



Borough of Douglas

**MR COUNCILLOR JONATHAN JOUGHIN, JP
MAYOR**

Town Hall,
Douglas,
3rd August, 2018

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL to be held on WEDNESDAY, the 8th day of AUGUST, 2018, 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 Council Meeting held on Wednesday, 11th July, 2018.

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

EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Special Meeting held on Friday, 27th July, 2018.

Members Present: Mr Councillor D.W. Christian (Chair), Mr Councillor I.J.G. Clague (as Deputy Mayor, absent from meeting between 10.52am and 12.01pm on Mayoral business), Councillor Mrs C.L. Wells, Councillor Miss D.A.M. Pitts (Vice Chair, Regeneration and Community Committee) (absent from meeting between 10.52am and 12.01pm on Council business), Mr Councillor R.H. McNicholl.

In Attendance: Chief Executive (Miss K.J. Rice), Director of Finance (Mr A.J.T. Boyd), Director of Environment & Regeneration (Mrs D. Eynon), Director of Housing & Property (Mrs S. Harrison), Mr N.J. Kaighin (Building Control Manager), Executive Officer (Mrs J.M. Keig) (taking minutes).

REPORT

PART A –

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

A1. Apologies for Absence

Apologies for absence were submitted on behalf of the Worshipful the Mayor, and Mr Councillor S.R. Pitts.

A2. Declarations of Interest

No declarations of interest were submitted.

A3. Consultation on The Draft Area Plan for the East (TAPE)

The Committee considered a joint written report by the Director of Environment and Regeneration and the Building Control Manager in relation to a consultation on The Draft Area Plan for the East.

The Cabinet Office was currently in the process of developing an Area Plan for the East of the Island, as provided for by Section 2 of the Town and Country Planning Act 1999. The Council had previously been asked to participate in the initial call for sites, to make comment at the Preliminary Publicity Stage, and to respond to additional potential sites, and a Draft Plan and Written Statement had now been produced, on which views were accordingly being sought from interested parties.

It was noted that The Draft Area Plan for the East expanded on the broad policies and proposals set out in the Isle of Man Strategic Plan (but relating them to precise areas of land), and was made up of a Written Statement (setting out the background to the various topics together with some detailed Proposals and Recommendations) and a set of Maps (illustrating the localities and sites).

Members considered the proposed responses to the consultation, as set out in the written report, agreeing that political input should also be included as part of the Council's involvement in devising of Development Briefs.

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

(ii) That the following responses in relation to the Written Statement be endorsed, and submitted to the Cabinet Office as the Council's comments on the consultation:

Chapter Two – The Role of The Area Plan for the East:

that the Council seeks to be engaged and involved in devising Development Briefs, at both a political and officer level;

Chapter Four – Landscape, Character and Appearance:

that the Council was supportive of all ten landscape proposals;

Attendance

Mr Councillor I.J.G. Clague and Councillor Miss D.A.M. Pitts left the meeting at 10.52am.

Chapter Five – The Natural Environment:

that the Council was supportive of the draft policies, the six proposals, and the three recommendations; and

that the Council seeks to have its policy in relation to the ceasing of discharge of whey into Douglas Bay reinforced, that was, for this practice to cease by 2021;

Chapter Six – The Urban Environment:

that the Council was supportive of the draft policies, the nine proposals, and the one recommendation;

that the Council was particularly supportive of Urban Environment Proposals 2 and 3;

that the Council seeks to have Urban Environment Proposal 5 clarified as to whether, once works had been identified, would a prosecution follow if the works were not undertaken and a building was subsequently demolished; and

that the Council seeks to have Urban Environment Recommendation 1 included within the Design Briefs;

Adjournment at Resumption

The Committee adjourned at 11.27am and resumed at 11.34am, when the following Members were present: Mr Councillor D.W. Christian, Councillor Mrs C.L. Wells, and Mr Councillor R.H. McNicholl.

Chapter Seven – Transport and Utilities:

that the Council was supportive of the draft policies, the two transport proposals, the seven utilities proposals, and the one telecommunications proposal; and

that Utility Proposal 5 should state that urban storm water drainage systems should take account of flood mitigation and climate change;

Chapter Eight – Employment:

that the Council was supportive of the draft policies, the seven proposals, and the three recommendations;

that the plan objectives should also include maintaining and enhancing the viability and vitality of the business areas of Douglas, by restricting office developments in out-of-town locations;

that Strategic Plan Business Policy 7(a) should be applied more strictly; and

that planning guidance on Strategic Plan Business Policy 5(a) should be produced to provide clarity on interpretation;

Attendance

Mr Councillor I.J.G. Clague and Councillor Miss D.A.M. Pitts re-joined the meeting at 12.01pm.

Chapter Nine – Town Centres:

that the Council was supportive of the draft policies and the eight mixed use proposals;

that in relation to Mixed Use Proposal 5, a bus station should be included;

that the Council particularly welcomed Objective 4, specifically relating to Finch Hill (DH001 / Westmoreland) - that there would be a presumption to retain any existing open space and sports and recreation facilities which served as assets for the Community; and

that in relation to Mixed Use Proposal 8(a), planning guidance on Strategic Plan Business Policy 5(a) should be produced to provide clarity on interpretation;

Chapter Ten – Tourism:

that the Council was supportive of the draft policies and the nine tourism proposals; and

that in relation to Tourism Proposal 7, the Council seeks to have this paragraph expanded to read 'The use of Noble's Park to support TT and Manx Grand Prix-related uses will normally be supported, whilst applying appropriate protection to open space and associated leisure and recreational facilities';

Chapter Eleven – Open Space and Recreation, Education, Health and other Community Facilities:

that the Council was supportive of the draft policies, the three open space and community proposals, and the one recommendation;

Attendance

Councillor Miss D.A.M. Pitts left the meeting at 12.25pm.

Chapter Twelve – Residential:

that the Council was supportive of the draft policies, the one strategic reserve proposal, the three residential proposals, and the one residential recommendation; and

that in order to stimulate development, the Council suggests that consideration be given to the relaxation of the requirement that 25% of new housing on a development be affordable homes in a defined brownfield area;

Adjournment and Resumption

The Committee adjourned at 12.30pm, and resumed at 2.00pm, when the following Members were present: Mr Councillor D.W. Christian (Chair), Mr Councillor I.J.G. Clague, Councillor Mrs C.L. Wells, Councillor Miss D.A.M. Pitts (Vice Chair, Regeneration and Community Committee), Mr Councillor R.H. McNicholl.

Chapter Thirteen – Comprehensive Treatment Areas:

that the Council was supportive of the draft policies and the six comprehensive treatment areas proposals;

that the Council particularly welcomed Comprehensive Treatment Area Proposal 1 relating to the Villiers site;

that the Council particularly welcomed Comprehensive Treatment Area Proposal 2 relating to Market Street;

that in relation to Comprehensive Treatment Area Proposal 4, it be suggested that the last sentence in the paragraph reads ‘Provision for a cycle route that could eventually link to the Millennium Cycleway shall be included’.

that the Council seeks engagement and involvement in deriving the development briefs for the Comprehensive Treatment Areas, and that a workshop style discussion would be welcomed;

- (iii) That in relation to specific sites that were different in The Draft Area Plan for the East to the Council’s original submission, the following be agreed:

that the Council objects to the proposed land designation of residential to the Council-owned land at Homefield Road - which it had been suggested be re-zoned to facilitate development for educational purposes; that the Council was of the view that this land should be designated as Mixed Use, which would allow the land to be used for education; and that the Council reiterated the possibility of a suitable land swap with Government;

that no objection be made to the partly Council-owned land at Westmoreland (DH001), which it had been suggested be re-zoned as not developable, remaining designated as Mixed Use provided that the Finch Hill bowling ground and tennis courts remained as open space (as per paragraph 9.4.4 of the Written Statement J);

that no objection be made to the sites at Circular Road (DH026), which it had been suggested be re-zoned for employment use rather than housing, remaining designated as Mixed Use;

that no objection be made to the site at Mount Havelock (DH027), which it had been suggested be re-zoned for employment use rather than housing, remaining designated as Mixed Use;

that no objection be made to the site at Cooil Road (BE002), which it had been suggested was not suitable for employment use, being designated as partly Industrial and partly as Strategic Reserve;

that no objection be made to the site at The Milestone on Peel Road (DM014), which it had been suggested was only suitable for employment, leisure, and retail use but not including residential, being designated as Mixed Use (as part of Comprehensive Treatment Area 4);

- (iv) That agreement in principle be given to engaging a Planning Consultant and Legal Representation to support the Council during the Public Inquiry stage, if required, the final decision on whether this was required being deleted to the Leader and Chief Executive;

- (v) That the following be agreed in relation to the Willaston General Apartments development:

that a change of use be sought from Recreation to Residential / Mixed Use in respect of the site currently used as the children’s playground, in order to facilitate the current plans for the Willaston General Apartments development;

- (vi) That should a consultation workshop be arranged by Government in advance of the Public Inquiry, then it be proposed that all Members of the Executive Committee should be invited to attend together with relevant officers.”

A4. **The Area Plan for the East – Spring Valley Feasibility Study**

The Committee considered a written report by the Director of Housing and Property in relation to the implications of the Spring Valley Feasibility Study in view of the Council’s agreed submission (as in A3 above) for The Area Plan for the East (TAPE).

Members were advised that the Housing Committee, at its meeting in March 2018, had agreed to commission a feasibility study into the potential to create new social housing at Spring Valley and, accordingly, at its meeting in June 2018, the Housing Committee had considered a report by the Assistant Chief Officer (Housing & Property), resolving to take forward the ‘Scheme 3’ option. It was noted, however, that at the July 2018 Council Meeting, the minute relating to the Spring Valley Feasibility Study had been withdrawn and, subsequently, the Housing Committee, at its meeting on 18th July 2018, had decided to defer the final decision on the Feasibility Study pending a site visit and the necessary consideration of the Council’s submission on the Consultation on The Draft Area Plan for the East.

Members also noted the details of the three Schemes, as follows:-

Scheme 1 – rear of Spring Valley at the edge of Douglas Golf Course:

the Housing Committee had resolved not to take forward this site for a number of reasons, and it was therefore recommended to confirm the Council’s previous statement on TAPE, that this area should be retained for Recreational and other compatible uses;

Scheme 2 – land adjacent to the Pinewood public house:

this area had not been specifically mentioned in the Council’s previous TAPE submissions, but it was currently zoned as Open Space. It was suggested that this area would be suitable for development, and therefore it was recommended that this area be proposed for Residential Use;

Scheme 3 - land adjacent to Springfield Road (between the Pulrose and Spring Valley Estates):

the upper portion of the site had been identified in the Spring Valley Feasibility Study as having potential for a small housing development of (notionally) sixteen housing units of 3 or 4 beds. In addition there may be scope to create parking for the Pulrose football pitches, which would alleviate traffic congestion at peak times. It was therefore recommended that the area identified in the Spring Valley Feasibility Study be proposed for Residential Use.

It was additionally noted that, at the Housing Committee meeting on 18th July 2018, a further suggestion had arisen regarding the site adjacent to the former Police Station House in Pulrose, which the Committee had felt worthy of consideration. No comment regarding this area had been made in the Council’s previous submission on TAPE - it was currently zoned for Open Space - and, given the potential loss of amenity, it was not recommended that the zoning of this area be changed.

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

- (ii) That the proposals contained within the Spring Valley Feasibility Study (as appended to the written report) in relation to the Council’s submission for TAPE be endorsed as follows:-

- that the site at Scheme 1 of the Spring Valley Feasibility Study - that was, land adjacent to the Douglas Golf Course and playing fields - be not proposed for change of zoning from Open Space to Residential use;
- that the site at Scheme 2 of the Spring Valley Feasibility Study - that was, land adjacent to the Pinewood public house - be proposed for change of use from Open Space to Residential Use, and that it be investigated whether the Pinewood public house would be available for purchase;
- that the site at Scheme 3 of the Spring Valley Feasibility Study - that was, land adjacent to Springfield Road between the Pulrose and Spring Valley Estates - be not proposed for change of use from Open Space to Residential Use;
- that the further site suggested by the Housing Committee at its meeting on 18th July 2018 - that was, land adjacent to the former Police Station house on the area of the old Pulrose shops - be not proposed for change of zoning from Open Space to Residential; and

- (iii) That now the Council had agreed its comments on The Draft Area Plan for the East, an invitation be extended to Douglas Members of the House of Keys to meet with the Executive Committee to discuss the Council’s submission.”

PART B –

Matters subject to Council approval

No matters subject to Council approval were considered.

The Committee rose at 3.30pm.

EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Friday, 27th July, 2018.

Members Present: Mr Councillor D.W. Christian (Chair), Mr Councillor I.J.G. Clague, Councillor Mrs C.L. Wells, Councillor Miss D.A.M. Pitts (Vice Chair, Regeneration & Community Committee), Mr Councillor R.H. McNicholl.

In Attendance: Chief Executive (Miss K.J. Rice), Director of Finance (Mr A.J.T. Boyd), Director of Environment & Regeneration (Mrs D. Eynon), Director of Housing & Property (Mrs S. Harrison), Executive Officer (Mrs J.M. Keig) (taking minutes).

REPORT

PART A –

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

A1. Apologies for Absence

Apologies for absence were submitted on behalf of the Worshipful the Mayor and Mr Councillor S.R. Pitts.

A2. Declarations of Interest

No declarations of interest were submitted.

A3. Minutes

The minutes of the meeting held on Friday 29th June 2018 were approved and signed.

A4. Matters Arising From Previous Minutes

Clause A5 – Noble's Park T.T. Bar (Retrospective Planning Application): Members were advised that, despite the Council submitting an objection to the temporary facility remaining in place between the T.T. and the Festival of Motorcycling, the structure remained in place. It was noted, however, that a request had been made - given the cost of dismantling the structure and in view of the now-closeness of the Festival of Motorcycling - for it to remain.

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

(ii) That it be reluctantly agreed to allow the temporary facility to remain in place, subject to the following conditions -

that the fee for the structure remaining in place now increase to £7,000, and that it be conveyed to the company that this amount was to be paid within forty-eight hours from receipt of notification; and

that the company be requested to make arrangements for the site to be immediately tidied up;

(iii) That the company be advised that the decision to allow the structure to remain in place had been taken very reluctantly because of their failure to act responsibly and to take it down when they should have done, and that no precedent was being set by allowing it to remain in place for the entire period between the T.T. and the Festival of Motorcycling this year; and

(iv) That the matter be referred back to the Regeneration and Community Committee with a request that reconsideration be given to the time allowed for setting-up and dismantling the structure in future years, which was currently fourteen days and considered by this Committee to be excessive."

A5. Referrals from the Environmental Services Committee

There were no referrals from the minutes of the Environmental Services Committee meeting held on Monday 16th July 2018.

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

A6. Referrals from the Regeneration and Community Committee

There were no referrals from the minutes of the Regeneration and Community Committee meeting held on Tuesday 17th July 2018.

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

A7. 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.

The Director of Finance reported that the fourteen properties, in respect of which the Council's interest had been protected due to rates being a debt on the property and not on the individual, had now all been sold and the outstanding rates had been paid.

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

A8. Digital Information Screens

The Committee were reminded that this item had been deferred from the previous meeting.

The Committee considered a written report by the Assistant Chief Officer (Regeneration) on further investigations that had been undertaken into the provision of digital information screens in the Town Centre.

Members noted the costs for single-sided and double-sided screens, together with the expected costs of installation at two proposed sites - outside of the 'Shoe Zone' premises on the corner of Strand Street / Drumgold Street, and on the southern side of Granville Street.

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

(ii) That the project be not proceeded with at the current time, and that further consideration be given to the proposals as part of the forthcoming budgetary process."

A9. Environmental Services Committee – Replacement Member

Following the resignation by Councillor Miss D A M Pitts, a vacancy existed on the Environmental Services Committee.

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

(ii) That following the by-election scheduled for 9th August 2018, the new Member elected for Derby Ward be appointed as a Member of the Environmental Services Committee for the two-year term 2018 to 2020."

A10. 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."

A11. 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 B –

Matters subject to Council approval

No matters subject to Council approval were considered.

The Committee rose at 4.50pm.

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

STANDARDS COMMITTEE

STANDARDS COMMITTEE – Minutes of Meeting held on Monday, 9th July, 2018.

Members Present: Councillor Mrs C.E. Malarkey (Chair), Councillor Mrs R. Chatel, Councillor Miss N. Byron, Mr D. Booth (Independent Member).

In Attendance: Assistant Town Clerk (Mr P.E. Cowin), Democratic Services Officer (Ms W.V. Wynne).

REPORT

PART A –

Matters within the scope of the Committee's delegated authority

A1. Apologies for Absence

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

A2. Declarations of Interest

There were no declarations of interest.

A3. Vice-Chair 2018-2020

The Committee considered the election of a Vice-Chair for the Committee to act in the illness or absence of the Chair for the municipal years 2018-2020.

Resolved unanimously, "That Councillor Miss N. Byron be elected Committee Vice-Chair for the municipal years 2018 to 2020."

A4. Minutes – 12th March, 2018

The minutes of the meeting held Monday, 12th March, 2018 were approved and signed.

A5. Review updated Schedule of Topics for Induction to New Members

The Committee were given a list of induction topics that Members receive information on in their induction when elected to Council, and went through each topic individually.

Members discussed terminology and agreed that the Assistant Town Clerk would prepare a light historic background for the Member induction pack.

The structure of the Council and protocol in meetings was discussed and suggestions were given for the Assistant Town Clerk to expand important information benefiting newly elected Members or those standing for election, especially with regards to the Structure of the Council, as a Bye Election could be held in August.

The Assistant Town Clerk advised that the Equality Bill 2016 was discussed at Tynwald, and Council would follow how it may affect/impact compliance within the Chamber.

Members agreed that to fully understand GDPR and Data Protection it should be added as a priority to the training schedule. Queries that newly elected Members may have with regards to questions and supplementary questions to Council were discussed.

It was suggested that the new Member induction pack should include an organisational flow chart with photos to identify Officers' and to include telephone extensions and work mobile numbers.

A discussion was held on declarations of interest, guidance is given in the Governments' Corporate Governance and Principles and Code of Conduct, found on their website and guidelines will be circulated to Members.

The Committee discussed the National Association of Councillors, which is a UK organisation which represents and is run by Elected Members, it was agreed that the Assistant Town Clerk present a report to Committee about the benefits of joining, the financial implications to the individual, and/or Council.

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

A6. Items for Future Report

The Committee discussed items for the next meeting for future consideration.

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

A7. Dates of Next Meeting

The Committee approved Friday, 28th September, 2018 at 10.30am as the next Standards Committee meeting date.

PART B –

Items requiring Executive Committee approval

There were no items requiring Executive Committee approval.

PART C –

Items requiring Council approval

There were no items requiring Council approval.

The meeting ended at 11.45am.

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

HOUSING COMMITTEE

HOUSING COMMITTEE – Minutes of Meeting held on Wednesday, 18th July, 2018.

Members Present: Councillor Mrs C.L. Wells (Chair), the Mayor, Councillor Mrs C.E. Malarkey, Mr Councillor J.E. Skinner, Councillor Mrs E.C. Quirk, Mr M.A. Dooley (Housing 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), Assistant Town Clerk (Mr P. Cowin), Assistant Democratic Services Officer (Mrs T. Saxon).

REPORT

PART A –

Matters decided by the Committee

A1. Apologies for Absence

Mr Councillor C.L.H. Cain submitted apologies for the meeting.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 20th June, 2018

The minutes of the meeting held on Wednesday, 20th June, 2018, were approved and signed. The Committee noted that at the July Council meeting Clause A5 (Spring Valley Feasibility Study) was withdrawn by the Chair for further consideration by the Committee.

A4. Matters Arising Clause A5

The Committee discussed the Clause A5 and wider housing planning issues in light of the comments made at the July Council meeting.

The Chair confirmed that the possibility of building new houses in Spring Valley was initially seen as an opportunity to create redevelopment sites in the town centre in line with the Housing Development Strategy and a possible way to provide decant properties to rehouse tenants on the estate during major refurbishments.

The feasibility study identified three potential sites within Spring Valley for development, each with its own advantages and drawbacks.

One particular criticism made in the debate at the July Council meeting, was that the Housing Committee is being too narrow in its approach by only considering Spring Valley for development. It was suggested that the Committee should consider identifying and investigating brownfield sites within or nearer the Town Centre for new housing, rather than developing greenfield areas. Officers confirmed that there are on-going efforts to identify suitable sites and in addition, advertising will shortly appear in the local press seeking sites for development. There was discussion of several brownfield sites in the town which might be suitable.

There was a brief discussion of the several blocks of Council housing within the town centre which, whilst still habitable and serviceable, are in need of renewal.

There was some discussion of the areas in Spring Valley identified in the feasibility study and suggestion that the land next to the Pinewood (Option 2 in the study) could also be considered for additional housing. There was a suggestion that the land alongside the former Police Station could be considered as an additional option. It was suggested that in the future, the Committee should make site visits before formalising the option(s) to be progressed.

Resolved, “That the discussion be noted on the minutes and future reports be brought back in due course.”

A5. Public Sector Housing Adaptations Draft Policy

The Committee considered a draft policy document on housing adaptations circulated to housing authorities by the Department of Infrastructure (DoI) for comment. The document sets out the legislative framework enabling housing authorities to make property adaptations to enable disabled persons to live in public sector housing. The Housing Act 1955 and the Chronically Sick and Disabled Persons Act 1981 particularly apply to the Council as a housing authority; whilst the Disability Discrimination Act 2006 and the Equality Act 2017 are more generally applicable to all public and

private organisations. All of the legislation has an impact on the ways that the Council provides and manages its public sector housing.

Members reviewed the document and made comment on particular sections.

Section 2, titled 'Eligibility' gives guidance as to the circumstances in which a tenant is eligible for adaptations to the property. Paragraph 2.6 within that section states that "The Housing Authority will not progress an adaptation where possession proceedings have commenced or a possession order is already in place." The Committee were of the view that tenant arrears should be taken into account when determining whether or not to progress an adaptation.

Section 4 set out the different categories of work to be carried out to properties. Section 4.1 gave further definitions and guidance on matters which come under the heading of 'Minor adaptations without delay'. Officers confirmed that 3 – 5% of the Council's responsive repairs budget is expended on minor adaptations. A Member asked if any charge is made to the tenant for these adaptations. It was confirmed that the Council does not make a charge. The cost can be limited as some equipment, such as grab rails, will be supplied by Occupational Therapy (OT) services or other agencies or charities, with the Council covering the installation costs. There was further question as to the number of grab rails that the Council fits per annum and the installation cost to the Council per fitting. It was suggested that for people not living in social housing, the cost of fitting a grab rail is minimal as the grab rail is provided free of charge by OT and charities charge a small, flat fee for installation. The Member opined that several different charities carry out this work and the Council should investigate further.

Question was raised on s4.1.6 as to why 'marking out disabled parking spaces' is listed as a minor work to be done by housing authorities as the Highways Section of the Department of Infrastructure marks the roads.

There was discussion of s7.3 which deals with the situation where a property has been adapted, and the occupant for whom the adaptations were required dies or is unable to remain at the property and permanently resides elsewhere. The remaining family members may be asked to move to alternative accommodation. Question was raised as to how soon after the disabled person dies or moves out the family will be asked to move to a different property. Officers confirmed that discretion is used and the family is not expected to move immediately. It was suggested that a Council policy be drafted and brought to Committee for consideration to provide consistent guidance and a framework for officers dealing with these difficult situations. It was agreed that this should be the subject of a future report to Committee.

Resolved, "That the document and discussion be noted on the minutes and approval given for the comments made to be forwarded to the Department."

A6. Housing Refusals

The Committee considered a report submitted by the Assistant Chief Officer (Housing and Property) to advise on the housing refusals in the previous month. All refusals are considered by Housing Management officers in accordance with current Council policy, Government regulations and guidance.

Appended to the report was a list of two anonymised housing refusal cases, together with a copy of the criteria for allocation of properties: pointing system. Each case was considered in turn. No personal details were supplied to the Committee which would specifically identify the person(s) or their address.

Resolved, "That the particulars of the report be noted on the minutes; and in both cases the Committee agreed that refusal of the property was unjustified as it was within the applicants' chosen area and suitable for their housing needs; therefore in each instance ten housing points should be deducted from the applicant."

A7. Void Properties Update

The Committee considered an update from the Assistant Housing Manager (Maintenance) on empty social housing properties. As at the end of June, 2018 there were twenty-nine void properties.

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

A8. Items for Future Consideration

The Committee considered the monthly report and appended schedule setting out items which will be considered at future meetings. Members noted that during consideration of section 7 of the draft policy on housing adaptations *Use of Adapted Properties*, a report was requested setting a policy with more detailed parameters and guidance for housing officers.

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

PART B –

Matters requiring Executive Committee approval

There were no matters requiring Executive Committee approval.

PART C –

Matters requiring Council approval

C9. Willaston External Refurbishments Phase 8/9

The Committee considered a report submitted by the Assistant Property Manager (Capital) advising on the progress of the Willaston External Refurbishment capital housing project.

The report recommended that the negotiated construction price from N K Construction to progress Phases 8 and 9 combined be accepted as it is in accordance with previously approved tendered framework rates. Appended to the report was the capital cost and petition build up for both phases.

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

- (i) The Committee accepts the negotiated price for phases 8 and 9 submitted by N K Construction Limited, which is in accordance with the previously approved tendered framework rates is accepted; and
- (ii) The Chief Executive is authorised to submit a borrowing petition to the Department of Infrastructure for borrowing powers in the amount of £3,558,564.15 being the amount required to defray the cost of the works; and
- (iii) That 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.”

C10. Willaston Apartments Business Case

The Committee considered a report submitted by the Assistant Property Manager (Capital) setting out the business case for the Willaston Apartments capital housing project.

This business case replaces those previously submitted due to the lack of support for an entirely two bed sheltered scheme on the site. The original Sheltered Housing scheme proposed for this site consisted of a building on the Police house and adjacent flats sites and received full planning permission.

During the early design stages of that scheme however, the adjacent Willaston church site became available which created additional benefits to the overall sheltered development. The Council was successful in acquiring the church site and therefore new proposals for the enlarged site area were submitted but ultimately not supported.

This revised development will consist of a building similar in appearance but providing general apartments for rent for which Douglas Borough Council has an extensive waiting list. Negotiations with the Department of Home Affairs for the acquisition of the adjacent Police house however have become protracted and without an end timescale. As such a scheme has been proposed whereby the site can be developed in two phases. The first standalone phase to be completed on the Church and flats sites excluding the Police house yields 37 x 2 bed units. The second phase, to be actioned if the Police house becomes available in the future would yield a further 12 x 2 bed units.

The Council has a total of 250 applicants for social housing units currently on its housing waiting list plus many more requiring transfers to more suitable accommodation. The waiting list for apartments is currently 180 applicants plus a further 77 transfer applications.

A provisional estimated cost for phase 1 is £6.06M which includes the relocation of the playground, demolition of the flats and church but excludes any purchase or redevelopment cost of the police house site which will now form part of a future phase 2.

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

- (i) The Business Case for the construction of general accommodation apartments on the Willaston site as outlined in the appendix to the report be approved; and
- (ii) The Chief Executive is authorised to submit a borrowing petition to the Department of Infrastructure for borrowing powers in the amount of £587,364.00 being the amount required to progress the scheme; and
- (iii) That 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 12.20pm.

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

REGENERATION AND COMMUNITY COMMITTEE

REGENERATION AND COMMUNITY COMMITTEE – Minutes of Meeting held on Tuesday, 17th July, 2018.

Members Present: Mr Councillor S.R. Pitts (Chair), the Mayor, Councillor Miss D.A.M. Pitts, Councillor Mrs R. Chatel.

In Attendance: Director of Environment and Regeneration (Mrs D. Eynon), Accountancy Manager (Mr R. Davies), Assistant Town Clerk (Mr P.E. Cowin), Head of Park (Mr D. Hewes), Assistant Chief Officer (Regeneration) (Mr C. Pycroft), Democratic Services Officer (Ms W. Wynne).

REPORT

PART A –

Matters delegated to the Committee

A1. Apologies

Apologies were submitted by Councillor Mrs H. Callow and Councillor Ms K. Angela.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 19th June, 2018

The Minutes of the meeting held on Tuesday, 19th June, 2018, were approved and signed, subject to correction of clerical error in Clause A5, Paragraph 4, to Mr Hector Duff (Freeman of the Borough).

A4. Matters Arising from the Minutes – Christmas Lights Music License

The Committee were given a verbal update by the Assistant Town Clerk from the Court hearing which took place on Thursday, 12th July for approval of a music and dance licence for the Christmas Lights Ceremony. The session was adjourned as concerns were expressed from the police and the fire service that the event had outgrown the location. The Assistant Town Clerk had asked for comments in writing of specific concerns which could be addressed and rectified before the adjournment in Court on Thursday, 9th August, 2018. Committee agreed for the event to remain at the same location and for the Assistant Town Clerk to work on resolving concerns before the Court date in August.

Resolved, “That particulars of the matters arising discussed be noted on the minutes.”

A5. Matters Arising from the Minutes – Carnival Update

Members received feedback from the Carnival which took place on Sunday, 15th July, and that for next years’ event floats could be encouraged to have music and be more engaging with the crowds; also that Douglas Town Band should be invited. The Assistant Town Clerk would bring a report to the next Committee setting out Council events the Band should be expected to attend.

Resolved, “That particulars of the matters arising be noted on the minutes.”

A6. Items for Future Report

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

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

A7. Green Flag Awards

The Chairman noted and congratulated the Head of Parks and his team for the achievement of the Parks Department in retaining six green flag status for Noble’s Park, the Marine Gardens, Douglas Golf Course, Douglas Head, Hutchinson Square and Douglas Borough Crematorium and Cemetery and obtaining an additional two green flag awards for Derby Square and Summerhill Glen.

PART B –

Items requiring Executive Committee approval

There were no items requiring Executive Committee approval.

PART C –

Items requiring Council approval

There were no items requiring Council approval.

The meeting ended at 11.20am.

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

ENVIRONMENTAL SERVICES COMMITTEE

ENVIRONMENTAL SERVICES COMMITTEE – Minutes of Meeting held on Monday, 16th July, 2018.

Members Present: Mr Councillor R.H. McNicholl (Chair), the Mayor, Councillor Miss N.A. Byron, Councillor Miss D.A.M. Pitts, Mr Councillor F. Horning, Councillor Ms J. Thommeny.

In Attendance: Director of Environment and Regeneration (Mrs D. Eynon), Assistant Chief Officer (Regeneration) (Mr C. Pycroft), Accountancy Manager (Mr R. Davies), Community and Enforcement Manager (Mr A. Gordon) [Items A6 – A7 only], Assistant Chief Officer (Environment) (Mr A. Donnelly), Building Control Manager (Mr N. Kaighin) [Item A6 only], Assistant Town Clerk (Mr P. Cowin), Assistant Democratic Services Officer (Mrs T. Saxon).

REPORT

PART A –

Matters delegated to the Committee

A1. Apologies

There were no apologies for absence.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 18th June, 2018

The minutes of the meeting held on Monday, 18th June, 2018 were approved and signed.

A4. Matters Arising from the Minutes

There were no matters arising from the minutes.

A5. Welcome to Douglas Sign at the Sea Terminal

The Committee considered a report on a proposal, approved by the Environmental Services Committee in December 2017 to erect two *Welcome to Douglas* signs at the Sea Terminal exits. In order to erect the signs, it is necessary to reach agreement with the Department of Infrastructure (DoI) as to the location for the signs and the overall size and layout of each sign. The DoI has now advised Council officers that only one sign would be permitted; this to be located at the northern end of the Sea Terminal, at the exit of the Victoria Pier, opposite the Bottleneck Car Park. The report sought approval for erection of a sign in the location acceptable to the DoI.

Members considered the report and plan showing the proposed location. Members questioned the need for the sign, and took the view that it would be ineffective in the proposed location.

Resolved, “That the report and discussion be noted on the minutes and approval not be given for erection of a new *Welcome to Douglas* sign at the exit of the Victoria Pier, on the north side of the Sea Terminal.”

A6. Planning Application 18/00641B re 42 – 50 Duke Street, Douglas

The Committee considered planning application 18/00641/B seeking approval for the demolition of the existing buildings at 42-50 Duke Street and erection of a six storey mixed-use building to provide retail (Class 1), office (Class 4) and eleven residential units. The report noted that the application appears to generally comply with the relevant policies of the Isle of Man Strategic Plan 2016 and is in an area of lower Douglas in need of redevelopment.

Members discussed the application and raised various matters. Concerns were expressed about the commercial viability of the development and the possibility that the building might not be fully occupied for some time. There was discussion about the adequacy of parking provision for the development and the availability of off-site car parking. The design in the planning application includes ten car parking spaces in the basement plus bicycle storage. Concern was expressed about the overall height of the building which will be several storeys higher than all the surrounding buildings. Members discussed the need for investment in Douglas and the wish to encourage commercial enterprises.

The Assistant Chief Officer (Regeneration) advised the Committee of new trends in the United Kingdom for mixed use developments where workers, particularly in global industries, live in apartments on the upper floors, and work in the offices on the lower floors of the same buildings. This close proximity of residential and office space does away with the need for transport and parking for workers and enables people to work closely with colleagues in different time zones. The officer also advised the Committee that he and the Leader of the Council had recently attended a Tynwald workshop focusing on the redevelopment of brownfield sites. He mentioned that a number of different issues were identified in that workshop, including a possible need for relaxation of some of the requirements set out in the Strategic Plan. Members noted the officer's comments.

Resolved, "That the application be noted on the minutes and that

- (i) as the application appears to generally comply with the relevant policies of the Isle of Man Strategic Plan 2016 and is in an area of lower Douglas in need of redevelopment the Council gives its support to the principles of development; and
- (ii) comment should be made to the Planning authority that the ground floor use should be changed to retail; and
- (iii) comment should be made to the Planning authority that further measures could be considered which would reduce the building's mass, including further stepping back of the upper levels on the Duke street elevation; and
- (iv) comment should be made to the Planning authority to require off-street parking for the office element of the development."

A7. 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. Updates were provided on several other properties and Members raised queries on various issues.

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

A8. Items for Future Consideration

The Committee considered the schedule of items for future consideration. Members noted the list of reports for future months.

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

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 12.40am.

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

MOTIONS

1. Mr Councillor F. Horning to move:

“That the Council investigate options to substantially increase kerbside recycling collections as a percentage of the monthly domestic waste arisings.”

On being moved and seconded the Motion will stand referred to the Environmental Services Committee for consideration and report.