



Borough of Douglas

**COUNCILLOR MRS SARA DAWN ANDREA HACKMAN, JP
MAYOR**

Town Hall,

Douglas,

4th December, 2015

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL to be held on WEDNESDAY, the 9th day of DECEMBER, 2015, at 2.30 o'clock in the afternoon, in the COUNCIL CHAMBER within the TOWN HALL, DOUGLAS for the transaction of the hereinafter mentioned business.

I am,

Yours faithfully

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

Town Clerk & Chief Executive

Order of Agenda

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

II - Any statutory business.

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

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

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

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

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

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

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

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

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

AGENDA

III – Chief Executive to read minutes of the Council Meeting held on Wednesday, 11th November, 2015.

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

EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Friday, 27th November, 2015.

Members Present: Mr Councillor D.W. Christian (Chair), the Mayor, Mr Councillor D.J. Ashford, Mr Councillor S.R. Pitts, Mr Councillor R.H. McNicholl, Mr Councillor J.E. Skinner.

Officers in Attendance: Borough Treasurer, Assistant Town Clerk, Assistant Borough Engineer, Assistant Chief Executive (for Clause A8), Assistant Chief Officer (Corporate & Development) (for Clause A9).

REPORT

PART A –

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

A1. Apologies for Absence

Apologies for absence were submitted on behalf of the Chief Executive.

A2. Declarations of Interest

No declarations of interest were submitted.

A3. Minutes

The minutes of the meeting held on Friday 30th October 2015 were approved and signed.

A4. Matters Arising From Previous Minutes

Clause A6 – Improvements in Library Photocopying and Printing Fees: in relation to resolution (ii) (that membership of the Henry Bloom Noble Library be free for non-Douglas residents for a period of one year, to coincide with the re-launch of the Library from its new location in Duke Street, commencing from 4th January 2016) a vote had taken place, but that this had not been recorded on the minutes – the vote being 3 For; 2 Against. A Member also queried if an official press release by the Council would be issued detailing the proposal for membership, and it was noted that this would be issued shortly.

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

A5. Minutes and Referrals of the Environmental Services Committee

The Committee noted that there were no referrals from the public minutes of the Environmental Services Committee meeting held on Monday 16th November 2015.

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

A6. Minutes and Referrals from the Regeneration and Community Committee

The Committee noted that there were no referrals from the minutes of the Regeneration and Community Committee meeting held on Tuesday 17th November 2015.

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

A7. Consultation Document – Local Government and Building Control (Amendment) Bill 2016

The Committee considered a written report by the Assistant Town Clerk in relation to a consultation document issued by the Department of Infrastructure.

The Department intended to introduce a Bill amending the current legislation in respect of dilapidated land and property. This was broadly in line with previous proposals, which had been supported by the Council and which addressed the Council's concerns about the speed and effectiveness of enforcement.

The changes included -

- *Under the Local Government (Miscellaneous Provisions) Act 1984, a softening of the requirement for land to ‘seriously injure’ the amenity of the area, to it being ‘detrimental to the*

amenities', thus enabling action to be taken before land got into a serious condition (the provisions also applied to anything on the land);

- *The insertion of a new section enabling the issue of £100 Fixed Penalty Notices for failure to comply with notices pertaining to the condition of land. The Assistant Chief Officer (Corporate & Development) had suggested that the amount of the fixed penalty be £200, to incentivise the owner to undertake the works required – Members proposed however that this amount should be increased to £500;*
- *The insertion of a new provision into the Local Government Act 1985, extending the applicability of Fixed Penalty Notices to all offences prosecutable by the local authority, including offences against General Byelaws. The proposed amount of the fixed penalty was £100, however the Assistant Chief Officer (Corporate & Development) had suggested that it should be £50, to be in line with litter and dog offences, but that this amount could increase incrementally to £75 and £100 for offences by the same individual;*
- *Under the Building Control Act 1991, a requirement for the owner or occupier of a dilapidated building to remedy the defects and prevent recurrence, and provision for the use of Fixed Penalty Notices to deal with failure to comply with a notice. The Assistant Chief Officer (Corporate & Development) had suggested that the £100 proposed amount be increased to £200, to bring it into line with the amount of the fixed penalty suggested above under the Local Government (Miscellaneous Provisions) Act 1984.*

The Assistant Chief Officer (Corporate & Development) had also suggested the following further amendments -

- In respect of both unsightly land and dilapidated buildings, that there be explicit provision for the repeated issue of fixed penalty notices in the case of a continuing offence. It was noted that the Honourable Minister for the Department of Infrastructure had recently explained that the Bill would include this provision but, at present, the wording did not make this explicit;
- Again, in respect of both land and buildings, where the local authority was empowered under Section 58(7)(b) of the Local Government Act 1985 to carry out remedial works and to charge the cost to the owner of the property, that the provision be wider than that single sub-section and instead embrace the whole of Section 58(7), in order to maintain the authority's options for action;
- The inclusion of an amendment to Section 60 of the Summary Jurisdiction Act 1989, to validate service of notices by letter-box, at the last known address of an individual and on land or property to which the notice related.

A Member also raised the following points:

- That the legislation, as proposed within the Bill, was contrary to the wording in the Pre-ambles in respect of the power of a local authority to act against one property without acting against neighbouring properties in similar condition, and therefore the Pre-ambles required to be amended accordingly;
- That in Clause 6 amending Section 14 and relating to Fixed Penalty Notices, clarification should be sought on the issue of mitigation of liability if a local authority offered a Fixed Penalty Notice, which then discharged the obligation of remedial work being undertaken and the offender not being taken to court for a fixed period. It was also suggested that the timescale should be stipulated as 'that imposed by the Building Control Authority' (rather than fourteen days).

It was agreed, prior to the response being submitted to the Department of Infrastructure, that the Council's advocate be asked to review the proposed amended legislation, together with the suggested changes put forward.

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

(ii) That the proposed Local Government and Building Control (Amendment) Bill 2016 be forwarded to the Council's advocate for review prior to the Council making its submission, together with the below agreed proposed amendments:-

- An increase of the amount of Fixed Penalty Notices under Section 14 of the Local Government (Miscellaneous Provisions) Act 1984 and Section 24 of the Building Control Act 1991, from £100 to £500;
- A reduction of the proposed Fixed Penalty charge in Section 30A of the Local Government Act 1985, from £100 to £50 (in line with offences under the Litter Act and Dogs Act); with a suggestion that consideration be given to incremental increases in cases of repeated offences by the same individual;

- The inclusion of a provision for the issue of repeated Fixed Penalty Notices under Section 14 of the Local Government Act (Miscellaneous Provisions) Act 1984 and Section 24 of the Building Control Act 1991, in cases where an owner did not take remedial action within fourteen days of the first such Notice;
- Deletion of the ‘(b)’ in the proposed Section 14A of the Local Government (Miscellaneous Provisions) Act 1984 and Section 24A of the Building Control Act 1991, where reference was made to Section 58(7)(b) of the Local Government Act 1985;
- The updating of the Summary Jurisdiction Act 1989 to permit service of notices and summons by letter-box delivery;
- The updating of the Pre-ambule in respect of the local authority having to act on all properties in similar condition in a neighbourhood (as this was contrary to the proposed legislation);
- Clarification in respect of Clause 6, amending Section 14 and relating to Fixed Penalty Notices, on the issue of mitigation of liability if a local authority offered a Fixed Penalty Notice, which then discharged the obligation of remedial work being undertaken and the offender not being taken to court for a fixed period; and
- The updating of Clause 6, amending Section 14 and relating to Fixed Penalty Notices, to reflect the timescale for work to be undertaken to read ‘that imposed by the Building Control Authority’.”

A8. “Policing In Your Parish”

Superintendent Kevin Willson and Inspector Cathryn Bradley of the Isle of Man Constabulary joined the meeting at 2.20pm.

Supt Willson advised that he was responsible for neighbourhood policing across the Island, and that Insp Bradley had recently taken over responsibility for policing in Douglas. There had been significant changes within the Constabulary within the last twelve months, and he sought comments from Members – as representatives of the community – on any impact these changes had had on the Douglas community and if Members had any concerns. He stated that it was vitally important for the Council and the Constabulary to have a good working relationship. Douglas was the most diverse area on the Island, and the police needed to be aware of any issues as the communities within Douglas could be harder to reach because of this diversity.

Insp Bradley explained the structure of officers responsible for Douglas and advised that, with the efficient use of those officers and interaction with the community, issues could be resolved to the benefit of everyone. Working with other agencies was also proving beneficial, as was the better use of technology.

The Chair confirmed that the Council and the Constabulary had an excellent working relationship, both directly with officers and through the Douglas Community Partnership group. Members also advised that, in their view, community policing was the main priority in Douglas, and they expressed their credit to the Constabulary for adapting well to the changes that had been introduced. Members agreed that Douglas was still a safe place, and that people felt safe to be out at night, which was important to the Council given the efforts being made to enhance the night-time offer in the Town. The safeness of the Town had been especially evident during the previous evening when the Council’s Christmas Lights had been switched on. The Town had been filled with families, and Supt Willson confirmed that police officers had not had to deal with any incidents during the event.

Insp Bradley advised that the Lord Street Police Station would shortly be closing, but that discussions were advanced with regard to an alternative location, which would continue to provide a Town Centre location for the police.

Supt Willson and Insp Bradley were thanked for their attendance, and left the meeting at 3.00pm.

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

A9. **Town Centre Management Event Programme 2015 / 2016**

The Committee considered a written report by Town Centre Manager setting out a summary of the Town Centre Management Event Programme for 2015 / 2016, and giving an overview of the proposed Town Centre Management Event Programme for 2016 / 2017.

The Town Centre Management Event Programme was fundamental to the Town Centre Management component of the Douglas Development Partnership’s Business Plan 2014 – 2018, and to the Council’s Corporate Plan. The Programme combined events and marketing initiatives, and was a natural progression following on from the on-going regeneration of the Town Centre, and it aimed to ensure that Douglas Town Centre was a vibrant environment, which contributed positively to the image of Douglas as a place to live, work and visit.

Members noted the full list of events held (or planned) during the 2015 / 2016 financial year, together with the list of proposed events for the 2016 / 2017 financial year. The proposed programme for 2016 / 2017 included the Douglas Carnival, the Tower of Refuge Walk, Town Centre Fairs, and seasonal events for Tynwald Day and the Christmas period. The promotion of Douglas Borough Council events would continue, as would support for third parties (such as charities) in organising events. Although the programme would focus on activities and initiatives which had previously had the most impact, there should also be an appreciation that the Town Centre Manager needed to retain flexibility to support new events and activities which may arise as the year progressed, but which had not as yet been anticipated.

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

(ii) That the proposed Town Centre Management Event Programme for 2016 / 2017 be endorsed and approved.”

A10. Transport and Plant Policy

The Committee considered a written report by the Transport and Plant Manager seeking approval to adopt a revised Transport and Plant Policy.

The original policy had been approved in March 2010, and the revised Policy followed on from that, capturing the most recent changes which had taken effect within the Council, and also providing a more structured approach to the management and operation of the fleet.

The Council had duties under the Health and Safety At Work Act 1974, the Management of Health and Safety At Work Regulations 2003, and the Road Traffic Act 1985 to ensure the safety of the public, its employees, and its contractors affected by its work activities; and this Policy was intended, as far as was reasonably practicable, to ensure the safety of anyone either driving or being carried as a passenger in a vehicle supplied or hired by the Council for business use.

The Transport and Plant Policy was a structured working document, which enforced responsibility on to senior officers, line managers, and supervisors to act in a robust fashion in terms of managing drivers and operatives of Council vehicles and plant. Key areas of the revised document, such as record keeping; the procurement, maintenance and disposal of vehicle and plant; performance monitoring; and drivers’ risk rating, ensured the Council continued its commitment in providing a legally-defensible transport and plant management system and upheld its legal obligations.

The vehicle and plant replacement programme (set out within the document) was to ensure the Council’s continued renewal policy was carried out, thus maintaining a safe and sustainable fleet. Members particularly noted the current timescale for replacement and the proposed new timescale for replacement in respect of medium-type vehicles and heavy goods vehicles, and requested that, in both cases, this be stipulated as nine years (as opposed to the suggested eight to nine years).

Members were also advised that vehicle replacement reports would be submitted to the Executive Committee in October of each year, and would include a general condition analysis; information on repair and maintenance and fuel costs; and estimated vehicle replacement costs. It was agreed that the age of vehicles should no longer be given a ‘score value’, which contributed to the information contained within the vehicle evaluation analysis section of written reports to Committee.

Members also suggested that it would be helpful to have an updated presentation on the vehicle tracking system, which was installed in the Council’s vehicles, specifically detailing the cost of the system to the Council; how often the system was checked; and the advantages of the system, e.g. in terms of insurance.

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

(ii) That the revised Transport and Plant Policy be approved and adopted, subject to the following amendments -

- That the proposed timescale for replacement of both medium-type vehicles and heavy goods vehicles be nine years;
- That the timescale for a vehicle to undergo a pre-delivery examination be set at one week, the check to be undertaken either in-house or by an appropriately qualified person;
- That the age of a vehicle no longer be given a ‘score value’ within the vehicle evaluation analysis section of written reports to Committee; and

(iii) That the Assistant Borough Engineer be requested to arrange a presentation on the vehicle tracking system to the Committee at its scheduled meeting in January 2016.”

A11. Consultation Document – Treasure Bill 2015 and Code of Practice

The Committee considered a written report by the Assistant Town Clerk in relation to a consultation document issued by The Treasury (Policy Division).

The Treasury had issued a draft Bill and Code of Practice setting out new legislative provisions for dealing with finds of treasure. The existing provisions of the Treasure Trove Act 1585 were to be replaced with much clearer definitions of what could be classed as treasure and how it was dealt with. The new provision and Code provided much stronger guidance for users of metal detectors, and any other individual who may find valuable items. Essentially, with some specified exemptions, any valuable object over three-hundred years old found in the ground (or in a building or on any foreshore) was classed as treasure and must be reported to Manx National Heritage within fourteen days.

It was not anticipated that any of the provisions would directly affect the Council but, as it was the owner or occupier of sizeable areas of land, including Douglas Foreshore, officers ought to be aware that there was a statutory requirement for reporting any objects found.

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

(ii) That The Treasury (Policy Division) be advised that the Council supported the modernisation of the legislative provisions relating to treasure; and

(iii) That, while there was no immediate effect on the Council, once enacted, the provisions be brought to the attention of all Council officers involved in the management of land and property.”

A12. Isle of Man Municipal Association’s Annual General Meeting 2016

The Committee considered a written report by the Assistant Town Clerk seeking authority for the Council to host the Annual General Meeting of the Isle of Man Municipal Association in 2016.

Members were advised that the Chief Executive had received a request for Douglas to host the Municipal Association’s 2016 AGM, on the basis that participating authorities took it in turn and 2016 was Douglas’s turn to host the event (which comprised the AGM followed by a meal).

The date suggested was 26th May 2016, which followed the Association’s tradition of meeting on the last Thursday in the month. The Secretary had suggested bringing the meeting forward by a week to avoid the T.T. Festival but, in the light of the forthcoming local elections and the first meeting of the Council’s new Committees, it was suggested that it be left as 26th May.

It was noted that the cost of the meal was borne by delegates attending the AGM (or their authorities). The venue suggested in the written report was not supported, instead Members proposed that the meeting and meal be held at the Meadows Pavilion at Douglas Golf Course.

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

(ii) That approval be given for the Council to host the 2016 Isle of Man Municipal Association’s Annual General Meeting;

(iii) That it be agreed that the event take place on Thursday 26th May 2016 at The Meadows Pavilion at Douglas Golf Course;

(iv) That the nomination for Guest Speaker for the event be Freeman Mr Hector Duff; and

(v) That it be suggested that the President of the Municipal Association for 2016 / 2017 be chosen at the Special Council Meeting to be held in the first week of May 2016.”

A13. Monthly Financial Review

The Committee considered a written report by the Borough Treasurer setting out details of progress made compared to key performance indicators in relation to:- strategic governance objectives; the percentage of rates collected; the increase in the number of non-cash / non-cheque payments; and the percentage of sundry debtors collected within three months.

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

(ii) That the Borough Treasurer be requested to provide an update in relation to the debt incurred following work being carried out at 72 Derby Road, Douglas.”

A14. Library Photocopying and Printing Fees

The Committee had been circulated with a written report by the Assistant Chief Officer (Finance) proposing a change to the fees charged for photocopying and printing at the Henry Bloom Noble Library. However, as the report did not appear to provide all relevant information for a decision to be made, it was agreed that the report be withdrawn.

A15. Replacement Vehicle – Mounted Access Platform

The Committee considered a written report by the Transport and Plant Manager seeking approval for the purchase of one vehicle-mounted access platform to replace vehicle GMN 106P.

Members were advised of the age, the mileage covered, and the mechanical reasons for replacement in respect of the current access platform, vehicle GMN 106P, and noted the justification for the need for

the replacement vehicle, in terms of the requirement to maintain the Borough's street and decorative lighting portfolio.

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

(ii) That approval be given for the purchase of one vehicle-mounted Access Platform, to be funded from the Plant Renewals Fund; and

(iii) That approval be given for the disposal of vehicle GMN 106P via the auction method."

A16. Urgent Business Procedure – Waverley Court Gas Boilers

The Committee considered a written report by the Assistant Housing Manager (Maintenance) setting out details of an Urgent Business Procedure which had been required in order that four gas boilers could be replaced urgently at the Waverley Court Sheltered Housing Complex.

Following an inspection of the boilers, the Council's service engineers had recommended their replacement - this being more cost-effective in the long-term as the current boilers were beyond economical repair. It was noted that the cost of the replacement boilers was to be funded from the Community Reserve fund, and that an investigation was to be carried out to establish the full extent of the damage to the previous boilers and installation procedures.

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

(ii) That the thanks of the Council be officially extended to the service engineers for the swiftness with which they replaced the boilers at the Waverley Court Sheltered Housing Complex; and

(iii) That the result of the investigation be reported to the Housing Committee by no later than its scheduled meeting in January 2016."

A17. Isle of Man Municipal Association

The Committee had been circulated with a number of documents received from the Isle of Man Municipal Association.

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

A18. Items for Future Report

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

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

A19. Time and Date of Next Meeting

The Committee noted that the next meeting would take place at 10.00am on Friday 18th December 2015.

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

PART B –

Matters subject to Council approval

No matters subject to Council approval were considered.

The Committee rose at 4.05pm.

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

PENSIONS COMMITTEE

PENSIONS COMMITTEE – Minutes of Meeting held on Wednesday, 25th November, 2015.

Members Present: Mr Councillor D.J. Ashford (Chairman), Mr Councillor C.L.H. Cain, Mr Councillor R.H. McNicholl, Mr Councillor J.E. Skinner, Councillor Ms K. Angela, Mr A. Thomas (Independent Member).

In Attendance: Mr Mark Freeman, Scheme's Investment Advisor – Hymans Robertson. Mr Chris Bell – Capital International (agenda item A10). Mr Simon Betteley and Mr David Chatel – BlackRock (agenda item A12). Borough Treasurer, Assistant Chief Officer (Finance), Assistant Democratic Services Officer.

REPORT

PART A –

Matters within the scope of the Committee's delegated authority

A1. Apologies

The Worshipful the Mayor submitted apologies for the meeting.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 28th October, 2015

The minutes of the meeting held Wednesday, 28th October, 2015, were approved and signed.

A4. Responsible Investment – Committee Training

The Committee received a training presentation from Mr Mark Freeman, Hymans Robertson, on responsible investment.

The first presentation slide introduced the Hymans Robertson responsible investment team. Mr Freeman explained responsible investment is about managing risks and identifying opportunities. Hymans Robertson considers their activities in two key areas, sustainable investment and stewardship and governance.

Mr Freeman went on to explain the most important distinction is between the factors relevant to increasing returns or reducing risks (financial factors) and those which are not (non-financial factors). He explained the two tests carried which needed to be satisfied in order to allow non-financial factors to be allowed.

A Member queried if corporate responsibility was included in the agreement with the new managers. Mr Freeman advised that although corporate responsibility had not been written in to the contracts, fund managers would be expected to take into account all relevant issues that have a financial impact on their assets. The Borough Treasurer confirmed BlackRock circulate an annual report on social responsibility declaring their position. In terms of Canaccord, their philosophy is of less interest as the Fund has specified them to buy third party managed index-tracking funds. As Canaccord invests in Royal London, it is Royal London's policy on social responsibility that the Fund should be interested in to ensure their funds are being managed correctly. Mr Freeman reminded the Committee that the September 2014 meeting had included a presentation by Royal London on the importance of good governance during which they had explained how they voted at shareholder meetings and met with directors to discuss matters.

Mr Freeman went on to explain that responsible investment is not an ethical, value driven or Shariah compliant investment. The priority of the Fund is to increase the total fund value to meet its liabilities within acceptable risk parameters.

Mr Freeman explained Hymans Robertson's responsible investment beliefs, including sustainable investment, governance and stewardship. Members were presented with a table of material environment, social and governance (ESG) factors. There have been calls for funds to sell funds listed within the table. Mr Freeman advised that it was not in the interest of investors to withdraw from such companies, but investors should be encouraged through discussion to diversify their business over time.

Members were presented with a diagram explaining the carbon bubble. Mr Freeman finished with Hyman Robertson's responsible investment beliefs and a list of the six principles that they are signatory to.

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

A5. Transition Completion Note – Implementation of New Investment Managers

The Committee considered a report produced by Hymans Robertson outlining the transition of assets and to confirm that the switch from BlackRock to the new managers was carried out in accordance with the Committee's instructions.

Mr Freeman advised that the transition of assets to the new managers was carried out during the period 30th September to 7th October, and that the process is now complete. The transition was carried out in a timely and effective manner and in accordance with the Committee's decisions.

The Committee noted that the cash amounts transferred from BlackRock were correctly invested with new managers and the risk of missing out on market returns during the transition period (out-of-market risk) was reduced as far as possible by:

- Ensuring that the timing of the sale of the various BlackRock assets coincided as closely as possible with the timing of the reinvestment in each of the new funds; and
- Negotiating pre-buying facilities with both Canaccord and Investasure.

Members were advised that the transition took place during a period when markets rose significantly. Compared with investing the cash when it had settled with the new managers, the benefit of pre-buying units added an estimated £625,700 to the value of the Scheme's assets.

Mr Freeman confirmed that the Scheme's assets are now fully invested in a strategy that is close to the Committee's target benchmark.

The report provided Members with a background into the transition and reminded them of the change in benchmark previously agreed by the Committee.

Mr Freeman provided an explanation of the implementation of the asset restructuring. Members were presented with a timeline of events, the out-of-market exposure and the post-transition asset allocation and target.

Mr Freeman highlighted that the BlackRock Diversified Growth Fund allocation is below the target benchmark. This fund is intentionally lower than target in order to offset the overweight allocations to property and Capital International fund which were intentionally not brought back to their central benchmark positions during the transition, but will be monitored from now on by Douglas Borough Council staff with assistance from Hymans Robertson.

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

A6. Review of Investment Managers' Performance

The Committee considered a report by Hymans Robertson reviewing the Investment Managers' performance for the third quarter of 2015. Mr Freeman advised that the BlackRock asset values were as at 29th September, 2015, just prior to the transition of assets.

Mr Freeman began by providing the historic returns for markets and highlighted the key events during the quarter. It was noted that global equity markets recorded their worst three month returns in four years.

Members were presented with a portfolio summary detailing the valuation summary, the performance summary gross of fees and the absolute quarterly and annualised cumulative performance.

Mr Freeman advised on the overall quarter performance from BlackRock and Capital International, BlackRock performed in-line with the benchmark over the quarter and Capital International returned -3.7% during the quarter. Both performances are gross of fees.

Members were provided with a BlackRock overview for the quarter to 29th September, 2015. BlackRock performed in-line with the benchmark over the period with a negative absolute return of -3.9% gross. The performance remained ahead of the benchmark over one and three years and is aligned with the benchmark over a five year period.

Mr Freeman presented BlackRock's performance summary and attribution. On a relative basis only the UK equity allocation outperformed its benchmark over the quarter.

The Capital International Fund returned -3.9% over the quarter and -0.7% over a 12 month period. This is the second quarterly negative return for Capital International this year. Since inception in October 2012 the fund returned positive absolute and relative returns.

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

A7. Capital Market Service

The Committee considered a presentation by Mr Freeman on the market update for the third quarter of 2015,

Mr Freeman presented the market returns for the quarter, as previously advised global equity markets recorded their worst three month returns in four years. A series of graphs were presented to Members demonstrating the global Purchasing Managers Index indicators, Citigroup economic surprise indicators, core Consumer Price Index inflation, UK wage growth, December 2016 interest rate expectations, 10-year conventional government bonds, global equity performance, UK property sector valuation and UK property voids.

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

A8. Plan of Investment Activities

The Committee considered the annual plan of activities for the forthcoming year.

The Hymans Robertson plan of activities placed most emphasis on two factors, strategic issues and monitoring the revised investment structure.

Mr Freeman reminded Members that the Committee previously agreed to receive presentations from the active investment managers twice per annum and the index-tracking manager once per annum. Members were presented with a proposed Manager's meeting schedule during 2016.

The report proposed that the September Committee meeting be held at St. James's Place's head offices in Cirencester. The Borough Treasurer advised that St. James's Place have requested the meeting take place on Thursday 15th September, 2016 rather than the set meeting date of Wednesday, 14th September, 2016. In line with Standing Order 90 it was agreed to amend the September Committee meeting date for 2016.

Members were also presented with the Capita timetable for the two administration committee meetings in March and October 2016.

Following the local elections in May 2016, as part of the plans submitted, Capita committed to delivering training to the Administering and Employing Authorities. Hymans Robertson also planned for additional actuarial valuation training to be carried out with the Administering Authority and Employing Authorities following the May Pensions Committee meeting.

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

- (i) The 2016 Plan of Activities be approved;
- (ii) the Chair authorise the Chief Executive to move the September 2016 Committee meeting to Thursday, 15th September, 2016, in order for the Committee to hold the meeting in St. James's Place head office in Cirencester."

A9. Adjournment and Resumption

The Committee adjourned for a short break at 12.45am and resumed at 1.00pm.

A10. Investment Manager Presentation – Capital International

Mr Bell (Capital International) joined the meeting to present the third quarter of 2015 investment review.

Mr Bell began by explaining the key themes during the quarter and the market response. He went on to explain portfolio strategy thoughts.

Members were presented with the asset allocation and performance during the quarter. Capital International underperformed -3.9%. Mr Bell explained that it has been a flat year to date in tough market conditions but there has been a reasonable recovery since August, however since the quarter end to the time of the meeting, the portfolio has outperformed by 2.73%.

Mr Bell finished with his report on the economy and market outlook.

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

A11. Adjournment and Resumption

The meeting adjourned at 1.20pm and resumed at 2.15pm, the same Members and officers were in attendance.

Mr David Chatel and Mr Simon Betteley of BlackRock joined the meeting.

A12. BlackRock Presentation

The Committee received an investment review presentation from Mr David Chatel and Mr Simon Betteley from BlackRock on the quarter three performance up to 29th September, 2015.

Mr Betteley began by advising that the asset transition had been carried out as requested with no issues arising.

Mr Betteley advised the Committee of the asset value up to 29th September, 2015 before advising of the market return for the period and the twelve month index performance.

Members were presented with the overall performance for the quarter, one year, three years, five years and since inception. The fund performed in line with the benchmark during the quarter, outperformed by 1.2% during the year, 0.5% over the three year period and in line with the benchmark overall during the last five years. Since inception the fund has outperformed the benchmark by 0.4%.

Mr Betteley provided an overview on UK equities, overseas equities and fixed income. All three Portfolios had been redeemed and reinvested as per the agreed new investment mandate.

UK equities outperformed the benchmark by 1% during the quarter, Mr Betteley explained the attribution for the quarter, together with the transactions and positioning.

Overseas equities underperformed the benchmark by -0.9% during the quarter. Mr Betteley explained what did and what did not work during the quarter and confirmed the trades during the quarter.

Mr Betteley provided a background on the fixed income markets during the quarter, the portfolio had marginally underperformed relative to its benchmark. Members were presented with the gilt, credit and inflation market background for the quarter.

Mr Betteley moved on to discuss the BlackRock UK Property Fund (BUKPF) which has been retained by BlackRock. Members were presented with the fund portfolio and liquidity for the quarter. Members were presented with a sector forecast and sector spread. Mr Betteley discussed the acquisitions and disposals during the period in the BUKPF. £369m of acquisitions and £313m of disposals have been made in 2015 to date.

Mr Betteley provided an overview of the newly invested Dynamic Diversified Growth Fund. Members were reminded of the Fund's process and portfolio themes. This Fund is expected to produce consistent long term capital growth.

Mr Betteley finished with an insight into the investment philosophy and approach for the newly invested Ascent All Stock UK Corporate Bond Fund. The Fund takes fundamentally oriented market insights and validates them with quantitative research.

Resolved, "That particulars of the report and presentation be noted on the minutes together with the Committee's thanks to Mr David Chatel and the BlackRock team for their assistance with transition of BlackRock assets during September 2015."

A13. Items for Future Report

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

Members agreed in line with the constitution, to advertise for the Independent Member role in January to shortlist at the February Committee meeting and interview candidates in March. The Borough Treasurer reminded Members that an Independent Member is appointed by the Council for a maximum of two terms (four municipal years). The Committee expressed their thanks to the current Independent Member. It was confirmed that the current Independent Member is coming to the end of his two term appointment.

Resolved, "That particulars of the items for future report be noted on the minutes and the recruitment process for an Independent Member for the municipal years 2016/17 and 2017/18 be approved and the advert be placed in January 2016."

PART B –

Matters requiring Executive Committee approval

There were no matters requiring Executive Committee approval.

PART C –

Matters requiring Council approval

There were no matters requiring Council approval.

The Committee rose at 3.24pm.

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

HOUSING COMMITTEE

HOUSING COMMITTEE – Minutes of Meeting held on Wednesday, 18th November, 2015.

Members Present: Mr Councillor D.J. Ashford (Chairman), The Mayor, Councillor Mrs C.E. Malarkey, Councillor Ms K. Angela, Councillor Mrs E.C. Quirk.

In Attendance: Assistant Town Clerk, Assistant Chief Officer (Housing and Property), Assistant Chief Officer (Income), Democratic Services Officer.

REPORT

PART A –

Matters decided by the Committee

A1. Apologies for Absence

Mr Councillor S.C. Cain submitted his apologies for absence.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes - 21st October, 2015

The minutes of the meeting of the Housing Committee held Wednesday, 21st October, 2015 were approved and signed.

A4. Matters Arising – A4

A Member asked questions on several housing maintenance issues. The Assistant Chief Officer (Housing and Property) advised that the housing maintenance workforce had previously only carried out reactive maintenance and all planned work was capitalised. However over the past five years more planned work has had to be carried out from the maintenance budget due to the economic downturn.

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

A5. Matters Arising – A12 Draft Capital Programme 2016/17 and Future Years

The Assistant Chief Officer (Income) reported that in the Schedule at Appendix 2 the Willaston External Refurbishment Scheme is correct for 2016/2017, but was re-profiled for 2017/2018 and future years and so is not accurate.

The Assistant Chief Officer (Housing and Property) advised that the government has not agreed that work on paths and fences should be included in the Willaston Refurbishment Scheme. The Committee wishes for paths and fences to be included in Phase 3, which is about to be tendered; however by doing so could put the scheme at risk of petition refusal. The Chair indicated that a separate capital scheme should be submitted for paths and fences.

Resolved, “That the correction and comments be noted on the minutes.”

A6. Housing Section Performance Data

The Committee considered performance data on the Housing Section as of October, 2015. Only two of the eight projects in the schedule are shown as behind schedule; those are the Hillside Kitchen Refurbishments Scheme which is now estimated to start in January, 2016 due to a change in the framework contractor; and the Willaston Sheltered Housing Complex which is awaiting Department of Infrastructure business case approval. The Chair asked that the void properties refurbishment project be added to this schedule as it is a capital scheme, even if it is not funded by a loan.

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

A7. Items For Future Report

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

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

PART B –

Matters requiring Executive Committee approval

There were no matters requiring Executive Committee approval.

PART C –

Matters requiring Council approval

There were no matters requiring Council approval.

The meeting ended at 11.10am.

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

REGENERATION AND COMMUNITY COMMITTEE

REGENERATION AND COMMUNITY COMMITTEE – Minutes of Meeting held on Tuesday, 17th November, 2015.

Members Present: Mr Councillor J.E. Skinner (Chairman), Councillor Mrs R. Chatel, Mr Councillor G.J. Faragher, Councillor Miss D.A.M. Pitts.

In Attendance: Assistant Chief Executive, Assistant Town Clerk, Assistant Chief Officer (Finance), Assistant Borough Engineer, Assistant Chief Officer (Corporate and Development) (Items A1 to A3 and B12 only), Head of Parks, Assistant Democratic Services Officer.

REPORT

PART A –

Matters within the scope of the Committee's delegated authority

A1. Apologies

The Mayor submitted apologies for absence.

A2. Declarations of Interest

No declarations of interest were submitted.

A3. Minutes – 20th October, 2015

Minutes of the meeting held on Tuesday, 20th October, 2015, were approved and signed.

A4. Matters Arising – Annual Library Membership Fees for Non-Douglas Residents and Fines

The Assistant Chief Officer (Finance) advised that the four local authorities that currently pay an annual subscription entitling their rate-payers to the free use of the HBN Library have already been invoiced and paid for April 2015 to March 2016. The Council will therefore defer the free membership relating to January to March 2016 to January to March 2017 avoiding any need to issue credit notes to the paying Local Authorities in respect of first three months of 2016.

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

A5. Douglas Carnival 2015 Debrief and Proposals for 2016

The Committee considered a report submitted by the Assistant Chief Officer (Corporate and Development) on the 2015 Douglas Carnival and proposals for the 2016 event.

The report had been produced as a result of a full debrief carried out by officers and a follow up meeting with the Council Leader and Regeneration and Community Committee Chairman.

The full debrief summary was appended to the report. Some of the debrief items and resulting recommendations were minor. The report summarised the major recommendations for consideration.

The Assistant Chief Officer (Corporate and Development) advised the Committee that in previous years, Douglas Development Partnership has contributed £5,450 to the Douglas Carnival budget, and the remaining £15,000 has been funded by the Council. Due to circumstances affecting Douglas Development Partnership the Partnership will not be in a position to contribute towards the event in 2016/17. The report therefore recommended that the Council set a budget of £20,000 for the 2016 event which will be considered as a growth item within the budget process.

Members had a brief discussion on each recommendation. During the consideration of recommendation (vi) Members agreed that in addition to the request that Hospice be asked to contribute towards the associated event cleaning costs, they should also be asked to provide an agreed number of stewards to assist with the road closures during the event.

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

- (i) Douglas Carnival take place at 4.00pm on Sunday, 17th July, 2016;
- (ii) The After Party and concessions not be included in the event;
- (iii) The vehicle muster point be moved from Sea Cliffe Road to Queens Promenade and for judging to take place at that point prior to the parade;

- (iv) The potential to provide a high-quality commentary be explored;
- (v) The event budget cover the prize fund rather than seek sponsorship alone to allow a wider range of prize categories (The Assistant Chief Officer (Corporate and Development) confirmed that sponsorship will still be actively sought for the event.);
- (vi) Officers seek a contribution from the organisers of the Colour Run towards the associated cleaning costs and additional help in the form of stewards to assist with road closures;
- (vii) Permission be granted for the stables forecourt to be used as a participant drop-off area in an effort to keep vehicles away from the closed road prior to the parade;
- (viii) The potential for Walpole Avenue be explored for parking up participating vehicles at the end of the parade to allow floats to be demounted and to ensure the participants can alight safely;
- (ix) A growth item of £20,000 in respect of the 2016 Douglas Carnival be included in a report to the Regeneration and Community Committee in December on the 2016/17 revenue budget.”

A6. Items for Future Report

The Committee considered a report by the Assistant Town Clerk regarding reports for future consideration by the Committee.

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

PART B –

Matters requiring Executive Committee approval

There were no items requiring Executive Committee approval.

PART C –

Matters requiring Council approval

There were no items requiring Council approval.

The meeting ended at 11.18pm.

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

ENVIRONMENTAL SERVICES COMMITTEE

ENVIRONMENTAL SERVICES COMMITTEE – Minutes of Meeting held on Monday, 16th November, 2015.

Members Present: Mr Councillor R.H. McNicholl (Chair), the Mayor (until 11.15am), Councillor Mrs C.A. Corlett, Councillor Ms C.R. Turner, Mr Councillor C.L.H. Cain, Councillor Mrs C.L. Wells.

In Attendance: Assistant Town Clerk, Assistant Chief Officer (Corporate and Development), Building Control Manager, Accountancy Manager, Assistant Borough Engineer, Democratic Services Officer.

REPORT

PART A –

Matters decided by the Committee

A1. Apologies for Absence

No apologies were submitted.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 19th October, 2015

The minutes of the regular meeting held Monday, 19th October, 2015 were approved and signed.

A4. Minutes – 25th September, 2015

The minutes of the special joint meeting of the Environmental Services and Executive Committees held Friday, 25th September, 2015 were approved and signed.

A5. Minutes – 23rd October, 2015

The minutes of the special joint meeting of the Environmental Services and Executive Committees held Friday, 23rd October, 2015 were approved and signed.

A6. Matters Arising – A10 – Kerbside Collection of Clothing for Recycling

Members discussed this minute in light of the comments made during the debate at the November Council meeting. Members were advised that the original intent in bringing the report was to seek approval for investigations and assessment into the feasibility and cost of kerbside collection of clothing and textiles for recycling; rather than seeking approval for an immediate trial of collecting textiles.

Members made a number of comments on the matter. It was suggested that, in general, people do not get rid of clothes regularly, so perhaps there should only be limited or occasional collections, rather than regular ones. Members noted that the public has alternative ways of recycling clothing and textiles; so do not have to rely on kerbside collections. It was noted that whilst the Council would receive income from recycled clothing the Council has to pay for disposal of other materials collected. The value of all recycled materials fluctuates. In the Council debate question had been raised as to whether or not there are sufficient staffing resources to collect additional materials. A Member gave details of a community group which may be able to assist in providing additional manpower as a special project.

Resolved “That the discussion be noted on the minutes and approval be given for

- (i) officers to fully investigate the costs and feasibility of collection of clothing and textiles as part of the kerbside collection service; and
- (ii) to report back on the findings; and
- (iii) that the service not be trialled or introduced without consideration of the feasibility report and approval from this Committee.”

A7. Matters Arising – A15 – Trial of Vehicles for Kerbside Collections

The Committee discussed the trial of two new vehicles for kerbside collections in light of comments made in the November Council meeting.

In response to query the Assistant Borough Engineer confirmed that if an order was placed for either vehicle, then the cost of the trial for that vehicle may be deducted from the purchase price. He also advised that on-Island trials are important for practical matters such as identifying potential traffic problems, reviewing the loading configurations and how the vehicles will actually work on the streets and lanes of Douglas.

The Assistant Borough Engineer also advised that on-average delivery of new vehicles is eight to ten months after the order is placed; although delivery can sometimes be quicker, it could take up to a year because these vehicles are made to order. The existing vehicles which are now coming to the end of their useful life were initially supplied by the Government to promote recycling. The Accountancy Manager advised that the vehicles are scheduled for replacement in the 2017/2018 financial year.

Resolved, "That the discussion be noted on the minutes. The Committee confirmed its previous approval of a trial of two vehicles for kerbside collections in light of the additional information received."

A8. Matters Arising – A9 – Pavement Stencils

The Committee discussed the trial of the use of stencils to place anti-fouling messages on pavements in light of comments made in the November Council meeting.

Members discussed the use of stencils in additional areas where there are particular issues with dog fouling. Officers clarified that where stencils are to be used, the area would first be cleared and cleaned, then the warning stencils applied to the clean surface, then the areas monitored. It was noted that the Department of Infrastructure owns the pavements and may not agree to the use of the stencils in high-visibility areas, such as Strand Street. The Assistant Chief Officer (Corporate and Development) advised that there may not be legislation to support the demand for signage to say that there should be no fouling.

Resolved, "That the discussion be noted on the minutes and approval be given for the use of the anti-fouling stencil in additional areas; and for the purchase and use of an additional stencil with the wording 'No Fouling'."

A9. Planning Application 15/01217/B – 35-37 Victoria Street

The Committee considered planning application 15/01217/B seeking approval for the conversion of existing office accommodation into three residential apartments at numbers 35-37 Victoria Street.

The proposal is for the conversion of existing office accommodation into three self-contained apartments. The development would see one two-bedroom, and two one-bedroom apartments created, arranged over three floors. The ground floor would remain as office/retail use. The principal rooms of the apartments would have an outlook over Victoria Street. There is no parking provision on site, and no opportunity to create new car parking spaces. Currently the upper three floors of the building are used as a number of office suites. The applicant has advised that all the suites are vacant despite efforts having been made over several years to let them. The demand for such suites seems limited.

The site falls within the Athol Street/Victoria Street Conservation Area and the land use designation within the Douglas Local Plan is predominantly shopping. This land use refers to 'predominantly' and therefore other uses are not precluded. Therefore the use of part of this building for residential use could be seen as complementing the other building uses found in Victoria Street.

Resolved, "That the application be noted on the minutes and no objection be raised."

A10. Planning Application 15/01213/B

The Committee considered planning application 15/01213/B seeking approval for the erection of twelve light-industrial units with ancillary car parking and extension to existing private industrial road at the former gas works, South Quay Industrial Estate, South Quay, Douglas.

Resolved, "That the application be noted on the minutes and no objection be raised."

A11. Minute of Silence

The Committee business paused at 11.00am to observe a one minute silence in respect for the many victims of the bombings in Paris on 13th November, 2015.

A12. Schedule of Unightly Properties

The Committee considered the Schedule of unightly properties being dealt with on behalf of the Council. Members reviewed the schedule and raised some questions on particular properties.

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

A13. Attendance

The Mayor left the meeting at 11.15am during consideration of the following item.

A14. Request for Assistance on Planning Matter

The Committee discussed a verbal request to the Chair from a Douglas resident for assistance on a planning matter. The Building Control Manager reported the details of the application.

During the initial period when objections could have been raised to a planning application, the person was ill and did not lodge an objection, although as a next-door neighbour, she would have been able to object. The application has now been approved. Because the person did not object to the initial application, she is not an 'interested party' in planning terms, and so cannot appeal against the approval. The resident has strong concerns about the access to the property for which planning approval has been given.

The Committee discussed the matter and agreed that as it is a matter between the person and her neighbour, the Committee are unable to act. The Council did not object to the initial application and has no real grounds for objecting now.

The Committee directed the Building Control Manager to contact the lady to explain the situation.

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

The Building Control Manager was thanked for his attendance and left the meeting at 11.17am.

A15. Items for Future Consideration

The Committee considered a report setting out items which will be considered at future meetings. The Committee agreed that a representative from the organisation Eco-Vannin should speak to the Committee at the December meeting. A Councillor attendee of the Waste Working Group [WWG] asked that there be improved, formalised communication from the WWG to the Council and that the remit and mandate of attendees be clarified. Questions on confidentiality were raised, which need to be addressed.

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

PART B –

Matters requiring Executive Committee approval

There were no matters requiring Executive Committee approval.

PART C –

Matters requiring Council approval

There were no matters requiring Council approval.

The meeting ended at 1.15pm.

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

NOTICES OF MOTION

1. Mr Councillor D.J. Ashford to move:

“That the Environmental Services Committee re-examines the lighting scheme at Fort William, Head Road with a view to replacing the current lamp heads with Victorian style ones more sympathetic to the area.”