



Borough of Douglas

**MR COUNCILLOR JONATHAN JOUGHIN, JP
MAYOR**

Town Hall,

Douglas,

5th February, 2021

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL to be held on WEDNESDAY, the 10th day of FEBRUARY, 2021, 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 and Property 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, 3rd February, 2021, the Special Council Meeting that was held virtually on the morning of Thursday, 28th January, 2021, and the Special Council Meeting that was held in person on the afternoon of Thursday, 28th January, 2021.

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

EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Thursday, 4th February, 2021.

Minutes to be circulated separately.

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

PENSIONS COMMITTEE

PENSIONS COMMITTEE – Minutes of Special Meeting held on Friday, 29th January, 2021.

Members Present: Mr Councillor F. Horning (Vice-Chair), Councillor Mrs C.E. Crawley, Councillor Ms J. Thommeny, Mr A. Thomas (Independent Member).

In Attendance: Director of Finance (Mr A. Boyd), Assistant Democratic Services Officer (Miss C. Cullen).

REPORT

PART A –

Matters within the scope of the Committee’s delegated authority

A1. Apologies

Due to the current Covid-19 restrictions and to ensure the Council complied with the public health regulations and safety guidance, attendance at the meeting was kept to a minimum. The following Members were therefore not present at the meeting; Councillor Ms K. Angela (Chair), Mr Councillor J.E. Skinner, His Worship the Mayor. Those Members not in attendance observed the meeting via video link.

A2. Declarations of Interest

There were no declarations of interest.

A3. Standing Order 83

In line with Standing Order 83, in the absence of the Chair, the Vice-Chair of the Committee Mr Councillor F. Horning chaired the meeting.

A4. The Isle of Man Local Government Superannuation Scheme Pension Fund Annual Report for the Year Ending 31st March 2020

The Committee considered a report submitted by the Assistant Chief Officer (Finance) to approve the Pension Fund Annual Report and to authorise the Letter of Representation to be signed by the Vice-Chair of the Committee.

Members were reminded that the Accounts and Audit Regulations 2018 require Local Authorities to have their Statement of Accounts approved and certified by the external auditor by 31st October each year, under the Coronavirus Inspection Timetable Direction Order 2020, the deadline for sign-off of the accounts was extended by three months to 31st January, 2021. This also applies to the Pension Fund Annual Report. As in previous years, the Council’s auditor has asked that a Letter of Representation be issued by the Council, alongside the Statement of Accounts, in order that audit certification can take place. The Letter of Representation was appended to the report.

In response to a Member request, it was agreed that appendix three of the report; the audit completion letter from Baker Tilly LLC be sent to all Members ahead of the February 2021 Council meeting.

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

- (i) The Pension Fund Annual Report for the year ended 31st March 2020 be approved;
- (ii) The Letter of Representation be agreed and signed by the Vice-Chair of the Committee and presented to the Council’s external auditor; and
- (iii) The completion letter from Baker Tilly Isle of Man LLC be noted.”

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 10.45am.

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

HOUSING AND PROPERTY COMMITTEE

HOUSING AND PROPERTY COMMITTEE – Minutes of Meeting held on Wednesday, 20th January, 2021.

Members Present: (all via video conference) Councillor Mrs C.L. Wells (Chair), the Mayor, Councillor Mrs C.E. Crawley, Mr Councillor J.E. Skinner, Councillor Mrs E.C. Quirk, Councillor Ms J. Thommeny.

In Attendance: (all via video conference) Director of Housing and Property (Mr D. Looney), Assistant Chief Officer (Income) (Mrs C. Pulman), Housing Manager (Mr V. Zivave), Assistant Town Clerk (Mr P.E. Cowin), Assistant Democratic Services Officer (Miss C. Cullen).

REPORT

PART A –

Matters delegated to the Committee

A1. Apologies for Absence

No apologies for absence were received.

A2. Declarations of Interest

There were no Declarations of Interest.

A3. Minutes – 16th December, 2020

The minutes of the meeting held on Wednesday, 16th December, 2020, were approved for signature.

A4. Matters arising

No issues were raised as arising from the previous 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.

Appended to the officer's report was the void properties schedule, which showed that as at the end of December 2020 there were fourteen void properties receiving attention. The Housing Manager advised that since the time of writing the report three vacant properties had been returned by tenants as a result of housing transfers.

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

In light of the Chief Minister's suggestion to potentially ease some of the restrictions on the construction industry next week, the Housing Manager advised that subject to risk assessments, work may be able to recommence on vacant properties.

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

A6. Housing Rent Arrears

The Committee considered a report submitted by the Housing Manager to monitor the progress made on rental income collection.

Members were reminded that since the outbreak of coronavirus in March 2020, Council officers had carried out a significant amount of work conducting welfare checks and calls to all tenants who were in rent arrears due to the effects of the pandemic. For any tenants who do not have payment plans, officers were engaging with and linking them to charities and Government organisations that offer debt counselling.

Members were advised that due to the frequency of rent payments there is a constant fluctuation of tenants in arrears of under £500 and as such Housing officers were targeting tenants in the over £500 category noted at 3.2% of all tenants.

Appended to the officer's report was a table setting out the rent arrears statistics for both November 2020 and December 2020 to provide a comparison between the months, notably for December 2020, the

number of tenants on payment plans had increased from 98 to 115 and the total amount of rent arrears had reduced significantly from £190,842.82 to £123,361.42.

Resolved, "That particulars of the report and discussion be noted on the minutes and that the progress made on rental income collection be noted."

A7. 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.

The Director of Housing and Property advised that two reports in relation to Council properties; the Crematorium Shelter and Crematorium Cottage would likely be presented to the February 2021 meeting.

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

A8. Date and Time of Next Meeting

Members were reminded that the next scheduled meeting was due to take place at 10.00am on Wednesday, 17th February, 2021.

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

PART B –

Matters requiring Executive Committee approval

There were no items requiring Executive Committee approval.

PART C –

Matters requiring Council approval

There were no items requiring Council approval.

The meeting ended at 11.15am.

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, 19th January, 2021.

Members Present: (all via video conference) Mr Councillor S.R. Pitts (Chair), the Mayor, Councillor Mrs H. Callow, Councillor Mrs R. Chatel, Councillor Mrs C.E. Crawley, Councillor Ms K. Angela.

In Attendance: (all via video conference) Director of Environment and Regeneration (Mrs D. Eynon), Assistant Town Clerk (Mr P.E. Cowin), Assistant Chief Officer (Finance) (Mr E.P. Pierce), Assistant Chief Officer (Regeneration) (Mr C. Pycroft), Head of Parks (Mr D. Hewes), Assistant Head of Parks (Technical) (Mr G. Newsome), Democratic Services Officer (Mrs D. Atkinson).

REPORT

PART A –

Matters delegated to the Committee

A1. Apologies

There were no apologies submitted.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 15th December, 2020

The minutes of the meeting held Tuesday, 15th December, 2020 were approved for signature.

A4. Matters Arising

Clause A5 – Derby Square Mast

In response to question, officers explained that the consultation with Derby Square residents had been delayed due to staffing issues and the circuit break lockdown. The Committee discussed ways to consult with the residents under the current lockdown restrictions. It was agreed that a letter be posted to the residents.

The Head of Parks advised that an option to replace the mast with a metal pole had been explored since the December meeting, he asked if Members would like this option included in the consultation letter to the residents.

Resolved, “That particulars of the matters arising be noted on the minutes and;

- (i) A consultation letter to all Derby Square businesses and residents be posted;
- (ii) Prior to the circulation of the letter, Committee Members be provided with a draft copy for review;
- (iii) The option of a metal mast replacement be included in the document presented to Derby Square residents.”

A5. Fruit and Nut Trees

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration), following a request from a Member, on the potential to plant more fruit trees in the Borough.

The report provided a background into the planting of fruit trees and their benefit to the environment. The Committee were asked for their guidance on whether to progress the idea of planting more fruit trees in the Borough, and if so the purpose of the trees. If the purpose of the trees are to provide edible fruit or nuts for ratepayers then greater attention will be required in relation to variety selection, location and maintenance.

Members concurred that the purpose of the trees is to provide community edibles, and asked officers to report back on the options available for a community orchard including costs and possible locations.

It was noted that nut trees had been planted in Noble’s Park in 2012 but these types of trees are generally suited to warmer climates and are yet to produce any nuts.

Resolved, "That particulars of the report be noted on the minutes and a report on a community orchard in Douglas be submitted to the Committee for further consideration."

A6. Items for Future Report

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

A verbal update on the Noble's Park Traffic Management Plan next phase was provided. Members noted that the order is in place and awaiting signature. Following the lifting of lockdown restrictions, signage will be displayed throughout the Park and notices left on any vehicles parked in the zones to notify of the changes. A press statement has been drafted to be released after the lockdown period. Any cars parked illegally after a two-week grace period will be subject to additional parking charges.

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

A7. Date and Time of Next Meeting

The next scheduled meeting was due to take place on Tuesday, 16th February, 2021.

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

PART B –

Matters requiring Executive Committee approval

There were no items requiring Executive Committee approval.

PART C –

Matters requiring Council approval

There were no items requiring Council approval.

The meeting ended at 10.40am.

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

ENVIRONMENTAL SERVICES COMMITTEE

ENVIRONMENTAL SERVICES COMMITTEE – Minutes of Meeting held on Monday, 18th January, 2021.

Members Present: (all via video conference) 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: (all via video conference) Director of Environment and Regeneration (Mrs D. Eynon), Assistant Chief Officer (Regeneration) (Mr C. Pycroft), Assistant Chief Officer (Environment) (Mr A. Donnelly), Accountancy Manager (Mr M. Quayle) (Items A1 to A5 and A9 to A11), Dilapidation Enforcement Officer (Mr S. Salter) (Items A6 and A7), Assistant Town Clerk (Mr P.E. Cowin), Assistant Democratic Services Officer (Miss C. Cullen).

REPORT

PART A –

Matters delegated to the Committee

A1. Apologies

No apologies for absence were received.

A2. Declarations of Interest

There were no Declarations of Interest.

A3. Minutes – 14th December, 2020

The minutes of the meeting held on Monday, 14th December, 2020 were approved for signature.

A4. Matters Arising

Noted that due to the current circuit-break lockdown, as a result of the coronavirus pandemic, the previous minutes had not been received by Council as the January 2021 monthly Council meeting had been postponed until 3rd February 2021. Agreed to note as an accurate record.

A5. Updated Waste Management Guidelines for Architects and Developers

The Committee considered a written report submitted by the Assistant Chief Officer (Regeneration) seeking agreement to an updated version of the waste management design guidelines for architects and developers, which had previously been approved by the Committee in November 2019 and published on the Council's website.

Appended to the officer's report was a copy of the proposed updated guidelines. The Assistant Chief Officer (Regeneration) drew Members attention to the updates in the document which had been highlighted as follows;

- Strengthened advice that domestic and commercial waste storage should be segregated in mixed use developments.
- Advice that it is inappropriate to design combined refuse storage and cycle storage.
- Introduction of a quick reference checklist to assist designers in considering all necessary aspects of waste storage design for the type of building being designed.

In response to a Member suggestion to include a bullet point checklist, the Director of Environment and Regeneration advised that the back page of the document provided a series of hyperlinks so that when being used by architects/developers they could click on the relevant link for more detailed information.

Resolved unanimously, "That the updated waste management guidelines for architects and developers be approved with the following inclusions;

- (i) That the paragraph in relation to Guidance on Waste Provision for Houses – External Storage Capacity be changed to remove references to flats but reflect the potential for combined facilities in some housing types such as mews developments;
- (ii) That page numbers be added to the document;
- (iii) That contact details be provided for liaison with the Council's Waste Services;

- (iv) An explanation be included as to why bicycles shouldn't be stored within bin stores; and
- (v) A link to the Council's website be added for the current pricing of wheelie bins."

A6. Firewatchers Hut – Proposal for inclusion on the Protected Buildings Register

The Dilapidation Enforcement Officer joined the meeting for discussion of the item.

The Committee considered a report on a request from a Member to put forward a building in the Borough for possible inclusion on the Protected Buildings Register. The building is an unused, small single-storey building with concrete walls and a flat roof located on the access road from Demesne Road to Crookall House adjacent to the former Ballacloan School.

The building is not in Council ownership and although the exact date of construction is unknown it is believed to have been built prior to or during the Second World War and used as a Fire Watchers/Wardens Shelter. Members were reminded that the proposed application had been previously considered, but not supported, by the Environmental Services Committee in September 2018.

The Dilapidation Enforcement Officer advised that since the time of last considering the application, the Planning Authority had issued revised guidelines as laid out within the operational policy on the principles of selection for the Registration of Buildings on to the Protected Buildings Register, notably under General Principles; Age and rarity. The older the building is, and the fewer the surviving examples of its kind the more likely it is to have special interest.

During discussion of the proposal Members suggested that Manx National Heritage be contacted about the potential to affix a plaque to the hut containing historical information.

Resolved, "That particulars of the report be noted on the minutes and that authorisation be given for officers to submit a proposal form for the former Firewatchers Hut to be considered for inclusion on the Protected Buildings Register."

4 For. 1 Against.

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

A7. Schedule of Neglected, Dilapidated, Ruinous and Dangerous Properties

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

Members were reminded that the addition of any property to the list would first involve contact with the property owner to resolve the concern over its condition and to offer them reasonable opportunity to carry out the work willingly. Should that not happen, then Notice would be served that the work must be carried out, and failure then to comply with the Notice would involve the possibility of legal action being taken.

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

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

A8. Urgent Business Procedure – Free Car Parking during Lockdown

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration) to advise Members on the use of the Urgent Business Procedure to make car parking free in Shaw's Brow and the Bottleneck Car Parks until the end of the circuit-break lockdown.

Members recalled that the Council had not levied car park tariffs during the 2020 lockdown in a move to support key workers within the Town Centre and to prevent the need for car park users interacting or touching any pay stations or hardware. It was noted that use of the car parks was minimal during this period so revenues would have been markedly below budgeted levels even if the tariffs were not suspended. The proposal is the same as that in March 2020 and covers the public spaces only, not contract parking in Shaw's Brow.

Resolved, "That particulars of the report be noted on the minutes and that the Use of the Urgent Business Procedure under Standing Order 125 approving free car parking at Shaw's Brow Car Park and the Bottleneck Car Park from midnight on Wednesday 6th January 2021 until the end of the circuit-break lockdown be noted."

A9. Items for Future Report

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

The Director of Environment and Regeneration advised that item seven of the schedule; a review of car park tariffs to include all car park orders and signage which had been due to be presented to the February Committee meeting would likely be delayed due to the delay to the Promenade Refurbishment works.

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

A10. Date and Time of Next Meeting

Members were reminded that the next scheduled meeting of the Environmental Services Committee was due to take place at 10.00am on Monday, 15th February, 2021.

PART B –

Matters requiring Executive Committee approval

B11. Acquisition of Event Display Trailer for Promoting the Council’s Recycling Service

The Committee considered a report submitted by the Senior Engineering and Waste Services Manager on the proposal to purchase an event display trailer for recycling tradeshow.

As part of the Council’s corporate and strategic objectives to develop the recycling service officers had identified potential benefits in the acquisition of a dedicated event display trailer to be used as part of the existing suite of tools used to promote the service, including;

- Schools educational programme.
- On-line promotion and surveys.
- Door stepping campaign.
- Attendance at events and open days.

The report advised that the acquisition meets the criteria for ‘Invest to Save’ funding whereby an annual increase in recycling material capture of approximately twenty tonnes would offset the cost of the trailer over a five year period, based on the current Energy from Waste gate fee.

The Director of Environment and Regeneration advised that currently for events such as the Noble’s Park Fun Day, Tynwald Day and other pop up events in the Town Centre Waste Services set-up a stand using a gazebo, free standing display boards, trestle tables and chairs and due to this attendance at events is limited. As the proposed event display trailer comes fitted with display walls, bench and table it will save officer’s time in setting up and offers more versatility, meaning an increased likelihood to attend other organised events. An additional benefit was the removable display banner meaning that the trailer could be used by other Council services such as the Library, Parks or Town Centre Management events.

In response to questions, the Assistant Chief Officer (Environment) advised that the trailer was being purchased from the United Kingdom that it was intended to be stored at Ballacottier Service Centre and would be fit-out in-house using mostly existing materials.

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

- (i) That the purchase of the used 4.2 metre Townmaster Oregon trailer in the sum of £9,450.00, funded from the ‘Invest to Save’ scheme be approved; and
- (ii) That the matter be referred to the Executive Committee seeking approval of funding from the ‘Invest to Save’ scheme.”

B12. Scheme of Delegation for Planning Applications

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration) following a Member request to revise the Scheme of Delegation for Planning Applications.

The Council operates a scheme of delegation in relation to its role of commenting on planning applications. With the exception of certain specific categories of application, consideration of the Council’s response is delegated to the Director of Environment and Regeneration. The excepted categories are considered by either the Environmental Services or Executive Committee.

The current scheme of delegation was last updated in March 2019 and since this time officers had taken a more pro-active approach in providing feedback to planning officers on weaknesses in planning applications at the earliest stage where there are technical reasons for the application not to be supported by the Committee. Often this process results in planning applications being amended in advance of officers making their recommendation to the relevant Committee. However there are still occasions when officers recommended objection or where the Committee decides to object to an application on specific grounds.

Appended to the report was the proposed amended Scheme of Delegation. The recommendation of the report to revise the scheme of delegation would authorise the Director of Environment and Regeneration to withdraw objections to planning applications where they are amended following consideration by Committee and where the amendment would nullify the Council's objection meaning that the Council would no longer have to resubmit the planning application to the next Committee cycle, delaying the application by at least one month or having to use the Urgent Business Procedure to withdraw the objection.

In response to question, the Director of Environment and Regeneration advised that if an instance occurred where she had to declare an interest on a particular planning application the Assistant Chief Officer (Regeneration) would be delegated authority to make the determination.

The Chair queried what would happen if the relevant Committee Chair and Director were to find themselves at an impasse on an application. The Director of Environment and Regeneration advised that in this instance consideration of the application would be brought to Committee.

Members noted that as this Scheme of Delegation was a live working document, if the Committee were dissatisfied following the revision it could always be brought back to the Committee for further consideration.

Resolved, "That particulars of the report and discussion be noted on the minutes and that it be recommended to the Executive Committee that the Scheme of Delegation for planning applications be amended by the addition of the following paragraph;

Withdrawal of objections:

In Circumstances where the Council objects to a planning application following consideration by the Environmental Services Committee or the Executive Committee and the application is subsequently amended following such consideration but prior to being considered by the Planning Committee, the Director of Environment and Regeneration may withdraw the Council's objection without further consideration by the Committee if the Director is satisfied that the Council's reasons for objection have been negated by the amendment to the application. This decision to be made in consultation with the Committee Chair."

PART C –

Matters requiring Council approval

There were no items requiring Council approval.

The meeting ended at 11.57am.