



Borough of Douglas

Town Hall,

Douglas,

13th February, 2013

At a MEETING of the COUNCIL of the BOROUGH OF DOUGLAS, duly convened and holden at 2.30pm on WEDNESDAY, the 13th day of FEBRUARY, 2013, in the COUNCIL CHAMBER within the TOWN HALL, at which Meeting the following Members were present, that is to say: -

The Mayor

MR COUNCILLOR DAVID JOHN ASHFORD, J.P.

Councillor

Mrs S.D.A. Hackman

Mr S.R. Pitts

Mr C.C. Thomas

Mrs R. Chatel

Mr J. Joughin

Mr D.W. Christian, J.P.

Mr E.A. Joyce

Mrs C.E. Malarkey

Mr G.J. Faragher

Miss D.A.M. Pitts

Mr W.M. Malarkey

Mr J.E. Skinner

Ms K. Angela

Mr S.C. Cain

Mr A.V. Quirk

The Chief Executive, Borough Treasurer and the Borough Engineer and Surveyor were in attendance.

Apologies for absence were submitted on behalf of Mr Councillor R.H. McNicholl, J.P.

1. **Minutes – 9th January 2013**

Minutes of the monthly meeting held Wednesday, 9th January, 2013, were approved and signed.

2. **Minutes – 24th January 2013**

Minutes of the special meeting held on Wednesday, 24th January, 2013, were approved and signed.

3. **Executive Committee – 25th January 2013 – Clause A13**

Under the provisions of the Local Government Act 1985, the Worshipful the Mayor declared an interest in this item and retired whilst it was considered.

Resolved unanimously, “That the Deputy Mayor, Councillor Mrs S.D.A. Hackman, take the Chair to consider Clause A13 of report of Executive Committee meeting held Friday, 25th January, 2013.”

Motion moved by Mr Councillor D.W. Christian, seconded by Mr Councillor S.R. Pitts, “That the minutes of proceedings of the Executive Committee, as contained in Clause A13 of report of meeting held Friday, 25th January, 2013, be received, approved and adopted by the Council.”

Question put on Motion. On division being challenged a vote was taken electronically and the Motion was carried unanimously.

4. **Executive Committee – 25th January 2013 – Clause B16**

Resolved unanimously, “That the minutes of proceedings of the Executive Committee, as contained in Clause B16 of report of meeting held Friday, 25th January, 2013, be received, approved and adopted by the Council.”

5. **Executive Committee – 25th January 2013 – Clause B17**

Motion moved by Mr Councillor D.W. Christian, seconded by Mr Councillor S.R. Pitts, “That the minutes of proceedings of the Executive Committee, as contained in Clause B17 of report of meeting held Friday, 25th January, 2013, be received, approved and adopted by the Council.”

Question put on Motion. On division being challenged a vote was taken electronically and the Motion was carried unanimously.

As a consequence of the Motion being carried Standing Order 125: Urgent Business is amended to read;

‘In any case where a matter arises that in the opinion of the relevant Chief Officer and the Chief Executive, cannot properly wait until the next meeting of the appropriate Committee, the Chief Executive if satisfied that all the relevant information has been provided in written form may seek a decision thereon from the Leader of the Council and the appropriate Lead Member.

Any decision taken in this manner shall be reported at the next meeting of the Executive Committee, and all relevant papers shall be made available to Members of the Executive Committee, but the Committee shall not vary the substance of the decision.

This procedure may only be used in case the subject matter is of such importance and urgency that, in the opinion of the Chief Executive the Leader of the Council and the Lead Member, it cannot properly be allowed to await a decision by the Committee under its normal timeframe, and where it is inappropriate to convene a special meeting of the Committee under Standing Order 90 (Meetings of Committees).

Where the Lead Member for a particular subject represents the same Ward as the Council Leader, they shall be consulted in relation to the matter but shall not sign off the decision’.

6. **Executive Committee – 25th January 2013 – Clause B18**

Motion moved by Mr Councillor D.W. Christian, seconded by Mr Councillor S.R. Pitts, “That the minutes of proceedings of the Executive Committee, as contained in Clause B18 of report of meeting held on Friday, 25th January, 2013, be received, approved and adopted by Council.”

Question put on Motion. On division being challenged a vote was taken electronically and there voted **For** the Motion: Mr Councillor C.C. Thomas, Councillor Mrs R. Chatel, Messrs Councillors E.A. Joyce, D.W. Christian, Councillor Mrs C.E. Malarkey, Mr Councillor G.J. Faragher, Councillor Miss D.A.M. Pitts, Messrs Councillors J.E. Skinner, A.V. Quirk, Councillor Ms K. Angela, the Mayor – **11**

Against: Councillor Mrs S.D.A. Hackman, Messrs Councillors S.R. Pitts, J. Joughin, W.M. Malarkey, S.C. Cain – **5**

Motion carried.

As a consequence of the Motion being carried a new Standing Order 56A be adopted as follows;

‘Except for the official recording system or in case the Mayor has given specific permission, no Member of the Council, officer or the public attending a meeting shall, during the meeting make any audio or video recording of the proceedings.

During any meeting all mobile communications devices shall be switched to silent operation. No mobile telephone or computer shall be used for any form of communication during the meeting except in case of potential emergency where the Mayor has given consent and in such case when a communication is received the individual concerned shall leave the Chamber to deal with the matter.

The use of laptop and tablet computers by Members of the Council during meetings shall be permitted only at the discretion of the Mayor and for the purpose of viewing files relevant to the business of the meeting.'

7. Executive Committee – 25th January 2013 – Clauses A1 to A12, A14 and A15 inclusive

Motion moved by Mr Councillor D.W. Christian, seconded by Mr Councillor S.R. Pitts, “That the minutes of proceedings of the Executive Committee, as contained in Clauses A1 to A12, A14 and A15 inclusive of report of meeting held Friday, 25th January, 2013, be received, approved and adopted by the Council.”

Question put on Motion. On division being challenged a vote was taken electronically and there voted **For** the Motion: Councillor Mrs S.D.A. Hackman, Messrs Councillors S.R. Pitts, J. Joughin, Councillor Mrs R. Chatel, Messrs Councillors D.W. Christian, E.A. Joyce, Councillors Mesdames C.E. Malarkey, D.A.M. Pitts, Messrs Councillors W.M. Malarkey, S.C. Cain, the Mayor – **11**

Against: Messrs Councillors C.C. Thomas, G.J. Faragher, J.E. Skinner, A.V. Quirk, Councillor Ms K. Angela - **5**

Motion carried.

8. Standards Committee – 23rd January 2013

Motion moved by Mr Councillor E.A. Joyce, seconded by Mr Councillor G.J. Faragher, “That the minutes of proceedings of the Standards Committee, as contained in report of meeting held Wednesday, 23rd January, 2013, be received, approved and adopted by the Council.”

Further Motion moved by Mr Councillor G.J. Faragher, seconded by Mr Councillor J.E. Skinner, “That, under Standing Order 37, Clause A2 of the minutes of proceedings of the Standards Committee held on Wednesday, 23rd January, 2013, be considered during the private meeting of the Council.”

Question put on further Motion. On division being challenged, the vote was taken electronically and there voted **For** the Motion: Councillor Mrs S.D.A. Hackman, Mr Councillor J. Joughin, Councillor Mrs C.E. Malarkey, Mr Councillor G.J. Faragher, Councillor Miss D.A.M. Pitts, Messrs Councillors W.M. Malarkey, J.E. Skinner, A.V. Quirk, Councillor Ms K. Angela - **9**

Against: Messrs Councillors S.R. Pitts, C.C. Thomas, Councillor Mrs R. Chatel, Messrs Councillors D.W. Christian, E.A. Joyce, S.C. Cain, the Mayor – **7**

Further Motion carried.

Further Motion moved by Mr Councillor E.A. Joyce, seconded by Councillor Mrs R. Chatel, “That Clause A3 of report of meeting of the Standards Committee held on Wednesday, 23rd January, 2013, be withdrawn for further consideration by the Committee.”

Question put. Further Motion carried. No division.

Question put on substantive Motion. On division being challenged a vote was taken electronically and there voted **For** the Motion: Councillor Mrs S.D.A. Hackman, Messrs Councillors S.R. Pitts, C.C. Thomas, J. Joughin, Councillor Mrs R. Chatel, Messrs Councillors D.W. Christian, E.A. Joyce, Councillor Mrs C.E. Malarkey, Mr Councillor G.J. Faragher, Councillor Miss D.A.M. Pitts, Messrs Councillors W.M. Malarkey, J.E. Skinner, A.V. Quirk, S.C. Cain, the Mayor – **15**

Against: Councillor Ms K. Angela – **1**

Motion carried.

9. Housing and Property Advisory Committee – 16th January 2013

Resolved unanimously, “That the minutes of proceedings of the Housing and Property Advisory Committee, as contained in report of meeting held 16th January 2013, be received, approved and adopted by the Council.”

10. Regeneration and Community Advisory Committee – 15th January 2013

Motion moved by Mr Councillor S.R. Pitts, seconded by Mr Councillor G.J. Faragher, “That the minutes of proceedings of the Regeneration and Community Advisory Committee, as contained in report of meeting held Tuesday, 15th January, 2013, be received, approved and adopted by the Council.”

Question put. On division being challenged a vote was taken electronically and the Motion was carried unanimously.

11. **Environmental Services Advisory Committee – 14th January 2013**

Resolved unanimously, “That the minutes of proceedings of the Environmental Services Committee, as contained in report of meeting held 14th January, 2013, be received, approved and adopted by the Council.”

IN PRIVATE

12. **Adjournment and resumption**

The meeting adjourned at 4.50pm and resumed in private at 5.13pm with the same Members present.

13. **Standards Committee – 23rd January 2013 – Clause A2**

Motion moved by Mr Councillor E.A. Joyce, seconded by Councillor Mrs R. Chatel “That the minutes of proceedings of the Standards Committee as contained in Clause A2 of private report of meeting held on Friday, 23rd January, 2013, be received, approved and adopted by the Council.

The Council resolved unanimously into Committee to consider the motion.

On resumption of proceedings in Council:

Question put on Motion. On division being challenged a vote was taken electronically and there voted **For** the Motion: Messrs Councillors C.C. Thomas, J. Joughin, Councillor Mrs R. Chatel, Messrs Councillors D.W. Christian, E.A. Joyce, Councillor Mrs C.E. Malarkey, Mr Councillor G.J. Faragher, Councillor Miss D.A.M. Pitts, Messrs Councillors W.M. Malarkey, J.E. Skinner, A.V. Quirk, S.C. Cain, Councillor Ms K. Angela, the Mayor - **14**

Against: Councillor Mrs S.D.A. Hackman, Mr Councillor S.R. Pitts – **2**

14. **Attendance**

Councillor Mrs R. Chatel left the meeting at 6.15pm.

15. **Executive Committee – 25th January 2013 – Clause C2**

Under the provisions of the Local Government Act 1985, the Worshipful the Mayor declared an interest in this item and retired whilst it was considered.

Resolved unanimously, “That the Deputy Mayor, Councillor Mrs S.D.A. Hackman, take the Chair to consider Clause C2 of report of Executive Committee meeting held Friday, 25th January, 2013.”

Motion moved by Mr Councillor D.W. Christian, seconded by Mr Councillor S.R. Pitts, “That the minutes of proceedings of the Executive Committee, as contained in Clause C2 of private report of meeting held on Friday, 25th January, 2013, be received, approved and adopted by the Council.”

Question put on Motion. On division being challenged a vote was taken electronically and the Motion was carried unanimously.

16. **Standing Order No. 9 – Duration of Meeting**

At 6.25pm the Mayor drew attention to the provisions of Standing Order 9 and directed that a vote be taken as to whether or not the meeting would adjourn at 6.30pm and resume the following day at 10.00am.

Resolved unanimously, “That the Council session continue until consideration of all outstanding business on the Agenda is completed.”

17. **Executive Committee – 25th January, 2013 – Clause C1**

Resolved unanimously, “That the minutes of proceedings of the Executive Committee, as contained in Clause C1 of private report of meeting held on Friday, 25th January, 2013, be received, approved and adopted by the Council.”

18. **Housing and Property Advisory Committee – 16th January 2013**

Under the provisions of the Local Government Act 1985, Mr Councillor G.J. Faragher declared an interest in this item and retired whilst it was considered.

Motion moved by Councillor Mrs C.E. Malarkey, seconded by Mr Councillor J.E. Skinner, “That the minutes of proceedings of the Housing and Property Advisory Committee, as contained in private report of meeting held on Wednesday, 16th January, 2013, be received, approved and adopted by the Council.”

Question put. On division being challenged a vote was taken electronically and the Motion was carried unanimously.

The Council rose at 6.46pm.