

Lonan Parish Commissioners

Statutory Meeting

Tuesday 17th March 2015 at 1830 hours at Laxey Commissioners Office.

MINUTES

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

Apologies: Nil. **Chair:** Mr S. Clucas. **Clerk:** Mr P. Hill

The Meeting commenced at 1830 hours.

99/14 Minutes of the Statutory Meeting of 17th February 2015.

Action

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

Proposed by: JF. Seconded by: ND.

100/14 Matters Arising out of the Minutes.

- a) **SC – 95/14(d)** – confirmed that paper copies of planning applications would still be provided despite the increased use of digital copies.
- b) **SC – 95/14(g)** – stated that he had attended this meeting with other Local Authorities and there was overwhelming opposition to the proposals as it was evident that information that supported them was either out-dated or inaccurate. The recommendation given to the Department was that they should await the results of the 2016 Census before pursuing this Strategic plan.
- c) **SC – 95/14(h)** – confirmed that he had attended this meeting with the same result as the aforementioned meeting.
- d) **SC – 95/14(k)** – stated that he had been asked why the Mobile Bank isn't stopping at Baldrine and he had established that the Bank was concentrating on those areas that had recently lost their Banks. **SEC** believed that the arrangement was unsatisfactory and this was generally agreed with.

101/14 Private Sessions.

102/14 Planning Applications.

- a) Planning Application No 15/00183/B of 10.02.15 in respect of erection of an extension to rear elevation at Honey Fall, Barroose Road, Baldrine, IM4 6AP. *Approved.*
- b) Planning Application No 15/00208/B of 25.02.15 in respect of demolition of existing conservatory and erection of an extension to dwelling at Stanley House, Baldhoon Road, Lonan, IM4 7QG. *Approved.*
- c) Planning Application No 15/00255/B of 06.03.15 in respect of erection of a detached dwelling with associated parking and access on land adjacent to Lingmell, Highfield Drive, Baldrine, IM4 6EE. *Approved.*
- d) Planning Application No 15/00260/B of 06.03.15 in respect of erection of a two storey extension to dwelling at Baljean Cottage, Baldhoon Road, Lonan, IM4 7QL. *Approved.*

- e) Planning Appeal Result Notice No 14/01137/B of 12.03.15 regarding appeal against refusal to allow erection of workshop/garage/store building at Field 613057, Ballamenagh Moar Farm, Ballamenagh Road, Baldrine, IM4 6AJ. Appeal allowed by Mr Gawne. *Refused by LPC and Planning Department. Noted.*

103/14 Correspondence.

- a) Thank you for taking the time to convey your Commissioners feedback by way of your letter dated the 18th instant, received this morning. Please be aware that the purpose of my mail shot to the local authorities and agents was to imply the potential in moving toward more electronic processes to support the planning procedure, particularly that we are already introducing the issue of planning decision notices, where we can, by email. Also where representations are being received now, these are being publicised on receipt, online alongside the electronic copy of the application. The Department in no way intends to remove completely the ability for receipt and processing of paper planning applications but to introduce the potential that where an application can be made electronically, provided an agent has the ability and resource to do so and the proposal is of a minor nature, then the receipt of such should be allowed. Keep in mind any submission has to be of quality, size and scale that the Planning Officer is able to determine exactly the applicant's intentions. Further, I hoped to flag up to certain users of the planning system that the move toward the potential for handling services electronically was the intention of the Department. Please be aware some authorities and agents have yet to introduce any means of electronic contact whatsoever, and it more was to these bodies that I wished to flag intentions. As a result of my email I have been made aware of the websites that some authorities are developing and maintaining toward supporting the planning process in their areas. This is impressive and appreciated as by doing so, and progressing dedicated advice for their constituents, assists officers in the planning office – the Port Erin example can be viewed on this link <http://www.porterin.gov.im/s.nl/sc.15/category.13/f> If you could assure your commissioners accordingly I would appreciate it. *Dealt with at 100/14(a) above.*

- b) – 1 E-mail at 1604 hours on 19.02.15 regarding Transfer of Functions – Draft Agreement - Please find attached draft copies of the Deed of Delegation (Agreement), and a draft letter giving consent to use the legislation regarding overgrown vegetation. (PDF copies of these 2 documents have also been attached for those who do not have Microsoft Word). Please note that as per Section 4 of the Draft Agreement, the Department will still be covering emergency call outs, and as such, would not be seeking to recover its costs from local authorities. Please also be advised that there is a section in the Deed of Delegation covering the maintenance of verges. This is distinct from “hedge cutting” as verges are generally part of the highway. Hedges are not. The Delegation will be reviewed on a yearly basis, and can be changed to suit specific requirements if necessary.

- b) – 2 Phil.gawne@gov.im e-mails at 1847 hours on 19.02.15 - If I could just add slightly to Rachel's message, we are keen to hear your views on the draft agreement but believe it reasonably reflects the discussions we've had in recent months. I am committed to doing everything I can to make this transfer work so please get in touch if you have any concerns. If needed I will happily meet with any of you that need me to meet you. I hope that we can get this transfer agreed soon so that we can then continue the open dialogue we have had but looking at other areas. I hope to be in a position very shortly to invite all local authorities to preliminary meetings to discuss housing, waste, car parking and indeed any other matters you would like to raise. Thanks for your support on this important matter and I look forward to continuing our positive engagement with a view to giving your authorities more control over matters best delivered by you. Phil.

- b) – 3 E-mail at 1619 hours on 20.02.15 - It would be appreciated if you could please advise Bill Corlett (686823) of any comments your Authority may wish to make on the draft Deed of Delegation (Agreement) and the draft hedge cutting delegation document by no later than **Friday 13th March 2015**. This is in order to provide sufficient time for the Department to give consideration to the comments made and for any changes to be made to the documents, if necessary. Please be advised that the Department intends on issuing each Authority with a final copy of the Agreement in the week commencing Monday 23rd March, so as to enable the document to be signed in advance of the intended transfer of services on 1 April 2015. *The Draft documents were examined and a discussion took place. The Board were unhappy about the liability that was being placed upon them with regards to incidents that may arrive and that were due to actions or lack of actions being taken by the Department when it was their responsibility. There should be a period of grace, particularly given the inaccuracy of the figures that they had provided. PH stated that they had stated that Lonan had got 60 gullies, whereas they actually had 159. The matter of Insurance Liability was discussed as the Transfer document that they had to have ten million pounds of cover. The Clerk was requested to obtain a quotation for this.* PH
- c) Maughold forwards at 0807 hours on 02.03.15 a quotation from Ben Begbie, in respect of Hedge Cutting in Garff. *Noted.*
- d) Maughold e-mails at 1145 hours on 12.03.15 a quotation from Curphey for Hedge Cutting in Garff. *Noted.*
- e) Transfer of Functions/sale of Sweepers - In order to facilitate the transfer of street cleaning functions to local authorities I have been asked to arrange for a sale of sweepers which will no longer be required by the Department once the transfer is in place. It is proposed that the sale takes the form of a sealed bid tender as per the attached documentation. All of the sweepers listed will be available for inspection at Ellerslie Depot on the specified date however if you require any further information regarding the sale process please contact either myself or Kevin Jones All the sweepers will be in their current liveries and will have Tetra radios/Inca tracking devices still in place. These will be removed upon a successful tender being accepted. *Noted.*
- f) Manx Utilities letter of 9th March 2015 enclosing 2015/16 Public Lighting Maintenance Contract for signature and this shows a 1.6% increase. Proposed by: **JF** Seconded by: **ND** and signed by **SC**. PH
- g) Steve Rodan e-mails regarding All Saints Church - Dear All, Following our meeting yesterday, here is the draft letter I propose to send to the Church Commissioners (drawn up in consultation with TP, as agreed). Please let me know if you are happy with it as soon as possible, so I can submit before deadline of 16th. Your attendance and participation at the meeting was much appreciated, and let us hope we can move forward! *A discussion took place and it was agreed that a letter should be sent to the Bishop in support of SR's letter and also a letter of support to SR backing his proposal for a Public meeting.* PH
- h) Office of the Clerk of Tynwald writes on 12.03.15 regarding Tynwald Garden Party 2015, which will take place on Sunday 5th July 2015. Please nominate a representative and guest to attend the Party on behalf of your Local Authority. *SEC and Guest and MB to attend.* SEC/
MB/
PH
- i) Role, Remit and Operation of the Road Transport Licencing Committee Consultation. I am writing to advise you of a Council of Ministers' consultation which is being launched today on the role, remit and operation of the Road Transport Licencing Committee (RTLCC). I would highlight your role as a local authority stakeholder. A copy of the consultation documents is attached for your attention, please note that the questionnaire can be completed on line. The Council of Ministers'

RTLC review committee is seeking the views of interested parties and the public on the role, remit and operation of the Road Transport Licencing Committee. This consultation will form an important part of the Council Of Ministers' RTLC review committee evaluation of how best to regulate the road transport industry in the future. It is hoped that the Department will receive as many views as possible to ensure the RTLC review committee have a detailed understanding the issues associated with regulating the road transport industry prior to making a firm recommendation on how this important function is deliver in the future. A copy of the consultation document can be viewed on the Government website at <http://www.gov.im/ConsultationDetail.gov?id=491> or a paper copy can be collected from the Department of Infrastructure Policy, Performance and Strategy offices at the Sea Terminal Building in Douglas during normal office working hours. In addition, the questionnaire which accompanies this consultation can be completed and submitted online by following the links on the Government website. **Thank you for taking the time to read the consultation document. Please ensure that your completed the questionnaire is submitted by 21 April 2015.** *A discussion took place and it was resolved that each Commissioner should make a response if they so wished.*

- j) Consultation on New Primary Marine Legislation - The Department of Infrastructure has today launched a Public Consultation exercise on the preparation of new primary legislation for the Isle of Man's territorial seas. This email is to advise you of this consultation and to provide you with a brief summary of its contents. There is currently no one bespoke piece of legislation covering marine developments in the territorial seas. At present there are various pieces of legislation across Government, each of which cover different aspects. Any one development proposal may require consideration under one or more pieces of legislation. The Department of Infrastructure is committed to preparing new primary Legislation for the marine environment. Pending the approval and introduction of the proposed new marine legislation, the current legislation and consenting process will continue to apply. The Department has published guidance for parties interested in developing within the Isle of Man's territorial seas and is available at <https://www.gov.im/categories/planning-and-building-control/marine-planning/guide-to-developers/>. This Guide highlights the legislative framework and consenting processes currently in place. Purpose of the Primary Legislation Most activity within the territorial seas is currently controlled through a number of different pieces of legislation. Some of this belongs to the Department of Infrastructure who will administer the process and issue the appropriate consents that it is responsible for, while other Government Departments will follow applicable procedure for consenting using their legislation. The Department of Infrastructure is also required to grant a lease of the sea-bed for proposed developments as owner of the sea-bed. The main purpose of this new primary legislation is to bring together the necessary components of the existing legislation that relate to the territorial seas to develop one streamlined system for consenting for major developments. It is proposed that by creating one system with the appropriate legislation, it will provide a greater level of clarity for the decision makers, any potential applicants and stakeholders throughout the process. It is proposed that there will be the necessary powers within this new Marine legislation to amend and / or revoke existing legislation if and when appropriate, however the Department will be guided by advice from the Attorney General's Chambers on this. It is the intention of the Department that this new Marine legislation will contain the appropriate overarching powers required to enable the Department to formulate the necessary secondary regulations to provide greater detail and clarity to the process. Consultation on the formulation of secondary regulations will take place at a later date. It is likely that some secondary legislation will be required to be in place at the same time as when the primary legislation comes into operation. Preparation of the Scoping Document The Department through the Territorial Seas Committee has set up a Marine Legislation Sub-Group to assist with the formulation of this legislation. It is made up of representatives from DOI, DEFA and DED. It is chaired by DOI, and it reports to the Territorial Seas Committee. The Department organised initial scoping exercise meetings with representatives

from the various Government Departments and Agencies (DEFA, DED, DOI and MNH) to best understand what other Departments wish to see included within this legislation, in line with their Departmental responsibilities and considering existing legislation which currently applies to the territorial seas. The outcomes of these meetings enabled the Department to prepare a consultation document setting out the scoping. Consultation exercise on the scoping and next steps In line with the Code of Practice on Consultations (2008), it is intended that a public consultation exercise will run for 6 weeks. This exercise will seek views on the principles to be included within the new primary legislation, and a limited number of questions will be asked. The detail of the Act will not form part of the consultation. The Department will most likely have to undertake a further consultation exercise of the formulation of secondary legislation which will sit alongside this primary legislation but this will be at a later date. The consultation document sets out the overarching principles that will form the basis of the Policy to be included within the new primary legislation. It is available to view on the Government website at (<http://www.gov.im/about-the-government/government/government-consultations/>) and feedback can be provided by completing the online Consultation Survey (<https://www.snapsurveys.com/wh/s.asp?k=142600084872>) or emailing (PlanningPolicy.DOI@gov.im). **The Consultation will run until Friday 24th April 2015 at 4pm.** The results of the consultation exercise will be published in line with the Code of Practice on Consultations, and will assist with the formulation of drafting instructions to the AG's Chambers Legislative Drafters. All responses received following the close of the public consultation exercise will be considered by the Department in the formulation of drafting instructions to be passed to the Attorney General's Chambers. The Council of Ministers will then be required to give this Bill a priority level which will dictate the speed at which it can be drafted. Should you require any further information or clarification on any element of the consultation, please do not hesitate to contact me.

A discussion took place and it was noted.

- k)** Consultation on the Reform of Domestic Rates - Consultees, Treasury will launch a consultation exercise on the reform of domestic rates on Monday 16th March which will run until the 27th April. In January 2015, Tynwald agreed that domestic rating reform should now be carried out, based on new legislation which will introduce a property tax for domestic properties based on their capital values: underpinned by a national property revaluation which should be completed by February 2016. The purpose of the consultation exercise is to invite comments on the proposed reform. It is not a referendum but is an exercise for gathering information, views and evidence to allow Treasury to take an informed decision on the future method of calculating and collecting local property taxes on behalf of local authorities, churchwardens and the Manx Utilities Authority: known together as "rating authorities". **The consultation is open until April 27** and the consultation document is attached and from the 16th March can be found on the Isle of Man Government website at <http://www.gov.im/consultations.gov?menuid=16916&type=current>. Responses can be made in writing preferably by email to michael.morrison@gov.im or through an on-line survey available at <https://www.surveymonkey.com/r/ratesreform> *A discussion took place and the contents of the proposals were examined in detail. There were mixed views from agreeing with the need for change and to leave the system as it was. SC believed that the banding was too wide and the proposed discounts needed to be reviewed. Each Commissioner to submit their own views using the forms provided by the Clerk.*

104/14 Enforcement Matters.

- a)** *No new matters.*

105/14 Special Agenda Items.

- a)** *None notified.*

106/14 Any Other Business.

- a) **MB** – stated that he had been approached about the Dog Bin in All Saints Park that had been promised. **PH** stated that the pole should be in place but that the supplier was awaiting a delivery of bins as they were currently out of stock.
- b) **SEC** – asked if the list of rate defaulters had been obtained. **PH** circulated a list of current debtors and a discussion took place.
- c) **SEC** – asked if the properties in Reayrt Ny Glionney that had benefited from a temporary rate reduction were now paying the full rate. **PH** stated that they were.
- d) **SEC** – asked if there had been any progress with Green Gables to which **PH** stated that not at this time.
- e) **PH** – requested that the Commissioner complete their 4th Quarter Expenses Claims before the end of the current financial year.

There being no further business, the Meeting closed at 1950 hours.

The next Statutory Meeting of the Authority will be on Tuesday 14th April 2015 at 1830 hours.