

Lonan Parish Commissioners

Statutory Meeting

Tuesday 18th February 2014 at 1815 hours in the Laxey Commissioners Office.

MINUTES

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

Chair: Mr J. Faragher. **Clerk:** Mr P. Hill.

The Meeting commenced at 1815 hours.

109/13 Minutes of the Statutory Meeting of 21st January 2014.

Action

The Minutes of the Statutory Meeting of 21st January 2014 were examined for accuracy, and it was agreed that they represented a correct statement of events.

Proposed by: ND. Seconded by: MB.

110/13 Matters Arising out of the Minutes.

There were no matters arising.

111/13 Minutes of the Extraordinary (Garff – Lonan) Meeting of 4th February 2014.

The Minutes of the Extraordinary (Garff – Lonan) Meeting of 4th February 2014 were examined for accuracy, and it was agreed that they represented a correct statement of events.

Proposed by: SC. Seconded by: ND.

112/13 Matters Arising out of the Minutes.

- a) **ND – 106/13(a)** – outlined the matters discussed at the meeting in relation to the proposed rental charge being placed on the Committee and the result of the legal advice so given. It would appear that there is no legal right to impose this charge; the Government could simply abolish the Committee. Consequently the advice was to offer to pay considerably less at the commencement of a term and gradually increase it over time. As a result of this and a matter in relation to scrap metal receipts currently benefiting Douglas Corporation, which they would share there was not to be an increase this year and the cost would be absorbed.
- b) **SC – 108/13(a)** – asked the Clerk what the status was with regards to the cones at Clay Head Road to which **PH** informed the Board that he had been in contact with the Police who confirmed that they had placed them there due to complaints about dangerous parking at this location.

113/13 Private Sessions.

114/13 Planning Applications.

- a) *No new matters.*

115/13 Correspondence.

- a) Consultation on Legal Aid Regulations - The Legal Aid Committee are bringing forward amendment regulations with a view to regulating the provision of legal aid for mediation proceedings and the introduction of a statutory charge. In addition, the Legal Aid Committee are also considering a number of other proposals which would require amendment to secondary legislation. Public consultation plays an important part in the process of bringing forward new

legislation and to that end, the Legal Aid Committee has prepared a consultation document which provides an overview of the proposed changes. All of the relevant documentation can be found online at the following address: <http://www.gov.im/ConsultationDetail.gov?id=419> Alternatively, if you do not have access to the internet, paper copies of the documents can be obtained by contacting me on 686464. The Legal Aid Committee would be grateful if you would take time to read the consultation paper and the draft regulations and provide them with any comments you may have.

The consultation period closes on Friday 14th March 2014.

Noted.

- b) Consultation on the Fire and Rescue Service Bill prepared by the DHA. (**The Council of Ministers** is committed to promoting the Island as a safe community in which to live and to do business. The Department has a role in protecting all in our society and in this context, this means ensuring our Fire and Rescue Service is equipped with appropriate legal powers to carry out the functions we expect them to perform in the 21st century. Furthermore, the Fire Precautions Act, which is key in terms of fire safety, dates back to 1975. Practice in relation to how fire safety is promoted and, where necessary, enforced, has developed since then and the Department considered it necessary to explore ways to develop legislation to enable new ways of dealing with fire safety that reflect better the needs of society now. The purpose of the Bill is to repeal existing legislation and replace the current Acts with one that deals with the functions and appointment of the Isle of Man Fire and Rescue Service on the one hand, and the duties of various parties, including the Department, to promote and secure fire safety within premises on the other. Significant changes include moving away from the issue of fire certificates and regulations setting out prescribed safety measures, to a requirement on persons to be responsible for taking their own measures to ensure fire safety within their premises. In terms of the Fire and Rescue Service the proposed change in legislation reflects the fact that fire officers do not just deal with fires but also attend road traffic incidents, flooding and other environmental events. In these days of greater cross-Government working the legislation proposes that the Council of Ministers be given a role in determining any other kinds of emergency for which the Service may be required to perform duties).
- Noted.*
- c) Letter from the Hon Chris Robertshaw MHK, Minister for Department of Social Care, regarding the public consultation on the Special Guardianship Regulations. The Department of Social Care is consulting on Special Guardianship Regulations made under the Children & Young Persons (Amendment) Act 2011. The Act introduced a new legal option for children who cannot be looked after by their parents – known as Special Guardianship Orders. The Regulations are required to set out further information in relation to Special Guardianship such as who can apply and, access to support, and we welcome any comments people may have.
- Noted.*
- d) Mr Rodan e-mails John Houghton at 1351 hours on 02.02.14 - I write to you as Chairman of Water and Sewerage Authority to complain about the recent installation by the Authority which has appeared on Church Road, Lonan following recent water mains installation works. Please see email below, containing the photographs sent to me of the offending building with letter of complaint by my constituent resident in this area. I have been up to look at this myself today (Sunday) and am appalled at what can only be described as a monstrosity which completely despoils this attractive rural location, being sited prominently at the side of the road leading to Lonan Church. I would invite you to go and have a look for yourself, and agree whether a building of this size and appearance (it has ugly pink faux-stone cladding) should be allowed to stand for years to come at such a prominent location. I am assuming the building is a permitted development allowed to WASA as works by a 'statutory undertaking', therefore no planning approval required. I am given to understand it was not possible to put the building in an adjacent field on privately owned land, where it might be hidden from public view, due to landowner agreement issues. Please advise me whether the local authority was given advance notice of this, what the cost of the building was, and whether it complies with the guidance on dimensions permitted for such above ground installations under the

PDO. My constituent has already reported the matter to the Planning Enforcement officer for investigation. The building has clearly been completed, no doubt at considerable cost to the authority, but I would plead with you to have this installation removed to a more acceptable location. *PH advised the Board that whilst he had met the complainant she had not contacted the Authority and had pursued her objections through her MHK instead. It was unlikely that the Commissioners would be able to add anything in light of the report above. A discussion took place and it was noted. They agreed that it was an eyesore.*

- e) – (1). Resident of Highfield Drive, Baldrine, writes with photographs regarding the continued abuse by dog fouling in Highfield Drive in that it has worsened and requests that the matter be brought to the attention of the Board for further action. The Clerk showed the Board the photographs and they agreed it was totally unacceptable. *PH outlined previous action that had been taken in relation to signage and a general letter, which had worked. The matter of Bye-laws was discussed again but still found to be inappropriate due to cost and diversity of application in a mix of rural and semi urban environments. SC suggested that the residents should consider forming a local neighbourhood scheme to try and resolve the matter. He also proposed that the complainant be invited to attend the next meeting of the Authority to see if the matter could be driven forward. A discussion took place and this was agreed. They did not see any benefit in sending out a further letter.* PH
- e) – (2). The Clerk introduced a similar matter that had been brought to his attention today in relation to dog fouling on the Public Open Space in All Saints Park and sought permission to write to all of the residents in the same manner that had been used in Highfield Drive. He also asked for permission to erect signage. *A discussion took place and whilst permission was granted to send out the letter they agreed that the matter of signage should wait until it was possible to establish if the letter had been successful. If not then they would review the matter. PH confirmed that the letter had been written and was ready to be delivered. MB elected to do so.* PH MB
- f) Consultation on the Freedom of Information Bill 2014 - Please find attached the Freedom of Information Bill 2014 consultation document together with a feedback form for electronic responses. The consultation on the Bill runs for 6 weeks from today. These documents, together with an FAQs document, can be accessed electronically at: <http://tinyurl.com/ohle7dc> The consultation proposes a phased introduction for the Freedom of Information Act, which, when fully implemented will include all public authorities in the Isle of Man including local authorities. The closing date for submissions is Friday 21 March 2014. *After a short discussion it was agreed that the matter should be deferred until the next meeting so that the full content could be examined. PH informed the Board that the consultation period had been extended to 4th April 2014.* PH
- g) MSPCA copy of letter dated 07.02.14 to Mr Gawne regarding the proposal to remove the Dog Warden from the position and place the rescue and care of stray dogs in the hands of Pest Control Officers. The Dog Warden works closely with the MSPCA and is a vital part of animal rescue in the Isle of Man and cannot agree that this should be placed on the back burner to save jobs. The letter continues by stating that you are dealing with sentient beings not pieces of furniture and the MSPCA will campaign vigorously to ensure that the present level of care is maintained. The letter continues with a number of requests for information in relation to specific areas of delivery and sets a deadline for Mr Gawne to reply by 14th February or the matter will be placed into the public arena. *Noted.*

116/13 Enforcement Matters.

- a) *No new matters.*

117/13 Special Agenda Items.

- a) **Garff Signage.** *{Origin: SC – Garff Meeting – 12.02.14}.* **PH**
SC introduced the topic that had arisen at the last Garff Joint Initiative Committee Meeting about raising the profile of the Authorities working together in the Sheading. *A discussion took place regarding the practicalities of such signage given that recently they had renewed the Parish Welcome Boards. PH advised them that there was scope to add to the existing Boards by overlaying the wording which refers to safe drivers. The Board considered this option and indicated their support for the proposal which would be taken back to the next Garff meeting on 26th February. PH reminded them about the possibility of placing a sign on the Refuse Contractors Vehicle as well. The matter as to who would pay for this was raised and left open with no overall objection as to whether it was the Board or the Contractor..*

118/13 Any Other Business.

- a) **SC** – informed the Board that the Men’s Fellowship had obtained a defibrillator and that Hector Duff had achieved private funding for a cabinet. He requested the Clerk to approach Laxey Village Commissioners to see if they would allow the Unit to be attached to the Commissioners’ building for the benefit of the Village. A discussion followed and it was also agreed that Lonan would pay for any installation costs incurred. **JF** informed the Board that he understood that Mr Duff was purchasing the Cabinet himself. **PH**
- b) **SC** – referred to the Press Release issued by the Chairman of the Municipal Association, on their behalf, and how disappointed he was, and indeed others, that the only part of the release that the media picked up on was the Toilet Tax and not the main issue that being the refusal of the Chief Minister to meet the Association. The Release did not meet the mandate of the Members.
- c) **SC** – informed the Board that as part of his analysis of the financial state of affairs of the Garff Authorities he had received a response from Maughold in relation to their reserves and found that their circumstances were similar to that of Lonan. He concluded by saying that at this time he had not received a response from Laxey, which was disappointing. A discussion took place.
- d) **JF** – asked the Clerk to report to the Highways department that Ballagawne Road between Rhaa Farm and Ballagawne Farm was heavily potholed. **PH**

There being no further business, the Meeting closed at 1915 hours.

The next Statutory Meeting of the Authority will be held on Tuesday 18th March 2014 at 1815 hours.