



Borough of Douglas

**MR COUNCILLOR JONATHAN JOUGHIN, JP
MAYOR**

Town Hall,

Douglas,

4th October, 2019

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL to be held on WEDNESDAY, the 9th day of OCTOBER, 2019, 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

A handwritten signature in black ink, appearing to read 'Katherine'.

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, 14th August, 2019.

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

EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Friday, 27th September, 2019.

Members Present: Mr Councillor D.W. Christian (Chair), the Mayor, Mr Councillor S.R. Pitts, Mr Councillor I.J.G. Clague, Councillor Mrs C.L. Wells (from 2.05pm), Mr Councillor R.H. McNicholl.

In Attendance: Director of Finance (Mr A.J.T. Boyd), Director of Environment and Regeneration (Mrs D. Eynon), Assistant Chief Officer (Housing and Property) (Mr G. Atkin), Assistant Town Clerk (Mr P.E. Cowin), Executive Officer (Mrs J.M. Keig) (taking minutes).

REPORT

PART A –

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

A1. Apologies for Absence

Apologies for absence were submitted on behalf of the Chief Executive (Miss K.J. Rice).

A2. Declarations of Interest

No declarations of interest were submitted.

A3. Minutes

The minutes of the Meeting held on Friday 26th July 2019 were approved and signed.

A4. Matters Arising From Previous Minutes

Clause A4 – Matters Arising from Previous Minutes – Noble's Park Off-Street Parking Place Order: further to the proposal to introduce a £1.00 fee for the parking of cars, motorcycles, and light vans in the Paddock Area, a Member advised that he had now received a deputation from residents in the area of Noble's Park, expressing concern that the introduction of this charge was likely to have a migratory effect, with drivers parking vehicles in the surrounding residential areas. These concerns had been submitted to the Department of Infrastructure, but it was understood that no response had so far been received.

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

(ii) That the matter be considered jointly by the Environmental Services Committee and the Regeneration and Community Committee."

A5. Referrals from the Environmental Services Committee

There were no referrals from the minutes of the Environmental Services Committee meeting held on Monday 16th September 2019.

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

A6. Referrals from the Regeneration & Community Committee

There were no referrals from the minutes of the Regeneration and Community Committee meeting held on Tuesday 17th September 2019.

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

A7. Consultation Document – Secondary Planning Legislation

The Committee considered a written report by the Assistant Town Clerk in relation to a consultation document issued by the Department of Environment, Food, and Agriculture.

The consultation was a further phase of the overall reform of the Planning system, and it was proposed to introduce secondary legislation to enable the use of 'National Policy Directives' and 'Development Procedure Orders' to supplement the Strategic Plan and the Area Plans.

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

- (ii) That the responses (as appended to the written report) be approved as the Council's response to the Consultation, and be submitted to the Department of Environment, Food, and Agriculture accordingly."

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 and non-cheque payments; and the percentage of sundry debtors collected within three months.

It was particularly noted that the number of non-cash and non-cheque payments (i.e., direct debit and online payments) had exceeded the target.

In relation to the Internal Audit Progress for the Finance Department, Members noted that the majority had not yet commenced, and expressed some concern particularly in respect of Commercial Property Rents. The Director of Finance advised that this was the normal position for this time in the financial year, but undertook for more priority to be afforded to progressing the Commercial Property Rents in future years.

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

- (ii) That in relation to the Internal Audit Progress for the Finance Department, more priority be given in future years to progressing Commercial Property Rents at an earlier stage in the financial year."

A9. Statement of Accounts for the Year Ending 31st March 2019

The Committee considered a written report by the Assistant Chief Officer (Finance) in relation to the Statement of Accounts for the year ending 31st March 2019.

The Accounts and Audit Regulations 2018 required local authorities to have their Statement of Accounts approved and certified by an external auditor by 31st October each year; and the Director of Finance, as Responsible Financial Officer, had accordingly approved the issue of the Council's accounts for audit in July 2019 in accordance with those Regulations.

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

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

- (ii) That the Council's Statement of Accounts for the year ended 31st March 2019 be approved;
- (iii) That the Letter of Representation be approved and signed, and accordingly presented to the Council's external auditor; and
- (iv) That the Audit Completion Letter from Grant Thornton Limited also be noted, with the responses given therein being approved accordingly."

A10. Treasury Management Outturn Report for 2018 / 2019

The Committee considered a written report by the Assistant Chief Officer (Income) setting out details on treasury management, including Prudential Indicators.

The out-turn report was a key aspect of delivering the Council's Treasury Management Strategy. It summarised treasury management activities undertaken in respect of long-term loans and short-term investments; and also outlined information in relation to the Prudential Indicators for 2018 / 2019 in respect of affordability (the indicator for prudence being that net external borrowing would not exceed the capital financing requirement).

The indicator for treasury management, the CIPFA Treasury Management Code of Practice and Cross-Sectoral Guidance Notes had been adopted by the Council. It was noted that these had been complied with; that all the Prudential Indicators for 2018 / 2019 were within Plan, that borrowing had been carried out within the prudential limits, and that the amounts were affordable.

It was recommended that a copy of the Treasury Management Outturn report, together with the Annual Treasury Management Plan report, be submitted to the Isle of Man Treasury's Executive Director, as evidence of prudence and affordability by the Council (as this was the officer responsible for recommending the approval of Petition requests to Treasury in respect of Capital Projects under the Government guarantee for the HSBC Local Authority Borrowing Scheme).

Discussion also took place in relation to the Local Authority Borrowing Scheme, the current arrangements of which had been extended to mid-2020. It was noted that, at this stage, it was likely that the Isle of Man Treasury would be preparing to seek tenders for a new facility.

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

- (ii) That the achievement of the Prudential Indicators for affordability, prudence, and treasury management, be noted;
- (iii) That a copy of both the Treasury Management Outturn report and the Annual Treasury Management Plan be submitted to the Isle of Man Treasury’s Executive Director, as evidence of prudence and affordability by Douglas Borough Council; and
- (iv) That the Director of Finance be requested to write to the Isle of Man Treasury seeking information as to progress in securing a new Local Authority Borrowing Scheme, once the current Scheme ended in mid-2020.”

A11. Isle of Man Local Government Superannuation Scheme Statement of Policy on Employing Authority Discretions

The Committee considered a written report by the Assistant Chief Officer (Finance) in relation to the requirement of the Local Government Superannuation Scheme for Employing Authorities to have a clear policy in relation to a number of mandatory discretions.

All of the policies had been reviewed by Capita, and Members accordingly considered the updated draft statement (as appended to the written report). It was noted that, although there was no regulatory requirement to review the non-mandatory discretions, it was however good practice to also keep these under review.

Members were reminded that previous statements of policy on Employing Authority discretions had been circulated to other Employing Authorities. This served as a reminder to other authorities of their statutory responsibilities (whilst giving a guide to them) and, by copying in the Department of Infrastructure, it reminded the Department that it should have a copy from each of the authorities.

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

- (ii) That the updated draft statement of policy on Employing Authority discretions (as appended to the written report) be approved and made available on the Council’s website, with the agreed statement of policy becoming effective one month following the date it was published; and
- (iii) That the updated statement of policy be circulated to other Employing Authorities for information.”

A12. Enforcement Policy - A-Boards on the Public Highway

The Committee considered a written report by the Community and Enforcement Manager seeking approval of a revised policy for dealing with A-boards placed on the public highway.

The Executive Committee, in June 2014, had resolved not to issue any Highway Licences for A-boards to run beyond June 2017. It was recalled that one of the reasons for resolving not to permit A-boards had been the concerns highlighted about the hazards caused by them to pedestrians, and especially to those who were visually-impaired. Under the Highways Act 1986 (Sections 45 and 45A), that the Council had the following powers delegated to it:

“If the Council was satisfied that an A-board was causing an immediate danger to persons using the highway, it could remove it without giving notice to the owner. If, however, the Council required removal of the A-board for any other reason, including the fact that it did not have a licence, then at least three days’ notice had to be given to the owner before removing it.”

It was now proposed that a revised policy for the Council’s approach to enforcing against A-boards be introduced. This would involve the assessment of any A-boards placed on the highway and, if it was considered that their presence would present a trip-hazard to a visually-impaired person, or may force or encourage pedestrians to step into the road, then they would be treated as an immediate hazard and the powers provided under Section 45A of the Highways Act 1986 would be implemented.

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

- (ii) That the revised A-board enforcement policy (as appended to the written report) be approved, to the effect that any A-board erected on the highway which was considered to be a trip-hazard to a visually-impaired person, or which may force or encourage pedestrians to step into the road, be treated as an immediate hazard and be removed under the powers provided in Section 45A of the Highways Act 1986;
- (iii) That the Council seeks the support of the Department of Infrastructure to amend the Section 45 powers in any future amendment to the Highways Act, by way of the introduction of a power for the Department (and local authorities to which Section 45 powers had been delegated) to serve notice, that may require removal, and that may also prevent recurrence for up to three years; and
- (iv) That consideration be given to changing the description of ‘A-board’ within the policy, in order to encompass any design of advertising notice placed on the public highway.”

A13. Marine Garden No.6, Harris Promenade – Planning Application

The Committee considered a written report by the Dilapidation Enforcement Officer in relation to a planning application for alterations to the wall of Marine Garden No.6 and the creation of access ramps.

The proposals had previously been approved by the Regeneration and Community Committee at its meeting on 18th June 2019, however, as the application involved Council-owned land, the Executive Committee was required to determine the response to the Planning Committee.

It was noted that the works would involve the demolition of an eight-metre section of Manx stone wall. The wall would then be moved back into the garden by a distance of 400mm, and re-built using Manx stone to match the existing.

The works were considered to be an essential element of the Douglas Promenade Refurbishment Scheme (albeit not originally planned for), in order to accommodate the relocation of the tramline and the positioning of a passing point. All costs would be funded by the Department of Infrastructure and, as a gesture of goodwill, the Department had proposed to pay for the design and construction of a compliant ramp to provide disabled access to the Garden.

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

- (ii) That the Planning Authority be advised that planning application PA19/00876/B - alterations to Marine Garden wall and creation of access ramps at No.6 Marine Garden, Harris Promenade, Douglas - was supported by the Council.”

A14. Urgent Business Procedure: Planning Approval Notice – Millmount House, off New Castletown Road, Douglas

The Committee considered a written report by the Dilapidation Enforcement Officer detailing a decision made under an Urgent Business Procedure.

It was recalled that an Urgent Business Procedure had previously been undertaken in March 2019, at which the Leader of the Council and the Chair of the Environmental Services Committee had concluded that an objection should be raised to the planning application for the erection of four semi-detached dwellings with associated parking at Millmount House, on the grounds that it would have an unacceptable effect on road safety and traffic. However, despite the objection being submitted by the Council, the application had subsequently been approved by the Planning Authority in July 2019.

A further Urgent Business Procedure had therefore been initiated to consider appealing against the approval of the application. The Leader of the Council and the Chair of the Environmental Services Committee had noted that there had been no objections raised to the application by the Highway Services Division of the Department of Infrastructure and, therefore, that the chances of a successful appeal by the Council were highly unlikely.

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

- (ii) That the outcome of the further Urgent Business Procedure – not to appeal against the approval granted by the Planning Authority in respect of Planning Application 19/00215/B, Millmount House, New Castletown Road, Douglas – be also noted.”

A15. Victoria Street Two-Sided Town Clock

The Committee considered a written report by the Electrical Services Manager in relation to the two-sided Town Clock attached to the former Isle of Man Bank building on upper Victoria Street, Douglas.

Members were advised that this was one of three Town clocks – the other two being the Town Hall clock and the Jubilee Clock. There had been a clock on the former Isle of Man Bank building since at least 1961, with this particular clock having been gifted to the Council in 1962 by the Townswomen’s Guild.

Since it was gifted to the Council, the Council had continued to have it inspected and serviced, with the latest inspection having been undertaken in May 2019 by the Clockmakers, ‘Smith of Derby’. The report on this latest inspection indicated that the fabric of the clock was continuing to deteriorate, and that it was no longer economical to repair it.

Members considered two options – the first, to replace the existing clock at a cost of £3,600; and the second, to determine that the clock had come to the end of its design life and would not be replaced.

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

- (ii) That authority be given for the Town Clock, attached to the former Isle of Man Bank Building on upper Victoria Street, to be removed; and
- (iii) That the cost of erecting a replacement plaque be investigated, in order that the wording could be updated to indicate that the Town Clock had formerly been located at that site.”

A16. Public Notices in Local Newspapers

The Committee considered a written report by the Senior Engineering and Waste Services Manager in relation to issues experienced when there was a variation to scheduled refuse collections or other services.

The Executive Committee, in October 2013, had amended Standing Orders 129 and 135 to allow for the removal of the mandatory requirement to place advertisements in the newspapers for contracts and tenders. This decision had been taken because of increasing costs where, for tenders and select lists, there was a requirement to place an advertisement in at least two publications for two weeks.

Whilst the resolution had specifically related to contracts and tenders, there had been a general presumption that where no legislative requirement existed, alternative methods of advertising should be used. It had therefore been established practice since 2014 to place public notices on the Council's website, as well as using social media such as 'Facebook' and 'Twitter'.

The Waste Services Section had first experienced issues in December 2014, when changes to the collection schedule for the Christmas period had not been published in the newspapers. Although complaints from householders being unaware of changes to the schedule had continued to fall as they became familiar with the alternative method of notification, there did, however, remain a small number of residents who did not have access to social media or the internet.

Whilst it was not being advocated that the placing of advertisements in newspapers should be reverted to, there were, however, occasions when there was potential for significant disruption and, in such circumstances, it was suggested that there should be an option to place an advertisement in the Island's freesheet (the 'Isle of Man Courier') at the Chief Officer's discretion.

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

(ii) That the following additional means of notifying residents of changes be implemented:-

- Information detailing alternative collection dates to be included in the annual Rates Newsletter; and
- Greater use to be made of the facility to send reminder text messages (as was already used in respect of recycling collection dates); and

(iii) That newspaper advertising remain an option where it was foreseeable that changes to scheduled collection rounds or other services were likely to cause difficulties for ratepayers, but that this only be used in exceptional circumstances."

A17. 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."

A18. Items for Future Report

The Committee considered a written report by the Chief Executive identifying those issues on which further reports had been requested or which were outstanding, so that Members and officers were aware of them and could monitor progress.

Resolved, "That particulars of the report be noted on the minutes and that it be considered and monitored at each meeting of the Executive Committee."

PART C –

Matters subject to Council approval

No matters subject to Council approval were considered.

The Committee rose at 3.35pm.

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

PENSIONS COMMITTEE

PENSIONS COMMITTEE – Minutes of Meeting held on Wednesday, 11th September, 2019.

Members Present: Councillor Ms K. Angela (Chair), the Mayor, Councillor Mrs C.E. Malarkey, Mr Councillor F. Horning, Mr Councillor J.E. Skinner, Councillor Ms J. Thommeny, Mr A. Thomas (Independent Member) (items A5 onwards).

In Attendance: Mr M. Freeman, Scheme's Investment Advisor – Hymans Robertson. Director of Finance (Mr A. Boyd), Assistant Chief Officer (Finance) (Mr E.P. Pierce), Democratic Services Officer (Mrs D. Atkinson). Mr J. Penn (Capital International) – Agenda item A8. Mr S. Wilson and Mr D. Hamill (Canaccord) – Agenda item A10.

REPORT

PART A –

Matters within the scope of the Committee's delegated authority

A1. Apologies

Mr Andrew Thomas (Independent Member) submitted his apologies for late attendance to the meeting.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 22nd May 2019

The minutes of the meeting held Wednesday, 22nd May, 2019 were approved and signed.

A4. Matters Arising

Proposed changes to scheme and cost sharing – In response to question the Director of Finance advised that the Department of Infrastructure (DOI) has received Capita's comments in relation to the proposed changes to cost sharing. The Department has since indicated at a recent meeting with Council officers that they intend to update the document incorporating some of Capita's suggestions and refer their final version to the Public Sector Pensions Authority for review ahead of presentation to the Minister of the DOI in October. The DOI advised that Council officers will have sight of the proposed changes before submission to the Minister.

Progression of the Local Government (Miscellaneous Provision) Bill – The Director of Finance advised that the Bill is currently with the Attorney General's office and no timeframe for consideration has been provided. It was noted that the progression of the Bill remains a high priority for the Department.

Members noted that a briefing note on both subjects will be circulated to the Pensions and Executive Committees.

A5. Training: Reviewing Investments

The Committee received a training presentation by Hymans Robertson to discuss the importance of reviewing investments.

Mr Freeman began by explaining that investments can change over time, the economy and markets can alter or funds may become less attractive. Funds are therefore reviewed to ensure they are still suitable and appropriate to meet the Scheme's objectives and that fund performance and volatility are compared with an appropriate benchmark.

Members considered the various ways to measure the performance of funds, which include setting benchmarks, time periods for performance, outperformance targets for active funds and triggers. Members were provided with a more detailed explanation for each measurement. Mr Freeman reminded that short-term underperformance of a fund should not trigger a change of fund manager, but that there may be other issues which trigger a review, such as a change in portfolio manager or investment strategy. The Committee should consider replacing a manager if they no longer have confidence in the manager being able to meet their target return. Mr Freeman suggested that performance over a 3-year period is usually a good indicator, and although the Scheme has not set specific triggers, the funds are reviewed quarterly, annually and triennially, and any concerns would be raised by Hymans through their research and reporting process.

The importance of monitoring investments was discussed. Members noted that the Committee monitor investments through quarterly reports submitted by Hymans Robertson, annual reviews including peer

group comparisons and triennial asset allocation alongside the actuarial valuation. Mr Freeman reminded that fund managers attend meetings twice annually to report their performance.

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

A6. Review of Scheme's Responsible Investing Policy 2019

The Committee considered a report submitted by Hymans Robertson to provide the results of the 2019 Responsible Investment Policy review.

Members were reminded that the Committee had developed and agreed a Responsible Investment (RI) Policy which takes into consideration Environmental, Social and Governance factors (ESG). The RI Policy was shared with the Scheme managers in 2017. The objective of the policy is to encourage managers to take certain factors into account when choosing underlying investments and it had been agreed to review the managers' mandates against the Committee's policy on an annual basis.

Canaccord confirmed their adherence to the RI Policy. Hymans Robertson are satisfied that all four mandates managed by Canaccord comply with the Committee's RI Policy where applicable.

Members noted that Capital International ("Capital") is still in the process of setting up the required operational procedures in order to enable them to vote on company resolutions. Capital have advised of their intention to put the infrastructure in place in the next twelve months. Subject to Capital commencing voting on company resolutions as soon as possible, Hymans Robertson are satisfied with the response received from Capital in relation to the Committee's RI Policy.

The Committee agreed to write to Capital requesting plans on how and when they will start voting on company resolutions. It was agreed as Capital were due to attend the Committee Meeting that the question would also be raised verbally with the manager.

Resolved, "That particulars of the report and discussion be noted on the minutes and the Director of Finance, on behalf of the Pensions Committee, write to Capital International to request plans on how and when they will start voting on company resolutions."

A7. Review of Investment Manager's Performance

The Committee considered a report by Hymans Robertson to review the Investment Managers' performance for the second quarter of 2019.

Mr Freeman presented the historic returns for world markets. Members noted a positive return for financial markets with both risk-seeking assets and government bonds delivering positive returns.

The fund outperformed the benchmark by 0.6% increasing in value by £3.1m during the quarter inclusive of a £0.5m investment of surplus contributions into the fund.

Mr Freeman provided a performance breakdown for each individual portfolio. The Committee noted that a previous resolution (which had remained in private during the process) to replace the St James's Place global equity mandate with a 50% split between the Xtrackers MCSI World ETF (Exchange Traded Fund) and the iShares Edge MSCI World Multi-Factor ETF through the holding manager Canaccord has been carried out.

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

A8. Manager Reporting: Capital International (Absolute Return Funds)

Mr J. Penn joined the meeting to present Capital International's performance during the second quarter of 2019.

Mr Penn provided the quarter returns for the fund which increased by 2.94% during the period gross of fees. Members were advised that the second quarter produced a strong performance, which was further led by good returns from stocks.

Members were presented with the asset allocation for the year to date, and a graph demonstrating the long-term perspective on how Capital International has invested since acquiring the fund in December 2012.

Mr Penn provided Members with the top and bottom 10 performers during the quarter and advised of the purchases, additions, sales and reductions during the period. Members noted that the majority of purchases and additions were new holdings to the Scheme.

Mr Penn finished by providing Capital International's outlook for markets and how the fund intends to position assets. Members noted particularly that despite a poor quarter, they forecast Property to improve.

In response to question regarding ESG policies, in particular voting on company resolutions, Mr Penn confirmed that it is Capital International's intention to vote in-house on company resolutions using existing resources. Committee dissatisfaction was expressed that voting on shares had not already commenced by this stage. Mr Penn assured that Capital International consider ESG factors very

important and managers currently allocate a section of their research notes towards ESG factors. It was noted that formal correspondence regarding the voting process would take place outside of the Committee forum.

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

Mr J Penn was thanked for his attendance and left the meeting.

A9. Adjournment and Resumption

The meeting adjourned at 1.10pm and resumed at 2.10pm with the same Members and officers present.

A10. Manager Reporting: Canaccord (Active and Index Tracked Funds)

Mr S. Wilson and Mr D. Hamill joined the meeting to present Canaccord's performance during quarter two of 2019.

The presentation began with a brief market outlook focussing particularly on the uncertain US market.

Mr Hamill presented the bond portfolio performance during the quarter. He explained that gilt yields are at a record low and the portfolio is defensively positioned relative to interest rate risk as Canaccord see little value in underlying yields of approximately 1% whilst inflation is in excess of 3%. Members noted that the fund has been consistent in returns with greater resilience in periods of drawdown in the underlying Gilt market, but as a result the fund has not benefitted from the sharp escalation in recent weeks. Canaccord are satisfied that their allocation is a more suitable long term approach. Mr Hamill finished the bonds presentation with a market outlook.

Members considered the tracker portfolio. Mr Wilson confirmed that the two new tracker funds, the iShares Edge MSCI World Multi-Factor ETF and the Xtrackers MSCI World ETF have been implemented.

Members were presented with the tracker portfolio valuation for all 5 tracker funds to 28th August 2019. Mr Wilson presented a series of graphs demonstrating that the funds are tracking their indices very closely.

The presentation continued with a review on the UK Property Fund Portfolio during the quarter. Members noted the portfolio valuation during the period. Mr Wilson advised that the fund is generally performing better in comparison to peers and provided tables and charts to demonstrate the comparison.

Mr Wilson finished with a summary review highlighting the positive and negative market views.

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

Mr Wilson and Mr Hamill were thanked for their attendance and left the meeting.

A11. Items For Future Report

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

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

A12. Date and Time of Next Meeting

Members noted that the next scheduled meeting was due to take place at 11.00am on Wednesday, 27th October, 2019.

Resolved, "That particulars 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 Committee rose at 3.19pm.

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

EASTERN DISTRICT CIVIC AMENITY SITE JOINT COMMITTEE

EASTERN DISTRICT CIVIC AMENITY SITE JOINT COMMITTEE – Minutes of Meeting held on Monday, 16th September, 2019.

Members Present: For Douglas Borough Council – Mr Councillor R.H. McNicholl (Member), Mrs D. Eynon (Director of Environment & Regeneration). For Onchan District Commissioners – Mr D. Crellin (Member), Mr R. Phillips (Officer). For Garff Commissioners – Mr N. Dobson (Member).

In Attendance: Mr P.E. Cowin (Secretary), Mrs D. Atkinson (Democratic Services Officer), Mr J. Quayle (Department of Infrastructure Representative), Mr S.A. Crook (Contractor's Representative) (Items A7 and A8 only).

Apologies: Mr D. Dentith (Member, Braddan Parish Commissioners), Mr N. Young (Member, Santon Parish Commissioners), Mr J.C. Whiteway (Officer, Braddan Parish Commissioners).

REPORT

PART A –

Matters within the scope of the Joint Committee's Delegated Authority

A1. Chair of Committee

The Secretary advised that as this was the first meeting in the current municipal year, it was necessary to appoint a Chair.

Mr Councillor R.H. McNicholl indicated that he did not wish to be nominated.

Mr N. Dobson was nominated by Mr Councillor McNicholl, seconded by Mr Crellin, and the nomination was carried unanimously. Mr Dobson thereupon took the Chair.

A2. Vice-Chair of Committee

Mr D. Crellin was nominated for the position of Vice-Chair by Mr Councillor McNicholl, seconded by Mr Dobson, and the nomination was carried unanimously.

A3. Minutes – 18th February, 2019

Noted and approved.

A4. Mattes Arising – Alternative Sites

In relation to Clause A6 of the minutes of the previous meeting, the Secretary advised that initial examination of potential alternative sites for relocation of the Civic Amenity Site had been undertaken and two sites identified. However in the past week a further potential alternative had become known. This had delayed production of the report. Mrs Eynon felt that due to the expiry of the current lease of the Site in January 2021, the matter was becoming urgent and she suggested a special meeting be held to consider it as soon as the report could be produced.

It was agreed: That a special meeting of the Joint Committee be provisionally arranged for Tuesday, 15th October, 2019, at 2.30 p.m., prior to which a copy of the lease of the current Site, and the report on alternative Sites, be circulated.

A5. Vehicle and Plant Hire

The Secretary advised that due to breakdown of vehicles and plant on the Site, the hire of replacements was causing an additional cost to the Committee. It was noted that the hookloader tipper and 360° excavator were the originals provided when the Site commenced operation in 2011. More information would become clear during the imminent process of considering budgets, but as at July 2019, there had been an additional £6,000 spent.

Noted.

A6. Temporary Closure of Site

The Secretary advised that on 24th and 25th June, 2019, the Site had been closed to the public in order for the owner to safely undertake tree maintenance works. The closure had been agreed by all participating authorities by e-mail.

Noted.

A7. Operational issues

Mr Crook joined the meeting at 2.55 p.m. Copies had been circulated of his report and he went through it to explain further to Members the detail.

On Item 1.3, relating to gas cylinders, Mr Quayle advised that Manx Gas would take all those that they could re-use, and were arranging also for specialist disposal of the remainder.

At Item 1.4, relating to oversize items being sent to the Energy for Waste Plant, Mr Crook advised that a single incident had arisen since the last meeting and dialogue over it was ongoing with the Department of infrastructure.

On Item 1.8, relating to CCTV, Mr Crook advised that the Information Commissioner had ruled bodycams not to be acceptable, although that was being challenged. Mrs Eynon felt that the whole CTV system at the Site may need to be updated, in which case a report would be brought to the Joint Committee.

The Joint Committee noted the statistics in the report on the number of incidents at the Site, and on the tonnages of the various elements of waste disposed of.

Mr Crook was seeking costs for installation of vehicle counting equipment in order to produce accurate statistics on vehicle movements into and out of the Site.

In relation to the cost of vehicles and plant hire (Clause A5 above) Mr Crook advised that the Council's Fleet Manager was seeking to repair the hookloader and 360° excavator. A report on likely costs would be brought to the special meeting provisionally arranged for 15th October.

Noted.

A8. Southern Civic Amenity Site

The Secretary referred to an invitation to tender, issued on behalf of the Southern District Amenity Site Board, for the provision of administration and supervision services in respect of that Site.

It was agreed that this Committee was not sufficiently resourced to provide the services required.

It was agreed: not to submit a tender.

The meeting ended at 3.50pm.

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

HOUSING COMMITTEE

HOUSING COMMITTEE – Minutes of Meeting held on Wednesday, 18th September, 2019.

Members Present: Councillor Mrs C.L. Wells (Chair), the Mayor, Councillor Miss D.A.M. Pitts, Mr Councillor J.E. Skinner, Councillor Mrs E.C. Quirk.

In Attendance: Assistant Chief Officer (Housing and Property) (Mr G. Atkin), Housing Manager (Mr V. Zivave), Assistant Chief Officer (Mrs C. Pulman), Assistant Democratic Services Officer (Miss C. Cullen).

REPORT

PART A –

Matters decided by the Committee

A1. Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Mrs C.E. Malarkey.

A2. Declarations of Interest

Councillor Mrs E.C. Quirk declared an interest in item C13.

A3. Minutes – 17th July, 2019

The minutes of the meeting held on Wednesday, 17th July, 2019, were approved and signed.

A4. Matters arising

No matters were raised as arising from the Minutes.

A5. Vacant Properties Update

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

The Housing Manager advised that as of today's date there were seven vacant properties awaiting attention.

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

A6. 2019 – 2020 Quarter One Performance Monitoring

The Committee considered a report submitted by the Assistant Chief Officer (Housing and Property) to update on the performance against measures as outlined in the Housing and Property Services Plans as relevant to the Housing Committee.

Members were advised that the Department of Infrastructure had introduced quarterly standards of performance which all social housing providers on the Island are required to complete and as such, a revised format for presentation of the performance data for Quarter One 2019/20 was appended to the officer's report.

Resolved, "That particulars of the report and discussion be noted on the minutes and that the progress made against the performance indicators in the Service Plans for Quarter One 2019/20 be noted."

A7. Responsive Repairs Review

The Committee considered a report submitted by the Assistant Chief Officer (Housing and Property) following a request by the Chair for a review of responsive repairs.

During discussion of the 2018/19 Quarter Four Performance monitoring report at the May 2019 Committee meeting Members had raised concern at the reported percentage of repairs that were being completed on time. As a consequence officers have investigated the matter and a number of changes have been implemented since that time.

Members were advised that since the beginning of the first quarter the Housing Maintenance team had commenced a data cleansing process which has resulted in an improvement of the figures for Quarter one 2019. A text message system was introduced on the 14th of August 2019 to manage closing jobs on time and early results are positive. Eventually, this will be managed by the new housing system (CIVICA) which will automatically close jobs as soon as an action is undertaken by the Operatives attending which will ultimately ensure that the data being collected is accurate.

The Committee noted that in order to further improve the reactive maintenance service, contractors have been employed to act as back up cover for the different trades as previously, jobs have failed because of staff absence.

Members accepted that the figures recorded in Quarter Four 2018/2019 were not a true reflection of the jobs completed on time and noted that the new housing system (CIVICA) would resolve these problems, however, in the meantime, the new text messaging system would help to reflect the figures closer to what they should be for Quarter Two 2019/2020

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

A8. Replacement Window Glazing Framework Project

The Committee considered a further report submitted by the Assistant Housing Manager (Maintenance) on the proposed Replacement Window Glazing Framework Project.

During consideration of the item at the July 2019 Committee meeting Members had requested that a cost comparison between servicing the existing window units and replacing the entire window unit be provided before making a determination on the Framework Contract.

Detailed within the officer's report was the cost comparison, Members noted that it would be approximately £3000 more per property to replace the entire window units.

Members addressed the concerns that had been raised during the August 2019 Council meeting, the Chair reaffirmed that the Committee had requested the cost comparison so as to ensure that the Council had considered all outcomes for the framework project and reminded Members that it was not the Committee's intention to replace the full window unit should it not be necessary.

The Assistant Chief Officer (Housing and Property) advised that the matter would remain subjective until completion of a pilot scheme to determine the scope of the works.

The Committee noted that the works to each property will include, but not be limited to;

- Replacing any defective glazed units;
- Ensuring that all the windows open and close correctly;
- Ensuring all handles, hinges etc. are in full working order;
- Replacing any defective window seals; and
- Applying a greasing agent to all moving parts if found tight.

It is proposed to complete a pilot scheme on approximately forty-five properties over a six month period by allocating £30,000 from the Housing Minor Work Capital Allowance, with the intention to replace the defective window glazing units on the wider Council housing stock through procurement of a ten year framework scheme.

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

- (i) That the pilot scheme for the Replacement Window Glazing Framework Project, in the sum of £30,000, be approved; and
- (ii) That the Committee notes that the project will be funded from the minor works capital allowance."

A9. Department of Infrastructure Social Housing Rent Setting Consultation 2020/2021

The Committee considered a report submitted by the Assistant Chief Officer (Housing and Property) on the Department of Infrastructure's (the Department) Consultation on rent-setting and associated matters for social housing for the 2020/2021 financial year.

Appended to the report was correspondence from the Department of Infrastructure seeking the Council's views on rent increases, and the allowances for expenditure by the Council on administration, maintenance and community. The Committee were reminded that a robust stance was taken over the past three years on a number of issues including the need for an above inflation rent increase, increases in Maintenance, Community and Administration Allowances and to not support the Departments Deficiency guidelines.

The current amount of allowance permitted to be retained from rental income for Housing Maintenance and Housing Management has reduced significantly over recent years. Members recognised that the present funding mechanism for social housing by Government is unsustainable.

Members and Officers have continued to lobby the Department for changes, and have had some success with the recent approval of the minor works capital petition which will allow a further £150,000 of maintenance work of a capital nature to be expended in the present year. Additionally the introduction of funding change request forms by the Department and trialled by the Council is assisting with void rent loss.

It is proposed to seek a rental increase of a minimum of Manx CPI together with increases in allowances. Members were advised that Manx CPI currently stood at 2.5%, as at the end of August 2019.

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

- (i) That the Committee agrees a rental increase of 2.5% for 2020/21 which in line with the Manx Consumer Prices Index as at the end of August 2019;
- (ii) The Committee agrees that the amount of rental income being allocated to Housing Maintenance and Housing Management through the Housing Deficiency Grant system is presently insufficient; and
- (iii) The Committee agrees that the present funding mechanism for social housing by Government is unsustainable and recommends that Local Authorities revert to being responsible for setting social housing rent as appropriate without the need for allowances set by Government but with an alternative support process, if and as required, which takes into account the Council's housing stock profile, age and turnover; and
- (iv) Should the above recommendation (iii) fail to be accepted by the Department then the Committee agrees that in due course the Maintenance Allowance needs to be increased up to 30%, the Community Allowance needs to be increased up to 10% and the Management Allowance needs to be increased up to 10% and that the Council should have autonomy to expend such allowances across the Council's housing service where the need dictates; and
- (v) That Committee at the same time requests that the Department notifies local authorities of the 2020/21 rent increase together with any changes to allowance levels in November each year, to allow sufficient time for their financial impact to be fed into the Council's budget setting process."

A10. **Items for Future Consideration**

The Committee noted the monthly report and schedule setting out items which will be brought forward for consideration to future meetings.

Members requested that a Briefing Note be circulated to the Committee in regard to staffing of Sheltered Accommodation.

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

A11. **Date and Time of Next Meeting**

Members were reminded that the next scheduled meeting was due to take place at 10.30am on Wednesday, 16th October, 2019.

Resolved, "That particulars 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

C12. **Willaston External Refurbishment – Appointment of a Contract Administrator and Lead Designer**

The Committee considered a report submitted by the Assistant Housing Manager (Capital) to appoint a new Contract Administrator and Lead Designer to the Willaston External Refurbishment Project following the resignation of MacOwan Collet Consulting Engineers Limited.

The Council was advised that MacOwan Collet Consulting would be withdrawing their professional services at the conclusion of phase 10 of the refurbishment project. Members were reminded that phase 10 will conclude the first five-year framework which is anticipated to be completed by September 2020.

As a consequence of the resignation a number of local consultancies, which were deemed to be suitable and reputable, were invited to register their interest on the Council's online portal. It was noted that six companies had been invited to tender for the appointment of a combined Contract Administrator and Lead Designer. It was further noted that of these six companies, only three had returned tenders by the closing date. Detailed within the officer's report was an explanation as to how the tenders were evaluated and scored.

On the basis of the tender evaluation it is proposed to appoint Ellis Brown Architects as contract Administrator and Lead Designer for the second five-year framework at a fixed percentage fee as detailed within the report.

As the first-five year framework is approaching completion a Member asked officers if the Committee could be provided with a cost comparison between refurbishment and redevelopment, the Chair advised that she had already given consideration to this and further advised that this information would be included in the Stage D1 Report for the second five-year framework.

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

- (i) The appointment of Ellis Brown Architects to provide professional Contract Administration and Lead Designer services for the second five-year framework for the Willaston External Refurbishment Capital Housing Project, at a fixed percentage fee be approved;
- (ii) That the Chief Executive be authorised to petition the Department of Infrastructure for borrowing powers in the amount of £73,810.00 being the sum required to defray the cost of the initial professional fees to procure a second five-year framework and administer design work up to tender stage for combined phase 11 and 12; 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 12.16pm.

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 September, 2019.

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

In Attendance: Director of Environment and Regeneration (Mrs D. Eynon), Assistant Chief Officer (Finance) (Mr E.P. Pierce), Assistant Chief Officer (Regeneration) (Mr C. Pycroft), Assistant Chief Officer (Housing and Property) (Mr G. Atkin) (Item A12 only), Head of Parks (Mr D. Hewes), Democratic Services Officer (Mrs D. Atkinson).

REPORT

PART A –

Matters delegated to the Committee

A1. Apologies

Councillor Mrs H. Callow submitted apologies for absence.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 16th July 2019

The minutes of the meeting held on Tuesday, 16th July, 2019, were approved and signed.

A4. Matters Arising

Clause A4 – Matters Arising - Cemetery Cottage – In response to question, the Director of Environment and Regeneration advised that one enquiry had been received regarding the sale of the cottage. It was noted that two open days had taken place hosted by a local estate agent. A Member suggested that in the event of no interest in the property, all Council Members be invited to view the building in its current state and that the Committee review the future of the building.

Clause A8 – Items for Future Report – Members noted that Douglas Town Band are aware of the new charging structure for their performances and no objection has been raised. A Member raised concern that two Douglas Council representatives attend meetings of the Douglas Town Band Committee and no official paperwork (agendas or minutes) are received by the Council. It was suggested that the need to send two Douglas representatives be reviewed prior to the new term in April 2020.

Clause A3 – Minutes – Finch Hill Tennis Pavilion – The Chair queried the figure presented and the necessity to replace the cladding at the property. It was noted that a report on the works required will be presented to the Committee in October as part of the annual budget process.

A5. Minutes – 16th July 2019

The minutes of the Joint Meeting of the Environmental Services Committee and the Regeneration and Community Committee on Tuesday, 16th July, 2019 were approved and signed.

A6. Application to Hold a Hop Tu Naa Event in Summerhill Glen

The Committee considered a report submitted by the Head of Parks to progress an application to hold a Hop Tu Naa event in Summerhill Glen between 28th October and 3rd November, 2019.

The proposed event is an expansion of the events held in Summerhill Glen for Hop Tu Naa 2014, 2015 and 2016 which were organised by PSS Services Ltd. The organiser intends to expand the event and use the adjacent football club for marquee based attractions. This expansion falls outside any agreement between the Council and the organiser.

In response to issues raised in previous years, the Council has sought assurances that if the event is to expand that adequate car parking is provided away from Summerhill Road. Members noted the event traffic management plan appended to the report.

Members referred to the poster advertising the event, and the reference within the artwork claiming the ‘official’ Hop Tu Naa event. It was agreed that the organiser be asked to remove this term of reference as the Council is permitting use of land as opposed to endorsing the event.

Members noted the rental charged in previous years and the proposed rent for the 2019 event. The Head of Parks confirmed that the rent is for a specific area of the park which will be defined in the agreement, and the main glen footpath will remain open to the public for the duration of the event. It was agreed that the proposed rent be increased for the period.

The Head of Parks confirmed that the organiser will have a deadline of 10 days to submit all paperwork for the event.

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

- (i) The application to hold a Hop Tu Naa event in Summerhill Glen between 28th October and 3rd November, 2019 be approved;
- (ii) Public access to the site not be restricted whilst the event is taking place;
- (iii) A site rental fee, excluding reinstatement costs and event preparation charges, be set;
- (iv) Any post event reinstatement of the site be charged to the event organiser;
- (v) All paperwork for the event be submitted within 10 days, and the Head of Parks be authorised to decline the hire request in the event of any concerns being raised in the event paperwork or if the fee is not accepted;
- (vi) The event organiser be requested to remove the word 'official' from event marketing."

A7. Noble's Park Application to Hire Land for the Installation of a Christmas Corporate Events Marquee

The Committee considered a report submitted by the Head of Parks to progress an application by Switched On Events to hire an area of land at Noble's Park for the installation of a Christmas corporate events marquee between the dates of 4th November and 22nd January 2020.

It was noted that the marquee installation will require planning permission and will be considered by the Executive Committee as an application being made by a 3rd party on Council land. The event will be subject to other licences and permissions and the organiser will be required to provide evidence of these to the Council. The organisers will also be required to submit all event paperwork to the Council to review in advance of the event.

The Head of Parks advised that the restaurant owner had been made aware of the application and no objection has been raised.

The Chair queried the duration of time required for set-up, the Committee agreed to reflect the longer duration required in the site rental fee. Members discussed the proposed rental fee and agreed to increase it for the period.

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

- (i) The application from Switched On Events to hire an area of land at Noble's Park for the installation of a Christmas corporate events marquee between the dates 4th November 2019 and 22nd January 2020 for a ground rent be approved, subject to Executive Committee approval of the proposed planning application;
- (ii) Officers be authorised to provide a letter of consent to the event organiser for the application of alcohol and music licences;
- (iii) Any post event reinstatement of the site be charged to the event organiser."

A8. Noble's Park Water Main Replacement Wayleaves

The Committee considered a report submitted by the Head of Parks, in response to a request from Manx Utilities, to install replacement water mains through Noble's Park.

Members were reminded that the Committee previously resolved to grant permission for the Council to enter into wayleave agreements with Manx Utilities for pipelines in Noble's Park. Manx Utilities has returned to the Council to seek permission to replace two additional pipelines through the park which will require wayleaves to be put in place. The work continues their replacement programme of pipelines through the park.

The Head of Parks confirmed that the Council will receive a one-off wayleave payment amounting to £3,462. Members noted that all reinstatement works following the installation of the pipeline will be borne by Manx Utilities.

Resolved, "That particulars of the report and discussion be noted on the minutes and two wayleaves to Manx Utilities to install replacement water mains through Noble's Park be granted."

A9. **Douglas Golf Course Memorial Policy Statement and Application to Erect a Memorial**

The Committee considered a report submitted by the Head of Parks to seek approval for the adoption of a memorial policy statement for Douglas Golf Course and to consider an application to install a memorial to Mr Kenneth Tomlinson MBE.

The Head of Parks explained that an application has been received from Douglas Golf Club seeking permission to erect a small stone memorial at Douglas Golf Course for the late Kenneth Tomlinson MBE. Members noted that there are regulations in place covering memorial applications within the Council's cemeteries, however there is no policy in place for other Council land, including the golf course.

To ensure that memorial applications can be managed in a fair, consistent and transparent way, the report recommended to adopt a policy statement for memorial applications at Douglas Golf Course. Members had in front of them the proposed policy.

Members noted that in applying the policy to the application by Douglas Golf Club for the installation of the Kenneth Tomlinson MBE memorial, a recommendation would be forthcoming to approve the application.

The Head of Parks advised that a report on the policy for memorials or tributes on other Council land will be considered by the Committee in due course.

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

- (i) The policy statement for applications to install memorials and tributes at Douglas Golf Course be adopted;
- (ii) The application by Douglas Golf Club to install a memorial stone for former Club President Mr Kenneth Tomlinson MBE be approved."

A10. **Town Branding Project Developed by the Department of Enterprise**

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration) to brief on the Town Branding Project being developed by the Department for Enterprise and to seek the Committee's view on the level of participation by the Council.

Members were advised that the objective of the Town Branding initiative is to promote greater movement across the Isle of Man from local residents and visitors. It is hoped this will be achieved through a co-ordinated branding approach.

The Assistant Chief Officer talked through a list of the measures to be offered to each town. Although the initiative by agencies is to be applauded in relation to the smaller towns (and villages) the report raised some concerns about subscribing fully to the initiative because some of measures proposed have already been implemented by the Council.

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

- (i) The Council responds to the Department of Enterprise requesting partial involvement in the Town Branding initiative including;
 1. A landing page on the Visit Isle of Man linking directly to the Douglas Town Centre Management page;
 2. Marketing through the Visit Isle of Man website, social media channels and visibility through press trips organised by Visit Isle of Man;
 3. Engagement and interaction with Business IOM and Visit Isle of Man;
 4. Access to a marketing budget (subject to any restrictions or conditions that might be applied);
 5. Douglas businesses being eligible to membership of the project;
 6. Inclusion in the itinerary builder on the Visit Isle of Man website;
 7. Marketing and social media training and assistance for Douglas businesses;
 8. Recommendations to Visit Isle of Man influencers and press visitors.
But not including;
 9. USP/brand identity workshops;
 10. Brand and logo development with the exception of a simple "Visit Douglas" logo that reflects the Borough's status as the island's capital to be approved by the Committee before being used."

A11. Quarter One Service Plan Performance Monitoring – 2019/2020

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

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

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

A12. Finch Hill Bowling Pavilion – Dry Rot

The Assistant Chief Officer (Housing and Property) joined the meeting to discuss the following item.

The Committee considered a report submitted by the Assistant Property Manager (Assets) in response to a request from the tenant of the Finch Hill Pavilion and Bowling Club Limited to seek financial assistance for the eradication of dry rot.

Members were advised that the tenant has approached the Council and requested financial assistance towards the remedial costs of dry rot identified in the kitchen. The estimated cost to eradicate the dry rot is £4,970 excluding the removal of the kitchen units, floor surfaces and other incidentals and the reinstatement costs including the plastering of walls.

The Assistant Chief Officer (Housing and Property) advised that the tenant is proposing that the Council appoint a contractor directly to deal with the dry rot treatment and therefore hold the 30 year guarantee for the works.

Members discussed the approach at length and regrettably due to the significant investment by the Council in 2018 to improve the building, and as there is no available budget to fund the works, the Committee agreed not to provide financial support. It was noted that the tenant is responsible for the repair and maintenance of the building in exchange for a lower rental fee.

Resolved, “That particulars of the report and discussion be noted on the minutes and the provision of further financial support to the tenants of the Finch Hill Bowling Pavilion not be approved and that the Tenant has to undertake the works to eradicate the dry rot in accordance with the lease.”

A13. Items for Future Report

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

It was agreed that the Noble’s Park traffic management be added to the schedule as a reminder that discussions are still ongoing with the Department of Infrastructure.

The Director of Environment and Regeneration advised of feedback received in relation to the current fee structure for cremations. It was agreed that a breakdown of fees at the crematorium be considered as part of the budget process in October 2019.

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

A14. Date and Time of Next Meeting

Members were reminded that the next scheduled meeting was due to take place at 10.30 a.m. on Tuesday, 15th October, 2019.

Resolved, “That particulars 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 12.17pm.

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

ENVIRONMENTAL SERVICES COMMITTEE

ENVIRONMENTAL SERVICES COMMITTEE – Minutes of Meeting held on Monday, 16th September, 2019.

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

In Attendance: Director of Environment and Regeneration (Mrs D. Eynon), Assistant Chief Officer (Environment) (Mr A. Donnelly), Assistant Chief Officer (Income) (Mrs C. Pulman), Dilapidation Enforcement Officer (Mr S. Salter) (Items A10 to A12), Assistant Town Clerk (Mr P. Cowin), Assistant Democratic Services Officer (Miss C. Cullen).

REPORT

PART A –

Matters delegated to the Committee

A1. Apologies

No apologies for absence were submitted.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 15th July, 2019

The minutes of the meeting held on Monday, 15th July, 2019 were approved and signed.

A4. Minutes – 16th July, 2019

The minutes of the joint meeting with the Regeneration and Community Committee held on Tuesday, 16th July, 2019 were approved and signed.

A5. Matters Arising from the Minutes

15th July, 2019 Clause B11 – Dog Control Byelaws – Dogs on Douglas Beach – in light of comments made at the August 2019 Council meeting the Director of Environment and Regeneration sought the Committee's view on whether they wished to receive a future report on extending the area of Douglas beach whereby dogs are permitted. Members considered that other matters in respect of the beach, notably a decision on the groynes and the sea wall planning application should take priority and as such agreed to defer the item until September 2020.

A6. Isle of Man Festival of Motoring

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration) on a proposal received from the Sefton Group to provide secure parking for vehicles participating in the Isle of Man Festival of Motoring from 17th to 20th September, 2020. The event, organised by Scenic Car Tours, will involve participants from the United Kingdom visiting the Isle of Man in their classic vehicles.

The report provided details of the events planned for the festival and appended to the officer's report was the promotional literature. Festival participants will be accommodated at the Ramsey Park Hotel and the Best Western Palace in Douglas and as interest in the event had proved very positive further accommodation is required. Members noted that the Sefton Hotel have shown interest in becoming involved, subsequently they are proposing that some of the cars be accommodated in secure parking within Chester Street Car Park as parking on their site is limited.

The report recommended that a secure area be set up on either level 1 or 2 of Chester Street Car Park, at a location to be agreed on site prior to the event, and that no charge be levied on the spaces provided as it supports tourism.

In response to question, the Director of Environment and Regeneration advised that parking for guests staying at the Sefton Hotel is estimated at approximately 30 to 40 cars and that as participants are likely to be out around the Island in their vehicles for much of the day that parking would mainly be in the evening and overnight. It was noted that it is proposed to park 2 vehicles per 3 spaces and that the event organisers would be providing suitable security due to the value of the vehicles.

There was discussion on the current level of use of Chester Street Car Park, whilst Members recognised that levels 1 and 2 were not well used during the times when participants' vehicles would be present concern was raised that approval of the proposal may set a precedent for similar requests and as such approval was not given to the recommendation to levy no charge on the spaces and rather a discounted rate be offered for the spaces.

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

- (i) That in accordance with the Council's corporate objective to use the Council's resource and assets to support events that will attract visitors to Douglas, the Committee agrees to permit the Sefton Group and the organisers of the Isle of Man Festival of Motoring to provide a secure parking area for participants' vehicles in Chester Street Car Park from 17th to 20th September; and
- (ii) That £9.00 per car, for three nights and four days, be levied to participants of the Festival of Motoring staying at the Sefton Hotel."

A7. Commercial Advertising on Council Vehicles

The Committee considered a written report submitted by the Assistant Chief Officer (Environment) on a proposal to explore the use of Council vehicles for commercial advertising.

Members were reminded of a standing resolution, as agreed by the Committee in June 2013 not to allow commercial advertising on Council vehicles. The Chair recalled that at the time, it was the view of the Committee that Council vehicles should be reserved for the promotion of recycling and useful Council contact telephone numbers.

Members were advised that following an approach made by a local estate agent seeking to sell advertising space on Council vehicles, officers felt it prudent to refer the matter to the Committee to revisit the proposal noting that it would generate a new income stream for the Council. The proposal is to include advertising on litter bins.

The Chair advised that when the item was previously considered the Planning Department had advised that an individual planning application would be required for each litter bin. In light of this, Members raised concern that this would be time costly and asked that a response be sought from Planning and included as part of the officer's further report.

There was discussion about which particular vehicles would be used for advertising space, it was the general view of the Committee that the smaller vehicles may not be suitable. Members requested that images of how the advertising may look once on the vehicle be presented to them and asked officers to ensure that each vehicle remains clearly identifiable as Douglas Borough Council. The Committee reiterated their previous decision that recycling vehicles be reserved for recycling promotion. The Director of Environment and Regeneration advised that officers would give consideration to these comments and explore vehicle suitably as part of the report.

Resolved, "That particulars of the report and discussion be noted on the minutes and that the Committee agrees in principle to commercial advertising on Council vehicles, whereby: -

- (i) Officers obtain quotations from external advertising agencies to manage the scheme and compare cost with in-house management;
- (ii) Officers develop a guidance document setting out the acceptable criteria for advertising on appropriate Council vehicles; and
- (iii) Officers explore the scope for selling advertising space on litter bins as part of the process."

For 4. 1 Against.

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

A8. Supply and Fitment of Tyres for the Council's Fleet of Vehicles and Mobile Plant

The Committee considered a report submitted by the Assistant Facilities and Purchasing Manager on the tender received for the supply and fitment of tyres for the Council's fleet of vehicles and mobile plant.

An open procurement route was followed in accordance with the Council's tendering procedures and an invitation to be included on a select list of suppliers was advertised in the local press. Subsequently three companies applied to be included on the select list.

Members noted that only one tender was received by the closing date. The two other companies failed to submit tenders. The tender was opened in the presence of the Chair of the Environmental Services Committee, the Assistant Chief Officer (Environment) and the Assistant Facilities and Purchasing Manager. Members were advised that the Council has previously used National Tyre Service Limited and found them to offer an effective and value for money service.

Resolved, “That National Tyre Service Limited be awarded the contract to supply and fit tyres for the Council’s fleet of vehicles and mobile plant.”

A9. **Abatement Notice – Thai Thai Restaurant**

The Committee considered a report submitted by Mr D Stewart, Environmental Health Officer for the Department of Environment Food and Agriculture (DEFA) seeking approval to enforce the Abatement Notice served on the Operator of Thai Thai Restaurant, Circular Road on 26th February, 2019.

The report advised that discussions have been ongoing with the Food Business Operator and the owners of Capital House to reposition the outlet of the extract ventilation system to roof height to increase the dispersion effect of the odours which would minimise the impact on the adjacent residential properties; such a solution would require a planning application and it was agreed in July 2018 to progress this with a degree of urgency.

A planning application was submitted by the Food Business Operator and was due to be considered by the Planning Committee on 29th May 2019.

The timescale of the Abatement Notice served on the 26th February (requiring compliance within three months) was extended by a further month to facilitate this delay (the original date of compliance was the 26th May) however plans in support of the application were withdrawn on the instructions of the owners of the building.

Members noted that alternative plans were submitted to the Planning office on the 28th June and subsequently approved at the end of July, 2019.

Members were advised that works to the ventilation system had been delayed due to the erection of scaffolding on the adjacent property. This had resulted in the crane required for the works being unable to access the property via the rear lane. The Assistant Town Clerk further advised that as the scaffolding had recently been removed works are proposed to commence on 22nd September, 2019. In light of this information, it was the general view of the Committee that the Food Business Operator be given three weeks from the proposed commencement date to complete the works and, if not adhered to, then legal proceedings be instigated.

Resolved, “That particulars of the report and discussion be noted on the minutes and that legal proceedings be instigated against the operator of Thai Thai Restaurant for failing to cease causing a nuisance by the discharge of cooking odours at first floor level if the operator fails to complete works to the ventilation system by 13th October, 2019.”

4 For. 1 Against.

Mr Councillor R.H. McNicholl asked that his name be recorded as voting against the resolution.

Adjournment and Attendance

The meeting adjourned at 10.50am and resumed at 11.00am with the same Members present.

The Dilapidation Enforcement Officer joined the meeting.

A10. **Planning Applications – Various**

The Committee considered a written report submitted by the Dilapidation Enforcement Officer on various planning applications. Members were presented with a covering report, together with an appraisal of each of the five applications for consideration.

1. **Planning application 19/00734/C for the temporary use as a car park (retrospective) at 19 – 20 St. George’s Street, Douglas.** The appraisal report recommended raising no objection but that should approval of the planning application be granted then it be subject to a condition that the site is suitably maintained during the additional 12 month period. Members noted that the site is currently on the Dilapidated properties list.

A Member expressed disappointment that the applicant had not addressed the need to provide adequate parking for their staff members and advised that as a result residents were experiencing problems parking, particularly in the Hillside area. Continuation of the temporary car park would set a concerning precedent. The Director of Environment and Regeneration advised that under planning guidance any temporary car park should only be in situ for a maximum of twenty-four months. Members noted that this car park had surpassed that timeframe by fifteen months.

Resolved unanimously, “That an objection be raised to planning application **19/00734/C** on the grounds that the site has been a temporary car park for over the recommended twenty-four month period and that the applicant has not fulfilled their obligation of the original planning conditions to provide adequate parking for staff.”

2. **Planning Application 18/01342/B for the demolition of the industrial units situated at 31 – 39 and the erection of thirty-eight flats at 31 – 39 South Quay, Douglas.** The appraisal report recommended support of the application subject to conditions.

Members were reminded that the planning application had been previously considered at the February 2019 Committee meeting where it was resolved to raise an objection, this had been largely due to the building being too great a mass and that the proposed finish of property was not in keeping with the existing street scene and surrounding area. It was noted that demolition of the Trafalgar public house had been included in the original plans but under the new proposals the Trafalgar would remain in situ.

During discussion of the new proposal Members raised concern about traffic management in the area and expressed disappointment at the quality of information provided by the applicant, notably the lack of a flood risk assessment, an assessment on the stability of the cliff face and that no comment had been received from the Highways Division in relation to traffic management.

There was discussion on parking provision and Members suggested that fifty spaces was not sufficient for the proposed number of dwellings. Question was also raised as to whether the spaces were big enough in size to accommodate modern vehicles.

Resolved, “That the Council supports planning application **18/01342/B** for the demolition of the industrial units situated at 31-39 and the erection of thirty-eight flats at 31-39 South Quay, South Quay Douglas, subject to the following conditions;

- (i) The applicant appoints an agent to undertake the movement of the refuse bins from the car park area to the bin storage at ground floor level at times to be agreed with the local authority;
- (ii) That the applicant continues discussions with the Council’s Waste Services Management Team regarding the storage of recycling receptacles and the collection of;
- (iii) That any approval granted be subject to an acceptable flood risk analysis and no objection from the Manx Utilities Authority;
- (iv) That no objection is received from the Department of Infrastructure’s Highways Services Division regarding access and egress of the site including traffic and pedestrian safety;
- (v) That an engineer’s report is obtained outlining the suitability of the cliff face to maintain its integrity; and
- (vi) The Council would also request that the applicant gives consideration to the following:
 - a) Design Guide – Affordable Housing Standards
 - b) Refuse Disposal 2.4.12e Kitchens should be supplied and fitted with a 3 compartment waste bin suitable for segregating the key waste for recycling.
 - c) That the applicant gives consideration to the suitability of the bicycle storage areas and ensures that the provisions meet the recommendations of the Secured by Design Homes 2019 standards.
 - d) The Council also wishes to express its disappointment at the lack of comprehensive information which should have been part of the application and made available for public scrutiny.”

3 For. 2 Against.

Mr Councillor R.H. McNicholl and Mr Councillor A.J. Bentley asked that their names be recorded as voting against the resolution.

3. **Planning application 19/00324/B for the conversion of guest houses to provide ten residential apartments at 1 and 2 Church Road Marina, Douglas.** The appraisal report recommended support of the application subject to a condition that the cycle storage area be fitted with a secure door fixed at the top of the entrance stairs.

Members recalled that the application had been previously considered at the May 2019 Committee meeting where it was resolved to raise an objection to the planning application on the grounds that the proposal did not meet the standards for the collection and storage of recycling and refuse receptacles. The appraisal report advised that the amended plans have been reviewed by the Council’s Waste Services Section and they appear to address the previous grounds for objection.

Resolved, “That the Council supports planning application **19/00324/B** for the conversion of guest houses to provide ten residential apartments at 1 & 2 Church Road Marina, Douglas subject to the following conditions;

- (i) That the cycle storage area be fitted with a secure door fixed at the top of the entrance stairs to meet the recommendation of the secured by design standards;

- (ii) The Council requests that the applicant gives consideration to the following: Design Guide – Affordable Housing Standards Refuse Disposal 2.4.12e Kitchens should be supplied and fitted with a 3 compartment waste bin suitable for segregating the key wastes for recycling; and
 - (iii) That the applicant gives consideration to putting a roof on the bin store for noise containment.”
4. **Planning application 19/00755/B** for the construction of a 500m long reinforced concrete wall 1.2m in height anchored to the existing sea wall to reduce wave overtopping. The appraisal report recommended that no objection be raised to the planning application.

Members were reminded that the planning application had been previously considered and objected to and the appraisal report advised that this new application attempts to mitigate the previous concerns raised by the Council and the Planning Committee by the introduction of the following additions; additional artwork has been incorporated into the wall; provision for locating the existing flag poles and life rings on the wall has been made; two viewing areas have been provided to allow access for wheelchair users; a vehicle beach access has been provided at the bottom of Broadway and an Environmental Impact Assessment has now been provided that includes a Heritage Impact Assessment and a statement regarding any Flood Risks.

Members expressed their disappointment that the wall was not being completed along the full length of the Promenade.

Resolved, “That no objection be raised to planning application **19/00755/B** for the construction of a 500m long reinforced concrete wall 1.2m in height anchored to the existing sea wall to reduce wave overtopping.”

4 For. 1 Against.

Mr Councillor R.H. McNicholl asked that his name be recorded as voting against the resolution.

5. **Planning application 19/00816/B for the partial demolition of a derelict hotel/guesthouse and re-construction of the building, retaining the façade wall to provide basement commercial and nine residential apartments at the Marina Hotel, Loch Promenade (in association with 19/00817/CON).**

The appraisal report recommended that support be given to the application with conditions. The Dilapidation Enforcement Officer advised that the proposals are the same as the plans previously submitted and considered in 2016 where it was resolved to support the application. Members noted that the proposals show a glass frameless wall and glass frameless balustrade on the top floor as per the most recent application. At the request of Members plans for the front elevation were circulated.

There was discussion surrounding the proposed height of the roof. A Member suggested that the applicant be asked to restore the original Victorian roof line of the property so it is in keeping with the neighbouring properties.

Members discussed the provision for bicycle storage. It was noted that it is proposed to provide space for sixteen bicycles with access at the rear of the property via a narrow lane. Members raised concern over the suitability of these proposals noting that there is no public lighting in this lane.

The recommendation “that support be given to planning application 19/00816/B subject to the following condition; that the applicant fits a secure gate/door with a suitable lock to the rear lane access point to the cycle storage area and that the area incorporates sensor lighting” was not approved, two Members voting in favour and three against, Councillors Mr R.H. McNicholl, Mr F. Horning and Mr A.J. Bentley requested that their names be recorded as voting against the resolution.

Resolved, “That an objection be raised to planning application **19/00816/B** for the partial demolition of a derelict hotel / guesthouse, re-construction of building (retaining façade wall) to provide basement commercial and nine residential apartments at the Marina Hotel, Loch Promenade (in association with 19/00817/CON) on the grounds that the proposals do not comply with Environment policy 35 of the Isle of Man Strategic Plan 2016, in that the property does not enhance the conservation area in particular the retention of the form of mansard roof, in addition, the bicycle storage area does not meet the recommendation of the secured by design standards.”

- A11. **Planning Refusal Notice for Planning Application 19/00546/B – Land of lane at rear of Westminster Drive, Douglas**

The Committee considered a report submitted by the Dilapidation Enforcement Officer to determine whether an appeal should be lodged against refusal of planning application 19/00546/B.

The Director of Environment and Regeneration reminded Members that planning application 19/00546/B had been considered at the Committee meeting held on 17th June, 2019 where it was resolved to not raise an objection to the application. Subsequently the Planning Committee had refused the application.

Resolved, "That the Council does not lodge an appeal against the Planning Committee's decision to refuse planning application 19/00546/B."

A12. Remainder of Agenda and End of Meeting

As the time approached 1.00pm a Member suggested that the Committee determine whether to break for lunch and reconvene the meeting.

There were five outstanding items on the agenda; Quarter One Performance Monitoring 2019/2020; Planning Approval Notice for Planning Application 19/00215/B; the Schedule of Neglected, Dangerous and Ruinous Properties; items for future report and the date and time of the next meeting.

The Director of Environment and Regeneration advised Members that each of the remaining reports did not require a decision and rather they were presented to Members for noting. The Director of Environment and Regeneration suggested that if Members were minded to do this they could contact her should they have any questions on the items.

Resolved, "That the five outstanding agenda items be noted."

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 1.20pm.