarding the type of windows that it was felt should be installed. It was noted that the proposed windows and door would be the same configuration and style as those existing, but that the replacements would be in uPVC rather than

	<p><i>timber (as present). PK felt that sliding sash windows should be installed as these would be in keeping with the design of the original building. JP felt that the applicant should be asked to consider installing a design that would be more appropriate – though not necessarily sliding sash - for the building, which was in a prominent position. She felt that the addition of one or two bars in each window would give the building a more traditional and attractive character. Several other Members felt that the applicant should be allowed to install the windows as proposed as they were, in effect, a 'like for like' replacement. The point was also made that the applicant was a community orientated organisation and that sliding sash windows would be much more expensive. There was no clear outcome to these discussions and the officers were asked to make a submission reporting on the range of opinions amongst Board Members and to communicate with the Planning Officer to discuss the range of options that would be acceptable to the Department and the Commission.</i></p>
15/24	Approval of Minutes
a)	<p>Approval of minutes of meeting of the 6th March 2024. <i>These were agreed to be a correct record of the decisions made at the meeting. Proposed TK, seconded, PK. Resolved.</i></p>
16/24	Matters Arising & Other Business
a)	<p>To discuss the documents published (21.03.24) in regard to the Area Plan for the North and West Inquiry (<i>document circulated 28.03.24</i>).</p> <p><i>MF briefed Members on the proposals contained within the latest version of the Draft Area Plan. These were the designation of a field in Glen Mona, between Ballagorry Drive and the Dhoon School, and the Glen Mona Car Park as having potential for residential development in the future. It was noted that no other land in Maughold had been proposed for inclusion in the plan. This included any lands in the Cloughbane/Crossags area on the current boundary with Ramsey. It was also noted that Dreemskerry Quarry was currently included for further minerals extraction should future need arise. MF advised that there were also comments on the field beside the Dhoon Church which indicated that any development for leisure purposes would be dependent on off-road car parking facilities and a pedestrian crossing being provided. It was also noted that the Dhoon Hall had been indicated as having potential residential use. A Public Inquiry on the Draft Area Plan would commence in July 2024.</i></p>
b)	<p>To discuss community information circulated by IOM Constabulary (<i>generated by PK email 21.03.24</i>).</p> <p><i>The recent series of anti-social behaviours experienced in Laxey were discussed. PK briefed Members on how Laxey had had a more dedicated police presence in the past which included bases in the Village at the Commissioners' offices and on Glen Road. He felt that the current arrangement where Laxey was policed from the base in Ramsey was not as effective. It was noted that the Northern Neighbourhood Policing Team, based in Ramsey, had to cover a large area from Peel across the North and down through Garff. PK felt that policing from the Eastern team based in Douglas should be considered as it may improve response times.</i></p> <p><i>There followed discussion of the chalets at the Cairns site which had been the focus of some recent anti-social behaviour. The consensus was that Manx Utilities could do more to secure these effectively. They had recently installed boards across the windows which was unsightly. PK proposed writing to Manx Utilities to request that the chalets be sealed more effectively and more attractively. He also proposed writing to the Chief Constable to request that Laxey be re-consigned to the Eastern Policing Team. No vote or decision was made on these proposals.</i></p> <p><i>SR joined the meeting at 7.50pm.</i></p>
c)	<p>Coal Tar in Roads (<i>generated by PK telephone call 27.03.24</i>)</p> <p><i>PK advised that he had found out that the presence of coal tar in highways was causing their maintenance to be delayed due to health and safety concerns. Flood defence works in the Minorca Hill area had been postponed until the Department had found means to deal with the substance. The carcinogenic material had been found in other roads including Old Laxey Hill and Telephone Exchange Road. In the UK special machinery was now used to deal with the problem in a way that did not endanger workers. It was likely that many other highways were affected as the material was routinely incorporated into road construction until the 1980s; the problem could become increasingly significant as the Department now tested for its presence before undertaking carriageway repairs. MR reported that significant investment was required, and the Department</i></p>

	<i>were investigating solutions and had said they would report back to the Commissioners in due course.</i>
d)	<i>Cairn site chalets – Boards on windows & the latest update from Manx Utilities [dated 07.03.24 & circulated] (generated by PK telephone call 27.03.24) This matter was dealt with during the discussion at item 16.24.b above.</i>
e)	<i>Local Authority reform – MF to lead discussion. MF felt that now was an appropriate time to discuss the number of Commissioners that served on the Board. It was noted that the reason for having nine Members was historic and went back to the time when Garff was formed in 2016. At that time, discussion off a reduction in Members had been anticipated. MF stated that Garff was one of the largest Boards in terms of Members and proposed that Members consider a reduction prior to a further discussion at the AGM in May. SR suggested that six Members (two from each Ward) could be considered, adding that this may increase the possibility of elections taking place. AC asked if Members should consider reducing to a single ward. It was felt that this may lead to a situation where an area could become under-represented. MF proposed asking the public for their views. PB advised that a full public consultation would be a part of the process should Members decide to take this forward. SR closed the discussion by requesting that the matter be put on the agenda for the May AGM.</i>
f)	<i>To discuss the implications of Bride’s decision to withdraw from the NCAS Committee. SR advised that he had attended an NCAS Committee meeting earlier in the evening and confirmed that Bride had carried out their threat to withdraw from involvement in the Northern CA site. The other remaining authorities had now decided on their own actions. As the matters were not yet public, he asked that further discussion be reserved until the private session. This was agreed.</i>
g)	<i>To discuss DEFA’s proposal for a Glamping facility at the Dhoon Glen (generated by MF, email dated 28.03.24). Several Members expressed concern about this proposal as the area was currently freely used by groups and Members of the Public. If the proposal went ahead the Public’s access to the area would be curtailed. PB reported that the documents issued by DEFA indicated that whoever operated the glamping site would have responsibility for cleaning the public toilets (this cleaning was currently undertaken by the Commissioners). MF proposed that the Commissioners write to the Department advising that they were opposed to the use of the site by a private operator. This proposal was declined at this stage as it was noted that the Board would have opportunity to comment should a planning application be submitted. It was noted that picnic benches had recently been removed from the area and the clerks were asked to write to the Department to request that they were replaced.</i>
h)	<i>To consider proposal for a Bathing Hut on Laxey Beach. A proposal to site a beach hut beside the central slipway at the top of Laxey Beach was considered. It was noted that this would largely be used as ancillary to the mobile sauna facility that already visited the Promenade. PB reported that the location was on a section of the beach that may not be in the area leased by the Commissioners from the Department. This matter would have to be established. Concerns were raised about the proposal to site tables and chairs outside the hut. The consensus being that this aspect should not be supported. Notwithstanding this, it was agreed that the Commissioners would permit the beach hut to be sited for the summer season but on the basis that its impact be reviewed on a monthly basis. Further discussion would need to take place with the Department in regard to who had jurisdiction over the location and with the operator regarding the siting of furniture, public liability insurance, and risk assessments. The clerks were asked to consult the health and safety advisor for further advice prior to any agreement being made.</i>
i)	<i>To consider acceptance of the MU Streetlighting maintenance contract YE 25. MR advised that the draft contract contained below inflation price rises for the various services. It was agreed that the Commissioners would renew the contract with Manx Utilities for streetlight maintenance. Clerks to arrange for the document to be signed and returned.</i>
j)	<i>To consider leasing a workshop/store premises. The clerks were instructed to initiate negotiations regarding the rental charges for an industrial unit owned by Government. If a satisfactory price could be agreed the facility would provide improved workshop and storage facilities. Clerks to report back at the May meeting. Alternative options were discussed for the provision of workshop/store space including the chalets at the</i>

	<i>Cairns site. The impact of the rental charges on the rates was also a matter that was discussed and would be considered in future discussions.</i>
17/24	General correspondence -
a)	Pasta Mie Limited – Request for a trading licence for a pop-up mobile pasta business. (<i>document circulated 23.02.24.</i>) <i>PB, JP, and SC were asked to withdraw from discussions on this matter due to perceived conflicts of interest as they had links to existing food outlet businesses. SC did not agree that he had a conflict of interest in the matter and advised that if he were asked to leave the meeting at this stage he would not return. SR considered the situation that had arisen and advised that he would move discussion of the matter until after the private session so that SC could remain in the meeting for the remainder of the business. SR also ruled that all aspects of the subsequent discussion was to be reported in the public minutes.</i> <i>(The discussions that took place are reported in this document below after the private session).</i>
18/24	Committees & Boards – By exception IOM Municipal Association – <i>JS reported that the association had been given a briefing by an officer from Visit Isle of Man on a new initiative intended to improve the visitor experience on the Island. He would advise further when more details were available.</i>
19/24	Operational Reports
a)	35 New Road
b)	Cooil Roi – Report to be circulated.
20/24	Any Other Urgent Business
21/24	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)	Staffing Matter. <i>A staffing matter was resolved.</i>
	JP withdrew from the meeting at this stage.
b)	Commercial Licence. <i>A matter was discussed and resolved.</i>
	Any urgent Business
	SC withdrew from the meeting at this stage.
17.24.a	Discussion deferred from earlier in the meeting. Pasta Mie Limited – Request for a trading licence for a pop-up mobile pasta business. (document circulated 23.02.24.) <i>PB, JP, and SC withdrew from debate of this matter.</i> <i>There was a sharp division in the Board in regard to this matter. Some Members felt that if the operating day/hours were strictly controlled the outlet could act to widen choice in Laxey and may potentially bring additional footfall to the Village. The operator had indicated that they would like to operate either weekly or fortnightly on a Thursday evening from 5.00pm to 7.00pm. It was also stated that widening choice often increases footfall at other businesses in an area. Other Members spoke in strong terms advising that, if permitted, the outlet would be detrimental to existing businesses who paid rates all year around. They also stated that trading conditions were currently difficult and that existing businesses were already under intense pressure. The point was also made that even if no other businesses were open at these times the presence of another outlet would likely divert 'spend' from the times that they were open. SR proposed that further research be undertaken to canvass the views of the existing business community on how the mobile outlet may affect the current businesses in the Village. Clerks to undertake this and report back at the May meeting.</i>
	The Meeting Closed at 10.08pm Date of Next Meeting: Wednesday May 1st 2024 (AGM)