



Borough of Douglas

**COUNCILLOR MS JANET THOMMENY, JP
MAYOR**

Town Hall,

Douglas,

9th December, 2022

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL of the BOROUGH OF DOUGLAS to be held on WEDNESDAY, the 14th day of DECEMBER, 2022, 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 be 'A. B. J.' or similar.

For: Town Clerk & Chief Executive

Order of Agenda

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

II - Any statutory business.

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

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

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

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

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

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

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

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

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

AGENDA

III – Chief Executive to read minutes of the monthly Council Meeting held on Wednesday, 9th November, 2022.

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

EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Thursday, 24th November, 2022.

Members Present: Councillor Mrs C.L. Wells (Chair), Mr Councillor A.J. Bentley, Mr Councillor I.J.G. Clague, Mr Councillor D.R. Watson, Mr Councillor F. Horning.

In Attendance: Chief Executive (Miss K.J. Rice), Director of Finance (Mr A.J.T. Boyd), Director of Environment and Regeneration (Mrs D. Eynon), Director of Housing and Property (Mr D. Looney), Assistant Chief Officer (Finance) (Mr E.P. Pierce) (Clauses A1 to A4), Assistant Chief Officer (Democratic Services) (Mrs L. Radcliffe) (Clauses A5 to A9, C17), Executive Officer (Mrs J.M. Keig) (taking minutes).

REPORT

PART A –

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

A1. Apologies for Absence

Apologies for absence were submitted on behalf of the Worshipful the Mayor.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes

The minutes of the meeting held on Thursday 27th October 2022 were approved and signed.

A4. Matters Arising From Previous Minutes

Clause A4 – Planning Application for Development of a Cannabis Cultivation Campus and Solar Energy Park (PA 22/00678/B): it was noted that the Manx Utilities Authority had undertaken survey work which might provide a solution to the issues that were of concern to the Council, however, this had not yet been confirmed formally, so no further response could yet be submitted to the Planning Committee on behalf of the Council.

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

A5. Referrals from the Environmental Services Committee

The Committee considered the following referral from the minutes of the rescheduled Environmental Services Committee meeting held on Tuesday 15th November 2022:

Clause B14 – Buying back Household's Second Bins that are less than three years old: the Committee had considered a report by the Senior Engineering and Waste Services Manager on a proposed framework for a buy-back scheme for second household bins. Up until January 2022, households had still been able to purchase a second bin, however, in February 2022, in advance of the introduction of the alternate weekly refuse collections, the Executive Committee had resolved that the policy of selling second bins should be suspended with immediate effect. It was therefore proposed that a buy-back scheme be implemented for anyone who had purchased a second bin in the two years preceding the policy change - that was, from 1st January 2020.

A Member advised that a group of residents had requested a public meeting be held to discuss the policy change introduced in respect of refuse collections. Although the number of official complaints received about the policy change was small, it was noted that members of Council staff (including staff from Waste Services, the Parks Department, and other sections) had received verbal abuse from the public.

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

(ii) That the resolution of the Environmental Services Committee be endorsed as follows:-

- That the buy-back scheme be implemented at £24 per bin for bins sold to households within the three years preceding the policy change;
- That applicants seeking compensation under the buy-back scheme be asked to show proof of purchase, particularly if there was a discrepancy between the Council’s records - for example, the householder had moved to a new address; and
- That the Council offer to remove unwanted second bins free-of-charge.”

A6. Referrals from the Regeneration and Community Committee

There were no referrals from the minutes of the rescheduled Regeneration and Community Committee meeting held on Tuesday 22nd November 2022.

A7. Referrals from the Housing and Property Committee

There were no referrals from the minutes of the Housing and Property Committee meeting held on Wednesday 16th November 2022.

A8. Consultation Document - Policy Consultation on Insolvency Law Reform

The Committee considered a joint written report by the Assistant Chief Officer (Democratic Services) and the Assistant Chief Officer (Income) in relation to a consultation document issued by the Isle of Man Treasury.

The purpose of the consultation was to obtain views in relation to a three-phase project to overhaul the Island’s legislation in respect of debt (both business and individual debt) and feedback would be used to help shape the new bill, so that it worked for all in society and succeeded in making sure the interests of all parties were taken into account.

In respect of the Council, improvements to insolvency legislation could have a beneficial effect in the ability to collect outstanding debts in some areas.

It was noted that the closing date for responses was 5th December 2022.

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

(ii) That the responses to the individual questions contained in the consultation (as set out in the appendix to the written report, and including an additional proposal to make the terms for debts owed to company workers have the same priority as other business creditors) be approved as the Council’s response and submitted to the Isle of Man Treasury accordingly.”

A9. Consultation Document – Local Authority Fees Order Update

The Committee considered a joint written report by the Director of Finance and the Assistant Chief Officer (Democratic Services) in relation to a consultation document issued by the Cabinet Office.

The purpose of the consultation was to obtain views in relation to the prescribed fees payable under the Local Elections (Fees) Order. The introduction of the Elections (Keys and Local Authorities) Act 2020 and the Elections (Local Authorities) Regulations 2022 required the Fees Order to be reinstated, having last been brought forward by the Department of Infrastructure and approved by Tynwald in February 2020.

The Cabinet Office had set out five options to form the basis of the new Local Elections (Fees) Order 2023 and, as all local authorities would be required to fund any increased fees required by the Order, each was being requested to indicate their preferred option. It was noted that, historically, Local Authority Fees had been reviewed in relation to the Retail Price Index, however, most recently, the House of Keys Fees had been reviewed in relation to the Consumer Price Index. Members were advised that the Cabinet Office’s recommended option was to increase the fees payable in line with the Consumer Price Index rate as at September 2022 (15.2%), as this was considered to be the most appropriate formula to adopt.

It was noted that the closing date for responses was 21st December 2022.

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

(ii) That the Cabinet Office be advised that the Council supported the recommended option to increase the fees payable as required by the Local Elections (Fees) Order 2023 in line with the Consumer Price Index rate increase from April 2022 to September 2022.”

A10. Flag Day Street Collections 2023

The Committee considered a written report by the Town Centre Manager seeking approval of the proposed schedule of flag day street collections for 2023.

It was noted that a press release had been issued in October 2022 inviting charities to apply for a date in 2023; and, additionally, all charities that had held flag days in 2022 had been similarly invited directly by email to apply for 2023 dates. Eleven responses had been received and, in accordance with the Committee's previous instructions that collections should preferably not be held on consecutive days, all of the dates proposed for 2023 had been accommodated as such.

As in previous years, any applications received after the approval of the schedule by the Committee would be considered by officers, up to a maximum of twenty-eight.

Members specifically noted the proposal that, in future years, consideration of all applications be delegated to the Town Centre Manager.

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

- (ii) That the schedule of flag day street collections for 2023 (as appended to the written report) be approved;
- (iii) That a copy of the approved schedule be circulated to all Members of Council for information;
- (iv) That authority to approve flag days in future years be delegated to the Town Centre Manager, subject to compliance with the following policy:
 - That charities only be permitted to hold one collection per year;
 - That only one collection be permitted on each date;
 - That collections not be permitted on consecutive days;
 - That a maximum of three collections be permitted in any week, with an annual maximum number of collections of twenty-eight;
- (v) That the policy set out in (iv) above not apply to the Manx Rapid Response Coalition, in order to enable them to hold emergency two-day street collections in Douglas on the first Friday and first Saturday following any future disaster appeal, and that they also be in addition to the limit of twenty-eight collections per year;
- (vi) That in the event of the permission set out in (v) above resulting in a conflict of dates for a previously-approved collection, an alternative date be applied for by the affected charity;
- (vii) That the annual Poppy Appeal, which took place between the 31st October and the 11th November annually, be additional to the twenty-eight collection limit; and
- (viii) That a special flag day in addition to the limit of twenty-eight collections per year also be permitted in respect of the Mayoral Charity Appeal, on a date to be agreed with the Mayor to take place during the T.T. Race Festival period."

A11. Chief Executive's Department's Service Plan Performance Report

The Committee considered a written report by the Chief Executive providing an update on performance compared against measures outlined in the Chief Executive's Department's Service Plans for 2022 - 2024.

In October 2021, the Council had adopted a new Corporate Plan for the years 2022 – 2026, and, following on from this, each Service had its own Service Plan to run for the financial years 2022 – 2024 and 2024 – 2026.

Service Plans were an important part of the process to ensure that performance and standards were addressed and delivered, and Members accordingly noted the actions from the Service Plans, together with an update on performance as at November 2022.

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

- (ii) That the progress against planned actions and performance indicators also be noted; and
- (iii) That in future for greater clarity a consistent format be adopted for the four Service Plans submitted to Committee, and that they also all show an updated status for each item in the final column and more detail in the notes."

A12. Enforcement Policy – Dogs Not on Lead in Restricted Areas

The Committee considered a written report by the Community and Enforcement Officer seeking approval to adopt a new policy for dealing with owners of dogs not on lead in restricted areas, including enforcement of not clearing away any dog faeces in the same areas.

The policy had been created to provide a formal procedure to deal with the owners of dogs who allowed dogs to be walked off the lead and off the footpaths in areas where they must be kept on a lead and walked on the footpaths, as defined within the Douglas Dog Control Byelaws 2018, and listed within Schedule 2 Part 3 of the Byelaw. While the Council would adopt a zero-tolerance policy towards all

incidences of dogs not being on a lead and not kept to the footpaths in restricted areas, discretion would always be applied where it was felt that education and awareness were a more effective and proportionate approach.

It was noted that the dominant legislation and authorised enforcement powers were taken from The Douglas Dog Control Byelaws 2018 (Schedule 2); The Dogs Act 1990 (Section 24); and The Local Government Act 1985 (Section 30).

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

- (ii) That the new policy for dealing with owners of dogs who allowed them to walk off-lead and off the footpaths in areas where dogs were restricted to footpaths only and must be kept on a lead (including enforcement of not clearing away any dog faeces in the same areas) be approved and implemented with immediate effect.”

A13. Monthly Financial Review – October 2022

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

It was noted that, at the beginning of November 2022, the Bank of England had announced a base-rate increase of 0.75% to 3%, the highest rate for fourteen years. This was the eighth consecutive increase from the Bank of England and the largest single increase in the rate since 1989. The Manx rate of inflation for the twelve months to October 2022 had also increased, with the Manx Consumer Price Index standing at 10.1% and the Manx Retail Price Index standing at 11.7%.

Members recalled that the Director of Finance had previously been tasked with making representation to the Climate Change Transformation Board and Steering Group to request a widening of the terms of reference of the Fund to facilitate funding applications from local authorities. An informal response had now been received, in which the Isle of Man Treasury had reaffirmed the previous position that the implementation of climate change projects should be paid for by local authorities themselves, with funding raised via rates or loan. While the Treasury had indicated that they were willing to widen the terms of reference to allow applications from local authorities to the Climate Change Fund for preparatory work (such as feasibility studies, audits, and reports), the Cabinet Office would need first to set up a scheme to contain the vires for such applications, and this was likely to take a number of months.

Resolved, “That particulars of the report be noted on the minutes, including in particular:-

- (i) The rates collection figure of 90.1% compared against a target figure of 88.6% for the April to October period 2022 / 2023;
- (ii) That the Isle of Man Treasury had reaffirmed the position that local authorities would not be able to access the Climate Change Fund in order to finance climate change projects, although it had indicated that it was willing to set up the vires to enable applications from local authorities for funding to support the cost of preparatory work (such as feasibility studies or audits);
- (iii) The revenue budget monitoring position for the six months to September 2022, showing a favourable variance of just over £290,000; and
- (iv) The £2.183M capital spend for the six months to September 2022, this being 10% of the Original Estimate.”

A14. 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.”

A15. 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.”

A16. Time and Date of Next Meeting

The time and date of the next meeting was confirmed as 2.00pm on Wednesday 21st December 2022.

PART C –

Matters subject to Council approval

C17. Standing Order 38 (Private Business) – Proposed Amendment

The Committee considered a written report by the Assistant Chief Officer (Democratic Services) in respect of a Motion moved in Council in August 2022 *“that Standing Order 38 (Private Business) be amended by deletion of the requirement for a two-thirds majority to move business from private into public, and substitution therefore of a simple majority of the Members present.”*

Members were advised that the Local Government Act 1985 and the Code of Practice on Access to Documents (Section 2, Access to Information Procedure Rules) was the over-arching legislation and best practice to be followed when determining when confidential information entered Council or Committee Meetings, and whether it could be circulated / discussed and debated in private or public.

Designating an item as confidential required careful consideration to determine whether information really was confidential – openness and transparency were core principles of good governance in the public sector and decisions on designating an item as confidential were not taken lightly. Accordingly, the potential reasons for designating an item as confidential as cited within the Council’s Standing Orders were noted.

Members also noted issues to be taken into consideration as set out in Standing Orders 74, 87, and 97; and the requirement to comply with the law on data protection. Wherever possible, agenda items to be designated as confidential should be identified in advance of a meeting, with a reference being provided for the reason(s) for the item being designated as confidential and an indication given as to when and if the information would be available for public disclosure. It was noted that this was already standard practice within the Council.

The Council’s Corporate Plan stated that the Council would act openly and transparently throughout the conduct of its business and would not fail to disclose information except when disclosure may not be in the public interest. However, failure to comply with the legal restrictions on private and confidential information would put the Council at extreme risk, and if the Motion as submitted was approved, there was a risk of potential damage to the Council or to third parties, with the Council being open to legal challenge and compensation claims, and leading to reputational damage to the Council.

Matters that were discussed in confidence, such as tender and commercial documents, were generally made public where practical but omitted the commercially sensitive date (i.e., the fee). A review of private papers had taken place, and it was noted that the Council kept very little in private.

Members discussed the matter at length, during which it was suggested that any request for a private item to be moved into the public domain should only be given with notice, in order that officers would have opportunity to set out in writing the reasons as to why the matter should remain confidential. If agreed, it was proposed that a copy of the written advice be provided to the Member making the request and also circulated to all other Members, in order that the reasons for confidentiality were known before Members made their decision at the Council Meeting on whether to support the request.

On further discussion, an amendment was proposed and seconded that any request to move an item from private into public should be received by 12 noon on the Monday prior to the Council Meeting (this deadline being moved accordingly if, for any reason, a Council Meeting was not scheduled to take place on a Wednesday). A copy of the request and response could then be circulated to all Members as soon as possible for information, with a deadline of close of business on the day before the Council Meeting (i.e., the Tuesday).

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

(ii) That it be recommended to Council that Standing Order 38 (Private Business) be amended to read:-

“The Council may transfer an item of private business into public by resolution carried by a simple majority of the Members present. The mover of the motion to transfer from private to public must give notice in writing by 12 noon on the Monday in advance of the Council meeting of the intention to make the proposal. The mover of a motion to transfer from private to public may then make a statement of the reason and the mover of the item may respond giving the reason for it being in private, but no other Member may speak except to second the motion and the question will be put to the Council without further debate.”

The Committee rose at 4.50pm.

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

HOUSING AND PROPERTY COMMITTEE

HOUSING AND PROPERTY COMMITTEE – Minutes of Meeting held on Wednesday, 16th November, 2022.

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

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

REPORT

PART A –

Matters delegated to the Committee

A1. Deficiency Training

The Assistant Chief Officer (Income) provided a training presentation on the Housing deficiency.

A2. Apologies for Absence

Apologies for absence were submitted by Mr Councillor F. Schuengel.

A3. Declarations of Interest

There were no Declarations of Interest.

A4. Minutes – 19th October, 2022

The minutes of the meeting held on Wednesday, 19th October, 2022, were approved and signed.

A5. Matters Arising

No issues were raised as arising from the previous meeting.

A6. Vacant Properties Update

The Committee considered the monthly report submitted by the Assistant Chief Officer (Housing and Property) 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 October, 2022 there were thirty-one vacant properties receiving attention. Members were presented with a summary chart showing the number of properties returned in each month, details of the category repair type for each property, together with the number of void properties in each estate.

The Assistant Chief Officer (Housing and Property) advised that as of 16th November, 2022, there were thirty-five vacant properties outstanding, four of which were ready for allocation.

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

A7. Housing Rent Arrears

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

Members were presented with a table setting out the rent arrears statistics for September and October, 2022. It was noted that as at the 30th October, 2022 the level of rent arrears was £100,386.25.

Appended to the officer's report was statistical data prepared by the Housing and Property Operations Manager setting out the rent arrears statistics by estate; property type and occupancy.

The Director of Housing and Property advised of a timing issue between the receipt of payments and when the report data had been collected which had led to an increase in the arrears position. He undertook to circulate an up to date figure to the Committee, ahead of December's Council meeting.

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

A8. Review of Income Thresholds for access to General Needs Housing

The Committee considered a report submitted by the Director of Housing and Property in relation to the income thresholds for access to general needs housing.

In light of the current cost of living crisis, it has become apparent that the current income thresholds are preventing many individuals and families from applying to public sector housing even though they are increasingly finding it less affordable to live in private rental accommodation. As such, the Department of Infrastructure have written to all Local Housing Authority Clerks seeking their views on a proposal to increase current income thresholds by 14.5%, which reflects the change in CPI between September 2021 and September 2022.

A copy of the letter received from the Department of Infrastructure was appended to the officer's report. The letter advised that current income thresholds have not been increased since the Public Sector Housing (General Needs) (Allocation) Policy 2019 was approved by Tynwald during that same year. As such, these levels are not reflective of any current measure of average annual earnings or of income levels measured against what is needed to meet living costs.

The Committee discussed the proposed increases and agreed with the principle of them increasing. However, Members expressed concerns that the proposed levels are inadequate, given that the current income thresholds are based on 2017/18 data. Members suggested that any increase relating to CPI should be more reflective of the entire 5 year period.

The Committee raised further concerns that linking the income levels to an index in this way creates a number of distortions, such as the relatively small difference of £3,500 between a single applicant with no children and joint applicants. Essentially meaning that two people earning minimum wage would not qualify for local authority housing, whilst a comparably financially comfortable single person would.

Members were cognisant of the urgency to increase income level thresholds but suggested that an index linked to the most recent Isle of Man Living wage publication would be more appropriate to determine the financial qualification requirements for local authority housing.

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

- (i) That the Director of Housing and Property be authorised to formally respond to the Department of Infrastructure setting out the Committee's agreement in principle to the proposed increases to income level thresholds;
- (ii) That the Council's concerns in relation to the adequacy of the proposed income level thresholds be conveyed, in particular the disparity between the income levels for single and joint applications;
- (iii) The Council also requests that the Department of Infrastructure confirms the following;
 - a) That the income threshold levels will also be changing for fixed term tenancy reviews, and that current tenants on increased rental amounts are reviewed against these new thresholds, and if required rental amounts reduced;
 - b) That a full review of the income thresholds and a full review of the allocation policy for local authority housing is reviewed to align with the Isle of Man Living wage publication and a person's wider needs, and that any financial qualification requirements are reviewed annually in line with an appropriate index; and
 - c) Sheltered and older person criteria be reviewed at the same time in relation to applicants, specifically those who are at pensionable age and receive benefits and/or have received lump sum single payments as a result of a 'pension style' related payment."

A9. Items for Future Consideration

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

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

A10. Date and Time of Next Meeting

Members were reminded that the next scheduled meeting was due to take place at 10.00am on Wednesday, 21st December, 2022.

Mr Councillor D.R. Watson and Mr Councillor S.R. Crellin submitted their apologies for the meeting. As the meeting would be inquorate, the Assistant Democratic Services Officer undertook to reschedule the meeting to a suitable alternative date.

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

PART C –

Matters requiring Council approval

C11. Willaston External Refurbishments first framework – supplementary funding requirement

The Committee considered a report submitted by the Assistant Property Manager (Capital) seeking additional funding for costs associated with extensions of time to the Willaston External Refurbishments capital housing project.

The report advised that several unforeseen events had impacted the project timescale and finances over the duration of the first five year framework. These events have triggered validated extension of time requests by the principal contractor, in particular; site closures, restricted working conditions and the availability of properties and materials due to the Covid-19 pandemic.

Appended to the officers report was the supplementary petition build up, together with a summary of the contractors costs for extensions of time and associated loss and expenses covering phases 8, 9 and 10.

Members were advised that the original borrowing did not include provision for extensions of time and whilst some extra expenditure can sometimes be absorbed on capital housing schemes using unspent contingencies, or as a result of reduced or revised works, it is not possible to cover the level of extra finance required within the original approved budgets to balance the first framework finances.

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

- (i) That the supplemental costs, as detailed at appendix one of the officer’s report be approved;
- (ii) That the Chief Executive be authorised to petition the Department of Infrastructure for borrowing powers in the sum of £234,453.38, being the sum required to defray the additional costs relative to extensions of time; and
- (iii) That the Department of Infrastructure be advised that an assessment of the Council’s housing reserve fund has been undertaken and it was established that there are insufficient monies available to fund the proposed scheme via that source.”

The meeting ended at 12.00 noon.

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

PENSIONS COMMITTEE

PENSIONS COMMITTEE – Minutes of Meeting held on Wednesday, 23rd November, 2022.

Members Present: Mr Councillor J.E. Skinner (Chair), the Mayor, Mr Councillor I.J.G. Clague, Mr Councillor S. Crellin, Councillor F. Horning, Mr A. Thomas (Independent Member).

In Attendance: Director of Finance (Mr A.J.T Boyd), Assistant Chief Officer (Finance) (Mr E.P. Pierce), Democratic Services Officer (Mrs D. Atkinson), Mr J. Glasgow (Hymans Robertson), Mr P. Ashby (Hymans Robertson, via video-link), Mr G. Muir and Ms L. Lau (Barnett Waddingham) (Items A1 to A9, A11 to C13), Mr D. Long and Mr J. Penn (Capital) (Item A10).

REPORT

PART A –

Matters within the scope of the Committee's delegated authority

A1. Apologies

There were no apologies submitted.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 26th October, 2022

The minutes of the meeting held Wednesday, 26th October, 2022, were approved and signed.

A4. Matters Arising

Clause A5 – Vesting Period Issues.

In response to question, officers advised that Capita are gathering the necessary information and should be in a position to write to the relevant Members imminently. The Director of Finance confirmed that the Department of Infrastructure has agreed to amend the Regulations to resolve the matter.

A5. Quarterly Review of Investment Strategy Performance

The Committee considered a report submitted by Hymans Robertson to review the investment managers' performance during quarter three of 2022.

Mr Glasgow advised that the Scheme returned -5.4% over the quarter, underperforming the benchmark by 1.1%. The value of the Scheme's assets decreased by £4.6million. All assets gave negative absolute returns during the quarter, with the exception of the Canaccord Global Equities. The largest relative underperforming asset allocation was the Capital Absolute Return Fund which underperformed by 6.9%.

Members noted that the BlackRock Property fund and growth assets are overweight, the Assistant Chief Officer (Finance) confirmed that a report on the annual rebalancing of assets together with a review and analysis of the current allocation will be forthcoming to the next investment meeting.

Mr Glasgow moved on to a market background and discussed in particular the higher current and forecast inflation and subsequent expectations of tighter monetary policy and forecast downwards revisions. Members noted that recessions are now predicted in several key European economies, and the US economy is also expected to slow substantially.

Mr Glasgow finished with a manager analysis during the quarter. No changes were proposed to the current managers.

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

A6. Annual Review of Investment Managers

The Committee considered a report submitted by Hymans Robertson to compare the performance of the Scheme's investment managers with their benchmarks and peer groups over the last 12 months to 30th September 2022.

Members considered the results of each individual manager.

Capital International's absolute return fund has suffered this year, almost all asset classes having been affected negatively by ongoing pressures such as rising inflation, credit spreads and interest rates. The fund is now underperforming its benchmark over all time periods. The manager over the one year and three year period has been in the fourth quartile in comparison to the peer group, and the three year performance only slightly below the third quartile. Mr Ashby explained that the peer group is comprised of a range of diversified growth funds which all have different return and risk targets, so although the fund is in the lower quartile, the comparison is not necessarily on a like-for-like basis.

The BlackRock Property Fund (held via Canaccord) has been slightly below benchmark across all time periods, underperforming the median UK commercial fund over the previous one and three year periods however, in comparison to the subset peer group, BlackRock's returns placed it above the median in the year and above the median over three years.

The Capital ESG Fixed Income bond portfolio has outperformed its benchmark since inception and over the previous 12 months. It has performed in the fourth quartile when compared to a basket of 19 other investment grade UK corporate bond funds. The fund's outperformance against benchmark is largely due to the fund's lower duration, which has benefited the Scheme with rates increasing over 2022.

The five index-tracking funds held with Canaccord have performed in line with their respective benchmarks. The UK equity and two global equity funds were switched during quarter 3 of 2022 to mandates that apply ESG tilting via various screening methods, to improve the Scheme's ESG credentials.

Mr Ashby confirmed that Hymans Robertson continue to support the current funds. It was noted that the majority of the peer group comparison funds are not available to the Scheme due to the regulation to trade on-island.

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

A7. 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."

A8. Date and Time of Next Meeting

The Committee noted that the date and time of the next meeting is Wednesday, 1st March, 2023.

A9. Adjournment and Resumption

The Committee adjourned for lunch at 12.05pm and resumed 1.55pm. The Mayor submitted apologies for the remainder of the meeting.

A10. Capital Presentation

Mr D. Long and Mr J. Penn joined the meeting to present the Capital absolute returns and corporate bonds funds.

Mr Penn presented the returns for July-September 2022. The ESG Fixed Income bond fund returned -12.4% and was slightly behind the benchmark by 0.4%. The absolute return fund has also underperformed the benchmark by 6.9%. Mr Penn advised that performance has improved since the quarter end. He explained that both portfolios have had a disappointing 2022 with all asset classes performing poorly, and the usual defensive assets not offering uncorrelated support as they usually do.

In response to question about why the absolute return fund had not provided a positive return this year, Mr Long explained that although the 2022 performance is disappointing, the manager takes a long-term approach to investing and expects volatility. The fund in the longer term is ahead of the cash+3% target, and he is hopeful that returns will improve in the coming quarter.

Mr Glasgow queried whether the managers had looked to reposition the portfolio in the light of the heightened volatility. The expectation when investing in an absolute return fund is give up some of the upside return expected through a pure equity exposure in return for greater downside protection in a falling market. The Fund did not seem to have performed in line with this expectation. Mr Penn explained that the fund does not purchase based on a short-term reaction, however there have been additional purchases that should provide extra bond exposure.

The Committee noted the additions to the fixed income allocation, including sovereign and inflation-linked debt, on the basis that yields should now offer better value. Capital believe that bonds should now provide a better portfolio protection in the predicted recession.

Mr Penn provided a market background to demonstrate the current volatility that has been experienced and finished with Capital's outlook for the next few quarters.

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

The Committee rose at 2.54pm.

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

EASTERN DISTRICT CIVIC AMENITY SITE JOINT COMMITTEE

EASTERN DISTRICT CIVIC AMENITY SITE JOINT COMMITTEE – Minutes of Meeting held on Tuesday, 15th November, 2022.

Members Present: Councillor Miss N.A. Byron (Douglas) (Chair), Mr T. Kenyon (Garff), Mrs A. Davidson (Santon), Ms F. Logan (Onchan).

In Attendance: Mrs D. Eynon (Douglas), Mr I. Jackson (Douglas), Mr E.P. Pierce (Douglas), Mrs L. Radcliffe (Secretary), Mr R. Philips (Onchan), Mr J.C. Whiteway (Braddan), Mrs D. Atkinson (Douglas, taking notes), Mr S.A. Crook (Contractor's Representative) (Item A2 and A3 only), Mr J. Quayle (Department of Infrastructure Representative).

REPORT

PART A –

Matters dealt with under delegated authority

A1. Minutes – 2nd August, 2022

Approved unanimously subject to a clerical error in Clause A3, the current gate fee is £97.53.

A2. Operational Contractor's Report

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

1.4 – Disposing of fridges, freezers and other items. Members were reminded that there were 12 fridges and freezers on Site that were not covered by the current disposal contract due to their size and style. The Government's contractor had inspected the goods and quoted £1,780 for disposal of the items citing that the goods are considered commercial. An explanation as to what constitutes a commercial good was also provided, however clarity is required on the definition.

1.6 – Recycling Bring Banks. It was noted that the Government has agreed to continue providing a bring bank service to the Site, with the exception of plastics. It was agreed that the Committee fund the plastic recycling at a cost of £100 approximately every three weeks.

1.7 – Skips. Mr Crook advised that a quote had been received to replace four skips as per the condition inspection reported to the previous Committee. The cost had significantly increased since the previous quotation process had been undertaken. It was agreed that a report on the replacement skips be considered at the next meeting.

1.8 – Creamery Cartons. It was noted that the Committee's request to write to the Creameries had been actioned, and a meeting had been arranged with the Chair. In the interim, the Creameries had also agreed that tetrapack cartons could be delivered to their waste disposal contractor to be combined with their own collections at no cost to the Site. The collection and transfer of the packaging would have to be borne by the Committee totalling approximately £55 per week. The Committee agreed that this suggestion was more favourable than the previous offer, and agreed the arrangement in principle, subject to the outcome of the Chair's meeting regarding the recycling process of the packaging.

1.11 – In response to a previous request, the Committee were provided with the user figures for Sunday morning. It was agreed that the user numbers continue to be monitored, and a decision be made at a later date.

It was agreed:

1. That the report and statistics be noted;
2. That the quote provided by the Government's contractor to dispose of the oversized fridges and freezers at a cost of £1,780, be approved;
3. That the Committee fund the plastic recycling at a cost of £100 approximately every three weeks;

4. That a report on the replacement of the skips be forthcoming to the next meeting;
5. That the offer from the Creameries for the disposal of tetrapak cartons from the Site be approved in principle at a cost of £55 per week to collect and transfer the packaging, subject to the outcome of the Chair's meeting with the organisation.

A3. Feedback from Site Visit

The Committee provided feedback on a recent visit to the current Site. The Committee opined that the re-use shed was difficult to keep in order, and suggested including shelving in the new site with designated areas for product categories. It was felt that it was desirable that a member of staff be in the re-use shed at all operational opening times.

Mr Crook left the meeting.

A4. Waste Wood EfW Gate Fee

The Committee noted the response from the Department of Infrastructure confirming that the proposed price increase for wood waste had been retracted from the current financial year, following pushback from the four Sites. The increase in the 2023/24 financial year was noted at 178%.

A5. Update on Purchase of Vehicles for Use on Site

This item was covered in the Contractor's report. It was noted that the hook loader and wheeled excavator are now in use, following repairs undertaken to both.

A6. Cost of Signboard for New Site

Dandara had quoted £787.50 for the erection of a signboard at the new Site. The Committee agreed not to proceed with the signboard on the basis that the site is not located in a public area and the works commenced several months ago so would soon be outdated.

A7. Update on New CA Site

Mr Jackson circulated updated photographs of the new Site. The Committee noted that the timescales and budget were currently on target, although slightly behind on the construction of the retaining wall and laying of the slab which will be completed by the end of the week.

The Committee asked that their request to ensure there is adequate directional signage to the Site, and sufficient signage on Site, be noted on the minutes.

A8. ECAS Contractor Specification

Mr Philips had undertaken a review of the current contract ahead of the tendering process for the new site contract. He advised that the current contract is outdated and presented several considerations for inclusion in the new contract specification. The Committee considered each section of the specification and provided feedback. It was agreed that any further feedback be submitted to Mr Philips.

It was agreed that Mr Philips update the specification and present to the next Committee meeting.

A9. Suggested Dates for 2023

The proposed dates for the 2023 were noted and approved.

A10. Date and Time of Next Meeting

Tuesday, 14th February, 2023 at 2.30pm. A site visit to the new CA site was arranged for 1pm on the same date.

A11. Charity Request

The Chair circulated a request from the Rotary Club requesting the collection of unwanted mobility items to hand over to Manx Care for refurbishment. The Committee were generally supportive of the idea, but asked that the request be referred the contractor for comment first.

It was agreed that the request be referred to the contractor for comment before a decision is made.

A12. Update on Site Operation and Vehicle Costs

The Committee noted that there is a projected adverse variance to budget of £12,480 in relation to the operation cost. Mr Pierce advised this was due to the need to continue with short-term vehicle hire through the first half of the financial year as a result of delays in the approval process. The Committee had a discussion about the ownership of Site vehicles which had been agreed in February 2022. They are in the Council's name with the loan charges being borne by the Committee. The vehicles are being provided for use by the contractor. It was agreed that the management and ownership of vehicles be further considered as part of the contract specification.

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, 22nd November, 2022.

Members Present: Mr Councillor A.J. Bentley (Chair), the Mayor, Councillor Miss N.A. Byron, Mr Councillor F. Schuengel.

In Attendance: Director of Environment and Regeneration (Mrs D. Eynon), Assistant Chief Officer (Democratic Services) (Mrs L. Radcliffe), Assistant Chief Officer (Regeneration) (Mr C. Pycroft), Assistant Chief Officer (Finance) (Mr E.P. Pierce), Democratic Services Officer (Mrs D. Atkinson).

REPORT

PART A –

Matters delegated to the Committee

A1. Apologies

Mr Councillor S.R. Pitts submitted his apologies.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 18th October 2022

The minutes of the meeting held on Tuesday, 18th October, 2022 were approved and signed as a correct record.

A4. Matters Arising

Clause A4 – Henry Bloom Noble Library Service Monitoring

The Committee noted the comments raised at the October Council Meeting regarding the publicity of the Library events and services. It was agreed that officers liaise with the Council's Media Relations Advisor to promote the Library, and consider other options for social media advertising.

A5. Quarter Two Service Plan Performance Monitoring – 2022/23

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 and black status had been applied to each measure.

It was noted that within Parks Services, several projects had been deferred due to the economic climate. Three actions had been completed. Several actions are behind schedule due to staff resource and management capacity issues within the service or caused by outside agencies.

It was noted that Town Centre Management had completed three actions, two had been delayed due to an outside agency, two actions continue to be behind schedule due to sickness in quarter one, and one action had been delayed by one year due to the works required. All other actions were on target. Members asked for the one-year comparison figures for Town Centre statistics, it was agreed that the figures could be provided as part of the monthly Bulletin.

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

A6. Douglas Beach – Conducting a Detailed Modelling Study and Working With Other Agencies

The Committee considered a report submitted by the Senior Engineering and Waste Services Manager to advise of the discussions with Government agencies regarding the commissioning of a detailed study of sediment transportation on Douglas Beach.

Members were reminded that a tender report had been presented in January 2022 detailing costs of £57,000 to £70,000 to conduct a detailed study of sediment transportation on Douglas Beach. The Committee subsequently resolved that officers continue to engage with other stakeholders that have previously commissioned reports affecting Douglas Bay, seeking a financial contribution towards the cost of the study.

Discussions had initially opened with the Department of Infrastructure however the discussions never progressed any further. In September 2022, the Flood Management Division (FMD) had taken over responsibility for coastal defences, and this team were better placed to establish some form of collaborative working. The FMD have advised of their long-term intention to produce a shoreline management plan for the Island's coastline, and were unfortunately not in a position to assist with funding for the Council's study. The FMD did however offer to provide technical support and assistance if the Council progresses with its own investigative studies.

The report advised that the Council's study would be a proactive step to understand the coastal processes occurring in Douglas Bay, however the FMD's shoreline management plan is still in very early stages, and the Council should wait until such time to find out if the shoreline plan will be progressed and how the Council can tailor any studies to complement the FMD's plan.

Resolved, "That particulars of the report be noted on the minutes and the proposal to commission a detailed modelling study of sediment transportation on Douglas Beach be deferred until such-time as the Government announces its intentions regarding the production of a shoreline management plan for the Island's coastline."

A7. Noble's Park Masterplan – Outline Summary

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration) to seek a view on an initial outline masterplan for Noble's Park.

Members were reminded of the range of improvements that had been made to Noble's Park over the last decade. In order to establish the direction for the onward improvement and development of the Park, officers commenced working on a framework for a Masterplan for the coming decade. To establish the plan, the Assistant Chief Officer (Regeneration) explained that a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis had been undertaken which created several themes for the plan to consider. From this analysis, several themes were identified and compiled into a framework of aims and objectives, listed under six headings;

- Improve the legibility of the Park;
- Improve pedestrian, disabled and active travel accessibility;
- Improve park facilities;
- Bring the existing sports facilities back into use;
- Develop the park's contribution to supporting the environment; and
- Develop an events programme for the park.

The Committee supported the plan, and commended those officers involved in its production. The Assistant Chief Officer (Regeneration) advised that the next step is to work the aims and objectives up into an action plan document that explores how it is intended to take each item forward, including consultation with park stakeholders and specialist partner organisations, with relative timescales and priorities.

Resolved, "That particulars of the report and discussion be noted on the minutes and the aims and objectives set out in the report be supported and endorsed by the Committee as a foundation for the more detailed development of the masterplan including an action plan of projects and initiatives."

A8. Virements to Fund Bathing Raft

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration) to seek approval to the virement of unbudgeted income to fund the purchase and installation of a bathing raft on Douglas beach.

The Committee had previously agreed in principle to the provision of one or more bathing rafts as an alternative to an earlier proposed aquapark in Douglas Bay. Officers subsequently investigated suppliers of bathing rafts and identified the supplier of the bathing raft installed by Port Erin Commissioners over the summer of 2022.

The report recommended, rather than including the bathing raft as a capital project, to vire unbudgeted income from higher than budgeted golf course income and unbudgeted income from the new digital

signboard at Pulrose Bridge, and maintenance of Government House grounds. The total budget available from the three virements is £21,000 and would allow for a larger raft size. The purchase of the raft would be undertaken in the current financial year ready for installation in early summer 2023.

Members were supportive of the proposal and discussed possible locations. It was agreed that the location be determined following a discussion with the supplier.

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

- (i) A virement of £12,000 from budget SL150 Douglas Golf Course to budget SW120 Promenade & Beach towards the cost of purchasing and installing a bathing raft on Douglas beach be approved;
- (ii) A virement of £9,000 from budget SL110 Open Spaces to budget SW120 Promenade & Beach towards the cost of purchasing and installing a bathing raft on Douglas beach be approved."

A9. Hanging Basket Policy

The Committee considered a report submitted by the Assistant Head of Parks (Technical) to seek approval for the introduction of a defined policy in relation to hanging baskets.

Each year the Council produces, installs, maintains and waters hanging baskets in public places. Each basket is watered approximately every other day from the end of May to the end of September. Parks operatives undertake this task between 06.00 and 08.00 every day.

It had come to light that there is no clear policy for where hanging baskets are situated. The report therefore proposed a Hanging Basket Policy. Approval of the policy would see the reduction of five baskets in a single street: Princes Street. The Assistant Chief Officer (Regeneration) advised that residents in this street will likely welcome the change in policy as complaints about the noise generated from watering the hanging baskets early in the morning are regularly received during the season.

Resolved, "That particulars of the report and discussion be noted on the minutes and the Hanging Basket Policy below be approved;

- Sales of hanging baskets and related maintenance service is limited to the commercial buildings within the City Centre (Strand Street, Castle Street, Marina Road, Duke Street, Victoria Street, Athol Street, Quay and Promenade area) plus the Sea Terminal and Government buildings;
- The Council's public hanging baskets and railing troughs are limited to the City Centre, Quayside and Promenade area along with the Council's own buildings – The Town Hall, Noble's Park Pavilion & Bandstand and the Crematorium;
- Baskets will not be provided in predominately residential areas."

A10. Items for Future Report

The Committee considered a report submitted by the Democratic Services Officer regarding reports for future consideration by the Committee. Members asked for two additional reports to be added to the schedule.

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

A11. Date and Time of Next Meeting

Members were advised that the next scheduled meeting was due to take place on Tuesday, 20th December, 2022.

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

The meeting ended at 12.05pm.

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

ENVIRONMENTAL SERVICES COMMITTEE

ENVIRONMENTAL SERVICES COMMITTEE – Minutes of Meeting held on Tuesday, 15th November, 2022.

Members Present: Mr Councillor F. Horning (Chair), the Mayor, Councillor Miss N.A. Byron, Mr Councillor J.E. Skinner, Mr Councillor P.J. Washington.

In Attendance: Director of Environment and Regeneration (Mrs D. Eynon), Assistant Chief Officer (Regeneration) (Mr C. Pycroft), Assistant Chief Officer (Environment) (Mr I. Jackson), Finance Manager (Mr M. Quayle) (Items A1 to A6 and B14), Senior Engineering and Waste Services Manager (Mr A. Crook) (Items A5 and B14), Assistant Chief Officer (Democratic Services) (Mrs L. Radcliffe), Dilapidation Enforcement Officer (Mr S. Salter) (Items A7 to A11), 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 – 17th October, 2022

The minutes of the meeting held on Monday, 17th October, 2022 were approved and signed.

A4. Matters Arising

No matters were raised as arising from the previous minutes.

A5. Extending the Garden Waste Collection Service from the end of October to the end of November annually

The Senior Engineering and Waste Services Manager joined the meeting for discussion of the item.

The Committee considered a report submitted by the Senior Engineering and Waste Services Manager seeking an extension to the Garden Waste Collection service.

As part of the planned introduction of fortnightly refuse collections the introduction of a garden waste collection service was simultaneously approved. The original proposal for the garden waste service was to run between the first week of February and the last week of October annually, based on the presumption that most households will have carried out their final gardening activities before the on-set of winter. Members were advised that the service has proved popular and a number of requests have been received seeking an extension to the service until the end of November, primarily for the disposal of leaf fall.

Members were advised that the garden waste collection service can be retained for a further month without any significant changes other than to operations and activities.

Resolved, “That particulars of the report be noted on the minutes and that the garden waste service be extended by a further month to run from the first week of February to the last week of November annually, commencing in 2023.”

A6. Quarter Two Service Plan Performance Monitoring 2022/23

The Committee considered a report submitted by the Director of Environment and Regeneration to update on the performance made against measures as outlined in the Environment and Regeneration Service Plans as relevant to the Environmental Services Committee.

Appended to the officer's report were the measures as outlined in each Service Plan together with an update on the performance as at the end of quarter two 2022/23. A red, amber, green and black status had been applied to each measure.

Members noted that for quarter two:

- One measure in Building Control was not achieved due to a manual processing error. All other measures were achieved;
- In Electrical Services, five measures are fully complete, one action is slightly behind schedule, and all other actions are on target;
- One action within Fleet Services continues to be behind programme due to a delay in installing a Fleet Management System, one action is behind awaiting action by others, one action is slightly behind due to global supply issues, one action is behind due to lack of direction on low carbon emissions for heavy duty vehicles, and all other actions are on target;
- Within Community & Enforcement, two actions have been fully completed, one action is delayed awaiting action by others, two are behind schedule due to competing work demands and all other actions are on target;
- Sickness in Waste Services was higher than the industry benchmark in Q2, only marginally so within cleansing, and the sickness within Refuse and Recycling has reduced significantly. The target for new trade customers is slightly behind target as the staff have been focussing on the change in Waste Strategy, all other actions are on target.

Resolved, "That particulars of the report be noted on the minutes and that the progress made against performance indicators in Service Plans for Quarter Two 2022/23 be noted."

A7. Consideration of the Planning Committee's decision to refuse planning applications 22/00148/CON and 22/00149/GB – 22 – 28 North Quay

The Committee considered a report submitted by the Dilapidation Enforcement Officer in relation to planning applications 22/00148/CON and 22/00149/GB.

At the Committee meeting held on Monday 17th October, 2022 Members had resolved to support the applicant in any appeal lodged against the Planning Committee's decision to refuse planning applications 22/00148/CON and 22/00149/GB.

Appended to the officer's report was the Registered Building Officer's (RBOs) report and the Department's Consultant report which had not been available to Members when the application was first considered by the Committee at their meeting held on the 16th May, 2022.

Members were advised that having considered the RBOs report and the updated report from their structural consultant, Council officers remain of the opinion that the Planning Committee's grounds for refusing the development did not take into account how the development complied with other planning policies relating to the regeneration of redundant buildings and brownfield sites set out in the applicant's planning statement, nor did they give weight to the many benefits a development of this nature would bring to both the North Quay conservation area and to the economy of the Town.

Resolved, "That particulars of the report be noted on the minutes and that the Council continues to support the applicant in their appeal against the Planning Committee's decision to refuse planning applications 22/00148/CON and 22/00149/B."

A8. Planning Application 22/01083/B – Isle of Man Breweries Distribution Centre

The Committee considered an appraisal of planning application 22/01083/B for the construction of thirty-four industrial units, alterations to the existing infrastructure together with alterations to the existing warehouse and demolition of the existing office block at Isle of Man Breweries Distribution Centre, Old Castletown Road, Douglas.

Members were advised that at the time of writing the appraisal an objection had been raised by the Highways Services Officer due to insufficient information having been provided along with the lack of a transport assessment. It was noted that the Highways Division had requested more detailed information which will enable them to review the application with a view to addressing their grounds of objection.

Members noted that objections had also been raised by some of the residents living at the Ellenbrook Housing Estate relating to concerns over traffic, with concerns also being raised regarding early morning noise from large delivery wagons arriving on site.

Although an arboricultural assessment had been undertaken by the applicant highlighting the type of trees to be removed, their condition and the mitigation measures to be put in place for their loss; DEFA

has raised an objection against the proposals stating that the level of tree removal is severe and that the mitigation measures are inadequate.

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

- (i) that an objection be raised against planning application 22/01083/B pending resolution of the matters raised by DOI Highways and the DEFA Forestry officer following which the Council would support the application; and
- (ii) Should the matters listed above in resolution (i) be resolved and support be given to the application the Council requests that the Planning Authority gives consideration to placing a condition on approval to restrict the delivery of items to the new industrial units to hours of the day that are not considered to be anti-social in the interest of public amenity and to ensure that the development does not have a detrimental effect on residents living within the Ellenbrook Housing Estate."

A9. Planning Application 22/01264/B – Douglas Promenade Wave Overtopping Wall

The Committee considered an appraisal of planning application 22/01264/B for the construction of the Douglas Promenade wave overtopping wall at Douglas Promenade and Loch Promenade adjacent to the Bottleneck Car Park, Douglas.

Members noted the potential benefits that the proposed wall will bring to this part of the Promenade but raised concerns that a large part of the Promenade will remain unprotected.

In particular, the Committee expressed their disappointment that there are no plans to replace the existing railings and extend the sea protection walls between the Jubilee Kiosk and the Marine Gardens Kiosk close to the Douglas Promenade War Memorial on Harris Promenade, particularly as that part of the promenade had already suffered major wave damage.

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

- (i) that the Council supports planning application 22/01264/B with the following comment to the Planning Authority;
- (ii) The Council wishes to express its disappointment that there are still no plans in place to replace the existing railings and extend the sea protection walls between the Jubilee Kiosk and Marine Gardens Kiosk close to the Douglas Promenade War Memorial on Harris Promenade as this section of Promenade has already suffered major wave damage due to the lack of an overtopping wall along this section which is of real concern."

A10. Public Health Act 1990 Abatement Notice – The Meating Steakhouse

The Committee considered a report submitted by the Director of Environment and Regeneration seeking approval for the Council to serve an Abatement Notice on The Meating Steakhouse, Courthouse, Douglas in accordance with the Public Health Act 1990.

Members were advised that since June 2022, Environmental Health Officers from DEFA had been investigating complaints relating to smoke and effluvia from the temporary extraction ducting, discharging at head height onto Nelson Street from The Meating Steakhouse. Council officers were also responding to complaints about the temporary extraction ducting on aesthetic grounds and made contact with both Environmental Health and Planning Enforcement. It was noted that within the last month, the temporary extraction ducting was reduced to remove the unsightly appearance on Nelson Street.

The report advised that on 10th November, 2022, Environmental Health Officers met with the Director of Environment and Regeneration and the Building Control Manager to provide a history of their investigations and actions since June 2022. It was noted that over the last few weeks, alterations have been made to the system to increase airflow and filter out the majority of particulates in the smoke and effluvia reducing the impact on people using Nelson Street. If changes to the system are maintained further nuisance may be prevented.

The Environmental Health Officer has recommended that an Abatement Notice be served on the Food Business Operator of The Meating Steakhouse to prevent recurrence of the nuisance. Should the changes to the system fail and further complaints are received DEFA or the Council can restart monitoring.

Resolved, "That particulars of the report be noted on the minutes and that the serving of an Abatement Notice on The Meating Steakhouse, Courthouse, Douglas in accordance with the Public Health Act 1990 be approved."

A11. Schedule of Dilapidated, Ruinous or Dangerous Properties

The Committee considered a schedule of properties in a state of dilapidation or disrepair. Members noted that no properties have been added to the schedule since the last meeting; four properties had been removed because work had been completed; and a total of fifty-one properties remained on the list.

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

A12. Items for Future Report

The Committee noted a report submitted by the Assistant Democratic Services Officer with an appendix setting out a number of reports that would be brought forward for consideration by the Committee in due course.

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

A13. 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 19th December, 2022.

PART B –

Matters requiring Executive Committee approval

B14. Buying back household second bins that are less than three years old

The Committee considered a report submitted by the Senior Engineering and Waste Services Manager setting out the proposed framework for a buy-back scheme of second household bins.

Members were reminded that in February 2022, prior to the introduction of alternate weekly refuse collections, the Executive Committee had resolved that, “the policy of selling second bins to households be suspended with immediate effect” and “once the service change was implemented, a new policy of collecting only one standard 240-litre bin per household on collection day be introduced and enforced, subject to any variation as a result of an assessment.”

The policy change was conveyed to households as part of the communication campaign, however since the introduction of fortnightly collections a growing number of households have contacted the waste services team to query why the second bin had not been emptied. Members were advised that the waste crews had initially used discretion to enable households to adjust to the service change by emptying the second bin and giving the property a notice slip stipulating that going forward, only one bin would be collected.

In recognition that up until January 2022 households were still able to purchase a second bin, and for those in particular that have purchased a bin over the past three years, it is proposed that households who have purchased a second bin in the three years preceding the policy change i.e. from 1st January 2020 be offered a buy back option whereby the Council removes their bin and compensates the householder a fee of £24.

It is further proposed that for any household that purchased the bin prior to January 2020, the householder be advised that no compensation will be offered on the basis that the householder had benefitted from their purchase up until October 2022. However, should the householder no longer require the bin, the Council will remove the bin free of charge.

Members were advised that the waste team records currently show that approximately 66 bins have been sold since January 2020. It was noted that there were various reasons why householders may have bought a second bin; some may have used them for garden waste and in such cases will have benefitted from the new garden waste service, reducing their need for two residual waste bins.

Members discussed how the buy-back scheme would be communicated and requested that those householders with second bins be contacted directly.

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

- (i) That the proposed buy-back scheme at £24 per bin, for bins sold to households within three years preceding the policy change be approved;
- (ii) Applicants seeking compensation under the buyback scheme are asked to show proof of purchase, particularly if there is a discrepancy between the Council’s records, e.g. householder has moved to new address; and
- (iii) The Council offers to remove unwanted second bins free of charge.”

3 For. 1 Against.

Mr Councillor J.E. Skinner asked that his name be recorded as voting against the resolution.

The meeting ended at 12.00pm.