

Lonan Parish Commissioners

Statutory Meeting

Tuesday 15th December 2015 at 1830 hours at Laxey Commissioners Office.

MINUTES

Present: Mr J. Faragher, Mr S. Clucas, Mr M. Burgess, Mr P. Hill. **Apologies:** Mr N. Dobson, Mr S. Clague.

Chair: Mr J. Faragher. **Clerk:** Mr P. Hill. **Guests:** Allan Kinrade and David Kinrade.

The Meeting commenced at 1835 hours.

78/15 Guest – Kinrade Bros Haulage Ltd – (Allan and David) – Regarding Gully Cleaning & Road Sweeping. Action

JF welcomed the Guests to the meeting and a discussion took place regarding quotations and level of service in respect of gully cleaning and road sweeping. In principle it was agreed that the likely service level would be two sweeps in Laxey to one sweep in Lonan and Maughold per month subject to conditions and flexibility. A financial discussion took place with agreement in principle being achieved. Allan and David were thanked for their attendance and the good work that they were doing with regards to the Refuse Contract and they departed at 1905 hours. A short discussion followed. *To place this on the Agenda for Garff – 06.01.16.*

PH

79/15 Minutes of the Statutory Meeting of 17th November 2015.

The Minutes of the Statutory Meeting of 17th November 2015 were examined for accuracy, and it was agreed that they represented a correct statement of events.

Proposed by: MB. Seconded by: SC.

80/15 Matters Arising out of the Minutes.

- a) **SC – 74/15(a)** – asked if the Clerk had had a response to their proposal that the one way system should be clockwise to which the Clerk informed them that he had received information that the Department's proposal was going ahead and was due to the fact that if they had followed the Commissioner's advice then more on street parking would have been lost. **MB** stated that it was due to be implemented on 17th December and as yet no signage had been erected. (See 83/15(d)).
- b) **SC – 74/15(c)** – asked if there had been any contact regarding the street lamp to which the Clerk said no.

81/15 Private Sessions.

82/15 Planning Applications.

- a) Planning Application No 15/01253/C of 16.11.15 in respect of change of use of dwelling from residential to tourist accommodation at 24, Baldrine Park, Baldrine, IM4 6DD. *Approved.*
- b) Planning Amendment Application No. 15/01081/B of 16.10.15 in respect of erection of a dwelling at land adjacent to Westdene, Croit-e-Quill Road, Lonan, IM4 7JJ. (Original application refused by LPC and went to appeal). *A discussion took place and it was resolved that the Boards objections to this development remained unchanged and additionally they found that the proposed dwelling was too large for the area in which it was proposed and was out of keeping with the immediate surroundings. The point of access into Croit-e-Quill Road was unsatisfactory due to the narrowness of the road and multi junction nature of the location. The original objections contained in their*

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previous submission were still valid.

- c) Planning Application No 15/01292/B of 25.11.15 in respect of alterations and extension to dwelling at Struie, Highfield Drive, Baldrine, IM4 6ED. *Approved.* PH
- d) Planning Application No 15/01329/B of 09.12.15 in respect of removal of existing conservatory and erection of a two storey extension to dwelling at Hazel Cottage, Ballabeg, IM4 7HB. *Approved.* PH

83/15 Correspondence.

- a) List of Committees and recommendations - Hi All, List of current committees attached. The second page indicates the clerks' recommendations for the committees attended by a new Garff Board. Please give careful consideration to the make-up, necessity for, and appropriateness of the new committees. The necessity for a separate committee for Cooil Roi is not absolute. In other authorities the sheltered housing is dealt with by monthly report to the full Board. So an alternative approach could be considered – perhaps it could be administered by a new eastern housing authority. The status and function of the 'Laxey and Lonan Sports and Community Facilities Committee' also needs to be fully understood before deciding on representation. *Noted as previously discussed at a Garff Meeting.*
- b) Initial Proposal for Garff Parish Commissioners Staff Employment & Cooil Roi Clerk's Job Description. *A discussion took place during which the Clerk suggested that in addition to the roles and functions of the Staff, the existing Clerks should be given special responsibility for their respective areas so as to provide a recognisable point of contact with the public and support for the Ward Commissioners. This was agreed and additionally agreed that although there would be a main Commissioners Meeting there should be individual Ward Meetings. The discussion moved onto housing and liabilities. To place this on the Agenda for Garff – 06.01.16.* PH
- c) Legal Advice from Long & Humphrey regarding the Garff (Local Government District) Order 2015. *Noted.*
- d) Ballacannell Estate, Lonan (One Way Traffic) Order 2015 comes into operation on Thursday 17th December 2015 and is anti-clockwise. (Telephone Call from Andrea Hawley). *See 80/15(a) above.*
- e) Manx Telecom letter of 24th November 2015 giving notice that they are permanently removing the telephone kiosk located at Pinfold Hill due to lack of use. The letter provides an opportunity for Lonan Parish Commissioners to purchase this kiosk for the community for a nominal sum, usually £1.00. *A discussion took place and it was generally agreed that they should purchase the said Kiosk.* PH
- f) Local Government and Building Control (Amendment) Bill - consultation - Dear Clerk, Further to my email of 19th October 2015, I would like to thank those authorities who have taken the time to submit comments about the above Bill. However, a considerable number of authorities have still to submit comments so I would be grateful if those authorities could do **so by 5pm on Friday 4th December.** If you think your authority needs any further time, please contact me to discuss what extra time you think you may require. Although public consultation is still on-going until 22nd December, the Department would like to consider any comments received from local authorities (who will have a key role with regard to the enforcement of the legislation) at the earliest opportunity. This will allow the Department and the Attorney General's Chambers adequate time to consider possible amendments whilst also ensuring that the Bill is introduced to the Branches without any unnecessary delays. I look forward to receiving your comments at the earliest opportunity. *{At the Statutory Meeting of 20.10.15, 66/15(j) the Board elected to make no*

submission}. A further discussion took place and it was resolved that they were supportive of the proposals contained therein.

- g) Draft Local Election (Fees) Order 2016. The intention of this Order is to increase the fees payable to election officials by the rate of compound inflation (RPI) since the time of the last election. The Department is aware that there have been comments by some returning officers about the current fees and that they were, in their opinion, not attractive enough to encourage people to carry out the role, however, these views will form part of a wider review of all Local Elections legislation (Primary and Secondary) which will take place after the Local Authority General Elections, scheduled for **28th April 2016**. In the meantime the Department is seeking your views on the proposed Order. Does your Authority agree that these fees should be increased by these amounts? I have included (attached) for information purposes the current fees from the 2011 Order. Subject to any comments received, the Department is planning to refer the new Fees Order to February Tynwald so the new fees will be in operation in time for the Local Elections in April 2016. Due to the deadlines for Tynwald business I would respectfully seek a response to this email by **Friday 18th December 2016**.
Noted.
- h) Douglas Borough Council letter of 02.12.15 regarding One Year Free Membership of Henry Bloom Noble Library. To mark the opening of the HBN Library in new premises the Council is giving a year's free membership. As the Parish Commissioners have already paid for membership for their residents up to 31st March 2016 that year's free membership will effectively run from April 2016 to March 2017. Consequently the next invoice will be issued in April 2017 in respect of the 2017/18 financial year.
Noted.
- i) Letter from Mr Gawne regarding Local Authority Transition Seminar to take place on Wednesday 13th January 2016 at 1230 hours at the Barrool Suite. The purpose of the Seminar is to discuss the achievements so far and to consider the future relationship between Central Government and the Local Authorities. Mr Longworth will also be there to discuss the Community Transport Scheme which starts in the North of the Island in 2016.
SC/JF to attend.
- j) Electronic Transactions Act 2000 - To all Local Authorities, Committees, Boards and Burial Authorities, I have been asked to forward the email below and the attached document/questionnaire from the Department of Economic Development, concerning the Electronic Transactions Act 2000. (A pdf version is also attached for those who do not have Microsoft Word) Should your Authority have any comments it wishes to make, could I please ask you to send them to the Local Government Unit by no later than noon on **Friday 18th December 2015**. Please contact Ian Harris if you have any queries - Ian.Harris@gov.im. "As you may be aware, the Electronic Transactions Act 2000 (ETA) seeks to encourage greater use of electronic means of communication in business and by Government by removing any doubt as to the legal validity of electronic transactions. In particular the Act provides that if a statutory provision or rule of law requires a person to give information in writing, requires a signature, or a document to be produced, that requirement is met if the information is provided electronically (Sections 4, 5 and 6). Details of the ETA can be found on Government Legislation site: <http://www.legislation.gov.im/cms/en/> or click [here](#) for the ETA. However as many public authorities have not been considered to be ready to accept such transactions electronically, an exemption to this provision has been in operation. Where Government *can* accept such information electronically, such as income tax returns, each individual service has been set out in the Schedule to the Electronic Transactions Regulations. At its meeting on 10th February 2015, the Chief Officers Group agreed that as of April 2016 the general exemption should end, and, rather than listing the relevant services that *can be* provided electronically, the Regulations should simply list the individual services which *cannot* currently be provided electronically. As part of the work on the Digital Strategy, public bodies should now be in a position to identify any areas

where they are not able to comply with Sections 4, 5 and 6 of the Electronic Transactions Act 2000. In order for the Chief Officers Group to consider how Government is placed, would you please complete the attached questionnaire for your public service and also pass on and return for other public body you are responsible for. When completing the template please bear in mind that if the exemption is not applied after March 2016 all statutory public services that do not comply with the ETA from April will have to be listed for the new Order to go to Tynwald. *A discussion took place and the questionnaire was completed by SC.*

84/15 Enforcement Matters.

- a) *No new matters.*

85/15 Special Agenda Items.

- a) To discuss the Rates for the Financial Year 2016 to 2017. *Given the lateness of the evening and the importance of the topic added to the absence of two members, it was resolved that this would be discussed at an extraordinary meeting on Tuesday 12th January 2016.*

86/15 Any Other Business.

- a) **JF** – Stated that Ballagawne Road was now heavily damaged due to the rain water and needed urgent repairs. **PH**
- b) **PH** – asked the members if they wanted the Parish Sign at Main Road at the crossing re-erected or removed as it had blown down during the recent storms. The members requested that the sign be re-erected. **PH**

There being no further business, the Meeting closed at 2030 hours.

The next Meeting of the Authority will be the Extraordinary Rates Meeting on Tuesday 12th January 2016 at 1830 hours

The next Statutory Meeting of the Authority will be on Tuesday 19th January 2016 at 1830 hours