



Borough of Douglas

**COUNCILLOR MS JANET THOMMENY, JP
MAYOR**

Town Hall,
Douglas,
8th June, 2022

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL of the BOROUGH OF DOUGLAS to be held on WEDNESDAY, the 8th day of JUNE, 2022, at 2.30 o'clock in the afternoon, in the COUNCIL CHAMBER within the TOWN HALL, DOUGLAS for the transaction of the hereinafter mentioned business.

I am,

Yours faithfully

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 Annual Council Meeting held on Wednesday, 11th May, 2022.

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

EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Thursday, 26th May, 2022.

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

In Attendance: Acting Chief Executive / Director of Finance (Mr A.J.T. Boyd), Director of Environment and Regeneration (Mrs D. Eynon), Director of Housing and Property (Mr D. Looney), 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 the Chief Executive.

A2. Declarations of Interest

There were no declarations of interest.

A3. Platinum Jubilee Civic Honours Competition - Douglas awarded City Status

The Committee considered a written report by the Director of Finance formally advising of the award of City Status, and seeking to facilitate an early discussion of the next steps for the Council in order for officers to bring back a further report.

Members recalled that the application for City Status had been submitted in December 2021 as part of Her Majesty The Queen's Platinum Jubilee Civic Honours Competition, which, for the first time, had been open to the Crown Dependencies and Overseas Territories. The expert panel reviewing applications had made a favourable recommendation for Douglas to receive City Status, and this had subsequently been approved by Her Majesty The Queen. Notification that Douglas had been successful was received by letter from Lord True, CBE, Minister of State at the UK Cabinet Office dated 19th May 2022, who stated that 'this is a rare honour granted by Her Majesty The Queen and, given the standard and number of applications was very high, you should be very proud.'

The announcement in the media had generated a high-level of excellent publicity for the Island's capital, with congratulations being received from a number of sources.

There would now need to be a process for the award to be formally conferred, including the preparation of the 'Letters Patent'. The Council would also need to make decisions on what its next steps should be. Some measures could be put into effect at little cost (for example, digital branding); while other items would require more planning and funding.

In the meantime, the Council was still, by statute, a Borough and also 'Douglas Corporation'; and the currently-used title of 'Douglas Borough Council' remained valid. The award of City Status did not come with any additional powers for the Council – but it could provide a boost to communities, to open up new opportunities for the people who lived and worked there. Once the process of Letters Patent had been concluded, it would be possible for the Council to be formally referred to as 'Douglas City Council', or even 'City of Douglas Corporation'. It was understood that no legislation would be required for a name change as, in effect, the Royal Assent had already been given through the Jubilee Honours.

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

(ii) That the conferment of the award of City Status to Douglas as part of Her Majesty The Queen's Platinum Jubilee Celebrations also be noted;

- (iii) That the thanks of the Committee be formally extended to all officers involved in the preparation and subsequent success of Douglas' bid for City Status;
- (iv) That the timing for the implementation of any agreed measures be carefully considered, with cognisance being given to the impact on resources, both financial and staffing;
- (v) That a Member / Chief Officer Working Group, led by the Chief Executive, be set up to come forward with longer-term recommendations, which could then be put before the whole Council for debate; and
- (vi) That in the meantime, the Chief Executive be requested to report back to the next meeting of the Committee with proposals for short-term 'wins' that could be implemented at little or no cost."

A4. Minutes

The minutes of the meeting held on Friday 25th March 2022 were approved and signed.

A5. Matters Arising From Previous Minutes

There were no matters arising from the public minutes.

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 17th May 2022.

A7. Referrals from the Housing and Property Committee

There were no referrals from the minutes of the Housing and Property Committee meeting held on Wednesday 18th May 2022.

A8. Monthly Financial Review – April 2022

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

Members noted the cost pressures on the Council's finances related to inflation, unprecedented increases in energy utilities' tariffs, and increases to the cost of borrowing. The overall Isle of Man Consumer Prices Index (CPI) for the year to April 2022 had risen to 9%; and, as of 1st April 2022, Manx Gas had increased its prices by 58%, which would impact particularly on the Crematorium service.

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

- The 13.9% rates collection figure for the month of April 2022, compared against a target figure of 9.8%; and
 - The ongoing cost pressures linked with the increased Bank of England base rate to 1%, the 9% rate of Manx CPI recorded for the year to April 2022, and the impact of the recent increase in gas prices, generating an estimated rate-borne budget shortfall for 2022 / 2023 of up to £46,000; and
- (ii) That a report be brought forward to the Committee setting out proposals for the upgrading of the Council's Website, to include suggestions for the creation of an application to consolidate all information in relation to Council Services, including on-line payments."

A9. Annual Financial Review – March (Year-End) 2022

The Committee considered a written report by the Director of Finance setting out the year-end position of the various financial items that had been received during the 2021 / 2022 financial year.

The report was required in order to monitor progress against the Finance Department's Service Plan actions; and to meet the objectives set out in the Corporate Plan 2017 - 2021.

Discussion took place with regard to the increase in the number of unoccupied business premises and residential properties, on which discounted rates were levied; and it was proposed that a request be submitted to the Isle of Man Treasury seeking consideration for a review of the legislation applying to statutory allowances for uninhabitable and derelict properties.

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

- The 99.7% rates collection figure for April 2021 - March 2022, compared against the target figure of 99.0% for that period; and
- (ii) That the Director of Finance write to the Isle of Man Treasury requesting consideration be given for a review to be undertaken of the legislation applying to long-term vacant properties and the corresponding discounted rates which were levied on them."

A10. **Capital Out-turn Report 2021 / 2022**

The Committee considered a written report by the Assistant Chief Officer (Finance) in relation to the financial year-end out-turn position on the Capital Programme.

Members noted the values spent on all Capital schemes in 2021 / 2022, and the variances to the revised estimates. In respect of the amounts recommended to be carried forward, formal approval of this expenditure was sought where schemes had progressed more quickly than budgeted for.

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

- (ii) That the 2021 / 2022 Capital spend of £8.3m, made up of public sector housing spend of £7.4m and General Rate Funded spend of £900k (representing 32% of the Original Estimate), also be noted;
- (iii) That approval be given to carry forward to 2022 / 2023 all unspent balances on projects where work was on-going or retentions were payable; and
- (iv) That the early expenditure of £97.6k also be approved.”

A11. **Fleet Services – Disposal of Equipment**

The Committee considered a written report by the Head of Fleet Services detailing items sold at auction in the first three months of 2022.

In accordance with Standing Order 161 ‘*Disposal of Surplus Property, Materials, etc*’, a local auctioneer had been appointed to conduct an auction of the surplus vehicles, mixed plant, and equipment.

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

- (ii) That the schedule of vehicles and plant sold at auction also be noted.”

A12. **Urgent Business Procedure – Suspension of the Noble’s Park Toilet Block Door-Entry Charging Mechanism during the T.T. Festival and Classic T.T. Festival (Manx Grand Prix)**

The Committee considered a written report by the Senior Engineering and Waste Services Manager on the use of the Council’s Urgent Business Procedure under Standing Order 125.

The Leader of the Council and the Chair of the Environmental Services Committee had considered a recommendation that the door-entry charging mechanism on the 1930’s toilet block in Noble’s Park be suspended for the duration of the periods when the site was handed over to the Isle of Man Government Motorsport Team for the T.T. Race Festival and the Classic T.T. Festival of Motorcycling (Manx Grand Prix).

The request to suspend charging had come from the Motorsport Team’s T.T. Production Manager and it would, if approved, result in a loss of income to the Council. Therefore, while full responsibility for cleaning and maintenance of the units during the time of the two events lay with the Motorsport Team, it had been recommended that a reasonable amount of lost income from the toilets should also be allowed for within the Council’s licence fee agreement for future events. In making the decision, the Leader of the Council and the Chair of the Environmental Services Committee also agreed that the other toilets in Noble’s Park should be free at these times.

It was additionally noted that the toilets nearest to the ‘splash zone’ were also free when the ‘splash zone’ was in operation.

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

- (ii) That the resolution made under the Urgent Business Procedure – to disable the door-entry charging mechanism on all toilet blocks in Noble’s Park for the duration of the T.T. Race Festival and the Classic T.T. Festival of Motorcycling licence periods – be noted and endorsed accordingly; and
- (iii) That the proposal to allow for a sum to cover the potential income loss when calculating the license fee for future events be similarly noted and endorsed.”

A13. **Urgent Business Procedure – Use of Spaces at Bottleneck Car Park**

The Committee considered a written report by the Assistant Chief Officer (Regeneration) on the use of the Council’s Urgent Business Procedure under Standing Order 125.

The Leader of the Council and the Chair of the Environmental Services Committee had considered a recommendation that 27 spaces in the Bottleneck Car Park be reserved for use by the organisers of the Isle of Man Youth Tour Cycle event on Friday 29th April 2022 for scrutineering and pre-Race preparations. The request had been received after the deadline for the submission of reports to the

March 2022 meeting of the Committee and therefore the use of the Urgent Business Procedure had been invoked accordingly.

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

- (ii) That the resolution made under the Urgent Business Procedure – to reserve 27 spaces in the Bottleneck Car Park for use in conjunction with the Isle of Man Youth Tour Cycle event on 29th April 2022 for a fee of £194.40 (including VAT) to cover lost car park income – be noted and endorsed accordingly.”

A14. Planning Application (PA 22/00465/B) – Erection of Beach Huts, Queen’s Promenade, Douglas

The Committee considered a written report by the Dilapidation Enforcement Officer seeking approval of a response on behalf of the Council in relation to an application for the erection of four timber beach huts on the Council-owned grassed area of Queen’s Promenade.

The wooden huts would measure 8-foot x 6-foot in size, with a small decked area to the front of each. The site on Queen’s Promenade had been chosen because of its proximity to public toilet facilities, a bus stop, and twenty-four hour parking; and, as removable access ramps would form part of the installation, the huts would be accessible to wheelchair users.

As it was intended to leave the beach huts on site all year round, it was proposed that, if the application was approved, ongoing maintenance should form part of the license agreement between the Council and the applicant, in order to ensure the huts did not become unsightly.

On the basis that the applicant would be required to ensure the huts were well maintained, and as it was considered they would be a welcome addition to the amenities currently being offered along this section of the Promenade, it was recommended that the application be supported.

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

- (ii) That the Planning Committee be advised that the Council supported Planning Application PA 22/00465/B, for the erection of four timber beach huts on Queen’s Promenade, Douglas.”

A15. Marine Gardens’ Walls and Children’s Play Area, Loch Promenade, Douglas

The Committee considered a written report by the Assistant Chief Officer (Regeneration) seeking approval of remedial actions following the failure of several areas of the Marine Gardens’ walls as a result of ‘Storm Barra’ in December 2021.

The failure of the walls had led to flooding of the gardens, which had caused damage to the Loch Promenade kiosk and damage to the safety surfacing in the children’s play area. The damage to the play area had rendered it not safe to use, and it had since been closed to the public.

The Council’s insurers had accepted the claim for a structural engineer to undertake a report on the walls and on the damage to the kiosk. It was noted that the damage to the kiosk had been considered to be storm damage and was therefore clearly covered by the policy.

The replacement of the play area safety surfacing was not covered by insurance. While a commitment for £60,000 had been given at the Executive Committee Special Budget Meeting in January 2022 towards the cost of replacing it, it was noted that a quotation of £80,000 had recently been received for its replacement.

Members were reminded at this point that the Executive Committee, in June 2021, had given approval in principle to the Promenade Infrastructure Improvement Project - a £2,500,000 programme of improvements to the Council-owned assets on the Douglas Promenades, the majority of which involved the Marine Gardens on Loch Promenade.

The Project had included, for 2023 / 2024, a scheme for a new play area and a water play area. Therefore, rather than incur the £80,000 cost to replace the safety surfacing for one year’s use, it was proposed that implementation of the scheme be brought forward. As delivery of the scheme was not likely to take place until 2023 / 2024 (as time would have to be allowed for the scheme to be developed, tendered for, and planning consent obtained), it was suggested, in order to free up officer time for the development of the scheme, that the proposed improvements to Garden No. 6 (the Archibald Knox Garden) be delayed into 2024 / 2025.

Additionally, in order to return the area of the playground in Garden No. 4 to public space, it was recommended that the existing playground equipment and damaged safety surface be removed, and that benches and planters be placed there until the new playground was installed.

Discussions were still on-going in relation to insurance for the damage to the walls. However, since ‘Storm Barra’, Council officers had established what the intentions of the Department of Infrastructure were in relation to improved sea defences on the Douglas Promenades. These were as detailed in the written report, it being particularly noted that there was an absence of any improvements proposed to

sea defences on Loch Promenade; and that no change to the existing sea wall was being proposed in this area. The Department had, however, offered to contribute to the cost of flood gates, which would be necessary to protect existing accesses from the walkway onto the Promenade (and therefore to protect the highway beyond). The Department had also offered to assist with the design of the new reconstructed garden wall.

Therefore, in the absence of any proposed improvement to the sea defences on Loch Promenade by the Department of Infrastructure, the Council was left with a number of options for the rebuilding of the Marine Gardens' walls. The various options, as set out in the report, were all considered, and the respective likely costs were noted accordingly.

Members' attention was drawn particularly to the options in which it was suggested that reconstruction of the failed section of wall / all existing walls adjacent to the walkway be replaced with reinforced concrete with stone cladding. This level of replacement was approaching sea defence standards. However, it was believed that the Council did not have the vires to construct full sea defences, and it would therefore be ultra-vires for the Council to proceed with those options on that basis.

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

(ii) That authority be given for the approved Promenade Infrastructure Improvement Project to be revised as follows:-

- The failed and structurally unsound sections of the Marine Gardens' wall to be rebuilt like-for-like but to modern standards, with a concrete strip foundation and the inclusion of reinforcement between the piers and adjacent sections of wall at an estimated cost of £171,000, to be funded from the General Revenue Reserve;
- The flood protection component of the Project to be brought forward as a priority for implementation at an estimated cost of £350,000, as part of the Capital Programme Scheme LS00117 plus any contribution received from the Department of Infrastructure in relation to flood gates;
- The Loch Promenade Play Area and Water Play Area Scheme, at a cost of £400,000 and £250,000 respectively, to be brought forward in the Capital Programme as a priority, for delivery on completion of the rebuilding of the Marine Gardens' wall and the flood protection measures (as part of Capital Project LS00117) and that, correspondingly, the improvements to Marine Garden No. 6 (the Archibald Knox Garden) be delayed until 2024 / 2025; and
- The existing redundant play equipment and safety surfacing be removed as soon as possible and replaced with picnic furniture and planting so that the Garden could re-open as a public open space at a cost of £30,000, to be funded from the General Revenue Reserve."

A16. Replacement Member – Housing and Property Committee

Following the appointment of Councillor Ms J. Thommeny as Mayor for the 2022 – 2023 municipal year, a vacancy accordingly existed in the Membership.

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

(ii) That Mr Councillor F. Schuengel be appointed as a Member of the Housing and Property Committee for the remainder of the two-year term to April 2023."

A17. Replacement Member – Environmental Services Committee

Following the appointment of Mr Councillor D.R. Watson as Chair of the Housing and Property Committee, a vacancy accordingly existed in the Membership.

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

(ii) That Mr Councillor P.J. Washington be appointed as a Member of the Environmental Services Committee for the remainder of the two-year term to April 2023."

A18. Members' Attendances and Allowances 2021 / 2022

The Committee considered a written report by the Assistant Town Clerk on the number of meetings of the Council and its Committees held during the 2021 / 2022 municipal year, together with details of the attendance of Members at those meetings and the total allowances paid to Members.

The Council was required by Schedule 2 of the Local Government Act 1985 to publish this information annually, with an obligation to send a copy of the report to the Department of Infrastructure with a certificate issued by the Council's auditors.

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

- (ii) That the schedule setting out Members' attendances at meetings and allowances paid during the year ended 31st March 2022 also be noted;
- (iii) That approval be given for submission of the schedule to the Council's auditors with the annual accounts, and thence to the Department of Infrastructure; and
- (iv) That the schedule be made available to the public through the Council's website and at the Town Hall Reception desk."

A19. Isle of Man Municipal Association

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

A20. Items for Future Report

The Committee considered a written report by the Acting 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."

PART C –

Matters subject to Council approval

C21. Referrals from the Environmental Services Committee

The Committee considered the following referral from the minutes of the Environmental Services Committee meeting held on Monday 16th May 2022:

Clause B14 - Lighting of Lanes, Parks, Glens, and Cycleways: the Committee had considered a report by the Electrical Services Manager seeking to establish criteria for the approval of the installation of public lighting in lanes, parks, glens, and cycleways within the Borough. This had been in response to a Notice of Motion moved at the March 2022 Council Meeting.

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

- (ii) That the resolution of the Environmental Services Committee be endorsed as follows:-
 - That the lighting of lanes, parks, glens, and cycleways be considered on a case-by-case basis (in line with the approved Street Lighting Policy);
 - That any requests for public lighting in lanes, parks, glens, and cycleways be subject to assessment and report to the Environmental Services Committee for consideration; and
- (iii) That the assessment process, as detailed above, be authorised for inclusion in the approved Douglas Borough Council Street Lighting Policy, Version 1.4.2021."

C22. Service Change in Refuse and Recycling Collections – Non-Conforming Garden Waste Policy

The Committee considered a written report by the Senior Engineering and Waste Services Manager in relation to a proposed policy for dealing with non-conforming waste in the Garden Waste Collection Service.

As part of the planned introduction of fortnightly refuse collections, it had been agreed to introduce a simultaneous garden waste collection service. The planned commencement of the service was August 2022 and, currently, 4,200 wheeled bins were on order, which, once received would be available on request to households with eligible gardens across the Borough.

Initial discussion had taken place with a licensed composting facility operator in order to establish their policy regarding non-conforming material. In essence, there would be a gate fee for disposing of the material but, for non-conforming loads, a further penalty charge may be levied and the aim was therefore to prevent any non-conforming waste at source.

The proposed policy for dealing with non-conforming waste in the Garden Waste Collection Service sought to avoid the garden waste bin from being used for general rubbish and / or non-conforming waste – that was, items that were not permissible under the composting company's licence (e.g., food waste, invasive plant species, and anything non-organic). It was therefore imperative that householders should receive comprehensive advice and information of what was and was not acceptable waste for composting.

It was noted that households that deliberately placed non-conforming waste in their garden waste bins would receive a warning notice; and failure to adhere to the notice may result in the garden waste bin being removed and the service being withdrawn under a 'three strikes' rule. Where the service had been withdrawn, households would, however, have the right of appeal.

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

- (ii) That it be recommended to Council that the following policy for dealing with non-conforming waste in the Garden Waste Collection Service be adopted:-
- Wheeled bins to be left unemptied where non-conforming waste was observed;
 - Households to receive a warning notice to the effect that the bin had not been collected because it contained non-conforming waste; and
 - If a household received three warning notices, the bin would be removed and the service withdrawn, but in the event of the service being withdrawn, the householder to have a right of appeal.”

C23. Service Change in Refuse and Recycling Collections – Missed Bin Policy

The Committee considered a written report by the Senior Engineering and Waste Services Manager in relation to a proposed policy for dealing with missed bins, once the refuse service moved to fortnightly collections.

The current, unwritten, policy regarding missed bins was that, unless there was evidence that the bin had been set out for collection at the correct time and location, then it was assumed that the bin had not been made available for collection and the householder was advised that the Council would return the following week as part of the weekly refuse service.

While in practice a common sense approach was followed, it was also normal for a check to be undertaken of the bin-chip to determine if there was any data for that day; and for a check of the on-board cameras to be made to establish if the bin had been in situ when the vehicle had passed the property.

With the introduction of fortnightly collections, it would be much more difficult for households which forgot to put their bin out to last a further fortnight until the next collection. As some early confusion was anticipated, it was proposed that an amnesty period be allowed, as householders adjusted to the new service. After that, unless there was clear evidence that the error was on the Council’s part or there were extenuating circumstances, missed bins would not be returned to, to be emptied. Members suggested that the proposed one month period was not sufficient, and agreed that the amnesty period should instead be for two months.

Members noted the criteria that would be taken into account to constitute extenuating circumstances. If requests to return were one-offs, the Waste Team would likely return, however, if a pattern of repeat requests by a particular household emerged, it would be reiterated to householders that it was their responsibility to ensure their bin was presented at the appropriate time and place, and that the Waste Team would not be returning to the property. Advice would also be given on how to minimise waste until the next scheduled collection and on what materials could be disposed of at the civic amenity site.

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

- (ii) That it be recommended to Council:-
- That a policy of not returning to bins that were not presented for collection at the right time in the correct location be enforced, unless the reason was due to extenuating circumstances or Council error; and
 - That an amnesty period of two months be agreed immediately following the introduction of the new service, whereby the Council returned to all missed bins and thus allowing householders to adjust to the new arrangements.”

The Committee rose at 5.00pm.

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, 18th May, 2022.

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

In Attendance: Director of Finance (Mr A.J.T. Boyd), Assistant Chief Officer (Housing and Property) (Mr V. Zivave), Assistant Chief Officer (Income) (Mrs C. Pulman), Democratic Services Officer (Mrs D. Atkinson), Assistant Democratic Services Officer (Miss C. Cullen).

REPORT

PART A –

Matters delegated to the Committee

A1. Apologies for Absence

No apologies for absence were received.

A2. Declarations of Interest

There were no Declarations of Interest.

A3. Minutes – 16th March, 2022

The minutes of the meeting held on Wednesday, 16th March, 2022, were approved and signed.

A4. Vacant Properties Update

The Committee considered the monthly report submitted by the Assistant Chief Officer (Housing and Property) 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 April, 2022 there were twenty-three vacant properties receiving attention. Members were presented with a summary chart showing the number of properties returned in each month, together with details of the category repair type for each property.

The Assistant Chief Officer (Housing and Property) advised that as of 18th May, 2022, there were twenty-two vacant properties outstanding, four of which are ready for allocation.

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

A5. Housing Rent Arrears

The Committee considered a report submitted by the Assistant Chief Officer (Housing and Property) to monitor the progress made on rental income collection.

Members were presented with a table setting out the rent arrears statistics for April and May, 2022. It was noted that as at the 1st May, 2022 the level of rent arrears was £126,772.59.

Members were particularly pleased to note that currently, there are no "at risk" tenants, where no payment plan was in place.

In response to question, the Assistant Chief Officer (Income) advised that officers expect to see an increase in the level of arrears over the coming months due to the continued rise in living costs. Members were advised that officers will continue to monitor the level of arrears, working closely with tenants linking them to charities and Government organisations that offer debt counselling.

Resolved, "That particulars of the report and discussion be noted on the minutes and that the progress made on rental income collection be noted."

A6. Provision of a Contract Plumber

The Committee considered a report submitted by the Assistant Housing Manager (Maintenance) to appoint a contractor to carry out reactive maintenance plumbing works.

Members were advised that there is currently insufficient in-house resource to carry out the backlog of maintenance jobs that were rolled over at the end of 2021 into the 2021/22 financial year. Officers

therefore consider that the appointment of an external contractor is required to 'catch up' on these outstanding jobs, the majority of which are plumbing.

The Assistant Chief Officer (Housing and Property) advised that the Council currently employ 2 plumbers on a full-time basis and one apprentice that are responsible for carrying out reactive maintenance jobs to all of the houses owned by the Council.

During the last financial year there were 1357 internal plumbing repair jobs and 335 external plumbing repair jobs raised. 791 were classed as emergency repairs which required attendance within twenty-four hours. Prioritising these emergency jobs had resulted in a delay to planned maintenance works.

Members were advised that if appointed, the contractor will only be used when the Council's operatives cannot accommodate the workload.

Following the procurement process, two quotations were received by the closing date. It is recommended that the lower of the two quotations be accepted, which has been evaluated and considered to represent value for money.

Members were advised that the total amount of funding required is not expected to exceed the quotation limits in line with Standing Order 129(3). However, a further quotation and additional Committee approval will be sought should there be an increased spend.

Resolved, "That particulars of the report and discussion be noted on the minutes and that the quotation received from BT Plumbing and Heating be accepted, to be funded from the Housing Maintenance budget, subject to the availability of funds."

A7. 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."

A8. Date and Time of Next Meeting

Members were reminded that the next scheduled meeting was due to take place at 10.00am on Wednesday, 15th June, 2022.

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

PART C –

Matters requiring Council approval

C9. Housing Minor Capital Works

The Committee considered a report submitted by the Assistant Chief Officer (Housing and Property) seeking approval for the continuation of the minor capital works funding process for 2022/23.

Members were reminded that since the 2019/20 financial year, approval had been sought from the Committee to borrowing in the sum of £150,000 on an annual basis to be drawn down as necessary when maintenance works that are capital in nature are required. This process had been introduced to obviate the need to go through a separate formal borrowing petition process every time reactive capital works were required while protecting the Housing Maintenance budget from sudden unexpected demands.

Members were advised that it is intended for the minor capital works fund to be allocated to refurbishment voids for 2022/23.

The Assistant Chief Officer (Housing and Property) advised that the Council had sought a sum of £500,000 for the minor capital works fund for 2022/23. Members noted that the Department have advised that they will support £150,000 for this financial year and have asked for a full business case for the increased amount to be submitted by 1st August, 2022 for the next financial year, understanding that there is significant pressure on the revenue budgets.

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

- (i) The Chief Executive be authorised to petition the Department of Infrastructure for borrowing powers in the sum of £150,000, being the loan amount required to defray the estimated cost of the minor works capital expenditure for 2022/2023;
- (ii) That the Department of Infrastructure be advised that the Council confirms that there are insufficient monies available in its Housing Reserve to fund the proposed scheme via that source; and
- (iii) That the Director of Finance make representation to the Department advising that there is significant pressure on the Housing Maintenance Allowance for 2022/23 as a result of the rise in inflation and increases in material and labour costs, all of which will have a very negative impact

on the deficiency grant, and that an additional contribution towards the Minor Capital fund would be of significant assistance in achieving the levels of asset maintenance required for the 2023/24 budget year.”

The meeting ended at 11.06am.

VI(iii) - The proceedings of the PENSIONS COMMITTEE as follows:

PENSIONS COMMITTEE

PENSIONS COMMITTEE – Minutes of Meeting held on Wednesday, 25th May, 2022.

Members Present: Mr Councillor J.E. Skinner (Chair), the Mayor, Mr Councillor I.J.G. Clague, Mr Councillor S.R. Crellin, Mr Councillor F. Horning, Mr A. Thomas (Independent Member).

In Attendance: Director of Finance (Mr A.J.T. Boyd), Assistant Chief Officer (Finance) (Mr E.P. Pierce), Democratic Services Officer (Mrs D. Atkinson). Mr J. Glasgow and Mr P. Ashby (Hymans Robertson, via video-link). Mr J. Penn, Mr G. Easton, Mr M. Seaward – Capital International (Item A14).

REPORT

PART A –

Matters within the scope of the Committee's delegated authority

A1. Apologies

There were no apologies submitted for the meeting.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 17th March, 2022

The minutes of the meeting held on Thursday, 17th March, 2022, were approved and signed.

A4. Matters Arising

There were no public matters arising from the previous minutes.

A5. Training: Administration pensions Framework

The Committee received a training presentation on the Governance of the Isle of Man Local Government Superannuation Scheme.

Mr Glasgow reminded the Committee of the Scheme's overall objective to ensure that there is sufficient funds in order to pay the promised benefits, when they fall due. To achieve this objective, the Scheme has three sources of income; investment returns from the underlying assets, as well as the employee and employer contributions.

Mr Glasgow outlined some of the Committee's objectives, by splitting these into the four main subsections of, investment, funding, administration and communication. He went through each section highlighting some of the key components the Committee should consider when making decisions in relation to these areas of the scheme and what should be delivered through these objectives. He moved on to explain the expectations and key aspects of the Committee's role within the scheme. This included, acting in the interest of Scheme members and ratepayers, ensuring compliance with legislation, maintaining knowledge and understanding, and to make sure decisions remain non-political. Mr Glasgow then moved on to some of the roles and responsibilities within the scheme, concentrating on the Pensions Committee, the Chair of the Committee, Director of Finance, Scheme Employers and Advisers. He covered some of the main points in relation to their duties and how they fit into the process of running the scheme.

To govern the fund, there are several policies in place which are reviewed by the Committee on a regular basis and updated accordingly. A list of the fund policies were provided.

Mr Glasgow presented a series of recommendations from the England and Wales LGPS Scheme Advisory Board's good governance review. He outlined that due to the regulatory differences these were being shown on a purely guidance basis to highlight how governance is being considered within the England and Wales framework. The recommendations, which were provided for consideration but without obligation, included having a named officer responsible for the fund, publishing a conflicts of interest policy and introducing guidance and training for officer and Committee members. It was noted that the Scheme already complied with some of the recommendations such as guidance and training which is undertaken by the Scheme and that the named officer responsible is the Director of Finance. Officers agreed to report back on whether a conflicts of interest policy is required for the Scheme.

Mr Glasgow finished with a reminder of the Scheme's regulations to prepare a funding strategy statement (FSS), a communications policy and a discretions policy. Details on the different documents were provided to Members.

Resolved, “That the presentation be noted on the minutes and a report on the introduction of a conflicts policy be drafted for future consideration.”

A6. Disinvestment Considerations

The Committee considered a report submitted by Hymans Robertson on the subject of disinvestment.

At the March Committee meeting during consideration of the risk register review, it was agreed that a report be prepared considering the risk that divestment from certain types of entity or certain countries of operation may be in conflict with the Committee’s obligation to manage the pension fund in the best interest of employer and employee members.

Members were reminded that the overarching goal of any pension scheme is to be able to pay the scheme member liabilities when they fall due. To meet this objective from an investment perspective, there are several steps that the Committee should consider. These include but are not limited to agreeing an optimal strategic asset allocation, introducing/refreshing documentation that provides a robust framework under which investment decisions are made. Appointing suitable investment managers to make the day-to-day investment decisions on behalf of the Scheme in line with the underlying mandate. All of which should be reviewed periodically to ensure they remain aligned with the expected investment process and style.

For all aspects of investment or disinvestment, the Committee should scrutinise all potential decisions within the remit of whether it is in the best interest of all the Scheme members.

The report identified three general approaches that can be applied to disinvestment; exclusions, divestment and stewardship. The report referenced that exclusions would indicate that the asset owners do not want to allocate future investment to certain companies, industries or locations when making investment decisions. Divestment specifies that an asset owner is already invested in a company or industry and it is actively considering selling down in part or full. Stewardship is an activist approach to mould change through voting and engagement.

The report explained that divestment from a particular stock can have far-reaching implications beyond the obvious impact of reducing the stock’s value, particularly if large scale divestment or exclusions become applicable. The ability for a company to research or provide alternative sustainable solutions could also become untenable. Divestment on a large scale could result in stranded assets where shares become unsellable or considerably undervalued. This can result in illiquidity of stocks and price suspension. The report explained that there is a risk that divestment on a reactionary basis could fundamentally damage the long-term return objective of the Scheme.

Mr Glasgow explained that exercising stewardship through voting and engagement is considered more effective. There is a significant focus from a UK regulatory perspective on the use of engagement to advance companies’ transition towards net-zero and the UK’s climate goals given that these goals cannot be achieved through divestment.

The report concluded that there are many internal and external factors which should be carefully considered before embarking on implementation of divestment or exclusion. Mr Glasgow advised that the Committee are expected to remain cognisant to the limitations placed on influencing or implementing divestment through passive fund holdings.

The report recommended implementing further guidance to assist in the mitigation of influence or impression on the Committee with regards to investment/divestment. Suggested wording was provided.

Members requested that the statement be strengthened to demonstrate that the Committee does not have the powers to make personal, ethical or moral judgements, and asked the Director of Finance and Assistant Chief Officer (Finance) to draft suitable wording for approval at the afternoon session of the Committee. It was agreed that the wording be included in the preamble of the investment beliefs statement.

Resolved, “That particulars of the report and discussion be noted on the minutes and a revised statement regarding the Committee’s fiduciary duty to the IOMLGSS be considered later in the meeting for inclusion in the investment beliefs document.”

During the discussion Mr Councillor S.R. Crellin submitted his apologies and left for the remainder of the meeting.

A7. Update on Investment Beliefs

The Committee considered a report prepared by Hymans Robertson to review the Committee’s current investment beliefs.

Members had in front of them the current seven investment beliefs. The investment beliefs are reviewed annually, and were last updated in 2017 to add a Responsible Investment policy.

Members agreed that the investment beliefs remain relevant to the Scheme and no further changes are required at this time. The Committee did however agree to update the preamble following on from the

consideration of the divestment report. Officers were tasked with providing appropriate wording for agreement at the afternoon session of the meeting.

Resolved, "That particulars of the report be noted on the minutes and there be no changes to seven investment beliefs, but the document preamble be updated as per the wording to be agreed later in the meeting."

A8. Statement of Investment Principles and Governance Statement

The Committee considered a report submitted by Hymans Robertson to review the Scheme's Statement of Investment Principles (SIP).

The SIP was reviewed by Hymans Robertson in May 2022 and no amendments were required. The document requires approval by the Committee in order for the Chair and Director of Finance to sign the update before it is made available on the Council's website. It was noted that the date will be changed to reflect approval at this meeting.

Members noted that the Governance Statement, including the Adherence to Best Practice, will require updating in more detail and will be updated on the scheme website in due course.

Resolved, "That particulars of the report and discussion be noted on the minutes and the Isle of Man Local Government Superannuation Scheme Statement of Investment Principles be approved for signature by the Committee Chair and Director of Finance and made available on the Douglas Borough Council website."

A9. Review of Investment Manager's Performance

The Committee received a report from Hymans Robertson to review the Investment Managers' performance for the first quarter of 2022.

Mr Ashby reported that the fund had achieved a -2.5% return over the quarter, underperforming the benchmark by 0.7%. The one year returns were positive, achieving 8% which was broadly in line with the benchmark. UK equities, property and fixed income performed well during the quarter, global equities, absolute return and gilts underperformed in comparison to their benchmarks. The Scheme's assets decreased by £3.2m over the quarter; this being a result of negative total returns, and a net withdrawal of £600k from the Scheme's assets, which was used to cover lump sum benefit payments.

Mr Ashby provided a market background on the main topics of the quarter including the ongoing Russia-Ukraine conflict, the inflation rate increases, commodity prices and central bank tightening.

Mr Ashby finished with a review of the Scheme's managers. There were no concerns raised.

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

During the consideration of this item, the Mayor submitted her apologies and left the meeting at 12.30pm.

A10. Items For Future Report

The Committee considered a report submitted by the Democratic Services Officer setting out items that are to be considered at future meetings and to review any future training requirements.

Resolved, "That particulars of the items for future report be noted on the minutes."

A11. Date and Time of Next Meeting

Members noted that the next meeting was a Special Committee Meeting on Wednesday, 22nd June, 2022.

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

A12. Adjournment and Resumption

The Committee adjourned at 12.50pm and resumed at 2.00pm. The same Members and officers were present.

A13. Disinvestment and Investment Beliefs (continued)

A revised suggested statement for inclusion in the preamble of the investment beliefs was circulated to the Committee.

Resolved, "That the below wording be approved and replace the current opening statement of the Seven Investment Beliefs;

'The Pensions Committee, as stewards of the Isle of Man Local Government Superannuation Scheme, acts in the interests of Pension Scheme members and ratepayers of the employing authorities. As such, the Committee's overriding fiduciary duty towards Scheme members requires that rather than apply personal, ethical or moral judgements when making investment decisions, it remains focused on the

primary duty of acting in the best financial interests of the Scheme's members and optimising investment returns, in accordance with the Investment Beliefs set out below.'

A14. Capital International – Absolute Return and Bonds

Mr J. Penn, Mr G. Easton and Mr M. Seaward joined the meeting to present the Capital International corporate bonds and absolute return funds.

The ESG fixed income corporate bond mandate fell 5.5% over the quarter, but finished ahead of the benchmark. The presentation explained that the Ukraine conflict, energy inflation and rising interest rates. Members noted that Capital International are closely monitoring relevant ESG factors and are satisfied that the issuers had been adhering to independently assessed standards.

The Absolute Return portfolio lost 4.9%, underperforming the benchmark by 5.7%. The portfolio was hit in a quarter where most asset classes fell, with bonds performing as badly as equities as interest rate expectations rose. Mr Penn advised that the fund added to the credit and equity exposure over the quarter, in particular two new stocks with good ESG credentials. Mr Penn advised that the timing for future transactions is key, the market is being closely monitored with plans in place to execute when the market is more favourable.

The Committee were provided with an overview of market factors, including the Russia Ukraine conflict, high inflation, supply shortages and the rise in bond yields. Capital International expect stocks to show higher volatility in 2022.

Mr Easton finished with a presentation on responsible investment, which discussed the Paris Alignment, the global pathway to net zero, and COP26 climate pact. He reiterated Capital International's pledge to achieve financial goals for clients through responsible investment. Examples of Capital International's stewardship and voting during the period were presented to the Committee.

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

The Committee rose at 3.15pm.

VI(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, 17th May, 2022.

Members Present: Mr Councillor A.J. Bentley (Chair), Councillor Miss N.A. Byron, Mr Councillor S.R. Pitts, Mr Councillor F. Schuengel, the Mayor.

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

REPORT

PART A –

Matters delegated to the Committee

A1. Apologies

There were no apologies submitted.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 23rd March, 2022

The minutes of the meeting held on Thursday, 23rd March, 2022, were approved and signed.

A4. Matters Arising from the Minutes

Matters Arising

The Committee noted a further change to the Civic Sunday date, which would now take place on Sunday, 3rd July, 2022. The date change for Douglas Carnival to Saturday, 23rd July, was also noted.

Proposed Hymer Club Rally 2023

The Assistant Chief Officer (Regeneration) advised that the Club has confirmed their intention to utilise Noble's Park for no longer than four days. This is in line with the current planning consent. In response to question, it was confirmed that planning permission will still be sought to seek an amendment to condition five of the planning consent to permit stays up to fourteen days in the motorhome aire in the Boneyard at Noble's Park.

A5. Introduction to New Allotment Members

Mr Glover and Ms Toman, the Independent Members of the Allotments Committee, joined the meeting to discuss the Johnny Watterson's allotments. Four topics were discussed in depth, the provision of toilets for users, the provision of additional water taps and the use of hoses, permitting allottees' dogs on the site and the management of a small number of unused plots. Officers agreed to undertake research and report back to the Committee on the topics raised, however it was noted that there is already a policy in place for dealing with unsightly or unused plots. In the meantime, the Independent Members were asked to raise any further queries with the Assistant Head of Parks (Technical) and an invitation to the Committee will be extended as and when required.

It was agreed in order to communicate with the plot holders, that the contact details of the Independent Members be shared to the users.

Resolved, "That the Allotment Independent Members be thanked for their attendance and a future report on the provision of a toilet on site, the provision of additional taps, the use of hosepipes, and the feasibility of permitting allottees' dogs on site be considered and reported back to the Committee."

A6. Henry Bloom Noble Library Service Plan Monitoring – Quarter Four 2021/22

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

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 four of 2021/22. A red, amber, green or black status had

been applied to each measure. It was noted that all measures, excluding one which is marked amber due to external constraints, have been completed.

The Committee discussed several initiatives the Library are running or planning to hold and put forward ideas. A Member suggested purchasing equipment for users to listen to audio books on site.

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

A7. Douglas Borough Cemetery – Land at Former Cottage Site Landscape Proposals

A report was submitted by the Head of Parks, following a resolution from the Committee in March 2022, to seek funding to engage a landscape architect to produce sketch designs and costing options for the creation of a memorial garden at the former cottage site.

Officers approached three island based landscape architects/contractors seeking a fee to provide sketch design options for a memorial garden for babies and children or pets. One quotation was returned totalling £5,000 to provide a site survey, sketch design plans and budget costings.

The report recommended referring the item to the Executive Committee to request £5,000 from General Revenue Reserves. Members discussed the options and concurred that in the current economic climate it would not be appropriate to request the expenditure. Members agreed to support the alternative option in the report, to return the area to grassland and plant shrubs and trees on the boundary of the cemetery. This option will be funded from the Parks revenue budgets and estimated to cost a maximum of £1,000.

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

- (i) A landscape gardener not be engaged to produce sketch designs and costing options for a memorial garden at the former cemetery cottage site;
- (ii) The area, following the demolition of the building, be returned to grassland at a cost of £1,000 to be funded from Parks revenue budgets.”

A8. Quarter Four Service Plan Performance Monitoring – 2021/22

Members considered a report submitted by the Director of Environment and Regeneration to update on the performance against measures outlined in the Environment and Regeneration Department Service Plans as relevant to the Regeneration and Community Committee.

Appended to the report were the measures as outlined for the Parks Service, and Douglas Town Centre Management. A red, amber, green and black status had been applied to each measure.

It was noted that fourteen measures in Parks Services had been completed. Others had been delayed as a result of constraints on staff resources and management capacity together with waiting on outside organisations and supply issues. Town Centre Management actioned all measures except the review of the Shopwatch scheme which cannot be progressed until such time as the Department of Home Affairs makes regulations in relation to the data sharing as provided for in the Justice Reform Act 2021.

Resolved, “That particulars of the report and the progress against performance indicators in the Environment and Regeneration Department Service Plans as relevant to the Regeneration and Community Committee be noted on the minutes.”

A9. Media Partner for 2022 Noble’s Park Fun Day and Fireworks Display

The Committee considered a report submitted by the Democratic Services Officer to consider appointing a media partner for the 2022 Noble’s Park Fun Day and the Fireworks Display.

Members were reminded that for several years the Council has appointed a media partner to enhance the promotion of Council events. An advert was circulated to local radio stations inviting proposals for a media partner for the Noble’s Park Fun Day and Fireworks Display. Radio stations were asked to submit a media package outlining the pre-event advertising for any or all of the events, social and web presence and a compere for the Fireworks Display. Two radio stations submitted proposals. Manx Radio submitted the lowest quotation, the report therefore recommended their appointment as media partner.

In response to question, officers confirmed that the media partner position is reviewed annually, and although both events are popular, the additional marketing is welcomed. Appointing a media partner is also attractive to potential event sponsors.

Resolved, “That particulars of the report be noted on the minutes and Manx Radio be appointed the media partner for the 2022 Noble’s Park Fun Day and Fireworks Display.”

A10. 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."

A11. Date and Time of Next Meeting

Members were advised that the next scheduled meeting was due to take place on Tuesday, 14th June, 2022.

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

The meeting ended at 12.02pm.

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

ENVIRONMENTAL SERVICES COMMITTEE

ENVIRONMENTAL SERVICES COMMITTEE – Minutes of Meeting held on Monday, 16th May, 2022.

Members Present: Mr Councillor F. Horning (Chair), the Mayor, Councillor Miss N.A. Byron, Mr Councillor J.E. Skinner.

In Attendance: Director of Environment and Regeneration (Mrs D. Eynon), Finance Manager (Mr M. Quayle) (Items A1 to A7 and B14), Dilapidation Enforcement Officer (Mr S. Salter) (Items A8 to A11), Electrical Services Manager (Mr D. Cullen) (Item B14), 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

There were no Declarations of Interest.

A3. Appointment of Vice-Chair 2022/23

The Chair invited nominations for the election of Vice-Chair consequent on the resignation from that position of Mr Councillor D.R. Watson following his appointment as Chair of the Housing and Property Committee, to act in the illness or absence of the Chair for the current municipal year, until April, 2023.

Mr Councillor J.E. Skinner was nominated by Mr Councillor F. Horning, seconded by Councillor Miss N.A. Byron. Mr Councillor J.E. Skinner declined to accept the position.

Resolved, “That the matter be reconsidered at the June 2022 Committee meeting, at which time the Executive Committee will have appointed a Member to fill the current vacancy.”

A4. Minutes – 14th March, 2022

The minutes of the meeting held on Monday, 14th March, 2022 were approved and signed.

A5. Matters Arising

A6 – Items for future report, Climate Change Transformation Fund. In response to question, the Director of Environment and Regeneration advised that the Council were awaiting a response from the Department of Food and Agriculture (DEFA) in relation to the Council’s request to access to this fund. It was noted that the response would be shared with the Committee when it is received.

A6. Guttery Gable – Proposed Artwork Project

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration) in response to a request by the Committee, at its meeting held on 14th February 2022, for a report on options to improve the appearance of Guttery Gable.

Guttery Gable is a pedestrian walkway linking Market Street with Strand Street, the route is well-used but its appearance is generally poor and does not match up to the generally high quality environment of the main shopping area. Vandalism to the previously painted murals has further impacted on the environment of the lane. Officers consider that colourful, well maintained murals are likely to be the most effective way of improving the appearance of the lane.

It was noted that the walls abounding Guttery Gable are in three separate ownerships. One of the owners has already agreed in principle for work to be done on their wall, providing no costs fall to them. If an artwork project is developed then consent from all three owners would be required.

It is proposed that the artwork will have a predetermined lifetime of three years, after which time the walls will either be returned to their original condition or be superseded by a new mural project. The Chair requested that officers assess the condition of the mural ahead of the three year time period so that a new project is not undertaken unnecessarily.

Members were advised that planning consent would likely be required for painting the artworks.

The report advised that officers consider that the permanent installation of a standalone CCTV camera would be the best option to protect the mural from vandalism. A Member suggested that officers explore the potential use of anti-graffiti paint.

Resolved, "That particulars of the report and discussion be noted on the minutes and that approval be given for officers to progress a mural project undertaking the following approach;

- (i) All owners be contacted to secure approval in principle to the painting of murals;
- (ii) Costs to be collated for the preparation, including any surface preparation and background painting; mural painting; CCTV coverage (3 cameras) and a termination fund to return the lane to its original condition;
- (iii) The Council to commence discussions with potential funding bodies including the Arts Council and Department for Enterprise (Regeneration Grant) regarding the initial project and the potential for funding new murals after the initial three year project; and
- (iv) That a further report be prepared and presented to Committee in September to advise on the outcome of the three steps detailed above and, if it appears that the project is viable, for the Council to set a budget for delivery of the project in 2023/24."

A7. Quarter Four Service Plan Performance Monitoring 2021/22

The Committee considered a report submitted by the Director of Environment and Regeneration to update on the performance made against measures as outlined in the Environment and Regeneration Service Plans as relevant to the Environmental Services Committee.

Appended to the officer's report were the measures as outlined in each Service Plan together with an update on the performance as at the end of quarter Four 2021/22. A red, amber, green and black status had been applied to each measure.

Members were advised that Covid-19 had adversely impacted upon many of the measures and actions contained within the service plans in 2020 and in the early part of 2021, which had resulted in some target deadlines not being met; in some cases, new deadlines have been set and these were reflected in the appendices. Some of the measures cannot now be recovered. In addition, constraints on staff resources and management capacity has delayed several actions and projects.

Members noted that for Quarter Four:

- All measures, except one within Building Control have been met. The measure not met concerns minor delays in issuing three completion certificates during the year. Due to the relatively small number of certificates issued each quarter, it is necessary to either achieve 100% or fall below the 98% target. All other measures were met or exceeded;
- One Electrical Services project within the service plan has been delayed due to revised timeframes on Department of Infrastructure projects. Supply and contractor issues are still being experienced in either securing contracts or obtaining start dates from contracts secured. All other measures were met;
- Within Fleet Services, measures related to reducing emissions by using alternative fuel sources cannot be met through Isle of Man Government Regulations. All other measures were met;
- Some planned work within Community and Enforcement has slipped due to the impact of long term sickness within the team or due to waiting on input from others. All other measures met;
- Within Waste Services, delays have been experienced through staff shortages in external organisations. Sickness in Cleansing has continued to improve and is only marginally higher than the industry benchmark. Recycling targets were not met, indicating the need for structural change. All other measures were met.

Resolved, "That particulars of the report be noted on the minutes and that the progress made against performance indicators in Service Plans for Quarter Four 2021/22 be noted."

A8. Planning Application 22/00254/B – Former Nurses Home, Westmoreland Road

The Committee considered an appraisal of planning application 22/00254/B for the conversion and extension of the former nurses' home on Westmoreland Road, Douglas to provide thirty-seven apartments and café with takeaway and associated car, motorcycle and bicycle parking and landscaping.

A Member raised serious concerns over the lack of provision for parking given the proposed size of the development. Whilst noting the developments close proximity to the Town Centre and bus route the Member opined that the likely number of additional vehicles from residents moving in to the apartments would further exacerbate the lack of available parking spaces in the surrounding streets, adversely impacting residents currently living in the area.

The Dilapidation Enforcement Officer advised that the applicant has stated that they have agreed that the car park, as detailed in the submission, could be used by residents who own a car out of hours which is intended to be managed by a permit system. The Dilapidation Enforcement officer undertook to find out how many spaces would be made available.

Members were advised that it is accepted that the applicant cannot create external amenity areas as part of the proposed development. Under these circumstances the Strategic plan sets out alternative options of either providing the facilities offsite but conveniently close or providing a commuted sum to the local authority under a Section 13 agreement.

The Chair's proposal to waive the Section 13 agreement fee, in the sum of £23,040 was not supported by the Committee.

Resolved, "That particulars of the report and discussion be noted on the minutes and that support be given to planning application 22/00254/B on the condition that the developer enters into a Section 13 agreement for the payment of £23,040 to Douglas Borough Council for the open space provision."

2 For. 1 Against.

Councillor Miss N.A. Byron asked that her name be recorded as voting against the resolution.

A9. Planning Applications 22/00230/B and 22/00233/CON – Trevelyan, 18 – 19 Palace Terrace

The Committee considered an appraisal of planning applications 22/00230/B and 22/00233/CON for part demolition of the existing hotel, maintaining the front façade and the erection of fifteen replacement apartments, creation of a basement car park and associated bicycle storage and Registered Building consent for the demolition elements to planning application 22/00230/B at the Trevelyan 18 – 19 Palace Terrace, Queens Promenade, Douglas.

The application is for approval to change the use class of the property from a hotel to fifteen residential apartments with the front façade of the building being preserved as part of the development proposals. It was noted that the plans show car parking for fifteen vehicles in the basement with ramped access from the front elevation.

The Dilapidation Enforcement Officer advised that although bringing the building back into use would be welcomed officers do not believe the application can be supported until the applicant has demonstrated how the front façade will be maintained.

Resolved, "That particulars of the report and discussion be noted on the minutes and that the Council raises no objection to the application, subject to the applicant being able to demonstrate that the front façade of the property can be safely maintained ensuring that the development does not have a detrimental effect on the street scene of the Conservation Area."

A10. Planning Applications 22/00148/CON and 22/00149/GB – 22 – 28 North Quay

The Committee considered an appraisal of planning application 22/00148/CON and 22/00149/GB for the demolition works and Registered Building consent for the redevelopment and conversion of ten apartments and three bar/restaurant units (in association with 22/0149/GB) Registered Building Nos. 289 at 22 – 28 North Quay, Douglas.

The report advised that as part of the Dilapidation Enforcement officer's appraisal, Council officers had taken many things into consideration prior to making the recommendation to support the application. This has included the various structural engineering reports, the design of the proposed development including the planned outdoor seating as well as the length of time that the properties have been vacant with very little interest shown by potential tenants or investors when the owner tried to sell the buildings at a reduced cost.

Due to the properties current state and history, Council officers consider that the benefits of the proposed development outweigh any benefits in retaining the Registered Building which makes no positive contribution to the character or appearance of the Conservation Area.

Resolved, "That particulars of the report and discussion be noted on the minutes and that support be given to planning applications 22/0148/CON and 22/0149/GB with the following comment to the Planning Committee;

- (i) That Council officers have given consideration to the bin storage areas and after taking into account the applicant's statement that the bin storage could be subject to alteration, dependant on the requirements of future tenants, it is accepted that the Council's Building Control team will ensure that the final arrangements for bin storage will be compliant with our own guidelines for waste and meet the current standards expected for the storage of both residual and recycling receptacles."

A11. **Schedule of Dilapidated, Ruinous or Dangerous Properties**

The Committee considered a schedule of properties in a state of dilapidation or disrepair, setting out ten properties added since the last meeting; nine properties removed because work had been completed; and a total of fifty-seven properties remaining on the list.

Members were reminded that the addition of any property to the list would first involve contact with the property owner to resolve the concern over its condition and to offer them reasonable opportunity to carry out the work willingly. Should that not happen, then Notice would be served that the work must be carried out, and failure then to comply with the Notice would involve the possibility of legal action being taken.

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.”

The Dilapidation Enforcement officer was thanked for his attendance and left the meeting.

A12. **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.

Members noted that a further report on Guttery Gable would be added to the schedule.

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

A13. **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, 13th June, 2022.

PART B/C –

Matters requiring Executive Committee and Council approval

B/C14. Lighting Lanes, Parks, Glens and Cycleways

The Electrical Services Manager joined the meeting for discussion of the item.

Members considered a written report submitted by the Electrical Services Manager in response to a Motion moved at the March 2022 Council meeting, to establish the criteria for the approval of installation of public lighting in lanes, parks, glens and cycleways within the Borough of Douglas.

Members were reminded that the Motion moved and seconded, under Standing Order 30 was;

“That Council policy be that access lanes, adopted as highway or otherwise, be not automatically lit. Where they provide key access to one or more properties, the Environmental Services Committee may consider the provision of lighting. The Environmental Services Committee may also consider the lighting for parks, glens, cycleways, lanes and alleyways on a case by case basis in line with the approved street lighting policy.”

It is proposed that, following any request for lighting the Electrical Services section will carry out an initial assessment on the location and associated environment in order that a recommendation can be formed and if necessary, a pre-scheme estimate can be reported to Committee prior to developing a full lighting scheme. The Electrical Services Manager advised that this approach aims to ensure that Committee are fully informed and will aid the decision making process, minimising abortive works of fully developed schemes by the Electrical Services section.

Set out within the officer’s report was a series of proposed criteria questions that will be assessed and reported to the Committee for any future lighting requests in lanes, parks, glens and cycleways. Members were advised that as each request and location is unique, additional requirements may need to be considered therefore the proposed criteria list was not exhaustive.

Members noted that if the Committee determine that a location should be approved for lighting, Electrical Services will develop a scheme to be executed by either in-house resource or outsourced through tender, which will be the subject of a further Committee report.

Resolved, “That particulars of the report and discussion be noted on the minutes and the Committee give approval to the following;

- (i) That the lighting of lanes, parks, glens and cycleways be considered on a case by case basis in line with the approved street lighting policy;
- (ii) That any requests for public lighting in lanes, parks glens and cycleways be subject to assessment and reported to the Committee for consideration; and

- (iii) That the assessment process, as detailed in the officer's report and any further amendments be included in the approved Douglas Borough Council Street Lighting Policy version 1.4, 2021."
- (iv) The Electrical Services Manager was thanked for his attendance and left the meeting.

The meeting ended at 11.33am.

IX – Motions, of which Notice has been given by Members of the Council pursuant to Standing Order 26:

MOTIONS

1. Mr Councillor A.J. Bentley to move:

“That with immediate effect, the Council adopt a policy whereby when any plaque is erected by the Council to mark a commemoration, installation or any other event, it contain the name of the current Mayor, but does not include the names of all Council Members.”

On being moved and seconded, under Standing Order 30 the Motion will stand referred to the Executive Committee for consideration and report to the Council by 12th October, 2022.