



## **Borough of Douglas**

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**MR COUNCILLOR DAVID JOHN ASHFORD, J.P.  
MAYOR**

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Town Hall,  
Douglas,  
5<sup>th</sup> April, 2013

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL to be held on WEDNESDAY, the 10th day of APRIL, 2013, at 2.30 o'clock in the afternoon, in the COUNCIL CHAMBER within the TOWN HALL, DOUGLAS for the transaction of the hereinafter mentioned business.

I am,  
Yours faithfully

Town Clerk & Chief Executive

# Order of Agenda

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

II - Any statutory business.

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

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

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

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

- (i) The Executive Committee;
- (ii) The Pensions Committee;
- (iii) The Standards Committee;
- (iv) The Eastern Civic Amenity Site Joint Committee;
- (v) Any other Joint Committee;

VII - Consideration of the report of each Lead Member in the following order:

- (i) Housing and Property;
- (ii) Regeneration and Community;
- (iii) Environmental Services;

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, 13<sup>th</sup> March, 2013, and the Special Private Council Meeting held on Wednesday, 27<sup>th</sup> March, 2013.

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

## EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Wednesday, 27<sup>th</sup> March, 2013.

Members Present: Mr Councillor D.W. Christian (Chair), the Mayor, Mr Councillor S.R. Pitts, Councillor Mrs C.E. Malarkey, Mr Councillor R.H. McNicholl.

In Attendance: Chief Executive, Borough Treasurer, Assistant Borough Engineer, Democratic Services Officer (from 3.20pm to 3.55pm).

### 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 Mr Councillor E.A. Joyce and the Borough Engineer & Surveyor.

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

No declarations of interest were submitted.

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

The minutes of the meeting held on Friday 1<sup>st</sup> March and the special meeting held on Thursday 7<sup>th</sup> March 2013 were approved and signed.

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

Clause A8 – General Byelaws: it was noted that it was hoped now to place the byelaws before the May 2013 sitting of Tynwald, with a view to them being implemented on 1<sup>st</sup> June 2013. A further delay had occurred as the Council had been advised that the maps, originally provided with the draft byelaws, were not of the size required. This notification had only just been received on submission of the final version of the byelaws, although the maps had been submitted sometime prior.

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

Clause A9 – Members' Training: in response to a Member's query regarding training for the Standards Committee, the Chief Executive advised that the Assistant Town Clerk was meeting with the Chair and the Independent Member with a view to arranging some training at the next meeting of the Committee, scheduled for 17<sup>th</sup> April 2013.

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

##### **A5. Minutes and Referrals of the Environmental Services Advisory Committee**

The Committee considered the minutes of the Environmental Services Advisory Committee meeting held on Monday 18<sup>th</sup> March 2013, including the below item specifically referred to the Executive Committee:

Clause B19 - 72 Derby Road, Douglas (Nuisance Order): a Nuisance Order had been served on the owner of the property requiring treatment to dry rot to prevent this spreading into the neighbouring property. The owner did not live on the Island and had failed to carry out the remedial work. The Advisory Committee had resolved that the works should be carried out by the Council, in order to abate the statutory nuisance, and to facilitate the recovery of expenses incurred, under Section 6 of the Public Health Act 1990, and quotations had, accordingly, been obtained.

It was suggested that the Council did have powers under the Public Health Act 1990 to carry out such work in default of an Order, but that it had not before chosen to use the legislation. The Assistant Borough Engineer advised that the extent of the works would need to be determined, with access being gained to the neighbouring property, and proper costings being drawn up. The Chief Executive

confirmed that officers of the Environmental Health division of the Department of Environment, Food and Agriculture were in contact with the owner and were able to obtain access to the adjoining property.

Resolved, “(i) That particulars of the Environmental Services Advisory Committee minutes be noted;

(ii) That a decision on whether funding from the Derelict Buildings Fund should be made available to carry out remedial works at 72 Derby Road, Douglas, be deferred, pending the following:

- (a) Further investigation being undertaken into the scale of the works required and obtaining detailed quotations
- (b) Consideration of the powers of compulsory purchase by the Council under the Local Government Act 1985, to deal with this and other properties;

(iii) That the Assistant Borough Engineer be requested to liaise with Environmental Health officers with regard to obtaining access to the property adjoining 72 Derby Road; and

(iv) That authority be given to officers in consultation with the Chairs of the Executive Committee and the Environmental Services Advisory Committee, on receipt of details of the works required and the related costings, to take this matter forward.”

#### **A6. Minutes and Referrals of the Regeneration and Community Advisory Committee**

The Committee considered the minutes of the Regeneration and Community Advisory Committee meeting held on Tuesday 19<sup>th</sup> March 2013, including the below item specifically referred to the Executive Committee:

Clause B10 - Sponsorship Proposals for 2013 Council Events: it was noted that a declaration of interest by a Member (and subsequent retirement from discussions on this item) had left the Advisory Committee inquorate. The matter had therefore been referred to the Executive Committee for determination.

The Committee considered a written report by the Assistant Democratic Services Officer in relation to a revised media support proposal, submitted by 3FM, for Council events during 2013. Officers had previously been requested by the Advisory Committee to re-negotiate the proposal to take account of the following instructions:

- The removal of the ‘Roadrunners’ from the Fireworks Display, the Christmas Lights Ceremony, and the Fun Day event;
- The reduction in the number of commercials for the Fireworks Display and the Christmas Lights Ceremony;
- The removal of the sourcing of acts for the Fun Day.

The overall cost of the package, following negotiations, would be £6,209, a reduction from £9,907. As the Council contributed fifty per cent, its contribution would therefore be £3,104.50, this being a reduction of £1,849. It was noted that the cost per commercial would now be £10.80 and, as in previous years, Celton Manx as the event sponsor, would be mentioned in the one-hundred-and-twelve commercials for both the Fireworks Display and the Christmas Lights Ceremony.

Resolved, “(i) That particulars of the minutes of the Regeneration and Community Advisory Committee be noted; and

(ii) That the revised 3FM media support proposal for 2013 Council events be accepted.”

#### **A7. Minutes and Referrals of the Housing and Property Advisory Committee**

The Committee considered the minutes of the Housing and Property Advisory Committee meeting held on Wednesday 20<sup>th</sup> March 2013, including the below item specifically referred to the Executive Committee:

Clause B3 (i) - Waverley Court Sheltered Housing Complex - Water Feature and Central Heating System: the Advisory Committee had discussed had taken place as to whether to replace the existing stream and ornamental pond with a smaller water feature, or whether to remove the whole of the water feature and replace it with an alternative suitable feature. To carry out any work, approval for expenditure from the Community Facilities Reserve fund was required from the Executive Committee.

A Member of the Executive Committee suggested that the statue presently located in the Rose Gardens and subject to regular incidents of vandalism, should be relocated to the Waverley Court garden following the removal of the existing water feature. This would reduce expenditure on a replacement feature and the location should also protect the statue from further damage.

Resolved, “(i) That particulars of the minutes of the Housing and Property Advisory Committee be noted;

(ii) That, in respect of Clause B3(i), approval be given for expenditure in the sum of £4,270 from the Community Facilities Reserve fund, for the removal of the existing water feature at Waverley Court and to tidy and make-good the area;

(iii) That approval be given to relocate the statue located in the Rose Gardens to the garden at Waverley Court; and

(iv) That, in respect of Clause B3 (ii) - included in the report on the Water Feature, reference had also been made to the Advisory Committee's previous resolution of 16<sup>th</sup> January 2013 to carry out works to the central heating system at Waverley Court – funding for this work would also have to be approved from the Community Facilities Reserve fund: it was noted, however, that this report (from the Advisory Committee's meeting on 16<sup>th</sup> January) had already been approved at the February 2013 meeting of Council, and it was therefore being retrospectively brought to the attention of the Executive Committee."

#### **A8. Consultation Document – Draft Building (Fees) Regulations 2013**

The Committee considered a written report by the Assistant Town Clerk in relation to a consultation document received from the Department of Infrastructure.

The Council was one of three Building Control authorities on the Island and, in common with Onchan District Commissioners and the Department of Infrastructure, had found that the level of fees charged for the service needed to be increased to cover the costs and to erase the need for subsidy by the ratepayer or taxpayer.

The 3.5% increases proposed in the draft Regulations for 2013 also provided for corresponding annual increases in 2014 and 2015, the principle being that the developer should pay for the service (which appeared to be more appropriate than the service being subsidised by public funds).

The Borough Treasurer advised that the 3.5% proposed as annual increases would be a considerable step forward in reaching the self-financing target.

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

(ii) That the Department of Infrastructure be advised that the Council supported the proposed revision of plan fees and inspection fees payable under the Building Regulations, as set out in the schedule to the draft Regulations, and including the level of the increases proposed."

#### **A9. Consultation Document – Housing (Standards) Regulations 2013 / Housing (Registration) Regulations 2013 / Housing (Definition of House or Flat in Multiple Occupation) Order 2013**

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

The Regulations and Order that were proposed intended to enable houses to be let in multiple occupation. Multiple occupation was defined as a house being shared between two or more households, a practice that was legal prior to 1984, although subject to byelaws, but, on the introduction of the Flats Regulations, it was made illegal as the perception at the time was that the sharing of facilities between two households within the same property was undesirable.

It had recently been identified, however, that to enforce the legislation could effectively waste useable living space, and it was therefore proposed to legalise the letting of houses in multiple occupation. This would, however, be subject to controls to ensure that minimum standards were maintained.

The two sets of Regulations would require local authorities to maintain a register of such properties and for owners to register them. Officers of the Department of Environment, Food and Agriculture would act as agents for the local authority for inspection and enforcement, in a similar way as for Flats Regulations, etc. In attaching the roles of registration and enforcement to local authorities, the Regulations echoed the Council's own view that such functions should be local authority responsibilities. There was, however, no reference to any fee payable for registration or any other income to the local authority. Therefore, any resources that were required to administer the register and actions, under the Regulations, would be rate-funded, although this could be minimised by operating alongside existing roles in Building Control.

Members noted that there was no commitment to the Government continuing to fund inspection and enforcement services free of charge, as at present. If the Government decided to charge local authorities for the services provided (in its ongoing effort to reduce its own costs), the cost to the ratepayer could be significant.

It was noted that the Order merely clarified the definition of 'house or flat let in multiple occupation', and no objection could be raised to the definitions.

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

(ii) That the Department of Environment, Food and Agriculture be advised that the Council supported the draft Regulations, subject to a commitment being given that local authorities would continue to receive, free of charge, the services of the Environmental Health Division of the Department.”

#### A10. Consultation Document – Members’ Attendance and Travelling Allowances

The Committee considered a written report by the Assistant Town Clerk in relation to a consultation document issued by the Department of Infrastructure.

The consultation document had invited comments on whether Attendance Allowances should -

- Remain at the current level;
- Be increased in line with inflation since 2006 (when they were last increased); or
- Mirror the levels of allowances paid to non-Tynwald members of bodies such as the Work Permit Appeals Tribunal / Office of Fair Trading, etc.

Attendance Allowance was currently £30 per session, a rate fixed in 2006, and Members considered that it was only reasonable that it should be increased at least in line with inflation. The Council had, however, long held the view that the rate was insufficient to adequately compensate for the time Members had to expend on Council business, and that there should be comparison with the rate paid to non-Tynwald members of Government bodies. The structure of the Allowances scheme was also focussed directly on meetings and did not adequately reflect time spent representing voters outside of formal meetings, nor was there any provision of payment of different rates to Chairs, etc.

The consultation document had also invited comments on whether Travelling Allowances should -

- Remain at the current level; or
- Be increased in line with the rate paid to Tynwald Members.

It was noted that the Tynwald rates were 46 pence per mile for vehicles under 1300cc, and 52 pence per mile for larger vehicles. This compared to the current local authorities’ rates of 44 pence and 50 pence respectively.

Members’ view was very clear that local authority Members’ allowances should be in line with those paid to members of the various non-Tynwald members of Government bodies. It was noted that the Honourable Minister for the Department of Infrastructure had already released a press statement to the effect that, as the majority of local authorities had indicated they were not in favour of an increase at this time, then there would be none.

Members agreed that Douglas could not be compared to smaller authorities – even just by virtue of Douglas’ meetings being held during the day-time. It was also noted that, since the introduction of the new Constitution in May 2012, Member-costs had already reduced greatly because of the reduced memberships of the various Committees, sub-Committees no longer existed, and the Executive Committee met only once a month (whereas the former Policy and Resources Committee had met twice monthly).

Should the proposed recommendations, as set out in the written report, be approved, there would be a substantial cost. In a full year, assuming all Members would claim the full one-hundred-and-twenty sessions, the implication would be a cost of £103,680 in addition to the current year’s maximum of £64,800. It was therefore suggested in the written report that a review of funding sources (including virement or use of reserves) should only take place when it became clearer that the increases would be made and what the levels would be.

The consultation document also sought comments on whether authorities would favour differential allowances for different types of meeting; whether local authorities should determine their own levels of allowances; and whether hourly or part-hourly rates should apply in place of sessions.

The Chief Executive confirmed that the Assistant Town Clerk would prepare the response to the Department of Infrastructure, which would include the following points:

- That the Council supported the increase in Members’ Allowances to the same level as that paid to non-Tynwald Members of Government bodies;
- That the Council would support a wider review of the structure of the Members’ Allowances scheme to facilitate payment of special allowances to Members undertaking additional responsibilities (such as Chairs), and to reflect the time spent representing voters outside of meetings;
- That the Council supported the increase of local authority Members’ Travelling Allowances to the same level as those applying to Tynwald Members;
- That in the review proposed above, differential rates should be considered for both differing types of work (not solely meetings) and differing levels of responsibility, with freedom being

given to local authorities to fix their own levels of allowances within mandatory parameters, and the current sessional payment arrangements being retained, as they generally seemed fair;

- That any increase should be to a minimum of £40 per session, which would be in line with the rate of inflation since 2006 (namely £38.82);
- That any increase should be back-dated to 1<sup>st</sup> April 2013;
- That there should be no cap on the number of meetings Members could claim for;
- That the Council could not be treated as being equal to other local authorities on the Island because of its size; the wide variety of functions it performed or was responsible for; and meetings being held during day-times.

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

(ii) That the Chief Executive and the Assistant Town Clerk prepare the Council’s response to the consultation, based on the above points; and

(iii) That the draft response be agreed with the Leader in advance of it being submitted to the Department of Infrastructure.”

#### **A11. Monthly Financial Review (February 2013)**

The Committee considered a written report by the Borough Treasurer setting out details of progress made compared to key performance indicators in relation to rates collected; the increase in direct debit take-up for the year; the percentage of net rent collected; gross rent arrears; the number of tenants owing over £500; and sundry debtors over three months old.

The Borough Treasurer also reported in relation to the Rate levied by the Council for 2013 / 2014. At 395 pence in the pound, the Douglas rate remained the highest on the Island. Members noted the Rate levied by other local authorities, which ranged from 357 pence in the pound to 70 pence in the pound, with five authorities seeing no increase on the previous year and two seeing a reduction. It was noted, however, that some authorities levied a separate refuse charge and, of those that levied a fixed annual charge, that charge had increased by between 13.01% and 130.86%.

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

#### **A12. Local Government Superannuation Scheme Statement of Policy on Employer Discretions**

The Committee considered a written report by the Borough Treasurer in relation to the requirement of the Local Government Superannuation Scheme 2012 for all employers to have a policy for mandatory discretions.

The Local Government Superannuation Scheme 2012 came into force on 1<sup>st</sup> April 2012 and, to operate the regulations, each employing authority had to have a clear policy in relation to a number of employer discretions. Members were reminded that Mandatory employer discretions had been approved by the former Policy and Resources Committee on 16<sup>th</sup> March 2012 and these had now been incorporated into the employing authority discretionary policies (attached to the written report).

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

(ii) That the draft statement of policy on employer discretions (as appended to the written report) be approved with effect from 1<sup>st</sup> April 2012 and that it be made available on the Council’s website.”

#### **A13. Town Hall – First-Floor Kitchen**

The Committee considered a written report by the Borough Engineer & Surveyor in relation to whether the kitchen, currently situated on the first-floor of the Town Hall, could be adapted for use as a food preparation and handling area for catering for events held in the Council Chamber and other areas of the Committee Suite.

Members were advised that the Chief Executive and Borough Engineer & Surveyor had met with a food inspector from the Department of Environment, Food and Agriculture on 19<sup>th</sup> March 2013, when an inspection of the current facility had been carried out with a view to obtaining comments and recommendations on the potential for the facility to be upgraded for commercial catering use.

It was noted that, at present, the kitchen was sufficiently equipped as a welfare facility but, in order to make it available for use by outside caterers to prepare or make up food, it would be necessary to register with the Department of Environment, Food and Agriculture under the provisions of EU Regulation EC 852/2004, and the following works would be required to be carried out:

- An additional hand-washing facility to be installed;
- The workstation and desk to be removed; and
- Attention to be paid to areas of the work surfaces that were showing signs of wear.

To provide for warming facilities, an oven and extractor equipment would also be required. Once registered and any necessary works undertaken, a responsible officer would also have to be appointed to operate a management regime that ensured the facility was maintained. It was noted that use of the facility would be restricted to professional caterers, who would have the necessary competence to safely prepare and manage food.

The physical location of the kitchen would still remain problematical for caterers, as it required food movement through up to seven doors to reach the Council Chamber, Mayor's Parlour or Committee Room. This could, however, be overcome if a suitable transport mechanism – such as a trolley – was available, and this aspect had been further investigated following discussion with the food inspector.

Details of the types of trolleys that would be suitable for the purpose were set out in the written report, and Members were advised that an advantage in providing a suitable trolley system was that there would be no need to install an oven. It was noted that a suitable catering-standard, mobile, hot cupboard trolley, which was available on the Island, was estimated to cost £1,350, and would be expected to have a minimum lifespan of ten years. The trolley would allow caterers to transfer their products easily and safely to the Committee Suite. It was suggested that caterers should be required to pay a deposit for the use of the trolley, on the basis of ensuring that it was cleaned satisfactorily after each use.

The purchase of a trolley would mean only the minimum of works would need to be carried out to allow the existing facility to be registered as a Food Business Establishment, and would also therefore keep costs to a minimum. It was agreed that discussion should take place with one of the Council's preferred caterers to ascertain their opinion on the suitability of the proposed hot cupboard trolley.

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

(ii) That approval in principle be given for the following:

- The provision of an additional hand-basin and the replacement of the current work surfaces in the first-floor kitchen;
- The purchase of a mobile, hot cupboard trolley for use for catering purposes;

(iii) That authority be given for the Council to apply for Registration as a Food Business Establishment under the Food Act 1996, the Food Hygiene Regulations 2007, and EU Regulation EC 852/2004, as required by the Department of Environment, Food and Agriculture;

(iv) That the total cost of the works, estimated at £2,720, be funded from the Revenue Budget, SP060 / D105, for 2012 / 2013;

(v) That discussion takes place with a caterer to establish the suitability of the proposed mobile, hot cupboard trolley system; and

(vi) That, if the purchase of a trolley is progressed, its use by caterers be subject to them paying a deposit to ensure that it was cleaned satisfactorily after each use."

#### A14. **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."

#### A15. **Chairman's Closing Remarks**

The Chairman thanked the Members of the Committee for their participation and support during the course of the last year, the first under the new Constitution. A lot of work had again been undertaken and there was also a lot to look forward to in the coming year. The Chairman also thanked the officers for all their work and support.

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

#### **PART B –**

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

#### B16. **Standing Order 79 – Amendment**

The Committee considered a written report by the Assistant Town Clerk seeking approval to amend Standing Order 79 in order to make clear provision for the filling of vacancies occasioned by the election as Mayor of a Committee Chair.

It had recently come to light, as a consequence of the adoption of the new Constitution from May 2012, that Standing Order 79, under which the outgoing Mayor assumed the Committee Memberships vacated by the incoming Mayor, required adjustment. This was because, under the new Constitution, Chairs of

Committees must be elected by the Council so, where the incoming Mayor held a Chair, the outgoing Mayor should not automatically assume it.

Committee Chairs were appointed initially by the Council and therefore the Council should appoint to any vacancy of a Lead Member or Chair, or vacancy on the Pensions or Standards Committees, and the Executive Committee, as set out in Standing Order 81, and the Executive Committee should appoint to any vacancy arising on an Advisory Committee.

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

(ii) That it be recommended to Council that Standing Order 79 as existing:

*‘In any year where there is no general election of Councillors, and no general revision of Memberships under Standing Order 81 (Election of Leader, Lead Members and Members of Committees) the outgoing Mayor unless elected to the office of Leader of the Council shall assume the Memberships vacated by the incoming Mayor’*

be deleted, and any casual vacancies which occurred, including vacancies arising as a result of a Member being elected as Mayor, shall, as a result, be governed by Standing Order 86.”

The Committee rose at 4.20pm.

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

# PENSIONS COMMITTEE

PENSIONS COMMITTEE – Minutes of Meeting held on Tuesday, 26<sup>th</sup> March, 2013.

Members Present: Mr Councillor C.L.H. Cain (Chairman, from 2.55pm), Messrs Councillors C.C. Thomas, J. Joughin, A.V. Quirk, Mr A. Thomas (Independent Member).

Apologies: the Mayor, Mr Councillor R.H. McNicholl.

In Attendance: Borough Treasurer, Assistant Chief Officer (Finance), Senior Technical Officer, Mrs Jayne Wiberg – Capita, Mr Andrew Beedall – Capita, Assistant Democratic Services Officer.

## REPORT

### **PART A –**

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

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

In the absence of the Chairman and Vice-Chairman, it was unanimously agreed that Mr Councillor A.V. Quirk should chair the meeting.

##### **A2. Adjournment and Resumption**

It was unanimously agreed to adjourn the meeting at the Strathallan Suite and reconvene the meeting at the Committee Room in the Town Hall.

The meeting adjourned at 2.30pm and resumed at 2.55pm, the same Members and Officers were present, and the Chairman joined the meeting.

##### **A3. Chair of Meeting**

It was unanimously agreed that the Chairman should chair the meeting.

##### **A4. Minutes – 27<sup>th</sup> February 2013**

The minutes were approved and signed subject to the inclusion of a paragraph in Clause A16 to clarify that the suggestion to market test the Custodian was not detailed in the original recommendation within the report, the change in the resolution was subject to a discussion at the meeting.

##### **A5. Updated Policy on Administration Authority Discretions**

The Committee considered a report submitted by the Borough Treasurer to consider the adoption of Administering Authority discretions in relation to the pension scheme.

The Local Government Superannuation Scheme 2012 came into force on 1<sup>st</sup> April 2012. It is best practice that the Administering Authority has a clear policy in relation to its non-mandatory discretions to operate the scheme.

The report provided the draft administering authority discretionary policies on behalf of Douglas Borough Council as administering authority to the Isle of Man Local Government Pensions Scheme.

Members noted that on the 28<sup>th</sup> March 2012 the mandatory administering authority policies were approved by the Pensions Committee. The mandatory and non-mandatory policies were aligned in appendix one of the report, the appendix indicated which policies had received approval.

A Member referred to regulation number A28 (2) which allows a scheme member, upon retirement, to use an in-house AVC fund to purchase additional pension within the scheme. The Member asked if scheme members received AVC returns based on Manx RPI. Mrs Wiberg confirmed that increases relating to RPI do not apply on the Island as it only related to additional pension contracts taken out prior to 1 April 2012 in England & Wales. The election to purchase additional pension was not possible within the IoMLGSS prior to 1 April 2012.

In answer to question, the Borough Treasurer confirmed the policies cover the audit regulations. A Member made reference to the 2013 audit regulations.

The Borough Treasurer confirmed it was the intention to regularly review the policy.

Resolved, "That particulars of the report and discussion be noted on the minutes and the draft statement of policy on Administering Authority Discretions be approved from 1<sup>st</sup> April 2013 and made available on the website."

#### **A6. Annual Review of Pensions Risk Register**

The Committee considered a report submitted by the Borough Treasurer reviewing the risk register for the administration of the Pension Scheme and to help keep the Committee aware of risk management issues.

Members noted that managing the pension scheme involves significant levels of risk in a variety of areas and the Pensions Committee has a vital role to play. The Committee needs to be aware of the risks facing the scheme and need to be satisfied that the Council, as administrating authority, and all of its partners have effective strategies for the management of those risks.

Members were presented with a table of twenty-one risks, each with an inherent risk score, calculated from impact and probability. Those with low risks highlighted green, moderate risks highlighted amber and severe risks highlighted red. The same twenty-one risks also calculated a residual risk score with impact and probability calculated after a chosen action.

The Borough Treasurer confirmed the risk register was updated to incorporate priorities of the Committee as agreed in the Corporate Plan. The report also confirmed officers had reviewed the Council's Treasury Management Processes, which highlighted some cross-related issues with the management of the Pension Fund.

The Assistant Chief Officer (Finance) informed that the Actuary did not agree with PF2 (iv) possible action number one. The Actuary informed that reviewing investment strategy and investing in higher growth assets would not be a possible action to combat longevity risk. The Borough Treasurer agreed to bring forward an alternate possible action for consideration. A Member suggested the scheme retirement age could be increased in line with the state pension age to reduce longevity risk.

A Member queried the monitoring of communication with employing bodies. The Borough Treasurer confirmed some bodies feel they do not receive enough communication. Members noted however employer training was scheduled to take place on Wednesday, 27<sup>th</sup> March.

Members agreed the risk register should be a private document which is available on the internet to employing bodies through a password protected area of the Council website.

The Borough Treasurer requested Members to consider the register throughout the year and highlight any potential risks for consideration.

In answer to question the Borough Treasurer confirmed a Fund Manager for the Scheme is required by the regulations to be registered with the Financial Supervision Commission. The Isle of Man Government Treasury were reluctant to allow off-Island management because it was felt there were a satisfactory number of managers available on island.

Resolved, "That particulars of the report and discussion be noted on the minute and the pensions risk register and chosen actions therein be agreed and an additional report on possible actions for PF2 (iv) longevity be brought back to Committee for further consideration."

#### **A7. Plan of Administration Activity 2013**

The Committee considered a report produced by Capita on the plan of administration activity for 2013.

The report detailed the Pensions Committee, Councillor, and employer training for March and October.

A Member requested an update on the possibility of receiving the audited accounts in September as opposed to the October meeting. The Assistant Chief Officer (Finance) informed that auditing the accounts for September would increase the scheme fees as each local authority would be audited separately for the Pension Scheme as opposed to the one audit for a local authority that is currently undertaken.

The Borough Treasurer informed he has requested Treasury to instruct auditors to cease undertaking the peer review in the United Kingdom annually which delays the auditing of the accounts.

A Member informed that under the 2013 regulations the Borough Treasurer, as Financial Officer, will be authorised to sign off accounts without Committee approval.

Resolved, "That the report and discussion be noted on the minutes and the plan of administration activity for 2013 be noted, approved and included on the items for future report."

#### **A8. Items for Future Report**

The Committee considered a report submitted by the Borough Treasurer setting out items that are to be considered at future meetings and to review any future training requirements. Where there has been a delay in reporting, the reason for this is outlined.

Resolved, "That particulars of the report 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 Committee rose at 3.41pm.

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

# EASTERN CIVIC AMENITY SITE JOINT COMMITTEE

EASTERN CIVIC AMENITY SITE JOINT COMMITTEE – Minutes of Meeting held on Monday, 11<sup>th</sup> February, 2013.

Present: For Douglas Borough Council - Mr Councillor W.M. Malarkey (Member), Mr I.J.G. Clague (Borough Engineer & Surveyor). For Onchan District Commissioners - Mrs J. Kelly (Member), Mr P.M. Hulme (Chief Executive/Clerk). For Laxey Village Commissioners - Mr A. Moore (Member). For Braddan Parish Commissioners - Mr J.C. Whiteway (Clerk) (from 3.35pm). For Santon Parish Commissioners - Mr N. Kelly (Member).

In Attendance: Secretary - Mr P.E. Cowin. Contractor’s Representative - Mr P. Macken (from 3.35pm).

## REPORT

### **PART A –**

#### ***Matters within the Scope of the Joint Committee’s Delegated Authority***

#### **A1. Minutes – 3<sup>rd</sup> December, 2012**

The minutes of meeting held on Monday 3<sup>rd</sup> December, 2012, were approved for signature as a correct record.

#### **A2. Minutes – 17<sup>th</sup> December, 2012**

The minutes of special meeting held on Monday 17<sup>th</sup> December, 2012, were approved for signature as a correct record.

#### **A3. Vehicle Number Plate Recognition System**

Arising from the minutes, the Chairman expressed disappointment that no Department of Infrastructure Officer was present, as there were a number of issues on the agenda that would benefit from the Department’s input; in particular the connection to the Automatic Number Plate Recognition system which Mr Quayle had been going to report on.

As the Committee had already allocated funding for it, the Borough Engineer undertook to progress the installation.

#### **A4. Operational Costs**

The Committee noted a letter from the Business and Contracts Manager of the Department of Infrastructure, advising that the cost of disposal of waste through the Energy from Waste Plant and Wright’s Pit North would increase annually over the next six years as follows:

<i>Effective from</i>	<i>Domestic Waste (per tonne)</i>	<i>Commercial Waste (per tonne)</i>
1 <sup>st</sup> April 2013	£57.35	£130.00
1 <sup>st</sup> April 2014	£78.35 (+Indexation)	£148.00 (+Indexation)
1 <sup>st</sup> April 2015	£99.35 (+Indexation)	£160.00 (+Indexation)
1 <sup>st</sup> April 2016	£120.35 (+Indexation)	£160.00 (+Indexation)
1 <sup>st</sup> April 2017	£141.35 (+Indexation)	£160.00 (+Indexation)
1 <sup>st</sup> April 2018	£161.35 (+Indexation)	£161.35 (+Indexation)

Members expressed concern over the increasing costs and particularly the uncertainty in the “Indexation” addition.

There was a perception that waste was being brought to the Eastern Civic Amenity Site from other parts of the Island, particularly when other Sites were closed but the Eastern Site remained open. Members felt that this was unfairly adding to the operational costs shared by the six Authorities. The Chairman queried the statutory requirement to accept waste from other areas.

**It was agreed: that the letter be noted; that the Secretary research the statutory requirement to accept waste from other areas; and that the Secretary seek information on tonnages of waste and opening times at the other Sites.**

**A5. Revised Estimates 2013-14**

At the special meeting of the Committee on 17<sup>th</sup> December, approval had been given to the financial estimates for 2013-14, based on an assumed waste disposal charge of £55.00 per tonne. The precise figure had not been available at that time but notification was received shortly afterwards that it was to be £57.35. The Secretary had therefore notified all the authorities and circulated revised estimates to aid with the setting of rates. The revised estimates now required formal ratification.

**It was agreed: that the revised estimates for 2013-14 be approved.**

**A6. Attendance**

Mr Whiteway and Mr Macken joined the meeting at 3.35pm.

**A7. Operational Issues – Statistics**

The Committee noted the operational statistics produced by Mr Macken showing the tonnages of different categories of waste handled by the Site. In response to questions he stated that demolition waste cost £5.00 per tonne for disposal and timber which was now being separated, £35.00 per tonne.

The number of fridges and freezers being received had fallen since the introduction of charges, but Mr Macken confirmed that there had been no corresponding increase in such units being fly-tipped in Douglas.

**It was agreed: that the statistics be noted.**

**A8. Operational Issues – Textile Recycling**

The Committee noted that the Chairman and Mr Dobson, in exercise of the authority delegated to them by the Committee on 3<sup>rd</sup> December, had agreed to accept the tender of the Salvation Army Trading Company Ltd. for the collection of textiles at the Site for recycling.

Mr Macken confirmed that the operation had commenced on 1<sup>st</sup> February and so far was running smoothly.

**It was agreed: that the appointment of the Salvation Army Trading Company Ltd. be noted.**

**A9. Operational Issues – Commercial Waste**

There was discussion of the difficulties in identifying commercial operators using the Site; Mr Macken confirmed that staff did try to check on the source of materials but there was a suspicion that some small traders were using the Site to dispose of material, particularly demolition waste and hardcore.

It was suggested that written rules for use of the Site would be helpful, as would a standard letter to be given to anyone suspected of using the Site for disposal of trade waste. Height restrictions on vehicles entering the Site would also help reduce the number of vehicles suspected of carrying commercial waste.

The Vehicle Number Recognition system referred to in Clause A3 above would also help monitor vehicles using the Site more frequently than normal.

**It was agreed:**

- (1) that the Secretary in consultation with the Borough Engineer and Mr Macken draft Rules for use of the Site, and a standard letter for distribution to users in case of potential misuse;**
- (2) that the Borough Engineer arrange to have a removable height restrictor at 2.2 metres fitted at the entrance to the Site;**
- (3) that suitable advance signage be installed on the access road warning of the height restriction;**
- (4) that a “Stop” sign be installed at the Site entrance to ensure that all vehicles must stop before proceeding to unload;**
- (5) that the maximum amount of demolition waste (including hardcore, rubble, etc.) deposited by an individual at any one time be limited to six bags, and in any month to twelve bags;**
- (6) that signage be erected advising users that abusive or threatening language or behaviour towards staff on the Site will lead to removal and barring from the Site;**
- (7) that the Borough Engineer liaise with the Police to seek support for enforcement of the Site rules once implemented, and for support of staff subject to threatening or abusive language or behaviour;**
- (8) that the draft rules be considered at the Committee’s next meeting with a view to implementation from 1<sup>st</sup> April 2013 and a press release being issued accordingly.**

A10. **Attendance**

Mrs Kelly left the meeting at 4.00pm.

A11. **Operational Issues – Re-use area**

Mr Macken advised that the re-use facility was still causing some issues with individuals persistently visiting despite the introduction of a limit of one fifteen minute visit per day. Members took the view that the rules to be drafted for use of the Site should go some way to address the issue.

Members also suggested that there should be a disclaimer notice at the re-use area in respect of any liability for unsafe articles such as furniture that was not fireproofed to required standards.

It was generally recognised that there should be common rules across all Island Civic Amenity Sites.

**It was agreed: that the Secretary research the rules applying to all Civic Amenity Sites.**

A12. **Disposal of Electrical Goods**

The Chairman raised the issue of a letter he had received from Electrical Cash & Carry Ltd., in relation to the tender process for the contract for disposal of electrical goods; this contract had been awarded by the Department but the Committee had not yet been notified of the contractor or costs.

**It was agreed: that the Secretary write to the Department seeking information on the tenders sought, the amount and identity of the successful contractor.**

A13. **Next Meeting**

The date and time of the next meeting was fixed for Monday 8<sup>th</sup> April, 2013, at 2.30pm on site at Middle River, with a formal meeting to follow at 3.00pm at the Meadows Pavilion (Douglas Golf Clubhouse) if available.

The meeting ended at 4.30pm.

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

# EASTERN CIVIC AMENITY SITE JOINT COMMITTEE

EASTERN CIVIC AMENITY SITE JOINT COMMITTEE – Minutes of Meeting held on Monday, 18<sup>th</sup> March, 2013.

Present: For Douglas Borough Council - Mr Councillor W.M. Malarkey (Member), Mr A.J. Donnelly (Assistant Borough Engineer). For Braddan Parish Commissioners – Mr C. Slinn (Member), Mr J.C. Whiteway (Clerk). For Lonan Parish Commissioners – Mr N. Dobson (Member). For Santon Parish Commissioners - Mr N. Kelly (Member).

Apologies: Douglas Borough Council - Mr I.J.G. Clague (Borough Engineer). Laxey Village Commissioners - Mr A. Moore. Department of Infrastructure - Mr J. Wrigley.

In Attendance: Secretary - Mr P.E. Cowin. Contractor's Representative - Mr P. Macken (from 3.45pm). Department of Infrastructure Representative - Mr J. Quayle.

## REPORT

### **PART A –**

#### ***Matters within the Scope of the Committee's Delegated Authority***

##### **A1. Minutes – 3<sup>rd</sup> December, 2012**

The minutes of meeting held on Monday 3<sup>rd</sup> December, 2012, were approved for signature as a correct record. The Chairman apologised to Members for the minutes having been published in the Council's agenda prior to their circulation to the respective authorities.

##### **A2. Matters Arising From the Minutes**

###### **A2.1. All-Island Accessibility**

The Chairman asked if progress had been made on identifying the mandatory basis for acceptance of refuse from all parts of the Island at all Civic Amenity Sites. The Secretary advised that it appeared to be based on a Tynwald resolution but that research had not been completed. Mr Quayle undertook to assist with a view to the information being available for the next meeting.

###### **A2.2. Waste Disposal Charges - Indexation Figures**

Mr Quayle had noted the Committee's concerns in relation to the unknown nature of the indexation figures to be added to the annual increases in waste disposal charges for incineration. He advised that they were based on the operating agreement between the Department and SITA and took into account the Manx Retail Price Index, costs of consumables, and manpower. He confirmed that for the past three years the composite figure had never been higher than the Manx Retail Price Index and anticipated no significant change. The figures applied from the 1<sup>st</sup> April in each year were calculated based on costs from two years previously so were known well in advance of them being applied.

##### **A3. Number Plate Recognition System**

Mr Quayle advised that on further investigation the costs originally quoted for extension of the vehicle number plate recognition system had been over-optimistic. It had now become evident that the extension of the system to all four civic amenity sites would be more expensive than expected. However the Department still supported the principle that all sites should be included in one system and would be proceeding with the installation of the system at its own expense then recharging each site a maximum of £1,500, the balance being met by the Department.

The Committee was of the view that the system would be valuable in identifying frequent users of not just any but all civic amenity sites, with the implication that frequent use of one or more sites might indicate commercial waste being deposited. A sum of £1,000 had already been set aside for the purpose and Members expressed the wish to proceed as rapidly as possible. Mr Quayle undertook to provide a timescale for the installation.

**It was agreed that the Department be asked to proceed as soon as possible with the installation of Vehicle Number Plate Recognition software at a maximum cost to the Committee of £1,500.**

##### **A4. Acceptance of Waste from Other Areas**

As this item was dependent on establishing the mandatory requirement to accept waste from other areas referred to in A2.1 above, it was deferred until the next meeting of the committee.

#### A5. Tonnages of Waste Collected at all Island Civic Amenity Sites

As previously requested by the Committee, Mr Quayle circulated details of the tonnages of waste arising from all Island civic amenity sites for the past two years. Members were disappointed that the details had not been available for scrutiny prior to the meeting, but thanked Mr Quayle for them and noted that the Eastern Civic Amenity Site was consistently dealing with approximately 50% of the total tonnage. Mr Quayle was asked to circulate the figures electronically in future.

Mr Quayle advised of the possibility of one of the other sites having to close for refurbishment at some point in the future. Members suggested that if that were to lead to increased tonnages at the Eastern site during the closure period, then the Committee should be recompensed.

*Mr Macken joined the meeting at 3.45pm.*

#### A6. Opening Times of other Civic Amenity Sites

The Secretary had circulated a schedule showing the opening times and days of other Civic Amenity Sites on the Island in comparison with these of the Eastern Site. Members observed that the hours at the Eastern Site were considerable longer, and it was open on more Bank Holidays than some others. Members felt there was a possibility of the Eastern Site being used by residents of other areas when their local sites were closed, leading to increased disposal costs.

Mr Macken advised that the Eastern Site was generally busy on Bank Holidays and Mr Quayle suggested that a study of usage and peak periods should be undertaken to establish exactly when the Site was most used. He felt that the Vehicle Number Plate Recognition System (Clause A3 above) when installed would be of assistance in gathering such data. In the meantime, Mr Macken undertook to count the number of users on Bank Holidays and to report back to the next meeting of the Committee.

**It was agreed that further consideration be given at the next meeting to the opening times of the Eastern Civic Amenity Site, with data to be provided on the usage of the Site on Bank Holidays.**

#### A7. Operational Issues

Mr Macken circulated a graph showing the tonnages of each type of waste collected at the Site and stated that overall there had been a decrease in the past month. Timber was now being separated and attracted a lower disposal charge at the Energy from Waste Plant.

The Salvation Army Trading Company had provided two textile banks and the contract was being performed satisfactorily. An invoice had been issued to them for their advance payment of £4,400 for the year commencing 1<sup>st</sup> February.

A height restrictor had been installed at the entrance to the Site and Mr Macken accepted Members' views that it should not be made rigid, in order to avoid accidental damage. He confirmed that signage would be put out on the access road to inform users.

The limit on the amounts of hardcore and rubble being accepted had been applied, and the time limit on people remaining in the Re-Use area had reduced loitering.

Mr Quayle undertook to provide samples of the logos and wording used in signage on the Northern and Western Sites relating to abusive or threatening behaviour, so that they could be replicated in standard form.

#### A8. Charities using Site

The Chairman advised that Hospice Care had asked for exemption from the height restriction to enable them to continue to use the Site for disposal of the remnants of house clearances, etc. Mr Macken advised that under the Public Health Act 1990, waste arising from house clearances by charities was "household" waste and so was not currently charged for. However there were a number of charities in the same position, and that their vehicles were all being weighed in and out; over the past four weeks at least 7 tonnes had been deposited, with the cost of disposal was being borne by the Authorities. Members took the view that especially in the face of rising waste disposal charges the practice of accepting the waste free of charge was unsustainable.

Members were reluctant to impose charges on charitable operations but felt that the disposal costs were being unfairly borne by the ratepayers of the six authorities. There was a perception that not all the waste was originating in the authorities' areas but that the Eastern Site was being used for convenience and because of the locations of the charities main depots being in the Eastern area.

Mr Macken advised that if waste could be separated then possibly disposal costs could be reduced. He referred specifically to timber the disposal cost for which was much lower than for general incinerable waste.

**It was unanimously agreed that with effect from 1<sup>st</sup> April, 2013, charities depositing waste at the Eastern Civic Amenity Site be recharged the cost of its disposal and that they be recommended to separate different types of waste in order to reduce costs.**

#### A9. Rules for use of the Eastern Civic Amenity Site

The Secretary circulated a draft of the proposed Rules for use of the Eastern Civic Amenity Site, as the Committee had requested at its last meeting. Members agreed that the draft should be amended by the inclusion of reference to abusive or threatening behaviour; and to electrical goods and furniture being taken from the Re-Use area at the risk of the individual removing them.

**It was agreed: that the following rules apply to the use of the Eastern District Civic Amenity Site with effect from 1<sup>st</sup> April, 2013 and that notices be placed at the Site to that effect:**

**(1) Only domestic waste is accepted on Site**

*("Domestic" waste is waste arising from normal household activity and includes hardcore and rubble only where that is generated by the householder and not by a contractor, and where the quantity is less than six bags per week and 12 bags per month)*

*("Bag" refers to a small bag that can be carried by one person)*

**(2) Commercial waste is not accepted at the Site**

*("Commercial" in this context refers to any waste arising in the course of business, and includes household waste where that waste is removed for disposal by a person other than the householder)*

**(3) Vehicles over 2.2 metres in height are not permitted on the Site**

**(4) Waste must be placed in the appropriate receptacle as marked or as directed by staff on Site**

**(5) Waste deposited on the Site may not be removed except for items placed in the "Re-use" area**

**(6) Items removed from the "Re-use" area are taken at the risk of the individual taking them**

*(Neither the Eastern District Civic Amenity Site Joint Committee nor the Contractor operating the site accept any responsibility for the safety of furniture, electrical items or any other goods within the Re-Use area)*

**(7) Loitering in the Re-Use area of the Site is not permitted**

*(No individual may remain in the area for longer than 15 minutes per visit and no vehicle may remain parked on Site for more than 15 minutes)*

**(8) Traffic and Parking signs must be observed**

**(9) Directions given by staff on Site must be followed**

**(10) Verbal or physical abuse or threatening behaviour towards staff, or other users of the Site, is not tolerated**

**(11) Breach of any of these rules may lead to individuals being barred from using the Site; staff on Site have full authority to take such action and may instigate Police action if appropriate**

#### A10. Press Release

The Secretary circulated a draft Press Release in relation to the introduction of rules for use of the Site. Members felt that it should be modified slightly in tone and include reference to the new charges for disposal of fridges and freezers. It was referred to the Chairman and Secretary to finalise and issue.

**It was agreed that the Chairman and Secretary finalise the Press release and issue it as soon as practicable.**

*Mr Slinn and Mr Whiteway left the meeting at 4.15pm, at which point the Membership fell below the 70% required for transaction of business.*

#### A11. Any other Business – Fridges and Freezers Disposal Charges

Mr Quayle advised that with effect from 1<sup>st</sup> April Manx Waste Solutions Ltd. had been contracted to collect all fridges, freezers, television sets, computer monitors, etc. from all Island Civic Amenity Sites. As a result the charges for fridges and freezers would be changed as follows:

Standard units:	£10.00	(currently £14.34)
(Up to 85 cm high, 60 cm wide and 62 cm deep)		
Large units:	£12.00	(currently £19.14)
(Up to 172 cm high, 54 cm wide and 56.5 cm deep)		
American-style units:	£20.00	(currently £19.14)
(Wider than large unit)		

The Chairman asked about the manner of tendering and Mr Quayle confirmed that the normal tendering process had been followed. That involved the invitation of expressions of interest but not all those who had submitted an expression of interest had been invited to tender.

**The Members present asked for the revised charges for fridges and freezers to be incorporated into the press release in Clause A10 above.**

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

It was agreed by those Members present that the date and time of the next meeting should be 3.30pm on Monday 20<sup>th</sup> May, 2013, at the Strathallan Suite.

The meeting ended at 4.40pm.

VII(i) – The Proceedings of the HOUSING AND PROPERTY ADVISORY COMMITTEE as follows:

# HOUSING AND PROPERTY ADVISORY COMMITTEE

HOUSING AND PROPERTY ADVISORY COMMITTEE – Minutes of Meeting held on Wednesday, 20<sup>th</sup> March, 2013.

Members Present: Councillor Mrs C.E. Malarkey (Chairman), the Mayor, Messrs Councillors J. Joughin, J.E. Skinner, Councillor Ms K. Angela, Mr Councillor S.C. Cain.

In Attendance: Assistant Town Clerk, Assistant Chief Officer (Housing and Property), Assistant Chief Officer (Income), Housing Manager, Democratic Services Officer.

## REPORT

### **PART A –**

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

##### **A1. Minutes 20<sup>th</sup> February, 2013**

The minutes of the meeting held Wednesday, 20<sup>th</sup> February, 2013 were approved and signed.

##### **A2. Matters for Future Consideration**

The Committee considered the report on matters for future consideration and asked for reports to be brought back for consideration by the Committee.

The Chairman commented on reports which are outstanding.

Mr Councillor J. Joughin asked that it be noted on the minutes that his daughter had had a stall at the recent Artisan Markets in Douglas Market Hall. His daughter had hired the stall direct from the organiser, and he had had no involvement in the running of the stall, but was raising this as a matter of clarification.

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

### **PART B -**

#### ***Matters for consideration by the Executive Committee***

##### **B3. Water Feature at Waverley Court**

The Committee considered a report on the water feature at Waverley Court sheltered housing complex. The report recommended removal of the existing stream and ornamental pond and retention of a smaller water feature with a new pump. Quotations had been sought from three companies to carry out works to include filling in the stream and pond with hardcore topped with washed granite pebbles. The existing water feature was installed when the complex was built approximately twenty years ago, but over the years, there have been many on-going problems.

The Committee questioned whether or not the on-going problems would be sufficiently resolved by retention of a smaller water feature. Members queried the cost of on-going maintenance for the smaller water feature and how long the new pump could be expected to last until replacement. It was suggested that the pump may need to be replaced every year. Members discussed the possible removal of the whole of the water feature and various options for a suitable replacement feature.

The Committee discussed the quotations submitted and the work which would be done for the amounts quoted. The report stated that the pump installation work would be carried out by Council tradesmen and a cost for this was identified. The report stated that approval of the Executive Committee is needed for any expenditure from the Community Facilities Reserves. The report also sought a referral to the Executive Committee for approval of expenditure from that same fund to carry out works to the central heating system at Waverley Court previously approved by this Advisory Committee.

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

- (i) approval be given for the complete removal of the water feature (including the stream, pond, and existing fountain) at Waverley Court sheltered housing complex and that works be carried out to tidy and make good the area; and
- (ii) approval be given for expenditure up to the amount of £5,180 for the works subject to the concurrence of the Executive Committee as detailed below; and
- (iii) that the matter be referred to the Executive Committee for approval of expenditure from the Community Facilities Reserves in the amount of £5,180 for the fountain works at Waverley Court sheltered housing complex; and

- (iv) that a referral be made to the Executive Committee for approval of expenditure from the Community Facilities Reserves in the amount of £13,969 for central heating works at Waverley Court sheltered housing complex; and
- (v) the Advisory Committee asked that in considering these referrals, the Executive Committee clarify whether or not in future, such referral is specifically required; and
- (vi) that a further report be brought back with proposals for a suitable replacement for the fountain which is being removed.”

***PART C –***

***Matters requiring Council Approval***

There were no matters requiring Council approval.

The meeting ended at 11.25am.

VII(ii) – The proceedings of the REGENERATION AND COMMUNITY ADVISORY COMMITTEE as follows:

# REGENERATION AND COMMUNITY ADVISORY COMMITTEE

REGENERATION AND COMMUNITY ADVISORY COMMITTEE – Minutes of meeting held on Tuesday, 19<sup>th</sup> March, 2013.

Members Present: Mr Councillor G.J. Faragher (Vice-Chairman), the Mayor, Councillor Mrs R. Chatel, Mr Councillor W.M. Malarkey.

Apologies: Mr Councillor S.R. Pitts (Chairman), Councillor Miss D.A.M. Pitts.

In Attendance: Assistant Town Clerk, Assistant Chief Executive, Assistant Chief Officer (Finance), Assistant Borough Engineer, Head of Parks, Assistant Democratic Services Officer, Assistant Chief Officer (Corporate and Development) Item A1 to A4 only.

Declarations of Interest: Mr Councillor G.J. Faragher declared an interest in agenda item 3 – 3FM Revised Media Proposal.

## REPORT

### **PART A –**

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

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

In the absence of the Chairman, it was unanimously agreed that the Vice-Chairman should chair the meeting.

##### **A2. Minutes – 19<sup>th</sup> February 2013**

Minutes of meeting held on Tuesday, 19<sup>th</sup> February, 2013, were approved and signed.

##### **A3. Matters arising – Fun Day**

The Assistant Democratic Services Officer requested clarification on a number of items in relation to the Fun Day.

In answer to question Members requested bands be invited to perform at the event and suggested discussing with the Lead Member the possibility of acquiring a stage for the event similar to the 2012 Party in the Park.

At the previous meeting Members approved the appointment of an independent events co-ordinator. Members opined that the Council's Health and Safety Officer should control the health and safety aspects of the event. The Assistant Town Clerk confirmed there is a possible conflict of interest as an advisor and co-ordinator and agreed to bring forward a report on the subject to the May meeting of the Committee.

The cost for the events co-ordinator in 2012 was estimated at the same price as an advert to be placed in the local paper. Members requested Officers research the price of similar companies and report back to the Committee.

Resolved, "That the matters arising be noted on the minutes."

##### **A4. Three Legged Race Event**

The Committee considered a report by the Assistant Chief Officer (Corporate and Development) requesting permission to use the Queen's Promenade Gardens in connection with a three legged race event.

Members noted that the Environmental Services Advisory Committee approved the use of the beach for the event. In answer to question the Assistant Chief Officer (Corporate and Development) confirmed a survey of the beach had been conducted and the 1000 estimated pairs of contestants could safely compete in the race.

Resolved unanimously, "That particulars of the report and discussion be noted on the minutes and Douglas Development and Barclays Bank be authorised to use the Queen's Promenade Gardens in connection with the attempt to break the world record for the largest three legged race on 6<sup>th</sup> May 2013 or a suitable alternative should the event need to be postponed as a result of inclement weather."

The Assistant Chief Officer (Corporate and Development) was thanked for his attendance and left the meeting.

#### **A5. Mayor's Ball – Invitation of Mayor of Ballymoney**

The Committee considered a report prepared by the Assistant Town Clerk to seek approval to funding for accommodation of up to eight visitors from Ballymoney when they visit Douglas for the Mayor's Ball on Saturday, 13<sup>th</sup> April, 2013.

Members noted the Mayor's Ball is to be held at the Palace Hotel on Saturday, 13<sup>th</sup> April, 2013, and as is usually the case a number of representatives of Ballymoney Council and Twinning Committee have been invited, to a maximum number of eight.

The report requested approval for expenditure on a maximum of three nights' accommodation, Members suggested the number of nights be reduced to two nights, the Mayor confirmed in previous years a two night stay had been the case.

It was noted that costs are not yet known because their room requirements will vary. The Twinning and Affiliations budget for the 2013/14 year is £2,720.

A Member raised concern over the number of invitations sent to Ballymoney and felt this should be reduced. Members agreed the number of invitations was excessive but, as the invitations have already been sent, the expenditure for the hotel should be approved with a suggestion to review and reduce the number of Ballymoney invites sent in future years.

The Mayor informed that the Mayor's Ball invitation was extended to include the organisation of a meeting with the Chambers of Commerce to discuss mutual economic benefits for Ballymoney and Douglas.

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

- (i) In accordance with the usual arrangements for twinning visits, the cost of accommodation of up to eight visitors from Ballymoney for a maximum of two nights, visiting Douglas for the Mayor's Ball on Saturday 13<sup>th</sup> April, 2013, be met from the Twinning and Affiliations budget."

For: 2 Against: 1

Mr Councillor G.J. Faragher requested his name be recorded as voting against the resolution.

#### **A6. Tot Lot Play Area – Draw down of Capital funding 2012/2013**

The Committee considered a report submitted by the Head of Parks requesting the release of funding from the 2012/13 Capital Expenditure Programme to enable improvements to be made and additional features to be introduced into the Tot Lot play area in Noble's park.

The report provided four options to improve or include additional features to the Tot Lot play area. Members noted there was £10,000 available for the works. Option one proposed the installation of two outdoor musical instruments at a cost of £5,296, option two was the purchase of sand play equipment at £8,595, option three was to extend the entrance pathway at a cost of £1,215 and option four was to construct concrete under the picnic tables to reduce muddy areas, secure seating and keep the area tidy at a cost of £2,628.

The Member Champion for Noble's Park opined that the Tot Lot is in need of improvements before purchasing additional equipment. He proposed that option one, three and four be progressed and in future years the Committee consider purchasing additional equipment for the play area.

Resolved, "That particulars of the report and discussion be noted on the minutes and option one, three and four, to install musical equipment, extend the entrance pathway and construct concrete under the picnic tables, be approved for expenditure and the drawdown of capital funds be authorised for the Noble's Park Tot Lot play area."

#### **A7. Hutchinson Square Refurbishment**

The Committee considered a report submitted by the Assistant Borough Engineer on the scope of works for the Hutchinson Square refurbishment.

Members noted the budget limit for the refurbishment was £150,000 to be funded from General Revenue Reserves. The report recommended, in order of priority, the works to be contained in the refurbishment notwithstanding the budget limit.

Members queried the second recommendation, new perimeter street lighting. The Assistant Borough Engineer confirmed this item should be removed from the scope of works as the lights are being funded separately through the Environmental Services Advisory Committee.

It was noted that recommendation one, three and four, the reconstruction of internal Manx stone walls, repairs to railings and repairs to copings on dwarf perimeter walls, are in particular need of refurbishment and should be treated as a priority.

Recommendations five to eight were viewed as desirable not essential. The recommendations consisted of footpath and general internal wall repairs, introduction of two new sun dials, re-bedding and possible relocation of earthenware plaques and information board and signage relaying the history of the Square.

A Member suggested approaching the Manx National Heritage and local charities to invite them to assist with recommendations five to eight.

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

- (i) Recommendation one, three and four, to reconstruct the internal Manx stone walls, repair the railings and repair the copings on dwarf perimeter walls, be included in the scope of works for the Hutchinson Square refurbishment;
- (ii) Costs for recommendation one, three and four be brought back to the Committee for consideration with an intention to not exceed the budget limit of £150,000;
- (iii) The Head of Parks research costs involved in undertaking the remaining recommendations, five to eight, through existing budgets and report back to the Committee with the findings;
- (iv) Replanting to be in keeping with period of the square to be carried out by the Parks Department through the general maintenance budget."

#### **A8. Lawn Cemetery Chapel – External and Internal Decorations**

The Committee considered a report submitted by the Property Maintenance Officer requesting approval to appoint a contractor to undertake the internal and external decoration works of the Chapel and Lawn Cemetery.

Members noted that the project involves the complete redecoration of the Chapel and Lawn Cemetery situated at Johnny Watterson's Lane. The works are scheduled to be completed before the commencement of the Douglas Crematorium and Cemetery major refurbishment scheme, as the Lawn Cemetery is to be used for funeral services during the refurbishment scheme.

The report confirmed the revenue budget for this project had been estimated at £30,000 and the contractors were obtained from the Council's Minor Works Select List for General Builders 2010-2013.

Three tenders were received, as follows;

1. FC Moore Limited
2. Buchanan and Pitts
3. Sean Beattie

The report confirmed that the lowest tender is below the pre-tender estimate of £30,000.

During the design and preparation of the specification of works it was noted that the appearance of the walls on either side of the chapel required painting. The contractors were therefore requested to provide an additional cost for painting and decorating the walls should they be appointed to undertake the main Chapel decoration works.

In answer to question the Assistant Chief Officer (Finance) confirmed the works will be funded from the General Revenue Reserves. A Member expressed the view that an all island facility should not be funded by the Douglas ratepayer. It was explained that these repairs are to the Lawn Cemetery Chapel, not the Chapel at the Crematorium.

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

- (i) The tender submitted by F C Moore Limited, being the lowest and good value for money be accepted;
- (ii) The extra cost submitted by FC Moore to undertake painting and decoration to the external walls alongside the Chapel be accepted;
- (iii) The total expenditure and the appointment of F C Moore Limited be approved, subject to satisfying tender analysis checks."

#### **A9. Items for Future Consideration**

The Committee considered a report submitted by the Assistant Town Clerk detailing reports for future consideration by the Committee.

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

### ***PART B –***

#### ***Matters requiring Executive Committee Approval***

#### **B10. Sponsorship Proposals for 2013 Council Events**

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, this resulted in the meeting being inquorate. The item was referred to the Executive Committee for consideration.

The two Members present commented briefly on the revised media proposal. The revised total cost of the proposal was a reduction of £1849 compared to the initial proposal; the reduction incorporated a number of reductions requested by the Committee. Members commented on the Roadrunner attendance at the event which had been removed from the proposal at the request of the Committee. The Mayor confirmed the Roadrunners were the attendance of two 3FM staff at each event, not including the presenter. 3FM informed the Mayor that the Roadrunners assisted with the coordination prior to and during the event. A Member queried why both the 3FM Roadrunner and events co-ordinator were required for each event. Both Members suggested the re-inclusion of Roadrunners at each event at the cost of £200 to avoid jeopardising the event. Members opined that with the Roadrunners attendance at the event the cost is still a decrease compared to the 2012 media proposal.

***PART C –***

***Matters requiring Council Approval***

There were no matters requiring Council approval.

The meeting ended at 11.43am.

VII(iii) – The proceedings of the ENVIRONMENTAL SERVICES ADVISORY COMMITTEE as follows:

# ENVIRONMENTAL SERVICES ADVISORY COMMITTEE

ENVIRONMENTAL SERVICES ADVISORY COMMITTEE – Minutes of meeting held on Monday, 18<sup>th</sup> March, 2013.

Members Present: Mr Councillor R.H. McNicholl (Chairman), Messrs Councillors C.C. Thomas, C.L.H. Cain (from 10.20am), A.V. Quirk.

Apologies: the Mayor, Councillor Mrs S.D.A. Hackman.

In Attendance: Assistant Town Clerk, Assistant Chief Officer (Corporate and Development), Assistant Borough Engineer, Building Control Manager, Senior Accountancy Officer, Democratic Services Officer, Building Control Technical Assistant.

## REPORT

### **PART A –**

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

##### **A1. Minutes 18<sup>th</sup> February, 2013**

The minutes of the meeting held Monday, 18<sup>th</sup> February, 2013 were approved and signed.

##### **A2. Unsightly and Dangerous Properties Manual**

The Committee considered a report submitted by the Assistant Chief Officer (Corporate and Development) on the '*Unsightly and Dangerous Properties Manual*' which sets out the procedures for dealing with unsightly, neglected, dilapidated and dangerous properties in the Borough.

The Committee had previously considered an earlier draft of the Manual which had not included the section setting out the process for dealing with Dangerous properties or structures nor had it included template letters. The Manual now included these sections. The Assistant Chief Officer (Corporate and Development) advised that the Manual would be reviewed by the Council's Advocate. If any changes are suggested, a report will be brought to Committee for approval. Members noted that whilst this is a comprehensive document, it is not set in stone and there will be revisions in the future which will be brought to the Committee for approval.

Resolved, "That particulars of the report be noted on the minutes and approval be given to the '*Unsightly and Dangerous Properties Manual*' as drafted."

##### **A3. Attendance**

Mr Councillor C.L.H. Cain joined the meeting at 10.20am during consideration of the following item.

##### **A4. Update on Work Done in Relation to Unsightly Properties**

The Committee received a presentation from the Assistant Chief Officer (Corporate and Development) illustrating the work done in the current financial year by officers in the Building Control section to encourage improvement of properties in the town. The presentation included a series of photographs showing the condition of properties before and after work has been done. In response to query the Assistant Chief Officer (Corporate and Development) advised that all of the properties shown have been the subject of attention from the Council, but he could not guarantee that some of the improvements would not have been carried out without the involvement of the Council. In some instances the properties highlighted are not the more difficult cases nor are these the properties in worst condition. The Officer advised that he wishes to provide a similar update to Committee on a quarterly basis.

The Assistant Chief Officer (Corporate and Development) advised that the current approach accords with the wording of the Building Control Act by focusing on the impact on a neighbourhood of a neglected property, rather than looking strictly at the condition of the property. An unsightly property in a prominent position may have a greater detrimental effect on an area than a more neglected property in an out of the way location.

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

##### **A5. Unsightly Properties**

The Advisory Committee considered the lists of unsightly properties being dealt with on behalf of the Council by the Building Control Section and by Environmental Health Officers.

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

**A6. Salvation Army Citadel, Lord Street, Douglas**

The Committee considered a report on the external appearance of the Salvation Army Citadel, Lord Street. The property is in a prominent position along a busy thoroughfare which is one of the principle traffic routes in and out of the town centre.

Resolved, "That particulars of the report be noted on the minutes, and approval be given for service of a Notice, on the Trustees of the Salvation Army in connection with the Salvation Army Citadel, Lord Street, if required, under section 24 of the Building Control Act 1991."

**A7. 37 Nelson Street, Douglas**

The Committee considered a report on the external appearance of 37 Nelson Street. The property is in an unsightly condition.

Resolved, "That particulars of the report be noted on the minutes, and approval be given for service of a Notice on the owner of 37 Nelson Street, if required, under section 24 of the Building Control Act 1991."

**A8. 31 Peel Road, Douglas**

The Committee considered a report on the external appearance of 31 Peel Road, Douglas. The property is on a principle traffic route to the town centre and is in an unsightly condition.

Resolved, "That particulars of the report be noted on the minutes, and approval be given for service of a Notice on the owner of 31 Peel Road, if required, under section 24 of the Building Control Act 1991."

**A9. 14 South Quay, Douglas**

The Committee considered a report on the external appearance of 14 South Quay, Douglas. The property is on a principle traffic route to the town centre and is in an unsightly condition.

Resolved, "That particulars of the report be noted on the minutes, and approval be given for service of a Notice on the owner of 14 South Quay, Douglas if required, under section 24 of the Building Control Act 1991."

**A10. 15 South Quay, Douglas**

The Committee considered a report on the external appearance of 15 South Quay, Douglas. The property is on a principle traffic route to the town centre and is in an unsightly condition.

Resolved, "That particulars of the report be noted on the minutes, and approval be given for service of a Notice on the owner of 15 South Quay, Douglas if required, under section 24 of the Building Control Act 1991."

**A11. 25 Strand Street, Douglas**

The Committee considered a report on the external appearance of 25 Strand Street, Douglas. The property is located in the central section of Strand Street and is in an unsightly condition.

Resolved, "That particulars of the report be noted on the minutes, and approval be given for service of a Notice on the owner of 25 Strand Street, Douglas if required, under section 24 of the Building Control Act 1991."

**A12. Service Yard to the Rear of 21-31 Strand Street, Douglas**

The Committee considered a report on the external appearance of the service yard to the rear of 21-31 Strand Street, Douglas. The property is used by several different businesses, none of which have kept the property clean and tidy. The property is unsightly.

Resolved, "That particulars of the report be noted on the minutes, and approval be given for service of a Notice on the owners or occupiers of a service yard to the rear of 21-31 Strand Street, Douglas if required, under section 14 of the Local Government (Miscellaneous Provisions) Act 1984."

**A13. 34 Woodbourne Road, Douglas**

The Committee considered a report on the external appearance of 34 Woodbourne Road, Douglas. The property is on an important vehicular route to the town centre and is in an unsightly condition.

Resolved, "That particulars of the report be noted on the minutes, and approval be given for service of a Notice on the owner of 34 Woodbourne Road, Douglas if required, under section 24 of the Building Control Act 1991 and under Section 14 of the Local Government (Miscellaneous Provisions) Act 1984."

**A14. Planning Application 13/00133/B – Car Park at The Tongue, Douglas Harbour**

The Committee considered planning application 13/00133/B seeking approval for the erection of an elevated car park deck and amendment to existing parking layout at the Car Park, the Tongue. The

application is for the erection of an elevated car park deck and the adjustment of the existing car park to create an additional forty car parking spaces. The surface level car parking will continue to be accessed from the Tongue, and the elevated section of car park being accessed directly from Bridge Road. The whole of the car park will be operated on a pay and display basis.

Resolved, "That particulars of the planning application be noted on the minutes and no objection be raised, but that comment be made to the planning committee that the Council would wish the proposed development to improve the appearance of the property."

**A15. Planning Application 13/00163/B – Villiers Site, Loch Promenade, Douglas**

The Committee considered planning application 13/00163/B seeking approval for the erection of a six storey residential development with underground parking and ground floor retail space on the remainder of the Villiers Site on Loch Promenade, Douglas. This application is amendment to the previously approved planning application 04/00418/B. The development will include sixty one and two-bedroom apartments and sixty car parking spaces.

Resolved, "That particulars of the planning application be noted on the minutes and no objection be raised."

**A16. Planning Application 13/00273/A – Car Park Site at Junction of Circular Road and Hillside Avenue, Douglas**

The Committee considered planning application 13/00273/A seeking approval in principle for erection of a five storey office development on the car park site at the junction of Circular Road and Hillside Avenue, Douglas. The site is currently zoned as 'predominantly offices'.

Resolved, "That particulars of the planning application be noted on the minutes and no objection raised."

**A17. Events on Douglas Beach**

The Committee considered a report submitted by the Assistant Chief Officer (Corporate and Development) about Douglas Development Partnership's efforts to encourage use of Douglas Beach and setting out proposals for events on the beach. The report sought approval for an attempt to break the record for the world's largest three-legged race on 6<sup>th</sup> May, 2013 on Douglas Beach. The event is being organised by Douglas Development Partnership and co-sponsored by Barclays Bank.

The report also sought approval for the use of Douglas Beach for the inaugural TT Triathlon on 30<sup>th</sup> June, 2013 being organised by Sport Support (Isle of Man). The Triathlon will consist of two different courses, a short course and a long course. The short course will start with a 1.2 mile swim across Douglas Bay, then a 37.7 mile bicycle ride followed by a 6.5 mile run. The long course will start with a 2.4 mile swim across Douglas Bay followed by a 114 mile bicycle ride around the Mountain Course followed by a 26.2 mile run.

The report detailed measures already taken and those planned to encourage use of the beach. The person who will take up the post of Town Centre Manager in April will investigate events to attract people onto the beach. Events which are already planned are the KPMG Promenade Relay on the 22<sup>nd</sup> March and the Tower Insurance Tower of Refuge Walk on 26<sup>th</sup> April. There was discussion of these events and other possible uses of the beach.

Resolved, "That particulars of the report be noted on the minutes and approval is given to the use of Douglas Beach for the attempt to break the world record for the largest three-legged race on 6<sup>th</sup> May, 2013 (or a suitable alternative date should the weather be inclement) and approval is given for the use of Douglas Beach by Sport Support (Isle of Man) in connection with the TT Triathlon on 30<sup>th</sup> June, 2013, subject to the company providing evidence of suitable public liability insurance for the event."

**A18. Refurbishment and Replacement of Beach Groynes on Douglas Foreshore**

The Committee considered a report submitted by the Assistant Borough Engineer on the tenders received to carry out refurbishment and replacement works to beach groynes on Douglas foreshore. Following the annual inspection of the groynes on Douglas foreshore specific groynes have been identified as needing repair and restoration due to tidal erosion. Most of the work to be carried out is to the lower groynes to make them effective against long-shore drift. Some boards and posts have been washed away and will need to be replaced. Three companies submitted tenders.

Resolved, "That particulars of the report be noted on the minutes and approval be given to accept the tender submitted by Quest Landscape Services, being the lowest tender, to carry out the repair and replacement works to groynes on Douglas foreshore."

**A19. Items for Future Consideration**

The Committee considered a report setting out items on which there are reports outstanding.

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

**PART B –**

***Matters requiring Executive Committee Approval***

**B20. 72 Derby Road**

The Committee considered a report on 72 Derby Road. The property has been the subject of investigations by the Environmental Health Officers into a dry rot infestation which is having a detrimental effect on the neighbouring property. A Nuisance Order has been served on the owner of the property requiring treatment to the dry rot in his property so as to prevent it continuing to spread into the neighbouring property. The owner does not live on the Isle of Man and has failed to carry out the necessary remedial work. The Council has powers under the Public Health Act 1990 to carry out the work in default of the Order. Quotations have been obtained for the cost of the remedial work. The Assistant Chief Officer (Corporate and Development) advised that only two quotations were received and the variation between the two was so substantial that the validity of both figures was questionable. Whilst the Council has the power to carry out the work and to reclaim the costs from the owner, it is necessary to ensure that the amount paid is fair and reasonable. The Assistant Borough Engineer undertook to discuss the matter with the Borough Engineer and Surveyor so as to identify the best way of dealing with the property, the infestation and the costs of remedial work.

Resolved, “That the report be noted on the minutes and

- (i) Approval is given for the Council to carry out works to abate the statutory nuisance as detailed in the Nuisance Order, served on the owner, Mr Fergusson on 7<sup>th</sup> December, 2012. The mechanism for works in default is contained in section 6 of the Public Health Act 1990 and facilitates the recovery of expenses incurred; and
- (ii) This report is referred to the Executive Committee for approval of funding of the works from the Derelict Buildings Fund.”

**PART C –**

***Matters requiring Council Approval***

There were no matters requiring Council approval.

The meeting ended at noon.