



## Borough of Douglas

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**MR COUNCILLOR JONATHAN JOUGHIN, JP  
MAYOR**

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Town Hall,

Douglas,

9<sup>th</sup> October, 2018

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL of the BOROUGH OF DOUGLAS to be held on WEDNESDAY, the 14th day of NOVEMBER, 2018, 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

pp 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, 10<sup>th</sup> October, 2018.

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

## EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Special Meeting held on Wednesday, 10<sup>th</sup> October, 2018.

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

In Attendance: Chief Executive (Miss K.J. Rice), Director of Finance (Mr A.J.T. Boyd), Director of Environment and Regeneration (Mrs D. Eynon), Director of Housing and Property (Mrs S. Harrison), 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**

No apologies for absence were submitted.

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

Mr Councillor S.R. Pitts declared an interest and left the meeting.

##### **A3. Statement of Accounts for the Year Ending 31<sup>st</sup> March 2018**

The Committee considered a written report by the Assistant Chief Officer (Finance) in relation to the Statement of Accounts for the year ending 31<sup>st</sup> March 2018.

The Accounts and Audit Regulations 2018 required local authorities to have their Statement of Accounts approved and certified by an external auditor by 31<sup>st</sup> October each year, and the Director of Finance, as Responsible Financial Officer, had approved the issue of the accounts for audit in July 2018 in accordance with those Regulations.

As in previous years, the Council's auditor had also asked that a Letter of Representation be issued by the Council alongside the Statement of Accounts. This provided added assurances to the auditor on the accuracy and integrity of the accounts, including the control systems that underpinned them, in order that certification could take place.

It was noted that the wording of the Letter of Representation had changed from previous years, as the Accounts and Audit Regulations 2018 had introduced a new format for the presentation of the accounts based on Financial Reporting Standard 102 (FRS102). Due to this change to the presentation of the financial statements, there had been a number of adjustments identified at audit and these were noted accordingly.

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

(ii) That the Statement of Accounts for the year ended 31<sup>st</sup> March 2018 be approved;

(iii) That the Letter of Representation be approved and signed, and accordingly presented to the Council's external auditor; and

(iv) That the Audit Completion Letter also be noted, with the responses given therein being approved accordingly."

#### **PART B –**

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

No public matters subject to Council approval were considered.

The Committee rose at 2.20pm.

## EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Friday, 26<sup>th</sup> October, 2018.

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

In Attendance: Chief Executive (Miss K.J. Rice), Director of Finance (Mr A.J.T. Boyd), Director of Environment and Regeneration (Mrs D. Eynon), Director of Housing and Property (Mrs S. Harrison), 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**

No apologies for absence were submitted.

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

No declarations of interest were submitted.

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

The minutes of the meeting held on Friday 28<sup>th</sup> September 2018 and the minutes of the Special Meeting held on Wednesday 10<sup>th</sup> October 2018 were approved and signed.

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

There were no matters arising from the previous minutes.

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

There were no referrals from the public minutes of the Environmental Services Committee meeting held on Monday 15<sup>th</sup> October 2018.

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

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

There were no referrals from the public minutes of the Regeneration & Community Committee meeting held on Tuesday 16<sup>th</sup> October 2018.

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

##### **A7. Monthly Financial Review**

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

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

##### **A8. Planning Application 18/00998/B: The Bridge Inn, 8 – 9 North Quay; and 'Vinos', 1 Quine's Corner, Douglas**

The Committee considered a written report by the Building Control Manager in relation to a planning application seeking approval for the creation of an internal link between The Bridge Inn public house on North Quay and 1 Quine's Corner.

It was noted that the application was being placed before the Executive Committee as it involved Council-owned land, and as the application had not been submitted by or on behalf of the Council.

Members noted that The Bridge Inn was owned and operated by the Applicant, Heron and Brearley Limited. 1 Quine's Corner (located on the corner of Quine's Corner and North Quay, and adjoining the Bridge Inn) was currently used as a wine bar ('Vinos') and was part of a larger development owned by the Council, consisting of retail units at ground floor level and residential (social housing) units on the upper levels.

The application sought approval for the wine bar to be used as an extension to the public house. This appeared to comply with the relevant policies of the Isle of Man Strategic Plan 2016, although compliance with the Isle of Man Strategic Plan General Policy 2(g) and Environmental Policy 22 (relating to noise) was highlighted as a potential issue. The extension of the existing public house into the adjacent retail unit did not appear unreasonable, nor did the minor structural alteration to the

separating wall between the properties, however, previous concerns to linking the properties had generally related to the potential noise nuisance to the occupants of the flat above 1 Quine's Corner.

It was therefore suggested, if the application was supported, that such support be dependent on a suitable condition being included in any approval requiring the Applicant to provide a Noise Management Plan.

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

(ii) That no objection be raised to this application, subject to a suitable condition being included in any approval requiring the Applicant to provide a Noise Management Plan."

**A9. Isle of Man Municipal Association**

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

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

**A10. Items for Future Report**

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

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

***PART B –***

***Matters subject to Council approval***

No matters subject to Council approval were considered.

The Committee rose at 4.45pm.

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

# PENSIONS COMMITTEE

PENSIONS COMMITTEE – Minutes of Meeting held on Wednesday, 24<sup>th</sup> October, 2018.

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

In Attendance: Mr A. Beedall and Mr M. Richardson (Capita). Director of Finance (Mr A. Boyd), Assistant Chief Officer (Finance) (Mr E.P. Pierce), Payroll and Payments Manager (Mr M. Quayle), 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.

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

There were no declarations of interest.

##### **A3. Minutes – 12<sup>th</sup> September, 2018**

The minutes of the meeting held Wednesday, 12<sup>th</sup> September, 2018 were approved and signed.

##### **A4. Minutes – 26<sup>th</sup> September, 2018**

The minutes of the Special meeting held Wednesday, 26<sup>th</sup> September, 2018, were approved and signed.

##### **A5. Training Presentation**

The Committee received a training presentation by Mr Andrew Beedall from Capita on the decisions and responsibilities of the Local Government Superannuation Scheme administering authority.

There were seven decisions and responsibilities for consideration during the presentation - annual benefit statements, communications policy, data protection, calculation and payment of benefits, the Internal Disputes Resolution Process (IDRP) and the Pensions Ombudsman, administering authority discretionary policies, admitted bodies and admission agreements.

Mr Beedall began by explaining the requirement to produce an annual benefits statement for active, deferred and pension credit members.

The second policy discussed was the statement of communications with members, representatives of members, prospective members and employing authorities. It was noted that the Communications Strategy has been reviewed and would be considered by the Committee later in the meeting.

Mr Beedall presented the administering authority's data protection responsibilities. He explained the seven main principles for processing and collecting data. It was noted that the Data Protection Act has been in effect since August 2018 which created an equivalent of the EU's General Data Protection Regulations (GDPR) for the Isle of Man. Listed in the presentation were individuals' rights under this act.

Members were then reminded of the calculation for payment of benefits which is a responsibility of the administering authority. Mr Beedall presented the calculation of benefits before and after the Scheme changes in 2012 in relation to the accrual rate and lump sum payment. In response to question, Mr Beedall explained that the change in accrual rate was following a review of the previous structure and employees ceased accruing an automatic lump sum on service after 2012.

Members noted how the authority deals with complaints. Complaints received are acknowledged and responded to within ten working days following investigation. If the complaints procedure does not reach an agreement, there is a formal disputes procedure in place (Internal Disputes Resolution Procedure - IDRP). Complainants will be advised to contact The Pensions Advisory Service initially and if not content with the response will be directed to the Pensions Ombudsman to review their case.

Mr Beedall moved on to explain the discretionary policies of the administering authority including the delegation of functions, the funding strategy, the approval of an independent medical practitioner, the communications policy and the abatement of pension following re-employment of a pensioner.

Mr Beedall finished with the administering authority's agreement to admit bodies into the Scheme.

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

**A6. Superannuation Scheme Performance Monitoring**

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

Members had in front of them the actions from the Service Plan together with the outcome on each. It was noted that all actions were currently on schedule.

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

**A7. The Isle of Man Local Government Superannuation Scheme (IOMLGSS) Pension Fund Annual Report for the Year Ending 31<sup>st</sup> March, 2018**

The Committee considered a report submitted by the Assistant Chief Officer (Finance) on the IOMLGSS pension fund annual report for the year ending 31<sup>st</sup> March, 2018.

Committee 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, Members noted 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.

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

- (i) The Pension Fund Annual Report for the year ended 31<sup>st</sup> March 2018, be approved;
- (ii) The Letter of Representation be signed by the Chair of the Committee and presented to the Council's external auditor;
- (iii) The completion letter from Grant Thornton be noted;
- (iv) The environmental impact of the Pension Fund Annual Report be reduced by informing Councillors that the accounts may be accessed electronically or in paper copy in the Members' Room rather than providing a printed copy to every Member."

**A8. Communication Strategy Review**

The Committee considered a report submitted by the Assistant Chief Officer (Finance) to review and update the scheme's Communication Strategy.

Members noted that the Superannuation Scheme Service Plan 2018-20 includes an objective to review the pension scheme's Communication Strategy. The document is a statutory statement required under regulation 67 of the administering regulations. It sets out the strategy for providing communication to scheme members, scheme employers and trustees.

The report advised that most of the strategy as laid out in 2013 remained valid; updates have been made to reflect the increased use of electronic communication (e-mail).

Resolved, "That particulars of the report and discussion be noted on the minutes and the updated Communications Strategy be approved."

**Adjournment and resumption**

The Committee adjourned for a short break at 11.55am, on resumption, Mr Beedall and Mr Richardson left the room.

**A9. Pensions Administration Contract Tender Presentation**

Members were reminded of the tender process agreed at the March Committee Meeting to market test the pensions' administration contract. It was noted that following the initial selection process, three companies submitted an interest; one company did not meet the criteria for inclusion on the select list. Two tenders were subsequently submitted, however, on review of the applications, one tender did not include for the provision of some services specifically requested in the tender pack. The one valid tender had been submitted by the Scheme's current administrator, Capita. It was noted that the tender figure submitted by Capita had included an inflationary increase but still remained lower than the figure submitted by the invalidated tender. Capita had therefore been invited to interview for the provision of administration services.

Members were presented with nine proposed questions to raise during the interview. Capita had been provided with most of the questions in advance and intended to present their responses to the Committee.

**A10. Presentation by Capita on the Isle of Man Location Government Superannuation Scheme – Provision of Pensions Administration Service**

Mr Beedall and Mr Richardson rejoined the meeting to deliver Capita’s presentation on the provision of pensions administration services for the IOMLGSS.

Mr Beedall began by explaining how Capita currently, and going forward, intend to keep the Committee informed.

Mr Richardson explained that in terms of maintaining the standard of service, particularly if the organisation’s representative was unavailable, their policy is to provide comprehensive training to experienced staff to ensure that processes and procedures are well documented and easily accessible. A new team of experienced team members has been established to deliver annual events to reduce the workload of the core staff involved in advising the Scheme and to ensure that all deadlines are met to the standard expected by the client. The creation of this new team is partly in response to the issue of inaccurate Annual Benefit Statements to members experienced in 2018; Mr Beedall explained how this error occurred and the process in place to mitigate the risk of repetition in the future.

Mr Beedall moved on to describe the process for providing data to the actuary. It was noted that there had been a delay in providing this information in 2018 as a result of an internal transition of senior team managers. To mitigate the risk of missing future deadlines, Mr Richardson explained that key events are now recorded on a project plan, monitored and reviewed on a weekly basis to be allocated to the experienced team members well in advance of submission deadlines.

Mr Beedall explained the change to lump sum entitlements when the 2012 Regulations were introduced, and he described how strain costs arise and the possible cost consequences.

Mr Beedall finished his presentation by explaining how Capita have supported the Council to meet changing regulatory demands, in particular the 2012 full scheme change, and reminded that their staff and systems are fully prepared to assist with any future changes.

Members and officers asked additional questions which were answered by the Capita representatives.

Mr Beedall and Mr Richardson were thanked for their attendance and left the meeting.

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

**A11. Provision of Pensions Administration Service**

The Committee reviewed the presentation that had been received and were satisfied that Capita had answered all of the questions satisfactorily.

Despite there being some issues with the level of service provided by Capita recently, Members agreed it was evident during the presentation that Capita had reviewed their processes as a result of the errors and other issues and had implemented new processes to ensure the problems do not reoccur, this providing a new reassurance to Committee. It was noted that Capita have an unrivalled wealth of knowledge in the IOMLGSS and that firm’s tender price was reasonable, demonstrating value for money.

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

- (i) The tender submitted by Capita for the provision of administration services for the Isle of Man Local Government Superannuation Scheme be approved;
- (ii) A contract be entered into for a term of five years with an option to extend the contract period for a maximum of five years by mutual agreement.”

**A12. Items for Future Report and Review of any Training Requirements**

The Committee considered a report submitted by the Assistant Chief Officer (Finance) setting out items that are to be considered at future meetings and to review any future training requirements.

Resolved, “That the items for future report be noted on the minutes.”

***PART B –***

***Matters requiring Executive Committee approval***

There were no matters requiring Executive approval.

***PART C –***

***Matters requiring Council approval***

There were no matters requiring Council approval.

The Committee rose at 1.03pm.



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

# HOUSING COMMITTEE

HOUSING COMMITTEE – Minutes of Meeting held on Wednesday, 17<sup>th</sup> October, 2018.

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

In Attendance: Director of Housing and Property (Mrs S. Harrison), Assistant Chief Officer (Housing and Property) (Mr G. Atkin), Housing Manager (Mr V. Zivave), Assistant Chief Officer (Income) (Mrs C. Pulman), 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 by Mr M.A. Dooley (Housing Independent Member).

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

There were no declarations of interest.

##### **A3. Minutes – 19<sup>th</sup> September, 2018**

The minutes of the meeting held on Wednesday, 19<sup>th</sup> September, 2018, were approved and signed.

##### **A4. James Street Fire Detection and Alarm System Replacement**

The Committee considered a report submitted by the Assistant Housing Manager (Maintenance) advising on the tenders received for replacement of the alarm system in James Street flats.

This phase of works will include forty-two flats in James Street and includes building works to the loft spaces, ceilings and fire doors to the communal stairways. The total capital project cost includes the contractor's tender, professional fees and asbestos surveys.

The contract price submitted by SCS Ltd has been established and approved in accordance with March Consultant's electrical tender analysis, a copy of which was appended to the report.

In response to question, the Assistant Chief Officer (Housing and Property) advised that the difference between the tender price and pre-tender estimate was due to the tenderers incorporating a risk element within the costing for residents remaining in their properties during the works.

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

- (i) Approval be given to the submitted tender for the replacement of fire alarms within the James Street flat blocks from Stewart Clague Services Limited (SCS Ltd), as recommended by March Consultants;
- (ii) The Chief Executive be authorised to petition the Department of Infrastructure for borrowing powers in the amount of £160,491.31 being the sum required to defray the cost of these works including professional fees; 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 project via that source."

##### **A5. Void Properties Update**

The Committee considered the monthly report submitted by the Assistant Housing Manager (Maintenance) to update on the number of vacant social housing properties. As at the end of September 2018, there were twenty-two void properties.

The Housing Manager advised of a number of properties that had been allocated since the agenda was issued. It was noted that to date, there were thirteen void properties.

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

##### **A6. Housing Refusals**

The Committee considered a report submitted by the Assistant Chief Officer (Housing and Property) to advise on three housing refusals in the previous month.

Appended to the report, and reviewed by the Committee, were three housing refusal cases, together with a copy of the criteria for the allocation of properties: pointing system.

Resolved, "That particulars of the report be noted on the minutes and approval be given to the proposed housing request refusals as appended to the report, which comply with current Council policy and current Department of Infrastructure regulations and guidance."

**A7. Willaston Apartments Project**

The Committee considered a report submitted by the Assistant Chief Officer (Housing and Property) advising on the business case for the development of the new Willaston apartments.

Council approval was given for the business case in August 2018 and was submitted to the Department of Infrastructure for concurrence and petition approval of design fees. The report advised that the existing Willaston police station continues to be problematic with the Department of Infrastructure reluctant to proceed with any scheme until the matter is resolved.

The demolition of the existing flats and church building was included in the approved project business case, however due to the delay caused by the police station issue; it is desirable to demolish as soon as possible to remove the risk of trespass, injury and vandalism on these unoccupied buildings.

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

- (i) Approval be given to the design team fees up to a maximum of £15,000, for the demolition for the existing flats and church on the Willaston apartments site; and
- (ii) Approval be given for these fees to be temporarily funded from the housing maintenance reserve budget pending capital project petition approval."

**A8. Items for Future Consideration**

The Committee considered the monthly report and appended schedule setting out items which will be considered at future meetings.

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

***PART B –***

***Matters requiring Executive Committee approval***

No matters requiring Executive Committee approval were considered.

***PART C –***

***Matters requiring Council approval***

No matters requiring Council approval were considered.

The meeting end 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, 16<sup>th</sup> October, 2018.

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

In Attendance: Director of Environment and Regeneration (Mrs D. Eynon), Director of Housing and Property (Mrs S. Harrison), Assistant Chief Officer (Finance) (Mr E.P Pierce), Assistant Town Clerk (Mr P. Cowin), Assistant Chief Officer (Regeneration) (Mr C. Pycroft), Assistant Chief Officer (Income) (Mrs C. Pulman), Head of Parks (Mr D. Hewes), Payroll and Payments Manager (Mr M. Quayle), Town Centre Manager (Mr O. Cheshire), Democratic Services Officer (Mrs D. Atkinson).

## REPORT

### **PART A –**

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

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

Councillor Ms K. Angela submitted apologies for absence.

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

There were no declarations of interest.

##### **A3. Minutes – 18<sup>th</sup> September, 2018**

The Minutes of the meeting held on Tuesday, 18<sup>th</sup> September, 2018, were approved and signed.

##### **A4. Matters Arising from the Minutes**

Members were advised of a potential sponsor for the Christmas Lights Ceremony.

##### **A5. Application by Exchange Events to Hold a Circus in Noble's Park during April 2019**

The Committee considered a report submitted by the Head of Parks to progress an application by Exchange Events Limited to hold a circus in Noble's Park over the period 1<sup>st</sup> to 9<sup>th</sup> April 2019.

Members noted that a similar all human circus had been organised by the company at Douglas Rugby Club in 2017 which was well received.

A location plan demonstrating the proposed layout of the event and car parking had been presented to Members.

In response to question, the Head of Parks confirmed that the standard refundable deposit, together with the proposed site rental fee as detailed in the report, will be payable in advance. The organisers will be required to provide all necessary paperwork, licences and permissions prior to the event.

Resolved, "That particulars of the report and discussion be noted on the minutes and subject to acceptance from Exchange Events Limited;

- (i) The application by Exchange Events Limited to hold a circus in Noble's Park over the period 1<sup>st</sup> to 9<sup>th</sup> April 2019 be approved;
- (ii) A site rental for the event, excluding any legal, event preparation or reinstatement costs, be agreed;
- (iii) Costs applicable to the event, including legal agreements and event reinstatement be charged to Exchange Events Limited;
- (iv) Exchange Events Limited be responsible for ensuring all licences and permissions are valid prior the event."

##### **A6. Noble's Park – Relocation of New Skateboard Park**

The Committee considered a report submitted by the Head of Parks on the relocation of the new skateboard park from the current site.

Members noted that during preparation of tender documents for the creation of the new skateboard park, which had previously been approved, and following the consultation period and onsite meetings, Manx

Utilities Authority identified two large water mains running through the site which were not on plans previously provided to the Council. The discovery of the pipes significantly reduced the area available for the creation of the preferred bowl system, to the extent that it is now unfeasible. The only option is to relocate the skateboard park to another site within the Park.

A new site for the skateboard area has been identified below the large gravel car park adjacent to the BMX track within the dog walking area. The relocation of the site also alleviates other site issues discovered during the consultation process of the current site.

The redundant skateboard park is tarmac and will offer opportunity for recreational use following the removal of the old equipment.

Resolved, "That particulars of the report and discussion be noted on the minutes and the relocation of the new skateboard park within Noble's Park be approved."

#### **A7. Enterprise Way**

The Committee considered a report submitted by the Assistant Chief Officer (Regeneration) to advise the Committee of the Department of Infrastructure's (the Department) proposal to create a cycle route (the Enterprise Way) from Douglas town centre to Anagh Coar and the Cooil Road and to seek approval in principle for part of the route to pass along the perimeter of Douglas Golf Course and through Pulrose Recreational Ground.

The report detailed the proposed route which intends to utilise quiet roads, streets and off-road paths where possible. Before the Department commences design stage on the section through the Golf Course and Pulrose Recreational Ground, it is seeking an in principle approval from the Council. It was noted there are a number of issues that will need to be considered as part of the design process for Pulrose Recreational Ground, which will be flagged up to the Department.

In response to question, officers confirmed that the project will be funded by the Department.

Resolved, "That particulars of the report and discussion be noted on the minutes and, subject to a future report on detailed proposals, the Committee agrees in principle to the Enterprise Way cycleway passing through Douglas Golf Course and Pulrose Recreational Ground."

#### **A8. Douglas Carnival**

The Committee considered a report submitted by the Town Centre Manager on the 2018 Douglas Carnival debrief and to provide recommendations for the 2019 event.

The report provided a summary of the main topics raised during the debrief. For the 2019 Carnival, assuming that there will be no impact on the event arising from the Promenade Improvement Project, it is proposed that the principle arrangements be;

The Carnival continue to take place on a Sunday afternoon;

The Parade follow a similar route to 2017 starting at Queen's Promenade and finishing at Harris Promenade going around Sefton Island however further consideration will be given to swapping the order of entries choosing to stay or leave in an effort to further improve visibility of the Parade from both sides of Harris Promenade;

Suspensions of parking from the bottom of Summerhill to the former Summerland site not be requested to leave space for residents of the area;

Charities continue to be invited to submit proposals for involvement in the event;

The contingency date be set for Sunday, 15<sup>th</sup> September, to avoid a clash with other big community events and to avoid school summer holidays when clubs and societies tend to have a recess and families are likely to be on holiday;

Concessions be permitted on the Promenade Walkway at Harris Promenade, potentially using existing town centre businesses;

Subject to the tide times, a sandcastle and kite competition take place on Douglas Beach;

Judging remain in the same place or near the beginning of the parade; and

The sound system and microphone supplier be reviewed.

Other items raised in the debrief were detailed in the report. It was agreed that officers would continue to encourage various organisations to enter the parade.

Members were advised that funding for the Douglas Carnival will need to be sought from the Executive Committee as historically the event had been funded through Council Reserves. The event will be included on the Growth list submitted with the Regeneration and Community revenue budget report in December 2018.

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

- (i) That subject to the Promenade regeneration works not impacting on arrangements;
1. Douglas Carnival 2019 event takes place from 12 noon on Sunday, 14<sup>th</sup> July on Douglas Promenade in the same format to Douglas Carnival 2018, with the Parade starting at 1.30pm from Queen's Promenade at the bottom of Switzerland Road;
  2. Charities be invited to submit proposals for how they would like to be involved in the Carnival;
  3. The contingency date should the Carnival have to be postponed from 14<sup>th</sup> July is Sunday, 15<sup>th</sup> September;
  4. The sandcastle and kite competition take place subject to tides being suitable;
  5. Concessions again be invited to the 2019 Carnival."

**A9. Noble's Park Bowling Pavilion – Lease to Noble's Bowling Club**

The Committee considered a report submitted by the Director of Housing and Property to obtain approval on the revised lease terms to Noble's Bowling Club for the Noble's Park Bowling Pavilion.

Members were reminded that bowling clubs have operated from the Noble's Park Bowling Pavilion and there was a lease for the interior of the premise, excluding the public toilets, dating back to 1972. The lease was terminated by the Council in 2012 when it was planned to demolish the building. Subsequently, following public campaign, the building was refurbished and the lease arrangements continued by default.

In December 2017, following a number of meetings with the Noble's Bowling Club representatives, a set of terms had been agreed in principle which was subsequently agreed by Committee. Such terms included the maintenance of the interior and exterior of the Bowling Pavilion building, however, the Club revisited its decision and felt unable to commit to maintaining the exterior. Discussions have been on-going between Club representatives and Council officers and a revised proposal has been prepared for Committee consideration.

Members agreed with the revised lease terms subject to restricting the sales of consumables (limited specifically to tea, coffee, cakes and biscuits) to be only permitted outside of the Noble's Park café operating hours.

Resolved, "That particulars of the report and discussion be noted on the minutes and the revised lease terms to reflect the latest negotiations with the Noble's Bowling Club be agreed as follows;

- (i) The area to be leased comprises the internal areas within Noble's Park Bowling Club Pavilion, namely the Clubhouse and kiosk but excluding the public toilets;
- (ii) The lease be for a term of seven years commencing 1<sup>st</sup> April 2019;
- (iii) The starting rent be as detailed within the report rising annually by inflation in line with Manx Retail Price Index;
- (iv) Subletting of the premises not be permitted, with the proviso that the short-term hire of all of the facilities would not constitute sub-letting;
- (v) Noble's Bowling Club keep the interior areas as specified in good and tenantable repair;
- (vi) The Council continue to be responsible for repairs the exterior and fabric of the building, building insurance, Borough and Water Rates;
- (vii) Sales of consumables from the premises be limited to tea, coffee, cakes and biscuits outside of the Noble's Park café operating hours, and in association with the use of the building as a bowling facility, subject to compliance with any necessary regulations."

**A10. Items for Future Report**

The Committee considered a report submitted by the Democratic Services Officer regarding reports for future consideration by the Committee. A Member requested a future report on Falcon Glen.

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

***PART B –***

***Matters requiring Executive Committee approval***

No matters requiring Executive Committee approval were considered.

***PART C –***

***Matters requiring Council approval***

No matters requiring Council approval were considered.

The meeting ended at 11.45am.

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

# ENVIRONMENTAL SERVICES COMMITTEE

ENVIRONMENTAL SERVICES COMMITTEE – Minutes of Meeting held on Monday, 15<sup>th</sup> October, 2018.

Members Present: Mr Councillor R.H. McNicholl (Chair), the Mayor, Mr Councillor A.J. Bentley, Councillor Miss N.A. Byron, 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 (Income) (Mrs C. Pulman), Assistant Chief Officer (Environment) (Mr A. Donnelly), Building Control Manager (Mr N. Kaighin) (Items A8 – A12), Assistant Town Clerk (Mr P. Cowin), Assistant Democratic Services Officer (Miss C. Cullen).

## 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 – 17<sup>th</sup> September, 2018**

The minutes of the meeting held on Monday, 17<sup>th</sup> September, 2018 were approved and signed.

##### **A4. Matters Arising from the Minutes**

In response to question raised at October's Council meeting, the Director of Environment and Regeneration advised that a colour copy of the schedule of dilapidated properties will be sent out to all Members for future Council meetings. She further advised that copies of the posters proposed to be used as part the environmental poster campaign would be circulated to Members by way of Briefing note.

##### **A5. Agreement to Install Road Signage on Douglas Council Street Lighting Columns**

The Committee considered a report submitted by the Assistant Chief Officer (Environment) on the proposed agreement with the Department of Infrastructure to install road signage on Douglas Council street lighting columns. Appended to the report was the proposed approved fixing method together with photographs of signage installed on lamp posts.

The report advised that installation of street signs by the Department of Infrastructure, without prior permission, had been an on-going issue for a number of years, exacerbated by the new proliferation of 'unauthorised' signage during the current regeneration projects. Although the Council recognises the requirement to de-clutter the streets by removal of signage and signposts there is also recognition of the Department of Infrastructure's requirement to install appropriate signage to comply with Highway Regulations.

Members were advised that the Assistant Chief Officer (Environment) had met with officers at the Department of Infrastructure to agree, in principle, the following proposals which comply with statutory obligations and satisfy the Council in relation to the usage of its property for highway signage:

- a) An audit of all street lights in the Borough of Douglas be carried out by the Department of Infrastructure and the position of each road sign fixed to each column is identified, to include an annual update;
- b) The type and size of each sign and fixing is identified and recorded as part of the audit;
- c) Officers, on completion of the audit, consider the extent of the signage and type of fixings used and where appropriate recommend new fixings are used by the Department in compliance with the Council's specification;
- d) That on occasions where new signs are to be erected on Douglas Council street lights, the requests are made in writing to Electrical Services for approval; and
- e) That the Department of Infrastructure and the Borough of Douglas enter into a formal agreement in relation to the fixing of highway related signage on street lights.

In response to question, the Assistant Chief Officer (Regeneration) advised that it is not recommended to charge or prohibit the Department of Infrastructure from putting highway signage on Council lampposts as this could potentially result in the Department erecting stand-alone poles that would clutter the streetscape. The Chair opined that the Department would not erect stand-alone poles due to time and cost.

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

- (i) Approval be given to the proposals as identified and set out in the body of the minute (a-e); and
- (ii) A report is brought back to Committee with the finalised proposals before an agreement is formalised with the Department of Infrastructure."

For: 4 – Against: 1

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

#### **A6. Recycling and Waste Exhibition 2018 (RWM)**

The Committee considered a report on the Chair and Assistant Chief Officer (Environment's) attendance at the RWM Exhibition held at the National Exhibition Centre in Birmingham on 12<sup>th</sup> and 13<sup>th</sup> September, 2018.

The report advised that the exhibition has historically, as the largest Exhibition in Europe, allowed contact with the majority of companies involved in the waste management industry, from vehicle manufacturers to product development and availability. Members were advised that in 2018, none of these suppliers were present with most citing cost of hiring space at the exhibition as their reason for non-attendance.

It was noted that whilst there was a wide range of exhibitors present exhibiting water management, flood mitigation and monitoring equipment, protective clothing etc., the core objectives of the exhibition appear to be diluted and increasingly less relevant to the Council.

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

- (i) Attendance at the RWM Exhibition in 2019 be not supported; and
- (ii) Approval be given to officers to look for a more suitable conference/exhibition more relevant to waste management or recycling and its environmental impact (unless the aforementioned major suppliers are in attendance at the RWM Exhibition in 2019)."

#### **A7. Adjournment and Resumption and Attendance**

The Committee adjourned at 11.30am and resumed at 11.40am with the same Members and officers present.

The Building Control Manager joined the meeting for discussion of the following three items.

#### **A8. Planning Application 18/00956/B re Harris Promenade, Douglas**

The Committee considered planning application 18/00956/B for the construction of a 507 metre long reinforced concrete wall 1.2 metres in height anchored to the existing sea wall to reduce wave overtopping on Harris Promenade, Douglas.

It was noted that the application site is the length of the Promenade Walkway covering the area from the northern most end of Marine Gardens on Harris Promenade, to approximately opposite the Empress Hotel on Central Promenade. The report recommended that there be no objection raised to the application.

Plans detailing the architectural features of the wall were circulated and reviewed by the Committee. In response to question, the Assistant Chief Officer (Environment) advised that provision for drainage has been included in the drawings.

Concern was raised over restrictions the wall would impose on the view of children and wheelchair users from the Promenade walkway. There was some discussion about access to the beach. The Committee recognised the need to ensure that access to the Broadway slip is maintained at all times.

Members discussed at length the appearance of the wall. Whilst they recognised its requirement, visually, Members considered it to be detrimental to the amenities of the area. The Assistant Chief Officer (Regeneration) suggested that this type of project would be ideal for collaboration with an artist to visually enhance this section of the promenade. Concern was also expressed on the operation of existing lifebelts and the impact on existing flagpoles.

After careful consideration of the planning application Members unanimously agreed to object on the grounds that it did not comply with Strategic Plan General Policy 2(e) and adversely affected views of the sea by certain sections of the community.

Resolved, "That the Council raise an objection to the Planning application on the grounds that;

- a) The design of the wall, whilst acceptable in its overall form is not acceptable aesthetically as it misses the opportunity for public art or similar decoration to be included other than at the War Memorial;
- b) The proposal to close off the Broadway slip would hamper access to the beach by Emergency Services, the Government and the Council;
- c) No indication is given of the treatment of the Council's lifebelts and flagpoles;
- d) No provision is made for facilitating viewing over the wall by children or wheelchair users (e.g. by including raised viewing area)."

#### A9. **Attendance**

The Mayor left the meeting at 12.30pm and re-joined at 1.15pm.

#### A10. **Planning Application 18/00977/B re former Eurocars site, Peel Road**

The Committee considered planning application 18/00977/B for the erection of two detached buildings (class 3) for the consumption of food and drink on and off the premises with associated drive through, erection of a detached building to provide two commercial units and creation of car parking, lighting, landscaping and access, Garage Showroom Workshop and Premises at (Former Eurocars Site), Peel Road, Douglas.

Detailed within the planning application were a number of reports concerning areas such as design and access, traffic management, tree surveys, flood risk and drainage.

Members discussed at length the potential impact the proposed development would have on traffic in the area. Members acknowledged the public concern from residents in the area in regard to traffic management. The Building Control Manger advised that a full traffic impact statement had been provided by the applicant.

In light of public concern over the proposed application, there was suggestion that the police be invited to comment.

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

- (i) No objection be raised to the planning application and the following comments be forwarded to the Planning Committee:
  - a) Concerns have been raised over traffic issues the development may cause for residents in the area, the Council are aware of public concern on this issue and ask the Committee to consider this when determining the application;
  - b) We would ask that the applicant invite the Police to make comment on the application in terms of its impact on provision of police services in the area; and
  - c) The Council will seek as part of the Building Control submission that the applicant consider right and left hand transfer on disabled toilets."

For: 4 – Against: 1

Councillor Miss N.A. Byron asked that her name be recorded as voting against the resolution.

#### A11. **Planning Application 18/00982/B re 5/6 Goldie Terrace, Douglas**

The Committee considered planning application 18/00982/B for the conversion of existing offices to provide a ground floor office and seven residential apartments at 5 and 6 Goldie Terrace, Douglas. Plans were circulated and reviewed by the Committee.

The residential accommodation will consist of a single, one bedroom flat at ground floor level in number 6 Goldie Terrace, with two, two bedroom flats per storey on the remaining three storeys. The flats will be accessed independently of the office accommodation at the front of the property, and will share an access at the rear. The four covered car parking spaces will be retained, and both cycle storage and bin storage will be provided at the rear of the building.

The Committee discussed the provisions made in the plans for bin storage; question was raised as to the suitability of access for bin emptying. The Building Control Manager advised that this matter would be dealt with under Building Control Regulations.



There was discussion about car parking and cycle storage provision. Members considered that the number of residential flats would likely result in a much greater number of vehicles and bicycles than the plans accommodated for.

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

- (i) No objection be raised to the planning application and the following comments be forwarded to the Planning Committee:
  - a) Concerns have been raised as to the adequacy of cycle and bin storage and the Council asks that the applicant relax the guidelines on parking provision to accommodate more storage for both;
  - b) The Council asks that the applicant agree a waste strategy with the Council to include the provision for recycling."

**A12. 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 be noted on the minutes."

**A13. Items for Future Consideration**

The Committee noted the schedule of items for future consideration. It was agreed that the Assistant Chief Officer (Regeneration) bring forward a report to Committee on bicycle storage within Shaw's Brow Car Park.

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

***PART B –***

***Matters requiring Executive Committee approval***

No matters requiring Executive Committee approval were considered.

***PART C –***

***Matters requiring Council approval***

No matters requiring Council approval were considered.

The meeting ended at 1.30pm.