

PORT ST MARY COMMISSIONERS
ORDINARY BOARD MEETING
27th SEPTEMBER 2017 at 7.30 pm
AGENDA – OPEN PUBLIC SESSION

1. 1.1 Welcome, Apologies and Declarations
2. Minutes for Adoption:
 - 2.1 Consideration of the Minute of the Ordinary Board Meeting held on 13th September 2017
3. Matters Arising:
 - 3.1 Fireworks Risk Assessment from the Foreman in conjunction with Safety Management Services – attached
 - 3.2 Planning
 - 3.3 20 mph zone paper
4. Motions:
5. Finance:
 - 5.1 Approval of invoices for payment late September 2017 enclosed:
 - 5.2 Invoices paid early September 2017 for noting- enclosed
6. Special Projects:
 - 6.1 Manxonia House
 - 6.2 Skate Park
 - 6.3 Equality Bill – briefing note
7. Public Correspondence:
 - 7.1 Email from Ratepayer re pavement on The Promenade
 - 7.2 Letter from Ratepayer re Gansey footpath
8. Bye Election 5th October 2017

9. Planning Matters:

9.1 Planning Applications

PA17/00976/B Bay View Hotel, Bay View Road, Port St Mary. Red Pen Ltd. Demolition of existing building and construction of three apartments with onsite parking / garages. Offer made by Architect to meet with the Board to discuss if necessary.

PA17/ 00948/B 6 Creggan Moor, Port St Mary. Ms S Ashwell. Erection of front porch

PA17/00954/B Highcliffs, 12 Perwick Road, Port St Mary. Mr and Mrs W Lamb. Erection of single storey extension to front elevation.

Hotel, Bay View Road, Port St Mary. Demolition of existing building and construction of 3 apartments with on site parking

9.2 Planning Amendments:

PA17/00817/B 1 Daisy Bank, Cronk Road, Port St Mary. Mr J Hindley and Miss E Titley. Amended plans with high level (min 1.8 m high) obscured glass screen to south elevation of proposed balcony

PA17/00410/B Mevania, Lewthwaites Way, Port St Mary. Frank Worrall (IOM) Ltd. Amended plans with additional parking

10. Invitations:

10.1 Invitation - Safeguarding training event 17 October 2017 Noble's Community Room, Noble's Park, Douglas 6.30pm start

11. Any other business of an urgent nature (by permission of the Chairman)

Item 2.2

Port St. Mary Commissioners

Town Hall, Port St. Mary, Isle of Man. IM9 5DA
Tel: (01624) 832101

www.portstmary.gov.im

Email: commissioners@portstmary.gov.im



To

Minister with Responsibility for Planning

Dear Sir,

Planning Reference PA/10/01892/B

I refer you to the above application that was confirmed at appeal on 9th August 2011.

You may be aware that this Board continue to challenge that decision on many grounds:

1. The land required for parking was. and by statute had to remain, Crown Land (s7 Harbours Act 2010):
2. There was an undisclosed Public Right of Way that bisected the site and this had not been extinguished at the time of the application: (Public Right of Way 447):
3. There were a number of statements in the planning application that have been proven to be inconsistent with the truth.
4. No application was made for permission under Building Regulations prior to the commencement of the construction works in 2015

This Board have lodged a Petition of Redress on 5th July 2017 and are preparing for that being heard in Select Committee. As part of the preparation for that can we ask you to consider whether you regard this as a current planning permission.

In considering this can I ask you to take account of the following statements:

In a letter from the office of the Director of Planning to Callin Wild, who acted on our behalf, your Department stated on 7th October 2015 that:

"As you are aware, whilst applicants do not need to be owners of the land, they do need to inform us of ownership, where known, at the time of the application. An incorrect submission does not necessarily invalidate this application, this would depend on whether a different ownership would or could have led to a different determination."

We contend that, were it known that the land shown as within the applicants ownership was Crown Land and, by statute could only be disposed of in a limited number of ways (such as to Manx Natural Heritage), then Mr Teare would have reached a different determination of the appeal.

In the appeal decision 18th October 2011 The decision notice contained a condition (numbered 3) which states:

"Prior to the commencement of any works on the construction of the dwellings, including the excavation of the site, the parking area shown on the approved plans must be constructed to at least base course level and the beach-side slab finished in stone....."

The site was excavated in January 2012. The car parking commenced in the autumn of 2015. This planning condition has clearly been ignored. Even today, the construction of car parking has not been completed to the standard specified in the planning consent therefore the works done are outside the terms of the approval given. These works cannot therefore be regarded as a valid start on site. As we are now five years from the original point of approval with no valid work undertaken, please will you confirm that you regard this permission as lapsed?

In launching a Petition of Redress we are, if necessary, preparing to go to the highest court available to us to quash this planning permission.

Yours sincerely,

Alastair Hamilton
Clerk

PORT ST MARY COMMISSIONERS

INVOICES TO BE PAID AFTER REVIEW AT MEETING ON 27th SEPTEMBER 2017

Housing Expenses										
Inv #	Date	Inv Number	Supplier	Description	House	Category	NL Code	Total Net	VAT	Total Cost
391	08/09/2017	1	Mr Sam Bunce	Celling repairs plasterer	11 SA	Repairs	6100	£130.00	£0.00	£130.00
392	11/09/2017	0958 AL0107	City Heating Spares	Plumbing parts	24 SA	Repairs	6100	£2,332.51	£466.50	£2,799.01
393	08/09/2017	10575	Heattech	Shower	10 LA	Repairs	6100	£647.91	£129.58	£777.49
394	08/09/2017	10576	Heattech	Bathroom	15 LA	Repairs	6100	£3,014.86	£602.97	£3,617.83
395	31/08/2017	17/17448	Liftman	Creggan Beg	CB	Repairs	6100	£204.00	£40.80	£244.80
396	11/09/2017	29038	Manx Glass & Glazing	Windows	15 LA	Repairs	6100	£315.67	£63.13	£378.80
397	11/09/2017	29039	Manx Glass & Glazing	Windows	2 FR	Repairs	6100	£166.07	£8.30	£174.37
398	13/09/2017	7616	Reliance Security	Works Creggan Beg	CB	Repairs	6100	£175.00	£35.00	£210.00
Sub Totals - Housing								£6,986.02	£1,346.28	£8,332.30

PORT ST MARY COMMISSIONERS

INVOICES TO BE PAID AFTER REVIEW AT MEETING ON 27th SEPTEMBER 2017

Rate Born Expenses										
Inv #	Date	Inv Number	Supplier	Description		Category	NL Code	Total Net	VAT	Total Cost
399	19/09/2017	5058752	Argon	Photocopying		Photocopying	5060	£210.01	£42.01	£252.02
400	13/09/2017	342185	IOM Gov DEFA	Tipping Charge August		Refuse	5210	£5,416.51	£1,083.30	£6,499.81
401	15/09/2017	16659	Island IT	Email hosting September		Computer	5140	£77.00	£15.40	£92.40
402	31/08/2017	143965	JDW Engineering	Toilets PSM Promenade		Public Convenience	5400	£125.00	£25.00	£150.00
403	06/09/2017	29026	Manx Glass & Glazing	Windows Snooker Club		Maintenance	5130	£3,467.20	£693.44	£4,160.64
404	14/09/2017	1728	Manx Pack Ltd	Coffee		Office Expenses	5170	£28.00	£0.00	£28.00
405	01/09/2017	10232245	Manx Telecom	Office telephone		Office telephone	5160	£123.90	£24.78	£148.68
406	01/09/2017	7287	Orb	Payroll admin August		Professional	5030	£60.50	£12.10	£72.60
407	03/08/2017	230133	Sadler	Weed killer		Gardens	5260	£79.90	£15.98	£95.88
408	22/08/2017	231518	Sadler	Weed killer		Gardens	5260	£79.00	£15.80	£94.80
409	15/09/2017	31011	Search & Select	Temp Fin Officer wk to 080917		Accy & Prof	5030	£1,085.00	£217.00	£1,302.00
410	22/09/2017	31076	Search & Select	Temp Fin Officer wk to 150917		Accy & Prof	5030	£1,085.00	£217.00	£1,302.00
411	18/09/2017	105506	SCASB	Recharge ORB payroll Admin		Accy & Prof	5031	£1,272.33	£254.47	£1,526.80
412	22/08/2017	257563	Whittaker	No parking sign		Carpark maintenanc	5500	£16.64	£3.33	£19.97
413	08/09/2017	credit 902830	Wicksteed playgrounds	Oilite		stores	6020	-£21.90	-£4.38	-£26.28
Sub Totals - Rate Born								£13,104.09	£2,615.23	£15,719.32
TOTALS								£20,090.11	£3,961.51	£24,051.62

PORT ST MARY COMMISSIONERS

INVOICES TO BE PAID AFTER REVIEW AT MEETING ON 27th SEPTEMBER 2017

Summary Breakdown of Expenditure (excluding VAT)	
Stores	-£21.90
Gardens/road sign	£175.54
Public Conveniences, bins,	£125.00
Office	£3,941.74
Refuse	£5,416.51
Snooker club windows	£3,467.20
Repairs	£6,986.02
Total	£20,090.11

Allowance		Expenditure to date	Allowance Remaining
£137,145.00		£67,277.17	£69,867.83

PORT ST MARY COMMISSIONERS

INVOICES PAID ON 19TH SEPTEMBER 2017

Housing Expenses										
Inv #	Date	Inv Number	Supplier	Description	House	Category	NL Code	Total Net	VAT	Total Cost
339	22/08/2017	407690019AC	ACE	Equipment Hire	8 LA	Repairs	6100	£43.65	£8.73	£52.38
340	23/08/2017	13847	AWF Speciallist Maint	Paint to reduce damp	Store	Repairs	6100	£776.00	£155.20	£931.20
341	22/08/2017	10565	Heattech	Boiler	4 PR	Repairs	6100	£23.50	£4.70	£28.20
342	22/08/2017	10566	Heattech	Boiler	12 PR	Repairs	6100	£107.00	£21.40	£128.40
343	04/09/2017	10571	Heattech	Shower	12A LA	Repairs	6100	£3,098.91	£619.78	£3,718.69
344	04/09/2017	10572	Heattech	Boiler	3 FR	Repairs	6100	£329.00	£65.80	£394.80
345	04/09/2017	10573	Heattech	Toilet	2 LA	Repairs	6100	£36.85	£7.37	£44.22
346	17/08/2017	1887739	J. Qualtrough	Repair materials	8 LA	Repairs	6100	£10.46	£2.09	£12.55
347	24/08/2017	1889231	J. Qualtrough	Toilet repairs		Repairs	6100	£49.89	£9.99	£59.88
348	29/08/2017	1889989	J. Qualtrough	Toilet repairs		Repairs	6100	£27.13	£5.43	£32.56
349	31/08/2017	1890925	J. Qualtrough	Repair materials	15 LA	Repairs	6100	£36.74	£7.35	£44.09
350	31/07/2017	058/2017	Kennough & Skinner	Barna Beg Garage Demolition	BB	Repairs	6100	£9,975.00	£1,995.00	£11,970.00
351	14/08/2017	660/17319	MC Locksmith	Windows	14 LA	Repairs	6100	£144.04	£28.81	£172.85
352	14/08/2017	660/17320	MC Locksmith	Windows	30 RYC	Repairs	6100	£35.00	£7.00	£42.00
353	16/08/2017	5665	Metalco	Repair materials	8 LA	Repairs	6100	£21.20	£4.24	£25.44
354	24/08/2017	26	PSMLines	Car Park yellow hatched lines	BB	Repairs	6100	£270.00	£0.00	£270.00
355	18/08/2017	50069	Quine & Cubbon	Signs	5 PR	Repairs	6100	£63.40	£12.68	£76.08
356	28/08/2017	2999	Raven	Electrical repairs	15 LA	Repairs	6100	£180.00	£36.00	£216.00
357	31/08/2017	105390	SCASB	Rubble disposal		Repairs	6100	£271.85	£54.37	£326.22
Sub Totals - Housing								£15,499.62	£3,045.94	£18,545.56

PORT ST MARY COMMISSIONERS

INVOICES PAID ON 19TH SEPTEMBER 2017

Rate Born Expenses										
Inv #	Date	Inv Number	Supplier	Description	Category	NL Code	Total Net	VAT	Total Cost	
358	31/08/2017	407690020AC	ACE	Purchase acrows	Store	6020	£90.00	£18.00	£108.00	
359	31/08/2017	407690021AC	ACE	Purchase acrows	Store	6020	£90.00	£18.00	£108.00	
360	31/08/2017	505645	Argon	Photocopying	Photocopying	5060	£134.71	£26.95	£161.66	
361	09/08/2017	10200802	Auto Electrical Centre	Battery	Vehicles	6056	£50.13	£10.03	£60.16	
362	31/08/2017	101776	Bridson & Horrox	Stationery	Stationery	5050	£87.41	£17.48	£104.89	
363	25/08/2017	250817	Calvert Newsagents	Post and Papers	Office - expenses	5170	£174.26	£0.00	£174.26	
364	29/07/2017	290717	Cool Bros. Ltd	Milk workshop July	Office - expenses	5170	£12.00	£0.00	£12.00	
365	26/08/2017	260817	Cool Bros. Ltd	Milk August Office	Office - expenses	5170	£7.20	£0.00	£7.20	
366	26/08/2017	260817	Cool Bros. Ltd	Milk August Workshop	Office - expenses	5170	£9.60	£0.00	£9.60	
367	25/08/2017	341048	IOM Government DOI	Tipping charge EFW July	Refuse	5210	£4,450.24	£890.05	£5,340.29	
368	30/08/2017	28073	Garage Door & Gate	Green keepers shed	Golf Maintenance	5630	£2,208.00	£441.60	£2,649.60	
369	01/08/2017	3350	highway Express	Delivery of refuse bins	Bins	5230	£90.00	£18.00	£108.00	
370	08/08/2017	16489	Island IT	Email hosting	Computer	5140	£77.00	£15.40	£92.40	
371	17/08/2017	16537	Island IT	Call out	Computer	5140	£55.00	£11.00	£66.00	
372	24/08/2017	16589	Island IT	Call out	Computer	5140	£27.50	£5.50	£33.00	
373	25/08/2017	4102535	IOM Newspapers	Casual Labour 1st week	Advertising	5190	£203.58	£40.72	£244.30	
374	01/09/2017	4102779	IOM Newspapers	Casual Labour 2nd week	Advertising	5190	£203.58	£40.72	£244.30	
375	01/09/2017	4102778	IOM Newspapers	Manx Independent	Election Expenses	5090	£542.88	£108.58	£651.46	
376	03/08/2017	1884935	J. Qualtrough	Workshop materials	Store	6020	£44.40	£8.88	£53.28	
377	14/08/2017	1886987	J. Qualtrough	Workshop materials	Store	6020	£5.94	£1.19	£7.13	
378	07/08/2017	346	Ken Quine	Workshop materials	Store	6020	£143.04	£28.61	£171.65	
379	11/08/2017	SP14398452	Manx Utilities	Repair to streetlamp-insurance claim	Maintenance	5130	£2,090.41	£418.08	£2,508.49	
380	16/08/2017	2100002203	Ocean Ford	Van hire	Vehicles	6056	£345.00	£69.00	£414.00	
381	31/08/2017	105390	SCASB	Waste disposal allotments	Refuse expenses	5210	£76.31	£15.26	£91.57	
382	25/08/2017	30782	Search & Select	Temp Fin Officer wk to 180817	Accy & Prof	5030	£1,085.00	£217.00	£1,302.00	
383	01/09/2017	30852	Search & Select	Temp Fin Officer wk to 250817	Accy & Prof	5030	£1,085.00	£217.00	£1,302.00	
384	08/09/2017	30946	Search & Select	Temp Fin Officer wk to 010917	Accy & Prof	5030	£1,085.00	£217.00	£1,302.00	
385	25/08/2017	28363	Signrite	Update honours board	Town Hall Exps	5150	£10.00	£2.00	£12.00	
386	11/08/2017	707982	SMP Accounting & Tax	Accountancy 16/17	Accy & Prof	5030	£8,603.95	£1,720.79	£10,324.74	
387	31/08/2017	20170000722	Station Garage	Fuel	Refuse	5210	£355.53	£71.12	£426.65	
388	08/08/2017	257071	Whittaker Trading Ltd	Motor	Store	6020	£44.22	£8.84	£53.06	
389	22/08/2017	257563	Whittaker Trading Ltd	No Parking sign	Store	6020	£16.64	£3.33	£19.97	
390	22/08/2017	261598	WDS Ltd	Cleaning/supplies	Public Convenience	5400	£195.84	£39.17	£235.01	
391	20/08/2017	305248	WI-Manx	User host September	Phone	5160	£218.86	£43.76	£262.62	
Sub Totals - Rate Born							£23,918.23	£4,743.06	£28,661.29	
TOTALS							£39,417.85	£7,789.00	£47,206.85	

Item 6.3

<p>SUBJECT</p>	<p>Equality Bill</p>
<p>REASON FOR BRIEFING NOTE</p>	<p>The Equality Bill 2015 is near to finalisation and is expected to be finalised and become part of Manx legislation during the summer (2017).</p>
<p>BRIEFING NOTE</p>	<p>The new legislation will replace the existing legislation dealing with discrimination and equality. The Bill will make it unlawful to discriminate (directly or indirectly) or harass on the grounds of certain 'protected characteristics'.</p> <p>Protected Characteristics:</p> <ul style="list-style-type: none"> • Sex • Age • Disability • Gender Reassignment • Race (to include *caste) • Religion or Belief • Sexual Orientation <p>*this has not yet been introduced / included in UK legislation.</p> <p>Equality of Terms:</p> <p>The Employment (Sex Discrimination) Act 2000 provides for equality of terms for men and women doing 'like work' or 'work rated equivalent' to that of the opposite sex. The terms of one individual's contract should not be less favourable than that of the other.</p> <p>The Equality Bill will expand upon this by introducing the concept of equality of terms for work of 'equal value'.</p> <p>Equal Work:</p> <p><i>Like Work</i> – work is like work where the work of a man and a woman is 'the same or broadly similar'. To establish this consideration needs to be given to the type of work involved, and the skill and knowledge required to do it.</p> <p>If there are any differences in terms of pay (or other terms) the employer must be able to demonstrate that there are differences in the work performed, e.g., different levels of</p>

responsibility/qualification or one party working unsociable hours or having additional duties.

The differences on which the employer relies must be differences of 'practical importance' in the work performed.

Work Rated as Equivalent – A woman is regarded as employed on work 'rated as equivalent' with that of a man if a job evaluation process has given an equal value for their jobs. This process can be used to protect against equal pay claims.

Work of Equal Value – This permits jobs of entirely different natures to be compared against each other and can be put into action where a) there are no employees doing a similar job and b) the employer has not carried out a job evaluation process.

A claim of work of equal value can be made where an employee can show that he/she does work of equal value to a comparator of the opposite sex.

To determine whether work is rated as being of equal value reference is made to the demands placed on employees in terms of skills, training, effort, decision making etc.

Comparators:

A claimant must identify an appropriate comparator with whose contract they can compare if they wish to bring an equal pay claim. The comparator must be employed by the same employer.

Need to Show Less Favourable Terms:

Equality of terms applies to all terms of employment and the law requires a term by term comparison. An employer cannot defend a claim by asserting that a female employee enjoys other more favourable terms.

	<p>Material Factor Defence:</p> <p>An employer will be able to defend an equality claim if it can be shown that the difference in terms is due to a material factor.</p> <p>Redundancy Payments:</p> <p>The current Isle of Man redundancy payments calculation system is to be retained but the entitlement will extend to older employees. It is also intended to impose a cap on statutory redundancy payments of 26 weeks.</p> <p>Retirement at 65:</p> <p>It will no longer be possible to determine a compulsory retirement age. There will be no default retirement age.</p> <p>Time Limits, Remedies & Fees:</p> <p>Any claim will have to be lodged within 6 months of the last day of employment.</p> <p>The Employment Tribunal (which will become known as the Employment & Equality Tribunal in due course) will be able to award a maximum amount of pay arrears of up to 2 years (6 in the UK).</p> <p>The Bill will allow the Employment & Equality Tribunal to introduce fees in respect of claims filed.</p> <p>Implementation Timetable:</p> <p>Following Royal Assent, expected towards the middle of 2017, the Bill will be phased in over a 2 year period, this will allow employers an opportunity to review pay structures. Central Government will procedure a detailed timetable in due course.</p>
DATE	20 th September 2017

Item 7.1

From: MR >

Date: 7 September 2017 at 18:42:19 BST

Subject: Dangerous state of the pavement on The Promenade

Message Body:

Clerk to the Commissioners

I would be most grateful if you could draw the following matter to the attention of the Commissioners.

The Promenade is a beautiful location and the staff who work for the Commissioners do a wonderful job in looking after it.

Most of the pavement along The Promenade is in very good condition. Unfortunately, the state of the pavement in the area that is in front of Aaron House, on The Promenade, is very poor.

Two days ago, xx who is an energetic man in his nineties, was walking across that stretch of pavement. His foot caught a projecting part of the pavement and he fell very badly. He suffered head and chest injuries. Fortunately, xx came to his rescue.

Also, the paramedics who later attended xx were excellent.

One paramedic commented on the very poor state of the pavement at that spot.

Several local residents told me that an elderly lady had stumbled and fallen over in the same spot recently.

Also that a very elderly resident of The Promenade had been doing her utmost for several months to avoid walking over that stretch of pavement because of her fear of tripping over the raised edges.

Xx is of the generation who do not complain about their aches and pains. He does however want me to pass on his concerns that there may be further problems for other elderly or disabled people at this spot.

He says he is concerned that he might fall again - and therefore states he will be walking in the road in future, to avoid this stretch of pavement.

I hope The Commissioners can give this their serious consideration.

Thank you

Mr .

Item 8

AFFIDAVIT

I Alastair Hamilton of 12 High Street, Port St Mary, Clerk to the Village District of Port St Mary being sworn make oath and say as follows:

- 1) I am the Clerk to Port St Mary Commissioners
- 2) Mr Alan Grace of Cornerstone, Lime Street, Port St Mary was appointed by the Port St Mary Commissioners at their meeting held on Wednesday 27th September 2017 to act as Returning Officer for the election to be held on 5th October 2017.

Item 10.1

From: g>

Sent: 20 September 2017 13:23

To: Alastair Hamilton;...

Subject: INVITATION -Safeguarding training event 17 October 2017 Noble's Community Room, Noble's Park, Douglas 6.30pm start

Dear Local Authority Clerks

As you are aware the Municipal Association is arranging a further series of training events during 2017/18. These are aimed at all Commissioners and Clerks since they will contain both a training/refresher element and also provide an update on the latest position in appropriate areas. Attendance is **not** restricted to MA Members - representatives from all Local Authorities are very welcome.

The final session this year will be on Tuesday 17 October 2017 at the Noble's Community Room, Noble's Park, Douglas at 6.30p.m. prompt.

This will be presented by Mike Williamson, Principal Social Worker – Access and Adult Safeguarding at the Department of Social Care and will consider the important and current hot topic of safeguarding. It is envisaged that this session will last around two hours including a break at which a light buffet supper will be provided.

I would be grateful if you could let me know the numbers (not names) of people who might wish to come along **no later than 10 October 2017**. An e mail response would be preferable.

Kind regards

Secretary to the Isle of Man Municipal Association

PORT ST MARY COMMISSIONERS
ORDINARY BOARD MEETING
27th SEPTEMBER 2017
AGENDA – PRIVATE SESSION

1. Minutes for adoption:
 - 1.1 Consideration of the minute of the Private Meeting of 13th September 2017
2. Matters Arising:
3. Health, Safety and Environmental Performance:
4. Housing:
5. Finance:
6. Special Projects:
7. Policy and Resources:
8. Staffing:
9. Representative Confidential Reports:
10. Private Correspondence:
11. Any other business of an urgent nature (by permission of the Chairman):
12. Date of next meeting: Wednesday 11th October 2017