



Borough of Douglas

**MR COUNCILLOR JONATHAN JOUGHIN, JP
MAYOR**

Town Hall,

Douglas,

9th August, 2019

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL to be held on WEDNESDAY, the 14th day of AUGUST, 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

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

Town Clerk & Chief Executive

Order of Agenda

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

II - Any statutory business.

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

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

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

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

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

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

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

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

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

AGENDA

III – Chief Executive to read minutes of the Council Meeting held on Wednesday, 10th July, 2019.

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

EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Friday, 26th July, 2019.

Members Present: Mr Councillor D.W. Christian (Chair), Mr Councillor I.J.G. Clague, Councillor Mrs C.L. Wells, Councillor Miss D.A.M. Pitts (Vice Chair, Regeneration and Community 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), Assistant Town Clerk (Mr P.E. Cowin) (for Clauses A1 to A9), Executive Officer (Mrs J.M. Keig) (taking minutes).

REPORT

PART A –

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

A1. Apologies for Absence

Apologies for absence were submitted on behalf of the Worshipful the Mayor, Mr Councillor S.R. Pitts, and the Assistant Chief Officer (Housing and Property).

A2. Declarations of Interest

No declarations of interest were submitted.

A3. Minutes

The minutes of the Meeting held on Friday 28th June 2019 were approved and signed.

A4. Matters Arising From Previous Minutes

Clause A7 – Referrals from the Regeneration and Community Committee – Noble's Park Off-Street Parking Place Order: it was noted that a Member had received representation from residents in the vicinity of Noble's Park in relation to the introduction of a £1.00 fee for parking cars, motorcycles, and lights vans in the Paddock area. The residents had indicated that they were drawing up a petition against the proposal, as they felt that drivers would not pay the fee, and instead park in the residential areas around the Park.

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

A5. Referrals from the Environmental Services Committee

The Committee considered the following referral from the minutes of the Environmental Services Committee meeting held on Monday 15th July 2019:

Clause B11 - Dog Control Byelaws (Dogs on Douglas Beach): the Environmental Services Committee had considered a report by the Assistant Chief Officer (Regeneration) proposing a change to the Douglas Dog Control Byelaws to remove the restriction of dogs on Douglas Beach throughout the day.

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

- (ii) That the resolution of the Environmental Services Committee be not supported and therefore approval be not given for the consultation process to be commenced in respect of revoking Douglas Dog Control Byelaw 4(2), which prohibited dogs on Douglas beach between the hours of 10:00 and 17:00 between the 1st May and 30th September (inclusive) annually."

[On a vote being taken, Members voted 4 For; 1 Against. Councillor Mrs C.L. Wells requested her vote against the resolution to be noted on the minutes.]

A6. Referrals from the Regeneration & Community Committee

There were no referrals from the minutes of the Regeneration and Community Committee meeting held on Tuesday 16th July 2019.

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

A7. Referral from the Joint Meeting of the Environmental Services Committee and the Regeneration & Community Committee

The Committee considered the following referral from the minutes of the Joint Meeting of the Environmental Services Committee and the Regeneration and Community Committee held on Tuesday 16th July 2019:

Clause B4 – 2019 Christmas Lights Ceremony: the Joint Committees had considered a report by the Assistant Town Clerk setting out proposals for a reduced scheme. This had followed a previous request by the Environmental Services Committee for funding for the Ceremony, which had not been supported by the Executive Committee.

Executive Committee Members also discussed the white festoon lighting (removed from the Promenade) to be re-installed on North Quay, and that it be progressed accordingly.

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

- (ii) That approval be given for funding in the sum of £19,000 from General Revenue Reserves, comprising £3,000 for additional fireworks and £16,000 for features and infrastructure, to facilitate the 2019 Christmas Lights Ceremony on the North Quay; and

[On a vote being taken, Members voted 4 For; 1 Against]

(iii) That it be agreed that the white festoon lighting be installed on North Quay.”

A8. Consultation Document - The Town and Country Planning (Telecommunications) Development Order 2019

The Committee considered a written report by the Assistant Town Clerk in relation to a consultation document issued by the Cabinet Office.

The proposed Order provided for telecommunications equipment (within certain parameters relating to size and location) to be treated as permitted development, and not therefore requiring the submission of a planning application. The Order would make it easier for small-scale telecommunications equipment to be installed or attached to buildings, thus making it easier for areas with poor mobile reception to be connected to the wider networks of the service providers. The installation of such equipment could not, however, take place without the express permission of the land or property owner.

It was specifically noted that one of the general conditions that applied within the Order was compliance with the guidelines of the International Commission on Non-Ionizing Radiation Protection.

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

- (ii) That the proposed responses to the consultation questionnaire, as set out in the appendix to the written report, be approved and submitted to the Cabinet Office as the Council’s response to the Consultation.”

A9. Consultation Document - The Draft Town and Country Planning (Use Classes) Order 2019; and the Draft Town and Country Planning (Change of Use) (Development) Order 2019

The Committee considered a written report by the Assistant Town Clerk in relation to a consultation document issued jointly by the Cabinet Office and the Department of Environment, Food, and Agriculture.

While the two proposed Orders were separate, they were however closely linked. The Draft Town and Country Planning (Use Classes) Order 2019 was to update ‘Use Classes’ in Planning legislation. A list of eighteen separate classes was set out, together with a list of seventeen uses that were excluded from the use classes list and not therefore treated as permitted development.

The Draft Town and Country Planning (Change of Use) (Development) Order 2019 sought to allow in certain defined areas and subject to conditions listed in the Schedule, changes of use between certain classes (classed as permitted development) without the need for planning permission. The intention was to encourage full use of properties, so when they became empty they were not allowed to stand unused. The areas in Douglas to which this would apply were the Town Centre and the retail areas at Woodbourne Road and Prospect Terrace.

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

- (ii) That the proposed responses to the consultation questionnaire, as set out in the appendix to the written report, be approved and submitted as the Council’s response to the Consultation.”

A10. 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.

It was noted that the report was required to monitor progress against Service Plan actions, in order to meet the objectives set out in the Corporate Plan 2017 – 2021.

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

A11. **Policy on Balloons**

The Committee considered a written report by the Assistant Chief Officer (Regeneration) seeking support for a policy on balloons and sky lanterns in an effort to encourage environmentally responsible behaviour, particularly at events in Douglas.

While festive and colourful, balloons could be particularly damaging to the environment and posed a serious threat to wildlife. Sky lanterns could cause similar environmental hazards, including fire, and could have serious implications for animals swallowing or becoming caught in their materials.

As a Unesco Biosphere partner, the Council had an opportunity to set a good example on matters pertaining to environmental protection and, as requested by Members at the previous meeting, views had been sought from the Emergency Services and additionally from the Department of Environment, Food, and Agriculture, and the Manx National Farmers’ Union.

At the time of writing, responses had been received from the Isle of Man Fire and Rescue Service, the Isle of Man Coastguard, and the Isle of Man Constabulary, which were noted accordingly. It was also noted that the Isle of Man Government, as part of its pledge to reduce the use of single-use plastics, had taken the decision to ban the release of balloons on Government-owned land.

Council Officers had considered what steps the Council might be able to make in order to reduce the number of balloons and sky lanterns that were released, escaped, or otherwise made their way into the environment, where they could become a hazard. It was not considered proportionate to put legal measures in place, such as introducing prohibitions in the General Byelaws, and Members accordingly considered a number of proposed policies which aimed to achieve a proportionate approach.

Discussion also took place with regard to the sale of fireworks to the general public, it being suggested that fireworks should only be available for use at officially-organised events. It was therefore requested that an approach be made to the Isle of Man Government seeking a review of current legislation that allowed the sale of fireworks to individuals.

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

(ii) That in the interests of encouraging responsible environmental behaviour, the following policies in respect of balloons and sky lanterns be adopted by the Council from 1st October 2019:

- That enquirers requesting permission to launch balloons or sky lanterns be respectfully made aware of the hazard they could cause to wildlife, and requested to explore alternative activities;
- That conditions be introduced into pavement café licences, street trading licences; charitable collection licences, busking licences, gazebo hire, room hire, and entry forms (for events such as Douglas Carnival and the Noble’s Park Fun Day) prohibiting the use of balloons and sky lanterns;
- That a standard policy be introduced in event plans not to use balloons or sky lanterns; and
- That signs in the Council’s Parks and Gardens be updated, prohibiting the use or release of balloons and sky lanterns; and

(iii) That the Chief Executive write to the Isle of Man Government on behalf of the Council seeking a review of the current legislation which permitted the sale of fireworks to individuals, with a view to this practice being ceased.”

A12. **Kerbside Vehicles – New Artwork**

The Committee considered a written report by the Assistant Chief Officer (Environment) in relation to proposed artwork ‘wrap’ designs to be installed onto the new kerbside vehicle.

The Executive Committee, at its meeting on 30th November 2018, had discussed how the new kerbside vehicle could be presented to the public, to draw attention to it and assist in the promotion of the Council’s policy on kerbside collection and recycling.

The newly-purchased kerbside vehicle had now been delivered and the artwork ‘wrapping’ was available to be installed, once the design had been approved by Committee and the vehicle had had its statutory post-delivery inspections carried out.

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

- (ii) That the artwork ‘wrap’ design as illustrated in Artwork Design No.1 (as appended to the written report) be approved for installation onto new kerbside vehicles, but with the following change -
- That the cab wrap design should feature the Council Crest (as opposed to the ‘Love Where You Live’ logo);
- (iii) That approval be given for the artwork ‘wrap’ design (as amended above) to be installed on one new kerbside vehicle;
- (iv) That approval also be given for the amended artwork to be installed on the two existing kerbside vehicles to give conformity of appearance; and
- (v) That approval be given for the total cost of the project, this being £4,425, to be underwritten from General Revenue Reserves.”

A13. The Area Plan for the East – Public Inquiry

The Committee considered a written report by the Director of Environment and Regeneration setting out an update on the latest developments with regard to The Area Plan for the East.

Members were reminded that the Isle of Man Strategic Plan had come into effect on 1st April 2016 and set out the general policies for the development of and use of land across the Island. Beneath the Strategic Plan was to be a series of more detailed, site specific proposals and The Area Plan for the East was one such plan, which would replace the existing local plans for the East, including the Douglas Local Plan 1998.

Members noted the history so far:-

2016:

16th September - the Environmental Services Committee had agreed the Council’s submission in response to the Call for Sites.

2017:

12th May - the Executive Committee (at a special meeting) had agreed the Council’s submission in response to a report produced by the Cabinet Office entitled ‘Area Plan for the East – Preliminary Publicity’.

2018:

2nd March - the Executive Committee had agreed the Council’s response following the Cabinet Office identifying additional sites.

27th July - the Executive Committee had agreed the Council’s response to the Cabinet Office’s launch of the Draft Area Plan for the East Consultation.

September: a workshop had been held, attended by the Chair of the Environmental Services Committee and supported by officers.

November: the Executive Committee had agreed a number of development briefs for some key strategic development sites in Douglas.

2019:

March: the Council had appointed a Planning Consultant to assist the Council to prepare for the Public Inquiry (the Public Inquiry having been delayed to June 2019, and, most recently, to September 2019).

It was noted that consultation responses to the Draft Plan had been made public in December 2018. Having considered all 320 responses, officers had been of the opinion that thirty were worthy of investigation with a view to objecting to the views raised. Those views were predominately from large developers, who were objecting to the draft Area Plan (with which the Council agreed), and who wished land outside of Douglas to be zoned for retail and employment. It was recalled that the Council’s original submission had been very clear that it would wish to see the vitality and vibrancy of Douglas Town Centre protected, and the thirty submissions had subsequently been forwarded to the Planning Consultant for his view and the preparation of technical evidence to support the Council’s case.

The Director of Environment and Regeneration advised that, together with the Assistant Chief Officer (Regeneration) and the Planning Consultant, she had attended a pre-Inquiry meeting on 18th July 2019 at which the procedural arrangements for the Public Inquiry had been set out. Members accordingly noted the timetable for the Public Inquiry, which was due to commence on 9th September 2019 and was anticipated to last three to four weeks.

Members were informed that it had recently become apparent that the Cabinet Office had uploaded new documentation to The Area Plan for the East website, which included responses to the consultation submissions; changes to The Draft Area Plan for the East; and updated data sheets and maps. Officers

had not received any notification that these documents had been produced, and would need to review them against the Council's previously agreed stance.

Notwithstanding this additional review work, the timetable was extremely tight, with much work needing to be done in order to prepare the Council's final submission. It was therefore recommended that officers be delegated to prepare and submit the final submission in close consultation with the Leader of the Council and the Chief Executive. Members acknowledged the vast amount of work that had already been undertaken by officers to reach this stage, and the significant work that was still required to produce a quality submission for the Council and to achieve the timetable. It was therefore agreed that additional resources should be made available if required.

Members were also advised that one of the responses to the Draft Area Plan for the East consultation had suggested that Douglas Head be made a Conservation Area. While the Council had not made any comment on this proposal, it was the view of officers that it should not be considered as part of The Area Plan for the East, which was primarily about land zoning and allocation.

The Director of Environment and Regeneration reported that, in reviewing the newly-uploaded documents, one new objection had been identified for inclusion in the Council's submission. This was in respect of the boundary for the Town Centre, which the draft Area Plan had proposed be extended to South Quay in the south and to the Quarterbridge Roundabout in the west. This was considered to be too wide for the boundary of the Town Centre.

Finally, it was recalled that one of the comments previously made by the Council was the inclusion within The Area Plan for the East (under Environmental Statements) that the discharge of whey into Douglas Bay should be ceased. Since the time of the Council's submission, evidence had been provided that the whey was not adversely affecting bathing water quality and that the Manx Utilities Authority had been undertaking further sampling during the summer of 2019.

Resolved, "(i) That particulars of the report and the update in respect of The Area Plan for the East be noted on the minutes;

- (ii) That officers be authorised to prepare the next phase of the Council's submission, in consultation with the Leader of the Council and the Chief Executive;
- (iii) That the Leader of the Council and the Chief Executive also be authorised to approved additional resources in order to achieve the timetable, if these were required;
- (iv) That it be agreed that the submission regarding Conservation status for Douglas Head be dealt with outside of The Area Plan for the East;
- (v) That approval be given for an additional objection to be included in the Council's submission relating to the extent of the boundary for the Town Centre; and
- (vi) That the Council's previous comments regarding whey be not withdrawn, but that they remain in the Council's submission as a statement."

A14. Climate Change Strategy

The Committee considered a written report by the Director of Environment & Regeneration (on behalf of the Chief Officers' Management Team) in relation to a Member request made at the Executive Committee meeting on 24th May 2019 that the Council should consider the wider energy efficiency agenda.

There had been much debate on the topic of energy reduction and Climate Change Action in Tynwald recently, and the Isle of Man Government had recently commissioned Professor James Curran as the independent chair for the Climate Emergency Consultative Transformation Team, which had been tasked with delivering a Climate Change Action Plan for the Island by January 2020.

The Association of Public Sector Excellence (APSE) had also recently circulated a Briefing on Climate Change Emergency declarations and action plans. This highlighted that at least seventy UK councils had declared Climate Change emergencies and introduced action plans, all of which aspired to have energy usage reduction and less reliance on harmful green gas-emitting practices at their core.

It was noted, at a recent meeting of the Isle of Man Municipal Association at which the Honourable Minister for the Department of Infrastructure had been present during discussion about climate change, that there seemed little expectation for local authorities on the Island to be taking a more proactive stance at this stage. It was agreed, however, that members of the public would look to Douglas Borough Council to lead as a respected public body.

The Director of Finance had recently attended a CIPFA (Chartered Institute of Public Finance and Accountancy) conference, at which the clear message had been that public sector bodies needed to take a much more proactive stance in relation to carbon reduction, and to support the combat against climate change.

In order to determine where activities could be altered to reduce energy consumption / its carbon footprint, the Council would first need to understand the current energy cost and carbon footprint of undertaking its day-to-day activities. Once collated, this data would enable the Council to set targets to either reduce its energy use and / or eliminate its carbon burden, however, given the Island's location and reliance on both imports and exports, consideration would have to be given to whether carbon neutrality was an achievable and realistic aim.

The Council did not currently have any data on its carbon footprint, nor did it have the in-house expertise to perform the necessary calculations, although there were agencies that would be able to undertake this activity for the Council and to assist in drawing up its own Climate Change Action Plan. The plan would need to include the likely costs of actions as, while changing the Council's mode of operation may help it to reduce its energy / carbon impact, it may also make services more costly to deliver. The Director of Environment and Regeneration had already made a tentative approach to the Carbon Trust, with a view to one of its carbon specialists being employed to calculate the Council's carbon impact in delivering its day-to-day services, the approximate cost of which was noted accordingly.

Members were verbally advised that the Chief Minister of the Isle of Man Government had proposed the planting of 83,000 trees – one for every Island resident – to create a new plantation in the centre of the Island in order to combat climate change. It was agreed that an approach should be made to Government, requesting that 28,000 of the trees – one for every Douglas resident - be made available to the Council for planting in the Borough, including at Douglas Golf Course.

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

(ii) That it be agreed -

- That the Council should keep a watching brief on the work being undertaken by Professor James Curran and the Climate Emergency Consultative Transformation Team for the Isle of Man Government on its Climate Change Action Plan;
- That the Council could align itself to the Isle of Man's Climate Change Action Plan once it was published;
- That the Council should consider what other measures it should implement to reduce its own carbon / energy burden, and that a budget of £15,000 be made available from General Revenue Reserves to employ carbon specialists to calculate and produce the Council's carbon impact in delivering its day-to-day services;
- That the Council's response to the Climate Change Agenda be included within the next Corporate Plan; and
- That following the Government's pledge to plant a tree for every Isle of Man resident, an approach be made to them requesting that 28,000 of the 85,000 trees for the whole Island be made available to the Council for planting in the Borough, to equate with the number of residents in Douglas.”

A15. 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.”

A16. 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

No matters subject to Council approval were considered.

The Committee rose at 4.10pm.

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

HOUSING COMMITTEE

HOUSING COMMITTEE – Minutes of Meeting held on Wednesday, 17th July, 2019.

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

In Attendance: Director of Finance (Mr A. Boyd), Assistant Chief Officer (Housing and Property) (Mr G. Atkin), Housing Manager (Mr V. Zivave), Assistant Town Clerk (Mr P. Cowin), Assistant Democratic Services Officer (Miss C. Cullen).

REPORT

PART A –

Matters decided by the Committee

A1. Apologies for Absence

Apologies for absence were submitted on behalf of Mr Councillor C.L.H. Cain.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 19th June, 2019

The minutes of the meeting held on Wednesday, 19th June, 2019, were approved and signed.

A4. Matters arising

No matters 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.

Members noted that as at the end of June 2019 there were seventeen vacant properties awaiting attention.

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

A6. Housing Policies and Processes 2019

At the request of the Chair, the Committee considered a report submitted by the Assistant Chief Officer (Housing and Property) to provide Members with the revised housing policies and processes from the Department of Infrastructure (Department).

It was noted that the Department had recently revised its policies, guidance notes and procedures in relation to allocations, evictions and standards of performance which the Council, as a social housing provider are obliged to adopt as best practice.

Appended to the officer’s report were the revised policies and procedures as issued by the Department. The Chair requested that officers prepare a Briefing Note on the matter as she felt it prudent for all Members to be made aware of the revised documents.

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

- (i) That the revised policies and processes as listed below which are now required to be adopted by the Council in line with the Department of Infrastructure’s public Sector Housing policy be noted;
 - 1) Allocation Policy and guidance notes;
 - 2) Eviction operational practice and procedures;
 - 3) Standards of performance guidelines; and
- (ii) That a Briefing Note be prepared and circulated to all Members advising them on how to access the aforementioned documents.”

A7. Bathroom Framework Project

The Committee considered a further report submitted by the Assistant Chief Officer (Housing and Property) on the Bathroom Framework Capital Scheme which was approved in principle at the Committee meeting held on 15th May, 2019.

At the request of the Committee, officers sought a cost comparison for the installation of the Positive Input Ventilation (PIV) Units as a separate contract to the Framework agreement. The Committee noted that it would cost approximately 10-15% more to install the PIV Units under their own separate Framework. It is therefore proposed to include the PIV Units as part of the Bathroom Framework Capital Scheme, the installation of which will be accelerated in the call off contracts.

The report set out the details of works to be included for each bathroom, noting that it will take approximately five days to complete the work in each property.

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

- (i) The Business Case as shown at appendix one of the report for the Bathroom Framework Capital Project to replace all existing bathrooms within the Council's housing stock with new modern suites and fixtures be approved; and
- (ii) The inclusion of the installation of Positive Input Ventilation Units be noted."

A8. Replacement Window Glazing Framework Project

The Committee considered a report submitted by the Assistant Housing Manager (Maintenance) on the proposed Replacement Window Glazing Framework project.

Replacement glazing in many properties had been originally carried out over a number of capital projects between 1991 and 2011, given that Douglas has some of the oldest housing stock on the Island some of the window glazing units have surpassed their lifespan and are beginning to deteriorate.

It was noted that inspections carried out on multiple properties across all of the estates had identified defective window glazing in a number of properties with approximately 49 out of 116 properties surveyed (42%) having defective glazing seals.

It is proposed to complete a pilot scheme on approximately 45 properties over a six month period by allocating £30,000 from the Housing Minor Work Capital Fund, with the intention to replace the defective window glazing units on the wider Council housing stock through procurement of a ten year framework scheme.

Having considered the detail of the report the Committee raised some concern on the adequacy of the whole window unit and as such requested that officers prepare a cost comparison to replace the whole window unit as opposed to just the glazing.

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

- (i) The business case, to progress the Replacement Window Glazing Framework project not be accepted at this time; and
- (ii) Officers prepare a report to provide a cost comparison of replacing the whole window unit as opposed to just the window glazing."

A9. Items for Future Consideration

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

As requested by Members, it was noted that information regarding the number of repossessions would be included in the monthly housing request refusals report.

It was noted that the Window Glazing cost comparison report would be added to the schedule.

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

A10. Date and Time of Next Meeting

Members were reminded that the next scheduled meeting was due to take place at 10.30am on Wednesday, 18th September, 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

C11. Willaston External Refurbishment Phase 10

The Committee considered a report submitted by the Assistant Housing Manager (Capital) to progress phase 10 of the Willaston External Refurbishment Scheme.

Members were reminded that NK Construction Limited had submitted the lowest tendered framework rates, which was previously approved by the Committee as the sole framework contractor for the External Refurbishment Scheme until completion of the first five years of the ten year strategy.

The Committee noted that Phase 10 is the final phase of the first five-year framework and that a new five-year framework will be established to complete phases 11 to 19 to complete the external refurbishments on the Willaston estate.

The construction price for phase 10 has been negotiated with NK Construction Limited which is in accordance with the previously approved tendered framework rates and is recommended for acceptance. Appended to the officer's report was the capital cost petition build up together with details of the refurbishments elements of the project for phase 10 which is scheduled to commence on site during September 2019.

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

- (i) The negotiated price for phase 10 as submitted by NK Construction Limited which is in accordance with the previously approved tendered framework rates be accepted;
- (ii) That the Chief Executive be authorised to petition the Department of Infrastructure for borrowing powers in the amount of £1,738,073.01, being the sum required to defray the cost of these works; and
- (iii) That the Department of Infrastructure be advised that an assessment of the Council's Housing Reserve Fund has been undertaken to establish if sufficient monies are available to fund the proposed scheme via that source."

C12. Upper Pulrose Roofs and Retaining Walls

The Committee considered a report submitted by the Assistant Housing Manager (Maintenance) to progress the Upper Pulrose Roofs and Retaining Walls capital housing project.

Appended to the officer's report was the business case to carry out remedial works to the retaining walls within Upper Pulrose and proactive replacement work to roofing structures on the outer ring of properties. This project will be an ideal opportunity to address any condensation issues that may exist by checking and relaying fiberglass insulation to the roof void of each property.

Funding for the project has been included in the Council's current capital programme to progress the project through to stage I3 (tender). The current project budget is £1,011,710 which includes professional fees of £85,362 and the aim is to commence on site in October 2020.

In response to question, the Assistant Chief Officer (Housing and Property) advised the project is for 76 dwellings.

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

- (i) That the business case as shows at appendix one for the Upper Pulrose Roofs and Retaining Walls Capital Project including the appointment of those consultants necessary to carry out the required design work be approved;
- (ii) That the Chief Executive be authorised to petition the Department of Infrastructure for borrowing powers in the amount of £55,485, being the sum required to defray the cost of the consultant's professional fee to design stage I3; and
- (iii) That the Department of Infrastructure be advised that an assessment of the Council's Housing Reserve Fund has been undertaken to establish if sufficient monies are available to fund the proposed scheme via that source."

The meeting ended at 12 noon.

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, 16th July, 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 Town Clerk (Mr P. Cowin), Assistant Chief Officer (Finance) (Mr E.P. Pierce), Assistant Chief Officer (Regeneration) (Mr C. Pycroft), Head of Parks (Mr D. Hewes).

REPORT

PART A –

Matters delegated to the Committee

A1. Apologies

There were no apologies for absence.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 18th June, 2019

The minutes of the meeting held on Tuesday, 18th June, 2019, were approved and signed, noting that they had been amended at Clause B11 to reflect that the cladding at Finch Hill Tennis Pavilion had not been budgeted for.

A4. Matters Arising from the Minutes

Clause A4 – Matters Arising, TT and Festival of Motorcycling Site Access – The Director of Environment & Regeneration confirmed that the Department for Enterprise was currently consulting over reversing the traffic flow at Noble’s Park during the forthcoming Festival of Motorcycling.

Clause A4 – Matters Arising, Cemetery Cottage – The Director of Environment & Regeneration confirmed that legal questions were being considered in relation to potential disposal.

Clause B10 – Noble’s Park Off-Street Parking Order – The Assistant Chief Officer (Regeneration) advised that consultation was ongoing and that he had advised the Chief Constable of the proposed restrictions.

A5. Noble’s Park BMX Track

The Head of Parks had circulated a report setting out further information in relation to the proposed 5-year user agreement with BMX Isle of Man for use of the BMX Track at Noble’s Park, including the Constitution of the organisation and the names of the individuals taking responsibility.

The proposal was for the Club to take over part of the maintenance in the expectation that it would generate more use for events. The Club would also seek Lottery Trust funding for £13,000 for the installation of a starting gate but if that were not successful the Council would be asked to consider inclusion in the 2020/2021 budget.

The Council would contribute materials from within the Noble’s Park budget, estimated at £7,700, for track improvements and repairs.

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

- (i) A 5-year user agreement be entered into with BMX Isle of Man for the use and maintenance of the Noble’s Park BMX track and surrounds;
- (ii) Subject to the agreement being signed by the Club, the funding of materials from the Parks Services revenue budget for improvement of the track, be approved;
- (iii) The Club be supported in its application for Lottery Trust funding to install a starting gate;
- (iv) If the application for grant funding is not successful, consideration be given during the 2020/21 budget process to inclusion of funding; and

(v) As a condition of the agreement the sale of any refreshments or food be not permitted.”

A6. Queen’s Promenade Motorcycling Parking

The Committee considered a retrospective request from the Department of Infrastructure for the use of the grass plots at Queen’s Promenade for parking of motorcycles during the T.T. and Festival of Motorcycling. The Department had laid protective surfacing and it had been used during the 2019 T.T. without ill effect or any complaints.

The request was to leave it in place until after the 2019 Festival of Motorcycling. The Department was to be responsible for maintaining the area during this use. The Department would also manage the area.

The Committee noted that the initiative had been effective in reducing congestion from the Promenade Regeneration Scheme during the T.T. period and that similar requests were likely to be received for every Festival until the Regeneration scheme was complete.

Resolved, “That permission be granted for the use of the grass plots on Queen’s Promenade for motorcycle parking during the T.T. and Festival of Motorcycling until 31st October, 2020, subject to the Department of Infrastructure being responsible for maintenance and management, and to the reinstatement of the area afterwards and until such reinstatement is properly re-established.”

A7. Fancy Street Car Park

The Committee considered a report by the Democratic Services Officer on a request by the occupier of the Fancy Street Car Park for a reduction in rental on the grounds that they cannot rely on use of the spaces due to unauthorised parking.

The Assistant Chief Officer (Regeneration) advised that this car park had been included in a previous Off-Street Parking Places Order so that enforcement action could be taken. However it had been removed from the current Order because of issues over publication of the rental figure, to which the tenant had not given consent.

While that consent had now been forthcoming so the area could be included in future, that would require either amendment of the current Order which would be unduly costly and take several months, or waiting until a new Order is made. An amendment Order was due to be drafted to take effect on 1st April, 2020 which could cover the issue.

Resolved, “That the report be noted and that no rent reduction be granted but that the Assistant Chief Officer (Regeneration) take the earliest opportunity to formalise the inclusion of the area in the Off-Street Parking Places Order, and that in the meantime the tenant be advised that there is no objection to the installation of bollards and signage at their expense.”

A8. Items for Future Report

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

The Director of Environment & Regeneration advised that the proposed report on the Raad ny Foillan marker at Queen’s Promenade could now be deleted as the proposal was not going ahead.

The Assistant Town Clerk was asked to report to the next meeting on correspondence with Douglas Town Band in relation to its fees.

The Head of Parks advised that a further report would be prepared on the Pulrose Changing Rooms, as the Club had put forward proposals to carry out repairs.

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

A9. Date and Time of Next Meeting

Members were reminded that the next scheduled meeting was due to take place at 10.30am on Tuesday, 17th September, 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 11.40am.

**REGENERATION AND COMMUNITY COMMITTEE /
ENVIRONMENTAL SERVICES COMMITTEE**

REGENERATION AND COMMUNITY COMMITTEE / ENVIRONMENTAL SERVICES COMMITTEE – Minutes of Special Joint Meeting held on Tuesday, 16th July, 2019.

Members Present: Mr Councillor R.H. McNicholl (Chair of Environmental Services Committee), Mr Councillor A.J. Bentley, Mr Councillor F. Horning, Councillor Ms J. Thommeny. Mr Councillor S.R. Pitts (Chair of Regeneration and Community Committee), Councillor Mrs H. Callow, Councillor Mrs R. Chatel, Councillor Miss D.A.M. Pitts, Councillor Ms K. Angela. The Mayor.

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), Assistant Town Clerk (Mr P. Cowin), Assistant Democratic Services Officer (Miss C. Cullen).

REPORT

PART A –

Matters considered under delegated authority

A1. Chair of Meeting

Mr Councillor S.R. Pitts was unanimously elected to chair the meeting.

A2. Apologies for absence

Apologies for absence were submitted on behalf of Councillor Miss N.A. Byron.

A3. Declarations of Interest

There were no declarations of interest.

PART B –

Matters requiring Executive Committee approval

B4. 2019 Christmas Lights Ceremony

Members considered a report by the Assistant Town Clerk on the proposed Christmas Lights Ceremony to be held on 21st November, 2019, following consideration by the Executive Committee of a request from the Environmental Services Committee for Reserves funding in the sum of £52,650 for infrastructure work and features to enhance North Quay for the purpose. That request had not been approved but referred back to the Environmental Services Committee for a reduced scheme to be considered.

The Assistant Town Clerk pointed out the two separate elements of the issue, which were the decorative lighting under the control of the Environmental Services Committee, and the Christmas Lights event itself, which was under the remit of the Regeneration & Community Committee. It was accepted that the two elements were interdependent.

It was agreed that some infrastructure work and features were desirable, particularly in Lower Ridgeway Street, but not the number or the level originally proposed. It was further agreed that the impact of the shortage of Christmas Lighting features in the North Quay area could be reduced by enhancing the Christmas Lights Ceremony with additional fireworks. Staging, stage lighting and big screens would cost the same as in previous years.

The report advised that a laser display had been considered and discounted on the grounds of cost and uncertainty over effectiveness. The report suggested a choreographed searchlights display, but it was agreed not to proceed with that option.

The costs of staging and fireworks for the Christmas lights event in 2018 were noted. It was agreed that the fireworks should be enhanced by an extra £3,000, and that £16,000 should be sought for additional features (to be reuseable wherever possible) and infrastructure work to extend the decorative lighting into the lower part of Ridgeway Street and North Quay.

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

- (i) The Executive Committee be asked to approve funding in the sum of £19,000 from General Revenue Reserves, comprising £3,000 for additional fireworks and £16,000 for features and infrastructure, to facilitate the 2019 Christmas Lights Ceremony;
- (ii) That following consideration by the Executive Committee, details of the works to be undertaken and features to be purchased be circulated by Briefing Note to Members of the Committees.”

PART C –

Matters requiring Council approval

There were no matters requiring Council approval.

The meeting ended at 10.45am.

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

ENVIRONMENTAL SERVICES COMMITTEE

ENVIRONMENTAL SERVICES COMMITTEE – Minutes of Meeting held on Monday, 15th July, 2019.

Members Present: Mr Councillor R.H. McNicholl (Chair), 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 (Regeneration) (Mr C. Pycroft), Assistant Chief Officer (Environment) (Mr A. Donnelly), Accountancy Manager (Mr M. Quayle) (Items A1 to A6 and A9 to B11), Dilapidation Enforcement Officer (Mr S. Salter) (Items A7 and A8), Assistant Town Clerk (Mr P. Cowin), Assistant Democratic Services Officer (Miss C. Cullen).

REPORT

PART A –

Matters delegated to the Committee

A1. Apologies

Apologies for absence were submitted on behalf of the Worshipful the Mayor and Councillor Miss N.A. Byron.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 17th June, 2019

The minutes of the meeting held on Monday, 17th June, 2019 were approved and signed, noting the amendment of Clause A18 by the Council on 10th June, 2019.

A4. Matters Arising from the Minutes

Clause A6 - Matters Arising, Independent Lighting Review – The Director of Environment and Regeneration advised that the Electrical Services Department have reviewed the LED lighting and have raised no issues in respect of the lighting levels based upon light level readings taken at the time of installation. Given concerns raised by both Members and members of the public officers intend to seek an Independent review. It was noted that a report would be prepared setting out options for the review.

A5. Waste and Recycling Storage in Properties

The Committee considered a written report submitted by the Assistant Chief Officer (Regeneration) in response to a written question submitted to Council on 13th March, 2019 in relation to the use of Planning, Building Regulations and Flat Registration to ensure that the design process allows for full recycling facilities to be available in all new flat developments.

Detailed within the officer's report was information advising on how the Council's response to planning applications, its function as a Building Control Authority and its role in relation to the Flats Regulations have the potential to influence the design process to encourage recycling in developments. Whilst the question put to Council related specifically to new flat developments officers considered waste storage and collection more widely.

The report advised that officers are currently in the early stages of preparing guidelines to architects and developers on the storage of waste and recycling in buildings, to include guidance aimed at increasing the provision of facilities for storing recycling. In producing this guidance it will be important to explain which parts of the guidance are mandatory through the Building Regulations and which are simply guidelines or good practice that the Council may wish to see but would not be able to enforce or insist upon. Because some of the requirements only apply to certain types of properties such as flats, Houses in Multiple Occupation (HMOs) or affordable housing, the Council's ability to influence recycling rates may differ for different types of properties.

The report recommended that the Council's response to planning applications might include commentary on the suitability of bin storage but that the Council does not routinely object to or appeal applications on the grounds of inadequate provision because there is currently insufficient planning policy to support such objections. A Member disagreed and suggested that the Isle of Man Strategic Plan included sufficient guidance to suggest that the Council can decide what sufficient storage is.

The recommendation “that the Council does not routinely object to or appeal planning applications on the sole grounds of inadequate refuse storage or recycling facilities because there is currently insufficient detail in planning policy to support such objections should they be challenged” was not approved, 1 Member voting in favour and three against, Councillors Mr R.H. McNicholl, Mr A.J. Bentley and Mr F. Horning requested that their names be recorded as voting against.

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

- (i) Planning applications continue to be reviewed by officers in relation to bin storage and that in circumstances where applications are clearly inadequate in respect of Building Regulation, the Building Control Manager advises the Planning Department in order to assist applicants to improve their proposals prior to submission of a Building Regulations application;
- (ii) The Council uses its function as the Building Control Authority for Douglas as a means of ensuring that the design process allows for adequate refuse and recycling storage and collection points in developments; and
- (iii) Officers continue to draft guidelines for architects and developers that include both enforceable requirements and good practice guidelines, particularly in relation to recycling and that once complete the guidelines be presented to the Committee for approval.”

A6. Review of Beach Groyne Installation

The Committee reconsidered a report submitted by the Senior Engineering and Waste Services Manager setting out recommendations for a longer term strategy for the Beach Groynes. Consideration of the item had been deferred at the June 2019 Committee meeting to allow time for Captain Carter to make a written submission, this was appended to the officer’s report together with details of the chronology of contractual arrangements of the Beach Management Contract.

The Chair raised concern that it may be costly to reinstate the groynes should removal have an adverse impact on the beach composition and suggested that as there are no groynes currently in working order, an assessment on their effectiveness could not be ascertained.

The Director of Environment and Regeneration advised that if the Committee were minded to not accept the phased removal of the groynes Members may wish to seek professional advice from a specialist consultant for a review on the need for groynes. In response to question, the Director of Environment and Regeneration advised that only tentative enquires had been made to date but that an approximate cost for this review was £7,500.

Members discussed the potential impact phased removal of the groynes may have on the sea wall, in particular, raising concern as to whether this potentially could expose the toe of the sea wall.

A Member opined that whilst they accepted evidence suggests that the groynes, in their current formation, have a neutral impact on the beach topography the level of expertise required to make a determination on the groynes was outside of their knowledge. Members noted that to date, no specific review had been sought specifically in relation to groynes.

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

- (i) The phased removal of the groynes over time not be accepted;
- (ii) Professional advice from a specialist consultant be sought on a review of the need for groynes; and
- (iii) If the groynes are required, the consultant evaluate whether the existing groynes are suitably designed (length, shape, orientation, placement) to achieve their aim.”

A7. Planning Approval Notices for Planning Applications 19/00481/B and 19/00482/CON – 34 Woodbourne Road

The Dilapidation Enforcement Officer joined the meeting for discussion of the item and item A8.

The Committee considered a written report submitted by the Dilapidation Enforcement Officer to determine whether an appeal be lodged against the approval of planning applications 19/00481/B and 19/00482/CON for the alterations and demolition of the existing rear extension and the erection of a two storey rear extension with basement parking at 34 Woodbourne Road, Douglas.

Members were reminded that their objection to the planning application had been raised on the grounds that details in the planning proposals did not clearly identify the intended nature/use of the property.

Subsequent to the June 2019 Committee meeting, the Dilapidation Enforcement Officer had received confirmation from the Planning Officer stating that the application was being treated as an extension to a private dwelling. Members were advised that if the development progresses and the intended use becomes that of a HMO or flats a new application would be required and the property will have to meet the standard requirements for Flat and HMO registration. On this basis it is recommended that no appeal be raised.

Resolved unanimously, "That particulars of the report and discussion be noted on the minutes and that the Council does not lodge an appeal against the Planning Committee's decision to approve planning applications 19/00481/B and 19/00482/CON."

A8. 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.

A9. 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 Chair reminded Members of the joint Committee meeting with the Regeneration and Community Committee scheduled for 10.00am on Tuesday, 16th July.

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

A10. Date and Time of Next Meeting

Members were reminded that the next scheduled meeting was due to take place at 10.00am on Monday, 16th September, 2019.

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

PART B –

Matters requiring Executive Committee approval

B11. Dog Control Byelaws – Dogs on Douglas Beach

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration) in response to a Member request for a change to Douglas Dog Control Byelaws to remove the restriction of dogs on Douglas Beach throughout the day.

The report advised that Douglas Beach is currently covered by the Douglas Dog Control Byelaws 2018; 4, 5 and 7 in relation to access, being at large and removal of faeces respectively.

Byelaw 4 (2) prohibits dogs from Douglas Beach (including the foreshore, all steps, slipways or other ways leading from the Promenades) between Pollock Rocks, near Victoria Pier and a line drawn at right angles to the sea wall, through the steps leading to the foreshore, opposite Switzerland Road between the hours of 1000 and 1700 on any day between 1st May and ending 30th September inclusive in any year.

Byelaw 5 (2) covers dogs at large on the beach and makes it an offence for a dog to be at large on Douglas beach and Port Skillion beach.

Byelaw 7 (1) (c) covers the removal of dog faeces from both the Douglas beach and Port Skillion beach.

The case for retaining Byelaw 4 (2) and the prohibition of dogs from the beach during the day time in summer is likely to revolve around the potential for dogs to interfere with bathers/sunbathers as well as the increased potential for dog fouling to occur and not be cleaned up by owners.

Members noted that observations of the beach during the day in the summer suggest that it is not very well used and although the beach is used during periods of hot sunny weather the majority of use is by dog walkers during the periods outside of the restrictions. An argument for revoking the byelaw is therefore that it would allow more people to enjoy the beach for a wider range of purposes throughout the year.

Appended to the report was the Enforcement Policy setting out the powers available to the Council under the Byelaws and the practical steps the Bough Wardens would propose taking in order to effectively enforce the Byelaws. Members noted that issuing a Fixed Penalty Notice or proceeding to prosecution relies on being able to identify any offender and being able to prove the offence.

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

- (i) The Enforcement Policy, as attached at appendix one, be approved as the proposed approach for dealing with dog control issues on Douglas beach; and
- (ii) The Executive Committee be requested to commence the consultation process on revoking Douglas Dog Control Byelaw 4 (2) prohibiting dogs on Douglas beach between the hours of 1000 and 1700 between 1st May and 30th September (inclusive) annually."

3 For 1 Against

Mr Councillor R.H McNicholl requested that his name be recorded as voting against the resolution.

PART C –

Matters requiring Council approval

There were no matters requiring Council approval.

The meeting ended at 1.20pm.

X – MISCELLANEOUS BUSINESS of which notice has been given pursuant to Standing Orders:

MISCELLANEOUS BUSINESS

1. The Council to consider appointment of a Member to serve on the Pensions Committee for the remainder of the 2019/20 municipal year, in place of Mr Councillor C.L.H. Cain who has resigned from that Committee.
2. Adjournment of the Council Meeting, during which the Executive Committee will meet to appoint a Member to serve on the Housing Committee for the remainder of the 2019/20 municipal year, in place of Mr Councillor C.L.H. Cain who has resigned from that Committee.
3. On resumption of the Council Meeting, Chief Executive to report to the Council the name of the Member appointed to the Housing Committee.