



## Borough of Douglas

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**MR COUNCILLOR JONATHAN JOUGHIN, JP  
MAYOR**

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Town Hall,

Douglas,

8<sup>th</sup> November, 2019

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL to be held on WEDNESDAY, the 13th day of NOVEMBER, 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 be 'A. B. J.' or similar, written in a cursive style.

For 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, 9<sup>th</sup> October, 2019.

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

## EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Friday, 25<sup>th</sup> October, 2019.

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

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

### REPORT

#### **PART A –**

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

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

Apologies for absence were submitted on behalf of the Director of Environment and Regeneration (Mrs D. Eynon).

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

No declarations of interest were submitted.

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

The minutes of the meeting held on Friday 27<sup>th</sup> September 2019 were approved and signed.

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

Clause A4 – Matters Arising from Previous Minutes – Noble's Park Off-Street Parking Place Order: it was noted that the matter had now been considered at a joint meeting between the Environmental Services Committee and the Regeneration and Community Committee.

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

(ii) That the Member who had received representation from the residents in the area of Noble's Park be authorised to advise them of the outcome of the Joint Committee meeting once the minutes had been finalised."

##### **A5. Referrals from the Environmental Services Committee**

There were no referrals from the public minutes of the Environmental Services Committee meeting held on Monday 14<sup>th</sup> October 2019.

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

#### ***Adjournment and Resumption***

*The Committee adjourned at 3.15pm; and resumed at 3.20pm, when the same Members were present.*

##### **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 15<sup>th</sup> October 2019.

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

##### **A7. Monthly Financial Review – September 2019**

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 and non-cheque payments; and the percentage of sundry debtors collected within three months.

It was noted that the Rent and Rating Appeals Tribunal was due to meet on 12<sup>th</sup> December 2019 to hear appeals lodged by businesses and residents situated on Douglas Promenade. A number of hotels, public houses, and retail outlets had already submitted appeals.

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

#### **A8. Planning Application – Creation of a Cycling and Walking Active Travel Path at Douglas Golf Course / Pulrose Playing Fields**

The Committee considered a written report by the Dilapidation Enforcement Officer in relation to planning application 19/01062/B, for the creation of a cycling and walking active travel path on the perimeter of Douglas Golf Course and Pulrose Playing Fields.

The proposal was to create a cycle route (the 'Enterprise Way'), and this pathway, from Douglas Town Centre to Anagh Coar and the Cooil Road areas of Douglas, would form part of that route. In addition to encouraging more individuals to cycle into the Town Centre from those areas, it was hoped that cyclists would use the specially-created pathway rather than cycle across the recreational areas and the Golf Course, which had previously caused damage.

The proposal had previously been considered by the Regeneration and Community Committee, which had sought assurances that any work undertaken to create the path would not damage the root structure of trees in the area; and nor would any trees be removed to accommodate the path. It was noted that a tree survey had been carried out, which confirmed that no trees would be lopped or felled as part of the proposed works.

The Council had already given an undertaking to install a perimeter path around the Golf Course - as part of the fifteen-year plan for the Course - in order to facilitate use of the area by walkers and cyclists. It was noted that, although the site was owned by the Council, all of the works to create the proposed cycle and active travel path would be funded by the Department of Infrastructure at no cost to the Council.

Members considered the proposed precise location of the cycle route, which followed the line of the perimeter fence of the Golf Course. It was recalled that the fence had been erected by the Council to prevent unauthorised access onto the Course, and it was agreed that the cycle route would need to be outside the perimeter fence, so the fence would need to be moved by the Department of Infrastructure. Concern was expressed in relation to the proposed width of the pathway (four metres) - this was considered excessively wide for the purpose and it could encroach onto the adjacent football pitch.

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

(ii) That as a matter of urgency, officers be instructed to raise the following with the Department of Infrastructure -

- That the Council had concerns in respect of the exact positioning of the cycle route in relation to the Golf Course perimeter fence and in relation to its proposed width, which could encroach onto the adjacent football pitch;
- That, while the Council supported the planning application in principle, it was seeking its withdrawal by the Department of Infrastructure to allow for further discussion on the concerns set out above; and
- That if the Department did not withdraw the planning application or address the Council's concerns as landowner, then the Council would have no choice but to submit an objection to it."

#### **A9. Enforcement Policy – Byelaw for Feeding of Animals and Birds**

The Committee considered a written report by the Community and Enforcement Officer seeking support for a proposal to introduce an enforcement policy for dealing with the feeding of wild animals and birds under Byelaw 19 of the Douglas General Byelaws 2013.

Byelaw 19 allowed enforcement measures on the grounds of the Council being satisfied that a person was attracting the gathering of wild birds, or other wildlife or vermin, by providing food in a manner likely to cause nuisance, inconvenience, or to give reasonable grounds for annoyance to any person; and, accordingly, Fixed Penalty Notices could now be issued for this offence by the Council under the Douglas General Byelaws 2013.

The enforcement of this Byelaw was, however, restricted. The current prohibited areas were Douglas Foreshore (extending from the Bottleneck Car Park along Loch Promenade up to the area of the War Memorial, and taking in the Town Centre along Mona Terrace, Finch Road, Athol Street, Bridge Road, South Quay to Parade Street, and back to the Bottleneck Car Park), together with two further restricted areas (one along Bucks Road, stretching from Albert Street to 92 Bucks Road, and the other a separate area along the frontage of Prospect Terrace).

Alongside the enforcement policy, it was also proposed to extend the restricted area to the entire Borough. This would provide an improvement of the amenity for residents and visitors throughout the wider Borough, and improve the effectiveness of enforcement due to clarity.

Whilst it was not intended to hamper the ability of residents to provide food for garden birds (by means of bird tables and garden feeders), it would make it very clear that the offence was mass feeding, leading to nuisance caused by heavy congregations of animals. The adoption of the policy would also assist the street cleansing teams in removing the potential for areas to suffer concentrated bird droppings, which, in turn, would lead to a reduced risk of attracting vermin due to removing a potential food source.

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

- (ii) That approval be given for the introduction of the enforcement policy for dealing with the feeding of wild animals and birds under Byelaw 19 of the Douglas General Byelaws 2013; and
- (iii) That approval be given to the proposal to extend the prohibited animal and bird feeding zone to the entire Borough of Douglas in any future amendments to the Douglas General Byelaws.”

#### **A10. 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.”

#### **A11. 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 4.14pm.

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

## PENSIONS COMMITTEE

PENSIONS COMMITTEE – Minutes of Meeting held on Wednesday, 23<sup>rd</sup> October, 2019.

Members Present: Councillor Ms K. Angela (Chair), the Mayor (Items A5 onwards), Councillor Mrs C.E. Malarkey, 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), Director of Finance (Mr A. Boyd), Assistant Chief Officer (Finance) (Mr E.P. Pierce), Assistant Chief Officer (Income) (Mrs C. Pulman) (Items A1 to A5), 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 – 11th September 2019**

The minutes of the meeting held Wednesday, 11<sup>th</sup> September, 2019 were approved and signed.

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

There were no matters arising.

##### **A5. Training: Member Eligibility, Pay and Contributions, Final Pay Calculations and Employer Policy**

The Committee received a training presentation from Mr Beedall on four topics, member eligibility, pay and contributions, final pay calculations and employer policy.

Mr Beedall began by explaining the three types of eligible employees to the Scheme; local authority employees who have a statutory right to join; designated posts within joint boards and local authorities for parish districts and designated posts within admitted bodies.

Mr Beedall explained the responsibilities of the Scheme employers which include deciding the eligibility for all new employees, deducting contributions, providing new joiners with scheme information including dispute procedures and to inform Capita of relevant information relating to new members.

Members were then presented with the contribution bands based on full time salary. Mr Beedall explained that the employing authority is responsible for determining the appropriate contribution level for each employee and reviewing individual bands annually or after a contractual change to employment.

Mr Beedall explained the calculation of pensionable and final pay. Scheme member's pensionable pay includes all salary, wages, fees and any other payments paid to the member for their own use. Final pay is derived from pensionable pay earned in the last 365 days and is used to calculate a member's benefits. Mr Beedall presented an example final pay calculation.

In response to question, Mr Beedall confirmed that Capita can provide information to Scheme members, but advice would have to be obtained from independent financial advisors. If a Member wishes to raise a complaint they will be referred to the Independent Dispute Resolution Procedure.

Mr Beedall finished on the topic of employer's discretions. Scheme employers are required to prepare written statements of their policies, keep the policies under review, make any revisions due to a change in policy and publish any revisions within one month of the effective date.

Members noted that Scheme employers are authorised to award additional pension, flexible retirement and early payment of pension, however, any discretions that incur a cost to the Scheme will be calculated and recharged to the employer in advance accordingly.

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

**A6. The Isle of Man Local Government Superannuation Scheme Pension Fund Annual Report for Year Ending 31<sup>st</sup> March 2019**

The Committee considered a report submitted by the Assistant Chief Officer (Finance) to approve the Pension Fund Annual Report and to authorise the Letter of Representation to be signed by the Chair of the Committee.

Members were reminded that the Accounts and Audit Regulations 2018 require Local Authorities to have their Statement of Accounts approved and certified by the external auditor by 31<sup>st</sup> October each year. This also applies to the Pension Fund Annual Report. As in previous years, the Council's auditor has asked that a Letter of Representation be issued by the Council, alongside the Statement of Accounts, in order that audit certification can take place. The Letter of Representation was appended to the report.

In response to question, officers explained that the employer contribution is recommended by the actuary as part of the triennial valuation. The Director of Finance advised that the forthcoming valuation will be considered by the Committee at the November meeting, and a special private Council Meeting will take place on Wednesday, 11<sup>th</sup> December, 2019 at 10.30am. Officers agreed to confirm if the Independent Member could attend the meeting.

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

- (i) The Pension Fund Annual Report for the year ended 31<sup>st</sup> March 2019 be approved;
- (ii) The Letter of Representation be agreed and signed by the Chair of the Committee and presented to the Council's external auditor;
- (iii) The completion letter from Grant Thornton Limited be noted."

**A7. Discretion Policies for Administering Authorities**

The Committee considered a report submitted by Capita to review the discretionary policies for the Administering Authority. Members were reminded that under the 2012 Scheme regulations, the Administering Authority and Scheme employers are required to formulate, publish and keep under review a Statement of Policy on certain discretions.

The policies were published in 2012 and previously reviewed in 2016. In line with the regulations Members were presented with the policies for review which included suggested updates mainly consisting of grammatical changes and clarifications.

Resolved, "That particulars of the report and discussion be noted on the minutes and the discretionary policy be updated to reflect the changes highlighted within the report."

**A8. Superannuation Scheme Performance Monitoring**

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

Members had in front of them the actions from the Service Plan together with an outcome on each. A red, amber, green status had been applied to determine progress in comparison to the action.

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."

**A9. Items for Future Report**

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

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

**A10. Date and Time of Next Meeting**

Members noted that the next scheduled meeting was due to take place at 10.30am on Wednesday, 27<sup>th</sup> November, 2019.

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 12.05pm.

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

# HOUSING COMMITTEE

HOUSING COMMITTEE – Minutes of Meeting held on Wednesday, 16<sup>th</sup> October, 2019.

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

In Attendance: Assistant Chief Officer (Housing and Property) (Mr G. Atkin), 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 decided by the Committee***

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

No apologies for absence were received.

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

There were no Declarations of Interest.

##### **A3. Minutes – 18<sup>th</sup> September, 2019**

The minutes of the meeting held on Wednesday, 18<sup>th</sup> September, 2019, were approved and signed.

##### **A4. Minutes – 3<sup>rd</sup> October, 2019**

The minutes of the special meeting held on Thursday, 3<sup>rd</sup> October, 2019, were approved and signed.

##### **A5. Matters arising**

No matters were raised as arising from the Minutes.

##### **A6. 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, noting that as at the end of September 2019 there were six void properties awaiting attention.

The Housing Manager verbally updated that as of the date of the meeting there were thirteen vacant properties awaiting attention.

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

##### **A7. Items for Future Consideration**

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

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

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

Members were reminded that the next scheduled meeting was due to take place at 10.30am on Wednesday, 20<sup>th</sup> November, 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 11.30am.



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, 15<sup>th</sup> October, 2019.

Members Present: Councillor Miss D.A.M. Pitts (Vice-Chair), the Mayor, Councillor Mrs H. Callow, Councillor Ms K. Angela.

In Attendance: Director of Environment and Regeneration (Mrs D. Eynon), Assistant Town Clerk (Mr P. Cowin), Assistant Chief Officer (Income) (Mrs C. Pulman), Assistant Chief Officer (Regeneration) (Mr C. Pycroft), Assistant Chief Officer (Housing and Property) (Mr G. Atkin), Head of Parks (Mr D. Hewes), Borough Librarian, (Mrs J. Macartney) (Items A6 and A7 only), Democratic Services Officer (Mrs D. Atkinson).

## REPORT

### **PART A –**

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

##### **A1. Chair of Meeting**

In the absence of the Chair, the Vice-Chair, Councillor Miss D.A.M. Pitts, was unanimously elected to Chair the meeting.

##### **A2. Apologies**

Mr Councillor S.R. Pitts (Chair) and Councillor Mrs R. Chatel submitted their apologies for the meeting.

##### **A3. Declarations of Interest**

There were no declarations of interest.

##### **A4. Minutes – 17<sup>th</sup> September 2019**

The minutes of the meeting held on Tuesday, 17<sup>th</sup> September, 2019, were approved and signed.

##### **A5. Matters Arising**

*Events* - The Head of Parks advised that the paperwork has been received for the Hop Tu Naa event in Summerhill Glen and the event will be going ahead as reported to Committee in September 2019. Unfortunately, due to external constraints, the hire of land in Noble's Park to site a marquee for Christmas 2019 will not be progressed.

Members were advised that Manx Telecom has agreed to sponsor the Christmas Lights Ceremony event.

It was also noted that the Event Safety Advisory Group has raised concerns about restricted vehicle access during the fireworks event which could impact on the emergency services red route. Officers are working closely with the Department of Infrastructure and emergency services to address the potential issue.

Clause A4 – Matters Arising – The Vice-Chair requested an item to be added to the future report schedule on the Douglas Town Band Committee Meetings.

##### **A6. Library Performance Monitoring**

The Borough Librarian joined the meeting to discuss the following two items.

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

Appended to the report were the measures as outlined for the Library service. A red, amber, green status had been applied to each measure. The Borough Librarian updated on Library initiatives including reading bingo aimed at children, and the promotion of online resources in the community.

Resolved, "That particulars of the report and the progress against performance indicators in the Library Service Plan be noted on the minutes."

#### A7. **Library Fines**

The Committee considered a report submitted by the Assistant Chief Officer (Income) to consider the removal of fines for the HBN Library from 1<sup>st</sup> April 2020.

Members were advised that in an effort to remove barriers between HBN Library and the user, it is proposed that fines for the late return of books be removed. It is anticipated that moving to a completely fine free library will encourage more people to use the premises. Other libraries in the United Kingdom have abolished fines to be more inclusive and they have not reported an increase in books disappearing and have observed a feeling of goodwill towards the library.

The Assistant Chief Officer (Income) advised that the income received from fines is approximately £720 per annum.

During discussions, Members suggested that the post office kiosk service provided by the Library be promoted on the HBN Library website.

Resolved, "That particulars of the report and discussion be noted on the minutes and the HBN Library fines be removed as from 1<sup>st</sup> April 2020."

The Borough Librarian was thanked for her attendance and left the meeting.

#### A8. **Pollinator Plan Landscape Management Prescriptions**

The Committee considered a report submitted by the Head of Parks to seek approval for the introduction of alternative maintenance prescriptions for grass verges, grassland and annual flower beds to encourage pollinators, flora and fauna.

Members were reminded that the Committee had previously resolved to adopt Plan Bee – Douglas Borough Council Pollinator Action Plan. The Head of Parks explained that within the plan are specific commitments aimed at increasing pollinator habitats throughout the Borough. The plan includes a commitment to identify verges which may be excluded from cutting and to continue to develop zones for wildflower seed. Staff have subsequently identified areas which could be managed in accordance with the Plan.

The report proposed to adopt different management prescriptions for the areas identified, there were four types of prescription identified. Prescription 1 will adopt naturalised grassland verges resulting in only the margins, edges and visibility splays of verges being cut. Prescription 2 will aim to create wild flower planting within verges. Prescription 3 will create wildflower areas within established flower beds and prescription 4 will be a mixture of wildflower and naturalised grassland verges. Members noted that signage will be displayed in the areas, and all materials will be purchased using existing Nursery budgets.

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

(i) Pollinator landscape development and maintenance prescriptions at locations throughout the Borough be implemented to include:

1. Johnny Watterson's Lane (Upper Section) Grass verge with Prescription 1,
2. Johnny Watterson's Lane (Middle Section) Grass verge with Prescription 1,
3. Johnny Watterson's Lane (Lower Section) Grass verge with Prescription 1,
4. Victoria Road Grass verge with Prescription 1,
5. New Castletown Road / Anagh Coar Road (Middle Section) Grass verge with Prescription 4,
6. Lheannag Park / Donkey Fields Grassland with Prescription 1,
7. Hampton Grove Grass verge with Prescription 1,
8. Tromode Road Grass verge with Prescription 1,
9. Manor Drive Grass verge with Prescription 4,
10. New Castletown Road / Anagh Coar Road (Upper Section) Grass verge with Prescription 4,
11. Old Castletown Road Grass verge with Prescription 4,
12. Saddle Road Grass verge with Prescription 1,
13. Old Castletown Road / Kewaique Hill Grass verge with Prescription 2,
14. Barrule Road, Willaston Grass verge with Prescription 1,
15. Groves Road Grass verge with Prescription 4,
16. Spring Valley Roundabout Grass verge with Prescription 2,
17. Vicarage Road Grass verge with Prescription 1,
18. Queens Promenade Gardens Flower bed (Annual) with Prescription 3,
19. Marine Gardens No2 Rockery with Prescription 3,
20. Noble's Park Grassland with Prescription 4,
21. Douglas Golf Course Grassland with Prescription 4; and

(ii) Implementation of the management Prescriptions be subject to onsite ground conditions including underground services, soil types and soil condition."

**A9. Proposal for Permanent Motorcycle Parking at Queen's Promenade Gardens**

The Committee considered a report, following representation to the Council by a business on Queen's Promenade, to make temporary motorcycle parking at Queen's Promenade a permanent parking area.

The report reminded of the Committee's previous decision to support temporary motorcycle parking in Queen's Promenade Gardens for TT and Festival of Motorcycling periods whilst the Promenade improvement works are taking place. The Head of Parks explained that representation has been received from a business in the area asking that the parking area be made permanent.

It was recommended that the suggestion not be supported for reasons including the requirement for planning permission and Department of Infrastructure approval to alter the highway, the loss of green public space, and the costs associated with the construction of a permanent area. Members noted that no feasibility study had been undertaken to establish whether parking is required and the Promenade scheme will include 543 vehicular parking spaces including motorcycles.

Resolved, "That particulars of the report be noted on the minutes and the proposed permanent motorcycle parking area at Queen's Promenade Gardens not be supported."

**A10. Items for Future Report**

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

The following items were added to the schedule; Douglas Town Band Committee Meetings, Quarter two performance monitoring, schedule of charges for hire of Council land for external events, abolishing library membership fees permanently.

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

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

Members were reminded that the next scheduled meeting was due to take place at 10.00am on Tuesday, 19<sup>th</sup> November, 2019 jointly with the Environmental Services Committee to consider the Noble's Park Off-Street Car Parking Order. It was agreed that officers liaise with the Chair of both Committees to select an earlier date if necessary.

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

***PART B –***

***Matters requiring Executive Committee approval***

There were no public matters requiring Executive Committee approval.

***PART C –***

***Matters requiring Council approval***

There were no matters requiring Council approval.

The meeting ended at 12.33pm.

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

REGENERATION AND COMMUNITY COMMITTEE / ENVIRONMENTAL SERVICES COMMITTEE – Minutes of Special Joint Meeting held on Thursday, 24<sup>th</sup> October, 2019.

Members Present: Environmental Services Committee - Mr Councillor R.H. McNicholl (Chair), Councillor Miss N.A. Byron, Mr Councillor A.J. Bentley, Mr Councillor F. Horning, Councillor Ms J. Thommeny. Regeneration and Community Committee - Mr Councillor S.R. Pitts (Chair), Councillor Mrs H. Callow, Councillor Mrs R. Chatel, Councillor Ms K. Angela. His Worship the Mayor, as *ex officio* Member of both Committees.

In Attendance: 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), Democratic Services Officer (Mrs D. Atkinson).

**REPORT**

***PART A –***

***Matters delegated to the Committee***

**A1. Chair of Meeting**

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

**A2. Apologies**

Councillor Miss D.A.M. Pitts submitted apologies for the meeting.

**A3. Declarations of Interest**

There were no declarations of interest.

**A4. Proposed Noble's Park Off-street Parking Places Order**

The Joint Committee considered a report submitted by the Assistant Chief Officer (Regeneration) to consider a petition received from the local residents in relation to the proposed Noble's Park Off-street Parking Places Order.

The Assistant Chief Officer (Regeneration) reminded that the Regeneration and Community Committee approved a report seeking approval of preliminary Traffic Management and Vehicle Parking Strategy for Noble's Park. The strategy was proposed to tackle two problems identified within the park. The first to reduce through-traffic attempting to bypass the traffic lights at the St Ninian's crossroads and the second to alleviate parking misuse within the park. Members noted that with regard to the parking problem, the strategy proposed the introduction of disc parking with a maximum stay of six hours throughout the main car park areas and the introduction of pay and display parking at a £1 per day tariff in the paddock area to discourage the storage of vehicles. The strategy also proposed a pay and display area for motorhomes at a twenty-four hour tariff of £10.

The Committee noted that the paddock area is used on a daily basis by employees working from the police headquarters site. At the request of the Council, the Isle of Man Constabulary had been advised of the proposals and following an officer meeting, a letter has been received requesting that the Council consider permitting police staff to park for free while on duty.

The Council has also been made aware of a petition signed by sixty-five residents living in the area stating their concern at the already unacceptable level of parking in and around Upper Duke's Road and St Ninian's Road area and that the pay and display charge will impact on the residents. It has been presumed that the residents' concerns relate directly to the introduction of the £1 tariff charge in the paddock area which may lead to displacement of vehicles from the park to the surrounding roads. Members noted that the petition has been directed to the Department of Infrastructure in the first instance.

The meeting adjourned at 11.15am and resumed at 11.45am. During the break, Members and officers visited the various proposed parking zones within Noble's Park.

The report recommended introducing disc parking with a maximum stay of twelve hours in areas that pay and display parking for a £1 tariff had originally been approved. It was further recommended that permits be issued to police staff needing to routinely stay for longer than twelve hours.

The Assistant Chief Officer (Regeneration) explained that the revised approach should be effective in discouraging drivers from leaving their vehicles for longer than twelve hours whilst imposing no disincentive on those using it whilst at work in police headquarters.

Members raised concern that a twelve hour disc zone in the paddocks area would unlikely discourage the current problem with storage of vehicles in the park. It was opined that it would also be difficult to

determine at what time a vehicle arrived as the current parking discs use a twelve rather than twenty-four hour clock.

The option of installing pay and display machines to allocate date and time stamped tickets at no fee was discussed, but Members agreed that a nominal fee of £1 per day was a reasonable tariff.

Resolved, “That particulars of the report and discussion be noted on the minutes and that in relation to the paddock area of Noble’s Park (zones D&E in the “Preliminary Traffic Management and Vehicle Parking Strategy for Noble’s Park”);

- (i) The introduction of disc parking with a maximum stay of twelve hours, instead of pay and display parking, be not approved and the original resolution to install pay and display machines in this area for a charge of £1 per day be reaffirmed;
- (ii) Permits be not issued to police staff needing to routinely stay for longer than twelve hours.”

On resolution (ii) the vote was For: 7 Against: 2

Mr Councillor A. Bentley and Councillor Ms J Thommeny voted against the resolution.

The meeting ended at 11.55am.

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

# ENVIRONMENTAL SERVICES COMMITTEE

ENVIRONMENTAL SERVICES COMMITTEE – Minutes of Meeting held on Monday, 14<sup>th</sup> October, 2019.

Members Present: Mr Councillor F. Horning (Vice-Chair), the Mayor, Councillor Miss N.A. Byron, Mr Councillor A.J. Bentley, 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), Accountancy Manager (Mr M. Quayle), Dilapidation Enforcement Officer (Mr S. Salter) (Items A8 to A10), Assistant Town Clerk (Mr P. Cowin), Assistant Democratic Services Officer (Miss C. Cullen).

## REPORT

### **PART A –**

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

##### **A1. Chair of the Meeting**

In the absence of the Chair the Vice-Chair, Mr Councillor F. Horning, chaired the meeting.

##### **A2. Apologies**

Apologies for absence were submitted by the Chair, Mr Councillor R.H. McNicholl.

##### **A3. Declarations of Interest**

There were no declarations of interest.

##### **A4. Minutes – 16<sup>th</sup> September, 2019**

The minutes of the meeting held on Monday, 16<sup>th</sup> September, 2019 were approved and signed.

##### **A5. Matters Arising from the Minutes**

*Clause A7 – Commercial Advertising on Council Vehicles* – Members were advised that officers intend to present a further report on the item to the Executive Committee, this was in response to comments raised at the October Council meeting that as the matter relates to Council policy it requires a decision from the Executive Committee.

*Clause A9 – Abatement Notice, Thai Thai Restaurant* – the Director of Environment and Regeneration advised that works to reposition the outlet of the extract ventilation system to roof height at Capital House are now complete and that an inspection by Environmental Health to ensure compliance with the Notice is pending.

##### **A6. Agreement to Install Highway Signage on Douglas Borough Council Street Lighting Columns**

The Committee considered a report submitted by the Assistant Chief Officer (Environment) to determine the criteria for mounting highway signage on Douglas Borough Council street lighting columns.

Members were reminded that a report had been presented to Committee in October 2018 outlining the proposed methodology and agreement for affixing highway signage onto Council street lighting columns, this was to be agreed following an audit of the existing signage. Members were advised that to date, the audit had not occurred with the Department of Infrastructure (the Department) advising that there is no resource to undertake such an audit due to the Promenade Refurbishment Scheme.

To ensure that highway signage is erected on Council street columns to the Council's satisfaction, it is proposed to approve the criteria and implement it with immediate effect. Appended to the officer's report was an application form for requests to affix highway signage on to Council lamp posts together with the proposed fixing method.

In response to question, the Assistant Chief Officer (Environment) advised that the Electrical Services Section intend to carry out a review of each new installation to ensure compliance with the application criteria.

In response to question from the Vice-Chair, the Director of Environment and Regeneration advised that in the event of a dispute between the Council and the Department the matter would be escalated to management level.

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

- (i) The Committee agrees that where new highway signs are to be erected on Douglas Borough Council Street lighting columns, that the requests be made in writing to Electrical Services for approval;
- (ii) The Committee agrees that where existing highway signs are located and found not to be in compliance with the agreed fitting details that the signs are removed and refitted by the Department of Infrastructure to the agreed specification; and
- (iii) That should a dispute between the Council and the Department of Infrastructure arise that the matter be escalated in the first instance to the Assistant Chief Officer (Environment) and Director of Environment and Regeneration, and if no conclusion is reached then it be further escalated to the Chief Executive for resolution."

#### **A7. Free Parking at the Bottleneck and Shaw's Brow Car Parks for the Council's Fireworks Display**

The Committee considered a report submitted by the Democratic Services Officer on the proposal to offer free parking in Shaw's Brow and Bottleneck Car Park's to facilitate the Council's Fireworks Display.

Members were advised that Council officers had met with the Event Safety Advisory Group (ESAG) on Friday, 4<sup>th</sup> October, 2019 to discuss forthcoming Council events. At this meeting, the emergency services explained that emergency access on to the Promenade on the evening could potentially be restricted. The main concerns were the predicted high volumes of traffic travelling along the Promenade, the closure of Broadway and considerable use of the Harris Promenade pedestrian crossing causing slow moving and standstill traffic.

To attempt to alleviate the risk the emergency services, My Prom and the Council will work to encourage attendees to avoid using the Promenade unless necessary. It was suggested at this meeting that free parking in the Council's Car Parks could further facilitate the diversion of traffic.

It is proposed that parking fees be suspended in Shaw's Brow and Bottleneck Car Parks from 6.00pm to midnight on Friday, 1<sup>st</sup> November, 2019. Members noted that there is currently no fee for parking Chester Street Car Park due to the 'Free after Three' initiative.

If approved, it is intended to include all three car parks in the pre-event promotion. The publicity will also highlight that the free parking has been provided due to the Promenade regeneration works and will apply for 2019 only.

Resolved, "That particulars of the report and discussion be noted on the minutes and the request for free parking in the Council's Shaw's Brow and Bottleneck Car Parks from 6.00pm to midnight on Friday, 1<sup>st</sup> November, 2019 be approved."

#### **A8. Planning Approval Notices for Planning Applications 19/00734/C and 19/00416/GB**

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 approval notices for planning application 19/00734/C and planning application 19/00416/GB and to determine whether the Council should lodge an appeal against their approval.

The Committee firstly considered the approval of **Planning Application 19/00734/C for the temporary use as a car park at 19 – 20 St. George's Street.**

Members were reminded that at their meeting held on 16<sup>th</sup> September, 2019 they had unanimously resolved to raise an objection to the application on the grounds that the site had been a temporary car park for over the recommended twenty-four month period and as such the applicant had failed to fulfil their original obligation of the application to provide adequate parking for staff.

Members were advised that after consideration by the Planning Committee the Planning Officer had concluded there was sufficient justification to approve a further twelve months use as a temporary car park as this demonstrated consistency with other recent decisions on temporary car parks within the town.

The Planning Officer had also advised that a further extension would allow sufficient time for the applicant to conclude deliberations over the development of the site and to either implement the existing approval for a multi-storey car park or make a new application for a car park with additional office space above.

The Committee went on to consider the approval of **Planning Application 19/00416/GB for the alterations to vehicle access to create additional off road parking and the change of use from a guest house to three residential units (in association with PA 19/00417/CON) at Kings Guest House, Queens Promenade, Douglas.**

Members were reminded that at its meeting held on 15<sup>th</sup> May, 2019 the Committee had resolved to raise an objection to the planning application due to the lack of suitable bin storage, suitable cycle storage and that no supporting traffic statement from the Department of Infrastructure had been provided.

The report advised that the Planning Officer had taken the view that the existing space available for bin storage is sufficient and there is also sufficient space available within the garage for the secure storage of bicycles. Members noted that the Planning Committee had also benefited from receiving a statement from the Department of Infrastructure in regard to the off-street parking provision and traffic safety.

A Member suggested that the Council write to the applicant to request that they can demonstrate sufficient space is available for three section kitchen bins and compliance with the Secured by Design standards for bicycle storage. In response, the Dilapidation Enforcement Officer advised that this would be more appropriate if directed to the Planning Officer.

The Dilapidation Enforcement Officer advised that after considering the rationale provided by the Planning Committee in respect of both planning applications officers concluded that it is highly unlikely that a successful appeal can be lodged.

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

- (i) That the Council does not lodge an appeal against the Planning Committee's decision to approve planning application 19/00734/C for the temporary use as a car park (retrospective) at 19 – 20 St. George's Street, Douglas;
- (ii) That the Council does not lodge an appeal against the Planning Committee's decision to approve planning application 19/00416/GB for the alterations to vehicle access to create additional parking and change of use from a guest house to three residential units (in association with PA 19/00417/CON) at Kings Guest House, Queens Promenade, Douglas; and
- (iii) The Council would also request through the Planning Officer copying in Environmental Health that in respect of planning application 19/00416/GB the applicant gives consideration to the following:
  - a) Design Guide – Affordable Housing Standards;
  - b) Refuse Disposal 2.4.12e Kitchens should be supplied and fitted with a 3 compartment waste bin suitable for segregating the key waste for recycling;
  - c) Consults with the Council's Waste Services; and
  - d) That the applicant gives consideration to the suitability of the bicycle storage areas and ensures that the provisions meet the recommendations of the Secured by Design Homes 2019 standards."

#### **A9. Planning Application 19/00825/B – Ballakermeen High School**

The Committee considered planning application 19/00825/B for the alterations and creation of a one way system involving traffic calming and new vehicular access with associated automatic half height barrier and relocation of the existing pedestrian access at Ballakermeen High School, St. Catherine's Drive, Douglas.

The report advised that the proposal is designed to improve safety for both pedestrians and vehicle users. Members noted that the application has been made by Highway Services at the Department of Infrastructure.

Council officers have been in discussion with the Planning Department regarding the application, specifically in relation to how the information had been presented by the applicant. Officers are not in a position to dispute whether the proposals will address the existing problems identified in and around the school, however weight has been given to the fact that the applicant does have a number of experts in the field of traffic management and safety and as such the Council relies on these individuals to provide expert opinion on other applications that come before the Council. The report recommended that no objection be raised to the planning application.

The Committee discussed at length the concerns which had been raised by residents in the surrounding area, in particular, noting that over ninety written submissions had been sent in.

A Member advised that a number of Council Members had been in attendance at a public meeting held to explain the proposals. At this meeting they had heard first hand from the residents about the extent of traffic issues in the area with further concerns being expressed that approval of the proposal would only compound these issues as egress from the school would be through a residential cul-de-sac.



The Committee expressed the view that this was an issue which needed to be addressed by the school and suggested that they work together with the Police and Traffic Wardens in order to alleviate some of the problems experienced with students parking in the surrounding streets.

Members opined that weight should be given to the concerns expressed by the residents and unanimously agreed to not support the recommendation to raise no objection to the planning application.

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

- (i) That an objection be raised to planning application 19/00825/B for the alterations and creation of a one way system involving traffic calming and new vehicular access with associated automatic half height barrier and relocation of existing pedestrian access at Ballakermeen High School, St. Catherine's Drive, Douglas on the grounds that the proposals do not appear to comply with General Policy 2(h) and 2(i); and
- (ii) The Council suggests that the Planning Committee receive an independent report on the proposals and the impact on traffic management within the area."

#### A10. **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.

#### A11. **Items for Future Consideration**

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

Members discussed dog fouling, noting some particular areas of concern around the Borough. The Director of Environment and Regeneration advised that the most recent campaign to highlight the issue had been through the use of posters but suggested Members may wish to explore other ways to highlight the issue.

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

#### A12. **Date and Time of Next Meeting**

Members were reminded that the next scheduled meeting was due to take place at 10.00am on Monday, 18<sup>th</sup> November, 2019.

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

#### ***PART B –***

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

There were no matters requiring Executive Committee approval.

#### ***PART C –***

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

There were no matters requiring Council approval.

The meeting ended at 1.00pm.