



## Borough of Douglas

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**MR COUNCILLOR JOHN EDWARD SKINNER, JP  
MAYOR**

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Town Hall,  
Douglas,  
5<sup>th</sup> August, 2016

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL to be held on WEDNESDAY, the 10th day of AUGUST, 2016, 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 Pensions Committee;
- (iii) The Standards Committee;
- (iv) The Eastern District Civic Amenity Site Joint Committee;
- (v) Any other Joint Committee;
- (vi) The Housing 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, 13<sup>th</sup> July, 2016.

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

## EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Friday, 29<sup>th</sup> July, 2016.

Members Present: Mr Councillor D.W. Christian (Chair), the Mayor (from 2.10pm), Councillor Mrs C.A. Corlett, Mr Councillor D.J. Ashford, Mr Councillor R.H. McNicholl.

Officers in Attendance: Director of Finance (Mr G. Bolt), Director of Environment & Regeneration (Mrs D. Eynon), Director of Housing & Property (Mrs S. Harrison), Assistant Town Clerk (Mr P. Cowin), Assistant Chief Officer (Digital & Information) (Mr D. Looney) (for Clause A7), Executive Officer (Mrs J. 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 S.R. Pitts, and the Chief Executive (Miss K. Rice).

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

No declarations of interest were submitted.

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

The minutes of the meeting held on Friday 24<sup>th</sup> June 2016 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 Environmental Services Committee meeting held on Monday 18<sup>th</sup> July 2016.

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

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

There were no referrals from the Regeneration and Community Committee meeting held on Tuesday 19<sup>th</sup> July 2016.

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

##### **A7. Use of Personal Mobile Telephones for accessing Council Emails and Calendars**

The Committee considered a written report by the Assistant Chief Officer (Digital & Information) in relation to a request from Members that they be able to access Council emails and calendar appointments on their personal mobile telephones.

It was noted that the Council currently provided all Members with a tablet device. These were a useful communication and administrative tool, and were installed with managed security software, which enabled the Council's ICT Team to put in place restrictions to allow for remote management of the device should it ever be compromised.

Members were advised that there was a significant risk to the Council's data should unsecured access be facilitated, but that it was possible to install management software on non-Council owned devices, which would enable a number of security features to be put in place that would meet the audit and security requirements for safe data management. This would, however, only operate on up-to-date "smart" devices, and not all devices would be suitable for the installation of the software. Therefore, any Member who required remote access to email on their personal device would request this from the ICT Helpdesk, who would then schedule in the installation of the management software where possible.

In addition to Members needing a personal device that was capable of running the security software, some other implications would be -

- The device would require a passcode to be used at all times (this being enforced by the software);
- The device location could be tracked - but only when required - for the purpose of retrieving lost or stolen devices (although it was suggested that this facility should be not activated under normal circumstances due to data protection issues); and
- Only Council-related data and information would be managed, i.e., if a Member lost a telephone, there would not be a facility to restore personal data, such as photographs, contacts, etc.

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

- (ii) That approval be given for the implementation of a new security management system, together with related processes / policy, to enable Members to access their Council emails and calendar appointments on permitted personal smart devices.”

#### **A8. Monthly Financial Review**

The Committee considered a written report by the Director of Finance setting out details of progress made compared to key performance indicators in relation to:- strategic governance objectives; the percentage of rates collected; the increase in the number of non-cash / non-cheque payments; and the percentage of sundry debtors collected within three months.

In accordance with the Isle of Man Treasury’s Statement of Recommended Practice 2007 (the ‘SORP’), Members were advised that further consideration had been given to the two post-Balance Sheet events that had been identified at their meeting on 24<sup>th</sup> June 2016. These had related to the Licence with the Department of Infrastructure for the operation of the Horse Tram Service, and to the sale of the Douglas Market Hall. It was also noted, since that meeting, that a third issue relating to recycling income had been identified. Accordingly, adjustments had been made to accounts as appropriate.

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

- (ii) That the revised final contribution into the balances of £330,072, and also the year-end General Revenue Reserve balance of £2,658,151 (before reduction from future commitments), be noted and approved; and
- (iii) That it also be noted that the matters identified during the June 2016 meeting of the Executive Committee as potential post-Balance Sheet Events, had been considered and adjustments made to the accounts where appropriate.”

#### **A9. Conference Attendance – Institute of Revenues, Rating and Valuation (IRRV)**

The Committee considered a written report by the Director of Finance seeking approval for attendance at the Institute of Revenues, Rating and Valuation (IRRV) Annual Conference and Exhibition, which was due to be held at the Telford International Centre from the 18<sup>th</sup> to 20<sup>th</sup> October 2016.

The Conference brought together world-class speakers and commentators (usually politicians from Central and Local Government, and finance practitioners from the public sector), and attendance was considered to be beneficial for following current trends in public sector finance and accountancy. There were indications that, this year, there would be sessions on the future of local government, and service delivery in local government, and, although the conference programme was still not available, if attendance was approved, flights and accommodation would need to be booked.

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

- (ii) That the Chair of the Executive Committee and the Director of Finance be authorised to attend the 2016 IRRV Conference; and
- (iii) That the cost of attendance at the Conference be met from the General Revenue Reserve.”

#### **A10. Conference Attendance – Resource Waste Management Exhibition**

The Committee considered a written report by the Director of Environment & Regeneration seeking approval for attendance at the Resource Waste Management (RWM) Exhibition, which was due to be held in Birmingham from the 13<sup>th</sup> to 15<sup>th</sup> September 2016.

The Exhibition, run in partnership with the Chartered Institute of Waste Management (CIWM), covered all aspects of the waste industry, and was the lead event for sourcing new products and obtaining industry insight into common waste-related issues. It also provided a useful networking opportunity, and attendance at the event was felt to be useful and helpful in understanding what equipment was available to best suit the Council’s needs, and to hear the various speakers discuss on-going issues within the waste industry.

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

- (ii) That the Chair of the Environmental Services Committee and the Assistant Chief Officer (Environment) be authorised to attend the RWM Exhibition; and
- (iii) That the cost of attendance at the Exhibition by the Chair of the Environmental Services Committee and one officer be met from the General Revenue Reserve.”

**A11. Urgent Business Procedure – Planning Application 16/00227/B (Erection of Dwellings, Tennis Road, Douglas)**

The Committee considered a written report by the Assistant Chief Officer (Regeneration) in relation to planning application 16/00227/B, which had been approved by the Government’s Planning Committee despite an objection having been raised by the Council.

The planning application related to the erection of five terraced dwellings (with parking to the rear of the properties and associated landscaping) at Tennis Road, Douglas. The Environmental Services Committee, at its meeting on 14<sup>th</sup> March 2016, had resolved that an objection should be submitted to the application, as it was considered that the development would be an over-intensive use of the site. The owners of three neighbouring properties had also submitted objections, citing a number of reasons.

Members were advised that the planning application had been approved by the Planning Committee (subject to a number of conditions) despite the objection by the Council. As the Council had been granted interested party status, an Urgent Business Procedure had been undertaken by the Chair of the Environmental Services Committee and the Chair of the Executive Committee to facilitate the lodging of an appeal against the decision.

In the meantime, however, the Assistant Chief Officer (Regeneration) had reviewed the Planning Officer’s report, and had concluded that all the matters raised by the application had been appropriately assessed prior to the decision being made, and, while the Council had a role to play in supporting the views of ratepayers, including neighbours, it was reported to the two Chairs that there appeared to be no grounds for an appeal.

The Two Chairs agreed that a written appeal should, however, be submitted on the following grounds:-

- That the Environmental Services Committee had originally objected to the application as it was considered the development would be an over-intensive use of the site, and this remained the view of the Council;
- That it was understood that the whole area was part of a conservation area, and the Council would not wish to see the loss of this open green space. While the area was not zoned as such, the Council believed this application to be contrary to Recreation Policy 2 and General Policy 2(g) within the Isle of Man Strategic Plan 2016;
- That the road leading to the development was un-adopted and un-made, which the Council believed would lead to issues with regard to parking, in particular, that residents would park on the main highway in preference to an un-adopted and un-made road; and
- That not enough consideration had been given to the access difficulties these new premises would cause existing properties from a maintenance perspective. The Council believed this to be contrary to General Policy 2(g) within the Isle of Man Strategic Plan 2016.

Members also discussed the feasibility of the Council automatically submitting an appeal on every occasion that the Planning Committee approved an application which the Council had objected to.

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

- (ii) That the recommendation for the Council not to appeal the Planning Committee’s decision in relation to planning application 16/00227/B, be not supported, and that an appeal be lodged accordingly; and
- (iii) That the Director of Environment & Regeneration be requested to submit a report to the Environmental Services Committee in September 2016 in relation to the suggestion that the Council should automatically submit an appeal on every occasion that the Planning Committee approved an application which the Council had objected to.”

**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.”

### A14. **Association of Public Service Excellence (APSE) Best Service Team Awards 2016**

The Committee considered a written report by the Head of Parks seeking approval for attendance at the APSE Best Service Team Awards, which were due to be held in Derry / Londonderry on the 7<sup>th</sup> and 8<sup>th</sup> September 2016.

The APSE Best Service Team Awards were recognition of those public service providers who had achieved high standards in the delivery and application of services; and they were regarded throughout the United Kingdom as a significant benchmark for public service excellence.

Following the submission of an application to APSE, the Parks Service had been selected as finalists for the award of Best Service Team Cemetery and Crematorium Services. The application had demonstrated how the Bereavement Service had been managed - and the difficult challenges it had faced in maintaining the high standard of service expected - during the recent refurbishment, extension, and restoration of the Chapel, Crematorium and wider Cemetery, over the period from November 2014 until March 2016.

Douglas’ Team would be up against six other UK Councils and, given the size of these other Councils and the resources available to them, the accolade of Douglas being chosen as finalists was cause for great satisfaction. The winners of all the categories that encompassed the vast majority of local government frontline services (twenty-one in total) would be announced on Thursday 8<sup>th</sup> September 2016, following the APSE Annual Seminar.

Members noted a request from the Chair of the Regeneration and Community Committee that, if attendance was approved, then visits to Derry City and Strabane District Council should also be arranged to look at their parks services and bereavement service sites, in order for benchmarking work to continue against other Councils in the adjacent isles.

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

- (ii) That attendance by the Chair of the Regeneration and Community Committee, the Head of Parks, and the Bereavement Services Officer, at the APSE Best Service Team Awards be approved; and
- (iii) That funding in the sum of £1,750, to enable the Chair of the Regeneration and Community Committee and the two officers to attend the Awards, be approved from the General Revenue Reserve.”

*[On a vote being taken, Members voted 3 For; 1 Against]*

### A15. **Ballaughton Nursery Heating System – Upgrade of Pipework**

The Committee considered a written report by the Head of Parks seeking approval for funding to enable the Ballaughton Nursery greenhouse heating system pipework to be upgraded.

Following the installation of the eco-air source heat pump at the Nursery, it was found that the existing pipework (which connected to the pump and provided heating throughout the greenhouses) was corroded and leaking.

The cost of replacing the affected pipework was estimated at £30,000. It was proposed that funding amounting to £15,000 should be provided from Revenue Reserves, with the remaining £15,000 being funded from Parks Department revenue budgets. It was noted that not to upgrade the pipework would result in an inefficient heating service that may affect plant production.

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

- (ii) That approval be given for the Capital Programme item for the Ballaughton Nursery greenhouse heating to be increased by £30,000 for the upgrade of the heating system pipework;
- (iii) That approval be given for the use of £15,000 from General Revenue Reserves; and
- (iv) That approval be given for the virement of identified revenue budget savings of £15,000 from the existing Nursery revenue budget, to fund this Capital expenditure.”

**PART B –**

***Matters subject to Council approval***

**B16. Reduction in Membership of the Council**

The Committee considered a written report by the Assistant Town Clerk in relation to a Motion submitted to the Council Meeting on 11<sup>th</sup> May 2016 by Mr Councillor D W Christian, MBE, JP, “*That the Council agrees -*

1. *To reduce the number of Councillors to twelve, with each of the six Wards returning two Members;*
2. *That the reduction in Councillors be effective from the 2020 local authority general election; and*
3. *That a review of the Ward boundaries be undertaken, in order to achieve fairness of representation.*

This Motion had followed a number of similar initiatives in recent years to reduce the number of Councillors, the most recent being considered by the Council in June 2015. The outcome of this, that the reduction in the number of Members be effective from 1<sup>st</sup> April 2016, had not been approved. Approval had, however, been given to work being undertaken to address the inequalities in the number of voters within the six Wards, in time for the Council elections in 2020.

Members were reminded that the Douglas Municipal Corporation Act 1895 provided for the election of eighteen Councillors from six Wards (three for each Ward); and the further election by them of six Aldermen, and a Mayor. The Office of Alderman had been abolished in 1989 by the Douglas Corporation Act 1988, but the number of Councillors had remained at eighteen.

There had been concern for a number of years about retaining the current level of representation on the Council. Part of the motivation for improving the Council structure (which had taken place in May 2012 with the introduction of the new Constitution) and for a reduction in numbers, was the sometimes lack of candidates standing at elections, and the election turnout being low or falling off. With fewer Council seats available for election, there may be increased competition for those seats, encouraging more candidates to come forward, which in turn may lead to a higher number of electors turning out to record their votes.

It was also recognised that the current scheme of Members’ Attendance Allowance was not appropriate for the needs of the Council. It was therefore suggested, if the reduction in Membership was approved, that the Council should make representation to the Department of Infrastructure (the Government Department currently responsible for Members’ Attendance Allowances) for an improved scheme. For example, a scale of allowances calculated to remain within the existing budget, which provided a basic level of payment but with an enhancement reflecting special responsibilities such as that of Leader and Committee Chairs.

It was noted that, should the Membership be reduced to twelve, then each Member would be likely to sit on more than one Committee, and that the Department of Infrastructure should therefore be requested to lift the limit on the amount that each Councillor could claim for.

Discussion also took place in relation to the progression of a facility which would enable Members’ Attendance Allowance claim forms to be completed on-line, and the Director of Finance indicated that he would endeavour to report on the future of Members’ Attendance Allowance alongside the report on Ward boundaries.

Members were advised that approval would need to be obtained from the Department of Infrastructure for the proposed changes, with specific Orders being required for the change in the number of Members of the Authority; the change in the Ward boundaries; and any change to Members’ Allowances.

It was suggested, should the proposals find favour with the Council, that discussions be opened with the Department of Infrastructure at officer level before formally requesting the necessary Orders and specific approvals. The proposed date for implementation was the 1<sup>st</sup> May 2020, that being the date when all of the current Council Members would retire from office prior to the general election of Councillors. This timescale would enable the reduction in Membership to be implemented at the same time as the other proposals. In the meantime, there would be considerable drafting and preparation work to be undertaken to enable a smooth transition.

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

- (ii) That the Motion be supported, and that the Chief Executive be authorised to take forward the implementation of the reduction in the number of Councillors to twelve, with each of the six Wards returning two Members - this reduction in Councillors being effective from the 2020 local authority general election;
- (iii) That the Chief Executive be requested to continue with the review of Ward and Polling District boundaries within the Borough in order to achieve fairness of representation (taking into account the House of Keys constituency boundaries while still retaining the six Wards), and accordingly submit a report to the Committee in September 2016; and

- (iv) That the Director of Finance also be requested to submit a report to the Committee in September 2016 in relation to Members' Attendance Allowances."

The Committee rose at 3.35pm.



VI(vi) – The proceedings of the HOUSING COMMITTEE as follows:

# HOUSING COMMITTEE

HOUSING COMMITTEE – Minutes of Meeting held on Wednesday, 20<sup>th</sup> July, 2016.

Members Present: Mr Councillor D.J. Ashford (Chairman), the Mayor, Councillor Ms C.E. Malarkey, Councillor Mrs C.L. Wells, Mr Councillor C.L.H. Cain, Councillor Mrs E.C. Quirk, Mrs J. Quaggan (Independent Member).

In Attendance: Director of Housing and Property (Mrs S. Harrison), Assistant Chief Officer (Housing and Property) (Mr G. Atkin), Assistant Chief Officer (Income) (Mrs C. Pulman), Democratic Services Officer (Mrs D. Atkinson), Assistant Democratic Services Officer (Miss C. Cullen), Work Experience Student (Mr C. Ashton).

## REPORT

### **PART A –**

#### ***Matters decided by the Committee***

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

No apologies for absence were submitted.

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

There were no declarations of interest.

##### **A3. Minutes - 15<sup>th</sup> June, 2016**

The minutes of the meeting of the Housing Committee held on Wednesday, 15<sup>th</sup> June, 2016, were approved and signed.

##### **A4. Voids Property List**

The Committee considered a list of void properties. Members noted the list and discussed a number of properties detailed in the report.

The Chairman raised query on the target dates for each void property listed to be returned for re-allocation. He opined that this information is vital for the Committee to review on a monthly basis and asked that Officers include the expected dates of return on future reports.

It was noted favourably that since the beginning of the year the number of void properties has decreased significantly.

Resolved, “That the list of vacant properties and discussion be noted on the minutes.”

##### **A5. Housing Request Refusals**

The Committee noted there had been no housing request refusals.

##### **A6. Items for Future Consideration**

The Committee considered a report setting out items which will be considered at future meetings. Members noted the reports listed for consideration at the September meeting of the Committee.

Members discussed reported issues of untidy gardens and overhanging hedges around the Borough. In response to question, the Director of Housing and Property advised that a press release would be prepared as a reminder of relevant Department of Infrastructure legislation.

Resolved, “That the report and discussion be noted on the minutes.”

##### **A7. Housing Access and Eligibility Criteria**

The Committee considered a report submitted by the Assistant Chief Officer (Housing and Property) advising of a review of the access and eligibility criteria for general housing.

The report advised the Department of Infrastructure has requested initial feedback from local housing authorities. It was noted that the matter was previously considered by the Council in 2012 as part of a wider Housing Review.

Appended to the report was the current criteria for acceptance onto waiting lists for general housing and the criteria for allocation of properties pointing system.

Members discussed the current financial qualification for acceptance onto the waiting list. It was noted that the current maximum gross income of £35,555 per annum applies to both single and joint applicants. Members opined that this income should not be lowered but that the Department should look to set separate maximum incomes for single and joint applicants.

A Member expressed concern that the current pointing system awards 5 points to joint applicants whereas single applicants are not awarded any extra points, which could be seen to be discriminatory.

Members agreed that in the circumstance of one party having to leave a property they lived in as a joint applicant due to the breakdown of a relationship, these cases should be reviewed and a discretionary 10 points be given to the applicant re-applying for Housing.

Members discussed section six of the pointing system in regard to the size of family. The Chairman opined that the age of the applicant's children had significance and should also be taken in consideration. He advised that he was minded to propose the introduction of a banding system for the age of an applicant's child, with a higher number of points awarded for the younger bracket age range.

The report detailed an extract from the Council Housing Review response from 2012. Members discussed at length section 2 of the document in regards to means testing. The Director of Housing and Property reminded Members that 5 year tenancy agreements had been issued since April 2014. Members were in favour of means testing. The Committee agreed with the Chair's suggestion to means-test rent on a graduated basis, increasing for higher earners and reducing for lower income households.

Members agreed the Council should not investigate the possibility of creating a common housing register database and expressed concerns that the Department of Infrastructure could potentially become the sole housing authority, should this route be taken. The Chairman proposed that the current regionalised database lists should continue with authorities continuing to work together.

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

- (i) the Committee authorise the Director of Housing and Property to feedback to the Department of Infrastructure;
  - (a) A review of the maximum incomes for single and joint applicants, with a view to setting separate incomes
  - (b) Consideration of setting a banding system for children's ages
- (ii) The Committee reaffirm the previous decisions made in the Council's Housing Review response report from 2012, as shown at Appendix 3, with the following amendments;
  - (a) Means testing to be conducted in conjunction with the 5 year tenancy agreements
  - (b) Local authority housing databases to remain regionalised with the continuation of authorities working together."

#### ***PART B –***

##### ***Matters requiring Executive Committee approval***

There were no items requiring Executive Committee approval.

#### ***PART C –***

##### ***Matters requiring Council approval***

#### **C8. Willaston External Refurbishments – Phases 4 and 5**

The Committee considered a report submitted by the Assistant Property Manager (Capital) updating on the progress of this capital scheme.

The report recommended that the construction price for phase 4 and 5 combined, which has been negotiated with N K Construction Limited in accordance with their previously approved tendered framework rates be accepted.

Members noted the petition build up and project inclusions and exclusions appended to the report.

The report explained that kitchen refurbishments will be carried out on those properties receiving external refurbishment work whilst the properties are vacant to avoid future tenant disruption. The Chairman requested that an assessment be carried out by Officers to ensure that kitchens are not fitted in damp properties.

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

- (i) the Committee accepts the negotiated tender for phases 4 and 5 submitted by N K Construction Limited which is in accordance with the previously approved tendered framework rates;
- (ii) the Committee authorises the Chief Executive to petition the Department of Infrastructure for borrowing powers in the amount of £2,978,718.97 being the sum required to defray the cost of these works;
- (iii) the Department of Infrastructure be advised that an assessment of the Council's Housing Reserve Fund has been undertaken to establish if sufficient monies are available to fund the proposed scheme via that source."

The meeting ended at 12.30pm.

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, 19<sup>th</sup> July, 2016.

Members Present: Mr Councillor S.R. Pitts (Chairman), the Mayor, Councillor Mrs R. Chatel, Mr Councillor I.J.G. Clague, Councillor Miss D.A.M. Pitts, Councillor Ms J. Thommeny.

In Attendance: Director of Regeneration and Environment (Mrs D. Eynon), Assistant Chief Officer (Finance) (Mr P. Pierce), Head of Parks (Mr D. Hewes), Democratic Services Officer (Mrs D. Atkinson), Assistant Democratic Services Officer (Miss C. Cullen), Health and Safety Officer (Mr B. Arnold), Work Experience Student (Mr C. Ashton).

## REPORT

### **PART A –**

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

##### **A1. Minutes – 14<sup>th</sup> June, 2016**

Minutes of the meeting held on Tuesday, 14<sup>th</sup> June, 2016, were approved and signed.

##### **A2. Matters Arising**

In response to question, the Head of Parks confirmed that a report on the Adventure Playground proposal will be considered at the September Committee meeting. It was agreed that the presentation will be circulated to all Council Members as requested by the Chair at the July Council.

##### **A3. Site Visits**

The Committee considered a report submitted by the Democratic Services Officer, following a request from Members, to visit sites under the remit of the Regeneration and Community Committee.

The report listed a number of proposed areas to visit.

Resolved, "That the first site visit be arranged for 10.30am on Monday, 25<sup>th</sup> July starting at the Lawn Cemetery, visiting the allotments, Borough Cemetery and Noble's Park."

##### **A4. Items for Future Report**

The Committee considered a report by the Democratic Services Officer regarding reports for future consideration by the Committee. Officers listed a number of reports to be considered at the September meeting.

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

##### **A5. Douglas Carnival**

The Committee requested their thanks be noted to those involved in the Douglas Carnival event, including the entries, volunteers, sponsors and organisers. It was agreed the event was a success and well received by the public.

Members expressed their disappointment that Carnival entries, including the Mayor and the minis leading the parade, had Hospice colour corn flour thrown at them. It was also noted that Hospice did not clear their waste after the paint party at the Bottleneck car park. Officers agreed to raise the points with Hospice during the debrief meeting. It was suggested to avoid the issue arising in future years, that the Colour Me Rainbow Run takes place after the Carnival parade.

### **PART B –**

#### ***Matters requiring Executive Committee approval***

There were no matters requiring Executive Committee approval.

### **PART C –**

#### ***Matters requiring Council approval***

There were no matters requiring Council approval.

The meeting ended at 11.10am.

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

# ENVIRONMENTAL SERVICES COMMITTEE

ENVIRONMENTAL SERVICES COMMITTEE – Minutes of Meeting held on Monday, 18<sup>th</sup> July, 2016.

Members Present: Mr Councillor R.H. McNicholl (Chairman), the Mayor, Councillor Ms C.R. Turner, Mr Councillor F. Pabellan, Mr Councillor F. Horning, Councillor Ms K. Angela.

In Attendance: Director of Environment and Regeneration (Mrs D. Eynon), Assistant Chief Officer (Environment) (Mr A. Donnelly), Accountancy Manager (Mr R. Davies), Building Control Manager (Mr N. Kaighin) (Items A1 to A11), Electrical Services Manager (Mr D. Cullen) (Item A12), Democratic Services Officer (Mrs D. Atkinson), Assistant Democratic Services Officer (Miss C. Cullen), Work Experience Student (Mr C. Ashton).

## REPORT

### **PART A –**

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

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

No Apologies were submitted.

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

No declarations of interest were submitted.

##### **A3. Minutes – 13<sup>th</sup> June 2016**

The minutes of the meeting of the Environmental Services Committee held on Monday, 13<sup>th</sup> June, 2016, were approved and signed.

##### **A4. Matters Arising – Clause C16 – 13<sup>th</sup> June, 2016**

The Chairman briefed on the discussion at the July 2016 Council meeting on a report submitted by the Director of Environment and Regeneration following a Motion raised at Council on 8<sup>th</sup> June, 2016 by Mr Councillor S.R. Pitts. It was noted that two Members of the Committee had been absent from the Council meeting and that the Motion for the free lamppost advertising during elections scheme to not be introduced and the existing paid for scheme continue was not approved.

The Director of Environment and Regeneration opined that concerns raised at the July Council meeting had arisen from the financial implications detailed in the report, for clarification she advised Members that the cost of £125, as quoted, was for two members of staff time and vehicle usage for a half days work to remove any posters that had not been properly removed by candidates and she explained this had been included in the report to demonstrate, in theory, the potential loss of earnings that could be incurred by the Council.

Members discussed the potential advantages and disadvantages of introducing the free scheme and considered the methodology used for election advertising by other local authorities in the United Kingdom.

The Director of Environment and Regeneration advised that if the free scheme is introduced the Electrical Services Department would have responsibility for overseeing the initiative and that Officers would be required to record all of their time spent responding to reports of any issues. For clarification the Director of Environment and Regeneration advised that the Council will manage incidents on a reactive basis.

Members discussed the introduction of a reasonable bond, in the sum of £200, to be sought from each candidate, with the bond being returned to the candidates two weeks after the election minus any costs the Council had incurred in administering or policing the scheme. Officers advised that the cost incurred by the Council for recovery of debt from a candidate, should posters not be removed, could be significant and that a bond would provide protection for the Council.

The Mayor opined that candidates should not be allowed to advertise on lampposts already displaying commercial advertisements.

The Chairman advised that he was minded to trial the free scheme for a period of six months. The Director of Environment and Regeneration proposed that it be introduced as of the 1<sup>st</sup> August, 2016.

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

- (i) there be no charge for election posters/banners fixed to lighting columns for a two week period before the date of any election to the Douglas Borough Council or to the House of Keys for a Douglas Constituency, nor for a one week period after the completion of election be introduced on a trial basis as of 1<sup>st</sup> August 2016;
- (ii) a bond of £200 be deposited by each candidate, prior to permission being granted to affix posters, to allow the Council to remove the posters/banners after the expiry of one week if not removed by the candidate;
- (iii) a further report to Committee on the outcome of the trial thereafter."

For: 4 Against: 1

Councillor Ms K. Angela requested that her name be recorded as voting against the resolution.

#### **A5. Schedule of Neglected, Dilapidated, Ruinous and Dangerous Properties**

The Committee considered the Schedule of neglected, dilapidated, ruinous and dangerous properties being dealt with on behalf of the Council. Members reviewed the schedule and raised some questions on particular properties.

The Director of Environment and Regeneration advised that the current vacant position for a dedicated Dilapidated Properties Officer was due for advertisement this week with a view to appointing a person to the position in the near future. It was noted that this post had remained vacant since October 2015. Officers explained the reasons for delay in recruitment.

Resolved, "That the Schedule and discussion be noted on the minutes."

#### **A6. Planning Application – 16/00602/B – 28 - 30 Derby Square, Douglas**

The Committee considered a report submitted by the Building Control Manager on the planning application for the erection of five dwellings 28 – 30 Derby Square, Douglas. The report recommended that the Council raises an objection to the proposal.

Plans for the site were circulated to Members. The report advised that the proposals show buildings that fail to display design features which are common to other period properties in the area and that the area in front of the proposed properties is designated as a single parking space.

Members opined that the development would be an over intensive use of the site and expressed concerns that the proposal could have an adverse effect on limited parking within the area.

Resolved, "That particulars of the report and discussion be noted on the minutes and that the Council raises objection to the application on the grounds that the proposals do not show compliance with Environment Policy 35, Environment Policy 42, and Transport Policy 7, of the Isle of Man Strategic Plan."

#### **A7. Planning Application – 16/00654/CON – Woodlands, Alexander Drive**

The Committee considered a report submitted by the Building Control Manager on the planning application for the de-registration of Woodlands (05/00190/REGBLD) in accordance with 7(1)(a) of the (Registered Buildings) Regulations 2013, Woodlands, Alexander Drive, Douglas. The report recommended that the Council raises an objection to the proposal.

The report advised the reason for entering Woodlands on the list of Registered Buildings was due to it being of special architectural and historic interest. It was noted that the grounds for seeking de-registration are unusual and are not entirely clear.

Resolved, "That particulars of the report be noted on the minutes and that the Council raises an objection to the application on the grounds that the proposals are not in compliance with Environment Policy 31 of the Isle of Man Strategic Plan 2016. Further, the reasons for the de-registration are unclear, and insufficient information appears to have been provided to justify de-registering a Registered Building."

#### **A8. Planning Application – 16/00678/B – The Nunnery, Old Castletown Road**

The Committee considered a report submitted by the Building Control Manager on the planning application for the creation of a car and coach parking facility with associated lighting, construction of additional passing places and a new road access and upgrading of existing track to an access road, The Nunnery, Old Castletown Road, Douglas. The Building Control Manager circulated plans for the site.

The Director of Environment and Regeneration advised Members that this is the first of what could potentially be several planning applications relating to the site, she felt it prudent for the Committee to be provided with information for all of the intended phases so that there is an audit trail going forward.

It was noted favourably that the car park allows eight bays to be prepared for electric vehicle charging.

Resolved, "That the particulars of the report and discussion be noted on the minutes and that the Council supports the application on the grounds that it has the potential to contribute positively to economic development of both Douglas and the Isle of Man and that the Council indicates its support to any measures to improve pedestrian and cycle access through the wider Nunnery site."

**A9. Planning application – 16/00711/B – Celtic House, Douglas**

The Committee considered a report submitted by the Building Control Manager on the application for the refurbishment and extension of existing office at Celtic House, Victoria Street, Douglas.

Plans for the site were circulated to Members. The report advised that the most striking change will be to the external appearance of the building. However, the front elevation is considered rather bland at ground floor level and will do little to animate the street scene.

Resolved, "That the particulars of the report be noted on the minutes and that the Council supports the application with comment to the Planning Committee that it would prefer to see a more active, animated façade at ground floor level."

The Committee adjourned during this item at 11.20am to 11.30am the same Members and officers were present.

**A10. Planning Application – 16/00713/B - Masonic Lodge and 16/00728/B - Lifeboat Station, Battery Pier**

The Director of Environment and Regeneration brought to the Committees' attention two further planning applications, not included on the formal agenda, for consideration. She affirmed that this was an exceptional circumstance and explained that due to the Committee recess in August the deadline for submission of comments from the Council would subsequently be missed, a request had been submitted to the Planning Department for an extension on the deadline which had not been approved. Permission had therefore been sought from the Chief Executive to advise the Committee verbally.

Members were advised of a planning application for the installation of replacement entrance doors and adjustments to the patio area at the Masonic Lodge, Woodbourne Road, Douglas and a further planning application for alterations conversion of the existing boathouse into a two storey crew facility, demolition of existing slipway and construction of a pontoon berth Douglas Lifeboat Station, Battery Pier, Douglas.

The Building Control Manager circulated site plans for both applications. Members unanimously agreed that the Council supports both the applications.

Resolved, "That particulars of the discussion be noted on the minutes and the Council supports both planning applications."

**A11. Two-Chair Procedure - Planning Application - 16/00227/B - Tennis Road, Douglas**

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration) to update that planning application 16/00227/B, for the erection of five terraced dwellings with parking to rear of properties and associated landscaping, land at Tennis Road, Douglas, had been approved by the Planning Committee despite an objection being raised by the Council.

The report recommended that the Council did not appeal the Planning Committee's decision. It was noted that a two chair procedure had taken place to request an appeal be lodged.

The Chairman opined that if the Council raises an objection to a planning application and it is subsequently approved by the Planning Committee an appeal should be automatically lodged by Officers.

The Building Control Manager affirmed to Members that Planning is not a subjective matter and that an objection should only be raised if the application does not meet the requirements of the Isle of Man Strategic Plan. He advised Members that the Planning Committee conduct an appropriate assessment of all the matters raised by the application prior to coming to their decision.

Members queried why new information had been received on the planning application after the initial objection had been lodged. The Director of Environment and Regeneration explained that the Council is strictly a consultative body and not a Planning Authority and that the Planning Committee writes to several representatives for their views before compiling a report and recommendation. Quite often at this stage other information can be released. She advised Members that each time an appeal is lodged there is a cost of £165 to the Council and that even if an application is withdrawn, should further information become available; the appeal fee cannot be recovered.

The Chairman requested that Officers submit a report to the September Committee meeting advising on the number of planning applications the Committee has previously objected to, how many of these had subsequently been approved and an analysis of whether an appeal should have been lodged.

The Director of Environment and Regeneration raised concern that if all objections were appealed upon approval, it could dilute the Council's opinion on planning matters the Council strongly oppose to.

Resolved, "That particulars of the report be noted on the minutes and that the Committee note the Urgent Business Procedure with respect to Planning Application 16/00227/B."

The Building Control Manager was thanked for his attendance and left the meeting at 12.25pm.

#### **A12. Douglas Promenade Regeneration Street Lighting**

The Electrical Services Manager joined the meeting for consideration of this item.

The Committee considered a report submitted by the Electrical Services Manager advising of the conceptual lighting design for the Douglas Promenade Regeneration Scheme.

The report explained that the lighting design is based on tapered columns and LED lanterns. The columns feature a maritime style bracket, with an illuminated spike at the top. The columns will facilitate a banner bracket and a "Crow's Nest" styled hanging basket. The maritime design features enhance the location appearance and the column is long life and is suitable for the coastal environment. It was noted that the eighty-eight main highway columns and forty-five pedestrian and social area columns will include a colour changing DMX feature lighting element, which is incorporated into the LED lanterns aimed at colouring the seaward side walking area. The Thorn design at twelve metres in height reduces the quantity of columns required and reduces clutter. The Electrical Services Manager advised that the columns are compatible with the central management system.

A Member raised query on the painting of Columns. The Assistant Chief Officer (Environment) advised that the final column colour is still to be determined. A Sample showing the current preferred choice of grey and colour chart were circulated to Members. The Chairman opined that painting the lighting columns Blue would be symbolic of the Borough. The Assistant Chief Officer (Environment) explained that colours can vary from the chart once painted onto the column. It was agreed that Officers would organise a sample of blue to be painted on a column for the Committee to view.

It was noted that the hanging baskets will be demountable as will the banner brackets.

Resolved, "That particulars of the report and discussion be noted on the minutes and that the conceptual design proposals from Thorn Lighting for the Douglas Promenade Regeneration Scheme be implemented."

The Electrical Services Manager was thanked for his attendance and left the meeting at 1.05pm.

#### **A13. Douglas Beach and Foreshore Management**

The Committee considered a report submitted by the Assistant Chief Officer (Environment) advising on the proposals for beach management in advance of the tendering process for the Douglas Beach management contract. It was noted that the current beach management contract expires on 31<sup>st</sup> March 2017.

The report detailed the fee proposal from JBA Consulting Limited and explained the programme of work proposed to address specific standards and the methods used in the management of the beach which are not currently performance related.

Resolved, "That particulars of the report and discussion be noted on the minutes and the Committee approve the appointment of JBA Consulting to carry out a review of the existing beach management process, including recommendations to be included in the new contract to be funded from the beach groynes budget."

#### **A14. Items for Future Consideration**

The Committee considered a report setting out items which will be considered at future meetings. Members discussed the reports listed for consideration at the September meeting of the Committee.

Members discussed and agreed to notify Officers of any suitable sites to locate additional toilets in the Borough.

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

#### ***PART B –***

##### ***Matters requiring Executive Committee approval***

There were no items requiring Executive Committee approval.

#### ***PART C –***

*Matters requiring Council approval*

There were no items requiring Council approval.

The meeting ended at 1.37pm.