

Town Hall,
Parliament Square,
Ramsey,
Isle of Man.

www.ramsey.gov.im

11th June 2020.

Sir/Madam,

The monthly **Public Meeting** of the Ramsey Town Commissioners will be held on Wednesday evening next, **17th June, 2020, at 7.00 p.m.** **The meeting will be conducted by telephone conference call and access arrangements will be notified to Members in advance.**

BUSINESS:

1. Apologies for Absence:

2. Minutes for Adoption:

page(s): 1 - 5

- Minutes of Board Meeting held on 20th May, 2020.
- Minutes of Special Board Meeting held on 10th June, 2020. (to be “tabled”)

3. Matters arising not included within the Agenda.

4. Finance and General Purposes:

page(s): 6 - 44

- Town Clerk’s Report(s):
 - Byelaws
 - “Covid 19” - to be “tabled”.
- Finance Officer’s General Report(s):
 - Accounts
 - Summary of Revenue Income and Expenditure
 - Rates

5. Works and Development:

page(s): 45 - 59

- Town Clerk’s Report(s):
 - Consultation Wayleaves Bill
 - Ramsey Quayside

- Technical Services Manager Report(s):
 - Planning Applications
 - Appendix
 - Planning Sheet

6. Housing and Property:

page(s): 60 - 73

- Housing and Property Manager's Report(s):
 - Safeguarding

7. Any other Business:

page(s):

(by permission of Chairman - any will be advised)

- Matters Raised by the Public
 - ❖ None received
- Representative Report(s):
 - ❖ None received



Town Clerk & Chief Executive.

RAMSEY TOWN COMMISSIONERS

[PUBLIC]

The Monthly Board Meeting of the Ramsey Town Commissioners was held using a telephone conference call system on Wednesday, 20th May, 2020, at 7.00 p.m.

Present: Mr. A. G. Cowie, Mrs. M. B. Quayle and J. Wedgwood, Messrs' Rev Canon N. D. Greenwood, W. L. Hankin, N. Howard, J. McGuinness, A. J. Oldham, L. Parker, F. B. R. Williams and W. G. Young.

Apologies: None

The Town Clerk, Deputy Town Clerk, Finance Officer, Housing & Property Manager and Technical Services Manager were in attendance.

(2020/21:002) Minutes:

Resolved: That the Minutes of the Board Meetings held on 15th April, 2020, and the Extra-Ordinary Meeting held on 5th May, 2020, be confirmed and signed by the Chairman.

(2020/21:003) Matters Arising:

There were no matters raised.

(2020/21:004) Chairman's Report:

Members noted the Chairman's report dated 15th May, 2020. The Chairman and members expressed their sympathy to the families of both Lew Kelly, who had served as Housing Officer to the Board, and Mrs Betty Robinson, official companion to a former Chairman of the Commission, following their recent deaths.

Particular mention was made of the commemoration of the 75th Anniversary of VE Day and the limitations on such as a result of the present emergency status, despite which the sacrifices made were very much in the communities mind.

Finance and General Purposes:

(2020/21:005) Town Clerk's Report - Annual General Meeting:

Member noted the Town Clerk's report dated 14th May, 2020, concerning the legalities with regard to the holding of the Commission's Annual Meeting in view of the current Coronavirus restrictions.

Members noted the revisions to statute made under the emergency provisions and the fact that there was no longer a requirement to hold the Annual General Meeting within the month of May, in which event any appointments previously made would continue until such time as an AGM was eventually held.

Resolved: unanimously that the Board to continue as presently constituted and that an Annual General Meeting is not called at this time.

(2020/21:006) Town Clerk's Report – Members Attendances:

Members noted the Town Clerk's report dated 13th May, 2020, to which was appended details of attendances during the financial year 2019/20 and the amounts paid to members in terms of the Local Authority Members (Attendance Allowance) Order 2013.

(2020/21:007) Town Clerk's Report – Social Distancing - Non-Essential Retail:

Members noted the Town Clerk's report dated 15th May, 2020, arising following the extra-ordinary meeting held on 5th May, concerning social distancing and traffic arrangements.

The Town Clerk read a supplementary report following observations and discussions with traders and shoppers over the first three days of pedestrianisation.

Members discussed the implications of varying the current pedestrianised times and days expressing concern both for access for those with mobility issues, impacts of trading, and ensuring that the street could provide a safe environment in which people would feel confident in managing their social distancing.

A variety of options were identified and following discussion Mr McGuinness commented that he felt it may be appropriate to move towards Saturday pedestrianisation only, but that he would want to see how the street operates on a Thursday & Friday before making a firm decision. The present position had been imposed on the basis of a worst case risk and it may be appropriate to move back from that position. Mrs Quayle suggested public feedback be sought, perhaps through the issue of a survey.

Mr McGuinness proposed that the street closure operate from Christian Street on Saturdays between 10 – 4 pm only, and that the Commissioner move to that position on a tiered approach to double check the need for Thursday & Friday closures. Mr Young seconded the proposal.

Mr Hankin commented that Friday is busy day for older people, that there remained a lot of fear in the community, and that change should be incremental. Mr McGuinness explained that his proposal was intended to enable better access for pensioners who drive, however Mr Hankin felt strongly that including Friday within pedestrianisation would be important.

Mr Cowie proposed an amendment that the street be pedestrianised on Thursday, Friday and Saturday, between 11am and 3pm, and that this position be monitored over the next week, and survey conducted, before any further change was made. The proposal was seconded by Mr Oldham who felt that an incremental change process would be more acceptable.

Mr Williams questioned whether, if a survey is to be conducted, any change should be undertaken before survey results were obtained.

Resolved: The Chairman put the amendment to the Board and it was passed by 8 votes for to 3 against, Messrs McGuinness, Parker and Young voting against.

Members requested that steps be taken to ensure that the actions were as widely communicated as possible.

Members discussed a report from the Town Clerk and agreed unanimously, following a proposal by Mrs Quayle, which was seconded by Mr Howard, that the removal of restrictions and return to normal services should be progressed by officers on the condition that risk assessments are undertaken and prior notification is provided to Members for comment before any changes are effected.

(2020/21:008) Town Clerk's Report - Withdrawal of Early Warning Sirens:

Members noted the Town Clerk's Report dated 14th May, 2020, concerning the decision taken to withdraw the use of all-Island early warning sirens with immediate effect.

(2020/21:008) Finance Officer General Report:

Members noted and approved the Finance Officer's general report dated 13th May, 2020.

Resolved: unanimously that invoices and accounts for payment were approved.

Works and Development:

(2020/21:009) Technical Services Manager's Report - Planning Applications:

Members agreed that the Technical Services Manager's Report dated 12th May, 2020, detailing planning applications received from the Department of the Environment, Food and Agriculture, under the planning consultation procedures, be noted and approved, subject to the following:-

| | |
|-----------|---|
| REF NO: | 3765 |
| P.A. NO.: | <u>20/00379/B</u> |
| PROPOSED: | Conversion of dwelling into two apartments with associated vehicular access |
| NOTES: | P.A. in Detail |
| SITE: | Bali Hai, May Hill, Ramsey |

Mr. Williams declared an interest.

REF NO: 3769
P.A. NO.: 20/00419/B
PROPOSED: Erection of a detached building to provide staff facilities
NOTES: P.A. in Detail.
SITE: **Garage Showroom and offices, Parliament Square, Ramsey.**

Resolved: Members commented that the proposal was not attractive in design but was hidden and had no objection on that basis.

REF NO: 3771
P.A. NO.: 20/00433/B
PROPOSED: Demolition of existing buildings within yard and creation of residential development of 10 dwellings with associated roads, landscaping and parking
NOTES: P.A. in Detail.
SITE: **Caines' Yard, Shipyard Road, Ramsey.**

Members discussed the access arrangements for refuse vehicles, goods vehicles and emergency services. Concern was expressed as to the suitability of Shipyard Road to accept additional traffic.

Mr. Williams proposed that an objection be submitted on the basis of access for refuse collection vehicles, to refuse collection vehicles and other commercial vehicles. The proposal was seconded by Mrs. Wedgwood.

Mr. Oldham proposed an amendment that over intensive development also be cited as a reason for objection and was seconded by Mrs. Quayle.

It was noted that refuse vehicles cannot access Gibson Street due to parking and that the vehicle tracking plan requires revision.

Resolved: the amendment was put to Members and agreed by 6 votes to 5 with Mrs. Wedgwood and Messrs' Cowie, McGuinness, Parker and Williams voting against.

Any other Business

(2020/21:010) Gran Fondo

The Chairman reported on advice that the Gran Fondo event had been cancelled and alternative dates of either 29th /30th August or 5th /6th September had been presented for support.

Resolved: it was proposed by Mr. McGuinness, seconded by Mrs. Wedgwood and agreed unanimously that the revised dates be supported subject to restrictions permitting such to proceed.

Mr. Parker asked whether Members felt that allowing bicycle access to pedestrianized areas might be permissible. Members commented on the risk to pedestrians and

children and asked that the regulatory position be ascertained before the matter is considered.

Mr Parker asked and members agreed that the need to permanently staff road closures be reviewed.

The Chairman closed the public session at 7:25 p.m. and moved directly to private business

The following items were considered in private the detail of which, having regard to data protection, matters affecting persons who cannot be named, etc., is not as extensive as that contained in minutes of matters discussed in public.

The Chairman agreed to bring the report on Gibbs Park forward.

(2020/21:011) Town Clerk's Report - Gibbs Park Storm Water Drainage:

Members noted the Town Clerk's report dated 14th May, 2020, related storm water drainage problems at Gibbs Park.

Mr. Young expressed the view that the Commission should not be involved, and it was matter between the purchasers and the developer. Mrs. Wedgwood felt that the Commission should be prepared to represent ratepayers towards a resolution.

Resolved: Mr. McGuinness proposed that the matter was not believed to be a Commission responsibility, that the Commission would not be prepared to adopt the area as public open space and that the developer and Manx Utilities must produce and agree drainage that does not involve the maintenance of open ditches. The Commission should avoid being a party to negotiation. The proposal was seconded by Mr. Hankin and agreed unanimously.

Mrs. Wedgwood sought leave of absence and left meeting at 8:40pm.

(2020/21:012) Minutes:

Resolved: To note, for record purposes, that no minutes of the Board Meetings held on 15th April, 2020, or the Extra-ordinary meeting held on 5th May, 2020, were recorded in private. in March, 2020, were recorded in private.

Finance and General Purposes Committee:

(2020/21:013) Town Clerk's Report - Rate Arrears:

The Town Clerk's report dated 10th May, 2020, and appended lists of rate arrears by property and payers by totals was noted. Mr. McGuinness was grateful for the report, but felt that this was not the right time to progress new action, although we should continue to seek to progress action in respect of the oldest and largest debt. This view was agreed by Members.

(2020/21:014) Town Clerk's Report - Record of Decisions made Outside of Normal Meetings:

Members noted and approved the Town Clerk's report dated 14th May, 2020, and appended register of matters progressed by electronic communication during the Covid 19 emergency period.

Parklands – Mr. McGuinness proposed and Members agreed unanimously that a 3 months' rent holiday be extended to the tenant of Mooragh Hall.

Car Parking – It was proposed by Mr. McGuinness, seconded by Mr. Cowie and agreed unanimously that no reduction in private parking charges be permitted, noting that this represented approximately £1 per day and many spaces continued in use.

(2020/21:015) Finance Officer's Report:

Members noted and approved the Finance Officer's Report dated 13th May, 2020. Members noted with concern the increased level of rent arrears. Members noted that rent remains payable, and agreed that the housing team should commence engaging with those in arrears to seek payment plans whilst recognising the difficulties which exist.

Any Other Business

(2020/21:016) Parks Maintenance / Projects:

Mr. Parker asked and Members agreed that a report on recovery of parks maintenance and progress of projects especially where lottery funding has been obtained should be provided by officers.

Matters of Establishment:

(2019 /20:017) Minutes Meeting held 21st April, 2020:

Members noted and approved the minutes of the Meeting of the Establishment Committee held on 21st April, 2020.

Mrs. Quayle asked and members agreed that instructions for the proper use of gloves and masks as PPE should be reviewed and undertaken.

The meeting closed at 8:55 p.m. giving a time of 2 hours for the payment of attendance allowances.

Chairman.

**RAMSEY TOWN COMMISSIONERS
TOWN CLERK'S REPORT
BYELAWS
JUNE, 2020 – PUBLIC**

Mr. Chairman and Members,

The Attorney General's Chambers, who have assumed responsibility for local government legislative drafting from the Department of Infrastructure, have provided a substantive draft of the proposed Amenity Byelaws, together with a re-drafted version of the Town General Byelaws which have had to be amended following a review of vires undertaken during the drafting process.

The drafts follow the original instructions issued by the Board together with some amendments required in order to ensure that vires exists.

The documents have been circulated previously and the following comments received from Members :-

7 Games and other recreational activities

7(4) All self-propelled activities must also adhere to the legal speed limit? - *the speed limit is enforceable against any vehicle permitted inside the park including bicycle's etc.*

21 Enforcement

Would it be worth having something in there where powers can be delegated to those who sub lease/manager concessions within the park and a delegated member of staff also has the powers stated in 21 (3) – *the power to delegate already exists under the Local Government Act.*

I notice that within the bylaws there is nothing stated with regards to littering. Is this set somewhere else is legislation which covers us? *Litter is covered under the provisions of the Litter Act.*

“pedal cycle, roller blade, roller skate, skateboard or use a self-propelled vehicle; “

Scooters , hoverboards etc not covered.... “Wheeled recreational device” would be so much better - *the wording follows established form in other Byelaws*

“or otherwise interfere with any life-saving appliance”

So its OK to interfere with non-life saving equipment? – *no but this extends provisions to include any equipment including AED's etc.*

“(a) sound or play a musical instrument;

(b) operate or permit to be operated a radio, amplifier or other sound producing device; or

(c) otherwise make any noise, in a public park or on the foreshore in a manner so loud and so continuous or repeated as to cause disturbance, nuisance”

Why not replace a,b and c with c? - - *the wording follows established form in other Byelaws*

“17 Jet skis

A person must not launch or recover a jet ski from the foreshore except in an emergency.”

Really? – *this provision relates to safety of bathers and connects to harbour restrictions*

“22 Revocation

The Ramsey (Foreshore and Public Parks) Bye-Laws 2019 are revoked.” – *necessary as the Commission had previously resolved to make the earlier Byelaws although they hadn't proceeded for Tynwald approval.*

The Board is invited to consider the current drafts and determine whether they may be signed on behalf of the authority and forwarded for Tynwald approval.

Recommendation: for discussion.

T. P. Whiteway
Town Clerk and Chief Executive.

9th June, 2020.



RAMSEY TOWN GENERAL BYELAWS 2020

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Statutory Document No. 20XX/XXXX



Local Government Act 1985

RAMSEY TOWN GENERAL BYELAWS 2020

Approved by Tynwald:

Coming into operation: in accordance with byelaw 2

Ramsey Town Commissioners make the following Byelaws under section 28 and 30(7) of the Local Government Act 1985.

1 Title

These Byelaws are the Ramsey Town General Byelaws 2020.

2 Commencement

If approved by Tynwald,¹ these Byelaws come into operation at the expiration of one month from the date of their approval, and cease to have effect on the 20th anniversary of the date on which they come into operation².

3 Interpretation

In these Byelaws –

“the Act” means the Local Government Act 1985;

“authorised officer” means a duly authorised officer of the local authority;

“carriageway” has the same meaning as in section 72 of the Road Traffic Act 1985;

“footway” has the same meaning as in section 72 of the Road Traffic Act 1985;

“foreshore” has the same meaning as in the Ramsey Public Parks and Foreshore Byelaws 2020³;

¹ Tynwald approval is required by section 30(4) of the Local Government Act 1985.

² In accordance with section 28(3) of the Local Government Act 1985.

³ SD 2020/xxx

“**harbour**” has the same meaning as in section 83 of the Harbours Act 2010, to the extent that a harbour (within the meaning in that section) is within the town district of Ramsey;

“**invalid carriage**” means a vehicle, whether or not mechanically propelled, constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability, and which is being used solely for the carriage of such a person;

“**living van**” has the meaning given in regulation 3 of the Road Vehicles (Maintenance and Use) Regulations 2012⁴;

“**local authority**” means Ramsey Town Commissioners;

“**motor caravan**” has the meaning given in regulation 3 of the Road Vehicles (Maintenance and Use) Regulations 2012⁵;

~~“**motor cycle**” means a motor cycle as defined in section 65 of the Road Traffic Act 1985 whether or not made, adapted or permitted to be used on a road;~~

“**motor vehicle**” means any mechanically propelled vehicle, whether or not made, adapted or permitted to be used on a road, other than an ~~motor cycle or~~ invalid carriage;

“**pram**” means a pram being used solely for its intended purpose of transporting an infant;

“**public park**” has the same meaning as in the Ramsey Public Parks and Foreshore Byelaws 2020⁶;

“**public place**” means a highway or any other place or premises to which at the material time the public are permitted to have access, whether on payment or otherwise, excluding —

- (a) the foreshore;
- (b) a public park; and
- (c) a harbour; and

“**street**” means a highway or any other road, square or court, alley, passage or thoroughfare to which the public has access, and includes a footway, margin or verge forming part of a road and a bridge over which a road passes.

Comment [NM1]: I have deleted this definition, as it did not seem to add anything. A “motor vehicle” would include a motor cycle and in the byelaws there is no requirements which apply to a motor cycle and not to other motor vehicles (or to other motor vehicles and not to a motor cycle) and therefore no requirement to distinguish the two.

4 Application

These Byelaws apply to the whole of the town district of Ramsey unless expressly provided otherwise in these Byelaws.

⁴ SD 0323/12

⁵ SD 0323/12

⁶ SD 2020/xxxx

5 Games and other recreational activity

- (1) A person must not play football or any other game on land adjacent to a street in a manner likely to –
 - (a) cause danger or give reasonable grounds for annoyance to any person; or
 - (b) cause obstruction to traffic in the street.
- (2) A person must not do any of the following in a public place so as to cause danger, obstruction or give reasonable grounds for annoyance to any person –
 - (a) play football or any other ball game;
 - (b) ride a pedal cycle; or
 - (c) roller skate, roller blade, skateboard or use any other self-propelled vehicle.
- (3) In this byelaw, “self-propelled vehicle” means a vehicle, including a pedal cycle, propelled by the weight or force of one or more persons standing, skating, sliding or riding on the vehicle, or by one or more persons pulling or pushing the vehicle but does not include an invalid carriage or a pram.

6 Touting

- (1) A person must not do any of the activities specified in paragraph (2) –
 - (a) in a street without the prior written permission of the local authority; or
 - (b) in any public place other than a street in a manner likely to cause obstruction or give reasonable grounds for annoyance to any other person.
- (2) The activities mentioned in paragraph (1) are –
 - (a) advertising, or otherwise soliciting custom for, goods or services; or
 - (b) seeking to gather information from members of the public for use in the supply of goods or services.
- (3) If a person undertakes an activity described in paragraph (2) in a street with the prior written permission of the local authority given under paragraph (1), the person must not undertake the activity in a manner likely to cause obstruction or give reasonable grounds for annoyance to any other person.
- (4) The local authority may give permission under paragraph (1)(a) unconditionally, or subject to conditions that may include but are not limited to–

Comment [NM2]: As discussed at the meeting on 6.2.20, the second of the 2 options offered in V02 is adopted here.

- (a) requiring a person who as part of the activity distributes leaflets to ensure that discarded leaflets are retrieved so as to prevent littering; and
- (b) requiring a person to remain in a specified area whilst undertaking the activity.

7 Excessive noise

- (1) After being asked to desist by a constable in uniform or an authorised officer, a person must not —
 - (a) sound or play a musical instrument;
 - (b) operate or permit to be operated a radio, amplifier or other sound producing device; or
 - (c) otherwise make any noise,

in a public place in a manner so loud or so continuous or repeated as to cause disturbance, nuisance or give reasonable grounds for annoyance to any other person.
- (2) Paragraph (1) does not apply to —
 - (a) a loudspeaker used in circumstances where section 14 (noise in streets) of the Public Health Act 1990 applies; or
 - (b) any noise created in conformity with a written permission or authorisation from a Department, Statutory Board or the local authority.

8 Begging

A person must not beg in a public place in such a manner so as to cause obstruction or give reasonable grounds for annoyance to any other person.

9 Urinating, etc.

A person must not urinate or defecate in a public place in such circumstances as to cause, or to be likely to cause, annoyance to any other person.

10 Repairing and maintaining vehicles

- (1) A person must not service, repair or work for general maintenance purposes upon a motor vehicle ~~— motor cycle or any other vehicle~~ in a street to the annoyance of residents in the street, unless the vehicle has broken down and the repair or work is necessary for the vehicle to be moved.
- (2) If a person contravenes paragraph (1), and the local authority decides that it is necessary to cleanse the street or any surface water drain as soon as possible as a consequence of the contravention, the local authority

Comment [NM3]: Byelaw limited to motor vehicles as discussed at the meeting 06.02.20

may undertake the cleansing and recover the cost of so doing from the person.

- (3) A person must not leave, in a street, a motor vehicle, ~~motor cycle or other vehicle~~ which is in a serious state of disrepair, so as to cause danger, obstruction or annoyance to any person, unless the vehicle has been left outside premises in as safe and considerate a manner as possible to await removal from the street at the earliest possible time.

11 Vehicles on road margins or verges

- (1) A person must not without lawful authority drive, park or leave a motor vehicle, ~~motor cycle~~ or trailer on a road margin or verge in an area specified in the Schedule 1.
- (2) This byelaw does not apply to a heavy commercial vehicle within the meaning of section 38 of the Road Traffic Regulation Act 1985.
- (3) In this byelaw—
- (a) **“trailer”** means any vehicle made, used, adapted or constructed to be drawn or towed by a motor vehicle ~~or motor cycle~~; and
- (b) **“road margin or verge”** means land that is —
- (i) adjacent to a carriageway (or between two such carriageways); and
- (ii) laid or sown with grass or planted with trees, shrubs or plants, and mown or otherwise maintained in ornamental condition by the local authority.
- (4) This byelaw applies only to the extent that section 30 of the Road Traffic Act 1985 does not apply to conduct specified in this byelaw.

12 Moveable dwelling

- (1) A person must not maintain, or reside in, a moveable dwelling in a public place without prior written permission from the local authority.
- (2) For the purpose of this byelaw, the following maintain a moveable dwelling —
- (a) a person by whom the moveable dwelling was placed in a public place; and
- (b) a person who resides in or makes domestic use of the moveable dwelling.
- (3) In this byelaw, “moveable dwelling” means a tent, living van, motor caravan, shed, van or other conveyance or similar structure, whether or not capable of being used on roads, which is made, adapted or used for human habitation.

13 Washing or cleaning yards, gardens etc.

A person must not wash, sluice or brush, or cause to be washed, sluiced or brushed, into a public place any dirt, debris or other waste from any yard, garden or other part of the curtilage of premises.

14 Feeding of animals and birds

- (1) A person must not attract a gathering of wild birds, vermin or other wildlife by providing food for such birds, vermin or wildlife in a manner likely to cause –
 - (a) a danger to public health; or
 - (b) annoyance or nuisance to any person.
- (2) This byelaw applies only to the area as shown outlined in red on the map in Schedule 2.

15 Interference with life-saving equipment

A person must not, except in an emergency for which the equipment is designed, remove, displace or otherwise interfere with any life-saving appliance or equipment placed by the local authority in a public place.

16 Shopping trolleys

- (1) A person must not leave or abandon a shopping trolley in a public place, away from the shop premises from which it was obtained.
- (2) The owner of a shop from which a shopping trolley left or abandoned as described in paragraph (1) was obtained must remove it on being notified of its whereabouts by the local authority.
- (3) If the owner fails to remove a shopping trolley as required under paragraph (2) within 48 hours of being notified of its whereabouts by the local authority, the local authority may collect the trolley and deliver it to the shop from which it was obtained and recover from the owner its reasonable costs for such collection and delivery.
- (4) In this byelaw, "shopping trolley" means a trolley provided by the owner of a shop to customers for use by them for carrying goods purchased at the shop.

17 Drying or airing clothes, etc.

A person must not hang, drape or otherwise leave any clothing, bedding, towels or other items to be dried or aired on a string, line, rail or other apparatus at the front of any premises, or a side of any premises where that side abuts a street, so as to cause a nuisance or give reasonable grounds for annoyance to any person.

Comment [NM4]: This byelaw is restricted to the area on the map in Schedule 2 as discussed at the meeting 06.02.20. The map is based on the map in the Ramsey Byelaws 2012, but slightly revised to ensure it does not include any area within the harbour.

Comment [NM5]: Permissions provision inserted as discussed at the meeting 06.02.20.

18 Permissions

- (1) Where prior written permission is required under these Byelaws for a specified activity, permission is not to be unreasonably withheld.
- (2) The Commissioners must determine whether to grant permission for a specified activity under these byelaws by considering all the circumstances of the case, including such of the following matters as are relevant –
 - (a) the extent to which the activity would impact on the quality of the use made of a public place by residents of, and visitors to, the town district of Ramsey;
 - (b) the extent to which facilities exist or can be provided, either by the Commissioners or the person seeking the permission, to enable the activity to be undertaken properly and safely; and
 - ~~(c)~~ the adequacy of the organisation, safety measures and supervision with regard to the activity provided by the person seeking the permission.

1819 Production of permission

A person holding a written permission given under these Byelaws must produce the permission when requested to do so by a constable in uniform or an authorised officer.

1920 Enforcement and penalties

- (1) A person who contravenes any of these Byelaws commits an offence and is liable on summary conviction to a fine not exceeding £5,000.
- (2) These Byelaws are enforceable by a constable in uniform or an authorised officer without the need for a complaint to be made.
- (3) If a constable in uniform or an authorised officer has reasonable grounds for believing a person is committing, or has committed, an offence under these Byelaws, the constable or authorised officer may require the person to give to the authorised officer the person's full name and address.

2021 Revocations

The following are revoked –

- (a) The Town District of Ramsey Amenity Byelaws 1998⁷; and
- (b) The Ramsey Town General Byelaws 2012⁸.

⁷ As approved by Tynwald on 17 February 1998 and in operation from 1 April 1998.

⁸ SD 0734/2012

THE COMMON SEAL⁹ of Ramsey Town Commissioners was affixed on [insert date] in the presence of –

(L.S.)

MADE

A. COWIE

Chairman, Ramsey Town Commissioners

P. WHITEWAY

Clerk to Ramsey Town Commissioner

⁹ As required by section 30(2) of the Local Government Act 1985.

SCHEDULE 1

[Byelaw 11]

VEHICLES ON ROAD MARGINS OR VERGES

Areas to which byelaw 11 applies

The table below specifies the areas where driving, parking or leaving a **motor vehicle or trailer** as described in byelaw 11 on a road margin or verge is prohibited without lawful authority.

Comment [NM6]: The list is based on the revised list of areas for inclusion in this Schedule as provided by Peter Whiteway on 11.03.20. Please check that all relevant areas are covered. Places are listed in alphabetical order. Once the list is confirmed, the table can be properly formatted.

| | |
|--------------------------|------------------------------|
| Albert Terrace Lane | Gladstone Way |
| Approach Road | Grays Gardens |
| Auldyn Meadow | Hope Street |
| Auldyn Walk | Mayfield |
| Balleigh Mews | Mooragh Promenade |
| Beaumont Road Lane | Old River Road |
| Brookfield Cottage Lane | Park Road Lane |
| Close Caarjys Lane | Parliament Street |
| Cronk Elfin | Poyll Dooey Road |
| Dale Street | Queens Drive West |
| Dreaym Ollay | Royal Park |
| East Street | Shipyard Road |
| Ellan Park | Stanley Mount West |
| Gardeners Lane | Traie Twoaie |
| Gladstone Avenue | Victoria Road |

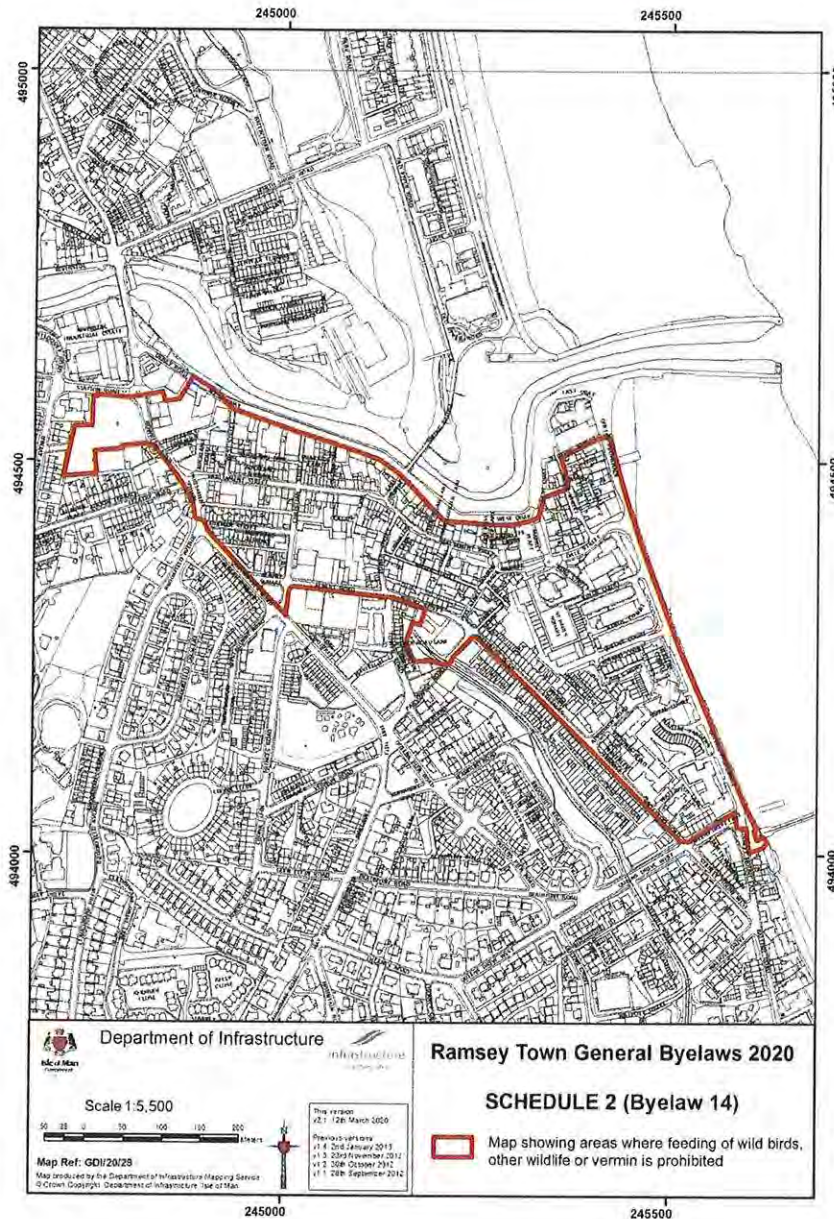
| | |
|-----------------------------|--------------------|
| Gladstone Avenue Lane North | Waterloo Lane |
| Gladstone Avenue Lane South | Waterloo Road Lane |

SCHEDULE 2

[Byelaw 14]

FEEDING OF ANIMALS AND BIRDS

Comment [NM7]: This map has been slightly revised from the map that was inserted into the General Byelaws 2012 to exclude any area within the harbour.



EXPLANATORY NOTE

(This note is not part of the Byelaws)

These Byelaws revoke and re-enact with modifications the Ramsey Town General Byelaws 2012. These Byelaws regulate various activities in the Town District of Ramsey and are aimed at preventing and suppressing nuisances and maintaining the quality of life for residents and visitors.



RAMSEY PUBLIC PARKS AND FORESHORE BYELAWS 2020

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Statutory Document No. 20XX/XXXX



Ramsey Town Act 1970
Local Government Act 1985

RAMSEY PUBLIC PARKS AND FORESHORE BYELAWS 2020

Approved by Tynwald:

Coming into operation: In accordance with bye-law 2

The Ramsey Town Commissioners make the following Byelaws under section 5 of the Ramsey Town Act 1970 and section 30 of the Local Government Act 1985.

1 Title

These Byelaws are the Ramsey Public Parks and Foreshore Byelaws 2020.

2 Commencement

If approved by Tynwald,¹ these Byelaws come into operation at the expiration of one month from the date of their approval.

3 Interpretation

In these Byelaws –

“**authorised officer**” means an officer duly authorised by the Commissioners;

“**the Commissioners**” means Ramsey Town Commissioners;

“**emergency services’ vehicle**” means –

(a) an ambulance, a fire brigade vehicle or a police vehicle, during the time the vehicle is in use for an emergency purpose;

(b) a motor vehicle or trailer, during the time it is in use by –

(i) a coastguard service provided by the Department of Infrastructure; or

¹ Tynwald approval is required by section 30(4) of the Local Government Act 1985 for byelaws made under an enactment for which specific provision is not otherwise made (see section 30(1) of the Local Government Act 1985).

(ii) the Royal National Lifeboat Institution or other provider of a lifeboat service,

for the purposes of giving aid to persons in danger or vessels in distress on or near the coast; or

~~(b)~~(c) a motor vehicle or trailer, during the time it is in use for civil defence or bomb disposal purposes;

“**event**” means an event, function or other organised activity of any kind to which members of the public have access;

“**the foreshore**” means the land comprised in a lease made on 19 January 1984 between the Isle of Man Harbour Board and the Commissioners and shown on the map in Schedule 1 as the area bordered by a red line;

“**invalid carriage**” means a vehicle, whether or not mechanically propelled, constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect of disability, and which is being used solely for the carriage of such a person;

“**living van**” has the meaning given in regulation 3 of the Road Vehicles (Maintenance and Use) Regulations 2012²;

“**motor caravan**” has the meaning given in regulation 3 of the Road Vehicles (Maintenance and Use) Regulations 2012;

“**motor vehicle**” means a mechanically propelled vehicle, whether or not made, adapted or permitted to be used on a road but does not include an invalid carriage;

“**pram**” means a pram being used solely for its intended purpose of transporting an infant;

“**public park**” means a public park shown on a map in Schedule 2 bordered by a red line and described on the relevant map in that Schedule as a named public park; and

“**trailer**” means a vehicle drawn by a motor vehicle.

4 Events

A person must not hold an event in a public park or on the foreshore without the prior written permission of the Commissioners.

5 Advertisement and sale of goods and services

(1) A person must not do any of the following in a public park or on the foreshore without the prior written permission of the Commissioners —

- (a) advertise, or solicit custom for, goods or services;

Comment [NM1]: Addition to definition of emergency services vehicle as discussed at the meeting 06.02.20.

² SD 0323/12

- (b) seek to gather information from members of the public for use in the supply of goods and services;
 - (c) sell, supply, or offer or expose for sale or supply, any goods or services; or
 - (d) set up a stall for the purpose of —
 - (i) distributing goods or information; or
 - (ii) supplying a service.
- (2) If a person has the prior written permission of the Commissioners to undertake an activity described in paragraph (1) within a public park or on the foreshore, the person must not undertake the activity in a manner likely to cause obstruction or annoyance to any person.

6 Swimming etc.

- (1) A person must not do any of the following in a public park without the prior written permission of the Commissioners —
- (a) swim, dive, paddle or walk in a lake; or
 - (b) sail or otherwise operate a boat or vessel on a lake.
- (2) If a person has the prior written permission of the Commissioners to undertake an activity described in paragraph (1) within a public park, the person must not undertake the activity in a manner likely to cause danger, obstruction or annoyance to any other person in the public park.

7 Games and other recreational activity

- (1) A person must not do any of the following in a public park without the prior written permission of the Commissioners —
- (a) play any game —
 - (i) on a bowling green other than bowls;
 - (ii) on a tennis court other than tennis;
 - (iii) on a putting green other than putting;
 - ~~(b)~~ pedal cycle, roller blade, roller skate, skateboard or use a self-propelled vehicle;
 - ~~(b)(c)~~ play or practise the game of golf; or
 - ~~(c)(d)~~ play a ball game within a fenced area enclosing play equipment for children.
- (2) Paragraph (1)(b) ~~and to (de)~~ does not apply, with respect to an activity described in that paragraph, to a place or facility within a public park specifically provided for the undertaking of that activity.
- ~~(2)(3)~~ If a person has the prior written permission of the Commissioners to undertake an activity described in paragraph (1) within a public park,

Comment [NM2]: This byelaw is revised as discussed at the meeting 06.02.20

the person must not undertake the activity in a manner likely to cause danger, obstruction or annoyance to any person in the public park.

~~(3)~~(4) Despite paragraph (1)(b), A person must not may pedal cycle, roller blade, roller skate, skateboard or use a self-propelled vehicle in a public park on Mooragh Park Main Drive without prior written permission of the Commissioners, provided that the person does not undertake such activity in a manner likely to cause danger, obstruction or annoyance to any person in the public park in which Mooragh Park Main Drive is situated.

~~(4)~~(5) In this byelaw, a “self-propelled vehicle” means a vehicle, including a pedal cycle, propelled by the weight or force of one or more persons standing, skating, sliding or riding on the vehicle, but does not include an invalid carriage or a pram.

8 Interference with life-saving equipment

A person must not, except in an emergency for which the equipment is designed, remove, displace or otherwise interfere with any life-saving appliance or equipment placed by the Commissioners in a public park or on the foreshore.

9 Moveable dwelling

- (1) A person must not, without the prior written permission of the Commissioners, maintain or reside in a moveable dwelling in a public park [or on the foreshore?].
- (2) For the purpose of this byelaw, the following persons maintain a moveable dwelling —
 - (a) a person by whom the dwelling was placed in its location; and
 - (b) a person who resides in, or makes domestic use of, the moveable dwelling.
- (3) In this byelaw, “moveable dwelling” means a tent, living van, motor caravan, shed, van or other conveyance or similar structure, whether or not capable of being used on roads, which is made, adapted or used for human habitation.

Comment [NM3]: Should this byelaw apply to both the public parks and the foreshore?

10 Motor vehicles

- (1) A person must not take a motor vehicle into a public park or onto the foreshore without the prior written permission of the Commissioners.
- (2) Paragraph (1) does not apply to —
 - (a) an emergency services’ vehicle; or
 - (b) the taking of a motor vehicle into a public park for the purpose of parking it in a parking place designated for that purpose.

- (3) If a person has the prior written permission of the Commissioners to take a motor vehicle into a public park or onto the foreshore, the person must not exercise that permission in a manner likely to cause danger, obstruction or annoyance to any person using the public park or the foreshore.

Comment [NM4]: Revised to provide permission must be sought to light a fire and then a fire must not be lit so as to cause danger etc.

11 Lighting fires

- (1) A person must not light a fire in a public park or on the foreshore without the prior written permission of the Commissioners.
- (2) If permission is obtained under paragraph (1), a person must not light a fire in a public park or on the foreshore so as to endanger any other person or give any other person reasonable grounds for alarm or annoyance or so as to endanger any property.

12 Begging

A person must not beg on the foreshore or in a public park.

13 Urinating etc.

A person must not urinate or defecate in a public park or on the foreshore in such circumstances as to cause, or to be likely to cause, annoyance to any other person.

14 Excessive noise

- (1) After being asked to desist by a constable in uniform or an authorised officer, a person must not —
 - (a) sound or play a musical instrument;
 - (b) operate or permit to be operated a radio, amplifier or other sound producing device; or
 - (c) otherwise make any noise,
 in a public park or on the foreshore in a manner so loud and so continuous or repeated as to cause disturbance, nuisance or give reasonable grounds for annoyance to any other person.
- (2) Paragraph (1) does not apply to noise created —
 - (a) as part of an event held under byelaw 4 with the prior written permission of the Commissioners; or
 - (b) in conformity with any other written permission or authorisation from a Department, Statutory Board or the Commissioners.
- (3) Paragraph (1) does not affect the operation of section 14 (noise in streets) of the Public Health Act 1990.

15 Animals

- (1) A person must not, without the prior written permission of the Commissioners, take a horse, pony or donkey –
 - (a) onto that part of the foreshore lying to the south of Ramsey Harbour; or
 - (b) into a public park.
- (2) A person must not attract a gathering of wild birds, vermin or other wildlife in a public park or on the foreshore by providing food for such birds, vermin or wildlife in a manner likely to cause –
 - (a) a danger to public health; or
 - (b) annoyance or nuisance to any person in the public park or on the foreshore.

16 Shopping trolleys

- (1) A person must not leave or abandon a shopping trolley in a public park or on the foreshore, away from the shop premises from which it was obtained.
- (2) The owner of a shop from which a shopping trolley left or abandoned as described in paragraph (1) was obtained must remove it on being notified of its whereabouts by the Commissioners.
- (3) If the owner fails to remove a shopping trolley as required under paragraph (2) within 48 hours of being notified of its whereabouts by the Commissioners, the Commissioners may collect the trolley and deliver it to the shop from which it was obtained and recover from the owner its reasonable costs for such collection and delivery.
- (4) In this byelaw, "shopping trolley" means a trolley provided by the owner of a shop to customers for use by them for carrying goods purchased at the shop.

17 Jet skis

A person must not launch or recover a jet ski from the foreshore except in an emergency.

18 Removal of sand, gravel or stone

A person must not remove any sand, gravel or stone from the foreshore without the prior written permission of the Commissioners.

19 Permissions

- (1) Where a prior written permission is required under these Byelaws for a specified activity, permission is not to be unreasonably withheld.

Comment [NM5]: Permissions provision inserted as discussed at the meeting 06.02.20.

- (2) The Commissioners must determine whether to grant a permission for a specified activity under these byelaws by considering all the circumstances of the case, including the following matters –
- (a) the extent to which the activity would interfere with the preservation or management of a public park or the foreshore;
 - (b) the extent to which the activity would interfere with the proper enjoyment of a public park or the foreshore by members of the public;
 - (c) where applicable, the extent to which facilities exist or can be provided, either by the Commissioners or the person seeking the permission, to enable the activity to be undertaken properly and safely; and
 - ~~(a)~~ (d) where applicable, the adequacy of the organisation, safety measures and supervision with regard to the activity provided by the person seeking the permission.

~~19~~20 **Production of permission**

A person holding a written permission given under these Byelaws must produce the permission when requested to do so by a constable in uniform or an authorised officer.

~~20~~21 **Enforcement**

- (1) A constable in uniform or an authorised officer may require a person who contravenes these Byelaws to leave a public park or the foreshore, being the place where the contravention occurs.
- (2) A person must not remain on the foreshore or in a public park when required to leave under paragraph (1).
- (3) If an authorised officer has reasonable grounds to believe a person is committing, or has committed, an offence by contravening these Byelaws, the authorised officer may require the person to give the authorised officer the person's full name and address.

~~21~~22 **Revocation**

The Ramsey (Foreshore and Public Parks) Bye-Laws 2019 are revoked.

THE COMMON SEAL³ of Ramsey Town Commissioners was affixed on [date] in the presence of

(L.S.)

MADE

A.COWIE

Chairman, Ramsey Town Commissioners

P. WHITEWAY

Clerk to Ramsey Town Commissioners

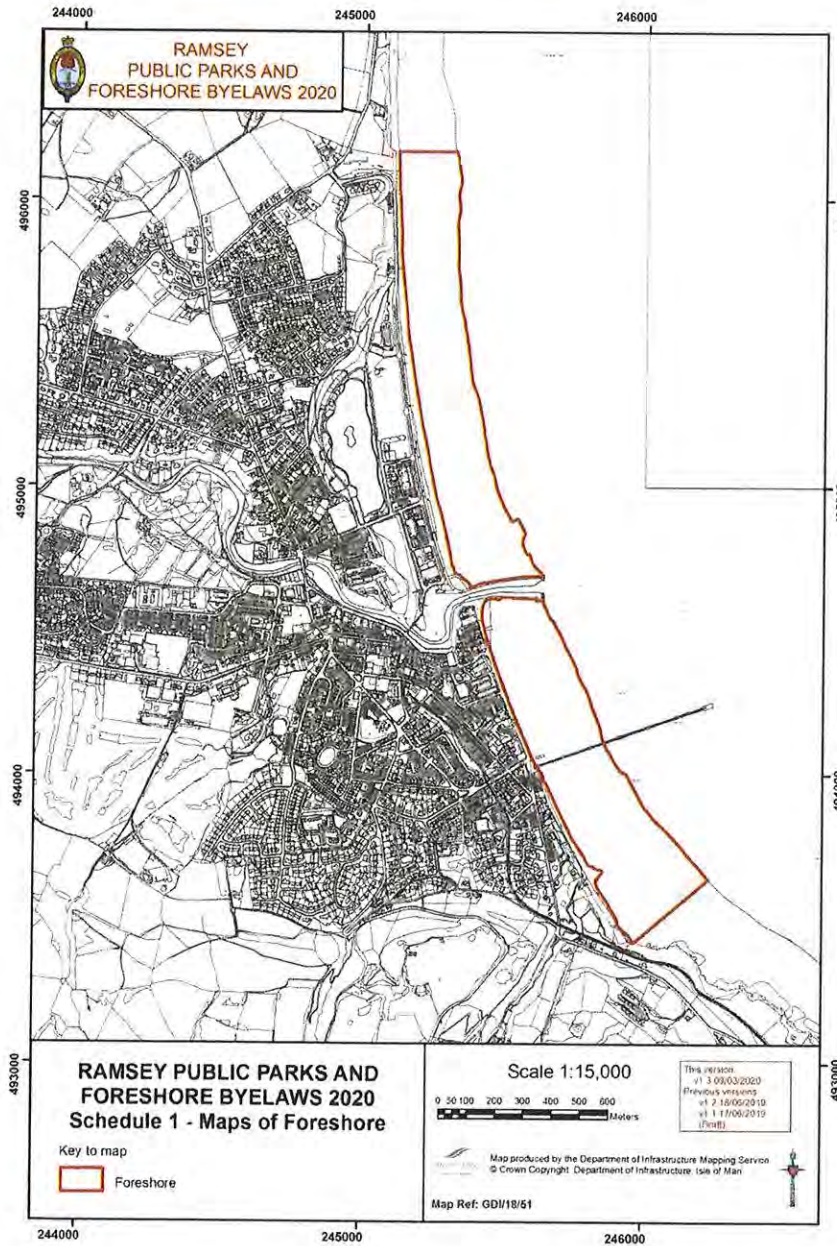
³ As required by section 30(2) of the Local Government Act 1985

SCHEDULE 1

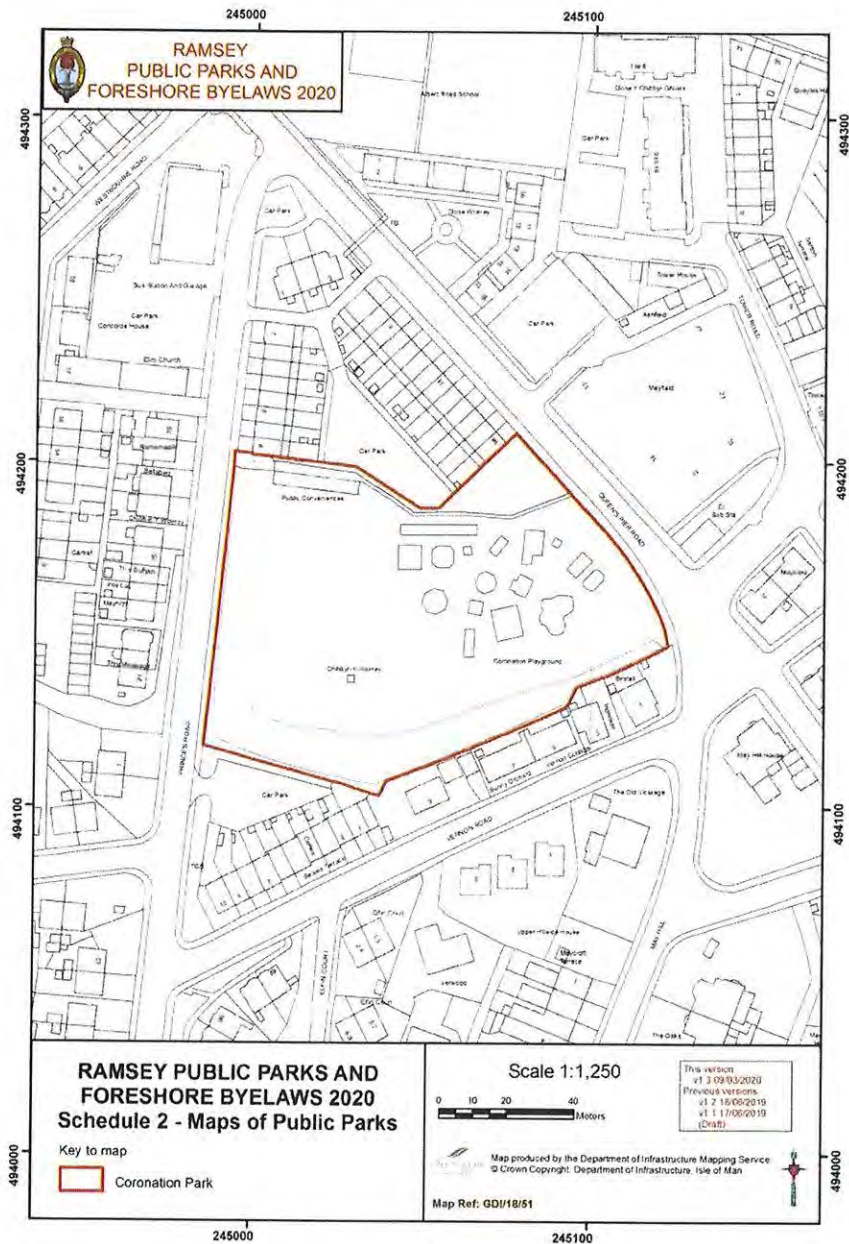
[Byelaw 3]

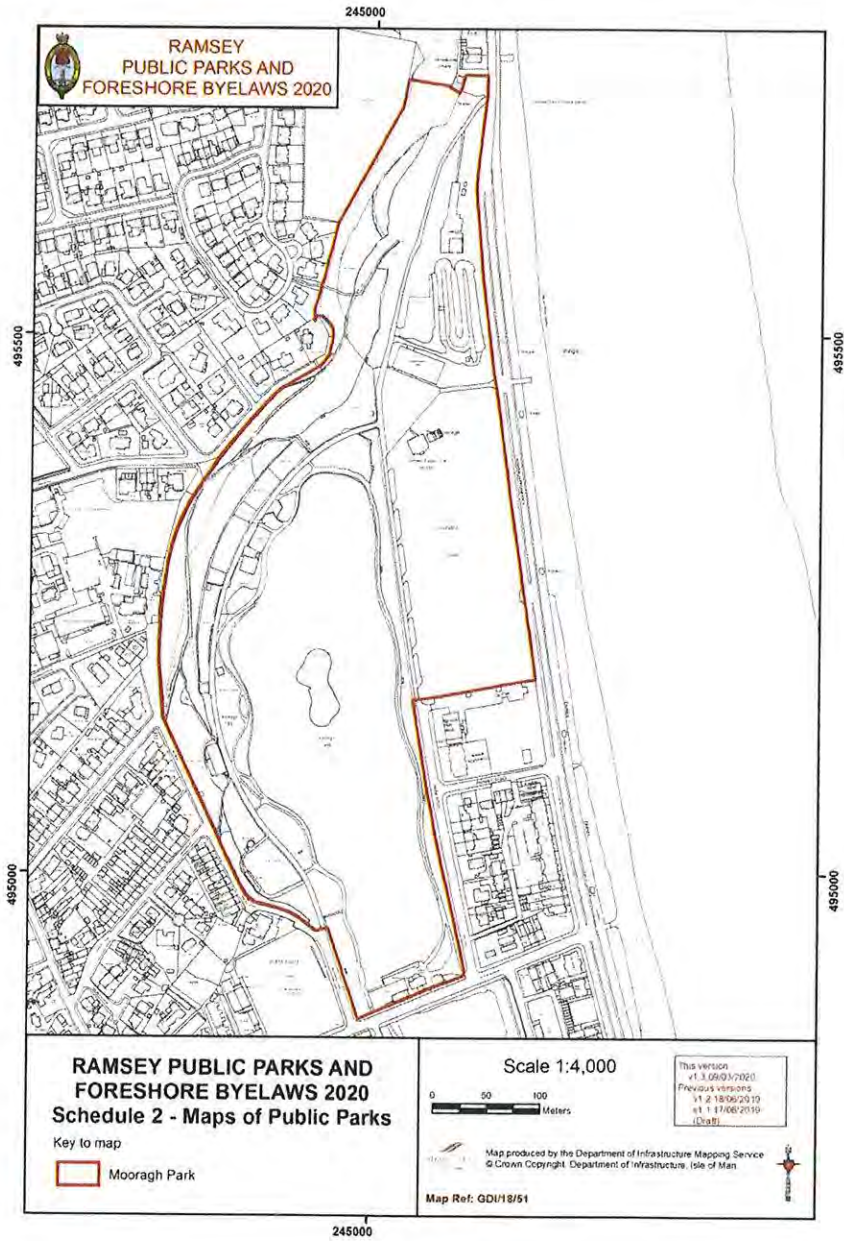
MAP OF THE FORESHORE

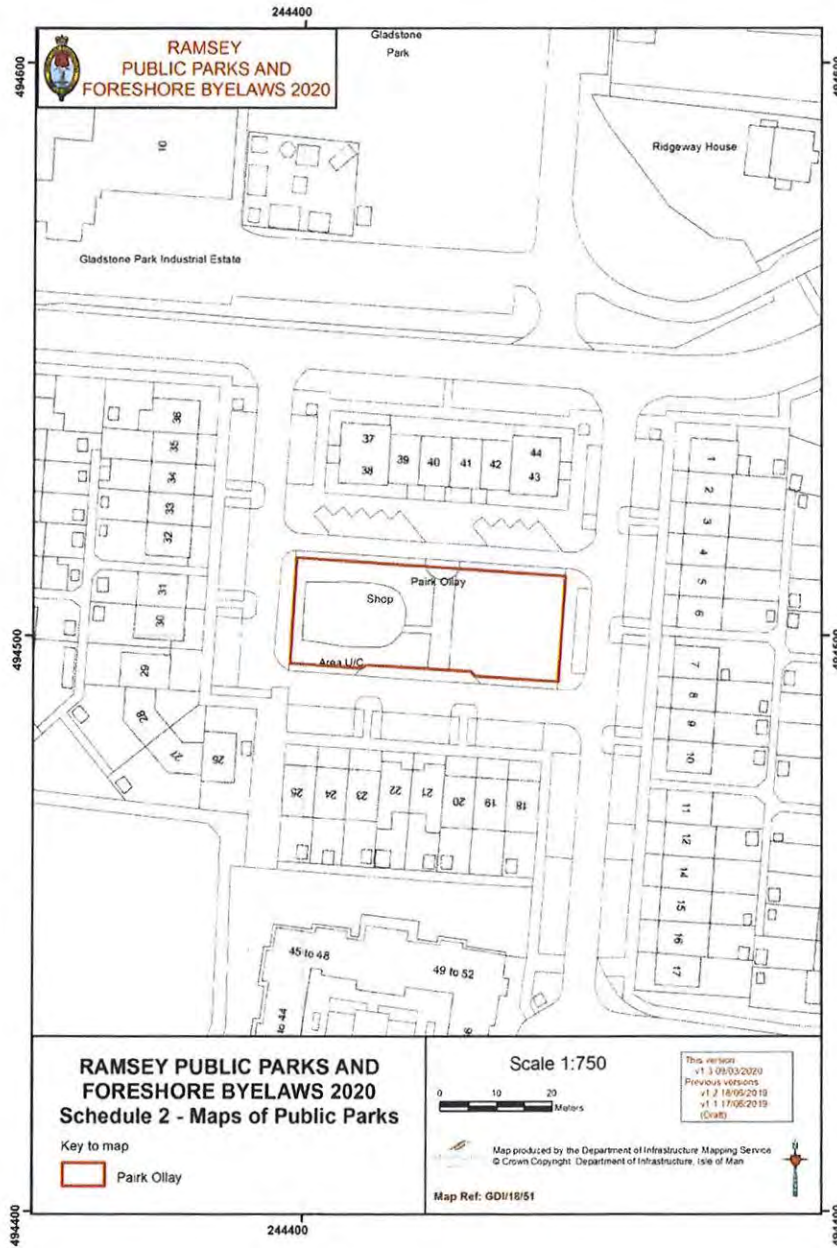
Comment [NM6]: The map included here and the maps in Schedule 2 are maps included in previous sets of Byelaws. Please check if these maps continue to fulfil your requirements with respect to the areas marked and specified.

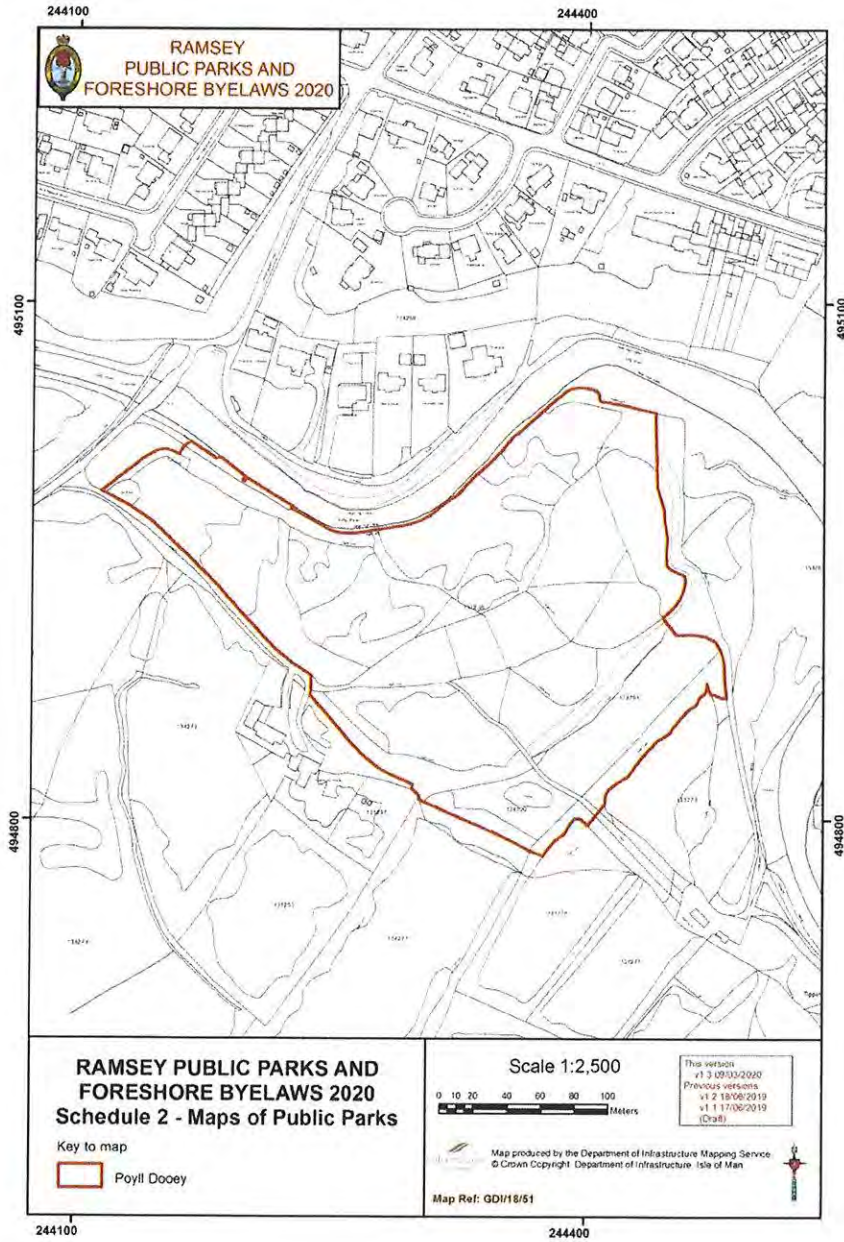


SCHEDULE 2
[Byelaw 3]
MAPS OF PUBLIC PARKS









EXPLANATORY NOTE

(This note is not part of the Byelaws)

These Byelaws revoke and re-enact with modifications the Ramsey (Foreshore and Public Parks) Bye-Laws 2019. These Byelaws regulate various activities in the public parks and on the foreshore which are under the management and control of Ramsey Town Commissioners and are aimed at preventing and suppressing nuisances and controlling the use of the public parks and the foreshore for the benefit of residents and visitors.

**RAMSEY TOWN COMMISSIONERS
FINANCE OFFICER'S GENERAL REPORT
JUNE 2020 - PUBLIC**

Mr. Chairman and Members,

The following documents are appended for review and/or information :

1. A summary of accounts paid and suppliers used in May, 2020 – Appendix 1.
2. Tabulated and graphical summaries of the Income and Expenditure for the period to 31st May 2020 – Appendix 2.

Accounts

Accounts of £240,492.83 were paid via the General Revenue Account and accounts of £1,337.27 were paid through the Northern Civic Amenity Site Account in May 2020. Details of the accounts paid and the suppliers utilised are attached at Appendix 1.

Recommendation : To be noted.

Summary of Revenue Income and Expenditure

A summary of the 2020-21 Income and Expenditure from 1st April to 31st May, 2020, together with associated graphical depiction is attached at Appendix 2. The graphical disclosures are both month-by-month and cumulative figures.

Certain elements of capital expenditure incurred have been paid through the Revenue account and are to be financed by way of capital loans. They are not disclosed as part of the disclosed 2020-21 Income and Expenditure figures and graphs and they are:

Upper Queen's Pier Road – professional fees & refurbishment costs £18,480.

Close Woirrey - redevelopment professional fees £975.

Recommendation : To be noted.

Rates

During May 2020 a £287,058 payment from the Treasury was received being the first instalment of rate income for the 2020-21 year (£268,118 was received in May 2019).

Treasury has also supplied a 1st Supplemental Rating List for 2020-21 which indicates some slight changes in the gross and rateable values for the Town as follows :

| | Gross | Rateable |
|----------------------------|----------------|-----------------|
| | £ | £ |
| Existing list | 821,595 | 713,442 |
| Valuations to be added | 6,965 | 5,571 |
| Valuations to be cancelled | <u>(2,689)</u> | <u>(2,152)</u> |
| Revised list | <u>825,871</u> | <u>716,861</u> |

These totals include agricultural hereditaments (i.e. farmland) which are only charged a water charge so do not increase the rateable value for the Town.

Recommendation : To be noted.

10th June 2020

N.Q. Cannell, FCCA
Finance Officer

Ramsey Town Commissioners

| | |
|---|-------------------|
| Accounts paid to the 31 May 2020 | Appendix 1 |
|---|-------------------|

| Payee | Description | Amount (incl. VAT) |
|------------------------------------|---|--------------------|
| General Account | | £ |
| Staff | Wages, salaries, ITIP, NI & superannuation | 169,973.51 |
| Various | Housing property repairs, maint. & safety checks | 36,025.57 |
| Various | Fuel & oil | 6,768.94 |
| Various | Refuse materials & equipment | 6,082.45 |
| Account transfers | R & N DHC rents & commercial rent refunds | 4,606.68 |
| Various | Commission property repairs, maint. & safety checks | 3,869.51 |
| Various | Vehicle maintenance, repairs & licences | 3,727.00 |
| Various | Park materials | 2,602.41 |
| NLSPB | Swimming pool rate 2019-20 | 2,524.28 |
| 2Clean | Contract cleaning | 1,973.78 |
| Banks | Bank & debit card charges | 742.06 |
| Various | Machinery repairs & maintenance | 627.00 |
| Various | Office expenses - post, printing, stationery etc. | 437.70 |
| Various | Library materials | 249.94 |
| Various | Legal & prof. fees - housing | 156.00 |
| Various | Legal & prof. fees - non-housing | 126.00 |
| | | 240,492.83 |
| Northern Civic Amenity Site | | |
| Various | Recycling charges | 635.21 |
| Various | Fuel & oil | 402.32 |
| Various | Administration | 181.40 |
| Various | Site maintenance | 83.91 |
| Worldpay | Debit card reader charge | 26.34 |
| Bank | Charges | 8.09 |
| | | 1,337.27 |

Ramsey Town Commissioners

Suppliers utilised during May 2020

Appendix 1

| | | | |
|---|-----|-------------------------------|-----|
| Argon Office Systems Ltd. | IOM | JR Riley Ltd. | IOM |
| Autosparks Ltd. | IOM | Martin & Watson Ltd. | IOM |
| Ayre Mowers Ltd. | IOM | NLASPB | IOM |
| Ballaneven Compost Ltd. | IOM | OTIS Ltd. | UK |
| Ball Colegrave Ltd. | UK | Paul Wheeler Ltd. | IOM |
| Bikestyle Ltd. | IOM | Phil Manning | IOM |
| Brew & Corkill Ltd. | IOM | Phoenix Windows Ltd. | IOM |
| Bridge Bookshop Ltd. | IOM | P & M Window Cleaners Ltd. | IOM |
| CE Richmond Ltd. | IOM | Ramsey Automotive Centre Ltd. | IOM |
| 2Clean | IOM | Ramsey Skips | IOM |
| David Perry Electrical Contractors Ltd. | IOM | S Craig & Sons Ltd. | IOM |
| Edmundson Electrical Ltd. | IOM | Steven Morley Ltd. | IOM |
| Ellan Vannin Fuels Ltd. | IOM | St Johns Ambulance | IOM |
| Equi-Ag. | IOM | The No. 23 Ltd. | IOM |
| Farmers Combine Ltd. | IOM | Vannin Officepoint | IOM |
| Feltons Ironmongers | IOM | W.D.S. Ltd. | IOM |
| Haldane Fisher (IOM) Ltd. | IOM | Worldpay (UK) Ltd. | UK |
| IOM Government | IOM | Wurth UK Ltd. | UK |

RAMSEY TOWN COMMISSIONERS

SUMMARY OF INCOME & EXPENDITURE TO 31 MAY 2020 - Appendix 2

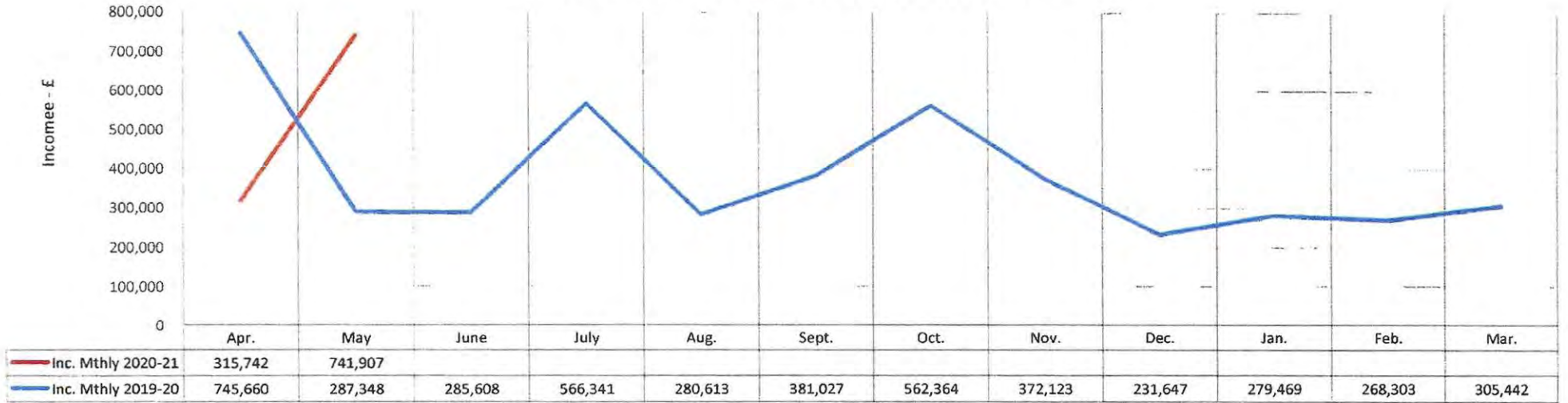
| | 2020-21 to date | | | Estimate for 2020-21 | | |
|---------------------------------------|-----------------|-------------------|------------------------|----------------------|--------------------|------------------------|
| | Expenditure | Income | Net Expend. / (Income) | Expenditure | Income | Net Expend. / (Income) |
| Social Housing | | | | | | |
| Housing Schemes | 85,161 | 1,004,513 | (919,352) | 4,266,115 | 4,282,120 | (16,005) |
| Cl. Woirrey/ Cl. y C Ghlass | 1,751 | 26 | 1,725 | 16,500 | 13,500 | 3,000 |
| Brookfield Court | 1,736 | 0 | 1,736 | 15,950 | 17,050 | (1,100) |
| Close ny Mooragh | 3,916 | 0 | 3,916 | 33,700 | 42,700 | (9,000) |
| Sub Total | £92,564 | £1,004,539 | (£911,975) | £ 4,332,265 | £ 4,355,370 | (£23,105) |
| Property and Assets | | | | | | |
| Town Hall | 4,585 | 12,720 | (8,135) | 220,100 | 23,900 | 196,200 |
| Workshops | 5,972 | 0 | 5,972 | 72,900 | 0 | 72,900 |
| Public Conveniences | 4,686 | 0 | 4,686 | 54,500 | 0 | 54,500 |
| Courthouse - loan repayment | 14,800 | 0 | 14,800 | 14,800 | 0 | 14,800 |
| Courthouse - maint., H & L etc. | 993 | 0 | 993 | 13,300 | 2,950 | 10,350 |
| Mansail Lease | 112 | 0 | 112 | 5,700 | 7,930 | (2,230) |
| Lakeside Centre | 0 | 0 | 0 | 5,220 | 11,460 | (6,240) |
| Parklands Day Nursery | 0 | 0 | 0 | 2,550 | 17,470 | (14,920) |
| Bowling Alley | 0 | (2,500) | 2,500 | 2,000 | 15,000 | (13,000) |
| Non-Lease Properties | 0 | 0 | 0 | 5,950 | 0 | 5,950 |
| Prom Shelters, etc | 1,411 | 0 | 1,411 | 14,350 | 0 | 14,350 |
| Private Property Repairs | 3,473 | 3,820 | (347) | 10,500 | 0 | 10,500 |
| CCTV town centre | 2,696 | 0 | 2,696 | 4,350 | 0 | 4,350 |
| Apprentices | 0 | 0 | 0 | 0 | 0 | 0 |
| R.N.D.H.C. | 1,040 | 3,259 | (2,219) | 56,700 | 62,370 | (5,670) |
| Park assets | 9,504 | 18,222 | (8,718) | 81,049 | 0 | 81,049 |
| Sub Total | £49,272 | £35,521 | £13,751 | £563,969 | £141,080 | £422,889 |
| Works & Development | | | | | | |
| Foreshores & Flags | 10 | 0 | 10 | 2,300 | 0 | 2,300 |
| Car Parks | 1,492 | 1,065 | 427 | 32,800 | 12,780 | 20,020 |
| Refuse Removal | 87,787 | 10,873 | 76,914 | 783,762 | 136,000 | 647,762 |
| Civic Amenity contribution | 54,279 | 0 | 54,279 | 217,000 | 0 | 217,000 |
| Sewers & Pumps | 0 | 0 | 0 | 104,735 | 104,735 | 0 |
| Street lighting & maint. | 16,099 | 0 | 16,099 | 77,930 | 0 | 77,930 |
| Decorative lighting & maint. | 0 | 0 | 0 | 21,150 | 0 | 21,150 |
| Local Services | 22,099 | 0 | 22,099 | 106,800 | 0 | 106,800 |
| Govt Department Agencies | 0 | 0 | 0 | 0 | 0 | 0 |
| Sub Total | £181,766 | £11,938 | £169,828 | £1,346,477 | £253,515 | £1,092,962 |
| Parks & Leisure | | | | | | |
| Advertising & Entertaining | 284 | 0 | 284 | 61,900 | 10,900 | 51,000 |
| Parks & Gardens | 25,341 | 20 | 25,321 | 269,600 | 600 | 269,000 |
| Games Concessions | 146 | 0 | 146 | 12,000 | 2,000 | 10,000 |
| Public Library | 14,952 | 0 | 14,952 | 140,800 | 11,000 | 129,800 |
| Sub Total | £40,723 | £20 | £40,703 | £484,300 | £24,500 | £459,800 |
| Finance & General Purposes | | | | | | |
| Administration | 5,000 | 0 | 5,000 | 66,000 | 0 | 66,000 |
| Office Expenses | 147,400 | 231 | 147,169 | 955,042 | 87,500 | 867,542 |
| Sundry Expenses | 1,489 | 0 | 1,489 | 12,300 | 0 | 12,300 |
| Miscellaneous | 3,036 | 5,400 | (2,364) | 34,500 | 24,500 | 10,000 |
| Swimming Pool | 2,524 | 0 | 2,524 | 17,500 | 0 | 17,500 |
| Town Band | 2,000 | 0 | 2,000 | 2,000 | 0 | 2,000 |
| Town Centre Management | 1,925 | 0 | 1,925 | 4,500 | 0 | 4,500 |
| Sub Total | £163,374 | £5,631 | £157,743 | £1,091,842 | £112,000 | £979,842 |
| TOTAL | £527,699 | £1,057,649 | (£494,429) | £ 7,818,853 | £ 4,886,465 | £ 2,932,388 |
| Town rates | £ - | £ 343,293 | (£343,293) | £ - | £ 2,922,284 | (£2,922,284) |

RAMSEY TOWN COMMISSIONERS

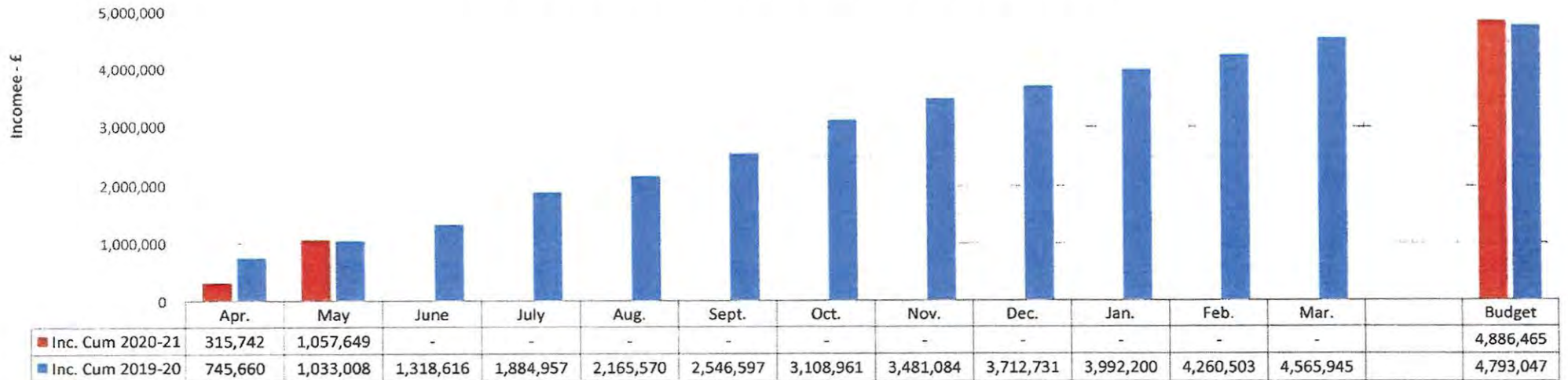
SUMMARY OF INCOME & EXPENDITURE TO 31 MAY 2020

Appendix 2

Ramsey Town Commissioners
Month-on-month income summary 2019-20 & 2018-19 comparative



Ramsey Town Commissioners
Comparing income to budget 2019-20 (with 2018-19 comparative)



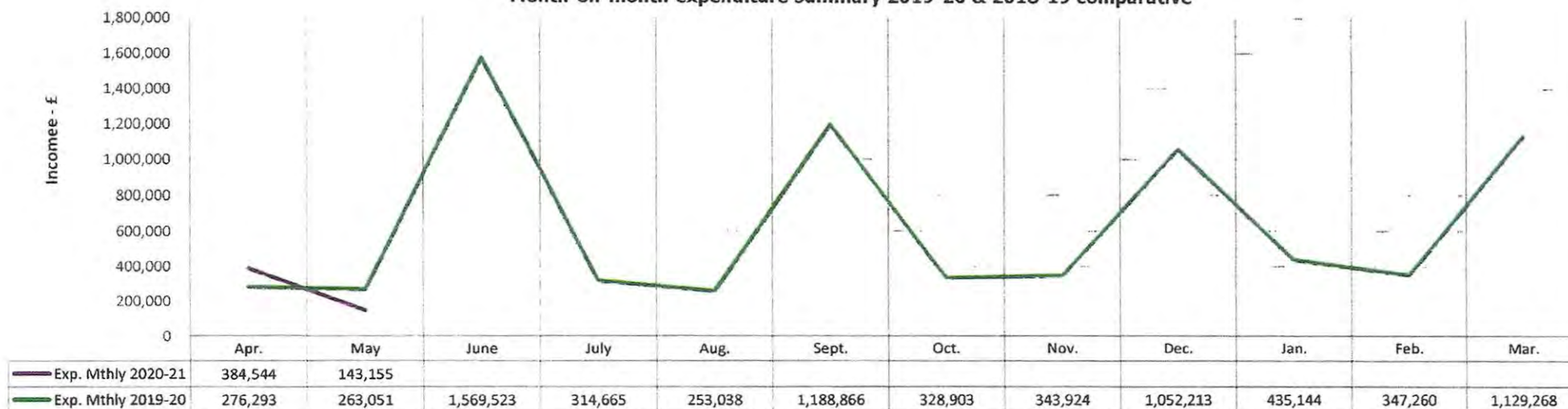
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RAMSEY TOWN COMMISSIONERS

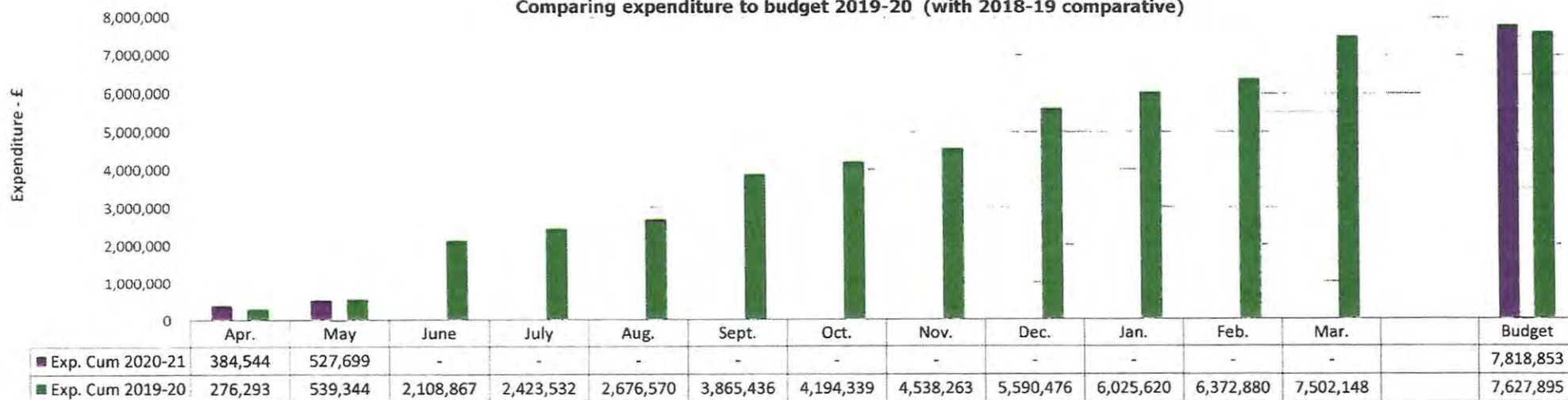
SUMMARY OF INCOME & EXPENDITURE TO 31 MAY 2020

Appendix 2

Ramsey Town Commissioners
Month-on-month expenditure summary 2019-20 & 2018-19 comparative



Ramsey Town Commissioners
Comparing expenditure to budget 2019-20 (with 2018-19 comparative)



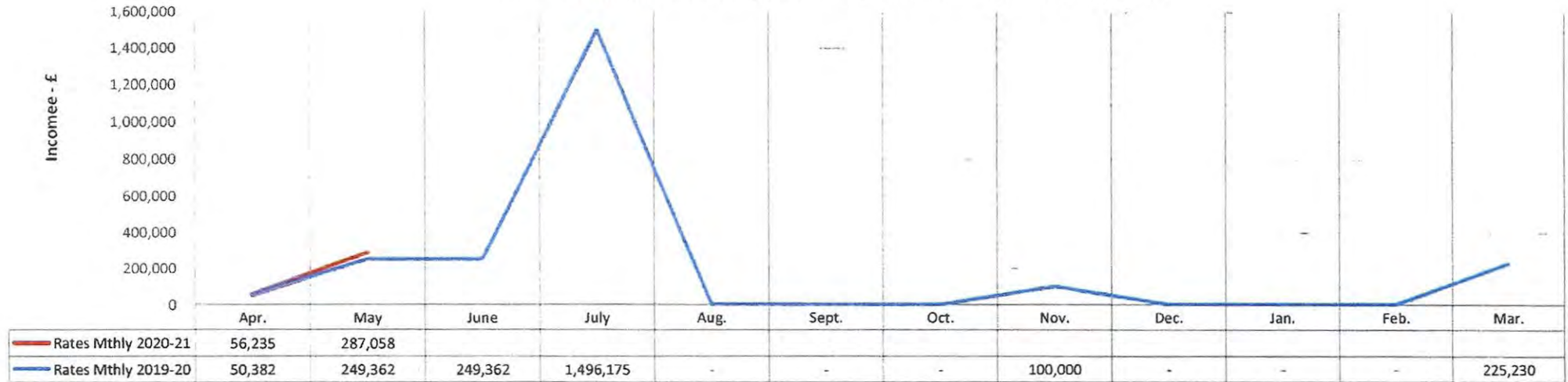
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RAMSEY TOWN COMMISSIONERS

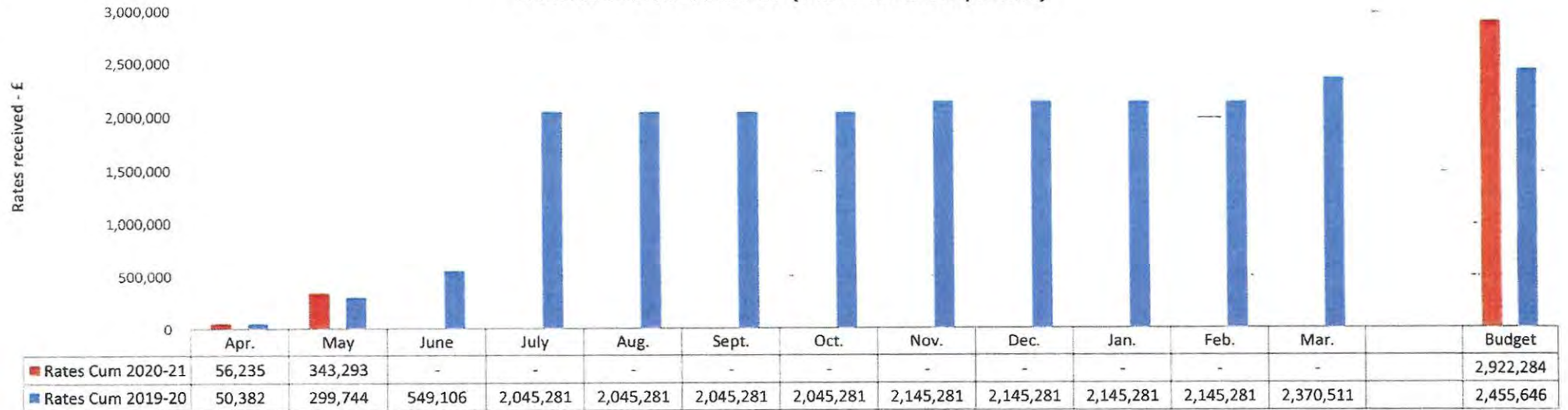
SUMMARY OF INCOME & EXPENDITURE TO 31 MAY 2020

Appendix 2

Ramsey Town Commissioners
Month-on-month rate receipts summary 2019-20 & 2018-19 comparative



Ramsey Town Commissioners
Town rates received 2019-20 (with 2018-19 comparative)



**RAMSEY TOWN COMMISSIONERS
TOWN CLERK'S REPORT
CONSULTATION WAYLEAVES BILL
JUNE, 2020 – PUBLIC**

Mr. Chairman and Members,

The Draft Wayleaves Bill seeks to enable existing government infrastructure to be used in order to greatly enhance the provision of high speed commercial telecommunications services throughout the Island to the benefit of residents and businesses.

It will enable equipment to be installed where the means to do so is already in place but has not previously been utilised, and for no additional payment over and above what has already been, or is being paid for the loss of amenity. The Bill does not enable the Statutory Authority concerned to build new infrastructure without agreement by the landowners and or occupiers of the land concerned.

The implication of the Bill would appear to be to facilitate the use of existing wayleaves to enable the roll out of fibre infrastructure both for delivery of broadband services and to service 5G Data facilities. Essentially it appears to enable any existing wayleaves to be utilised by the statutory board to whom it was granted, or any other statutory board, for the purpose of the provision of communications services without any further compensation being required – an appeal process exists is included.

The Bill has been issued for consultation and responses to the following questions sought:-

6. Do you agree that a Statutory Board such as Manx Utilities should have the authority to use an existing wayleave or easement for the provision of communications services?

Strongly agree Agree Don't Know Disagree Strongly disagree

Any other comments?

7. Do you agree that in the future new Wayleave agreements for infrastructure such as gas pipelines, electricity cables (both underground and overhead), sewage pipes and water pipes should include the provision that fibre optics for communications services should be included?

Strongly agree Agree Don't Know Disagree Strongly disagree

Any other comments?

8. Do you agree that, where the use or installation of infrastructure is not expected to increase any disturbance connected with the Wayleave, a landowner should not receive an additional payment for telecoms use of an existing Wayleave agreement (or similar)?

Strongly agree Agree Don't Know Disagree Strongly disagree

Any other comments?

Town Clerk's Report – Consultation Wayleaves Bill
June, 2020 - Public Continued:

9. Do you agree with the provision to allow landowners to seek compensation for any additional disturbance connected with additional use of existing infrastructure, or the installation of new equipment?

Strongly agree Agree Don't Know Disagree Strongly disagree
Any other comments?

10. Do you agree that the Manx Utilities Authority should have compulsory powers to install infrastructure for communications services?

Strongly agree Agree Don't Know Disagree Strongly disagree
Any other comments?

11. Do you agree that a landowner should have the right to appeal if they do not wish to have fibre-optic infrastructure sited on their land?

Strongly agree Agree Don't Know Disagree Strongly disagree
If yes, who do you think should be the arbiter of a dispute?

12. Let us know if you have any further thoughts on this section

4 Extension of wayleaves – please see copy Bill attached.

A copy of the full Bill is appended. Responses to the consultation are required to be submitted no later than 10th July, 2020.

Recommendation: for discussion.

T. P. Whiteway
Town Clerk and Chief Executive.

8th June, 2020.



Isle of Man
Ellan Vannin

WAYLEAVES BILL 2020

WAYLEAVES BILL 2020

Explanatory Memorandum

1. This Bill is presented by Mr Tim Baker M.H.K, on behalf of the Council of Ministers.
2. The Bill provides for the extended use of national infrastructure for telecommunications purposes in the national interest. It allows existing easements, consents or wayleaves for infrastructure to be used, where the means already exists, for the purposes of delivering telecommunication services without replicating or producing new agreements.
3. The Bill does not enable any statutory authority to build new infrastructure without agreement by the landowners and or occupiers of the land concerned, where the means to do so does not already exist.
4. **Section 1** gives the Bill its short title.
5. **Section 2** provides for the Bill to come into operation on a day appointed by the Council of Ministers.
6. **Section 3** provides an interpretation of terms used within the Bill.
7. *In particular, the Bill defines wayleaves so as to include consents and easements.*
8. **Section 4** allows wayleave agreements to be extended to include the use of associated infrastructure for telecommunication purposes.
9. Clause 4(1) describes which wayleaves can be relied upon for this legislation.
10. Clause 4(2) automatically allows a statutory board, its successors and or its sub-ordinates to use its existing wayleave agreements to facilitate the provision of new commercial telecommunications services.

11. Clause 4(3)(a) to (c) describes the uses that may be made of an existing wayleave in reliance on the clause.
12. Clause 4(4) provides that no further consent, agreement, formality, notice or payment is required for the statutory undertaking to use the infrastructure for which the wayleave applies for commercial telecommunications services.
13. Clause 4(5), qualifies Clause 4(4)(a) by requiring the statutory board to give appropriate notice to all persons likely to be affected by this change of use and to allow representations to be made by those persons in this regard. The notice must explain the effect of the change.
14. Clause 4(6) qualifies clause 4(4)(b) by allowing a landowner or tenant subject to an existing wayleave agreement to make representations under Part III of the Acquisition of Land Act 1984 if they feel that the existing compensation they receive is not adequate to reflect any additional use in reliance on the clause.



Ellan Vannin

WAYLEAVES BILL 2020

Index

Section

- 1 Short title
 - 2 Commencement
 - 3 Interpretation
 - 4 Extension of wayleaves
-



Ellan Vannin

WAYLEAVES BILL 2020

A **BILL** to make provision for the application of wayleaves to uses in connection with communications; and for connected purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

1 Short title

The short title of this Act is the Wayleaves Act 2020.

2 Commencement

This Act (other than section 1 and this section) comes into operation on such day as the Council of Ministers may by order appoint.

3 Interpretation

In this Act—

“commencement” means the commencement of section 4;

“communications services” includes any service consisting of or relating to the transmission of messages, information and data of any kind (whether by the use of electrical, magnetic or electro-magnetic energy, or signals, or otherwise);

“infrastructure” includes any apparatus, structure, machinery, device and equipment (including, in particular, overhead lines, wires, cables, tubes, pipes and pipelines, fibres and fibre-optic equipment, conduits, ducts and anything connected to or associated with any of those things);

“loss” includes damage, inconvenience and any other matter in respect of which compensation could be awarded in accordance with Part III of the Acquisition of Land Act 1984;

“statutory board” means a body specified in Schedule 1 to the Statutory Boards Act 1987;

“use”, in relation to a wayleave, is to be construed in accordance with section 4(3); and

“wayleave” includes any consent granted in respect of the installation or keeping of infrastructure, whether granted by agreement, under an enactment or in any other way (including by easement).

4 Extension of wayleaves

- (1) This section applies where a wayleave has been relied upon by a statutory board (whether before or after commencement) in order to install or keep any infrastructure on, under or over land.
- (2) The wayleave may be used by the statutory board, or any other statutory board, for the purpose of the provision of communications services.
- (3) For the purposes of subsection (2) use of a wayleave means—
 - (a) using infrastructure which is installed or kept in reliance on the wayleave;
 - (b) accessing land for the purpose of inspecting, maintaining, adjusting, repairing, altering, replacing or removing infrastructure, or taking any other action of a kind that could be carried out in reliance on the wayleave;
 - (c) installing or keeping any infrastructure of a kind that is or may be required for the purpose of the provision of communications services.
- (4) Use of a wayleave in reliance on this section—
 - (a) does not require any additional consent, grant or agreement, or any other formality or notice;
 - (b) does not entitle any person to any additional payment (subject to subsection (6)); and
 - (c) is subject to any provision about compensation for damage or disturbance.
- (5) Despite subsection (4)(a), a statutory board intending to use a wayleave in reliance on this section must—
 - (a) take all reasonable steps to give reasonable advance notice to any person likely to be affected by use in reliance on this section;
 - (b) give any person likely to be affected an opportunity to make representations about the extent or manner of use of the wayleave in reliance on this section;
 - (c) include in the notice under paragraph (a) a statement of the effect of this section in general (and of paragraph (b) in particular);but the lawfulness of anything done by virtue of this section is not dependent upon compliance with this subsection.
- (6) Despite subsection (4)(b)—

- (a) where a person who is affected by a pre-commencement grant of a wayleave (whether by agreement or otherwise) believes that use in reliance on this section has caused or is likely to cause loss not adequately reflected in arrangements in respect of the pre-commencement grant, the matter shall be treated as a question of disputed compensation and determined in accordance with Part III of the Acquisition of Land Act 1984; and
 - (b) nothing in subsection (4)(b) prevents use in reliance on this section from being taken into account in respect of payment, compensation or other arrangements in respect of a post-commencement grant of a wayleave.
-

**RAMSEY TOWN COMMISSIONERS
TOWN CLERK'S REPORT
RAMSEY QUAYSIDE
JUNE, 2020 – PUBLIC**

Mr. Chairman and Members,

The Department of Infrastructure has presented draft proposals to a scheme which seeks to introduce tidal flood protection measures to the West Quay in Ramsey in conjunction with reconstruction of the roads and improvements to the quayside environment as an extension of the regeneration works.

The Department is keen to submit the application for planning, as with other towns, and to maintain progress with the Ramsey scheme. The Department is presently reviewing its future projects and aligning them with the needs of the Island which assessment is made more difficult during the current status. One assessment factor is can the scheme be delivered; planning permission increases a scheme's credibility in this respect.

The Department sees the proposed scheme as helping to protect Ramsey from tidal flooding, whilst improving the highway and enhancing the area.

An earlier discussion at the February private meeting (Minute 2019/20:316 refers) at which time the Commission felt that the design proposals were not their preferred option for flood control incorporating quayside redevelopment, and sought further options particularly with regard to parking provision.

Earlier design proposals have not been publicised however the Department has agreed that the present proposals can be included for discussion in public and therefore that the plans will be available for public viewing.

Copies of the drawings have been circulated electronically and will be published on the Commission's website as part of the meeting agenda papers.

Recommendation: for discussion.

T. P. Whiteway
Town Clerk and Chief Executive.

10th June, 2020.

**RAMSEY TOWN COMMISSIONERS
TECHNICAL SERVICES MANAGER'S REPORT
PLANNING APPLICATIONS – JUNE, 2020**

Mr. Chairman and Members,

Copies of the following applications have been received from the Department of the Environment, Food and Agriculture, Planning and Building Control Division under the planning consultation procedures. The applications are listed for consideration subject to comments where appended. Hyperlinks are provided on the P.A. No. to link to the plans which are available on the IOM Government website.

REF NO: 3769 **AMENDED PLANS**
P.A. NO.: **20/00419/B**
PROPOSED: Erection of a detached building to provide staff facilities
NOTES: P.A. in Detail.
SITE: **Garage Showroom and offices, Parliament Square, Ramsey.**

REF NO: 3772
P.A. NO.: **20/00493/B**
PROPOSED: Erection of a rear extension
NOTES: P.A. in Detail
SITE: **29, Royal Park, Ramsey.**

REF NO: 3773
P.A. NO.: **20/00495/B**
PROPOSED: Erection of a rear extension
NOTES: P.A. in Detail
SITE: **Myrtle Hill, Andreas Road, Ramsey.**

REF NO: 3774
P.A. NO.: **20/00507/B**
PROPOSED: Erection of an extension to side elevation
NOTES: P.A. in Detail
SITE: **Aalican, Richmond Road, Ramsey.**

REF NO: 3775
P.A. NO.: **20/00513/B**
PROPOSED: Erection of a rear extension, creation of two windows to West elevation and installation of a flue
NOTES: P.A. in Detail.
SITE: **37, Royal Park, Ramsey.**

REF NO:
P.A. NO.: 20/00533/B
PROPOSED: Installation of 28 solar panels to gable wall and installation of a heat pump
NOTES: P.A. in Detail.
SITE: **The Haven, Windsor Mount, Ramsey.**

REF NO:
P.A. NO.: 20/00530/B
PROPOSED: Conversion of an apartment (class3.4) into two apartments (class 3.4)
NOTES: P.A. in Detail.
SITE: **19 Waterloo Road, Ramsey.**

REF NO:
P.A. NO.: 20/00545/B
PROPOSED: Erection of single storey rear extension
NOTES: P.A. in Detail.
SITE: **Ben Armine Lezayre Road Ramsey.**

The Planning Sheet usually presented at the Board Meeting is appended to this report.

B. Wallace
Technical Services Manager

10th June, 2020.

R.T.C. – TECHNICAL SERVICES MANAGER’S REPORT - APPENDIX I - SUMMARY OF PLANNING APPLICATIONS – JUNE, 2020

| <i>P.A. No.</i> | <i>Applicant</i> | <i>Proposed</i> | <i>Site</i> | <i>R.T.C. Recommendation</i> | <i>D.o.I. Correspondence</i> | <i>Appendix II</i> |
|---|---|--|---------------------|---|--------------------------------------|--------------------|
| 20/00113/GB & 20/00114/CON R.T.C. 3744 | Benjamin Dutnall & Christine Dutnall | Registered Building consent for installation of replacement windows and doors to front and rear elevations | 3, Auckland Terrace | Meeting held: 18/03/2020 No Objection | 13/05/2020 Application REFUSED | |
| 20/00179/B R.T.C. 3750 | Simon John Frank Garrood | Erection of a raised and covered decked area (partial retrospective) | 19, Ormly Avenue | Meeting held: 18/03/2020 No Objection | 13/05/2020 Application REFUSED | |

R.T.C. - TECHNICAL SERVICES MANAGER - APPENDIX II - SUMMARY OF PLANNING APPLICATIONS – JUNE, 2020

| No. | P A No. | Applicant / Site / Description | Details |
|------------|---|--|--|
| | 20/00113/GB & 20/00114/CON R.T.C. 3744 | Benjamin Dutnall & Christine Dutnall, 3, Auckland Terrace Registered Building consent for installation of replacement windows and doors to front and rear elevations | The refusal is for the following reason(s): 1. The applicant has not adequately demonstrated that repair is impractical to all windows and door as required and by the virtue of the modern frame materials and inappropriate glazing pattern, the proposed works would have a substantial, harmful impact on the Registered Building contrary to Environment Policy 32 of The Strategic Plan, Policies RB/3 and RB/5 of Planning Policy Statement 1/01 and Planning Circular 1/98. |

| | | | |
|--|-----------------------------------|--|--|
| | <p>20/00179/B R.T.C. 3750</p> | <p>Simon John Frank Garrod, 19, Ormly Avenue</p> <p>Erection of a raised and covered decked area (partial retrospective)</p> | <p>The refusal is for the following reason(s):</p> <ol style="list-style-type: none"> 1. The raised deck given its height, width, design, finish and proximity to the east boundary (adjoining Plot 106, Royal Park) would be obtrusive and have a significant adverse impact upon the future occupants of this dwelling (Plot 106, Royal Park) by having an overbearing impact upon their outlooks, from their property and rear garden contrary to General Policy 2 of the Isle of Man Strategic Plan 2016 and the Residential Design Guidance 2019. 2. The raised deck would introduce unobstructed views from the southeast section of the deck and from the external staircase towards the rear garden of Plot 105, resulting in an adverse impact through overlooking resulting in loss of privacy contrary to General Policy 2 of the Isle of Man Strategic plan 2016 and the Residential Design Guidance 2019. |
|--|-----------------------------------|--|--|

**RAMSEY TOWN COMMISSIONERS
PLANNING APPLICATIONS – JUNE, 2020**

The following plans are acceptable in terms of planning consideration, unless any Board Member wishes to make comment:

| | |
|------|------|
| 3769 | 3772 |
| 3773 | 3774 |
| 3775 | |

The following plans are for consideration at the Board Meeting for further comment or information only:

| R.T.C. Plan No. | Comments |
|----------------------------|--|
| 20/00533/B | <p>Installation of 28 solar panels to gable wall and installation of a heat pump</p> <p>This planning application seeks permission to install 28 solar panels to the gable wall of property. The gable wall of the property is only partially visible from the football field the area directly in front of the gable end only over looks grassed areas, with trees partially blocking the view to the nearest affected properties of St Olave's old school house and house. The impact on other properties in the area is unknown.</p> <p>Recommendation:- for approval</p> |
| 20/00530/B | <p>Conversion of and apartment (class 3.4) into two apartments (class 3.4)</p> <p>This planning application seeks permission to amend the planning application and convert a two bedroom apartment spread over the ground and basement floors in to two one bedroom apartments spread over the two floors.</p> <p>It has also added an amenity area to the rear of the property reducing the hardstanding for parking.</p> <p>Provisions have been made for a communal bin, but no evidence of a secure or covered bike storage area.</p> <p>The designers must ensure that they meet the Houses in Multiple Occupancy Regulations.</p> <p>Recommendation:- For Discussion</p> |

**Mr F.B.R Williams,
Lead Member for Works & Development**

10th June, 2020.

**RAMSEY TOWN COMMISSIONERS
HOUSING AND PROPERTY MANAGER'S REPORT
SAFEGUARDING
JUNE, 2020 – PUBLIC**

Mr. Chairman and Members,

The Isle of Man Safeguarding Board published a report in May 2020 titled 'The Learning from a Serious Case Management Review in respect of Mr H', their report is appended to this report.

The Isle of Man Safeguarding Board commissioned an independent author/lead reviewer to assist them in carrying out the Serious Case Management Review (SCMR) of the case of Mr H. The purpose of this SCMR was to identify learning to improve multi-agency safeguarding practice, identify good practice and areas of improvement but was not aimed to apportion blame.

Full details are within the report, however to put it briefly, Mr H was in his early fifties when he died from natural causes in 2019. He had a long history of poor health, exacerbated by his lifestyle and at the time of his death he was living in privately rented accommodation following eviction from his local authority flat eight months earlier.

The report states that there was evidence that Mr H was incapable of caring for himself and that the eviction from his local authority home for rent arrears had a further impact on the quality of his life and his wellbeing. Even though he had regular contact over a broad number of years with medical staff and staff from other agencies and service providers and concern had been expressed vulnerability due to poor physical and mental health, the SCMR found that there was a lack of co-ordination across the groups.

The report states that there is a lack of consistency across local authority housing providers in their approach in identifying needs and managing risks specifically when dealing with vulnerable tenants. Although other agencies did exchange information about Mr H with his written consent to do so, the local authority in this case did not as they believed it was not possible to share information about Mr H due to data protection rules and did not seek Mr H's written permission to share information about his eviction at any time during the eviction process.

The SCMR makes recommendation to the Safeguarding Board and the Isle of Man Government, individually and/or as part of a new approach to multi-agency working which includes local authority housing providers.

Ramsey Town Commissioners Housing and Finance Officers follow the Department of Infrastructures rent retrieval process and eviction process which was reviewed and reiterated to the local authorities in 2019. Where there is known vulnerability including health, age, dependent children etc., Housing Officers will always contact Social Services to advise them that the tenant may lose their home as measures to seek a possession order have commenced. Attempts to make contact with a tenant are

**Housing and Property Manager's Report –
Safeguarding
June, 2020 –Public Continued:**

always employed either by telephone or by calling to the property, especially if the tenant is known to be vulnerable. If and when an advocate has been engaged, they are made aware of any known vulnerability.

Barriers encountered in this process include the tenant not engaging or giving consent to share their information and Social Services not working with the local authority due to no consent being given by the tenant to share their information. It is hoped this report and its recommendations will assist with these hurdles in regard to data sharing. In the meantime Ramsey Town Commissioners' Housing Officers will continue to attempt to seek consent from tenants where required and will continue to contact Social Services with any concerns for a tenants or their family members' welfare and wellbeing; this will be done during the rent retrieval or eviction process or for any other reason if a concern becomes evident to them whilst carrying out their duties.

A recommendation in the report is for the Safeguarding Board to discuss with the Department of Infrastructure's Housing Division the introduction of new approaches to improving the relationships between local authority housing providers and their tenants. These welcomed recommendations include:

- Safeguarding policies and practices that recognise and understand the approach to safeguarding, the implications for housing providers and the legal requirements for information sharing, including when a Serious Case Management Review is undertaken.
- Tenant profiling: needs and risk assessments should be carried out where vulnerability is identified. This may be due to a range of triggers. For example: domestic violence, poor mental health and substance misuse.
- Multi-agency case conference to be held, once a notice to quit is prepared
- Identify training needs, scope a programme of training and ensure that this is delivered to existing staff and forms an integral part of induction training for new staff. This should start no later than 1st September, 2020, and needs to be refreshed on a regular basis.

Recommendation: for noting.

9th June, 2020.

Mark Close
Housing & Property Manager

The Isle of Man Safeguarding Board

The Learning from a Serious Case Management Review in respect of Mr H

Independent Author: Domini Gunn-Peim

Published May 2020

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Appendix 1 The Independent Reviewer

1.0 Introduction

1.1. The Safeguarding Board (Qualifications and Procedures) Regulations 2019 state:

“The Serious Case Management Review Panel must conduct a review in any case where— (a) a vulnerable adult has died and where abuse or neglect is known or suspected; (b) a vulnerable adult has suffered serious harm; and the condition in paragraph (6) is satisfied. (6) The condition in this paragraph is satisfied if there is cause for concern about the way the following, namely—

(a) the Board;

(b) any of the bodies listed in paragraphs (a) to (d) of section 4; and

(c) any other relevant body; have worked together to safeguard the vulnerable adult.”

1.2 The purpose of a Serious Case Management Review (SCMR) is to identify learning to improve multi-agency safeguarding practice. SCMRs are not about apportioning blame or about disciplinary, criminal, or coronial matters. They should, wherever possible, identify good practice as well as identifying areas for improvement.

1.3 SCMRs enable all the information known to agencies to be seen in one place. This is beneficial to learning but the SCMR also recognises that this benefit of hindsight was not available to individual practitioners at the time.

1.4 The Isle of Man Safeguarding Board commissioned an independent author/lead reviewer Domini Gunn-Peim MA(Hons). The author is an experienced inspector, housing professional and author of multi-agency reviews. She has a professional background in housing, health, social care and the role of housing providers in safeguarding and partnership working. The author is independent of IOMSB and its partner agencies. Details of her experience are attached at Appendix1.

1.6 A Review Panel, made up of managers, who were not involved in the case, provided oversight, information and support to the Review, and challenged and commented on the Report.

1.7 The reflective and thoughtful contributions of everyone involved in the review, is appreciated by the Safeguarding Board.

1.8 Considerable efforts were made to involve Mr H's family, but they declined.

1.9 The identification of the subject of the SCMR is referred to as 'Mr H' to protect his identity and preserve his dignity.

2.0 Executive Summary

2.1. Mr H died from natural causes in 2019, he was in his early fifties and had a long history of poor health, exacerbated by his lifestyle. At the time of his death, he was living in

privately rented accommodation, following eviction from his local authority flat eight months earlier.

2.2 Mr H's eviction from his former home had an impact on the quality of his life and his wellbeing. The poor state of his flat at the time of his eviction evidenced his inability to care for himself.

2.3 Medical staff, and staff from other agencies, had expressed concern about his vulnerability, due to poor physical and mental health over a number of years. He had regular contact with services between 1991 and 2017 which included his GP, Hospital Emergency Department, the Police and a local authority housing provider. Between 2010 to 2018 there were referrals to Social Care and Mental Health Services. From late 2018 to early 2019 there was intensive involvement from Community Health Services and voluntary sector housing support and advice organisations.

2.4 The SCMR found that, except for the prison, there was a lack of co-ordination across the agencies with whom Mr H had contact.

3.0 Summary of the learning from the review

3.1. Local Authority Housing policy & practice. Safeguarding for housing providers: awareness, training, referrals, and protocols.

3.1.1 There is a lack of rigour and consistency around these issues across local authority housing providers. This has an impact on the approaches taken to identifying needs and managing risks, most notably for vulnerable tenants.

3.2 GDPR data protection:

3.2.1 There was a marked difference in the approaches to information sharing taken by the local authority concerned and other service providers in Social Security, Health and Social Care that supported Mr H. The local authority believed it was not possible to share information about Mr H due to data protection rules. They did not seek Mr H's written permission to share information about his eviction at any time during the eviction process.

3.2.2 Other agencies did proactively exchange information about Mr H with the prison who had secured his written consent to do so. The Department of Health and Social Care shared information to enable them to act in Mr H's best interests to secure Manx Lottery funding to cover his rent, unsuccessfully due to administrative errors, and services that could offer him support, treatment and advice.

3.2.3 It is imperative that this lack of consistency in the approaches to information sharing is formally resolved in order to avoid any future risk of vital information being withheld, that could help to protect a person at risk of eviction in the future.

3.2.4 Progress has been made in including information sharing protocols in more recent local authority tenancies (post 2014) but this does not address the issue for long standing tenancies. **It would be beneficial to include information sharing as part of regular tenancy reviews. Protocols for information sharing should also be included as part of the eviction**

process. Further advice from the Information Commissioner following this review would be helpful in ensuring a consistent approach.

3.3. Tenant profiling:

3.3.1 Although there is a needs assessment for supported housing there is no formal approach to tenant profiling on the Isle of Man, for general needs housing. In other jurisdictions, customer profiling is widely used by commercial companies, and some social housing providers, to enable them to tailor services to meet the needs of their customers. This proves effective in making the best use of resources and in securing the best outcomes for tenants. New ICT systems are being introduced that may help to address these issues and **it would be helpful to review the implementation in light of the findings of this review.**

3.4 Managing risk:

3.4.1 There is no risk assessment process in place that enables all local authority landlords to identify the impact of their housing processes. Staff are not trained in identifying and managing procedural risks and in assessing the impact of actions. **It would be beneficial to develop and introduce a formal approach to risk and impact assessments.** This would assist in providing a robust audit trail and in providing improved clarity to the effectiveness of decision making.

3.4.2 **Identifying needs:** there is no needs assessment carried out as part of the tenancy agreement. No questions are asked about tenancy support needs or circumstances that might impact on managing and sustaining a tenancy. In 2017 there was no system for a regular review (a minimum of every 5 years) of tenancies to determine if a tenant's needs have changed and, dependent on the outcomes, to signpost tenants to additional support services.

3.4.3 **Housing related support:** the local authority that provided accommodation to Mr H do include leaflets with their correspondence with tenants in rent arrears that signpost them to housing related advice, information and support agencies. However, **there needs to be a more pro-active approach to signposting tenants at risk of eviction to sources of advice and support. This support signposting needs to be informed by the needs of each tenant and the risks to them of eviction action.**

Tailored signposting to timely advice and support does require the local authority landlord to understand the tenant's needs and to review these on a regular basis. This need not be unduly onerous as risk assessments can be used to flag up priorities for more regular review. For example, those dependent on social security benefits and older people can be given priority for a review. There should be proactive attempts to secure written consent from tenants to share information so that referrals to other agencies can be made.

More recent local authority housing tenancies, post 2014, do include information on sharing information consent requests but this is not the case with long standing tenancies and needs to be addressed.

3.4.4 **External agencies:** report a lack of consistency when working with local authority housing providers across the Island. Housing issues are recognised by some agencies but access to, or sustainment of, a home is not consistently identified as part of risk assessments and local authority housing providers are not consistently invited to contribute to discussions where risks are identified.

3.4.5 There is widespread acknowledgement that good, secure and affordable housing is critical in enabling people to live healthy and secure lives and to recover and/or rehabilitate after a crisis. **It is important that this acknowledgement is translated into formal protocols, shared training, information sharing agreements and joint working policies and practices. There is a need to identify shared clients who are clearly vulnerable, have complex needs and are at risk.** Eviction from one's home is a very high risk for anyone, but particularly for a vulnerable person.

4.0 Information sharing: Health & Social Care key learning points

4.1 **GDPR – data protection:** It would be helpful to **create more opportunities for joint working and improved understanding of roles and processes. Further discussion needs to take place to identify shared risks and ensure that information sharing protocols and practices are consistent and robust.**

4.2 **Awareness, training, referrals and protocols:** there have been changes in policies and practices since Mr H's case came to light. There is recognition of the need **to identify weaknesses in current policies and practices; to improve the consistent application of housing policies and procedures; and increased recognition and dissemination of good practice.**

4.3 **Capturing and sharing key information across all agencies** about individuals who are frequent attenders at the hospital's emergency department; repeatedly referred to social care and mental health services; are known to be at risk of homelessness or homeless; and those who regularly come to the police's attention **should be identified through a shared referral process.** Many (most) of these individuals are likely to be vulnerable and there will be safeguarding concerns in some cases.

5.0 Cross agency working key learning points

5.1 **Scope and agree the agencies and organisation to be included in current and new approaches to cross agency working.** This should include representatives from the Housing & Property Division at the Department of Infrastructure. These representatives can then identify any other housing providers that need to be involved where a risk including a safeguarding concern are identified.

5.2 **There is a lack of knowledge and understanding of the responsibilities of all statutory agencies across the island in engaging fully with safeguarding policies and practices.** This includes understanding and delivering what safeguarding means for different agencies, assessing risk and making effective referrals. All agencies must understand their duties under the safeguarding legislation including the requirement to share information to

safeguard and assist in reviews. It is not the duty of the different agencies to determine the outcome of a safeguarding case, but it is their duty to identify risk and refer appropriately.

5.3 Identifying shared vulnerable customers/ regular attendees: an important outcome from improved joint working should be **an agreed and documented risk assessment and flagging process where each agency can flag a potential safeguarding concern and call a multiagency case conference.** This would enable individuals presenting with a range of needs and vulnerabilities to be flagged and a shared approach to be adopted.

6.0 Isle of Man Prison key learning points. The record keeping and admission processes in the prison are examples of good practice. The key agencies providing services to new prisoners prior to sentencing are identified and contact is made at a very early stage. Vulnerability and risk are assessed. Health needs are identified, and appropriate treatment and medication is secured. Detailed notes are recorded and there are regular reviews of health and wellbeing. For prisoners on short sentences, less than six weeks, there is no monitoring following release as a probation officer is not assigned. This gap could be addressed through multi agency risk assessments and the adoption of care and support plans where required.

7.0 Social Security key learning points

7.1 Maintaining prisoners' housing: people on remand continue to receive social security benefit allowances towards housing costs, if there is an intention to return to the premises after the period in prison, but these cease as soon as someone is given a custodial sentence, regardless of the length of the sentence. This means that any benefit payments to cover rent made directly to a local authority or private landlord also stop. This results in offenders who are tenants immediately going into rent arrears and they are then at risk of eviction. The outcome will be that on release they will be homeless or at high risk of becoming homeless.

Given the high social and economic costs of eviction and homelessness this is not the most effective course of action particularly where sentences are relatively short. Other breaches of tenancy are likely for offenders on longer sentences, including a charge of abandonment when a property is not occupied for a significant amount of time. **The Isle of Man should consider addressing this issue.** In the UK rent continues to be paid for prisoners on short sentences. The following link to Nacro's website explains the rules in England:

<https://www.nacro.org.uk/resettlement-advice-service/support-forindividuals/housing/advice-while-serving-your-prison-sentence/>

8.0 Private rented housing sector key learning points

8.1 There is a shortage of affordable housing across all housing tenures. In the private rented sector, the shortage is compounded by the absence of regulation and is resulting in poor quality accommodation being offered for rent. In addition, given the reluctance of some private landlords to let to tenants who are dependent on benefits, significant levels of public subsidy through the social security benefits system are being paid to private landlords for poor housing. **There is no rent deposit scheme to support people to access privately**

rented accommodation and there is no lettable standard. Legislation is being drafted that will, if approved, address many of these issues.

8.2 It is difficult for people seeking affordable rented housing on the island to access local authority housing. There is a ten-year residency requirement prior to application and once that has been achieved a significant waiting list. This means that many people who cannot afford to buy a home rely on the private rented sector. It is noted that in 2019 Tynwald approved new allocation criteria that, with the revised priority pointing based on housing need, had reduced the waiting times for more vulnerable people.

8.3 For people on low incomes the private sector rent levels are high particularly when compared to local authority housing. In addition to the rent there are usually requirements to find a significant deposit. In the case of Mr H social security were paying 100% more for his rent in poor privately rented accommodation following his eviction from his local authority flat.

8.4 According to representatives of housing advice and support agencies, most private landlords are reluctant to accept people in receipt of benefits and this reluctance often results in the less desirable, cheaper and poorer quality accommodation being the only choice available to people who cannot access a local authority home. **A minimum Isle of Man lettable standard would help to raise standards across all rented housing.** This should be addressed if the new proposals to regulate the private rented sector are approved and implemented.

9.0 Acting on Learning

9.1 It is good practice for improvements to policies and practice to be made as learning arises during an SCMR or following the incidents that led to it being commissioned.

9.2 Since April 2018, the Department of Infrastructure has worked with local authority social housing providers to implement changes when eviction is being considered that are relevant to the circumstances of this review, some as a direct consequence of the learning from this case.

9.3 The changes include, but are not limited to, the following:

9.4 The Department of Infrastructure implemented a new rent recovery process in June 2019 which the local authority immediately adopted. The main changes are:

- As part of the process a "Housing Matters" leaflet is now hand delivered to all tenants prior to the Notice to Quit (NTQ) being issued.
- Stage One: Action starts after two successive missed payments (Formerly one). If a tenant has a history of rent arrears, contact is made with the Social Security Division (SSD) of The Treasury to see if direct payment can be arranged.
- Stage Two: Contact is made with Social Services to enquire if there are any concerns of a welfare nature and to discuss the implications of rent arrears. If appropriate, contact with SSD about direct payments is made.

- Stage Three: An additional arrears letter is now sent prior to the Notice to Quit (NTQ) letter.
- Stage Four: Issue NTQ which now allows three weeks to make contact/arrangements prior to referral to advocates, these letters are now delivered by the Coroner.

9.5 Additional key changes:

- Data sharing agreement with the Treasury Social Security administrators
- Confirmation has been received from the Information Commissioner that contact can be made with Social Services due to potential safeguarding issues in eviction cases.
- "Housing Matters" & "GraiH" leaflets now hand delivered prior to NTQ stage
- Safeguarding courses are now being identified for all Housing Officers for 20/21
- Mental Health Awareness Training being identified for 20/21
- Additional recording of communications/issues being recorded on rent management records.

10.0 Recommendations

10.1 In addition to the developments noted in section nine, some of the agencies made recommendations for their own service.

10.2 The author has taken these into account and made some additional recommendations for the relevant agencies individually and/or as part of a new approach to multi-agency working.

10.3 The Safeguarding Board should undertake the following specific actions that are relevant to its role and monitor and assure itself that all actions recommended in this report, for other agencies, are implemented.

10.4 The Safeguarding Board should discuss with the Department of Infrastructure's Housing Division the introduction of new approaches to improving the relationships between local authority housing providers and their tenants. These should include:

- Safeguarding policies and practices, that recognise and understand the approach to safeguarding, the implications for housing providers and the legal requirements for information sharing, including when a Serious Case Management Review is undertaken.
- Tenant profiling: needs and risk assessments should be carried out where vulnerability is identified. This may be due to a range of triggers. For example: domestic violence, poor mental health and substance misuse
- Multi-agency case conference to be held, once a notice to quit is prepared
- Identify training needs, scope a programme of training and ensure that this is delivered to existing staff and forms an integral part of induction training for new staff. This should start no later than 1 September 2020 and needs to be refreshed on a regular basis.

10.5 The Safeguarding Board should consider identifying and agreeing senior responsible named officers for safeguarding within each partner agency and ensure that they are given the training, knowledge and support required to carry out their duties effectively. Carry out quarterly audits of the number of safeguarding flags from each agency and a review of progress. These should be reported to the Safeguarding Board.

10.6 The Safeguarding Board should also support the following:

- Information sharing protocols need to be developed with the prison for offenders in receipt of short sentences (less than six months) on admission to the prison to secure a planned release that ensures that all offenders have a home to return to. Local authority housing providers should take a constructive approach to working with their offending tenants to minimise their risk of becoming homeless. This will contribute to reducing some of the risk factors known to contribute to reoffending. The development and implementation of the protocols should be agreed with the Information Commissioner.
- Continuing benefit payments towards housing costs for prisoners on short sentences should be considered. In considering this policy change Treasury should undertake an assessment of the average costs of eviction and homelessness if a prisoner's accommodation is lost due to arrears resulting from short periods in prison.
- Frequent hospital attenders: Nobles Hospital Emergency Department current work to develop procedures and practices for identifying people who regularly present following emergencies/ crises should be shared with all relevant agencies. This should include senior representatives from DHSC; the Police; mental health services; prison and probation services; Department of Infrastructure Housing and a voluntary sector representative. A multi-disciplinary approach to identifying needs and assessing risks should be developed and agreed. This must include advice from the Information Commissioner. This will ensure that new approaches are in line with the island's legal framework for data protection.
- Voluntary sector agencies with skills and expertise in providing housing related support should be more closely involved when eviction action is being considered. This must go beyond simply including a leaflet and should include direct referrals. Other agencies, including the hospital and the prison, need to be made fully aware of the support that these voluntary agencies can provide and greater clarity on referral processes. This will place increased demands on the voluntary sector, and this should be reflected in any future grant settlements to support their work. Cross agency funding should be considered as successful interventions will result in a reduction in pressure on budgets.

10.7 The Isle of Man Government

10.8 Homelessness The Isle of Man Government should consider drafting a Homelessness Bill for debate and consideration. The lack of a legislative framework for housing advice, temporary housing and sources of support are resulting in residents relying on the voluntary sector as the only source of emergency accommodation, advice and support. The main housing charities are experiencing increasing demand for their services and are struggling to

meet demand in the current housing market. The lack of affordable housing is resulting in increasing numbers of people at risk of homelessness or homeless.

10.9 Private rented housing The Isle of Man Government should consider expediting the introduction of regulation of the private rented sector. Poor standards in some privately rented housing, combined with far higher rents, are resulting in vulnerable people living in homes that are in poor repair and prejudicial to the health and wellbeing of the occupants. Many of the low-income tenants in this sector are claiming high levels of public subsidy through social security rent payments to private property owners. The introduction of a lettable standard for the private rented sector would have many benefits including ensuring that publicly funded housing subsidies through social security payments are not used to support poor quality accommodation.

Appendix 1

About the reviewer

The review was conducted by Domini Gunn MA(Hons). Domini works across the statutory and voluntary sectors on a wide range of housing, social care and health issues. Until 2107 she was responsible for the development of policy and practice across housing, health and social care at the Chartered Institute of Housing (CIH) and direct delivery of support and advisory services through CIH consultancy. Prior to her role at CIH she worked at the Audit Commission, in the health service and in local government.

Domini was a member of the Care Act (England) 2014 advisory panel and chaired the Department of Health (England) Hospital2Home advisory group. She is working with regulators across the UK, voluntary sector organisations and with housing providers on strategies, change management and service delivery. Domini works with NHS Partnership Trusts and lectures at the University of Leicester. She is a trustee of Care & Repair (England) and has worked on a wide range of European and international projects.