



## Borough of Douglas

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**COUNCILLOR MS JANET THOMMENY, JP  
MAYOR**

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Town Hall,

Douglas,

4<sup>th</sup> November, 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 9<sup>th</sup> day of NOVEMBER, 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 monthly Council Meeting held on Wednesday, 12<sup>th</sup> October, 2022.

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

## EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Thursday, 27<sup>th</sup> October, 2022.

Members Present: Councillor Mrs C.L. Wells (Chair), the Mayor, Councillor Miss N.A. Byron (Vice Chair of Regeneration and Community Committee), 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 A6 to A9, C17), 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 Thursday 29<sup>th</sup> September 2022 were approved and signed.

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

Clause A5 – Planning Application for Development of a Cannabis Cultivation Campus and Solar Energy Park (PA 22/00678/B): in response to a Member's query, the Director of Environment and Regeneration undertook to establish if there had been any update following the Council's objection to the planning application and to advise the Committee accordingly.

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

There were no referrals from the public minutes of the Environmental Services Committee meeting held on Monday 17<sup>th</sup> October 2022.

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

There were no referrals from the public minutes of the Regeneration and Community Committee meeting held on Tuesday 18<sup>th</sup> October 2022.

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

There were no referrals from the public minutes of the Housing and Property Committee meeting, held on Wednesday 19<sup>th</sup> October 2022.

##### **A8. City Status**

The Committee considered a written report by the Chief Executive detailing actions taking place to build on and celebrate the new status of Douglas as a City.

Members were reminded that it had already been approved by Council (13<sup>th</sup> July 2022) that the Council would be renamed Douglas City Council; and that 'Welcome to the City of Douglas' signage would be put up following the formal change of name. Although it had been anticipated that the Letters Patent would by now have been received and a date set for them to be formally awarded to the Council, the sad death of Her Majesty Queen Elizabeth II had delayed the process, and several documents relating to the award of City Status had had to be recommissioned.

Members noted a proposed calendar of events and activities drawn up to celebrate City Year, together with an Action Plan of proposed initiatives. It was also recommended that Paragraph 1 of the Council's Corporate Plan 2022 – 2026, Paragraph 1 – 'Desirable Place to Live, Work, and Visit' – be amended, by the insertion of an additional point at 1.2 to read '*Promote City Status to strengthen and transform Douglas*'.

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

- (ii) That the proposed activities and actions being taken to promote City Status be noted and endorsed;
- (iii) That the proposed amendment to the Corporate Plan 2022 - 2026 to reflect City Status, be approved accordingly; and
- (iv) That following the formal awarding of the Letters Patent, the Town Hall be renamed City Hall."

#### **A9. City Status – Signage**

The Committee considered a written report by the Director of Environment and Regeneration (on behalf of the Chief Executive) seeking approval to update signage to reflect and celebrate Douglas' City Status.

As in Clause A8 above, it had already been formally approved by Council in July 2022 that the Council change its name to Douglas City Council on receipt of the Letters Patent; and that the wording on the nine 'Welcome to Douglas' signs be changed to read 'Welcome to the City of Douglas'.

An officer working group had been established to consider how the accolade of City Status could be celebrated and, amongst other issues, had considered other signage for change. Members accordingly noted these together with the likely approximate costs.

Currently, the only agreed expenditure to date was for the replacing of the 'Welcome to Douglas' signs, for which an application for funding would be made to the Town and Village Regeneration Scheme to seek to cover the anticipated costs. While it was important for the Council to use the opportunity to make a positive impact to the community, it was agreed that this should be without incurring unnecessary or excessive expenditure.

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

- (ii) That the current plan for updating or replacing signage be agreed as follows:
  - Update the six City Centre street signs at a cost of £4,500, and update all other street signage as and when required
  - Update CCTV signage as and when required
  - Update the City Centre car park signage as normal in early 2023
  - Update the outlying car park signage as and when required
  - Update the allotment signage as and when required
  - Update the Cemetery and Crematorium signage as and when required
  - Update the Douglas Golf Course signage as and when required
  - Update monoliths as and when required;
- (iii) That officers investigate the installation of a 'Welcome to the City of Douglas' banner on the existing Heritage Trail sign at a cost of £500; and
- (iv) That approval be given for expenditure of a maximum of £5,000 from the General Revenue Reserves to replace the signage as agreed in resolutions (ii) and (iii) above."

#### **A10. Statement of Accounts**

The Committee considered a joint written report by Director of Finance and the Assistant Chief Officer (Finance) in relation to the Statement of Accounts for the year ending 31<sup>st</sup> March 2022.

The Accounts and Audit Regulations 2018 required local authorities to have their Statement of Accounts approved and certified by an external auditor by 31<sup>st</sup> October each year; and, in accordance with those Regulations, the Director of Finance, as Responsible Financial Officer, had approved the issue of the Council's accounts for audit in June 2022. Committee approval of the Accounts was therefore required in order to comply with the Regulations.

As in previous years, the Council's auditor had asked that a Letter of Representation, signed by the Authority, be issued alongside the financial statements. This provided added assurances to the auditor on the accuracy and integrity of the accounts, in order that certification could take place.

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

- (ii) That the Council's Statement of Accounts for the year ended 31<sup>st</sup> March 2022 be approved;
- (iii) That the Letter of Representation be approved and signed, and accordingly presented to the Council's external auditor; and
- (iv) That the Audit Completion Letter from Baker Tilly Isle of Man Limited also be noted, with the responses given therein being approved accordingly."

**A11. Monthly Financial Review – September 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.

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

- (ii) That the rates collection figure of 87.4% (against a target of 84.5%) for the April to September period of 2022 / 2023 be noted.

**A12. Enforcement Policy – Estate Agents' Boards**

The Committee considered a written report by the Community and Enforcement Manager seeking approval for the adoption of a new policy for dealing with estate agents' advertising boards placed on Council land, on adopted public open spaces, and within public highways.

Typical examples of issues being sought to resolve or avoid included boards being placed on Council land without permission; boards being placed on public open spaces without permission; boards being erected in such a manner that they encroached within a public highway (therefore impeding users, restricting visibility, or presenting a potential danger to the visibly impaired); and boards being erected in such a manner that they became detrimental to the amenity of an area.

The policy had been created to provide a formal procedure to deal with such issues and, while the Council would adopt a zero-tolerance policy to all incidences, it would however work with estate agents, allowing them opportunity to remedy the situation in the first instance and thus enabling them to reasonably conduct their business of advertising properties using boards in an appropriate manner (unless the board was assessed by the Council as posing a potential danger to users of the public highway, in which case the Council would act reasonably to remove the danger).

It was noted that the dominant legislation and authorised enforcement powers were taken from The Highways Act 1986 (Sections 45, 45A, 83, and 124).

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

- (ii) That the new policy for dealing with estate agents' advertising boards be approved and implemented with immediate effect."

**A13. Enforcement Policy – Dogs at Large in Restricted Areas**

The Committee considered a written report by the Community and Enforcement Manager seeking approval for the adoption of a new policy for dealing with owners of dogs who did not keep them under effective control in restricted areas, including enforcement of not clearing away any dog faeces in the same areas.

The policy had been created to provide a formal procedure to deal with owners of dogs entering restricted areas as defined within the Douglas Dog Control Byelaws 2018, and listed within Schedule 1 of the Byelaw. The keeper of a dog should be able to demonstrate effective control and demonstrate they had the means of tidying up dog faeces and, while the Council would adopt a zero-tolerance policy to all incidences of dogs being at large in restricted areas, discretion would always be applied where it was felt that education and awareness were a more effective and proportionate approach.

It was noted that the dominant legislation and authorised enforcement powers were taken from The Douglas Dog Control Byelaws 2018 (Schedule 1); the Dogs Act 1990 (Section 24); and the Local Government Act 1985 (Section 30).

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

- (ii) That the new policy for dealing with owners of dogs who did not keep them under effective control in restricted areas (including enforcement of not clearing away any dog faeces in the same areas) be approved and implemented with immediate effect."

**A14. Marine Gardens' Wall, Loch Promenade, Douglas – Reconstruction**

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

Following Storm Barra in December 2021, during which several areas of the Marine Gardens' walls had failed, a structural report had been produced. At its meeting on 26<sup>th</sup> May 2022, the Committee had

agreed that the failed and structurally unsound sections of the Marine Gardens' wall should 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 the wall. Accordingly, tender documentation had been prepared and sent out, with two submissions being received.

As this project was deemed high priority, an Urgent Business Procedure had been invoked to enable the programme to be expedited, with the works being estimated to be completed before the end of December 2022 and therefore minimising the impact over the Christmas period.

The Leader of the Council and the Chair of the Regeneration and Community Committee had accordingly approved the recommendation to award the tender for the reconstruction of the sections of Manx stone walls in Marine Gardens Nos. 2, 3, 4, and 5 to Stonemasons IOM Limited, this being the lowest tender returned and which was considered to be competitive and representing value-for-money.

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

- (ii) That the resolution under the Urgent Business Procedure – to accept the lowest tender received from Stonemasons IOM Limited for the Marine Gardens' wall reconstruction at Loch Promenade, together with the approval of a client contingency amount - be noted and endorsed accordingly."

#### 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."

### **PART C –**

#### ***Matters subject to Council approval***

#### C17. **Erection of Commemorative Plaques**

The Committee considered a written report by the Assistant Chief Officer (Democratic Services) in response to a Motion moved in Council in June 2022 in respect of the erection of commemorative plaques.

Members were reminded that the Motion put forward was, '*that with immediate effect, the Council adopts a policy whereby when any plaque is erected by the Council to mark a commemoration, installation, or any other event, it contains the name of the current Mayor, but does not include the names of all Council Members.*'

The Council had been involved in the display of commemorative plaques for over one-hundred years. They most commonly linked a significant person or event with a specific place or building and were usually separately affixed to an existing structure. The Council had also erected a number of 'Blue Heritage Plaques.' These followed a standard format in respect of the inscription, which was just the details of the person, building, or event being honoured, together with the name of the Council that erected it and the year.

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

- (ii) That it be recommended to Council:

- (a) That a standard approach in respect of the erection of commemorative plaques to mark a commemoration, installation, or other event be adopted, to the effect that the inscription contain the name of the Mayor-of-the-day together with the date and the wording 'Douglas City Council'; and

[On a vote being taken in respect of Resolution (ii)(a), Members voted 4 For; 1 Against. Mr Councillor I.J.G. Clague requested his vote against to be recorded on the minutes]

- (b) That in respect of the erection of Blue Heritage Plaques to mark a commemoration, installation, or other event, the standard format be adopted, to the effect that the inscription contain the wording 'Douglas City Council' and the year of installation."

[On a vote being taken in respect of Resolution (ii)(b), Members voted unanimously in favour]

The Committee rose at 5.45pm.

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, 19<sup>th</sup> October, 2022.

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

In Attendance: Director of Housing and Property (Mr D. Looney), Assistant Chief Officer (Housing and Property) (Mr V. Zivave), Assistant Chief Officer (Income) (Mrs C. Pulman), Assistant Chief Officer (Finance) (Mr E.P. Pierce), Assistant Chief Officer (Democratic Services) (Mrs L. Radcliffe), Assistant Democratic Services Officer (Miss C. Cullen).

## REPORT

### **PART A –**

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

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

Apologies for absence were submitted by The Worshipful the Mayor.

##### **A2. Minutes – 21<sup>st</sup> September, 2022**

The minutes of the meeting held on Wednesday, 21<sup>st</sup> September, 2022, were approved and signed.

##### **A3. Matters Arising**

No issues were raised as arising from the previous meeting.

##### **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 September, 2022 there were twenty-nine vacant properties receiving attention. Members were presented with a summary chart showing the number of properties returned in each month, details of the category repair type for each property, together with the number of void properties in each estate.

The Assistant Chief Officer (Housing and Property) advised that as of 19<sup>th</sup> October, 2022, there were twenty-six vacant properties outstanding, five of which were 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 Housing Operations Manager to monitor the progress made on rental income collection.

Members were presented with a table setting out the rent arrears statistics for August and September, 2022. It was noted that as at the 2<sup>nd</sup> October, 2022 the level of rent arrears was £80,580.82.

Members were advised that the figures presented this month no longer included tenants in arrears of less than £500. This was following a rent arrears review where it was determined that, as this figure is subject to fluctuations due to the different frequency of payments, the quality of the data presented is improved by removing it.

Hard copies of statistical data prepared by the Housing Operations Manager were circulated. Members were presented with the rent arrears statistics by estate; property type and occupancy.

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. 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."

**A7. Date and Time of Next Meeting**

Members were reminded that the next scheduled meeting was due to take place at 10.00am on Wednesday, 16<sup>th</sup> November, 2022.

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

The meeting ended at 12.45am.



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

# PENSIONS COMMITTEE

PENSIONS COMMITTEE – Minutes of Meeting held on Wednesday, 26<sup>th</sup> October, 2022.

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

In Attendance: Director of Finance (Mr A. Boyd), Assistant Chief Officer (Finance) (Mr E.P. Pierce), Payroll Manager, (Mr R. Leach), Democratic Services Officer (Mrs D. Atkinson), Scheme Administrator - Mr A. Beedall (Capita). Mr Clifford, Baker Tilly (Item A7 only). Mr Teare and Mr Wood, Capita (Item A7 only). Mr Ian Murray – Chief Executive of the Public Sector Pensions Authority (Item A12 only)

## REPORT

### PART A –

#### *Matters within the scope of the Committee's delegated authority*

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

The Mayor and Mr Councillor I.J.G. Clague submitted their apologies for the meeting.

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

There were no declarations of interest.

##### A3. **Minutes – 14<sup>th</sup> September 2022**

The minutes of the meeting held Wednesday, 14<sup>th</sup> September, 2022, were approved and signed.

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

There were no matters arising from the previous minutes.

##### A5. **Vesting Period Issues**

The Committee considered a report submitted by the Assistant Chief Officer (Finance) to reach a decision on how to proceed in relation to Vesting Period Issues.

Mr Beedall explained that when the IOMLGSS was updated in 2012, there was a drafting error in the regulations, which, despite being notified to the Department of Infrastructure, was not amended when the regulations were laid before Tynwald. The draft 2012 regulations stated that a member leaving with less than three months membership would be entitled to a refund of contributions, and a member with more than three months' membership would be entitled to pension benefits, (three months being the vesting period to be entitled benefits into the Scheme). However, prior to 2012 the vesting period for the pension scheme was two years. The Council supported this two-year period as otherwise there would be increased liabilities from seasonal workers which would result in increased administration.

Following representation to the Department, the draftsman updated the draft Regulations to increase the vesting period to 2 years; however, the vesting period for refunds to be paid to those members with less than 2 years' membership had not been updated, and consequently this meant that there was no instruction on what entitlement members would have if they accrued between 3 months and 2 years membership. The discrepancy was discussed at the time, and it was understood that the ability to pay a refund to members with less than 2 years' membership would be factored into the final version of the Regulations. Unfortunately, when the Regulations were finally laid, an incorrect reference to a Regulation meant that, technically, the 3 month vesting period was kept in the 2012 Scheme.

Despite the mis-drafting and omissions from the 2012 Regulations, a decision was made by the Administering Authority to continue with the policy intention that members with less than 2 years membership should be refunded. Mr Beedall advised that unfortunately this resolution does not appear to have been conveyed sufficiently by Capita to the operations team and so members leaving with more than 3 months' service have been awarded deferred pension benefits.

During the 2022 audit, the Council's external auditor raised questions regarding the administration procedures for members with between 3 months' and 2 years' service which has led to this review by Committee.

The covering report recommended that Capita be asked to write to the relevant Members with less than two years' service offering them the option of a refund of contributions, and to continue to pay refunds for future cases of leavers with less than two years' service.

Members noted that in terms of refunds for previous members, seven have already been paid, and there may be some pre-2020 cases that have already come into payment not yet identified.

The Committee were keen to see refunds offered, but also asked that a transfer option be offered to members. The Committee also asked that the communication with members clearly explains the value that could be refunded after any relevant deductions.

It was noted that the Department of Infrastructure had been approached to update the Regulations, but this was unlikely to be implemented in the near future.

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

- (ii) Capita be asked to write to the relevant members with less than two years’ service offering the option to receive a refund of their contributions (with all figures detailed in the letter) or the option to transfer to another pension scheme along with the option to continue with deferred pension benefits;
- (iii) Refunds continue to be paid for future cases of leavers with less than two years’ service.”

#### A6. **Plan of Activities for 2023**

The Committee considered a report submitted by the Assistant Chief Officer (Finance) to plan the matters to be considered by the Committee during the coming year.

Members had in front of them two activity schedules submitted by Hymans Robertson and Capita and two additional appendices demonstrating the Committee’s training log and individual training needs analyses.

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

- (ii) The 2-year Training Plan be approved;
- (iii) The 2023 Investment and Administration Plans of Activities be approved;
- (iv) The Scheme’s Investment Consultant, Hymans Robertson, be engaged to prepare a report considering:
  - (a) How much property and absolute return portfolios can be focussed on entities which perform well in relation to ESG; and
  - (b) How well the current fund managers perform in this regard.”

#### A7. **Pension Fund Annual Report**

The Committee considered a report submitted by the Director of Finance and Assistant Chief Officer (Finance) to receive the pension fund annual report. The report reminded that as part of the Accounts and Audit Regulations 2018, Local Authorities are required to have their financial statements approved and certified by the external auditor within the statutory deadline for each year. This also applies to the Pension Fund Annual Report.

The Committee were advised that during the production of the annual report, due to the delays in responses from Capita, the whole process had been delayed which proved challenging to comply with the statutory deadlines for completion of the accounts. In addition, due to the Capita home working policy, the Council’s auditors have not been able to conduct an on-site audit at the contract administrator’s offices.

Capita have been asked to review their own processes to ensure this experience is not repeated for future years. Mr Teare gave assurances that the internal processes are currently being reviewed, and some changes have already been implemented to improve the service provided.

Mr Clifford explained that due to the delays, the completion letter from Baker Tilly (Isle of Man) Limited has not been finalised and will be circulated in due course.

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

- (ii) The delays experienced in securing audit clearance of the Isle of Man Local Government Superannuation Scheme Annual Report 2021/22, as caused by Capita, be noted with some concern;
- (iii) The Isle of Man Local Government Superannuation Scheme Annual Report for the year ended 31<sup>st</sup> March 2022 be approved;
- (iv) The Letter of Representation be signed by the Chair of the Committee and presented to the Council’s external auditor;
- (v) The completion letter from Baker Tilly (Isle of Man) Limited, be circulated by briefing note in due course.”

*Mr Clifford of Baker Tilly and Mr Teare and Mr Wood of Capita left the meeting.*

**A8. Training – Employer Responsibilities**

The Committee received a training presentation on the employer responsibilities with regards to a pension scheme.

Mr Beedall explained who is eligible to join the scheme, the contribution levels of employees and employers, the pensionable pay and final pay calculations, and the employer's discretions.

Resolved, "That the training presentation be noted on the minutes."

**A9. Superannuation Scheme Performance Monitoring**

The Committee considered a report submitted by the Assistant Chief Officer (Finance) to update on the performance against measures as outlined in the Superannuation Scheme Service Plan.

Members had in front of them the actions from the Service Plan together with an outcome on each. A red, amber, green status had been applied to determine progress in comparison to the action.

The report confirmed that all objectives on the Plan had been completed or were on schedule, with the exception of the completion of the Pension Fund Annual Report which, since the time of writing the report, had now been completed.

Resolved, "That particulars of the report be noted on the minutes and the progress against planned actions in the Service Plan be noted."

**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 scheduled meeting was due to take place at 10.00am on Wednesday, 23<sup>rd</sup> November, 2022.

The Director of Finance asked if the date of the February 2023 investment meeting could be changed. Members agreed to move the meeting to Wednesday, 1<sup>st</sup> March, 2023.

Resolved, "That particulars be noted on the minutes and the change in date for the February meeting to 1<sup>st</sup> March 2023 be agreed."

The Committee rose at 12.34pm.

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, 18<sup>th</sup> October, 2022.

Members Present: Mr Councillor A.J. Bentley (Chair), the Mayor, Councillor Miss N.A. Byron, Mr Councillor S.R. Pitts, Mr Councillor F. Schuengel (Items A1 and A2).

In Attendance: Director of Environment and Regeneration (Mrs D. Eynon), Assistant Chief Officer (Democratic Services) (Mrs L. Radcliffe), Assistant Chief Officer (Regeneration) (Mr C. Pycroft), Assistant Chief Officer (Finance) (Mr E.P. Pierce), Assistant Chief Officer (Income) (Mrs C. Pulman) (Items A4 and A5), Borough Librarian (Mrs J. Macartney) (Items A4 and A5), Democratic Services Officer (Mrs D. Atkinson).

## REPORT

### A1. Minutes – 20th September 2022

The minutes of the meeting held on Tuesday, 20th September, were approved and signed as a correct record.

### A2. Little Manx Beach Huts Updated Proposal

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration) to seek agreement to the updated proposals for beach huts on Queen’s Promenade Gardens following feedback from the Planning Authority.

Members were reminded that a proposal from Little Manx Beach Huts to erect four beach huts on Queen’s Promenade was approved in principle in November 2021. In March 2022, the Committee considered and approved a further report on the plans and the company subsequently submitted a planning application.

The processing of the planning application had been significantly delayed resulting in the project missing the 2022 season. The applicant has now received feedback from the planning authority with a suggestion to increase the number of huts from four to six, with a preference to site three either side of the palm tree on Queen’s Promenade. The planning authority felt this would be more aesthetically pleasing and in line with terraced hotels on the promenade. The planning authority also recommended reducing the spacing between each hut.

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

- (ii) The Committee supports the updated proposal by Little Manx Beach Huts to increase the number of beach huts from four 6 x 8 feet huts to six 8 x 10 feet huts to be delivered, subject to planning consent, in two phases with three huts erected in 2023, and three huts erected in 2024;
- (iii) An updated planning application on the Council’s land at Queen’s Promenade Gardens, based on resolution (i), be supported;
- (iv) A licence agreement for an initial term of five years for the erection of six beach huts on Queen’s Promenade Gardens be agreed;
- (v) An annual licence fee as detailed in the report be agreed.”

For: 2 Against: 1

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

### A3. Post Office Kiosk at HBN Library

The Committee considered a report submitted by the Borough Librarian to conclude the position regarding the self-service postal kiosk in the Henry Bloom Noble Library.

Members were reminded that in November 2018, the Regeneration and Community Committee approved the installation of a self-service kiosk for a trial period of twelve months. In June 2021 the Committee agreed to retain the kiosk and requested a further report in September 2022 on the service.

The Borough Librarian advised that feedback from customers had been extremely positive and the Post Office kiosk offers greater choice, convenience and ease of access to some people that may be classed as more vulnerable. It was noted there is a minor residual cost (approximately £400 per annum) being absorbed within the existing ICT budget for the installation of the equipment. Whilst Members were

disappointed that the Post Office did not contribute towards the costs, it was agreed that the inclusion of the kiosk in the library is a public service and complies with the Council's Corporate and Strategic Objectives.

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

(ii) The retention of the Post Office Kiosk in HBN Library be agreed;

(iii) HBN Library continue to promote the use of the facility through social media and in-person use;

(iv) The recent upgrade of the Library's Post Office kiosk to facilitate contactless payments be noted."

#### **A4. Henry Bloom Noble Library Service Plan Monitoring – Quarter Two 2022/23**

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 two 2022/23. Members noted that some of the actions are quantitative and some are milestone measures, this was reflected in the narrative for each.

A red, amber, green or black status had been applied to each measure. All measures were either on target or not applicable to this quarter. The Borough Librarian advised that the last quarter was community focussed and provided an overview of events that had taken place.

Members were also provided with the user statistics during the quarter. The Borough Librarian advised of her intention of a publicity campaign for the eBook and eMagazine service.

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

#### **A5. 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 constraints on staff resources and management capacity within Parks Services has already delayed a number of actions and projects. Some delays have been caused by outside agencies. In total 13 actions/projects out of 30 are behind schedule.

Town Centre Management had two delayed actions due to sickness in quarter one. The actions have been rescheduled. One action was fully completed in quarter one.

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."

#### **A6. 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."

#### **A7. Date and Time of Next Meeting**

Members were advised that the next scheduled meeting was due to take place on Tuesday, 15th November, 2022.

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

The meeting ended at 12.42pm.

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

# ENVIRONMENTAL SERVICES COMMITTEE

ENVIRONMENTAL SERVICES COMMITTEE – Minutes of Meeting held on Monday, 17<sup>th</sup> October, 2022.

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

In Attendance: Director of Environment and Regeneration (Mrs D. Eynon), Assistant Chief Officer (Regeneration) (Mr C. Pycroft), Assistant Chief Officer (Environment) (Mr I. Jackson), Finance Manager (Mr M. Quayle) (Items A1 to A8), Assistant Chief Officer (Democratic Services) (Mrs L. Radcliffe), Dilapidation Enforcement Officer (Mr S. Salter) (Items A9 to A12), Electrical Services Manager (Mr D. Cullen) (Item B/C15 only), Assistant Democratic Services Officer (Miss C. Cullen).

## REPORT

### **PART A –**

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

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

Apologies for absence were submitted by Mr Councillor J.E. Skinner.

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

There were no Declarations of Interest.

##### **A3. Minutes – 22<sup>nd</sup> September, 2022**

The minutes of the meeting held on Thursday, 22<sup>nd</sup> September, 2022 were approved and signed.

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

*Clause A13 – Review of Car Park Tariffs;* The Assistant Chief Officer (Regeneration) advised that the Manx Utilities Authority had been asked to provide usage data for the electric vehicle charging points in Shaw's Brow Car Park. Members noted that upon receipt of the data and following a review on the level of usage a proposal may come back to the Committee seeking an increase in EV charging points.

##### **A5. Use of the Bottleneck Car Park during TT 2023 for a left luggage facility**

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration) seeking agreement to use the Bottleneck Car Park during TT 2023 for a left luggage facility.

Members were reminded that approval had been given in 2022 for IOM Left Luggage to operate a left luggage facility from four spaces on the Bottleneck Car Park during TT 2022. Members were advised that on the whole the company felt that the first year of operation had been successful and as such, they had requested to operate the facility again in 2023.

It is proposed that the facility be operated again in the same location but with a reduction in opening days. Members were advised that if approved, installation would commence on Wednesday 31<sup>st</sup> May and the site would be cleared and returned to the Council on Wednesday 14<sup>th</sup> June 2023, four days fewer than 2022. A licence to occupy the land will be issued subject to all contents, insurances and related measures being in place.

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

(ii) The feedback from IOM Left Luggage regarding the operation during TT 2022 be noted;

(iii) The proposal by IOM Left Luggage to be licensed to use four spaces in the Bottleneck Car Park from 31<sup>st</sup> May 2023 until 14<sup>th</sup> June 2023 be approved; and

(iv) The proposed flat fee be accepted.”

##### **A6. Douglas Promenade Flags**

The Committee considered a report submitted by the Electrical Services Manager following a request by the Committee seeking details on the costs associated with the seasonal flag display on Loch Promenade.

Members were advised that annually, a colourful display of thirty-nine flags are displayed between the War Memorial and Sea Terminal from the beginning of May until the end of September.

It was noted that the flags have an expected service life of two years as the colour fades and the ends shred due to sea winds. Forty-two flags are purchased biennially in order that a few can be kept for spares due to occasional theft and loss. Members were advised that at the end of their service life, the flags are recycled by the Council through the textile waste stream.

The Committee noted that if the annual flag display were to be removed it would provide a saving of £1,932. It is proposed that the annual flag display be continued as it is considered that the display enhances the appearance along the stretch of the walkway adjacent to the Loch Promenade gardens that are enjoyed by Island residents, visitors and tourists.

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

(ii) That the Loch Promenade annual flag display be continued; and

(iii) That the replacement and purchase of Loch Promenade flags biennially be approved.”

#### **A7. Renewal of Keep Britain Tidy (KBT) Membership in 2023**

The Committee considered a report submitted by the Senior Engineering and Waste Services Manager advising on the proposal for future membership of Keep Britain Tidy (KBT) and seeking approval for a delegation to attend the annual KBT Network Conference and Awards Expo as part of the current membership.

Members were reminded that for the 2022/23 financial year, the Council had taken Exemplar membership to KBT. One of the benefits included in the membership is for three free places, including accommodation, at the annual conference and awards expo. It is therefore proposed that three delegates, to include the Chair and two officers attend the 2023 conference.

The report advised that through the current membership, officers had received environmental quality audit training in June 2022. Members were advised that due to the focus on the current changes in the refuse collection service, the environmental quality survey will be carried out later in the financial year. The Council’s membership allows access to the survey database once the surveys are undertaken which enables Douglas to benchmark against the UK. In addition, the benefits are extensively used by the Community & Enforcement Team, including the Enforcement Academy portal, Ask the Expert and Ask the Network.

Members were reminded of the commitment to carry out two environmental campaigns per year, membership to KBT provides the Council access to free and discounted campaign material and support. The Director of Environment and Regeneration advised that it is intended to carry out a KBT campaign in early 2023 and to pursue another poster campaign with the IOM College.

It is proposed that a lower level of membership be pursued for 2023/24 which would provide one full pack of campaign literature plus a number of other essential benefits.

Cognisant that essential membership would not provide a discount on green flag applications, Members queried the costs associated with the current nine green flag sites. In response, the Director of Environment and Regeneration advised that it costs approximately £3,000 for all nine applications. The Committee suggested that the Regeneration and Community Committee give consideration to deferring the green flag applications in 2023.

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

(ii) That a delegation of up to three attend the 2023 Network Conference and Awards Expo, on the basis that attendance and accommodation are already paid for as part of the current membership contract;

(iii) The Council pursues essential membership in the sum of £995 for 2023/24, which would provide one full pack of campaign literature plus a number of other essential benefits; and

(iv) That a campaign poster competition with the Isle of Man College be pursued.”

#### **A8. Attendance at RWM and Lets Recycle Live 2022**

The Committee considered a report submitted by the Senior Engineering and Waste Services Manager advising on the attendance at this year’s Recycling and Waste Management Exhibition and Conference (RWM) and seeking approval for a Member and officer to attend in 2023.

Detailed within the officer’s report was an overview of the two day attendance at the RWM Exhibition and Conference held on 14<sup>th</sup> and 15<sup>th</sup> September, 2022. Members were advised that the conference is a primary resource for keeping abreast of the industry, meeting suppliers and networking with others involved in waste management.

Members were advised that whilst at the exhibition, officers had researched alternative recycling boxes, including those with fixed lids. It was noted that the boxes on display were those currently ordered by the Council as they are primarily used across the industry. The Director of Environment and Regeneration advised that fixed lids are available, however they reduce capacity.

A discussion on alternative recycling receptacles ensued during which it was suggested that the white bags continue to be promoted and offered to residents as they are considered a good method of collection for paper and cardboard. Members agreed that a stock of lids and bags be purchased in order that they can be offered to residents on request.

There was discussion on trolley box systems. The Director of Environment and Regeneration reminded Members of a report previously considered by the Committee in relation to alternate recycling receptacles when trolley boxes had been discounted, she undertook to recirculate information about trolley box systems that are available for purchase online.

In response to question, the Director of Environment and Regeneration advised that if attendance at the 2023 RWM Exhibition was deferred for one year it would provide a saving of approximately £2000.

Resolved, “That particulars of the report and discussion be noted on the minutes and that attendance at the RWM Waste Management Exhibition and Conference be deferred for one year, and reviewed again in 2024.”

#### **A9. Planning Application**

The Committee considered an appraisal of planning application 22/01114/B for demolition of the existing three apartments and erection of six replacement dwellings at Sea Court, Victoria Road, Douglas.

Members discussed the proposals, in particular the proposed location of the bin store. It was suggested that communal recycling bins may provide a better solution than individual bins within each property which will require a waste bin for residual waste, a bin for garden waste as well as recycling receptacles all of which will take up space within the rear garden of each dwelling. Members suggested that the applicant be encouraged to engage with Waste Services in regards to this.

Resolved, “(i) That particulars of the report and discussion be noted on the minutes and that support be given to planning application 22/01114/B with the following comments to the Planning Committee;

- (ii) The Council asks that, providing suitable space can be found within the curtilage of the property, the applicant gives consideration to the installation of community waste storage bins and community recycling bins as a potential alternative to residual waste bins and recycling boxes at each dwelling; and
- (iii) That the applicant gives consideration to the installation of the necessary infrastructure to allow for EV charging to be installed at a later date.”

#### **A10. Planning Application**

The Committee considered an appraisal of planning application 22/01113/B for the erection of a replacement residential apartment block with drainage, access and landscaping at Gloccamorra, Douglas Head, Douglas.

The report recommended raising an objection to the application on the grounds that it fails to comply with the Isle of Man Strategic Plan 2016 general policies 2(c) and 2(g).

It is considered that the proposals would adversely affect the character of the landscape and that it would adversely affect the amenity of the local residents and the locality. It is also considered that the application is contrary to TAPE landscape proposal 6 (Douglas Head) as the applicant had failed to demonstrate that the development can be suitably integrated into the surrounding landscape particularly in regard to the scale of the proposed development in comparison to the existing dwelling on the site.

The Dilapidation Enforcement Officer advised that the Head of the Government’s Health and Safety Directorate had made comment in relation to the site’s location being within the inner zone of Princess Alexander Pier, licenced dangerous goods site and that the H&S at Work Directorate would advise against this development due to the risks associated with the development site’s location.

Resolved, “(i) That particulars of the report and discussion on the minutes and that an objection be raised to planning application 22/01113/B on the grounds that;

- (ii) It fails to comply with the IOM Strategic Plan 2016 general policy 2(c); and

2 For. 1 Against.

*Mr Councillor F. Horning requested that his name be recorded as voting against resolution (ii).*

- (iii) It fails to comply with the IOM Strategic Plan 2016 general policy 2(g).”

#### **A11. Planning Applications 22/00148/CON and 22/00149/GB, 22 – 28 North Quay, Douglas**

The Committee considered a report submitted by the Dilapidation Enforcement Officer advising on the Planning Committee’s decision to refuse planning applications 22/00148/CON and 22/00149/GB.



Members were reminded that both planning applications had been considered by the Committee on 16<sup>th</sup> May, 2022 where it was resolved unanimously to support the application after giving careful consideration to the planning appraisal provided.

Council officers subsequently attended a meeting of the Planning Committee held on the 26<sup>th</sup> September 2022 to speak in support of the development on behalf of the Chair of Committee. Despite the evidence put forward by the applicant and Council officers to justify why the development should be permitted, the Planning Committee, on a split decision of 3 to 2 resolved to object to both applications contrary to the Environmental Services Committee's resolution of support for the development.

Members were advised that officers consider there to be strong grounds to appeal the planning committee's decision, it is therefore recommended that should the applicant lodge an appeal, the Council support any appeal made both by way of written submission and by attending any future appeal hearing.

Resolved, "That particulars of the report and discussion be noted on the minutes and that the Council supports the applicant in any appeal lodged against the Planning Committee's decision to refuse planning applications 22/00148/CON and 22/00149/GB."

#### **A12. Schedule of Dilapidated, Ruinous or Dangerous Properties**

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

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

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

#### **A13. Items for Future Report**

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

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

#### **A14. 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 14<sup>th</sup> November, 2022.

#### ***PART B/C –***

#### ***Matters requiring Executive Committee and Council approval***

#### **B/C15. Civil Engineering Groundwork and Street Lighting Asset Management**

The Committee considered a report submitted by the Electrical Services Manager on the proposal to create an in-house civil engineering groundworks team to carry out the installation and maintenance of Douglas Borough Council's street lighting infrastructure, structural testing, site surveying and application of

street lighting protective coatings.

Members were advised that street lighting columns have a finite life span and replacement programmes and new installations are required on an ongoing basis to maintain safety, lighting performance and meet service expectations in a controlled financially prudent manner. Historically, due to the lack of appropriate plant and equipment, the majority of annual column replacements have been undertaken by external contractors via tendered capital public lighting schemes or competitive 'day works' rates for smaller assignments.

Currently, there are three-hundred and forty-five columns that have been identified as needing replacement or improvement. Members were advised that the Council had been unable to engage suitable contractors to progress these works with the Committee noting that during a recent tender exercise, only one tender return had been received, which had not been accepted as it was considered uncompetitive and poor value for money at 96% in excess of the pre-tender estimate. It was further noted that whilst Electrical Services can carry out emergency cut down works and smaller installations, they are not equipped to manage or install larger columns. These limitations have led to an over-reliance on external civil engineering contractors.

It is proposed that a civil engineering groundworks team be created to secure the delivery of services. If approved, the implementation of this team will enable the Council to overcome the risk of non-

compliance with statutory duties, mitigate unsustainable increases in contractor labour and plant costs and reduce the Council's reliance on unsatisfactory services with civil engineering contractors.

Members were advised that Electrical Services currently has a compliment of twelve employees. A review of the team's works programme would allow for the creation of a three person civil engineering groundwork team with an increase in Establishment by one employee.

Detailed within the report was a breakdown of costs for the procurement of the necessary plant and equipment required. It was noted that this capital investment would negate substantial loan charges in the coming years, providing a seven-year payback.

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

- (ii) That under Standing Order 122(1), a recommendation be referred to the Executive Committee seeking approval for the restructure within Electrical Services to increase the establishment by one and for the creation of a civil engineering ground workers team to undertake civil engineering works in a financially efficient timely manner and removing the unsatisfactory reliance on external parties;
- (iii) That the Chief Executive be authorised to petition the Department of Infrastructure for borrowing powers in the amount of £203,825.60 for Lighting Replacement and Improvement Scheme A and B; and
- (iv) That the Department of Infrastructure be advised that the Council confirms that there are insufficient monies available in its Reserve to fund the proposed scheme via that source; and
- (v) That the matter be referred to the Executive Committee seeking funding of £246,000 from the General Revenue Reserve for the purchase of the equipment necessary for the Groundworks Team to operate."

The meeting ended at 1.02pm.