



## City of Douglas

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

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City Hall,  
Douglas,

8<sup>th</sup> March, 2024

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL of the CITY OF DOUGLAS to be held on WEDNESDAY, 13<sup>th</sup> MARCH, 2024, at 2.30 o'clock in the afternoon, in the COUNCIL CHAMBER within the CITY HALL, DOUGLAS for the transaction of the hereinafter mentioned business.

I am,

Yours faithfully

A handwritten signature in black ink, appearing to read "Kathleen Cheusthie".

Town Clerk & Chief Executive

# Order of Agenda

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

II - Any statutory business.

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

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

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

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

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

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

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

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

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

# AGENDA

III – Chief Executive to read minutes of the Council Meeting held on Wednesday, 14<sup>th</sup> February, 2024.

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

## EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Thursday, 29<sup>th</sup> February, 2024.

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: 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) (Clause A8), Head of Digital and Information Services (Mr D. Yates) (Clause A8), 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**

There were no apologies for absence.

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

There were no declarations of interest.

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

The minutes of the meetings held on Thursday 18<sup>th</sup> January and Thursday 25<sup>th</sup> January 2024 were approved and signed.

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

There were no matters arising from the previous minutes.

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

There were no referrals from the minutes of the Environmental Services Committee meeting held on Monday 19<sup>th</sup> February 2024.

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

There were no referrals from the minutes of the rescheduled Regeneration and Community Committee meeting held on Wednesday 28<sup>th</sup> February 2024.

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

The Committee considered the following referrals from the minutes of the Housing and Property Committee meeting held on Wednesday 21<sup>st</sup> February 2024:

Clause B11 – Sheltered Housing Complex Energy Efficiency / Accessibility Improvements (Re-allocation of Funding Source): the Committee had considered a report by the Housing and Property Operations Manager seeking to ratify the funding source for works carried out within the communal areas of the Council's sheltered housing complexes to improve energy efficiency and accessibility.

It had initially been intended to fund the works from the Housing Minor Capital Fund, however, following budget revisions, this fund had been reduced to a level rendering it insufficient to cover the necessary repairs, and, instead, concurrence was being sought for the works to be funded from the Housing Community Facilities Reserve.

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

- (ii) That the resolution of the Housing and Property Committee – to utilise funding in the sum of £28,795.80 from the Housing Community Facilities Reserve for the repair works – be endorsed accordingly.”

Clause B12 – Flats Fire Alarm Panel Upgrades (Re-allocation of Funding Source): the Committee had considered a report by the Assistant Chief Officer (Housing and Property) seeking to ratify the funding source for works carried out at Anagh Coar, King Street, and Tynwald Court flats, to upgrade the fire alarm panels.

The upgrades had been allocated to the Fire Alarm Framework Capital Project and a petition had been submitted to the Department of Infrastructure, however, approval of the petition was still awaited and, due to the urgent nature of the works, funding had been expended from the Housing Maintenance Budget in order to allow these essential works to be completed immediately, whilst waiting for petition approval.

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

- (ii) That the resolution of the Housing and Property Committee – to utilise funding in the sum of £9,581.93 from Housing Capital Receipts for the upgrade work to the fire alarm panels at Anagh Coar, King Street, and Tynwald Court Flats – be endorsed accordingly.”

Clause B13 – Loch Promenade Kiosk (Roof Replacement): the Committee had considered a report by the Assistant Property Manager (Assets) seeking agreement to progress work to replace the Loch Promenade Kiosk roof. In September 2023, the Committee had resolved to delay the roof replacement scheme until after the children’s playground design works had been completed, and the scheme had been deferred and included in the 2024 / 2025 estimate book for expenditure in 2025 / 2026.

However, in January 2024, the kiosk had suffered storm damage, resulting in the roof being blown off and, in order to make the kiosk weather-tight and to prevent any further damage to the building, it had been proposed that the deferred funding be brought forward. As tendering for the project had been unsuccessful on seven previous occasions, it was proposed that Standing Order 146 (‘Exemptions from Tendering Requirements’) be suspended, and that specialist contractors be directly approached and a contract negotiated accordingly.

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

- (ii) That approval be given for the suspension of Standing Order 146 – ‘Exemptions from Tendering Requirements’ – to permit officers to negotiate a contract with specialist contractors, to enable the roof replacement of the Loch Promenade Kiosk to be undertaken swiftly to eliminate any further damage; and
- (iii) That approval also be given for the allocation of spend from the Building Maintenance Commercial Fund to be brought forward from 2025 / 2026 into 2024 / 2025, to allow for the roof replacement scheme to be undertaken together with additional work elements (including the replacement of soiled materials internally, electrics, and internal wall coverings) in order to enable a re-lease of the building.”

#### A8. **Consultation Document – National Infrastructure Security Bill**

The Committee considered a written report by the Assistant Chief Officer (Democratic Services) in relation to a consultation document issued under Section 68 of the Local Government Act 1985. The Head of Digital and Information Services also attended with regard to the advice and input he had given to the response.

The Department of Home Affairs wished to introduce a National Infrastructure Security Bill in order to raise levels of security and resilience for those core services on the Island which relied heavily on digital services, and was seeking views on the key policy principles that would be used to draft the Bill.

Hostile entities and criminals had recognised that dependency on digital services had created an opportunity for what had become known as ‘cyber attacks.’ It was therefore vital that Island residents should have confidence in the security and resilience of those national sectors responsible for delivering essential goods and services (such as the Isle of Man electricity grid; the water supply; and the telecommunications systems); and that these should be able to withstand and recover from hazards that might disrupt their functions.

In response to evolving cyber-threats, Governments in other jurisdictions had introduced legislation aimed at strengthening security for those core services that were considered to form part of their National Infrastructure and, accordingly, the Department of Home Affairs was looking to introduce legislation that would increase the Island’s cyber resilience.

The Council’s Consultation Working Group had considered the consultation, from which the draft responses had been formulated. It was noted, however, that the suggestion that local authorities be included in the list of entities considered as national infrastructure had not been supported by officers. This was on the basis that local authorities were not part of the Isle of Man Critical National Infrastructure, and to include them would expose them to currently unquantifiable costs.

The Council was responsible for a range of services that were internet-based and, in the event that the Council's digital services were disrupted, delivery of its priority-one services as designated in the Council's Business Continuity Plan (these being crematorium services; waste services; and sheltered accommodation) could still be maintained. To achieve the much-higher standard that would be required under the legislation would have resourcing and cost implications for the Council; and the fines for non-compliance could be significant.

The matter was discussed at length and it was suggested that, until such time as more information was available as to what levels of security would be required, it would be inappropriate for local authorities, and in particular the City of Douglas, to be included in the list of entities considered as national infrastructure. Notwithstanding that, the proposed legislation did not remove obligations under the Data Protection Act 2018 nor operational requirements to progressively strengthen cyber provisions in keeping with good operational practice.

The consultation was due to close for the submission of comments on 25<sup>th</sup> March 2024.

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

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

#### A9. Monthly Financial Review – January 2024

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

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

All local authorities had now announced their rate for the forthcoming financial year. The rate set by Braddan Parish Commissioners had represented the highest increase across all local authorities, and, while Douglas represented the third highest increase, it was noted that some other authorities had relied upon using their reserves in order to reduce the level of rate increase. Members were advised that the Braddan increase would have a slightly adverse impact on the Council's budgets in respect of the Ballacottier Service Centre and the Eastern Civic Amenity Site.

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

- The rates collection figure of 97.9%, compared to the target figure of 97.0% for the period April 2023 to January 2024; and
- The Council budget shortfall of £2,500 generated by Braddan Parish Commissioners' rates increase."

#### A10. Treasury Management Plan 2024 / 2025

The Committee considered a written report by the Assistant Chief Officer (Income) detailing the Council's plans and related Prudential Indicators for 2024 / 2025.

As an annual report, the Plan was a key aspect of delivering the Treasury Management Strategy. It summarised planned treasury management activities in respect of long-term loans, short-term investments, and the Capital Strategy; and outlined information in relation to the Prudential Indicators for 2024 / 2025 (the Prudential Indicators having been updated to align with those now incorporated into the Capital Strategy, as approved by the Executive Committee in September 2021). It was noted that the Prudential Indicators showed that the level of existing and planned borrowing was both affordable and sustainable.

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

(ii) That the Treasury Management Plan 2024 / 2025 be approved."

#### A11. Summerhill Glen - Replacement of Bridges (Exemption from Standing Orders)

The Committee considered a written report by the Head of Electrical Services and Environment & Regeneration Projects seeking approval to enter into a negotiated contract for the replacement of two bridges within Summerhill Glen.

Concerns had been expressed in relation to bridge No.1 and bridge No.3, and their replacement had been recommended by a structural engineer. To not undertake the replacement works would result in the need for the bridges and nearby sections of pathway to be closed. Additionally, there was also sign of erosion of the banks underneath the bridges, and if no work was undertaken to protect the watercourse banks, the erosion would continue to occur in those areas.

Under Standing Order 146, an exemption from undertaking tendering requirements could be sought from the Executive Committee, if a contract was for works for which specialist skills or equipment were required and it was proposed to negotiate a contract. On this basis, an initial approach had been made to the same contractor who had installed bridge No.5 within the Glen in 2021. This contractor had extensive experience of constructing bridges, particularly on sites with restricted access and within a watercourse environment, and they had confirmed that they would be interested in undertaking the works if approached.

It was felt that there would be little to no interest for this project if it was advertised through the Council's online procurement system.

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

- (ii) That due to the specialist nature of the work, approval be given for a negotiated contract to be entered into under the aegis of Standing Order 146 – 'Exemptions from Tendering Requirements' – for the installation of bridge No.1 and bridge No.3 within Summerhill Glen."

#### A12. 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."

#### A13. 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*

#### C14. Douglas General Byelaws 2013 – Amendments to Create New Douglas General Byelaws

The Committee considered a written report by the Community and Enforcement Manager seeking approval of amendments to the existing Douglas General Byelaws 2013 in order to create new Douglas General Byelaws.

It was recalled that the Committee had originally approved the proposed updated byelaws at its meeting on 28<sup>th</sup> September 2023 and recommended they be adopted by the Council. However, at the Council Meeting on 11<sup>th</sup> October 2023, a question had been raised by a Member in relation to Byelaw 23 ('Drying and Airing of Clothes, etc.'), resulting in the byelaws not being approved at that time.

Following on from that, a Members' Workshop had taken place to specifically discuss Byelaw 23. Members had been in agreement about the need to retain this byelaw in its current form; and no further comments had been received in relation to the entire suite of Byelaws. The draft Byelaws were therefore being resubmitted without further amendment.

Further discussion again took place in Committee. It was noted that the proposed new Byelaws reflected the changes in society and the evolution of problems encountered in the previous ten years, and would create a stronger and more up-to-date relevant set of Byelaws. Accordingly, while certain byelaws were still considered fit for purpose and would be retained, a new byelaw had been added and others had been amended or updated.

If supported by Council, the proposed Douglas General Byelaws would be submitted to the Cabinet Office before being laid before Tynwald. Any further changes that may be suggested by the Cabinet Office would be brought back to the Executive Committee and to the Council for approval prior to submission to Tynwald. Public consultation would then take place.

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

- (ii) That it be recommended to Council that the new Douglas General Byelaws be approved accordingly."

*[On a vote being taken, Members voted 4 For; 1 Against. Mr Councillor D.R. Watson requested his vote against the resolution to be noted on the minutes.]*

(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, 21<sup>st</sup> February, 2024.

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

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

## REPORT

### PART A –

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

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

No apologies for absence were received.

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

There were no declarations of interest.

##### A3.     **Minutes – 20<sup>th</sup> December, 2023**

The minutes of the meeting held on Wednesday, 20<sup>th</sup> December, 2023, were approved and signed.

##### A4.     **Matters Arising**

No matters were raised as arising from the previous minutes.

##### A5.     **Vacant Property Update**

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

Members were presented with the void properties schedules for December 2023 and January 2024 which showed that as at the end of January 2024, there were forty-six vacant properties receiving attention.

The Housing and Property Operations Manager advised that as of 21<sup>st</sup> February 2024, there were forty-two vacant properties, noting that seven properties were due to be allocated in the next allocation meeting, with a further six to be ready for allocation in the forthcoming two weeks.

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

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

##### A6.     **Quarter Three Performance Monitoring 2023/24**

The Committee considered a report submitted by the Housing and Property Operations Manager to update on the progress made against the performance indicators for quarter three 2023/24.

Appended to the officers report were the quarterly performance figures for quarter one, two and three 2023/24 and statistical trend analysis data for rent arrears.

Of particular note for quarter three;

- 96.9% of emergency repairs had been completed within the target time of twenty-four hours;
- 77.6% of urgent repairs were completed within the target period of 7 working days;
- 71.7% of routine repairs were completed within the target period of 28 days; and
- 100% of standard voids were completed within the target time of five weeks and 100% of major voids were completed within the target time of twelve weeks.

Resolved, "That particulars of the report and discussion be noted on the minutes and that the progress made against the performance indicators in the Service Plans for quarter three 2023/24 be noted."

**A7. Waverley Court and Hazel Court Salon**

The Committee considered a report submitted by the Assistant Housing Manager (Services) to lease the vacant salons at Hazel Court and Waverley Court.

Members were advised that in August 2023, the Council had sought expressions of interest for use of the salon rooms at Waverley and Hazel Court. Initially, three independent service providers had expressed an interest. However, following a subsequent request by Council officers for further information about the proposals, only one provider had been forthcoming with information.

The proposal by Hair by Jen IOM is to work one day per week at each complex. Details of the hair dressing service to be provided were included within the report. Members were advised that Hair by Jen IOM is an experienced hairdresser with over twenty years' experience and as such, the proposal is recommended for acceptance.

Resolved, "That particulars of the report be noted on the minutes and the expression of interest as submitted by Hair by Jen IOM be accepted."

**A8. 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."

**A9. Date and Time of Next Meeting**

Members were advised that the next monthly meeting had been rescheduled to take place at 10.00am on Friday, 22<sup>nd</sup> March, 2024.

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

**PART B –**

***Matters requiring Executive Committee approval***

**B10. Sheltered complex energy efficiency/accessibility improvements – reallocation of funding source**

The Committee considered a report submitted by the Housing and Property Operations Manager to ratify the funding source for completed works within the communal areas of the Council's Sheltered Housing complexes.

The report advised that the following works have been undertaken;

- Upgrading of the Communal Heating system to improve overall energy efficiency of the building which will reduce the heating charges that are passed directly onto the residents.
- Waverley Court Phase 1 – Upgrading of insulation within the plant room. These works will reduce heat loss making the property more energy efficient.
- Hazel Court Door Control System – The door control system at Hazel Court failed and required replacement. This will benefit all residents ensuring the longevity of functionality of the system for the future.
- Waverley Court External Accessible Ramps.

Members were advised that initially, it was intended to fund these works from the Housing Minor Capital fund. However, following subsequent budget revisions this fund had been reduced from £500,000 to £150,000 rendering it insufficient to cover the necessary repairs.

Alternative funding options were explored and the sheltered 'Housing Community Facilities Reserve' has been identified as a suitable source, with the justification that these repairs contributed directly to the overall wellbeing and sustainability of the sheltered housing facilities.

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

- (i) That the works carried out in the communal areas of the Sheltered Housing Complexes to improve energy efficiency and accessibility of the Complexes be noted;
- (ii) That funding in the sum of £28,795.80 from the Housing Community Facilities Reserve be approved; and
- (iii) That the matter be referred to the Executive Committee seeking concurrence to fund these works from the Housing Community Facilities Reserve."

#### B11. Flats fire alarm panel upgrades – reallocation of funding source

The Committee considered a report submitted by the Assistant Chief Officer (Housing and Property) to ratify the funding source for completed works at Anagh Coar, King Street and Tynwald Court flats.

Members were advised that essential works to upgrade the fire alarm panels had been carried out in order to make the building compliant with current regulations. Due to the urgency and critical nature of the works the housing maintenance budget had been used.

Members were advised that initially, the fire alarm upgrades were allocated to the Fire Alarm Framework Capital Project, it was noted that a petition has been submitted to the Department for this project and approval is awaited. Use of the housing maintenance budget allowed these essential works to be completed immediately, to ensure that the Council's properties remained compliant and also meeting the project's immediate needs whilst awaiting these approvals.

The Fire Alarm Framework Capital Project petition specifically addresses the initial design fees required for the project. Once this initial phase is successfully completed, a secondary petition will be submitted to cover the implementation of the fire alarm replacements. This subsequent petition will also outline a financial commitment to replenish the Housing Capital Receipts, ensuring the availability of necessary funds within Housing Capital receipts.

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

- (i) That the works carried out at Anagh Coar, King Street and Tynwald Court flats to upgrade the fire alarm panels to make the building compliant with the current regulations be noted;
- (ii) That funding in the sum of £9,581.93 from Housing Capital Receipts be approved; and
- (iii) That the matter be referred to the Executive Committee seeking concurrence to fund these works from Housing Capital Receipts."

#### B12. Loch Promenade Kiosk – Roof Replacements

The Committee considered a report submitted by the Assistant Property Manager (Assets) seeking agreement to progress with works to replace the Loch Promenade Kiosk/Café roof.

Members were reminded that in September 2023 the Committee had resolved to delay the roof replacement scheme for the Loch Promenade Kiosk until after the children's playground design works had been completed. The scheme was deferred and included in the 2024/25 estimate book for expenditure in 2025/26.

It was noted that on the 21<sup>st</sup> January 2024 the Loch Promenade Kiosk/Café had suffered storm damage which resulted in the roof being blown off. In order to make the kiosk weather tight and to prevent any further damage to the building it is proposed that the deferred funding be brought forward.

Members recalled that the project to replace the roof had previously been issued for tender seven times with no successful tender being received. It is therefore proposed that specialist contractors be directly approached and construction costs sought.

To enable negotiations with specialist contractors to take place, Standing Orders for traditional tendering will need to be suspended and approval was accordingly sought for Standing Order 146 – 'Exemption from tendering requirements (f) the contract is for works for which specialist skills or equipment are required and it is proposed to negotiate a contract, provided that the consent of the Executive Committee to such action is obtained.' to be invoked.

In addition to the funding for the roof, internal works are required to be undertaken to ensure that the building is in tenable repair, these works have been estimated to cost in the region of £9,550.

Members were advised that the Council's insurers are aware of the incident and the claim is progressing. At this time, it is unknown how much may be received as part of the insurance claim. However, it was noted that any monies received will be offset against the roof and internal works undertaken.

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

- (i) That Standing Order 146 Exemption from tendering requirements (f) be suspended to permit officers to negotiate with Specialist Contractors to enable the roof replacement to be undertaken swiftly and eliminate any further damage.
- (ii) That the Loch Promenade Kiosk Roof Replacement Works (LS00100), to be funded from the Building Maintenance Commercial Fund, in the sum of £55,400 and included in the 2024/25 Estimate Book, be approved;

- (iii) The additional work elements for replacement of soiled materials internally, to include replacement of electrics and internal wall coverings up to the value of £10,000 from the Building Maintenance Commercial Fund to allow for a re-lease of the building be approved;
- (iv) Officers be authorised to seek interest from potential tenants who wish to set-up a pop-up kiosk/caf  for the spring / summers of this year on a short-term tenancy agreement; and
- (v) That the matter be referred to the Executive Committee seeking for the suspension of Standing Orders and funding for the roof replacement scheme to the Loch Promenade Kiosk and the allocation of spend to be brought forward for expenditure in 2024/25.”

The meeting ended at 11.20am.

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

# PENSIONS COMMITTEE

PENSIONS COMMITTEE – Minutes of Meeting held on Wednesday, 28<sup>th</sup> February, 2024.

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.J.T Boyd), Payroll Manager (Mr R. Leach), Democratic Services Officer (Mrs D. Atkinson). Mr J. Glasgow, Mr J. Lee (Hymans Robertson, via video-link), Mr A. Lawrence and Mr M. Hooper (Canaccord Property Fund, via video-link), Item A7 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 apologies for the meeting.

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

There were no declarations of interest.

##### **A3. Minutes – 22<sup>nd</sup> November, 2023**

The minutes of the meeting held Wednesday, 22<sup>nd</sup> November, 2023, were approved and signed.

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

There were no matters arising.

##### **A5. Training – Investment in a Pension Scheme**

The Committee received a training presentation by Hymans Robertson on the governance requirements surrounding Committee's investment in a Pension Scheme.

The presentation reminded of the Committee's responsibility for recommending decisions to the Council. The Committee consider four elements to effectively adhere to their responsibility which includes receiving advice from a qualified investment advisor, obtaining sufficient information from investment managers to make decisions, understand the types and ranges of investments and their implications and understanding how all the components fit together. Hymans Robertson talked through the investment decision framework, the Statement of Investment Principles and the Environment, Social and Governance considerations.

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

##### **A6. Quarterly Review of Investment Managers' Performance**

The Committee considered a report submitted by Hymans Robertson to review the investment managers' performance during the third quarter of 2023.

The Scheme achieved a return of 5.9% over the quarter, outperforming the benchmark by 0.3%. Returns over 5 years remain positive albeit behind the overall benchmark. The largest outperformer relative to benchmark was the Capital Absolute Return Fund (+4.1%), the largest relative underperformer was Capital ESG Fixed Income (-1.5%), and the UK Property Fund also underperformed by -0.9%. UK equities and index-tracking funds generally performed in line with their respective benchmarks.

Mr Lee provided a market background and individual manager analysis during the quarter. It was noted that there are no changes recommended to the current manager appointments.

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

##### **A7. Manager Reporting: UK Property Fund (through Canaccord) Presentation**

*Representatives from UK Property fund managers (facilitated by Canaccord) joined the meeting via video-link for discussion of the item.*

The Committee received a presentation the UK property fund managers on the property fund, as facilitated by Canaccord.

Mr Hooper (Product Strategist) presented the fund summary for the quarter followed by the transactional activity which included £227m of completed sales in office, industrial and retail. In response to question, the fund managers agreed to provide the yields on the recently sold assets. Mr Hooper gave a background into the fund's current sector positioning and allocation, and provided the strategy position and sector focus including a breakdown of the top performing funds.

Mr Hooper reminded of the fund's focus on environmental, social and economic impact which included all properties achieving net zero at the latest by 2025.

He finished by reminding that the portfolio is a diversified, income producing portfolio aligned to long term structural mega trends whilst also being risk adjusted with less exposure to vacancy, development and tenant concentration risk.

A Member queried how the fund intended to invest in the redevelopment of a particular property. Mr Hooper explained three options that could be considered to source funding; namely the sale of assets, the raising of new capital into the fund, and a strategy of attracting new capital from Direct Contribution pension scheme investors, which did not have the same Liability Driven Investment (LDI) liquid asset pressures faced by many Direct Benefit schemes, which had led to the demand for large-scale redemption requests back in 2022.

Mr Hooper advised that there were £900m in redemptions received in 2022; of that amount £361m was paid out in 2023, with an additional £240m paid since then, leaving the remainder to be paid by the end of the year. In response to question, Mr Hooper confirmed that the fund has the ability to offer discounts by purchasing units directly at a discount redemption fee. He explained that now is the optimal time to benefit from a discount as the deadline for redemption approaches, sellers become less inclined to sell at a discount. He confirmed there had been no redemption requests in quarter one of 2024.

Resolved, "That particulars of the UK Property Fund (as facilitated through Canaccord) presentation be noted on the minutes."

**A8. 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."

**A9. Date and Time of Next Meeting**

The Committee noted that the date and time of the next meeting is Wednesday, 27<sup>th</sup> March, 2024.

The Committee rose at 12.36pm.

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

# EASTERN DISTRICT CIVIC AMENITY SITE JOINT COMMITTEE

EASTERN DISTRICT CIVIC AMENITY SITE JOINT COMMITTEE – Minutes of Meeting held on Tuesday, 20<sup>th</sup> February, 2024.

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

Apologies: Mrs A. Davidson (Santon).

In Attendance: Mrs D. Eynon (Douglas), Mr R. Phillips (Onchan), Mr J.C. Whiteway (Braddan), Mr I. Jackson (Contractor, Item A4 only), Mrs L. Radcliffe (Douglas, taking notes).

## REPORT

### PART A –

#### *Matters dealt with under delegated authority*

##### A1. Minutes – 28<sup>th</sup> November, 2023

Approved unanimously.

#### Matters Arising:-

A5. ECAS Expressions of Interest Public Notice Costs. The Clerk at Onchan District Commissioners informed the Committee that 2 further invoices will be submitted for the re-advertisement of the tender.

B9. Finance Budget 2024/25. The representatives confirmed that all Local Authority Boards have approved the recommendation following the operational contract tender exercise.

The Director of Environment and Regeneration stated that there have been a number of known changes since the budget was prepared:-

1. Metano/ waste oil. The contract to collect waste oil from civic amenity sites is managed by Suez which includes testing the waste oil for Halogenated Chlorines. The Contractor was notified on 30<sup>th</sup> January 2024 that Suez would need to increase the charge for testing of waste oil in the sum of £38 per Metano collected (up from £25 per collection). The reason for the increased charge is because historically Suez used a field testing kit but these are no longer available, so tests are now carried out by the Government lab, Suez has absorbed the majority of the cost for this year but the full additional cost may be passed on in future years;
2. Electricity costs will be decreasing within the next few months; and
3. Braddan Rates have increased which will cost an additional £1950.00.

##### A2. Minutes – 19<sup>th</sup> December, 2023

Approved unanimously.

#### Matters Arising:-

B1. Eastern Civic Amenity Site Tender. The representatives confirmed that all Local Authority Boards have approved the acceptance of the tender submitted by Douglas City Council.

The Clerk at Onchan District Commissioners informed the Committee that the draft contract will be submitted next week to the Council Advocate, Douglas City Council.

##### A3. Declarations of Interest

There were no declarations of interest.

##### A4. Operational Contractors Report

Mr Jackson joined the meeting to present the operational contractor's report.

Item 1.2. Batteries. Mr Jackson advised that the Waste Management Unit has awarded the contract for a disposal route for batteries collected on site to Middle Park. They are aware of the concerns around the volume of batteries currently in storage and the need for collection.

Item 1.3. Oversize items charges – Mr Jackson confirmed there have been no further incidents of oversized items since the report in July 2023. However, three bin bags containing plasterboard waste were discovered in a household waste skip on Friday 10<sup>th</sup> November, this is inert non-conforming waste and likely to incur a charge which the site would be liable for. The Contractor was requested to look into improved signage and improved communications with the public.

Item 1.5. Fixing factory. The Chair requested that the Contractor consider the impact that items for re-use that need repair be stored for the Live at Home Scheme for collection and repair.

Item 1.7 Site Closures. The Member from Garff requested what wind speed would result in a closure of the site. The Contractor confirmed that it was not about a particular wind speed and the decision was based on public safety being paramount especially when items are being blown out of skips. The Director of Environment and Regeneration confirmed that the Christmas period was particularly challenging with gusts of wind at gale force 7 or more, resulting in several closure periods.

Item 1.8 Metano / waste oil. Refer to A1.1 above.

Item 1.9 Re-use shed time limit - The current time limit for visiting the re-use shed is 15 minutes in any single visit. After an approximate 6 months on the new site, a review of the limit was conducted and it was concluded that the limit appears to be effective and sufficient for visitors.

1.10 Skips. As part of the inspection regime of skips, British Engineering conducted an audit of all skips at the CA site last summer and cost estimates were sought for carrying out repairs. Unfortunately the Contractor did not receive the estimates until after the last Committee meeting in November 2023.

The Contractor recommended that a repair schedule is agreed prior to the commencement of the new contract in April 2024. The system used by British Engineering grades the skips as A and B skips. Skips that score A are deemed potentially harmful and require immediate repair, whereas skips with a B grade should form part of a planned schedule of maintenance. The estimated cost to bring the skips up to standard is £19,614 and it is recommended that this work is carried out over the next 4 – 6 months. Note: There is currently no replacement programme for skips, however following the British Engineering audit report, the Council's Health & Safety Officer and the Head of Fleet Services (who organises the repair work) have recommended that a replacement programme is implemented, whereby the default is to replace skips over eight years old, unless the skip is still good condition. If Members agree to the principle of a replacement programme a schedule will be drawn up on this basis. The Member from Onchan District Commissioners queried a previous committee decision to replace four skips annually. This would be investigated and reported to Members via email together with the breakdown of costs per authority for the necessary repairs.

1.11 Waste Licence Inspection. Mr Jackson advised that the audit held on 24<sup>th</sup> January 2024 has given the site a rating of 'Excellent'. The Committee wished to congratulate the operator on the report.

2.0 Incidents new site – end of June 2023 to date. Mr Jackson advised that there have been no further incidents at the site.

**It was agreed:**

1. That the report and statistics be noted;
2. That the Contractor look into improved signage and improved communications with the public in relation to non-conforming waste;
3. That the Contractor liaise with the Live at Home Scheme to consider the impact that items for re-use be stored for collection and repair;
4. That the relevant Authorities confirm approval to a replacement skip programme ahead of the new contract to the Secretary as soon as each Authority had considered it; and
5. That Finance establish the financial mechanism for replacement of skips on a rolling basis.

**A5. Isle of Man Creamery**

The letter to the Isle of Man Creamery requesting the outcome of their review of use at the Tesco site and the new Eastern CA site was noted. The Committee advised to await a response.

**A6. Any Other Business**

The Chair requested that the Committee consider the ongoing issue of charging of non-residents at the Western CA Site. Whilst there was a Tynwald resolution in 2006, no regulations or legislation is in place. In 2021 the Leader of Douglas City Council wrote to the then DOI Minister and DEFA Minister requesting firm guidelines for amenity sites. The Chair requested that the Committee write to the

Ministers requesting an update. The Committee approved the decision for the Secretary to write to the Ministers and follow-up.

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

Tuesday 14<sup>th</sup> May 2024.

The meeting ended at 3.45pm.

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

# REGENERATION AND COMMUNITY COMMITTEE

REGENERATION AND COMMUNITY COMMITTEE – Minutes of Meeting held on Wednesday, 28<sup>th</sup> February, 2024.

Members Present: Mr Councillor A.J. Bentley (Chair), Mr Councillor J.E. Skinner, Mr Councillor S.R. Crellin, Mr Councillor F. Schuengel.

In Attendance: Director of Environment and Regeneration (Mrs D. Eynon), Assistant Chief Officer (Regeneration) (Mr C. Pycroft), Assistant Chief Officer (Income) (Mrs C. Pulman), Assistant Chief Officer (Democratic Services) (Mrs L. Radcliffe), Head of Parks (Mrs S. Parkinson), Democratic Services Officer (Mrs D. Atkinson).

## REPORT

### **PART A –**

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

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

The Mayor submitted apologies for absence.

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

There were no declarations of interest.

##### **A3. Minutes – 16<sup>th</sup> January, 2024**

The minutes of the meeting held on Tuesday, 16<sup>th</sup> January, 2024, were approved and signed.

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

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

It was noted, following a query at the February Council Meeting, there will be no changes to the planters adjacent to the Noble's Park entrance.

##### **A5. Tender Report for Spring Valley Changing Rooms and Club**

The Committee considered a report submitted by the Head of Electrical Services and Environment and Regeneration Projects to advise of the outcome of the retendering exercise undertaken in January 2024 for the replacement of the Spring Valley changing rooms and club.

Members were reminded that the Committee had instructed the Environment and Regeneration Team to retender the Spring Valley changing rooms and club project to hopefully secure a wider range of tender returns to improve value for money.

Two tenders were submitted by the deadline and both were significantly higher than the pre-estimate index.

The Assistant Chief Officer (Regeneration) advised that an officer meeting has taken place to consider alternative options for the project. Several options were put forward and require further investigation.

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

- (i) The lowest tender submitted not be accepted as it does not represent value for money and exceeds the Council budget for the project;
- (ii) The Assistant Chief Officer (Regeneration) be instructed to explore alternative options for the replacement of the changing rooms and report back to the Committee.”

##### **A6. Quarter Three Service Plan Performance Monitoring – 2023/24**

Members considered a report submitted by the Director of Environment and Regeneration to update on the performance made 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 City Centre Management. A red, amber, green and black status had been applied to each measure.

It was noted that within Parks Services, several measures are either slightly behind or behind schedule due to resource constraints at management level, awaiting external resources or because projects were deferred by the Committee. Ten measures were completed in 2023/2024. It was noted that the resourcing issue had significantly improved during the current quarter.

Within City Centre Management, those measures still to be achieved are on target.

Resolved, “That particulars of the report and the progress made against performance indicators in the Environment and Regeneration Department Service Plans as relevant to the Regeneration and Community Committee for quarter three of 2023/24 be noted on the minutes.”

#### A7. **2024 Public and Civic Events**

The Committee considered a report submitted by the Democratic Services Officer to seek the agreement to the provisional dates for community and civic events that will be promoted by the Council in 2024 in order to facilitate planning.

The report provided a background into each event and the reasoning for each proposed date.

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

- (i) The Council commemorates the D Day Landing on Tuesday, 6<sup>th</sup> June, 2024 with a short service and participation in the beacon lighting initiative in collaboration with the Isle of Man Government;
- (ii) The Douglas Beach Day take place on Saturday, 6<sup>th</sup> July, 2024;
- (iii) The Fun Day take place in Noble’s Park on Saturday, 3<sup>rd</sup> August, 2024;
- (iv) The Civic Sunday service take place on Sunday, 22<sup>nd</sup> September, 2024, and that the Civic Sunday service take place on the fourth Sunday in September in future years;
- (v) The Fireworks Display take place on Tuesday, 5<sup>th</sup> November, 2024;
- (vi) The date of the Remembrance Sunday service, Sunday, 10<sup>th</sup> November, be noted;
- (vii) The Christmas Lights Event take place on Thursday, 21<sup>st</sup> November, 2024;
- (viii) Officers actively seek sponsorship and a media partner for appropriate events;
- (ix) The Committee consider the format of the events and provide any feedback ahead of the planning stage for the forthcoming year.”

#### A8. **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.”

#### A9. **Date and Time of Next Meeting**

Members were advised that the next scheduled meeting was due to take place on Thursday, 21<sup>st</sup> March, 2024.

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

The meeting ended at 3.31pm.

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

# ENVIRONMENTAL SERVICES COMMITTEE

ENVIRONMENTAL SERVICES COMMITTEE – Minutes of Meeting held on Monday, 19<sup>th</sup> February, 2024.

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

In Attendance: Director of Environment and Regeneration (Mrs D. Eynon), (Assistant Chief Officer (Environment) (Mr I. Jackson), Assistant Chief Officer (Income) (Mrs C. Pulman) (Items A1 to A5), Assistant Chief Officer (Democratic Services) (Mrs L. Radcliffe) (Items A1 to A6), Dilapidation Enforcement Officer (Mr S. Salter) (Items A6 and A7), Assistant Democratic Services Officer (Miss C. Cullen).

## REPORT

### **PART A –**

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

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

No apologies for absence were received.

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

No declarations of interest were submitted.

##### **A3. Minutes – 15<sup>th</sup> January, 2024**

The minutes of the meeting held on Monday, 15<sup>th</sup> January, 2024 were approved and signed.

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

*Clause A4 – Douglas Promenade Sea Defences LED Lighting* – the Committee agreed that a report be forthcoming to reconsider whether the proposed scheme for lighting of the art panels should be progressed, particularly in relation to the source of funding.

##### **A5. Quarter Three Service Plan Performance Monitoring 2023/24**

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 three 2023/24. A red, amber, green and black status had been applied to each measure.

Members noted that for quarter three:

- Two measures within Building Control were not met due to a temporary reduction in resources;
- Within Electrical Services, six out of twenty-one measures are behind target due to resource and recruitment difficulties. All other measures are either on target or completed;
- In Fleet Services, two measures (scheduled service times, completion of vehicle repairs within allocated time) are slightly behind target and one measure is behind target awaiting leadership from the Isle of Man Government on a low carbon alternative fuel source for larger and specialist vehicles. Two measures are complete;
- Within Community & Enforcement, five measures are behind target and two are slightly behind target due to resource constraints. Main key performance indicators are being met and five measures have been completed or reassigned;
- In Waste Services, sickness within Cleansing remains higher than the industry benchmark, sickness within Refuse and Recycling has improved. Two measures are slightly behind target (local environmental quality audit, environmental campaign). Two are behind target (door knocking, commercial customer survey) either due to resourcing issues or awaiting the availability of software. All other measures are on target. Three measures have been completed.

Resolved, “That particulars of the report be noted on the minutes and that the progress made against performance indicators in Service Plans for quarter three 2023/24 be noted.”

**A6. Planning Application 23/01186/B – 10 Beechwood Rise, Douglas**

Members considered an appraisal of planning application 23/01186/B for the installation of a domestic wind turbine at 10 Beechwood Rise, Douglas. The proposal is for the installation of a free standing domestic wind turbine within the curtilage of 10 Beechwood Rise Douglas.

Members were advised that as there is currently very little planning policy in place for the installation of domestic wind turbines on the Island, officers had also considered the application against what may be required under UK planning policy.

It is considered that there is a lack of information relating to the effects the proposals may have on wildlife as well as a lack of information relating to noise pollution particularly for those living in close proximity to the proposed turbine. Whilst the production of renewable energy is welcomed, it was considered that the “green” benefits should not be given more weight than any potential negative impacts on the local environment and the amenity of those living in close proximity to the proposed development.

Members requested that as part of the Council’s response, the Planning Authority be asked to give consideration to the introduction of further guidance and or policy on domestic wind turbine developments.

Resolved, “that particulars of the report and discussion be noted on the minutes and that an objection be raised against planning application 23/01186/B for the installation of a domestic wind turbine at 10 Beechwood Rise Douglas until such time that clear evidence has been produced, demonstrating that any noise pollution from the installation will not have an adverse effect on those living in close proximity to the wind turbine and that any noise produced will be within acceptable standards; and that the following comments be submitted as part of the Council’s response;

- 1) That the applicant carries out a survey for bats/birds as requested by the DEFA Ecological Team demonstrating that the installation will not have a detrimental effect on the local ecology, particularly bats and birds; and
- 2) That the Environmental Services Committee welcomes the proposal and encourages the use of renewable energy sources and would be prepared to reconsider its objection subject to the applicant providing further information.”

3 For. 1 Against.

*Mr Councillor F. Horning asked that his name be recorded as voting against the resolution.*

**A7. Schedule of Dilapidated, Ruinous or Dangerous Properties**

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

Resolved, “That the schedule of dilapidated properties be noted and approved and that the Director of Environment and Regeneration be authorised to progress improvements to the properties, and report back to Committee if service of Notice and legal action is required.”

**A8. 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.”

**A9. 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, 18<sup>th</sup> March, 2024.

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

The meeting ended at 11.12am.