



City of Douglas

**COUNCILLOR MRS NATALIE BYRON-TEARE, JP
MAYOR**

City Hall,
Douglas,
8th December, 2023

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL of the CITY OF DOUGLAS to be held on WEDNESDAY, 13th DECEMBER, 2023, at 2.30 o'clock in the afternoon, in the COUNCIL CHAMBER within the CITY HALL, DOUGLAS for the transaction of the hereinafter mentioned business.

I am,

Yours faithfully

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

Town Clerk & Chief Executive

Order of Agenda

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

II - Any statutory business.

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

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

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

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

- (i) The Executive Committee;
- (ii) The 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 Council Meeting held on Wednesday, 8th November, 2023.

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

EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Thursday, 23rd November, 2023.

Members Present: Councillor Mrs C.L. Wells (Chair), the Mayor, Mr Councillor I.J.G. Clague, Mr Councillor A.J. Bentley, 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 (Democratic Services) (Mrs L. Radcliffe) (Clauses A8 to A11), Head of Fleet Services and Stores (Mr S. Kelly (Clauses A1 to A15), 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

There were no apologies for absence.

A2. Declarations of Interest

The Chief Executive declared an interest in Clause A11.

A3. Minutes

The minutes of the meeting held on Wednesday 25th October 2023 were approved and signed.

A4. Matters Arising From Previous Minutes

There were no matters arising from the minutes of the previous meeting.

A5. Referrals from the Environmental Services Committee

There were no referrals from the public minutes of the Environmental Services Committee meeting held on Monday 13th November 2023.

A6. Referrals from the Regeneration and Community Committee

There were no referrals from the minutes of the Regeneration and Community Committee meeting held on Tuesday 14th November 2023.

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 15th November 2023.

A8. 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.

Following the Council's adoption of a new Corporate Plan for the years 2022 – 2026, 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 October 2023.

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

(ii) That the progress against planned actions and performance indicators of the Service Plans that had been in place since April 2022 also be noted, subject to the following for the new Service Plans:

Appendix 1 –

- Statistics relating to staff turnover and recruitment be included in future Service Plans;
- For consistency, those actions which had been completed for the particular quarter, but would be repeated in future, be also shown as ‘on-going’;
- Information relating to the use of the ‘Safe Hub’ app (which had replaced the use of fobs) as contained in the Lone Working Policy, be provided;

Appendix 2 –

- The Assistant Chief Officer (Democratic Services) and the Head of Digital and Information Services to formulate a process that would enable Members to have access to scanned archived minutes;

Appendix 3 –

- Any actions that could not be measured with any accuracy to be removed from the Service Plan.”

A9. Consultation Document – Mooir Vannin Offshore Windfarm

The Committee considered a written report by the Assistant Chief Officer (Democratic Services) in relation to a consultation document issued under Section 68 of the Local Government Act 1985.

The Mooir Vannin Offshore Windfarm would be the first large-scale development in the Isle of Man’s territorial waters and would be approximately six to twelve nautical miles off the east coast of the Island, near Maughold Head. In 2015, the Isle of Man Government and Ørsted had signed an Agreement for Lease; and environmental and technical studies of the area had since commenced to determine the scope and scale of the project. The project would help to support the Isle of Man Government’s ambitious renewable energy, net zero, and economic growth targets, and this next stage would be to begin the process of gaining planning consent, with the submission of a planning application in the spring of 2025.

If planning consent was approved, the operational start date would be between 2030 and 2032.

Members accordingly considered the proposed responses to the consultation, noting the positive and negative aspects of such a development.

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

- (ii) That the proposed responses (as appended to the report) be approved and submitted as the Council’s response.”

A10. Consultation Document – Tynwald Commissioner for Administration (Amendment) Bill

The Committee considered a written report by the Assistant Chief Officer (Democratic Services) in relation to a consultation document issued under Section 68 of the Local Government Act 1985.

The paper set out proposals to amend the principles of the Tynwald Commissioner for Administration (Amendment) Bill. It was noted that the Tynwald Commissioner for Administration Act had been enacted in 2011 and had become effective from 31st December 2017, with both the previous Tynwald Commissioner for Administration and the outgoing Commissioner having requested the Act be amended in various ways.

A large number of issues had been identified (as set out in the consultation paper), and Members accordingly noted the issues to be addressed by the Bill and the proposed solutions, together with the Council’s suggested responses thereto.

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

- (ii) That the proposed responses (as appended to the report) be approved and submitted as the Council’s response.”

A11. Consultation Document – Changes to Existing Harbour Dues and Charges

The Chief Executive declared an interest in this item and retired from the meeting during its consideration.

The Committee considered a written report by the Assistant Chief Officer (Democratic Services) in relation to a consultation document issued under Section 68 of the Local Government Act 1985.

The paper set out the Department of Infrastructure’s proposals to change the existing harbour dues and charges for vessels, passengers, and goods with effect from 1st April 2024. These proposals would revoke and replace the existing fees, and Members accordingly considered the suggested responses to the consultation.

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

- (ii) That the proposed responses (as appended to the report) be approved and submitted as the Council’s response; and
- (iii) That the following information be sought from the Department of Infrastructure, with the comment that it would be useful for this information to be provided in future as a matter of course:
 - The reason for the inflationary increase only amounting to 5.4%, which equated to the inflationary increase for the previous year only and did not reflect inflationary increases since 2021 (the last time the harbour dues and charges had been updated); and
 - An analysis of the impact and effect of the price elasticity of demand.”

A12. **Statement of Accounts**

The Committee considered a joint written report by Director of Finance and the Assistant Chief Officer (Project) in relation to the Statement of Accounts for the year ending 31st March 2023.

The Accounts and Audit Regulations 2018 required local authorities to have their Statement of Accounts approved and certified by an external auditor by 31st October each year. In accordance with those Regulations, the Director of Finance, as Responsible Financial Officer, had approved the issue of the Council’s accounts for audit in June 2023, however, the deadline had not been achieved this year due to circumstances out-with the Council’s control.

For the first time, a Tynwald Auditor General had been appointed and, following review of the financial statements and the work of external audit, a significant amount of additional testing had been undertaken. That extra workload, together with the requirement to have a review and the incorporation of a Certificate from the Tynwald Auditor General into the Council’s financial statements, had resulted in audit clearance being delayed until November, with Committee approval of the Accounts now being required.

Under normal circumstances, failure to approve the accounts by the statutory deadline would be in contravention of the Audit Act 2006; however, given that the delay was as a direct result of the first-time intervention by the Tynwald Auditor General in the audit process, it was not anticipated that any sanction would be applied against the Council.

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

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

- (ii) That the delay to the audit clearance of the Council’s accounts, which had been linked to the involvement for the first time of the new Tynwald Auditor General, be noted;
- (iii) That the Council’s Statement of Accounts for the year ended 31st March 2023 be approved;
- (iv) That the Letter of Representation be approved and signed, and accordingly presented to the Council’s external auditor; and
- (v) That the Audit Completion Letter from Baker Tilly Isle of Man Limited also be noted, with the officer responses given therein being approved accordingly.”

A13. **Monthly Financial Review – October 2023**

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

The monthly report was required in order to monitor progress against the Finance Department’s Service Plan actions and to meet objectives set out in the Corporate Plan 2022 - 2026.

Resolved, “(i) That particulars of the report be noted on the minutes, including particularly -

- The rates collection figure of 90.1%, compared to the target figure of 88.6% for the period April to October 2023.”

A14. **Douglas City Centre - Proposed City Centre Shopping Area Signage**

The Committee considered a written report by the Assistant Property Manager (Assets) seeking agreement for a new City Centre Shopping Area street nameplate template.

The existing street nameplates throughout Strand Street and the adjacent shopping streets were a mixture of styles, and it was proposed that the nameplates be updated and replaced to celebrate the change of status for Douglas from Town to City.

A budget had previously been allocated by the Committee in October 2022 for the replacement of the signs, and Members noted two proposed designs for use in the City Centre, dependent on location:-

- *Signs depicting the common street name in black wording, the Manx translation in dark-blue wording below, and the Council Crest, all on a pale-blue silhouetted background.*

These signs would be for use in the main shopping streets that were used predominantly by pedestrians. They would be used from Church Road Marina through to Market Hill, together with adjacent roads, side streets, and passages off the main streets; and

- *Signs depicting the common street name in black wording, the Manx translation in dark-blue wording below, and the Council Crest, all on a plain white background.*

These signs would be for use in streets used by vehicles and needed to comply with street signage standards (where applicable). They would be used at Senna Slip, Market Street, Granville Street, Howard Street, Regent Street, and Victoria Street.

Members were advised that, due to a formatting issue in the written report, the recommended designs and layouts (as detailed above) were, in fact, as set out in paragraphs 4.12 and 4.13 of the report - and not as noted in the proposed recommendations in the report.

In total, there would be 55 new signs to be placed in and around the shopping area. As the majority of signs were directly fixed to private buildings, work to remove or replace them would require the full permission of the building owners or managing agents and, as some buildings were located within conservation areas, planning permission may need to be sought to replace the existing conservation cast-iron signage. If any of the original cast-iron signs were required to remain in place, it was suggested that the new design street signs be positioned either above or to the side, depending on available space.

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

- (ii) That the proposed new design and layout of the City Centre Shopping Area street nameplate templates be approved as follows:
- For use in the main shopping streets - the signs to depict the common street name in black wording, the Manx translation in dark-blue wording (in line with the Council’s corporate branding), and the Council Crest, on a pale-blue silhouetted background; and
 - For use in streets used by vehicles - the signs to depict the common street name in black wording, the Manx translation in dark-blue wording, and the Council Crest, on a plain white background;
- (iii) That the proposed wording on the street nameplates title banner be agreed as ‘City Centre Shopping’ for pedestrian areas and ‘City Centre’ for vehicular areas; and
- (iv) That in order to preserve the historical heritage of Douglas, any cast-iron signs removed be either retained by the Council or offered to Manx National Heritage.”

On a vote being taken, Members voted 4 For; 1 Against. Mr Councillor A.J. Bentley requested his vote against resolutions (ii) and (iii) to be recorded on the minutes.

A15. Proposed New Street Nameplate Template

The Committee considered a written report by the Assistant Property Manager (Assets) seeking agreement for the layout of a new typical-style street nameplate as part of the change of status for Douglas from Town to City.

The existing street nameplates in and around Douglas were based on a typical-style template indicating the common name of the road with the Manx translation below, together with the Borough of Douglas Crest positioned to the left-hand side of the wording. In conservation areas, the signs were cast-iron (or a ‘flattened’ replica of this style) with the street name embossed in black wording on a white background with a black border.

A number of potential images had been created for consideration but were not recommended, due either to having too much detail or the wording being too small to be easily read. The proposed new typical-style street nameplate template would ensure compliance with standards for street signs and be easily readable, and would depict the common name of the road in black wording, the Manx translation below in blue wording (in line with the Council’s corporate branding), all on a white background with a blue border, and showing the Council Crest to the left of the wording on a small square blue background.

It was not intended to replace all street signs at the same time, but to undertake replacement on a rolling programme, in line with budget constraints. However, any street nameplates that were reported as being defective would be replaced with the new style template, either by a full replacement of the aluminium plate or by the aluminium plate being 'over-stickered' with new vinyl.

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

(ii) That the proposed new design and layout for the street nameplate template be approved as being a white background with a blue border, with the common name of the road in black wording and the Manx translation below in blue wording, and showing the Council Crest to the left of the wording within a small blue square."

On a vote being taken, Members voted 4 For; 1 Against. Mr Councillor D.R. Watson requested his vote against the resolution to be recorded on the minutes.

A16. Isle of Man Municipal Association

No documents had been received from the Isle of Man Municipal Association in advance of the meeting.

A17. 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."

A18. Next Meeting

The time and date of the next meeting was confirmed as 2.00pm on Wednesday 20th December 2023.

The Committee rose at 4.25pm.

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, 15th November, 2023.

Members Present: Mr Councillor D.R. Watson (Chair), the Mayor, Mr Councillor S.R. Crellin, Councillor Ms J. Thommeny, 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. Apologies for Absence

No apologies for absence were received.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 18th October, 2023

The minutes of the meeting held on Wednesday, 18th October, 2023, were approved and signed.

A4. Matters Arising

No matters were raised as arising from the previous minutes.

A5. Vacant Property 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 October 2023, there were forty-two vacant properties receiving attention.

The Assistant Chief Officer (Housing and Property) advised that as of 15th November 2023, there were forty-one vacant properties, noting that a further seven properties would be allocated within the forthcoming two weeks.

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.

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

A6. Quarter Two Housing Performance Monitoring 2023/24

The Committee considered a report submitted by the Housing and Property Operations Manager to update on the progress made against the performance indicators for quarter two 2023/24.

Appended to the officers report were the quarterly performance figures for quarter one and quarter two 2023/24 and statistical trend analysis data for rent arrears.

It was noted that the continued process improvements within the housing section were now showing in the performance reports. The introduction of the appointments system, where all tenants are issued with appointments at their first point of contact, had been well received by tenants.

Of particular note for this quarter;

- 97.6% of emergency repairs had been completed within the target time of twenty-four hours;
- 67.8% of urgent repairs were completed within the target period of 7 working days; and

- 64.2% of routine repairs were completed within the target period of 28 days

Resolved, “That particulars of the report and discussion be noted on the minutes and that the progress made against the performance indicators in the Service Plans for quarter one 2023/24 be noted.”

A7. Tynwald Court suspended ceiling and lighting replacement in communal areas

The Committee considered a report submitted by the Assistant Housing Manager (Maintenance) to progress with the replacement of the communal ceiling grid system and communal lighting at the Tynwald Court Complex.

Members were advised that the existing ceiling grid system requires specialist access for inspections and maintenance works to be carried out. The flues for the boilers within the complex are above the ceiling grid and as per the Gas Safety (Installation and Use) Regulations 1997 (as applied in the Isle of Man), the Council has a statutory responsibility, by virtue of the Health and Safety at work act 1974, to access the flues at all times to inspect and repair the system if required.

It is proposed that the ceiling grid system be replaced with a more accessible system which will allow easier access to service the equipment and to comply with statutory regulations, it was noted that this would decrease disruption to tenants whilst inspections and maintenance works are carried out.

It is further proposed that the existing lighting is replaced with motion sensor LED lighting, as this contributes towards the Council’s ongoing works to significantly reduce communal electricity costs and reduce carbon emissions throughout the Council’s housing portfolio, delivering on the aims set out in the Council’s Net Zero Policy.

Members were advised that following the procurement process, tenders were opened by the Chair of the Housing and Property Committee in the presence of the Assistant Chief Officer (Housing and Property) and the Housing and Property Operations Manager on Tuesday 7th November, 2023.

It is recommended that the tender submitted by Eire Electrical Ltd be accepted. Members were advised that the tender had been evaluated, arithmetically checked, and is considered value for money.

Resolved, “That particulars of the report be noted on the minutes and that the tender submitted by Eire Electrical, for the replacement of the existing ceiling system and existing communal lighting with LED motion sensor activated lighting within Tynwald Court, be accepted.”

A8. 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.”

A9. Date and Time of Next Meeting

Members were reminded that the next scheduled meeting was due to take place at 10.00am on Wednesday, 20th December, 2023.

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

The meeting ended at 11.00am.

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

PENSIONS COMMITTEE

PENSIONS COMMITTEE – Minutes of Meeting held on Wednesday, 22nd November, 2023.

Members Present: Mr Councillor J.E. Skinner (Chair), the Mayor (from 11.00am), Mr Councillor I.J.G. Clague, Mr Councillor S.R. Crellin, Mr Councillor F. Horning, Mr A. Thomas (Independent Member).

In Attendance: Director of Finance (Mr A.J.T Boyd), Assistant Chief Officer (Finance) (Mr M. Quayle), Democratic Services Officer (Mrs D. Atkinson), Mr J. Glasgow (Hymans Robertson), Mr J. Lee (Hymans Robertson, via video-link), Mr J. Penn and Mr M. Seaward (Capital International, Item A8 only).

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 – 25th October, 2023

The minutes of the meeting held Wednesday, 25th October, 2023, were approved and signed.

A4. Matters Arising

In response to question, the Director of Finance advised that the Pensions Fund Annual Report is not yet finalised and remains with Capita, and therefore cannot be presented to the Committee for approval. Contact has been made with the Tynwald Auditor General and the advice received was that the audit of this report is outside the scope of the Audit Act 2006, and based on this advice there will be no repercussions incurred as a result of the delay. The Director of Finance confirmed that Capita has been made aware in writing of the Committee's disappointment. The Director of Finance expressed that as it represented best practice and good governance to have the Scheme's Annual Report audited each year, regardless of the non-statutory nature of this work, the Council should continue to engage the services of Baker Tilly for the remainder of the existing terms audit (i.e. up to the audit of the 2023/24 Annual Report). He also indicated that there was an opportunity to procure audit services beyond that date as part of the PSPA's pension audits, which were being procured via the Tynwald Auditor General. It was hoped that this move would help offer economies of scale and value for money for the Scheme's audit. Committee expressed its support for the way forward.

A5. Training – Types of Assets

The Committee received a training presentation by Hymans Robertson on the different types of assets.

The presentation reminded of the Scheme's overall objectives and strategy, and then presented the different types of growth, income and protection assets available.

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

A6. Quarterly Review of Investment Managers' Performance

The Committee considered a report submitted by Hymans Robertson to review the investment managers' performance during quarter three of 2023.

The Scheme achieved a return of -0.5% over the quarter, underperforming the benchmark by 0.1%. Returns over 5 years remain positive albeit behind the overall benchmark. The largest outperformer relative to benchmark for the quarter was the Canaccord RLAM UK equities (+0.7%) and the Canaccord Global Equities ETFs (+0.2%) while other assets performed in line with the benchmark or underperformed their respective benchmarks marginally over the quarter. The largest underperformer relative to the benchmark was the Capital Absolute Return Fund (-1.3%) and the Canaccord Property Fund also underperformed by 0.4%.

Mr Lee provided a market background and individual manager analysis during the quarter. It was noted that there are no changes recommended to the current manager appointments.

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

A7. 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 2023.

The report analysed each manager individually and the below was noted.

Capital International's absolute return fund has outperformed the benchmark over the past 12 months. The fund is still underperforming its benchmark over all other time periods, however performance relative to peer group over one year has been in the first quartile, while three year performance was only slightly below median. Hymans Robertson remained supportive of Capital for the Scheme's absolute return fund.

The BlackRock Property Fund (held via Canaccord) suffered over the previous 12 months as UK property saw its largest continuous decline in capital values since the global financial crisis. Returns of the fund has been slightly below benchmark across all time periods; however returns have been above the median over the previous 12 months. In response to question it was noted that the BlackRock redemption requests remain deferred whilst the fund catches up with the significant requests following the gilts market crash in 2022. This is being closely monitored by Hymans Robertson, who remain supportive of the BlackRock Property Fund.

The Capital ESG Fixed Income bond portfolio has outperformed its benchmark over the previous 12 months and has performed in the first quartile when compared to a basket of 15 other investment grade UK corporate bond funds. Hymans Robertson remain supportive of the Scheme's corporate bond portfolio.

The five index-tracking funds have performed in line with their respective benchmarks with the exception of the LGIM Global Multifactor Equity Fund which underperformed its benchmark by 1.7%, despite still returning close to double-digit positive absolute returns. Members were reminded that the UK equity and two global equity funds were switched during quarter three of 2022 to mandates that apply ESG tilting via various screening methods. Hymans Robertson remained supportive of these funds. In response to question, Hymans Robertson recommended a three to five year review period for a fund unless there is a fundamental change in management or to the fund, both of which are monitored by Hymans Robertson on behalf of the Scheme.

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

A8. Manager Reporting: Capital International

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

Mr Penn advised that both funds achieved better than expected returns this year.

Mr Penn presented the absolute fund returns for quarter three of 2023. He advised that the portfolio had a good quarter, rising by 0.8%. Most of the outperformance came from UK equities, property and credit, with cash also contributing.

Mr Penn advised that the corporate bonds fund performed in line with the benchmark return, with most of that outperformance being attributed to corporates.

Mr Penn provided a market background demonstrating the current volatility that has been experienced and finished with Capital's outlook for the next few quarters which remains uncertain and "gloomy", though with some room for optimism surrounding productivity increases arising from AI technologies.

During the presentation of the top and bottom performers, a Member queried the returns on Japanese holdings. Mr Penn provided some background into the holdings together with the long-term performance and future intentions.

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

A9. Plan of Investment Activities for 2024

The Committee considered a report submitted by the Director of Finance to plan the investment matters to be considered by the Committee during the coming year.

Members had in front of them the activity schedules submitted by Hymans Robertson and two additional appendices listing the Committee's training log and individual training needs analyses. It was noted that the 2024 plan of administration activities was approved at the October meeting.

Resolved, "That particulars of the report be noted on the minutes and the 2024 plan of investment activity be approved."

A10. 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.”

A11. Date and Time of Next Meeting

The Committee noted that the date and time of the next meeting is Wednesday, 28th February, 2024.

The Committee rose at 12.33pm.

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, 28th November, 2023.

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

Apologies: Mrs D. Eynon (Douglas), Mrs L. Radcliffe (Secretary), Mr N. Mellon (Braddan).

In Attendance: Mr A.J.T. Boyd (Douglas), Mr R. Phillips (Onchan), Mr J.C. Whiteway (Braddan), Mr I. Jackson (Douglas), Mr E.P. Pierce (Douglas, Items A5 and A6), Mr P. Macken (Contractor, Item A3 only), Mrs D. Atkinson (Douglas, taking notes).

REPORT

PART A –

Matters dealt with under delegated authority

A1. Minutes – 18th July, 2023

Approved unanimously.

A2. Declarations of Interest

There were no declarations of interest.

A3. Operational Contractors Report

Mr Macken joined the meeting to present the operational contractor's report. It was noted that no new incidents had occurred since the previous report.

In response to question, Mr Macken advised that the Waste Management Unit are yet to source a disposal route for batteries collected on site. There are concerns around the volume of batteries currently in storage and the process for collection. The batteries are currently being stored in Douglas Council bins, and the volumes are increasing. The Committee offered to write to the Waste Management Unit with the contractors concerns, and ask for an update on the matter. The Committee asked that the contractor make contact with the other amenity sites, who are facing a similar problem, to consider other possible solutions.

It was agreed:

1. That the report and statistics be noted;
2. That a letter be drafted to the Waste Management Unit by the Committee Secretary requesting an update on the disposal route for batteries;
3. That the contractor makes contact with other amenity sites to discuss possible solutions.

A4. Complaints Process

The Committee were presented with the proposed complaints process for review. A four-stage process was proposed. It was noted that the stage 2 complaints form would not include the Douglas preamble.

It was agreed: That the proposed complaints process be approved.

A5. ECAS Expressions of Interest Public Notice Costs

Onchan submitted two invoices that had been paid by the authority on behalf of the Joint Committee for the site contract tender advertisement.

It was agreed: That Onchan invoice Douglas Council for the costs in full which will be added to the administration costs, and apportioned to each authority accordingly.

A6. Eastern Civic Amenity Site Tender

The Committee considered a report by Mr Phillips on the tenders returned for the operation of the site from 1st April 2024 to 31st March 2029.

There were three expressions of interest, and one contractor submitted a tender by the closing date. The tender submitted was a significant increase in comparison to the current contract cost.

The Committee reviewed the specification in light of the large increase in operational costs, with the intention to re-tender with a revised specification. It was noted that the largest contributor to the increase was the request for additional staff on site. The current contract specified three staff to be onsite during peak hours, and outside of peak hours, two staff to be onsite at all times. The new contract specifies that there must be four staff on site at all times, plus a driver as and when required. The Committee agreed that the number of staff be reduced to three staff at all times together with a driver as and when required.

In addition to staffing levels, the other area that could reduce the tender costs is the opening hours. The statistics for cars visiting per hour were reviewed, and the Committee asked that prospective tenderers be invited to submit two tender prices, one for the current winter and summer opening hours, and one for all year round operating hours of 08.00 to 16.00.

It was agreed that the revised tender specification be advertised with a return date of Friday, 15th December. The Committee agreed to convene a special meeting on Tuesday, 19th December to consider the submissions. This timeframe will ensure the costs can be included in the 2024/25 budget considerations.

It was agreed:

1. That the tender submitted not be accepted;
2. That the specification be amended to reduce the number of staff to three plus a driver as required;
3. The revised specification be advertised for tender in line with Onchan Commissioners' standing orders;
4. That the return date for tenders be Friday, 15th December, 2023;
5. That the tender submissions be asked to provide two costs for operational hours, one based on the current hours, and one submission for 08.00 to 16.00 daily;
6. The Committee convene a special meeting on Tuesday, 19th December, to consider the tender submissions.

A7. Applicability of Audit Act 2006 to the Joint Committee

The Committee considered a report submitted by Mr A.J.T. Boyd to advise of the Tynwald Auditor General's (TAG) determination that the Joint Committee falls within the scope of the Audit Act 2006.

The TAG has advised that as the Joint Committee is a body established under a statutory provision or consists of local authorities, this fact imposes the statutory duties under the Audit Act. In his view the Committee is required to prepare accounts in accordance with the Act. This view also has the backing of the Attorney General.

The Douglas Council Advocate maintains that whereas a Joint Board is a body corporate, the Joint Committee is a committee appointed by a number of local authorities under the Local Government Act 1985, and so is answerable to each of those constituent bodies or local authorities, which do all in their own right fall under the scope of the Audit Act. It is not an entity in its own right, with its own constitution and articles of association, so cannot be audited.

Members concurred as the Committee has no assets or liabilities of its own, it cannot own property or employ its own staff, and it does not hold its own financial reserve or have its own bank account. This would make it impossible for the Joint Committee to publish a set of accounts. The waste licence for the site is held by the Council as Administering Authority rather than the Joint Committee as a separate entity in its own right. It was noted that Ramsey Town Commissioners are taking a similar stance regarding the Northern Site.

The TAG did however suggest that Treasury could be approached to request an exemption. Mr Boyd wrote to Treasury's Chief Financial Officer to request an exemption. The Committee had a copy of the letter. It is hoped that the appeal will be granted by Treasury, however, it is expected that conditions will be demanded regarding greater transparency of the true financial performance of the Joint Committee by way of a separate disclosure note to the Council's main audited financial statements. If this is progressed, it was suggested that Ramsey Town Commissioners be engaged to agree a common format.

The report suggested that from time to time it may be beneficial to ask the Council's internal auditors to review systems and processes relevant to the operations of the Eastern District Civic Amenity Site, with any costs being borne by the Committee.

It was agreed:

1. That the Committee's support for the Council's actions in relation to the matter be noted;
2. That the determination made by the Tynwald Auditor General that the Joint Committee falls within the scope of the Audit Act 2006 be noted;
3. That the application made by the Council to the Treasury for an exemption from the Act be noted, and receives the full backing of the Joint Committee;
4. That should the exemption be approved by Treasury, it be noted that the Council will include within its financial statements a disclosure note summarising the Joint Committee's income and expenditure each year.

A8. Date and Time of Next Meeting

The Committee considered the suggested meeting dates for 2024. The next quarterly meeting to take place on Tuesday, 20th February, 2024. A special meeting of the Committee will take place on Tuesday, 19th December, 2023 at 2.30pm.

The meeting ended at 3.52pm.

(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, 14th November, 2023.

Members Present: Mr Councillor A.J. Bentley (Chair), the Mayor, Mr Councillor J.E. Skinner, Mr Councillor S.R. Crellin

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

REPORT

PART A –

Matters delegated to the Committee

A1. Apologies

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

A2. Declarations of Interest

There were no declarations of interest.

A3. Twinning Agreement

This item was withdrawn for further consideration.

A4. Minutes – 17th October, 2023

The minutes of the meeting held on Tuesday, 17th October, 2023 were approved and signed.

A5. Matters arising

No issues were raised as arising from the previous meeting.

A6. No Mow May

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration), following a request from a Member, to propose participation in the No Mow May initiative at two sites in Douglas.

It was noted that Charity Plantlife runs an annual campaign to encourage all garden owners and green space managers not to mow during May. The basis of the campaign is that a healthy lawn with some long grass has various environmental benefits.

The Council has already adopted a Pollinator plan, which runs through the summer. No Mow May would be complementary to the Plan by extending the benefits of wilder grassland to a wider area but only during the month of May.

Two sites have been identified as suitable locations, Bayr Cam and grassland next to the Governor's Hill play area on Hailwood Avenue. The proposal was to cease mowing of both areas from mid-April with the exception of a metre strip around the edge of the sites where they meet footpaths. Desire lines will also be included where appropriate.

Members were supportive of the proposal and asked that the Council publicise the campaign ahead of May and sufficient signage be on display throughout the period to ensure the public are aware.

Resolved, "That particulars of the report and discussion be noted on the minutes and the Council participate in the No Mow May campaign in 2024 at Bayr Cam and Governor's Hill (adjacent to the children's play area)."

A7. Quarter Two Performance Monitoring 2023/24

Members considered a report submitted by the Director of Environment and Regeneration to update on the performance made 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 City Centre Management. A red, amber, green and black status had been applied to each measure.

It was noted that within Parks Services, several measures are either slightly behind or behind schedule due to resource constraints at management level, awaiting external resources or because projects were deferred by the Committee. Nine measures were completed in 2022/23.

Within City Centre Management, those measures still to be achieved are on target.

Resolved, "That particulars of the report and the progress made against performance indicators in the Environment and Regeneration Department Service Plans as relevant to the Regeneration and Community Committee for Quarter Two 2023/24 be noted on the minutes."

A8. Items for Future Report

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

The Mayor advised that she had recently visited a Douglas High School and as part of her visit the students were asked to suggest initiatives/additions to Douglas. The list has now been received. It was agreed that the list be shared with the Director of Environment and Regeneration and the Assistant Chief Officer (Regeneration) for initial consideration.

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

A9. Date and Time of Next Meeting

Members were advised that the next scheduled meeting was due to take place on Tuesday, 19th December, 2023.

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

The meeting ended at 10.25am.

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

ENVIRONMENTAL SERVICES COMMITTEE

ENVIRONMENTAL SERVICES COMMITTEE – Minutes of Meeting held on Monday, 13th November, 2023.

Members Present: Mr Councillor F. Horning (Chair), the Mayor, Councillor Ms J. Thommeny, Mr Councillor P.J. Washington.

In Attendance: Director of Environment and Regeneration (Mrs D. Eynon), (Assistant Chief Officer (Environment) (Mr I. Jackson), Assistant Chief Officer (Regeneration) (Mr C. Pycroft), Assistant Chief Officer (Finance) (Mr M. Quayle) (Items A1 to A5), Assistant Chief Officer (Democratic Services) (Mrs L. Radcliffe), Head of Fleet Services and Stores (Mr S. Kelly) (Items A1 to A9), Dilapidation Enforcement Officer (Mr S. Salter) (Items A7 to A10), Assistant Democratic Services Officer (Miss C. Cullen).

REPORT

PART A –

Matters delegated to the Committee

A1. Apologies

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

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes –16th October, 2023

The minutes of the meeting held on Monday, 16th October, 2023 were approved and signed.

A4. Matters Arising from the Minutes

No matters were raised as arising from the previous minutes.

A5. Naming of unnamed lane E186 between Regent Street and Victoria Street

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration) seeking approval to the naming of lane E186 between Regent Street and Victoria Street.

Members were advised that the Department of Infrastructure had identified a section of road that does not currently have a proper name. It is designated as E186 and is listed in the Department's records as 'Lane at rear of Villiers Hotel'. It was noted that there is also a section of road built on the site of a former building that currently links Regent Street to Villier's Square and E186 which is due to become the main entrance into the Tevir Group's proposed Villier's Square development from Regent Street, which is likely to become an adopted highway and also has no name.

As Street naming is a Local Authority function, officers were seeking the Committee's view on a name for the existing lane and the new access route into the area. As both sections of road are relatively short it is proposed that they be given the same name.

Members were advised that the existing naming convention for highways in Douglas City Centre is generally that larger thoroughfares are 'streets' and smaller thoroughfares or back streets are 'lanes', with the lane being named by taking the name of the street they link or run parallel to.

The report set out a number of options for the Committee to consider. Members discussed the proposal and considered that a name reflecting the proximity and connection to the proposed Villier's Square development would be the most appropriate.

Resolved, "That particulars of the report and discussion be noted on the minutes and that unnamed lane E186 between Regent Street and Victoria Street be named 'Villier's Gate'."

A6. Quarter two service plan performance monitoring 2023/24

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 2023/24. A red, amber, green and black status had been applied to each measure.

Members noted that for quarter two:

- Two measures within Building Control were not met due to a temporary reduction in resources;
- Within Electrical Services, six out of twenty-one measures are behind target due to resource and recruitment difficulties. All other measures are either on target or completed;
- In Fleet Services, three measures (scheduled service times, completion of vehicle repairs within allocated time, retention of staff) are slightly behind target and one measure is behind target awaiting leadership from the Isle of Man Government on a low carbon alternative fuel source for larger and specialist vehicles. Two measures are complete;
- Within Community & Enforcement, five measures are behind target and three are slightly behind target due to resource constraints. Main key performance indicators are being met and four measures have been completed;
- In Waste Services, sickness remains higher than the industry benchmark, obtaining new trade customers is slightly behind target as is the Local Environmental Quality Audit due to staff constraints. All other measures 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 2023/24 be noted."

A7. Planning application 23/00979/B and planning application 23/00980/CON – Trevelyan

Members considered an appraisal of planning applications 23/00979/B and 23/00980/CON for demolition of the existing hotel with front facade maintained, the erection of 15 apartments (5 no. studio apartments, 5 no. 1 bed apartments & 5 no. 2 bed apartments), creation of a basement car park for 13 cars with associated bicycle storage at Trevelyan 18 - 19 Palace Terrace Queens Promenade Douglas.

Members were advised that the Council's waste services team are currently unable to collect waste directly from the rear of the property due to the potential risk from the cliff face at the rear of the property. It was noted that the current bin collection area should only be viewed as a temporary measure until such time that the cliff face had been made safe to the satisfaction of a suitably qualified person.

Based upon the current layout of the bin storage it is recommended that an objection be raised until further detail is provided on the measures taken to secure the cliff or an alternative bin storage area that can be safely accessed and that does not cause a negative effect on the existing streetscene.

Resolved, "That particulars of the report be noted on the minutes and that an objection be raised against planning applications PA 23/00979/B & PA 23/00980/CON as the proposed apartments cannot be provided with the required services contrary to Planning General Policy 2 (J) and the Housing Standards Regulations 2017 – 8 Storage of waste (2) adequate provision must be made for the storage of such receptacles and for the disposal of refuse to the satisfaction of the local authority."

A8. Planning Application 23/01039/B – Casino and apartments

Members considered an appraisal of planning application PA 23/01039/B for a proposed mixed-use development incorporating a casino, offices, twenty-five residential apartments and car parking at a site bounded by Victoria Street, Lord Street and Walpole Avenue Douglas.

The appraisal advised that the applicant had submitted a detailed transport assessment as required by Transport Policy 8. It was noted that the Department of Infrastructure's Highways Development Control officer had raised several concerns relating to the layout of the proposed site, parking on the site and how this would be managed for those living within the apartments and those working and visiting the site. Pedestrian access through the site had also been raised as well as many other issues relating to the existing parking arrangements and what measures would be put in place to accommodate these vehicles should the development be approved.

It was agreed that the planning authority and the applicant should be made aware that the Council welcomes the principle of developing brownfield sites within the centre of Douglas and that the Council would be prepared to reconsider any amendments that would resolve the concerns raised by the DOI and that also address the Council's concerns relating to bin and recycling storage. Members noted that Waste Services had raised concerns over the bin and recycling arrangements proposed, particularly with regard to the separation of commercial and domestic waste.

Resolved, "That particulars of the report be noted on the minutes and that an objection be raised against planning application 23/01039/B as the proposed apartments cannot be provided with the required services contrary to Planning General Policy 2 (J) and the Housing Standards Regulations 2017 – 8

Storage of waste (2) adequate provision must be made for the storage of such receptacles and for the disposal of refuse to the satisfaction of the local authority.”

A9. Refusal of Planning Application 23/00526/B – Eastfield Mansion House

The Committee considered a report submitted by the Dilapidation Enforcement Officer seeking the Committee’s view on whether the Council wished to continue to support planning application 23/00526/B for demolition of the former nursing home and outbuildings, and the creation of five new four bedroom dwellings with associated garages, parking, amended access, amended drainage, and landscaping at the former Eastfield Mansion House, Eastfield, Douglas.

Members were reminded that the application had previously been considered by the Committee at its meeting held on 19th June, 2023 when it was resolved that support be given to the application. This support was conditional upon the bin and recycling storage areas being to the satisfaction of the Council’s waste services management team.

Members were advised that the Planning Committee had subsequently refused the proposed development on the grounds that the application did not comply with several planning policies relating to the retention of buildings within Conservation areas. When the application was previously considered the Committee gave full consideration to the planning policies relating to developments within Conservation Areas however at that time, no comment had been made by the Registered Buildings Officer.

Members considered the condition of the building, its contribution towards the character of the Conservation Area, the fact that the building had not been used for a number of years and was continuing to deteriorate due to it being vacant as well as the applicant’s statement regarding the viability and costs of alternative proposals that may have preserved the existing property. The Committee also considered the design of the proposed terrace and how some of the existing architectural features of the surrounding properties had been included within the proposed new terrace. It was not believed that the existing building made a positive contribution to the Conservation Area and it was also accepted that the building was not a Registered Building only that it was situated within a Conservation Area.

Although the Planning Committee were able to consider the opinion of the Registered Buildings Officer which was contrary to the recommendation within the planning appraisal, Council officers are of the opinion that there was still sufficient weight in favour of the proposed development to enable the Council to support the proposals.

Resolved, “That particulars of the report and discussion be noted on the minutes and if an appeal is submitted by the applicant, the Council continues to support the proposed development by way of both written submissions and by attending any subsequent appeal hearing if the applicant requests that matters are dealt with by way of a hearing.”

A10. Schedule of Dilapidated, Ruinous or Dangerous Properties

The Committee considered a schedule of properties in a state of dilapidation or disrepair. Members noted that one property had been added to the schedule since the last meeting; no properties had been removed because work had been completed; and a total of sixty-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.”

A11. 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.”

A12. 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, 18th December, 2023.

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

The meeting ended at 11.35am.