



## Borough of Douglas

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**MR COUNCILLOR JONATHAN JOUGHIN, JP  
MAYOR**

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Town Hall,

Douglas,

6<sup>th</sup> November, 2020

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL to be held on WEDNESDAY, the 11th day of NOVEMBER, 2020, 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, 14<sup>th</sup> October, 2020.

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

## EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Friday, 30<sup>th</sup> October, 2020.

Members Present: Mr Councillor D.W. Christian (Chair), the Mayor, Mr Councillor S.R. Pitts, Mr Councillor I.J.G. Clague, Councillor Mrs C.E. Crawley (Vice Chair, Housing Committee), 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), Director of Housing and Property (Mr D. Looney), 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.

##### **A2. Declarations of Interest**

No declarations of interest were submitted.

##### **A3. Minutes**

The minutes of the meeting held on Friday 25<sup>th</sup> September 2020 were approved and signed.

##### **A4. Matters Arising From Previous Minutes**

Clause A4, sub-clause A5 – Erection of Pedestrian Footbridge, Glencrutchery Road, Douglas: it was understood the planning application had been withdrawn.

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

Clause A4, sub-clause A15 – Planning Application for the Creation of a Road and Pathway for Vehicle and Pedestrian Access at Noble's Park: further to the update provided after the last meeting of the Committee, it was understood a revised planning application was to be submitted.

Resolved, “That particulars be noted on the 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 19<sup>th</sup> October 2020.

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

##### **A6. Referrals from the Regeneration & Community Committee**

There were no referrals from the public minutes of the Regeneration and Community Committee meeting held on Tuesday 20<sup>th</sup> October 2020.

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

##### **A7. Monthly Financial Review – September 2020**

The Committee considered a written report by the Director of Finance setting out details of progress made against key performance indicators for finance and related key financial monitoring information.

It was proposed that the name on the Council's current account bank account - 'Mayor, Aldermen and Burgesses of the Borough of Douglas' - be amended to 'Douglas Borough Council', in order to provide greater clarity to stakeholders.

Members noted the housing rent arrears figures as at the end of September 2020 and were advised that the Housing Department was working hard to keep in contact with all tenants who were struggling to pay their rent. There remained a very small number of tenants, however, who had either not paid any rent since the outbreak of the coronavirus pandemic, or who had not paid enough to reduce their arrears and had failed to communicate with the Council or put in place a repayment plan. Due to the Isle of Man Government's current policy to ban all evictions until 27<sup>th</sup> December 2020, no evictions could be progressed at the present time, but it was agreed that once this ban had been lifted, communications should be sent to relevant tenants at an appropriate time - that was, not when tenants would be unable to obtain assistance during the closure of the Town Hall over the Christmas and New Year period.

Resolved, "(i) That particulars of the report be noted on the minutes, including in particular -

- (a) The 84.5% rates collection figure for the April to September 2020 period, compared against the target of 87.9% for that period;
  - (b) The housing rent arrears chart, showing arrears as at the end of September 2020;
  - (c) The consent now received from the Department of Infrastructure to rebrand the Risk Management and Special Projects Fund as the 'Invest to Save' Fund; and
- (ii) That approval be given to amend the name on the Council's current account bank account from 'Mayor, Aldermen and Burgesses of the Borough of Douglas' to 'Douglas Borough Council'."

#### **A8. Urgent Business Procedure – Cancellation of the 2020 Fireworks Display**

The Committee considered a written report by the Democratic Services Officer on the use of the Council's Urgent Business Procedure under Standing Order 125.

The Regeneration and Community Committee at its meeting on 15<sup>th</sup> September 2020 had been advised that officers were working on plans to try to overcome various issues in respect of the fireworks display, caused by the refurbishment works on Douglas Promenade and the closure of the Island's borders due to the Covid-19 pandemic.

As the event had been just six weeks away at that point, any decision to cancel the event needed to be finalised and shared with the event sponsor, the Council's media partner, and other authorities. The Regeneration and Community Committee had therefore agreed that, if the outstanding issues could not be resolved within one week from the date of the meeting, then the Council's Urgent Business Procedure should be invoked to cancel the display. As no viable option had been forthcoming within the timescale, the Leader of the Council and the Chair of the Regeneration Committee had therefore agreed to the recommendation that this year's fireworks display be cancelled.

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

- (ii) That the resolution made by the Leader of the Council and the Chair of the Regeneration and Community Committee under the Urgent Business Procedure be noted and endorsed accordingly."

#### **A9. 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."

#### **A10. 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."

### ***PART C –***

#### ***Matters subject to Council approval***

#### **C11. Financial Regulations Review**

The Committee considered a written report by the Assistant Chief Officer (Finance) seeking approval to various changes to the Financial Regulations which formed part of the Constitution of the Council.

The Financial Regulations outlined the principles of financial administration which had to be operated by all officers of the Council and, in order to keep them relevant, a review had been undertaken and changes recommended. Members accordingly considered the proposed amendments as set out in the appendix to the written report.

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

- (ii) That the amendments to the Council's Financial Regulations, as appended to the written report, be approved accordingly."

The Committee rose at 3.30pm.

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

# PENSIONS COMMITTEE

PENSIONS COMMITTEE – Minutes of Meeting held on Wednesday, 28<sup>th</sup> October, 2020.

Members Present: Councillor Ms K. Angela (Chair), the Mayor, Councillor Mrs C.E. Crawley, Mr Councillor F. Horning, Mr Councillor J.E. Skinner, Councillor Ms J. Thommeny, Mr A. Thomas (Independent Member).

In Attendance: Scheme Administrator - Mr A. Beedall (Capita). Mr I. Murray, Chief Executive, Public Sector Pensions Authority (Item A6 only). Director of Finance (Mr A. Boyd), Assistant Chief Officer (Finance) (Mr E.P. Pierce), 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**

There were no apologies submitted for the meeting.

##### **A2. Declarations of Interest**

There were no declarations of interest.

##### **A3. Minutes – 9<sup>th</sup> September, 2020**

The minutes of the meeting held Wednesday, 9<sup>th</sup> September, 2020 were approved and signed.

##### **A4. Matters Arising**

There were no matters arising.

##### **A5. Training: LGSS Structure, Cost Cap Mechanism, Impact of Changing Normal Pension Age, McCloud Judgement**

The Committee received a training presentation from Mr A. Beedall, of Capita. Mr Beedall began by reminding Members that the IOMLGSS employer contributions currently stand at 27% which includes a past service deficit of 4.4%. The current contributions are above the England and Wales benchmark for the 2008 Local Government Pension Scheme (LGPS) which stands at 20.6% for existing members and 18.2% for new members.

In light of the above benchmark contribution costs, and to ensure fairness in the Scheme, the Pensions Committee has requested that a cost sharing exercise be undertaken by the Scheme sponsor, the Department of Infrastructure (the Department). A working group has subsequently been set up by the Department to look at the scope and parameters for cost sharing and to ensure that any notable fluctuation in future costs should be shared between the employers and employees. Options that the policy review group may look at it include a change in contribution rates, move the Career Average Revalued Earnings (CARE) scheme, a change in accrual rate and parity with the Government Unified Scheme (GUS).

The Scheme was last changed in 2012 when average contributions increased slightly. Mr Beedall ran through UK changes since this date that the LGSS could consider introducing. In 2013 the UK cost cap mechanism was changed in the Public Service Pensions Act 2013 and LGPS (E&W) Regulations 2013. The cost cap controls costs across all public service pension schemes and is set at 14.6% with a tolerance of +/- 2%. Members noted that this mechanism is currently under review.

Mr Beedall moved on to the Government Unified Scheme option. This is a standard scheme for members of 15 public sector schemes with a set contribution rate and final salaries with a variable growth rate increasing for later retirement. This scheme reduced member benefits accrued by 6% on or after April 2017. Members noted that this scheme is unfunded.

Mr Beedall explained the LGPS CARE Scheme. This scheme increased the accrual rate for members and calculated the benefits based on the annual earnings of each year. The scheme has correlated the normal pension age with the state pension age. The contributions are aligned with the UK tax system, members earning more pay a higher percentage and members have the option to pay half contributions to earn half benefits.

Mr Beedall finished with an explanation of the current normal pension age (NPA) and proposed changes to the NPA for consideration by the Department.

Members noted that the Court of Appeal ruled that the UK Government's 2015 public sector pensions reforms unlawfully treated existing public sector pension scheme members differently based upon the members' ages. The UK Government conducted a consultation on the findings of this case, and the government's response is awaited. The judgement does not have any impact on the current IOMLGSS, but if the scheme moves to the CARE scheme in the future, if any protections are built into the regulations they should be carefully considered in advance to ensure they meet the terms of the Equality Act.

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

**A6. Mr I. Murray, Chief Executive of Public Sector Pensions Committee**

Mr I. Murray, Chief Executive of the Public Sector Pensions Authority and Chair of the Policy Review Group (PRG), joined the meeting to explain the process and scope of the PRG.

Mr Murray explained in detail the timescale and process for dealing with the Isle of Man Local Government Superannuation Scheme review. The Committee and Mr Murray had an in depth discussion about viable options and the longer term benefit to the Scheme and employers. He provided examples of changes to other schemes and how the changes were managed with employees, employers and trade unions.

Mr Murray gave an overview of the Department of Infrastructure's role as sponsoring department. It was noted that the PRG will not be considering or recommending a change to the Scheme's sponsoring department; this is outside of the remit of the group.

Resolved, "That Mr Murray be thanked for his attendance and particulars of the discussion be noted on the minutes."

**Adjournment and Resumption**

The Committee adjourned at 1.00pm and resumed at 2.00pm.

**A7. 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 an outcome on each. A red, amber, green status had been applied to determine progress in comparison to the action. Members noted that all objectives on the Plan are completed or on schedule apart from one. This relates to liaising with the Department of Infrastructure to bring about updates to the Regulations.

Resolved, "That particulars of the report and discussion be noted on the minutes and the progress against the planned actions in the Service Plan be noted."

**A8. 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-seven risks. The risks were categorised and colour coded by low, moderate and high risks. The same thirty-seven 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 five risks showing high risk (major).

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

- (i) The review of the Risk Register be noted;
- (ii) The chosen actions set out in the Risk Register be endorsed;
- (iii) No further items were identified for inclusion."

**A9. Communication Policy Review**

The Committee considered a report submitted by the Assistant Chief Officer (Finance) to update the Scheme's Communication Policy.

The Communications Policy is a statutory statement required under regulation 67 of the administering regulations. It sets out the strategy for providing communication to scheme members, scheme employers and trustees. An officer review has established that some of the existing documents contain

duplication. For example, both a guide to the scheme and a brief guide are produced. Providing them both consumes more time to update them. The report proposed that the brief guide be discontinued so that when the guide is next updated the brief guide is deleted. In place of the brief guide, the report suggested that a promotional leaflet be provided instead to give new local government employees information about the benefits of joining the scheme.

The report explained that similarly, both the Pension Fund Annual Report and a document containing a short form of the accounts are produced. The annual report is a statutory requirement and subject to audit. Producing the short form summary of accounts is not a requirement and is a time-consuming duplication of effort and also incurs printing and postage costs.

Members had in front of them the current communications policy with suggested tracked changes, a clean amended communication policy and the proposed new promotional leaflet for new employees. It was noted that the previous approach to include hyperlinks in documents has been changed to state that the relevant documents are available on the pension scheme website. This avoids the links taking readers to out of date documents.

Resolved, "That particulars of the report be noted on the minutes and the Scheme's Communication Policy be updated and approved."

**A10. Items for Future Report**

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

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

**A11. Date and Time of Next Meeting**

Members noted that the next scheduled meeting was due to take place at 10.30am on Wednesday, 25<sup>th</sup> November, 2020.

Resolved, "That particulars 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 Committee rose at 2.45pm.



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

# EASTERN DISTRICT CIVIC AMENITY SITE COMMITTEE

EASTERN DISTRICT CIVIC AMENITY SITE JOINT COMMITTEE – Minutes of Meeting held on Thursday, 8<sup>th</sup> October, 2020.

Members Present: For Douglas Borough Council – Mr Councillor D.W. Christian, MBE, JP (Member) (substituting for Mr Councillor R.H. McNicholl), Mrs D. Eynon (Director of Environment & Regeneration), Mr E.P. Pierce (Assistant Chief Officer (Finance), Mr A.J. Donnelly (Assistant Chief Officer (Environment)). For Onchan District Commissioners – Mr C. Quirk (Member), Mr D. Crellin (Member), Mrs L. Radcliffe (Chief Executive and Clerk). For Braddan Parish Commissioners – Mr D. Dentith (Member), Mr J.C. Whiteway (Chief Executive and Clerk). For Garff Commissioners (Lonan) – Mr N. Dobson (Member) (Chair of Joint Committee). For Garff Commissioners (Laxey) – Mr T. Kenyon (Member). For Santon Parish Commissioners – No attendance.

In Attendance: Secretary – Mr P.E. Cowin (Assistant Town Clerk), Mrs D. Atkinson (Democratic Services Officer). Department of Infrastructure Representative – Mr J. Quayle. Operational Contractor's Representative – Mr S.A. Crook (Item A2 only).

Apologies: Mr N. Young – Member, Santon Commissioners.

## REPORT

### **PART A –**

#### ***Matters within the scope of the Joint Committee's Delegated Authority***

##### **A1. Minutes – 6<sup>th</sup> August, 2020**

Agreed as a correct record.

Arising from Item B4, Relocation of Site, Mr Councillor Christian expressed concern that officers of Douglas Borough Council were being given too great a role and he felt that officers of other Authorities could also be involved in the various aspects of the exercise. It was agreed that officers of the Authorities should liaise to identify any areas where roles could at least be shared.

##### **A2. Contractor's Operational Report**

Mr Crook presented his report on the period April to September, 2020, including statistics on traffic volume, materials collected, and general operation.

245 sofa beds/reclining chairs had been disassembled during the period.

He drew attention to the condition of gas cylinders stored at the Site and the need for action to deal with them. To date no suitable disposal route has been identified.

He advised that Isle of Man Creameries had advised of their intention to end the trial collection of milk cartons, as they preferred the use of supermarket sites.

The installation of additional CCTV equipment was to proceed at the end of November, 2020.

There had been a number of incidents at the Site, including three occasions when an operational vehicle had struck the gantries when moving skips. One high van had struck the entrance height barrier, there had been one case of a commercial operator having been rejected then speeding around the Site, and there had been one case of threatening behaviour.

Mr Crook reminded the Joint Committee that staff on the Site had been issued with alarm fobs which enabled recording of incidents, and trained to use them. This had an apparent effect in reducing minor cases of abuse.

Guidelines had been produced for use of the "Re-Use" area by the public and staff had been reminded that they must not remove items for their personal use whilst on duty. Mr Dentith asked that it be made clear to the public what can and cannot be accepted.

**It was agreed:** that the Contractor's report be noted.

**A3. Operational Contract**

The Operator of the current Site had submitted a fee for operation of the Site for a period of twelve months from expiry of the current contract on 31<sup>st</sup> March, 2021; the price excluded any costs incidental to moving the Site from its current location to a new one, and was based on the Contractor using a sub-contractor for moving skips.

**It was agreed:** that subject to concurrence of all the participating Authorities, the price be accepted.

**A4. Joint Committee Agreement**

The Secretary sought guidance on the updating of the Joint Committee Agreement, as it required to be updated to relate to the relocated Site, and to make provision covering borrowing, ownership of assets, liabilities, oversight of construction and operational contracts, etc. He expressed concern that there were a number of different roles currently carried out by Douglas Borough Council, and there would be more responsibilities allocated during the revision process, which he felt could be more widely shared for the sake of good governance.

It was agreed that the Agreement provide that one Authority undertake the borrowing petition process, but it was not resolved which; the question was similarly left open in respect of the other items, with the suggestion that Officers of the respective Authorities should confer and review the potential resources requirements of each element.

**It was agreed:** that the Secretary continue to work on developing a revised Joint Committee Agreement, embodying all the elements required for construction and operation of the new Site, in consultation with officers of all the Authorities in relation to the roles and responsibilities, and if agreement can be reached, to brief an Advocate to draft.

**A5. Next Meeting**

Fixed to take place at 2.30 p.m. on Thursday, 12<sup>th</sup> November, 2020.

The meeting closed at 3.50pm.

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

# HOUSING COMMITTEE

HOUSING COMMITTEE – Minutes of Meeting held on Wednesday, 21<sup>st</sup> October, 2020.

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

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

## REPORT

### **PART A –**

#### ***Matters delegated to the Committee***

##### **A1. Apologies for Absence**

No apologies for absence were received.

##### **A2. Declarations of Interest**

There were no Declarations of Interest.

##### **A3. Minutes – 16<sup>th</sup> September, 2020**

The minutes of the meeting held on Wednesday, 16<sup>th</sup> September, 2020, were approved and signed.

##### **A4. Matters arising**

No issues were raised as arising from the previous minutes.

##### **A5. Vacant Properties Update**

The Committee considered the monthly report submitted by the Assistant Housing Manager (Maintenance) to update on the number of vacant social housing properties. Members noted that as at the end of September 2020 there were fifteen void properties receiving attention. The Housing Manager advised that seven properties from the schedule had since been allocated.

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

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

##### **A6. 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.

Members noted that a report would be presented to the November 2020 Housing Committee meeting advising on the take up of the Sheltered Accommodation Visitor Flats service.

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

##### **A7. Date and Time of Next Meeting**

Members were reminded that the next scheduled meeting was due to take place at 10.00am on Wednesday, 18<sup>th</sup> November, 2020.

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

### **PART B –**

#### ***Matters requiring Executive Committee approval***

There were no items requiring Executive Committee approval.

### **PART C –**

#### ***Matters requiring Council approval***

There were no items requiring Council approval.

The meeting ended at 12.15pm.

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, 20<sup>th</sup> October, 2020.

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

In Attendance: Director of Environment and Regeneration (Mrs D. Eynon), Director of Housing and Property (Mr D. Looney) (Items B1 to B4), Assistant Town Clerk (Mr P.E. Cowin), Assistant Chief Officer (Finance) (Mr E.P. Pierce), Assistant Chief Officer (Regeneration) (Mr C. Pycroft), Head of Parks (Mr D. Hewes), Democratic Services Officer (Mrs D. Atkinson), Assistant Chief Officer (Income) (Mrs C. Pulman) for items (A1 to A3).

## 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 – 15<sup>th</sup> September, 2020**

The minutes of the meeting held 15<sup>th</sup> September, 2020 were approved and signed.

##### **A4. Cemetery Rules and Procedures for Funeral Directors**

The Committee considered a report submitted by the Head of Parks to seek approval for the adoption of the cemetery rules and procedures for funeral directors.

The Head of Parks explained that the last known versions of rules and procedures for the management of bereavement services and specifically the management of funeral directors in the Cemetery and Crematorium were produced in 1987.

To ensure the fair and consistent use and management of the Borough's Crematorium and Cemeteries the rules and procedures have been reviewed. A review of the rules and procedures was completed during September 2020. All local funeral directors were e-mailed a copy of the revised document for comment, no formal responses were received although positive comments had been passed to the Bereavement Services Officer. Members noted that the rules and procedures had been produced in line with industry standards.

Resolved, "That particulars of the report and discussion be noted on the minutes the Cemetery rules and procedures for funeral directors be approved and adopted."

##### **A5. Review of Plan Bee – Douglas Borough Council Pollinator Action Plan**

The Committee considered a report submitted by the Head of Parks to review the Plan Bee – Douglas Borough Council Pollinator Action Plan (2020-2023) and to approve the continuation of the scheme.

Over the past three years the plan has emphasised the importance of bees and other pollinators and how essential they are to the environment. The action plan details how the pledges made by the Council in 2017 will ensure the protection and future sustainability of pollinators throughout its public open spaces.

The report listed various actions that had been completed since 2017. Unfortunately, in 2020 the onset of Covid-19 prevented work in 90% of the areas identified by the Committee in October 2019, which resulted in a small number of complaints of untidiness. Members concurred there had been more complaints than usual and suggested that additional communication take place with residents to remind of the purpose of the plan.

The revised plan recommended removing Spring Valley Island and changing the management prescription at Tromode Road, Barrule Road and Vicarage Road from prescription one (naturalised

grass land) to prescription four (mixture of wildflower and naturalised grassland with mown edges and creation of wildflower areas).

A Member advised that several complaints had been made regarding the Manor Drive prescription and she concurred with the residents that this area should be re-zoned to better suit the aesthetics of the area, and to complement the use of the area which is generally used for dog walking and outdoor space for children. The Committee resolved to receive a separate report on this particular open space.

Resolved, "That particulars of the report and discussion be noted on the minutes and the Plan Bee – Douglas Borough Council Pollinator Action Plan (2020-2023), excluding the Manor Drive area, be endorsed and adopted."

#### **A6. Urgent Business Procedure – Cancellation of the Fireworks Display**

The Committee considered a report submitted by the Democratic Services Officer on the use of the Council's Urgent Business Procedure under Standing Order 125.

The Regeneration and Community Committee had resolved at the September 2020 meeting to the use of an Urgent Business Procedure to cancel the 2020 Fireworks Display if the outstanding issues had not been resolved by a certain date. The Leader of the Council and the Chair of the Regeneration and Community Committee had been presented with a report outlining the outstanding external issues in relation to the event, and subsequently agreed to sign the Procedure in line with the Committee resolution.

Resolved, "That particulars of the report be noted on the minutes and the use of the Urgent Business Procedure, in line with Standing Order 125, to cancel the 2020 Fireworks Display due to unresolved external issues, be noted and endorsed accordingly."

#### **A7. Items for Future Report**

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

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

#### **A8. Date and Time of Next Meeting**

The next scheduled meeting was due to take place on Tuesday, 17<sup>th</sup> November, 2020 starting at 10am. Whilst Members accepted that the change to the time was due to the Constitutional changes as approved by the Council, there was some concern that the meetings going forward could be iniquorate due to Member availability at the earlier start time.

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

#### ***PART B –***

##### ***Matters requiring Executive Committee approval***

There were no items requiring Executive Committee approval.

#### ***PART C –***

##### ***Matters requiring Council approval***

There were no items requiring Council approval.

The meeting ended at 12.02pm.

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

# ENVIRONMENTAL SERVICES COMMITTEE

ENVIRONMENTAL SERVICES COMMITTEE – Minutes of Meeting held on Monday, 19<sup>th</sup> October, 2020.

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

In Attendance: Director of Environment and Regeneration (Mrs D. Eynon), Assistant Chief Officer (Environment) (Mr A. Donnelly), Assistant Chief Officer (Regeneration) (Mr C. Pycroft), Assistant Chief Officer (Income) (Mrs C. Pulman) (Items A1 to A8 and A12), Senior Engineering and Waste Services Manager (Mr A. Crook) (Items A5 and A6), Dilapidation Enforcement Officer (Mr S. Salter) (Items A9 to A11), Assistant Town Clerk (Mr P.E. Cowin), Assistant Democratic Services Officer (Miss C. Cullen).

## REPORT

### *PART A –*

#### *Matters delegated to the Committee*

##### **A1. Apologies**

No apologies for absence were received.

##### **A2. Declarations of Interest**

Under the provisions of the Local Government Act 1985 the Director of Environment and Regeneration declared an interest in item A9 and retired whilst it was considered.

##### **A3. Minutes – 14<sup>th</sup> September, 2020**

The minutes of the meeting held on Monday, 14<sup>th</sup> September, 2020 were approved and signed.

##### **A4. Matters Arising**

No matters were raised as arising from the previous minutes.

##### **A5. Environmental Campaigns – Access to Keep Britain Tidy Campaign Material and Support**

The Senior Engineering and Waste Services Manager joined the meeting for discussion of the following two items.

The Committee considered a report submitted by the Senior Engineering and Waste Services Manager on the proposal to enter into a twelve month agreement with Keep Britain Tidy providing access to campaign material and support services.

Members were reminded that historically, the Council as Members of Keep Britain Tidy, had adopted and tailored campaigns to the Island as the Council's membership enabled access to campaign literature, methodology and facilitated comparison with United Kingdom performers. As part of the 2020/21 budget setting process, the annual Keep Britain Tidy membership subscription was not accepted by the Executive Committee, providing an annual saving of £5,000.

If the Council intended to use Keep Britain Tidy's campaign material a basic level membership in the sum of £1,200 would give the Council access to a choice of artwork available for social media, billboards, posters and vehicle livery.

Members recognised that although Keep Britain Tidy campaign material is market tested, any items requiring funding approval needed to be carefully scrutinised in light of the financial impact of the Covid-19 pandemic on the 2021/22 budget. The Committee requested that officers review the promotional material already in stock from previous campaigns and explore the option of running a school competition for the design of a poster campaign. It was agreed that the Senior Engineering and Waste Services Manager provide a brief to the schools to include; litter, dog fouling, chewing gums and cigarette butts.

Resolved, "That particulars of the report and discussion be noted on the minutes and that the item be deferred until the November, 2020 Committee meeting to allow officers time to review previous campaign material already in stock and investigate the opportunity of running a school poster design campaign."

#### **A6. Alternative Receptacles for Recycling**

The Committee considered a report submitted by the Senior Engineering and Waste Services Manager setting out the market options for recycling receptacles.

Members were reminded that when kerbside was initially rolled out all households were provided with two boxes; a green box with net cover for glass, cans and plastic bottles and a blue box for newspapers, magazines, pamphlets and grey and white card, noting that when recycling in flats was brought on stream residents had been provided with recycling bags on the basis that they would have little or no external capacity for boxes.

Members were advised that, as a non-essential service, the kerbside service was suspended during the lockdown period, during this time, a review was carried out on the best methods for collecting and sorting recyclables to ensure resilience against future pandemics. It was noted that some of the measures employed were retained, notably that glass was being kept separate from cans and plastic so as to avoid handling contaminated materials. Members were advised that this was a departure from the original method as it required the use of third receptacle. Members noted that post Covid-19, the following box/bag arrangement is in place;

- Green box – mixed plastic and cans
- Blue Box – Glass
- Bag or box – paper, white and grey card

The Senior Engineering and Waste Services Manager advised that the current arrangement, as set out above, is consistent with the Waste and Industry Safety and Health guidance.

Members were advised that cardboard collection was due to be added to kerbside from mid-November 2020 and noted that householders will be given the option of an additional box or recycling bag. As the Council gave householders the option to acquire a third receptacle during lockdown many households are now in a position to add cardboard with little disruption.

In response to question, the Senior Engineering and Waste Services Manager advised that there are approximately 1000 recycling bags and 1000 recycling boxes in stock and that there is budget provision to replenish this stock annually.

Detailed within the report were options for the Committee to consider for a stacked trolley system, similar to that being used by Braddan Commissioners. Members reviewed the options and considered that the Council was not currently in a position to pursue this option. It was agreed that the Council continue to monitor the effectiveness of the Braddan Commissioners trial. In response to question, the Director of Environment and Regeneration advised that officers would need to liaise with the supplier to determine whether individual residents could purchase a trolley system directly from the supplier.

Members discussed the calendar issued to residents to promote the kerbside service. In response to question, the Senior Engineering and Waste Services Manager confirmed that if instances occurred where residents used the historical method for the Green box (glass mixed with plastic and cans) the crew would continue to collect the recyclables, but that the promotional material would set out the current arrangement for material separation.

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

- (i) That the kerbside service continues with the current receptacles and material separation as follows;
  - Green Box, mixed plastic and cans
  - Blue Box, glass
  - Bag or box, paper, white and grey card
- (ii) Additionally, when cardboard is introduced in mid-November following a communication campaign, householders are advised to recycle brown cardboard with paper and that additional receptacles be made available on request if required.”

The Senior Engineering and Waste Services Manager was thanked for his attendance and left the meeting.

#### **A7. Isle of Man Fire and Rescue Service Vehicles Parking in Douglas – Shaw’s Brow Car Park**

The Committee considered a report submitted by the Community and Enforcement Manager providing an appraisal of the further six month period on the use of Council car parking spaces by the Isle of Man Fire and Rescue Service.

Members were reminded of the existing arrangement of the Isle of Man Fire and Rescue Service using car parking spaces at Shaw's Brow which are reserved for Council liveried vehicles, whilst on callouts or inspections in the Town Centre. A six month review was conducted in January 2020 where no issues were reported and the Committee had approved continued use of the car parking spaces for a further six months with another review to be undertaken in July 2020, it was noted that this had been delayed due to the COVID lockdown situation.

An indication of the approximate number of visits had been requested from the Fire and Rescue Service. Due to the COVID lockdown they reported that all non-emergency inspections and call outs were cancelled and they had little reason to use the spaces because of this. As there has not been any reported issues since commencement in June 2019 and the usage has been low it is proposed that the current arrangement be extended for a further twelve months.

Resolved, "That particulars of the report and discussion be noted on the minutes and that Isle of Man Fire and Rescue Service liveried vehicles be permitted to continue parking in Council car parking spaces in Shaw's Brow for a further twelve months at which point another review of the situation be undertaken."

#### **A8. Car Park Tariffs on Thursday Evenings**

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration) on the proposal to make Shaw's Brow and the Bottleneck Car Parks free on Thursday evenings in the run up to Christmas.

The Assistant Chief Officer (Regeneration) advised that one of the many implications of the Covid-19 pandemic is that more people are now working from home leaving fewer shoppers available during the traditionally busy lunchtime period. It was noted that as the majority of office workers work until 5.30pm, there is no opportunity for them to shop after work if shops observe the same opening hours.

Members noted that some Douglas retailers are now starting to recognise that there may be merit in opening up later in the morning and staying open later into the evening. Officers consider that this is something to be encouraged as it leads to the tendency for a stronger evening economy. However, retailers are naturally concerned that it would only be worthwhile opening into the evening if there are customers around. As Manx shoppers and Manx retailers are already used to the late night shopping on Thursdays in the run up to Christmas, it is recommended that the late night Thursdays be introduced in advance of the normal Christmas period as a trial.

In response to question, the Director of Environment and Regeneration advised that the Council are awaiting a response from the Department in relation to free parking at Chester Street and Drumgold Street car parks and that if no response is received by Wednesday of this week officers intended to proceed with the promotion of the Council's initiative with the retailers.

Resolved, "That particulars of the report and discussion be noted on the minutes and that Shaw's Brow Car Park and the Bottleneck Car Park become free on Thursday evening from 5.00pm until midnight with effect from 22<sup>nd</sup> October 2020 until 24<sup>th</sup> December inclusive and that the arrangement be reviewed again in September annually seeking the same agreement."

#### **A9. Enforcement and Planning Related Matters**

The Director of Environment and Regeneration declared an interest in this item and retired whilst it was considered. The Dilapidation Enforcement Officer joined the meeting for discussion of the following three items.

The Committee considered a report submitted by the Dilapidation Enforcement Officer advising on Planning Enforcement in relation to the installation of telecommunication masts and car parks at a number of locations around the Borough.

Members were advised that the telecom mast within the grounds of the Masonic Lodge, Woodbourne Road had now been in situ for over twelve months and despite Council officers raising the matter with Planning Enforcement to request an investigation into any breaches in planning legislation, the mast remains in place. Council officers consider that a planning application should have been submitted by the applicant and that the mast is not covered by permitted development nor is it covered by the new Town and Country Planning (Telecommunications) Development Order 2019 as that mast was erected prior to this legislation.

In regard to the mast and cabinets at Hailwood Avenue, Members were reminded that planning application 16/01291/B for the erection of a single ten metre high lighting column incorporating a mobile phone antenna on top had been previously considered by the Committee and it was resolved that no objection be raised to the application. The application was subsequently approved by the Planning Authority however the work undertaken does not correspond with that for which approval had been granted. Officers consider that the mast erected does not blend in with the environment and is of a different design to the one detailed within the planning application having a negative effect on the outlook from several properties close to the installation.



During the Covid-19 lockdown period Council officers had been informed that the works at Hailwood Avenue were essential in supporting the Government's 'Stay at Home' message and that the Department of Infrastructure deemed the works as Critical National Infrastructure Work and in the public interest. Council officers had raised the residents' concerns with the Planning Department who stated that there have not been any breaches in planning legislation as the installation is covered by the Town and Country Planning (Telecommunications) Development Order 2019. It was noted that Council officers were of the view that the Planning Authority approved the installation without giving consideration to the following factors;

Schedule 4 Town and Country Planning (Telecommunications) Development Order 2019

- a) The visual and noise impact on residential amenity; and
- b) The visual impact on the character and appearance of the area

The Dilapidation Enforcement Officer went on to advise that some of the main car parks along Lord Street on both sides of the former bus station and the Middlemarch site do not have planning approval and as such are operating without permission. It was noted that the operators of the Middlemarch site are in the process of submitting a retrospective planning application.

In light of the above the Dilapidation Enforcement Officer advised that it is intended to write to both the Cabinet Office in relation to permitted development legislation and to the Planning Authority in relation to the lack of Planning Enforcement.

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

- (i) That a letter be sent to the Cabinet Office Minister raising the Council's serious concerns over the new Town and Country Planning (Telecommunications) Development Order 2019 in light of what has been permitted at Hailwood Avenue, Douglas requesting that the department undertakes a review of the Order to establish whether the Order is fit for purpose, copying in all Douglas MHK's; and
- (ii) That a letter be sent to the Tynwald Committee that had been set up to hear evidence on the effectiveness of planning enforcement to highlight the lack of action over the telecom mast at the Masonic Lodge, Woodbourne Road, copying in all Douglas MHK's."

#### A10. **Planning Application – Various**

The Committee considered a report submitted by the Dilapidation Enforcement Officer detailing two planning applications.

Members firstly considered **planning application 20/00869/B** for the erection of three dwellings and associated garages at Cliff Villas, the former site of Cliff Lodge, Switzerland Road, Douglas.

The Dilapidation Enforcement Officer advised that officers had initially raised concerns over the insufficient space for bin stores. Following the submission of amended plans, it was noted that there is now space available in the lane to the rear of the development which has been inspected and deemed appropriate by the Council's Waste Services Team.

Members went on to consider **planning application 20/00679/B** for the erection of a mixed use development with ground floor retail units and twenty residential apartments at 42-50 Duke Street, Douglas.

A Member raised concern about the width of the stairs leading from the rear entrance down to the basement, being of the view that it may be difficult to manoeuvre a bicycle down the stairs from the rear entrance of the property to the storage area in the basement which could potentially impact on the registration of the flats if the development is approved.

Concerns were also raised as to whether access from the rear lane was the most suitable way to enter the apartments taking into consideration General Policy 2 (m) regarding the need for developers to take account of personal safety and security in the design of buildings with a view to designing out crime.

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

- (i) That support be given to planning application 20/00869/B for the erection of three dwellings with associated garages at Cliff Villas, former site of Cliff Lodge, Switzerland Road, Douglas; and
- (ii) That no objection be raised to planning application 20/00679/B for the erection of a mixed use development with ground floor retail units and 20 residential apartments at 42 – 50 Duke Street, Douglas but the Council requests that the applicant gives consideration to how the proposed apartments are accessed from a rear service lane and whether the entrance meets general policy 2(m) and 2(h) of the Isle of Man Strategic plan 2016."

**A11. Schedule of Neglected, Dilapidated, Ruinous and Dangerous Properties**

The Committee considered a schedule of properties in a state of dilapidation or disrepair, setting out three properties added since the last meeting; eight properties removed because work had been completed; forty-two properties on which work had commenced; twelve properties where no work had been undertaken; and a total of fifty-four properties remaining on the list.

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

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

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

**A12. Items for Future Report**

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

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

**A13. Date and Time of Next Meeting**

Members were reminded that the next scheduled meeting of the Environmental Services Committee was due to take place at 10.00am on Monday, 16<sup>th</sup> November, 2020.

***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 1.10pm.