

Lonan Parish Commissioners

Statutory Meeting

Wednesday 25th September 2013 at 1800 hours in the Lonan Commissioners Office.

MINUTES

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

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

Guests: Mr E. Griffiths, Government Valuer, Mr C. Heginbotham, Assistant Government Valuer, Mr J. Grubb, Treasury Rates Manager.

The Meeting commenced at 1805 hours.

57/13 **Guests from Treasury Rates and Government Valuations Department.**

Action

JF welcomed the Guests to the meeting and a discussion took place covering topics such as rates collection success levels and problems associated with dealing with defaulters; matters relating to rateable value assessments and the use of domestic premises for business purposes. Various specific defaulters were discussed in detail. The meeting established that the current legislation was no longer fit for purpose and was in need of complete re-examination. As regards enforcement, the Board were alarmed to hear that whilst Courts could issue payment notices, they had no powers to enforce them. Also, as it fell to the appropriate Coroner to collect outstanding monies, the rewards currently provided, simply did not make it worthwhile to pursue small debts as the percentage bonus was too small. Another area covered was in respect of home improvements dealt with under permitted development, which would attract additional rating assessments. The introduction of increased permitted development did not provide for a system of compulsory notification by the developer of the works and consequently no advice was automatically supplied to the Valuers; they relied on Local Authorities, complaints or research to find these developments. **SC** asked why financial penalties could not be applied to non-payers in the same way that people who do not pay parking fines are. As always there needed to be a will by the Government to tackle these issues, but they were not forthcoming. **PH** commented that more than a decade ago, he had written to the Department on this subject, because of Government proposals to transfer services funded through income tax to the Local Authorities through the rates. His concern was that if they were to do this then the Local Authorities should have the same powers of enforcement as the Treasury. Their response had been unhelpful and nothing has changed. **JG** added that whilst Treasury could enforce late payment penalties, ultimately, they had the same problems as Local Authorities to obtain payments. **CH** stated that they had investigated the possibility of a sliding scale of incentives to pay the rates, but this had not progressed. In answer to a question from **SEC**, **EG** confirmed that the problem of rate debtors and collection was island wide. After an informal discussion, **JF** thanked the Guests who departed at 1855 hours. The Board agreed that the meeting had been extremely helpful.

58/13 **Minutes of the Statutory Meeting of 21st August 2013.**

The Minutes of the Statutory Meeting of 21st August 2013 were examined for accuracy, and it was agreed that they represented a correct statement of events.

Proposed by: SC. **Seconded by:** SEC.

SEC stated that he had to leave shortly and it was agreed to go straight to item **61/13(a)**.

61/13 **Planning Applications.**

- a) Application in principle for advice and opinion in respect of proposed erection of a single dwelling to replace the Workshop, a Nissan Hut adjacent to Riverside Cottage, Glen Roy. **PH** explained the purpose of this item in that the owner wished to seek the opinion of the Local Authority prior to

PH

submission to the Planning Department to address any problems that they might see. After a lengthy discussion it was agreed that on the basis of the documents presented to them, they would have no objection in principle to the proposals contained therein; any subsequent alterations or amendments could alter this position.

59/13 Matters Arising out of the Minutes.

- a) **JF – 56/13(c)** – informed the Board that the matter of proportioning the refuse disposal costs between the respective Authorities in Garff had been resolved and they had acceded to the request by Maughold to implement the changes within the current financial year. **PH** reminded the Board that these increases to Lonan had not been budgeted for, and consequently would have some impact.

60/13 Private Sessions.

62/13 Correspondence.

- a) E-mail at 1020 hours on 16.08.13 - The purpose of the European Union (Amendment) Bill is to amend the European Communities (Isle of Man) Act 1973 (“the 1973 Act”) consequential on the treaty concerning the accession of the Republic of Croatia to the European Union and the Protocol on the concerns of the Irish people on the Treaty of Lisbon; and to enable the Council of Ministers to amend by order the list of treaties specified in the definition of “the Treaties” or “the EU Treaties” set out in section 1(1) of the Act. 2. **Background** 2.1 The Isle of Man has had a limited formal relationship with the European Union and its predecessors (the European Economic Community and then the European Community) since 1 January 1973 when the Treaty concerning the Accession of Denmark, Ireland and the United Kingdom came into force. That relationship is set out in Protocol No.3 on the Channel Islands and the Isle of Man to the Act concerning the conditions of the Accession and the adjustments to the Treaties that was annexed to the Accession Treaty, which is commonly known as “Protocol 3”¹. 2.2 Since 1973 there have been a number of treaties which have either amended how the European institutions work or have provided for the accession of new Member States. In each case Protocol 3 has remained entirely unchanged and, indeed, to amend the Protocol would require the agreement of all the (currently 28) Member States. Therefore, for all the changes over the years to the body that is now known as the European Union, no greater range of EU law has become applicable to the Island than originally set out in Protocol 3. 2.3 The Isle of Man’s Protocol 3 relationship has been implemented in Manx law since 1 September 1973 when the 1973 Act came into operation. For each of the various amending and accession treaties it has been necessary to amend the 1973 Act to ensure that it continues to accurately implement the Protocol 3 relationship and the Island’s obligations under that relationship. In the case of the accession treaties, such as that for Croatia, this has meant that the Protocol 3 relationship has applied between the Island and a greater number of countries than previously. Croatia became a Member State of the EU on 1 July 2013 and that fact should now be reflected in the law of the Island. This can be achieved by simply adding the Croatia Accession Treaty³ to the list of the main EU treaties set out in the 1973 Act.

Noted.

- b) Department of Social Care writes on 22.08.13 enclosing the Feedback from the Workshops that took place at the Housing Conference 2013 at Mount Murray. *Noted.*

- c) BD e-mails at 2359 hours on 04.09.13 - Two more training forum sessions have been arranged as follows: **1. Risks for the Modern Commissioner** to be presented by Dougie Elliott at the Strathallan Suite, Douglas on Wednesday 23 October at 1800 for 1830 until approximately 2030.

2. Understanding Financial Information To be presented by Ian Begley on Wednesday 20 November at 1800 for 1830 until approximately 2030. The venue will be confirmed at a later

SC

date. Please ensure that this information is made available to all of your Commissioners.

SC stated that he would endeavour to attend both sessions.

- d) Consultation on the naming of the new Constituencies. The proposal for the East which includes, Laxey, Lonan, Maughold and Onchan Parish and Howstrake is that the Constituency should be called GARFF. Submissions no later than 1700 hours on Monday 7th October 2013 to Ann Craine. *A discussion took place and it was agreed that they would support the proposal to name the new Constituency Garff.* PH
- e) **World War 1 Commemorations, 2014-2018**
The 4 August 2014 marks the 100th anniversary of the start of the First World War, the first global conflict, in which millions of people participated and millions more felt the affect in their community and their homes. The First World War had a dramatic impact upon the Isle of Man, not just in the considerable number of lives lost, but also in profound economic, social and political upheaval. The period 2014-2018 will see many nations mark the anniversaries of key events and the impacts in their own countries; organisations in the Isle of Man, both public and voluntary, will wish to commemorate the First World War and many will be formulating plans accordingly. Government as a whole is also considering its collective response to commemorating this 100th anniversary during 2014-2018. A Steering Group is being established at my request, in order to provide some central coordination for commemorations taking place in the Island. This Group will bring together key stakeholders from the public, voluntary and private sectors to represent the Island's community. The Steering Group would like to have details of any events or activities planned in respect of the First World War.
No plans are currently being considered by the Board.
- f) A Local Resident is acting on behalf of the residents of The Crescent, Baldrine, to investigate the requirements and cost of installing surface drainage and providing a suitable road surface for the Crescent. He adds that while the road is under repair there will also be the opportunity to upgrade the street lighting which he states is poor so additional lighting, possibly a low energy option, could be installed. Given that the Local Authority maintains the Street Lighting, he asks if the Commissioners would consider carrying out the lighting improvements. *A discussion took place and it was acknowledged that The Crescent was actually a private road and that the Authority was paying for the maintenance and supply to the street lights. The Board were happy to continue to do so and replace the lights in common with other areas if they became defective or beyond economical repair. They have not budgeted for a project of this scale during the current financial year.* PH
- g) Department of Infrastructure Consultation of 13.09.13 in respect of Lower Douglas Master Plan – Draft Interim Planning Guidance for Key Town Centre Sites in Douglas. This is in connection with the Lord Street Site, *'When considering the redevelopment of the Lord Street site should consideration be given to incorporating appropriate bus interchange facilities to serve the needs of Central Douglas.'* Subs before Monday 28th October 2013 by on-line questionnaire. *Noted.*
- h) Laxey Village Commissioners Invitation to their Civic Service on Sunday 13th October 2013 at 1100 hours at the Methodist Church, Minorca Hill, Laxey, followed by refreshments. **JF/MB** to attend JF/MB
- i) Local Resident e-mails the Commissioners regarding the continued breaches of the speed limit in Baldrine and proposes various solutions, such as more signage, reduced speed limit and high profile prosecutions to combat this dangerous abuse. *A discussion took place and it was agreed that these abuses were continuing, despite there being speed limit reminders in the Village. JF stated that he would raise the matter at the next Northern Traffic Management Liaison Group Meeting, but* JF

understand work in Baldrine was being considered as part of the A2 improvements.

- j) Laxey Village Commissioners e-mails regarding proposed Garff Carol Service which falls to them to organise this year. Unfortunately Christchurch is closed during the relevant period and the Board of Laxey Commissioners do not want to hold the service in Lonan at All Saints Church. It is suggested that Lonan organise the event this year instead or cancel it entirely. *A discussion took place and the Board were not minded to organise it this year as All Saints Church was in Garff and couldn't see the problem as there were alternative venues in Laxey if All Saints was not the preferred option.*
- k) Minutes of Municipal Meeting – 29.08.13. *SC commented that efforts to get the Chief Minister to attend a Municipal meeting were not being successful, as he was always too busy. However he might attend the October meeting and he recommends that as many Commissioners as possible attend if he does.*

63/13 Enforcement Matters.

- a) No new matters.

64/13 Special Agenda Items.

- a) Rate Defaulters. *{Origin – ND - 21.08.13. – 55/13(a)}*
In view of the meeting at Agenda Item 57/13 above it was considered that this matter had been dealt with.

65/13 Any Other Business.

- a) **SC** – informed the meeting that the plastic fencing in Croit-e-Quill Road, that had been the subject of a Refused at Appeal for retrospective permission was still in situ, but now was covered in plastic green simulated foliage. The height and appearance were still not satisfactory and the fence was rejected by the Minister at Appeal. He requested the Clerk to contact Planning Enforcement. **PH**
- b) **JF** – requested three Commissioners to read the lessons at the Civic and **JF/SC/ND** were proposed. **JF/SC/ND**

There being no further business, the Meeting closed at 1940 hours.

The next Statutory Meeting of the Authority will be held on Tuesday 22nd October 2013 at 1815 hours.