



City of Douglas

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

City Hall,
Douglas,
9th February, 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, 14th FEBRUARY, 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 read 'Kathleen', written in a cursive style.

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, 10th January, 2024, and the Special Council Meeting held on Wednesday, 31st January, 2024.

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

EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Thursday, 25th January, 2024.

Members Present: Councillor Mrs C.L. Wells (Chair), the Mayor, Mr Councillor I.J.G. Clague, Mr Councillor D.R. Watson, Mr Councillor F. Horning.

In Attendance: Chief Executive (Miss K.J. Rice), Director of Finance (Mr A.J.T. Boyd), Director of Environment and Regeneration (Mrs D. Eynon), Director of Housing and Property (Mr D. Looney), Assistant Chief Officer (Democratic Services) (Mrs L. Radcliffe) (Clauses A9 to A12), Executive Officer (Mrs J.M. Keig) (taking minutes).

REPORT

PART A –

Matters within the scope of the Executive Committee's delegated authority

A1. Apologies for Absence

Apologies for absence were submitted on behalf of Mr Councillor A.J. Bentley.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes

The minutes of the meeting held on Wednesday 20th December 2023 were approved and signed.

A4. Matters Arising From Previous Minutes

There were no matters arising from the previous minutes.

A5. Referrals from the Environmental Services Committee

There were no referrals from the minutes of the Environmental Services Committee meeting held on Monday 15th January 2024.

A6. Referrals from the Regeneration and Community Committee

There were no referrals from the minutes of the Regeneration and Community Committee meeting held on Tuesday 16th January 2024.

A7. Referrals from the Housing and Property Committee

The Housing and Property Committee meeting scheduled for Wednesday 17th January 2024 had been cancelled.

A8. Monthly Financial Review – December 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 95.3%, compared to the target figure of 94.6% for the period April to December 2023."

A9. Consultation Document – Built Environment Reform Programme (Proposed Changes to Town and Country Planning Secondary Legislation)

The Committee considered a written report by the Assistant Chief Officer (Democratic Services) in relation to a consultation document issued under Section 68 of the Local Government Act 1985.

The paper set out the Department of Environment, Food, and Agriculture’s proposed changes to the existing Development Procedure Order 2019 and the Town and Country Planning (Application and Appeal Fees) Order 2021, as amended in 2023. The proposed measures included (but were not limited to) improvements to the planning system that would facilitate the delivery of “Our Island Plan” and the Economic Strategy.

The Committee noted that this proposed change in legislation was one element within a set of reforms, and it was suggested that a request be made for an over-arching summary of all changes on related issues to be provided.

The Council’s Consultation Working Group had discussed the proposed draft responses prepared by officers, and these were accordingly appended to the written report for consideration. The consultation was due to close for the submission of comments on 26th January 2024.

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

- (ii) That the proposed responses, as appended to the written report, be approved and submitted as the Council’s response accordingly; and
- (iii) That a request be made to the Department of Environment, Food, and Agriculture for a summary of all changes on issues related to this particular element to be provided accordingly.”

A10. Consultation Document – Whistleblowing to Prescribed Persons

The Committee considered a written report by the Assistant Chief Officer (Democratic Services) in relation to a consultation document issued under Section 68 of the Local Government Act 1985.

The Department for Enterprise had introduced the Employment (Amendment) Bill to the House of Keys in June 2023. One of the measures included in the Bill was to improve the legislative framework around whistleblowing, and the Department had committed to reviewing the list of those referred to as ‘prescribed persons’ in the whistleblowing legislation.

The list of prescribed persons had last been updated in 2021, and the consultation sought views on additions to that list.

Prescribed persons were persons or bodies to whom a worker could make a whistleblowing disclosure and, while prescribed persons were normally in a position where they had some sort of regulatory role, they had no role in adjudicating a complaint and nor did they have special powers to deal with protected disclosures. The importance of their role as a prescribed person was that the whistleblower felt able to approach and raise concerns with an independent person or appropriate body.

It was noted that the consultation was due to close for the submission of comments on 1st March 2024.

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

- (ii) That the proposed responses attached to the written report, as amended, be approved and submitted as the Council’s response accordingly.”

A11. Consultation Document – Marine Infrastructure Regulations

The Committee considered a written report by the Assistant Chief Officer (Democratic Services) in relation to a consultation document issued under Section 68 of the Local Government Act 1985 and Section 35 of the Climate Change Act 2021.

The Marine Infrastructure Management Act had received Royal Assent in 2016, and it made provision for a consenting process for certain activities in the Island’s marine environment and for connected purposes. It applied to the controlled marine area – defined as the area between the mean high water mark and the seaward boundary of the Isle of Man Territorial Sea (within the meaning of the Territorial Sea Act 1987).

A limited number of the provisions had already been enacted, and the Department of Infrastructure was now in the process of bringing the remaining part of the Act into operation.

The Regulations related to a specific number of controlled marine areas (as identified in the Act), and would set out the process for developing (and the content of) Environmental Statements – that was, statements covering an Environmental Impact Assessment of the controlled marine activity in respect of which the application for marine infrastructure was sought. Such Environmental Statements would be required to accompany applications to carry out those activities, thereby ensuring applicants had fully

considered environmental impact prior to any scheme. This also had the potential to assist in reducing the Island's carbon footprint.

As the regulations had not been available for the consultation, it was suggested that the Council should reserve opinion once these were formulated.

The consultation was due to close for the submission of comments on 16th February 2024. An extension to this deadline had been sought but not granted and, because of the extremely short timeframe, the Council's Consultations Working Party had not had an opportunity to meet to consider the proposed responses (as appended to the written report).

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

(ii) That the proposed responses attached to the written report, as amended, be approved and submitted as the Council's response accordingly."

A12. Consultation Document – Climate Change (Infrastructure Planning) (Environmental Impact Assessment) (Application) Order 2023

The Committee considered a written report by the Assistant Chief Officer (Democratic Services) in relation to a consultation document issued under Section 68 of the Local Government Act 1985 and Section 35 of the Climate Change Act 2021.

The Department of Infrastructure was providing an opportunity for comment on the proposed application of the Infrastructure (Infrastructure Planning) (Environmental Impact Assessment) Regulations 2017 under the provisions of the Climate Change Act 2021.

The Department had been pursuing the formulation of a set of secondary Regulations, to be prepared under the provisions of the Marine Infrastructure Management Act 2016, the purpose of which would be to provide a regime governing scoping reports, requests for and the issuing of scoping opinions, Environmental Impact Assessments, and applications for consent to carry on a controlled marine activity.

It was recalled that, in 2015, the Department had granted an Agreement for Lease to the then DONG Energy (now Ørsted and the Mooir Vannin Offshore Windfarm). As part of the pre-Application requirements, Ørsted needed to seek a request for Scoping Opinion from the Department and the proposed Regulations would therefore enable this initial step in the process to proceed.

The Regulations would also directly or indirectly enable climate change action, mitigate potentially negative consequences arising from climate change, and enable environmental protection.

The consultation was due to close for the submission of comments on 16th February 2024. An extension to this deadline had been sought but not granted and, because of the extremely short timeframe, the Council's Consultations Working Party had not had an opportunity to meet to consider the proposed responses (as appended to the written report).

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

(ii) That the proposed responses attached to the written report, as amended, be approved and submitted as the Council's response accordingly."

A13. Urgent Business Procedure - CIPFA Public Live Conference 2024

The Committee considered a written report by the Director of Finance on the use of the Council's Urgent Business Procedure under Standing Order 125.

The Director of Finance usually attended the CIPFA Conference on an annual basis, as attendance provided a very useful source of continuing professional development. The sessions gave invaluable insights into developments within the public finance profession; and ultimately assisted the Chief Officer in his delivery of strategic financial advice to Committee and Council.

In order to take advantage of a very limited (number restricted) discounted price for attendance, formal approval had been sought by the Director of Finance for his attendance at this year's CIPFA Live Conference.

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

(ii) That the resolution under the Urgent Business Procedure – to approve the Director of Finance's attendance at the 2024 CIPFA Live Conference, taking place on 10th and 11th July 2024, at a cost of £595 plus VAT, noted and endorsed accordingly."

A14. Fleet Services – Disposal of Equipment

The Committee considered a written report by the Head of Fleet Services and Stores detailing items that had been sold in the third quarter of the 2023 / 2024 financial year in accordance with Standing Order 161, 'Disposal of Surplus Property, Materials, etc.'

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

- (ii) That the Schedule of Vehicles and Plant sold and the income achieved at auction in the sum of £6,500 (excluding VAT) less auctioneer commission in the sum of £325 (giving net income on the day of £6,175) also be noted."

A15. Isle of Man Municipal Association

The Committee had been circulated with a number of documents received from the Isle of Man Municipal Association.

Resolved, "That particulars of the documents be noted on the minutes."

A16. 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."

The Committee rose at 3.40pm.

(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, 16th January, 2024.

Members Present: Mr Councillor A.J. Bentley (Chair) (in attendance virtually via video-conferencing equipment), the Mayor, Mr Councillor J.E. Skinner, Mr Councillor S.R. Crellin, Mr Councillor F. Schuengel.

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

There were no apologies for absence submitted.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 19th December, 2023

The minutes of the meeting held on Tuesday, 19th December, 2023 were approved for signature.

A4. Matters Arising

Clause A5 – Proposal by the Department for Enterprise (DfE) to Widen Noble’s Park Entrance

At the January 2024 Council Meeting, Clause A5 of the December 2023 Committee proceedings was withdrawn for further consideration by the Committee. The Council asked that further consideration be given to the initial proposal aimed at addressing traffic congestion in and around Noble’s Park during the TT and MGP events.

Members discussed the original report at length, considering the drawbacks and benefits of the proposal. Whilst the Chair expressed disappointment at the delayed submission of the proposal, the majority of the Committee accepted that it is the most reasonable option to progress in order to minimise disruption during the two racing periods.

The Director of Environment and Regeneration confirmed that comments raised by the Committee at the December meeting will be shared with the DfE.

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

For: 3 Against: 1

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

A5. HBN Library Quarterly Monitoring Report

The Committee considered a report submitted by the Borough Librarian to update on the performance against measures outlined in the Library Service Plan.

Appended to the report were the actions as outlined in the Library’s Service Plan, together with an update on performance as at the end of quarter three 2023/24. A red, amber, green or black status had been applied to each measure. All measures were either on target or not applicable to the quarter. Additionally, Members received the user statistics during the quarter. It was noted that book loans, magazine downloads and the number of library users had continued to increase quarterly in comparison to the previous year, however newspaper downloads had slightly decreased. A social media campaign to remind the public of the service was planned in response to the decline. The Borough Librarian provided an overview of the events organised during the quarter. The Committee thanked the Borough

Librarian and the staff for continuing to provide an excellent service that continues to improve quarterly.

Resolved, "That particulars of the report and the progress made against performance indicators in the Library Service Plan be noted on the minutes."

A6. Grandstand Electrical Infrastructure, Noble's Park

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration) to seek approval to an updated proposal from the Department for Enterprise to upgrade the electrical infrastructure in the Parc Ferme area of Noble's Park.

Members were reminded that in March 2021, the Committee had previously approved an upgrade to the electrical system in Noble's Park to reduce the reliance on generators during motorsport events in the park. The proposal had subsequently been developed by the Department in liaison with the Council's Electrical Services. The plans have evolved as a result of these discussions, and the proposals are now sufficiently different from the original proposals to warrant reconsideration by the Committee.

The Assistant Chief Officer (Regeneration) confirmed that officers are content with the proposals, subject to a request from the Council's Electrical Services Manager that two housings, as opposed to the proposed one, be installed in order to house the Council's equipment separately to the Manx Utility Authority equipment for operational reasons.

The Committee were presented with the proposed plans. A Member queried if an existing building could be used to house the distribution boards and equipment. Officers sought to confirm with the relevant parties.

The Chair, whilst supportive of the electrical infrastructure requirement, was disappointed at the proposed aesthetics for the substation enclosures and felt that a more suitable design to the area could have been considered.

Resolved, "That particulars of the report and discussion be noted on the minutes and the updated proposal to upgrade the electrical infrastructure in the Parc Ferme area of Noble's Park be approved subject to separate housings being provided for Manx Utility Authority's equipment and Council equipment."

For: 3 Against: 1

The Chair, Mr Councillor A.J. Bentley, requested that his name be recorded as voting against the resolution.

A7. Items for Future Report

The Committee considered a report submitted by the Democratic Services Officer regarding reports for future consideration by the Committee.

Resolved, "That particulars of the matters for future consideration and discussions be noted on the minutes."

A8. Date and Time of Next Meeting

Members were advised that the next scheduled meeting was due to take place on Tuesday, 20th February, 2024.

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

The meeting ended at 11.12am.

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

ENVIRONMENTAL SERVICES COMMITTEE

ENVIRONMENTAL SERVICES COMMITTEE – Minutes of Meeting held on Monday, 15th January, 2024.

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), Dilapidation Enforcement Officer (Mr S. Salter) (Items A7 and A8), 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

No declarations of interest were submitted.

A3. Minutes – 18th December, 2023

The minutes of the meeting held on Monday, 18th December, 2023 were approved and signed.

A4. Matters Arising from the Minutes

Items A6 – Douglas Promenade Sea Defences LED Lighting – during debate of the item at the January 2024 Council meeting, a number of Members had raised concerns in relation to incomplete projects for the lighting on Loch Promenade and at Peveril Island, in response, it was noted that a report would be prepared in relation to the Council undertaking these outstanding works.

A5. Twelve month review following the change in waste service

The Committee considered a comprehensive report submitted by the Senior Engineering and Waste Services Manager to review the change in waste service from weekly to fortnightly refuse collections and introduction of the garden waste service, following the first twelve months since implementation.

The report commenced by setting out the background history which had led to the Council's decision to proceed with the change in service. The report went on to cover the activities that took place during the roll-out phase. The following three areas were detailed within the report which included information about the Council's objectives, the outcomes and the lessons that had been learned;

- 1) The communication campaign;
- 2) How public enquiries, requests and complaints had been dealt with and;
- 3) The delivery of garden waste bins and additional recycling boxes.

The reported moved on to cover the post implementation phase, with the following topics detailed;

- 1) Commencement of the garden waste collection;
- 2) The commencement of fortnightly refuse collections and associated operational challenges;
- 3) The continuation of garden waste bins and recycle box deliveries;
- 4) Continued public engagement;
- 5) Assessments of individual household requirements;
- 6) The implementation of the second bin, missed bin and garden waste contamination policies;
- 7) Environmental issues arising from the change in policy;

- 8) Events that arose following the change in service;
- 9) Climate impact assessment tool (CIA) Nov 2023; and
- 10) A summary of the key outcomes twelve months in to the change.

Members concurred that overall, whilst there had been challenges, the implementation had been a success and achieved the overall objective to increase recycling rates in Douglas. The Committee welcomed the lessons learned within the report. The report commended the Waste Services Team for their hard work and dedication during the transition period.

Following suggestion by the Director of Environment and Regeneration it was agreed that a copy of the report be sent to all Members for their information.

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

A6. Attendance at the Keep Britain Tidy Network Conference and Awards 2024

The Committee considered a report submitted by the Senior Engineering and Waste Services Manager seeking approval for three delegates to attend the Keep Britain Tidy Network Conference and Awards 2024.

Members were advised that as part of the Council's exemplar membership of Keep Britain Tidy for 2023/24, it is entitled to three delegate places at the annual Network Conference and Awards. The event is run over two days and attendance, accommodation and meals are included within the membership benefit.

From past experience it is considered a worthwhile event, with many informative lectures and workshops provided by industry experts and keynote speakers. Members were advised that many of the products that the Council uses or has used, have been sourced at this expo.

It is proposed that the Assistant Waste Services Manager (Streetscene and ECAS), the Community and Enforcement Manager and the Senior City Warden attend this year's event to be held in York on 29th February, 2024.

The Director of Environment and Regeneration advised that a briefing note would be circulated following attendance at the conference highlighting the key talking points and products of interest.

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

- (i) That attendance by the Assistant Waste Services Manager (Streetscene and ECAS), the Community and Enforcement Manager and the Senior City Warden be agreed, and;
- (ii) A budget of £900 be approved to meet the costs of travel, additional accommodation and sundry expenses for the three delegates, to be funded from existing budgets."

A7. Planning Application 23/01424/B – Sea Court, Victoria Road

Members considered an appraisal of planning application 23/01424/B for replacement of the existing derelict three apartment building, with a block of six apartments, together with associated parking and facilities, and public highway improvements at Sea Court Victoria Road, Douglas, Isle Of Man.

Members were advised that a previous application (PA22/01114/B) for the site had been refused by the planning authority. This proposal was for demolition of the existing block of flats and the construction of three town houses. The grounds for refusal had mainly been due to the overall mass of the proposed development which was considered an over intensive use of the site. Members were further advised that the previous application for the site had not been objected to by the Council. The applicant has given consideration to the reasons why the first application was refused and it is believed that many of those grounds for refusal have now been addressed.

The report advised that officers have considered the new application against several key planning policies, and other Government strategy documents relating to the development of brownfield sites and it is considered that the application aligns itself with many of the objectives set out within these documents.

Members noted that whilst there may be a requirement for further consultation with the Department of Infrastructure in relation to the site entrance, and the creation of a pedestrian crossing, the Department had not raised an objection to the previous application for three large town houses.

The Director of Environment and Regeneration drew Members attention to the planning portal and read out the comments which had been submitted by the Department of Infrastructure Highways division, noting they had requested a number of revisions, namely; zebra crossing visibility splays; revisions to the tactile layout at the crossing on the mouth of the junction; clarification of intention to have development street adopted; alterations to the access to ensure no vehicle overhang of the pavement; and an increase in the number of cycle spaces provided and shown within a covered and secure area.

It is recommended that the application be supported subject to any highways related matters being satisfactorily resolved relating to the site entrance.

Resolved, "That particulars of the report and discussion be noted on the minutes and that support be given to planning application 23/01424/B, subject to any highways related matters being satisfactorily resolved relating to the site entrance."

A8. Schedule of Dilapidated, Ruinous or Dangerous Properties

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

Following a request by a Member, officers undertook to include information in the Members bulletin detailing the planning applications that have been considered by the Environmental Services Committee and subsequent decision by the Planning Authority, it was noted that the Dilapidation Enforcement officer currently circulates this information to Committee Members by email.

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, and report back if service of Notice and legal action is required."

A9. 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.

A report would be forthcoming in relation to the Council's element of the outstanding promenade lighting works.

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

A10. 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, 19th February, 2024.

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

The meeting ended at 11.08pm.