



Borough of Douglas

**MR COUNCILLOR JONATHAN JOUGHIN, JP
MAYOR**

Town Hall,

Douglas,

5th April, 2019

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL to be held on WEDNESDAY, the 10th day of APRIL, 2019, at 2.30 o'clock in the afternoon, in the COUNCIL CHAMBER within the TOWN HALL, DOUGLAS for the transaction of the hereinafter mentioned business.

I am,

Yours faithfully

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, 13th March, 2019 and the Special Private Council Meeting held on Friday, 29th March, 2019.

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

EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Special Meeting held on Friday, 29th March, 2019.

Members Present: Mr Councillor D.W. Christian (Chair), the Mayor, Mr Councillor S.R. Pitts, Mr Councillor I.J.G. Clague, Mr Councillor R.H. McNicholl.

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

REPORT

PART A –

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

A1. Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Mrs C.L. Wells and the Director of Housing & Property (Mrs S. Harrison).

A2. Declarations of Interest

No declarations of interest were submitted.

PART C –

Matters subject to Council approval

C3. Review and Modernisation of Rates

The Committee considered a report by the Assistant Town Clerk, written in consultation with the Director of Finance, in relation to a Consultation Document issued by the Cabinet Office.

The Consultation Document had been published on 28th February 2019, and had a closing date of 21st April 2019. It was noted that the original remit of reviewing domestic rates had been widened to encompass all rates, including commercial premises and utility rates.

The documentation relating to the Consultation stated that the review was to look at the basis of valuation of properties for rating purposes, and Members were reminded, during the last consultation on domestic rating in 2015, that the Council had taken the view that such valuations should be based on capital values rather than on rental values. This Consultation was now proposing valuation by floor area of properties, to be measured from aerial photography.

The Consultation contained a range of varied questions, and Members' attention was particularly drawn to a key issue that was raised in the questionnaire, but was not supported by any documentation. This was a suggestion that non-domestic rates should be collected and retained by a central agency - rather than the rating authorities - and then be released at the discretion of that agency for use to fund projects meeting certain criteria. Members agreed that this concept should be strongly resisted, as not only did it draw an unnecessary distinction between domestic and non-domestic rates, but it also introduced yet another rating authority with powers to restrict local authority income.

It was noted that the Chair and Vice-Chair of the Executive Committee, the Director of Finance, the Assistant Chief Officer (Finance), and the Assistant Chief Officer (Income) had participated in workshops arranged by the Cabinet Office, to which representatives from all local authorities had been invited to attend, and feedback from those workshops was given at Committee.

Members then considered in detail the consultation questionnaire and the proposed responses thereto, acknowledging the great amount of work that had gone into preparing the very comprehensive report, and congratulating those officers involved in its compilation.

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

- (ii) That the responses to the individual questions contained in the Consultation be amended as agreed;
- (iii) That the amended responses be circulated to Members of the Executive Committee as soon as possible for review and approval;
- (iv) That the finalised responses be submitted to the Cabinet Office as the Council’s response after the monthly meeting of Council (scheduled for Wednesday 10th April 2019);
- (v) That a copy of the finalised responses be sent to all other local authorities on the Island, with a covering letter setting out the Council’s concerns that the questions contained within the consultation were considered to be very leading and / or ambiguous; and
- (vi) That a copy of the finalised responses be made available on the Council’s website.”

The Committee rose at 12 noon.

EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Friday, 29th March, 2019.

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

In Attendance: Chief Executive (Miss K.J. Rice), Director of Finance (Mr A.J.T. Boyd), Director of Environment and Regeneration (Mrs D. Eynon), Assistant Chief Officer (Housing & Property) (Mr G. Atkin), Executive Officer (Mrs J.M. Keig) (taking minutes).

REPORT

PART A –

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

A1. Apologies for Absence

Apologies for absence were submitted on behalf of the Director of Housing and Property (Mrs S. Harrison).

A2. Declarations of Interest

No declarations of interest were submitted in relation to the public minutes.

A3. Minutes

The minutes of the meeting held on Friday 1st March 2019 were approved and signed.

A4. Matters Arising From Previous Minutes

There were no matters arising from the previous minutes.

A5. Referrals from the Environmental Services Committee

There were no referrals from the public minutes of the Environmental Services Committee meeting held on Monday 18th March 2019.

A6. Referrals from the Regeneration and Community Committee

The Committee considered the following referral from the minutes of the Regeneration and Community Committee meeting held on Tuesday 19th March 2019:

Clause B1 – Glen Falcon (Replacement Lighting): the Committee had considered a report by the Head of Parks seeking funding for the replacement and upgrading of lighting at Glen Falcon. Improvement works to open up the site and improve visibility had been commenced, and the new lighting would provide a safer environment for people using the area and also reduce electricity costs.

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

- (ii) That the sum of £10,000 be approved from the General Revenue Reserve for the replacement and upgrading of lighting at Glen Falcon.”

A7. Monthly Financial Review

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

Members noted a comparison of the 2019 / 2020 Rates across all Isle of Man local authorities. It was noted that the 3.3% increase in Douglas' Rates was well below the overall average of 5.2%, and considerably lower than the highest increase of 19.5%.

The Director of Finance advised that the 100 percent target in respect of the collection of Rates had been achieved. Members accordingly congratulated those officers in the Finance Department involved in attaining this achievement, and also extended their thanks to Douglas Ratepayers for their support of the Council in this respect.

Members were also reminded that, in previous years, the Executive Committee had received a bound copy of the Council's financial statements in advance of the meeting and, following approval and audit sign-off, all Members of Council were then furnished with a bound copy. As the financial statements were now available for Committee Members to access via the electronic agenda system, it was proposed that bound copies no longer be circulated ahead of the meeting, although bound copies for signing would still be required.

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

- (ii) That the local authority 2019 / 2020 Rates increase figures be noted, and especially that the Council's increase of 3.3% was considerably less than the overall average percentage increase of 5.2% (including fixed refuse charges) based on the average domestic property; and
- (iii) That in future, copies of the Council's financial statements be issued to Executive Committee Members for approval via the electronic agenda system in advance of the meeting, and that bound copies no longer be required for circulation to individual Members."

A8. Treasury Management Plan 2019 – 2020

The Committee considered a written report by the Assistant Chief Officer (Income) detailing the Council's plans and related Prudential Indicators for 2019 / 2020.

As an annual report, the Plan was a key aspect of delivering the Treasury Management Strategy (as approved in 2011). It summarised planned treasury management activities in respect of long-term loans and short-term investments; and also outlined information in relation to Prudential Indicators in respect of affordability for 2019 / 2020.

Members noted that the indicator for prudence was that net external borrowing would not exceed the capital financing requirement, and this Plan stipulated that this would be complied with. The indicator for treasury management was whether the CIPFA Treasury Management Code of Practice and Cross-Sectoral Guidance Notes had been adopted by the organisation. It was confirmed that these were in place for 2018 / 2019; and noted that they were due to be reviewed during the current year.

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

- (ii) That the Treasury Management Plan 2019 / 2020 be approved."

A9. Conference Attendance – CIPFA

The Committee considered a written report by the Director of Finance seeking early approval for attendance at the 2019 Chartered Institute of Public Finance and Accountancy (CIPFA) Conference, in order to obtain discounted rates.

The event brought together world-class speakers and commentators, as well as leading figures from the industry to discuss key issues and hold practical workshops. It also provided an opportunity to network with suppliers at the conference exhibition. The five key areas that the conference would focus on this year were noted and, although the final programme had not yet been published, the impact of Brexit on the public sector was likely to feature.

It was noted that the Chair of the Executive Committee and the Director of Finance had attended the conference in previous years, finding it of great benefit in following current trends in public sector finance and accountancy.

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

- (ii) That authority be given for the Chair of the Executive Committee and the Director of Finance to attend the CIPFA Annual Conference and Exhibition, taking place at the International Conference Centre in Birmingham from the 9th to the 10th July 2019; and
- (iii) That the £1,390 cost of the Conference fee be met from the General Revenue Reserve."

A10. Cycle to Work Scheme

The Committee considered a written report by the Director of Finance seeking consideration of the Council's participation in the Cycle to Work Benefit in Kind Exemption Scheme.

The Director of Finance advised that a Cycle to Work Scheme had been announced as part of a package of measures introduced in the Isle of Man Treasury's budget in February 2017. The Scheme provided a benefit in kind exemption, whereby an employer may provide an employee with a bicycle and bicycle safety equipment up to the value of £1,000, provided that their main use was for home-to-work travel.

The Scheme had not been taken up by the Council at that time but, since then, the Scheme had been extended (as part of The Treasury's 2018 budget) to include electric bicycles and equipment up to the value of £1,600, and further rule relaxations had also been introduced. By deferring adoption of the Scheme, this had allowed for further improvements to be made to it, which meant that, if the Council adopted it now, it would be adopting procedures that had already been tried and tested by Government for its own workforce. So far, approximately four-hundred Government employees had already participated.

A recent review of the financial impact of the Scheme's introduction had indicated that it could be implemented at no real cost; and it was also noted that the results of the Council's 2017 Employee Staff Survey had included requests by members of staff for the Cycle to Work Scheme to be made available to Council employees.

The Council, as employer, would fund the bicycle purchase up-front, in advance, by way of an interest-free loan to the employee, to be repaid within a maximum three tax-year period. The employee would then secure Income Tax and National Insurance savings on salary deduction payments back to the employer.

To qualify for the exemption, the items had to be purchased by the employer from Island-based retail businesses. Members accordingly considered an option to restrict the Scheme availability for Council employees to bicycle shop outlets within the Borough only. In this respect, it was noted that no objections had been raised by either the Treasury's Tax Division or the Department of Environment, Food, & Agriculture's Office of Fair Trading.

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

- (ii) That approval be given for the Council to offer the Cycle to Work Scheme to all employees, commencing during the 2019 / 2020 tax year; and
- (iii) That for Council employees to qualify for the exemption, purchases would be restricted to cycling retail outlets within the Borough of Douglas only."

A11. Use of Reserve – Henry Bloom Noble Library

The Committee considered a written report by the Assistant Chief Officer (Income) seeking authority to utilise the balance contained within the Library Bequest Fund.

The balance of the Fund constituted two bequests, and Members noted the terms of both these bequests accordingly. The Borough Librarian had confirmed that the money would be utilised as per the bequests' instructions, whilst complying with the Equality Act.

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

- (ii) That approval be given for the use of the £480 balance of the Library Bequest Fund as per the conditions of the bequests."

A12. 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."

A13. 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."

A14. Chair's Closing Remarks

The Chair thanked Members for their contribution over the last municipal year, and especially for their input with the Budget process. He also thanked Chief Officers for all their support of him as Leader of the Council, and for the efforts which had been made in all areas across the Council, in particular again, the Budget, which was always very demanding. Thanks were also extended to the Executive Officer for the efficient running of the Committee, its Agendas, and Minutes.

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

PART C –

Matters subject to Council approval

C15. Amendment of Standing Order 90

The Committee considered a written report by the Assistant Town Clerk setting out a proposed amendment to Standing Order 90, relating to Meetings of Committees.

Members were reminded that the Pensions Committee met six times per year – in February, March, May, September, October, and November – with all meetings currently starting at 11:00am, as fixed under Standing Order 90. The meetings in March and October dealt with the Administration of the Isle of Man Local Government Superannuation Scheme, whilst the other four meetings focussed on the associated Fund investments.

It was noted that the start time for all six meetings had originally been set as 11:00am in order to enable consultants based in the United Kingdom to visit the Island for the day to attend the meetings. However, as several of the consultants concerned with Investments were now locally based, and in

order to facilitate thorough consideration of the various aspects of the Committee's business, it was proposed that meetings concerned with Investment matters should commence at 10:30am.

As the meetings of the Pensions Committee to consider Administration matters generally did not face the same tight agenda pressures, no change to the start time was proposed for the March and October meetings.

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

- (ii) That it be recommended to Council that Standing Order 90 – Meetings of Committees, be amended to read:-

Meetings of Committees

Committees of the Council, other than the Pensions and Standards Committee, shall meet for the transaction of regular business on the days following the Annual or regular Council Meeting and at the times specified below, except that no Committee meetings shall be held in the months of April or August unless convened on the specific instruction of the Committee at a previous meeting, that Committee meetings shall be convened in September as though a regular Council Meeting were to take place on the second Wednesday, and further, that from time to time a Committee may change the time of a future meeting, but for not more than six occasions in a municipal year without the prior consent of the Council:

Executive Committee: third Friday at 2:00pm;

Environmental Services Committee: first Monday at 10:00 am;

Regeneration and Community Committee: first Tuesday at 10:30am;

Housing Committee: first Wednesday at 10:30am;

Pensions Committee: second Wednesday in February, May, and November at 10:30am; the second Wednesday in March and October at 11:00am, and in September the second Wednesday of the month at 10:30am.

Provided that the Chair of any Committee may authorise the Chief Executive in special circumstances to convene a meeting of that Committee at any time, and to alter the particular day or time for the holding of any regular Committee meeting."

The Committee rose at 3.40pm.

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

PENSIONS COMMITTEE

PENSIONS COMMITTEE – Minutes of Meeting held on Wednesday, 27th March, 2019.

Members Present: Councillor Ms K. Angela (Chair), the Mayor, Mr Councillor C.L.H. Cain, Mr Councillor F. Horning.

In Attendance: Mr A. Beedall (Capita), Director of Finance (Mr A. Boyd), Assistant Chief Officer (Finance) (Mr E.P. Pierce), Assistant Chief Officer (Income) (Mrs C. Pulman), Payroll and Payments Manager (Miss K. Quine), Democratic Services Officer (Mrs D. Atkinson).

REPORT

PART A –

Matters within the scope of the Committee's delegated authority

A1. Apologies

Councillor Mrs C.E. Malarkey, Mr Councillor J.E. Skinner and Mr A. Thomas (Independent Member) submitted their apologies for the meeting.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 27th February, 2019

The minutes of the meeting held Wednesday, 27th February, 2019 were approved and signed.

A4. Matters Arising

Clause B10 – Items for Future Report – In response to question, the Director of Finance confirmed written representation had been made to the Attorney General's Chambers to request an update on the likely timescale envisaged for the progression of the Local Government (Miscellaneous Provision) Bill. An acknowledgement letter had subsequently been received by the Council from the Attorney General, and the Director of Finance read the contents of the letter to the Committee. Although the Attorney General noted the Pensions Committee's concerns regarding the delay in progressing the legislation, he was unable to provide a timescale and referred the Council to the Department of Infrastructure to raise any further queries.

A Member requested an update on changes to scheme regulations and cost sharing. Officers advised that a meeting with the Department of Infrastructure had taken place prior to the February Pensions Committee meeting at which Council officers provided the Department with feedback on the draft terms of reference. No further update had been received since this meeting.

Resolved, "That particulars of the matters arising be noted on the minutes and the Director of Finance be instructed to write to the Department of Infrastructure to request an update on the draft terms of reference in relation to the scheme regulations and cost sharing, and to request an update on the progression of the Local Government (Miscellaneous Provision) Bill."

A5. Training: Eligible Employers, Admitted Bodies, Contributions, Benefits

The Committee received a training presentation from Mr Beedall on eligible employers, admitted bodies, contributions and benefits for the Isle of Man Local Government Superannuation Scheme (the Scheme).

Mr Beedall began by presenting the regulation defining employees that are eligible to join the Scheme. He explained that local authorities are required to provide employee access and local authority employees have a statutory right to join the Scheme. Joint Boards, Local Authorities for Parish districts and Admitted Bodies are also permitted access to the Scheme, however this is not a statutory requirement, and some organisations may only allow access for designated posts.

Mr Beedall presented the banded Member contribution rates. It was noted that Member contributions (based on their annual salary) is reviewed annually in April but it can be reviewed at any time if there is a permanent change in a member's contract which affects pensionable pay. Members were advised that pension contributions are based on the full time salary of members regardless of their contracted hours.

Members were reminded of the process for employer contributions. It was noted that the employer contributions are determined triennially by a valuation undertaken by the Fund Actuary. Officers confirmed that the Scheme will be valued as of 31st March 2019 and reported to a Special Committee Meeting scheduled for November 2019. The current contribution rate is forecast to achieve a fully

funded position at the end of 20 years. Members reaffirmed their concern that the current employer rate is high.

Mr Beedall finished with an explanation of members' retirement benefits. Members were presented with the benefits calculation, how benefits are paid and details of the dependents' benefits if applicable. Mr Beedall also explained the option for members to increase their benefits through transfers, buying additional pension or paying additional voluntary contributions.

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

A6. The Pensions Advisory Service and the Pensions Ombudsman

The Committee considered a report submitted by the Director of Finance to inform of changes affecting the Pensions Advisory Service (TPAS), the implications for the Scheme, and to determine next steps.

Members were advised that since the last training session presentation from Capita, which covered the dispute resolution process for Scheme Members, including the role of the TPAS dispute resolution function, officers have become aware that TPAS no longer supports Isle of Man schemes.

The report explained that the merger of TPAS with the UK Pensions Ombudsman in March 2018 resulted in all UK scheme Member complaints being referred to the UK Ombudsman's office, the simpler ones would be redirected to TPAS to deal with whilst the more complex cases would be dealt with by the UK Ombudsman. On the basis that Isle of Man has its own Pensions Ombudsman distinct from the UK, Isle of Man complaints are no longer dealt with by TPAS. Members were reminded that the IOM Ombudsman does not replace TPAS and therefore at present, there is no informal support for Scheme member complaints. This means that any complaints that are not resolved by the Scheme Dispute Resolution Process can only now be referred to the Isle of Man Pensions Ombudsman to adjudicate. Officers advised that the change had not been publicised.

The Director of Finance explained that the Isle of Man Government's Public Sector Pensions Authority last year made an approach to the UK Pensions Ombudsman Office in an attempt to seek reinstatement of the dispute resolution service previously provided by TPAS. The UK Ombudsman Office suggested that an informal arrangement could be considered, but no progress has been made to achieve this.

The report recommended two actions. To make representation to the UK Ombudsman Office to reinstate the service for Isle of Man Local Government Superannuation Scheme members and at the same time make representation to the Isle of Man Treasury to reinforce the need for the reinstatement.

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

- (i) The loss of availability of the Pensions Advisory Service (TPAS) for members of the Isle of Man Local Government Superannuation Scheme be noted;
- (ii) The Director of Finance be instructed to write to the UK Pensions Ombudsman requesting that an ongoing service is reinstated to Scheme members;
- (iii) The Director of Finance be instructed to write to the Isle of Man Treasury to ask what plans it has in place to replace the lost TPAS service for members of the Isle of Man Local Government Superannuation scheme."

A7. Annual Review of the Pensions Risk Register

The Committee considered a report submitted by the Assistant Chief Officer (Finance) to review the Pensions risk register.

Members were reminded that the risk register is a working document regularly reviewed and updated. The document is presented annually to the Committee to advise of any risks facing the scheme, and to ensure that the Council, as administering authority, and all of its partners, have effective strategies for the management of those risks.

Members were presented with a table of thirty-five risks. The risks were categorised and colour coded by low, moderate and high risks. The same thirty-five risks were re-calculated after a chosen action and colour coded accordingly.

It was noted that there were no residual risk scores showing high risk (severe), however there were three risks showing high risk (major). Officers assured that control actions continue to address these risks.

Resolved, "That particulars of the report be noted on the minutes following review of the risk register, no further items be included and the chosen actions set out in the risk register be approved."

A8. Superannuation Scheme Performance Monitoring

The Committee considered a report submitted by the Assistant Chief Officer (Finance) to update on the performance against measures outlined in the Superannuation Scheme Service Plan.

Members had in front of them the actions from the Service Plan together with the outcome on each.

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

A9. 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 the items for future report be noted on the minutes."

A10. Date and Time of Next Meeting

Members noted that the next Committee meeting is scheduled for Wednesday, 22nd May, in the Committee Room at Douglas Town Hall.

PART B –

Matters requiring Executive Committee approval

There were no matters requiring Executive Committee approval.

PART C –

Matters requiring Council approval

There were no items requiring Council approval.

The Committee rose at 12.00pm.

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

HOUSING COMMITTEE

HOUSING COMMITTEE – Minutes of Meeting held on Wednesday, 20th March, 2019.

Members Present: Councillor Mrs C.L. Wells (Chair), the Mayor, Mr Councillor C.L.H. Cain, Mr Councillor J.E. Skinner, Councillor Mrs E.C. Quirk.

In Attendance: Director of Housing and Property (Mrs S. Harrison), Assistant Chief Officer (Finance) (Mr P. Pierce), Housing Manager (Mr V. Zivave), Assistant Democratic Services Officer (Miss C. Cullen).

REPORT

PART A –

Matters decided by the Committee

A1. Apologies for Absence

Apologies for absence were submitted by Councillor Mrs C.E. Malarkey.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 20th February, 2019

The minutes of the meeting held on Wednesday, 20th February, 2019, were approved and signed.

A4. Matters arising

No issues were raised as arising from the minutes.

A5. Vacant Properties Update

The Committee considered the monthly report submitted by the Assistant Housing Manager (Maintenance) to update on the number of vacant social housing properties. As at the end of February, 2019 there were seven void properties awaiting attention.

The Committee noted that there has been one-hundred and forty-two properties returned since the beginning of the financial year.

At the March Council meeting concerns were raised over the requirements of asbestos surveys, the Director of Housing and Property advised that these surveys are governed by legislation and as such, the Council had a legal obligation to conduct asbestos surveys. Given the complexities of the issue the Committee noted that it is intended that officers provide Members with guidance and information on the matter.

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

A6. Housing Request Refusals

The Committee considered a report submitted by the Assistant Chief Officer (Housing and Property) advising on one housing refusal in the previous month.

Appended to the report were anonymised details of the case, together with a copy of the criteria for the allocation of properties. Members reviewed the particulars of the refusal and unanimously agreed to deduct ten points from the applicant.

Resolved, “That particulars of the report and discussion be noted on the minutes and that approval be given to the deduction of ten points in the one proposed housing request refusal as appended to the report, which complies with current Council policy and current Department of Infrastructure regulations and guidance.”

A7. Automation of Existing Main Entrance and Main Entrance Lobby Doors for Phases 1 and 2, Waverley Court

The Committee considered a report submitted by the Housing Manager to request funding for automation of the existing main entrance and entrance lobby doors for Phases one and two at Waverley Court.

The report advised that the door closer system on the main entrance and main entrance lobby at Waverley Court is no longer working. Due to the weight of the doors tenants, particularly those using mobility devices, were finding it difficult to manoeuvre their way into the building. It had been proposed to install a system, similar to that in Hazel Court, which has been functioning well since construction of the complex.

Subsequently, three contractors were invited to submit quotations to supply and fit a full automated system on the existing doors. Members noted that only two quotations were received as one contractor declined to quote. The report recommended accepting the quote submitted by D4 Doors Limited which represents best value for money.

Resolved, "That particulars of the report be noted on the minutes and the automation of the main entrance and main entrance lobby doors for Waverley Court Phases one and two, in the sum of £9,180.00 (excluding VAT), to be funded from the Sheltered Community Reserve Fund be approved."

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.

The Chair requested that the Bathroom Refurbishment Capital scheme be added to the schedule for May 2019 and that the Window Replacement Report be added to the schedule for June 2019.

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 10.30am on Wednesday, 15th May, 2019.

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

PART B –

Matters requiring Executive Committee approval

There were no matters requiring Executive Committee approval.

PART C –

Matters requiring Council approval

There were no matters requiring Council approval.

The meeting ended at 11.37am.

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

REGENERATION AND COMMUNITY COMMITTEE

REGENERATION AND COMMUNITY COMMITTEE – Minutes of Meeting held on Tuesday, 19th March, 2019.

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

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

REPORT

PART A –

Matters delegated to the Committee

A1. Apologies

There were no apologies submitted.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 19th February 2019

The Minutes of the meeting held on Tuesday, 19th February, 2019, were approved and signed.

A4. Matters Arising

Clause A6 – Christmas Lights Ceremony – A Member suggested a brief adjournment to allow Members the opportunity to visit the event site on North Quay. As the Event Director, Assistant Town Clerk, was on leave, it was agreed that the site visit be deferred to Tuesday, 26th March at 11.30am.

A5. Noble's Park – TT and Festival of Motorcycling Site Access

The Committee considered a report submitted by the Head of Parks, following a proposal received from the Department of Enterprise (the Department), to create a new vehicular entrance into Noble's Park to be used during the TT and Festival of Motorcycling.

The Head of Parks advised that the Department has been seeking alternative arrangements for traffic management into Noble's Park during the TT and Festival of Motorcycling. This was in response to concerns raised during TT 2018 about traffic movements in and around Noble's Park.

The Department has proposed that a vehicular entrance be created at the boundary wall from the St Ninian's Church grounds. The proposed route is to allow cars access to the park through the Church grounds (a gap wide enough to accept a normal car would be created) travelling in a clockwise direction exiting the park on to St Ninian's Road through the main park driveway. However, Members and officers opined that the route should enter the park at St Ninian's Road travelling past the Pavilion (which will also assist with access to the restaurant) travelling in an anti-clockwise direction exiting the park at the proposed opening at the Church grounds.

Members noted that all costs associated with the works will be borne by the Department including the installation of a gate to secure the boundary outside of the event periods. The Department will be required to protect the football pitches and ensure the ground is suitable for use at the Noble's Park Fun Day in August.

Consultation has taken place with residents of the properties at St. Ninian's Court and the Church, it was noted that no issues had been raised. The Director of Environment and Regeneration offered to circulate the proposal to the Victoria Ward Council Members.

Members were reminded that the proposal will replace the previous new park entrance proposal approved at the November 2018 Committee Meeting.

Members agreed to visit the area of the proposed new opening at Noble's Park on Tuesday, 26th March, 2019 after the scheduled visit to North Quay.

Resolved, “That particulars of the report and discussion be noted on the minutes and the proposal from the Department of Enterprise to create a new entrance/exit into Noble’s Park for vehicular access during the TT and Festival of Motorcycling be approved, subject to the following conditions;

- (i) All costs be borne by the Department;
- (ii) The flow of traffic travel be in an anti-clockwise direction entering the park at the St Ninian’s Road entrance and exiting at the new entrance/exit in the St. Ninian’s Church grounds;
- (iii) The type of boundary gate be agreed with Council officers;
- (iv) Adequate protection of the football pitch is installed during the two events and the removal of ground protection outside of the two events be at the discretion of Council officers;
- (v) A commitment to undertake repairs to the central pathway be received from the Department.”

A6. Noble’s Park – Multi-Purpose Building

The Committee considered a report submitted by the Head of Parks to advise of the situation in relation the multi-purpose building proposal following a pre-business case assessment of local covered leisure facilities and a proposed development in Braddan.

Members were reminded that in 2011 the Council undertook a feasibility study to provide a covered leisure facility at the tennis courts in Noble’s Park. A planning application for the proposal was refused in 2012, however, an item was included in the Capital Programme for a multi-purpose building subject to a report. In 2015, Members received a further report estimating construction costs for a multi-purpose building at £1.3million. This value was included in the 2016/17 budget book but was subsequently removed from the budget by the Executive Committee in 2018 until such time as a robust business case was received.

Following the request from the Committee to present a business case to support the funding bid, officers undertook research into current facilitators and demand of available indoor facilities for public use. The conclusion identified a shortfall in covered leisure facilities in and around Douglas, however, there are two additional facilities that are in progress; Braddan Community Centre which has received planning consent and is due to go for tender, and St Mary’s Sports Hall which will be available in 2019.

The report recommended deferring the production of a business case at this time, and to seek a re-evaluation of the need for a building in the Park once the new facilities are open and their impact assessed.

Resolved, “That particulars of the report and discussion be noted on the minutes and the feasibility of a multi-purpose building in Noble’s Park be re-evaluated once the Braddan Community Centre and St Mary’s facilities are open.”

A7. Raad Ny Foillan Marker Stone

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration) to seek agreement on behalf of Visit Isle of Man to the installation of a stone monolith on Queen’s Promenade on the route of the Raad ny Foillan coastal footpath.

The report explained that Visit Isle of Man would like to install four stone monoliths at key locations on the Raad ny Foillan with the intention to have one monolith in Douglas. The monolith is currently being designed but an image of a similar marker was presented to Members.

The Assistant Chief Officer (Regeneration) explained that approval is being sought in advance of a design being finalised because it is hoped to have the monoliths in place ready for the summer season and the Committee will be in recess until mid-May. The report proposed that if the Committee agrees with the principle of the monolith being installed on Queen’s Promenade Gardens, the Head of Parks can agree the final siting of the marker.

Although Members agreed with the idea in principle, Committee requested to receive the final design before approval is granted to Visit Isle of Man.

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

- (i) Approval in principle be given to Visit Isle of Man to install a stone marker on Queen’s Promenade Gardens subject to;
 - (a) The Committee receiving the final design before the installation is agreed; and
 - (b) The Committee being notified in advance of the exact location as agreed by the Head of Parks.”

A8. Ballaughton Adventure Playground – Land Lease and Change of Tenant Name

The Committee considered a report submitted by the Head of Parks to seek approval to change the land lease tenant name from the Children’s Centre to Isle of Play for the Ballaughton Adventure Playground.

Members were reminded that a lease had previously been approved to be entered into with the Children's Centre for a seven year period. Following the demise of the Children's Centre "Out2Play" approval to change the land lease tenants name from the Children's Centre to Isle of Play was required. The Committee had been previously advised of this change in name and had resolved to change the name in respect of the service level agreement.

Members noted that some site preparatory works had commenced but other works cannot progress until the lease has been signed by Isle of Play.

Resolved, "That particulars of the report and discussion be noted on the minutes and the change of the tenant's name for the Ballaughton Adventure Playground land lease from the Children's Centre to Isle of Play be approved."

A9. Media Partner for 2019 Noble's Park Fun Day, Fireworks Display and Christmas Lights Ceremony

The Committee considered a report by the Democratic Services Officer to consider the promotion of the 2019 Noble's Park Fun Day, Fireworks Display and Christmas Lights Ceremony.

Members were reminded that for many years the Council has appointed a media partner to enhance the promotion of large public events. Similarly to previous years, an advert had been circulated to local radio stations inviting media proposals for the Noble's Park Fun Day, Fireworks Display and Christmas Lights Ceremony.

One radio station submitted a proposal. The total cost of the proposal was presented to Members in the report. It was noted that there is a considerable advantage in appointing a media partner as advertising the events would be expensive without the proposed discount rate.

Resolved, "That particulars of the report and discussion be noted on the minutes and 3FM be appointed the media partner for the 2019 Noble's Park Fun Day, Fireworks Display and Christmas Lights Ceremony."

A10. Items for Future Report

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

A Member asked for details of the lease agreement of a Council commercial property. The Democratic Services Officer agreed to provide the necessary information to Members.

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

A11. Date and Time of Next Meeting

Members were reminded that the next scheduled meeting was due to take place at 10.30am on Tuesday, 14th May, 2019.

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

PART B –

Matters requiring Executive Committee approval

B12. Glen Falcon – Replacement Lighting

The Committee considered a report submitted by the Head of Parks to seek funding of £10,000 for the replacement and upgrading of lighting at Glen Falcon.

Following a site meeting with the Chair of the Regeneration and Community Committee in November 2018, Parks Services commenced improvement works at Glen Falcon to open up the site and improve visibility.

During the improvement works and following discussions with the Electrical Services, it had been identified that lighting at the site needed improvement and replacing.

The report proposed to install ten LED lanterns, seven new lighting columns and two new supplies and pillars from the road at an estimated cost of £10,000. The installation works will be carried out in-house.

The Head of Parks advised that the new lighting scheme will reduce electricity costs for the site by 33%. It will also provide a safer environment for people using the site and walking through it, particularly as there has been reported antisocial behaviour at the site.

Members agreed to visit the site on Tuesday, 26th March, 2019.

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

- (i) The replacement and upgrading of lighting at Glen Falcon be approved; and

- (ii) The item be referred to the Executive Committee to request funding of £10,000 to carry out the works.”

PART C –

Matters requiring Council approval

There were no items requiring Council approval.

The meeting ended at 11.14am.

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

ENVIRONMENTAL SERVICES COMMITTEE

ENVIRONMENTAL SERVICES COMMITTEE – Minutes of Meeting held on Monday, 18th March, 2019.

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

In Attendance: Director of Environment and Regeneration (Mrs D. Eynon), Director of Housing and Property (Mrs S. Harrison) (Items A1 – A4), Assistant Chief Officer (Regeneration) (Mr C. Pycroft), Assistant Chief Officer (Environment) (Mr A. Donnelly), Accountancy Manager (Mr M. Quayle), Dilapidation Enforcement Officer (Mr S. Salter) (Items A5 – A7), Assistant Democratic Services Officer (Miss C. Cullen).

REPORT

PART A –

Matters delegated to the Committee

A1. Apologies

Apologies for absence were submitted by Councillor Ms J. Thommeny.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 18th February, 2019

The minutes of the meeting held on Monday, 18th February, 2019 were approved and signed.

A4. Matters Arising

Clause A6 – Douglas Town Centre Regeneration Modulum LED Lantern Update – The Director of Environment and Regeneration addressed the comments made at the March Council meeting concerning a number of poorly lit areas since the installation of the LED lighting and advised that the Electrical Services Manager would conduct a survey of the areas in question.

Clause A12 – Items for Future Consideration – Following comments raised at the March Council meeting the Director of Environment and Regeneration advised that a briefing note had been prepared in relation to bin chipping and was awaiting approval before being sent out to Members. The Committee noted that 70% of bins have been chipped.

A5. Planning Application 19/00119/B – Summerland Site

The Dilapidation Enforcement Officer joined the meeting for discussion of the following three items.

The Committee considered planning application 19/00119/B for the creation of temporary parking and vehicular access with associated lighting on part of the Summerland Site on King Edward Road, Douglas. The proposal is for temporary car parking to accommodate fifty vehicles for the duration of the Douglas Promenade refurbishment scheme, which is estimated to finish in November 2020. Members noted that the applicant proposes to charge £2.00 per twenty-four hour period.

The Dilapidation Enforcement Officer advised that officers had made note of the lack of disabled access spaces and that he has provided comment to the Planning Department suggesting the applicant carries out a flood risk assessment, given its location.

The Chair drew the Committee's attention to Lake Road car park, which had been granted approval on a temporary basis. It was noted that this parking provision was still operating. The Dilapidation Enforcement Officer advised that the Council has been asked to give evidence at Tynwald in regard to Planning Enforcement and suggested that this was an example that could be used as part of that evidence.

There was discussion, as a related issue on the fairground amusement which forms part of the TT, the Chair advised that caravans use this site for parking during the TT fortnight. The Assistant Chief Officer (Regeneration) advised that this matter has been highlighted and is being addressed by the Department for Enterprise.

Resolved, "That particulars of the report and discussion be noted on the minutes and that no objection be raised to planning application 19/00119/B."

A6. Planning Application 19/00117/B – 15-17 Duke Street, Douglas

The Committee considered planning application 19/00117/B for a variation to Condition 2 of planning application 18/01240/C, to change the use of the ground floor and basement from retail to Class 3 Food and Drink, and to amend the opening hours of 15 – 17 Duke Street, Douglas.

The Director of Environment and Regeneration explained that the previous planning application, 18/01240/C, had not been presented to Committee as it was dealt with under the scheme of delegation, however, due to the proposed change in opening hours she felt it prudent for Members to review the new application.

Members were advised that Condition 2 of planning application 18/01240/C states “*No customer shall be served or remain in the building outside the following hours – 1100hrs – 2300hrs Monday to Thursday, 1100hrs – 0000hrs Friday and Saturday, 1100hrs – 2000hrs Sunday.*” Members noted that the proposal is to extend these opening hours until 01.00hrs seven days per week.

Members noted that the Police have not raised any concerns relating to the application.

Members discussed the potential noise pollution and effects that the proposal may have on nearby residential properties, specifically in King Street and for the occupants of the residential properties.

Following suggestion by the Chair, Members requested that the Housing Department’s Housing Officer for King Street contact each tenant in King Street prior to the end of the six month period seeking their views relating to any noise and anti-social behaviour directly attributable to the extended temporary operating hours.

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

- (i) The Council asks that the Planning Department refer back to the applicants to suggest that the application is amended to a temporary variation of the existing Condition 2 for a period of six months; and
- (ii) Prior to the end of this six month period, either a new application for permanent hours variation is submitted, otherwise the hours restriction would revert back to those already approved with Condition 2 applicable:- *No customer shall be served or remain in the building outside the following hours – 1100hrs – 2300hrs Monday to Thursday, 1100hrs – 0000hrs Friday and Saturday, 1100hrs – 2000hrs Sunday.*”

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

The Committee noted the schedule of neglected, dilapidated, ruinous and dangerous properties being dealt with on behalf of the Council.

Resolved, “That the schedule of properties be noted on the minutes.”

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

A8. Items for Future Consideration

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

The Director of Environment and Regeneration reported that the Department of Infrastructure advised that they have insufficient resource to carry out an audit of signage on public lighting columns, if no progress was made on the audit by April she would escalate the matter.

As requested by the Chair, it was agreed that a survey on Public Lighting levels be added to the schedule.

The Director of Environment and Regeneration advised that following Council debate she was awaiting direction as to how the Planning Scheme of Delegation should be dealt with.

Following the Isle of Man Creamery’s presentation to Members preceding March’s Council meeting, the Director of Environment and Regeneration sought the Committee’s view on when the item should be further considered by the Committee. Members agreed that a report be presented to the May 2019 meeting to include a cost of discussions to date.

Resolved, “That particulars of the matters for future consideration and discussion 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 Monday, 13th May, 2019.

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

PART B –

Matters requiring Executive Committee approval

There were no public matters requiring Executive Committee approval.

PART C –

Matters requiring Council approval

There were no matters requiring Council approval.

The meeting ended at 1.15pm.