



## City of Douglas

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**COUNCILLOR MRS NATALIE BYRON-TEARE, JP  
MAYOR**

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City Hall,  
Douglas,  
5<sup>th</sup> January, 2024

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL of the CITY OF DOUGLAS to be held on WEDNESDAY, 10<sup>th</sup> JANUARY, 2024, at 2.30 o'clock in the afternoon, in the COUNCIL CHAMBER within the CITY HALL, DOUGLAS for the transaction of the hereinafter mentioned business.

I am,

Yours faithfully

A handwritten signature in black ink, appearing to be 'A. Byron-Teare'.

For: Town Clerk & Chief Executive

# Order of Agenda

I - Election of a person to preside (if the Mayor is absent).

II - Any statutory business.

III - Approval as a correct record of the minutes of the last regular and any intermediate Meetings of the Council.

IV - Questions of which Notice has been given by Members of the Council, pursuant to Standing Order No. 39.

V - Consideration of the minutes of proceedings of the Council in Committee.

VI - Consideration of the minutes of proceedings of Committees of the Council in the following order:

- (i) The Executive Committee;
- (ii) The Housing and Property Committee;
- (iii) The Pensions Committee;
- (iv) The Standards Committee;
- (v) The Eastern District Civic Amenity Site Joint Committee;
- (vi) Any other Joint Committee;
- (vii) The Regeneration and Community Committee;
- (viii) The Environmental Services Committee;

VIII - Consideration of such communications or petitions and memorials as the Mayor or Chief Executive may desire to lay before Council.

IX - Notices of Motion submitted by Members of the Council in order of their receipt by the Chief Executive.

X - Any Miscellaneous Business of which Notice has been given pursuant to Standing Orders.

The above Order of Agenda is in accordance with Standing Order No. 16(1); under Standing Order No. 16(2) it may be varied by the Council to give precedence to any business of a special urgency, but such variation shall not displace business under I and II.

# AGENDA

III – Chief Executive to read minutes of the Council Meeting held on Wednesday, 13<sup>th</sup> December, 2023.

VI(i) - The proceedings of the EXECUTIVE COMMITTEE as follows:

## EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Wednesday, 20<sup>th</sup> December, 2023.

Members Present: Councillor Mrs C.L. Wells (Chair), the Mayor, Mr Councillor I.J.G. Clague, Mr Councillor D.R. Watson, Mr Councillor F. Schuengel (Vice-Chair, Regeneration and Community Committee), Mr Councillor F. Horning.

In Attendance: Acting Chief Executive / Director of Environment and Regeneration (Mrs D. Eynon), Director of Finance (Mr A.J.T. Boyd), Director of Housing and Property (Mr D. Looney), Assistant Chief Officer (Democratic Services) (Mrs L. Radcliffe), Assistant Chief Officer (Finance) (Mr M. Quayle) (for Clauses A1 to A7), Executive Officer (Mrs J.M. Keig) (taking minutes).

### REPORT

#### **PART A –**

#### ***Matters within the scope of the Executive Committee's delegated authority (Public)***

##### **A1. Apologies for Absence**

Apologies for absence were submitted on behalf of Mr Councillor A.J. Bentley, and the Chief Executive.

##### **A2. Declarations of Interest**

There were no declarations of interest.

##### **A3. Minutes**

The minutes of the meeting held on Thursday 23<sup>rd</sup> November 2023 were approved and signed.

##### **A4. Matters Arising From Previous Minutes**

Clause A12 – Statement of Accounts: a Member expressed concern at the intervention by the Tynwald Auditor General in the Council's audit process, in particular, his interpretation of the Audit Act that the Eastern Civic Amenity Site Joint Committee fell within the scope of the Act, and requested that these concerns be raised accordingly.

The Director of Finance advised that it had already been made clear that the Council did not agree with the Tynwald Auditor General's interpretation of the Audit Act, however, the Tynwald Auditor General had chosen to exercise the powers available under the Act. He also advised, following application from the Council, that the Treasury had since granted an exemption under the Audit Act to the Joint Committee and that it was the Tynwald Auditor General himself who had suggested that the application should be made.

Resolved, "That particulars be noted on the minutes, and that the Director of Finance be requested to submit a further letter to The Treasury expressing the Council's position, that it does not agree with the Tynwald Auditor General's interpretation of the Audit Act with regard to the Eastern Civic Amenity Site Joint Committee, and also the concerns on the intervention of the Tynwald Auditor General in the Council's audit process."

##### **A5. Referrals from the Environmental Services Committee**

There were no referrals from the public minutes of the Environmental Services Committee meeting held on Monday 18<sup>th</sup> December 2023.

##### **A6. Referrals from the Regeneration and Community Committee**

There were no referrals from the public minutes of the Regeneration and Community Committee meeting held on Tuesday 19<sup>th</sup> December 2023.

#### **A7. Referrals from the Housing and Property Committee**

The Committee considered the following referral from the public minutes of the Housing and Property Committee meeting held on Wednesday 20<sup>th</sup> December 2023:

Clause B12 – Consultation Document – Essential Worker Housing Option Consultation: the Committee had considered a report by the Director of Housing and Property in relation to a consultation document issued under Section 68 of the Local Government Act 1985. The consultation, issued by the Cabinet Office, sought views on whether those persons working in critical and essential areas of the Island’s economy should have different eligibility criteria which would allow them earlier or easier access to the same type of loan assistance available to regular first-time buyers purchasing a home on the open market.

Members had been advised that any changes to publicly-funded housing support schemes (outside of the Council’s responsibility) would have an impact on the Council’s provision of social housing. The Council’s social housing tenants required future options to be available to them if they no longer fell into the criteria to qualify for local authority housing, and the impact of the proposals could be detrimental if these options were restricted due to demand. The proposed responses, expressing the potential impact of bringing forward this initiative, had been approved by the Housing and Property Committee, but further consideration by the Executive Committee was sought.

Some Members of the Executive Committee expressed concern at the short timescale within which they were expected to consider the implications of the proposed initiative and to reach a decision on the suggested responses, and it was therefore agreed to seek an extension to the deadline for the submission of responses.

Resolved, “(i) That particulars of the referral be noted on the minutes;

- (ii) That an extension to the deadline for the submission of responses be requested from the Cabinet Office, and that consideration of the implications of the consultation and the Council’s proposed response be deferred to the meeting of the Executive Committee scheduled for 25<sup>th</sup> January 2024; and
- (iii) That in the event of an extension not being granted, then the proposed responses as agreed by the Housing and Property Committee be submitted as the Council’s response to the consultation.”

#### **A8. Referrals from the Eastern District Civic Amenity Site Joint Special Committee**

The Committee considered the following referral from the private minutes of the Eastern District Civic Amenity Site Joint Special Committee meeting held on Tuesday 19<sup>th</sup> December 2023:

Clause B1 – Eastern Civic Amenity Site Tender: the Committee had considered a report on tenders returned for the operation of the Site from 1<sup>st</sup> April 2024 to 31<sup>st</sup> March 2029. It had been noted that there had been four expressions of interest, with two contractors submitting tender responses by the closing date.

The contract tender options had been reviewed accordingly – one based on the current operational hours; and one submission for reduced opening hours (08:00 to 16:00 daily, all year round). Following in-depth discussion, the Joint Committee had agreed that the current operational hours be the preferred option, regardless of the preferred contractor.

It had been recommended that the lowest tender be accepted; and each Member was requested to seek approval of this recommendation from their respective authorities.

Resolved, “(i) That particulars of the referral be noted on the minutes; and

- (ii) That the recommendation of the Eastern District Civic Amenity Site Joint Committee, to accept the tender submitted by Douglas City Council exclusive of for the operation of the Site from 1<sup>st</sup> April 2024 to 31<sup>st</sup> March 2029, be supported and approved.”

#### **A9. Twinning Agreement – Ballymoney, Northern Ireland**

The Committee considered a written report by the Chief Executive in relation to an invitation received from the Ballymoney Twinning Association, offering to visit Douglas to meet with the Council to discuss the future of the Twinning Agreement.

The Council had entered into a Twinning Agreement with Ballymoney Borough Council in November 2006, the terms of which were noted accordingly. Over the years, there had been a number of exchanges, promoted by the two Councils, involving football, netball, rugby, table tennis, hockey, boxing, links between schools, information exchanges between libraries, and support from the Ballymoney Ambulance Service at the T.T. Races.

There was, however, a fundamental difference between the twinning arrangements within the two areas. Ballymoney had an established Twinning Association, which raised funds and liaised directly with twinned authorities – whereas, in Douglas, while an attempt to set up a similar body had initially been successful, interest had waned and so only the Council now remained directly involved in the arrangement.

In April 2015, Ballymoney Borough Council had merged with the local authority areas of Coleraine, Limavady, and Moyle, to form the Causeway Coast and Glens Borough Council. While this cast some doubt on the validity of the Twinning Agreement, discussion had taken place between the authorities with the conclusion that, as the Ballymoney Twinning Association was still operating, there was no reason for the arrangements to cease.

Since that time, there had been exchange visits for civic events and, following a recent such visit, an offer had been extended by representatives of the Ballymoney Twinning Association to meet with the Council, as the Association would like to attempt to encourage dialogue between the respective business communities, as well as furthering social and sporting connections.

It was agreed that the invitation to meet with the Ballymoney Twinning Association be taken up, but that the Council's expectations and the aims it hoped to achieve by continuing with the Agreement be made clear.

Resolved, "(i) That particulars of the report be noted on the minutes; and

(ii) That the invitation from the Ballymoney Twinning Association be taken forward accordingly."

#### **A10. Monthly Financial Review – November 2023**

The Committee considered a written report by the Director of Finance setting out details of progress made against Key Performance Indicators for Finance, and other related key financial monitoring information.

The monthly report was required in order to monitor progress against the Finance Department's Service Plan actions, and to meet objectives set out in the Corporate Plan 2022 - 2026.

Resolved, "(i) That particulars of the report be noted on the minutes, including particularly -

- The rates collection figure of 92.8%, compared to the target figure of 91.6% for the period April to November 2023."

#### **A11. Isle of Man Municipal Association**

No documents had been received from the Isle of Man Municipal Association in advance of the meeting.

#### **A12. Items for Future Report**

The Committee considered a written report by the Chief Executive identifying those issues on which further reports had been requested or which were outstanding, so that Members and officers were aware of them and could monitor progress.

Resolved, "That particulars of the report be noted on the minutes and that it be considered and monitored at each meeting of the Executive Committee."

#### **A13. Next Meeting**

The time and date of the next meeting was confirmed as 09:30am on Thursday 18<sup>th</sup> January 2024.

The Committee rose at 4.40pm.

VI(ii) – The proceedings of the HOUSING AND PROPERTY COMMITTEE as follows:

# HOUSING AND PROPERTY COMMITTEE

HOUSING AND PROPERTY COMMITTEE – Minutes of Meeting held on Wednesday, 20<sup>th</sup> December, 2023.

Members Present: Mr Councillor D.R. Watson (Chair), the Mayor, Councillor Ms J. Thommeny, Mr Councillor P.J. Washington.

In Attendance: Director of Housing and Property (Mr D. Looney), Assistant Chief Officer (Housing and Property) (Mr V. Zivave), Assistant Chief Officer (Income) (Mrs C. Pulman), Assistant Chief Officer (Democratic Services) (Mrs L. Radcliffe), Housing and Property Operations Manager (Mr J. Chatwood), Assistant Democratic Services Officer (Miss C. Cullen).

## REPORT

### ***PART A –***

#### ***Matters delegated to the Committee***

##### **A1. Apologies for Absence**

Apologies for absence were submitted by Mr Councillor S.R. Crellin.

##### **A2. Declarations of Interest**

There were no declarations of interest.

##### **A3. Minutes – 15<sup>th</sup> November, 2023**

The minutes of the meeting held on Wednesday, 15<sup>th</sup> November, 2023, were approved and signed.

##### **A4. Matters Arising**

No matters were raised as arising from the previous minutes.

##### **A5. Maintenance of Fire Alarms and Smoke Systems**

The Committee considered a report submitted by the Assistant Housing Manager (Maintenance) to appoint a contractor for the statutory servicing and maintenance of communal fire detection systems, emergency lights and smoke control systems within the Council's general housing flats and sheltered housing complexes.

Members were advised that the Council has a statutory responsibility to repair, maintain and service the fire detection and smoke control systems.

Following the procurement process, tenders were opened by the Chair of the Housing and Property Committee in the presence of the Assistant Chief Officer (Housing and Property) and the Housing and Property Operations Manager on 23<sup>rd</sup> November, 2023. It is recommended that the tender submitted by Stewart Clague Services Limited (SCS Limited), be accepted.

Appended to the officer's report was the SCS Limited priced schedule of works and tender evaluation which had been carried out by March Consultants. Members were advised that the tender is considered value for money. It was noted that a contingency figure had been included in the final contract sum for any unforeseen items, this sum will only be expended upon written instruction from the Council.

Members were advised that as part of the specification, SCS Limited had submitted hourly rates. This is required to cover any additional works or variations to the specification. However, it was noted that any additional hours would only be applied to the contract upon prior agreement with Council officers.

The contract will run from January 2024 to the end of December 2026.

In response to question, the Housing and Property Operations Manager confirmed that the contract works related to statutory routine testing that is required to be carried out by a suitably qualified competent person. It was noted that weekly routine testing would continue to be carried out in-house.

Resolved, "That particulars of the report be noted on the minutes and that the tender submitted by Stewart Clague Services Limited (SCS Limited), for up to 36 months, for the statutory servicing and maintenance to the general housing flats communal area, sheltered complexes fire detection, emergency lighting and smoke control systems be accepted."

**A6. Door Replacement and Automation at Waverly Court**

The Committee considered a report submitted by the Assistant Housing Manager (Maintenance) to progress with door replacement and door automation at the Waverley Court sheltered housing complex.

Members were advised that the existing timber doors installed at the rear of the complex had reached the end of their useful life. It is proposed that the doors be replaced with automated aluminium doors throughout which will provide a high level of accessibility for those with mobility issues.

Following the procurement process, tenders were opened by the Chair of the Housing and Property Committee in the presence of the Assistant Chief Officer (Housing and Property) on 23<sup>rd</sup> November, 2023. It is recommended that the tender submitted by the Garage door and Gate Company be accepted. The Garage door and Gate Company are well established and one of the most reputable metal door contractors on the Island and have previously carried out several similar works for the Council.

Appended to the officer's report was the Garage door and Gate Company's priced schedule of works. Members noted that the tender had been arithmetically checked and is considered value for money.

Resolved, "That particulars of the report be noted on the minutes and that the tender submitted by the Garage door and Gate Company, for the replacement and automation of doors at the Waverley Court sheltered housing complex be accepted."

**A7. Asia Fresh Limited, 4 – 6 Quine's Corner – Change in Opening Hours**

The Committee considered a report submitted by the Assistant Property Manager (Assets) seeking approval for a change in the business hours for the Council's commercial tenant at 4 -6 Quines Corner, Douglas.

Members were reminded that Asia Fresh Limited has held the tenancy of 4 -6 Quine's Corner since 17<sup>th</sup> July 2015, following assignment of the lease from the previous establishment. It was noted that they have been serving sushi and Asian food in the restaurant for take-away.

Appended to the officer's report was the formal request received from the tenant seeking a change to the opening hours of the business.

It is proposed that the opening times be changed to Monday to Sunday, 8.30am to 11.30pm, including bank holidays. It was noted that the change in hours will bring the business in line with other businesses in the area.

Resolved, "That particulars of the report be noted on the minutes and that the change to the business opening hours for Asia Fresh Limited, 4 – 6 Quine's corner to Monday to Sunday 8.30am to 11.30pm, inclusive of bank holidays be approved."

**A8. Vacant Property Update**

The Committee considered the monthly report submitted by the Assistant Housing Manager (Maintenance) to update on the number of vacant social housing properties.

Appended to the officer's report was the void properties schedule, which showed that as at the end of November 2023, there were forty-five vacant properties receiving attention.

The Assistant Chief Officer (Housing and Property) advised that as of 20<sup>th</sup> December 2023, there were forty-three vacant properties, noting that seven properties had been allocated in the last allocation meeting.

The Housing and Property Operations Manager advised that a further twelve properties were now ready for allocation and officers would accordingly arrange an allocation meeting.

Members were presented with a summary chart showing the number of properties returned in each month, details of the category repair type for each property, together with the number of void properties in each estate.

Resolved, "That particulars of the discussion and the number of void properties be noted on the minutes."

**A9. Items for Future Consideration**

The Committee noted the monthly report and schedule setting out items which will be brought forward for consideration to future meetings.

Resolved, "That particulars of the report and schedule be noted on the minutes."

**A10. Date and Time of Next Meeting**

Members were reminded that the next scheduled meeting was due to take place at 10.00am on Wednesday, 17<sup>th</sup> January, 2024.

Resolved, “That the date and time of the next meeting be noted on the minutes.”

***PART B –***

***Matters requiring Executive Committee approval***

**B11. Consultation Document – Essential Worker Housing Option Consultation**

The Committee considered a report submitted by the Director of Housing and Property in relation to a consultation document issued under Section 68 of the Local Government Act 1985.

The consultation issued by the cabinet office is seeking views on whether those persons working in critical and essential areas of our economy should have different eligibility criteria to allow them earlier or easier access to the same type of loan assistance available to regular first time buyers purchasing a home on the open market.

The Council, is the largest single provider of affordable housing, on the Island. Any changes to publicly funded housing support schemes that sit outside of the responsibility of the Council do have an impact on our provision. The Council’s social housing tenants require future options for the time when they may no longer fall in to the criteria to qualify for Local Authority Housing. Changes to these additional options, specifically where they may be restricted due to demand, will have an impact, possibly detrimental, on the future housing options of these tenants and as such it is important that the Council respond appropriately, expressing the impacts that may have otherwise not been foreseen by those bringing forward this initiative.

Members accordingly considered the proposed response to the consultation.

Resolved, “That particulars of the report be noted on the minutes and that the proposed responses (as appended to the officer’s report) be approved and submitted to the Executive Committee for consideration.”

***PART C –***

***Matters requiring Council Approval***

**C12. LED Lighting Scheme Framework Agreement**

The Committee considered a report submitted by the Assistant Property Manager (Assets) to progress with the proposed Light Emitting Diode (LED) lighting scheme framework agreement throughout the Council’s non-domestic buildings.

Members were advised that in 2022/23, the electrical cost to run all of the lighting and power for the Council services that operate from the Operational Service Centre was approximately £34,928.73, Douglas City Hall was approximately £23,630.03 and the Library was £7,583.75. It is anticipated that by undertaking the LED lighting scheme, the Council’s electrical consumption will reduce in line with the Council’s carbon net zero policy, subject to no other changes to the electrical usage.

Set out within the report were the proposed electrical tasks to be undertaken as part of the Framework Agreement. It was noted that the scheme will allow for the replacement of existing light fittings to LED and the installation of automated lighting controls throughout the Council’s non domestic properties. It was noted that LED light fittings have many advantages over traditional lighting solutions, such as, improved efficiency, increased lifespan and reduced running costs.

Expenditure for the LED Lighting Scheme has been estimated at £176,500 and forms part of the 2023/24 budget estimates over the next four years. Members were advised that this scheme is to be funded from the Invest to Save Fund in the sum of £84,500 and a fifteen year loan for the sum of £92,000.

Following the procurement process, tenders were opened by the Chair of the Housing and Property Committee in the presence of the Assistant Chief Officer (Housing and Property) on 23<sup>rd</sup> November 2023.

It is recommended that the tender submitted by Stewart Clague Services be accepted. Members were advised that following the tender evaluation process, it is considered that the tender submitted by SCS Limited is considered value for money.

It is proposed that specific underlying contracts for each task-call off can be entered into with the contractor, this consists of a work schedule based on the tasks to be completed as part of the framework agreement and a firm fixed price agreed with the contractor. This will allow scheduled works to be undertaken in a targeted and phased approach and the Council will only be committed to the current Underlying Contracts regardless of the overall value of the Framework Agreement.

The programme of works is to be agreed with the Contractor with a target to commence the Framework Agreement in January 2024 and the first Underlying Contract commencing in March 2024. Duration of

each phase of the Framework Agreement will depend on the extent of the tasks included and findings of any inspections and tests.

Resolved, “That particulars of the report and discussion be noted on the minutes;

- (i) The tender submitted by Stewart Clague Services Limited to undertake the LED Lighting Scheme Framework Agreement be accepted;
- (ii) The Committee accepts that Underlying Contracts can be entered into as part of the Task call-off provision of the Framework Agreement;
- (iii) The total project expenditure cost for expenditure over the four years of the Framework Agreement be approved;
- (iv) The Committee accepts that for years 2023/24 and 2024/25 that the Framework Agreement be funded from the Invest to Save funding source; and
- (v) That the Chief Executive be authorised to submit a petition to the Department of Infrastructure for funding in the sum of £92,000 being the total capital borrowing required for the project in Years 2025/26 and 2026/27.”

*[All figures stated are exclusive of VAT.]*

The meeting ended at 10.35am.

VI(v) – The proceedings of the EASTERN DISTRICT CIVIC AMENITY SITE JOINT COMMITTEE as follows:

# EASTERN DISTRICT CIVIC AMENITY SITE JOINT COMMITTEE

EASTERN DISTRICT CIVIC AMENITY SITE JOINT COMMITTEE – Minutes of Meeting held on Tuesday, 19<sup>th</sup> December, 2023.

Members Present: Councillor Ms J. Thommeny (Douglas) (Chair), Mr T. Kenyon (Garff), Mrs A. Davidson (Santon), Ms F. Logan (Onchan), Mr A. Jessopp (Braddan)

Apologies: Mr R. Phillip (Onchan).

In Attendance: Mrs D. Eynon (Douglas), Mr E.P. Pierce (Douglas), Mr J.C. Whiteway (Braddan), Mrs L. Radcliffe (Secretary).

## REPORT

### **PART A –**

#### ***Matters delegated to the Committee***

#### **A1. Exemption from Audit Act 2006 – Eastern Civic Amenity Site Joint Committee**

Mr E.P. Pierce on behalf of the Council’s Director of Finance reported that Treasury had considered the request for exemption and a Ministerial Decision has determined to exclude the Eastern Civic Amenity Site Joint Committee from the Inspection requirements of the Audit Act 2006. An Order under section 1(2)(a) of the Act is being drafted.

Mr Pierce went on to say that in making this determination, Treasury requested that income and expenditure accounts are reflected within Douglas City Council’s Financial statements as a separate disclosure note and Internal Audit functions for the City Council are also requested to include the Joint Committee in any rolling assurance programme/s.

### **PART B –**

#### ***Matters requiring approval by the relevant authorities***

#### **B2. Eastern Civic Amenity Site Tender**

The Committee considered a report by Mr Phillips on the second tenders returned for the operation of the site from 1<sup>st</sup> April 2024 to 31<sup>st</sup> March 2029.

There were four expressions of interest, and two contractors, submitted tender responses by the closing date.

The Committee reviewed the contract tender options, one based on the current operational hours and one submission for reduced opening hours 08:00 to 16:00 daily. Following a question from Mr Jessop, the Chair confirmed that both options are for 3 staff members, plus a driver when required. Following in depth discussion it was agreed that Option 2, reduced hours was unpalatable, leaving Option 1 as the preferred option regardless of the preferred contractor.

#### **It was agreed:**

- (i) That the lowest tender submitted by Douglas City Council, Option 1 be accepted;
- (ii) That each Member take the recommendation to their respective Boards for approval; and
- (iii) That a breakdown of each Local Authority budget implications be sent to them by the Secretary.

The meeting ended at 3.00pm.

(vii) – The proceedings of the REGENERATION AND COMMUNITY COMMITTEE as follows:

# REGENERATION AND COMMUNITY COMMITTEE

REGENERATION AND COMMUNITY COMMITTEE – Minutes of Meeting held on Tuesday, 19<sup>th</sup> December, 2023.

Members Present: Mr Councillor A.J. Bentley (Chair), the Mayor, Mr Councillor J.E. Skinner, Mr Councillor S.R. Crellin (from 11.45am, Items A6 and A7), Mr Councillor F. Schuengel (to 11.45am, Items A1 to A5, A8 to A10).

In Attendance: Director of Environment and Regeneration (Mrs D. Eynon), Assistant Chief Officer (Regeneration) (Mr C. Pycroft), Assistant Chief Officer (Finance) (Mr M. Quayle), Assistant Chief Officer (Democratic Services) (Mrs L. Radcliffe), Democratic Services Officer (Mrs D. Atkinson).

## REPORT

### ***PART A –***

#### ***Matters Delegated to the Committee***

##### **A1. Apologies**

Apologies for absence were submitted by Mr Councillor S.R. Crellin. Mr Councillor S.R. Crellin subsequently joined the meeting at 11.45am.

##### **A2. Declarations of Interest**

There were no declarations of interest.

##### **A3. Minutes – 15<sup>th</sup> November, 2023**

The minutes of the meeting held on Tuesday, 14<sup>th</sup> November, 2023 were approved and signed.

##### **A4. Department for Enterprise Proposal for Expanding the Winner's Enclosure**

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration) to advise of further information received from the Department for Enterprise (DfE) in relation to their proposal to expand the Winner's Enclosure at Noble's Park and to seek the Committee's authority for the work.

The Committee had previously considered a proposal from the DfE in relation to the Winner's Enclosure and resolved to meet with the Department to discuss possible enhancements to the area. The Committee felt the area has potential to enhance the experience of visiting the grandstand both during the racing and for the remainder of the year as a backdrop for photographs. The Committee's thoughts were relayed to the DfE at the October Committee meeting.

The DfE team advised that whilst the idea was discussed at length they do not want the Winner's Enclosure to detract from the podium. An updated proposal for the area which included a replacement backdrop, removal of a grass area and realignment of the fencing was submitted to the Committee.

Resolved, "That particulars of the report be noted on the minutes and;

- (i) The further communication from the Department for Enterprise following the DfE attendance at the Committee be noted;
- (ii) The proposed infrastructure improvements be approved subject to the Department for Enterprise agreeing to the following conditions in their entirety;
  - (a) All improvement proposal costs be borne by the Department for Enterprise including reinstatement costs associated with any works;
  - (b) All statutory approvals required for the work be obtained by the Department for Enterprise before any works commence;
  - (c) That installed infrastructure be maintained by the Department for Enterprise for the duration of any TT agreements i.e. the duration is the period covering the commencement and end date of such agreements not just over the period covering the events;
  - (d) All specifications, materials and plans associated with the improvements be approved by the Council prior to the works being tendered, planning applications and work commencement;

- (e) All improvement work is undertaken to the satisfaction of the Council with any defects being rectified at the cost of the Department.”

#### **A5. Proposal by the Department for Enterprise to widen Noble’s Park Entrance**

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration) to seek agreement to the proposal by the Department for Enterprise (DfE) to widen Noble's Park entrance.

Members were reminded that in 2017, a traffic management plan was implemented by the DfE with the aim of addressing some of the critical health and safety issues in and around the TT Grandstand and Paddock complex. The main aim of the plan was to greatly reduce the interaction between moving vehicles and pedestrian foot traffic within the car park and fan parking. Over the following years, the plan was continuously reviewed and updated in a dynamic fashion. The most recent plan had vehicles entering the complex via St. Andrew’s Church, travelling along a temporary road in Noble’s Park in a north easterly direction, exiting the park past Talk of the Town, and re-joining the highway on the corner of St Ninian’s Road.

The Assistant Chief Officer (Regeneration) explained that although the latest iteration of the traffic management plan provided a vastly improved solution, it does have drawbacks. In particular, the current plan inconvenienced the residents of St Ninian’s Court and the Council received several complaints in relation to the matter.

The DfE had identified four traffic management options to reduce the impact on traffic flow;

1. To bring vehicular traffic in via Talk of the Town and direct through the Paddock and exit opposite the Police station. This was discounted due to the interaction between pedestrians and vehicles at the paddock.
2. Construct a new access point in the South West corner of Noble’s Park. This was the preferred option however a planning application for this option was refused.
3. Widen the entrance/exit adjacent to Talk of the Town. This would enable a flow of traffic in both directions.
4. Continue using the entrance at St Andrew’s Church and exiting past Talk of the Town. Following the rejection of the planning application at point (2) regarding the proposed access point in Noble’s Park, the DfE received a planning enforcement notice for the existing entrance to Noble’s Park via St Ninian’s Church, meaning it had to be blocked up.

The DfE has therefore proposed that option (3) be progressed and has submitted a request to the Council to widen the existing entrance/exit into the park. The proposed traffic management plan was presented to the Committee, and demonstrated the predicted flow of traffic. It was noted that event staff would be placed in key locations, including the pedestrian crossing in the road.

The report advised that Council officers overall viewed that the proposal would work better than previous arrangements. In response to the proposal, several points were raised by officers with the Department which included;

1. A request to replace the current areas of block paving with new block paving;
2. Concerns that cars may drive over the grass verge, but suggested that 2024 be trialled and changes could be made as necessary going forward;
3. All new surfaces to match existing and specifications to be shared with Council officers ahead of construction;
4. Consideration of root protection, in consultation with the Department of Environment, Food and Agriculture, be considered;
5. Relocate the existing services outside of Talk of the Town to be in line with the new pavement;
6. On the moving of the fence, the existing panels be re-used however new posts and gate posts to be installed;
7. Track matting to be installed on the bottom section of the field next to the pavilion and any mediation costs to be borne by the DfE;
8. The updated licence to include for road cleaning through the park during and after the event.

The report recommended supporting the proposal. The Assistant Chief Officer (Regeneration) advised that if supported by the Committee, the DfE intend to submit a planning application immediately after approval.

Members discussed three areas of the proposal and sought clarification on whether the stewards would manage the pedestrian crossing solely on race days, or throughout the entire festival, the latter being the

preferred option. One Member suggested that the DfE be asked to provide adequate signage for exiting the Park and adhering to the one-way system in the surrounding streets. A Member raised concern at the possible damage resulting from driving on grass verges.

Resolved, “That particulars of the report and discussion be noted on the minutes and the proposal by the Department for Enterprise to widen Noble’s Park entrance driveway be approved.”

**For: 1 Against: 2**

Mr Councillor J.E. Skinner and Mr Councillor F. Schuengel voted against the recommendation, and the Motion fell.

**A6. Beach Specification**

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration) to propose an updated approach to beach management, including extending the beach maintenance contract for a further year to permit a re-profiling trial.

Members were reminded that the current beach contract expires in March 2024. Since the responsibility for the beach was transferred to Parks Services in 2021, detailed analysis has taken place on the conditions on the beach and the effectiveness of the contract. Officers have also been monitoring public and Member expectations in relation to the maintenance and condition and how both beaches (Douglas and Port Skillion) fit within the wider Parks estate.

Parks Services recently assessed the treatment of beach vegetation along the high tide line following the UNESCO Biosphere walking tours as part of the 2023 Beach Day. All of the flora and fauna are a natural occurrence on beaches around the island, support pollinators, increase bio-diversity, and are providing community edibles. The report therefore recommended a more up to date approach in relation to beach vegetation. Rather than removing vegetation from the beach, interpretation signs be installed to encourage and help the public understand the flora are native plants rather than weeds.

The report provided a breakdown of the beach maintenance contract. The officer responsible for the contract has reported that the contractor has generally performed well in relation to the contract specification. It was noted that criticism had been received about performance in relation to the periods of heavy strands of seaweed and the perception that there is a gap between the expectations as to how quickly the seaweed should be removed. The current approach only allows a four to six hour period during low tide for the work to be undertaken, this means that during the summer this could only equate to 12 to 18 hours working time depending on how the tides fall. In order to complete the task, the contractor has been working outside the contracted hours. The Assistant Chief Officer (Regeneration) explained that during certain weather conditions, particularly easterly winds, the cleared seaweed can be washed back in again on the next tide. If seaweed is repeatedly washed back onto the beach in Zone B (Zone A takes precedence for cleansing) and begins to decompose, this can give rise to a bad smell. A review of the current practice has not resulted in any recommendations as to how it can be improved.

In relation to the sandiness of the beach, it has been identified that the current excavator is not the most suitable plant for effective re-profiling. The report recommended hiring a larger excavator and dump truck to remove the top layer of shingle that collects at the sea wall in the Central Promenade area, and to take it off-site for crushing and re-use, and then to redeposit some of the remaining shingle and sand from the same area at the northern and southern ends of the beach where the levels are lower. This would be undertaken as a single operation over a two-week period rather than continuously throughout the year. It was noted that this approach was recommended in a previous consultancy report commissioned by the Council.

The report explained that there is an increase in costs to provide larger plant, however, although the rates are higher, the plant will be able to move substantially more material more quickly saving many hours work by the small excavator. It was noted that the current contract is paid on an hourly rate. The report therefore recommended approving the revised rate under Standing Order 146 (b) Exemptions from Tendering Requirements. The report further recommended that the current contract be extended by one-year in order to trial the effectiveness of this new re-profiling approach in readiness for drafting a tender specification for a new contract to commence in April 2025. The costs would be met within the existing SW120 budget. The contractor has agreed to hold the hourly rate on the basis that the Council does not impose a requirement for the previously fitted tracking device, CCTV and a detailed diary. Officers are comfortable with this as there are no concerns with the contractor’s performance and consequently no benefit in continuing to evidence activity.

Resolved, “That particulars of the report be noted on the minutes and;

- (i) An updated approach to beach flora whereby interpretive signs be introduced to help educate beach users as to the value of flora rather than a presumption that the flora should be removed, be adopted;

- (ii) An updated experimental intensive approach to beach re-profiling to be carried out within existing budgets be supported;
- (iii) A one-year extension to the current beach management contract with Island Drainage and Groundworks up to a maximum value of £50,000 in accordance with Standing Order 146(b), with the inclusion of an hourly rate required to adopt a more intensive approach to beach re-profiling, be approved.”

#### **A7. Douglas in Bloom Replacement Initiative**

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration) to feedback on discussions held with the Manx Wildlife Trust and UNESCO Biosphere Isle of Man in relation to an alternative to Douglas in Bloom.

Members were reminded that the Committee had previously resolved to consider an alternative to the Douglas in Bloom competition that was inclusive to schools and community groups that support planting ecology and wildlife. A proposal was put forward to launch an annual competition for community organisations in a bid to support delivering projects under four categories.

The Committee, whilst in agreement with the proposal in principle, deferred the item to allow conversations to take place with appropriate third parties such as Manx Wildlife Trust and UNESCO Biosphere Isle of Man, to gauge their views on the format.

The Assistant Chief Officer (Regeneration) advised that those discussions had now taken place, and the original proposal has subsequently been modified. Both organisations are keen to join forces with the Council on a collaborative project. They fully support the idea however, rather than inviting proposals under special categories as proposed in May, it was suggested that the projects should be able to demonstrate their value in one or more of the following areas;

1. Protecting or increasing bio-diversity;
2. Greenhouse gas sequestration;
3. Supporting pollinators.

Projects must also demonstrate how they will bring the community together to make a positive difference, and how the project will be maintained or sustained if needed.

Community groups of any type will be able to pitch for funding, resources, materials, equipment or expertise. Groups will initially complete a project outline form, and a liaison from Manx Wildlife Trust would work with them to develop their proposal. The group will then be invited to pitch their proposal to a panel. The panel would consist of Members and expert advisors.

Members noted that although Manx Wildlife Trust has some funding to participate, an additional fee per successful bid was requested to help cover some of its support costs. This cost would be covered within existing budgets.

The Assistant Chief Officer (Regeneration) advised of the intention to launch the project in the New Year opening for bids from February/early March.

Resolved, “That particulars of the report be noted on the minutes and the ‘Dragonfly’s Den’ community environmental scheme replace the previous Douglas in Bloom competition.”

#### **For: 2 Against: 1**

Mr Councillor J.E. Skinner requested that his name be recorded as voting against the resolution.

#### **A7. Bronze Bust**

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration) to seek approval to accept a bronze bust of artist Kurt Schwitters for installation in Hutchinson Square.

Members were advised that the Council had been approached by the artist Anthony Padgett with an offer to donate a bronze bust created by him of artist Kurt Schwitters for siting in Hutchinson Square. The report provided the history of Kurt Schwitters who was interned at the Hutchinson Internment Camp.

It was noted that consideration will need to be given to the plinth on which to mount it. Mr Padgett has suggested that he could collaborate with a local Manx artist to create a plinth in Merz style. The Arts Council has indicated that this is a project they would consider grant funding.

The report proposed installing the bust in place of the upper sundial. In response to question, officers confirmed the sundial would be removed and retained with the intention to relocate it to another area.

Resolved, “That particulars of the report and discussion be noted on the minutes and;

- (i) The bronze bust of Kurt Schwitters from artist Antony Padgett be accepted for installation in place of the existing sundial in the upper lawn of Hutchinson Square; and
- (ii) Grant funding from the Isle of Man Arts Council be applied for to permit Mr Padgett to collaborate with a Manx artist on the design of a suitable plinth.”

**A8. Spring Valley Changing Rooms**

The Committee considered a report submitted by the Head of Electrical Services and Projects to advise on the outcome of the tender exercise undertaken for the replacement of the Spring Valley Changing Rooms.

Members were advised that the tender for the project was advertised and closed on 1<sup>st</sup> December. Although numerous companies had initially expressed an interest in the tender, only one submitted a tender by the deadline date. Officers contacted those that had previously inquired, and the feedback indicated that contractors were extremely busy during the particular period. As the tender is 41% above the pre-tender estimate, it was recommended that the project be re-tendered to allow those companies the opportunity to submit a tender.

Resolved, “That particulars of the report and discussion be noted on the minutes and;

- (i) The tender submitted not be accepted;
- (ii) The project be re-tendered in the hope that a wider range of returns be submitted.”

The meeting ended at 12.35pm.

VI(viii) – The proceedings of the ENVIRONMENTAL SERVICES COMMITTEE as follows:

# ENVIRONMENTAL SERVICES COMMITTEE

ENVIRONMENTAL SERVICES COMMITTEE – Minutes of Meeting held on Monday, 18<sup>th</sup> December, 2023.

Members Present: Mr Councillor F. Horning (Chair), the Mayor, Mr Councillor J.E. Skinner, Councillor Ms J. Thommeny, Mr Councillor P.J. Washington.

In Attendance: Director of Environment and Regeneration (Mrs D. Eynon), (Assistant Chief Officer (Environment) (Mr I. Jackson), Assistant Chief Officer (Regeneration) (Mr C. Pycroft), Assistant Chief Officer (Finance) (Mr M. Quayle) (Items A1 to A6), Assistant Chief Officer (Democratic Services) (Mrs L. Radcliffe), Payroll Manager (Mr R. Leach) (Items A5 and A6), Dilapidation Enforcement Officer (Mr S. Salter) (Items A7 to A9), Assistant Democratic Services Officer (Miss C. Cullen)

## REPORT

### **PART A –**

#### ***Matters delegated to the Committee***

##### **A1. Apologies**

No apologies for absence were received.

##### **A2. Declarations of Interest**

Mr Councillor P.J. Washington declared an interest in item A5.

##### **A3. Minutes – 13<sup>th</sup> November, 2023**

The minutes of the meeting held on Monday, 13<sup>th</sup> November, 2023 were approved and signed.

##### **A4. Matters Arising from the Minutes**

*Items A7 and A8 – Planning applications;* in response to a Member request, the Assistant Chief Officer (Environment) advised that contact had been made with the developer of the Lakeside Development in relation to waste management.

A Member requested that Council officers make contact with local architects to remind them of the Council's waste management guidelines for architects and property developments, a copy of which was available on the Council's website.

##### **A5. RNLI Flags on the Promenade**

*Under the provisions of the Local Government Act 1985, Mr Councillor P.J. Washington declared an interest in the item and retired whilst it was considered.*

The Committee considered a report submitted by the Democratic Services Officer in response to a request from the RNLI (Royal National Lifeboat Institution) to display RNLI flags on Douglas Promenade flagpoles for the 2024 season, as part of the 200<sup>th</sup> Anniversary celebrations.

Members were advised that the RNLI had approached the Council with a request to install RNLI flags on the promenade, alternating with the current Manx flags and confirmed that they will purchase the flags at no cost to the Council.

The report advised that the Council replaces the Promenade flags bi-annually at an approximate cost of £2000. The flags are installed by Electrical Services and this is built into their annual programming. It is not proposed to charge the RNLI for the installation as this cost would have to be borne by the Council regardless of the type of flag that is being installed. It was noted that the RNLI will be asked to liaise with the Council to ensure the same style and quality flags are purchased.

Resolved, "That particulars of the report be noted on the minutes and that the request from the RNLI to install RNLI flags on Douglas Promenade, alternating with the current Manx flags, as part of the celebration of the 200<sup>th</sup> anniversary of the organisation be approved."

##### **A6. Douglas Promenade Sea Defences LED Lighting**

The Committee considered a report submitted by the Head of Electrical Services and E&R Projects to advise that the Council had received an email on 14<sup>th</sup> November 2023 from the Department of Infrastructure's (the Department) project Manager notifying of the Douglas sea defence construction

project and to seek agreement for the Council to provide lighting to twenty-eight art panels inset into the structure.

Appended to the officer's report were the proposed scheme drawings as provided by the Department. It was noted that the art within the defence panels intended for illumination is subject to an Isle of Man Arts Council initiative and three designs will be chosen for insertion.

Following receipt of the Department's engineering drawings, a suitable low energy LED design was developed, presented to and agreed with the Department's project team to ensure it was compatible with the construction process.

In response to question, the Director of Environment and Regeneration advised that the proposed lighting is decorative and not essential noting that officers consider that the lighting of the art panels will bring added benefit to the existing promenade lighting display.

The report advised that the Department's construction of the sea defence is being partitioned into three phases;

- 1) Phase 1: End of Loch Prom garden 6 at the War Memorial to the Empress Hotel – Programmed to start on Monday 22<sup>nd</sup> January 2024 and completed in September 2024.
- 2) Phase 2: Sea Terminal to the Bottleneck Pump station – Programmed to start in September 2024 with an anticipated completion of January 2025.
- 3) Phase 3: Empress Hotel to the end of Queens's gardens – currently no construction programme had been determined for phase three.

Members were advised that the estimated cost of the scheme, in the sum of £40,000, will be funded from the existing electrical services revenue budget due to an underspend caused by lack of resource to undertake other works. All civil engineering infrastructure costs will be funded by the Department of Infrastructure at no cost to the Council.

In response to question, the Director of Environment and Regeneration confirmed that these costs related to material only and that it was intended to purchase materials for all three phases ahead of 1<sup>st</sup> April 2024 to avoid inflationary cost increases. It was noted that if for any reason the phases do not proceed, the material can be easily diverted to maintenance.

Resolved, "That particulars of the report and discussion be noted on the minutes and the lighting scheme for the illumination of the 28 inlaid art works within the 3 phases of the sea defence structure at a cost of £40,000 to be funded from within the existing Street lighting revenue budget SW070 financial year 2023/2024, requiring no extra Capital or Revenue increase, be approved."

#### **A7. Leyton, Victoria Road, Douglas – Potential Registration of Building**

The Committee considered a report submitted by the Dilapidation Enforcement Officer in relation to the proposed registration of Leyton, Victoria Road, Douglas on to the Government's list of registered protected buildings.

Appended to the officer's report was the Department of Environment, Food and Agriculture's Notice of Proposal to register the building, together with a copy of the Government's policy on the Principles of Selection for the Registration of Buildings in to the Protected Buildings Register.

Resolved, "That particulars of the report be noted on the minutes and after giving careful consideration to the Planning Authority's intention to register the property known as Leyton, Victoria Road Douglas, the Council does not support the registration of this building for the following reasons;

- (i) The Council does not believe the property is sufficiently unique or a sufficiently prime example of this style of architecture;
- (ii) The condition of the property has been taken into account and despite the property being situated within a Conservation Area it is not believed that Leyton is making a positive contribution to the Conservation Area given its position relative to the road and the number of trees that restrict the view of the property from both the road and pavement;
- (iii) It is not considered that the property's original ownership by High Bailiff Mr William Lay is of sufficient historical importance to justify the registration of this building;
- (iv) It is believed that by registering Leyton the property could remain unused and continue to deteriorate, being unviable for the current owner to undertake any necessary works on the property to improve its current condition and make it once again attractive to live in. It is understood that there is no longer any financial support available from the Planning Authority for works required to maintain and preserve Registered Buildings; and

- (v) Having recently considered PA 23/01066/B, the Council continues to have no objection to the proposed development which would include the demolition of Leyton to make way for the construction of two family homes at a time when there is a demand for housing within Douglas and the East of the Island.”

3 For. 1 Against.

*Mr Councillor J.E. Skinner asked that his name be recorded as voting against the resolution.*

**A8. Planning Application 23/01223/B – Villiers Square**

Members considered an appraisal of planning application 23/01223/B PA for the construction of a mixed use commercial building including commercial office (class 1.2 & 2.1), retail (class 3.1) and leisure uses (class 4.4) complete with basement parking, food & drink (class 1.3 and 1.4), and an 80 bedroom hotel including restaurant and operational areas (class 3.1) at Villiers Square, Fort Street, Douglas, Isle Of Man.

Having considered the application against several key planning policies officers consider that the development of this brownfield site makes good use of the site taking into account the need to maintain public space as well as creating convenient public access from various points surrounding the area. It is also considered that the applicant has put forward a development that not only meets the objectives set out within the Isle of Man Strategic Plan 2016 specific to the development of redundant brownfield sites but also meets many of the objectives within the “Our Island Our Future Economic Strategy” as well as the “Our Island, Our Future Visitor Strategy 2022-2023”.

Although the Department of Infrastructure (DoI) has raised a number of issues, it is considered that these can be resolved. It was noted that the DoI has stated that the principle of this type of development is acceptable and that they would welcome further dialogue with the applicant. Concerns relating to car parking and how the development will impact on the surrounding highways network will exist however like many other city centre developments that do not include parking, those visiting and working at the development may decide that alternatives to driving to work may be more convenient.

It is recommend that the development of this brownfield site is welcomed and supported and that should the development be approved, that approval be conditional upon any highways issues being resolved and a condition on waste and recycling storage; to protect the open space amenity and to ensure that the streetscene along this part of the Promenade, Regent Street and within the proposed Villiers Square public space areas are maintained to a high standard and do not become negatively impacted by the waste created by businesses operating within the proposed new buildings.

Resolved, “That particulars of the report be noted on the minutes and that support be given to planning application 23/01223/B, subject to all matters relating to highways being satisfactorily resolved and that all waste and recyclables are stored within the designated waste storage areas shown on drawing reference Proposed Site Plan. That no waste/recycling receptacles are placed outside of the designated bin storage areas and that the applicant provides details on their calculations for the number of waste storage bins for the hotel complex as part of their waste management strategy to the satisfaction of the Council’s waste services management team.”

**A9. Schedule of Dilapidated, Ruinous or Dangerous Properties**

The Committee considered a schedule of properties in a state of dilapidation or disrepair. Members noted that six properties had been added to the schedule since the last meeting; five properties had been removed because work had been completed; and a total of sixty-two properties remained on the list.

Resolved, “That the schedule of dilapidated properties be noted and approved and that the Director of Environment and Regeneration be authorised to progress improvements to the properties, by service of Notice and legal action where necessary.”

**A10. Items for Future Report**

The Committee noted a report submitted by the Assistant Democratic Services Officer with an appendix setting out a number of reports that would be brought forward for consideration by the Committee in due course.

Resolved, “That particulars of the matters for future consideration be noted on the minutes.”

**A11. Date and Time of Next Meeting**

Members were reminded that the next scheduled meeting of the Environmental Services Committee was due to take place at 10.00am on Monday, 15<sup>th</sup> January, 2024.

Resolved, “That the date and time of the next meeting be noted.”