



## Borough of Douglas

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Town Hall,

Douglas,

12<sup>th</sup> February, 2014

At a MEETING of the COUNCIL of the BOROUGH OF DOUGLAS, duly convened and holden at 2.30 p.m. on WEDNESDAY, the 12<sup>th</sup> day of FEBRUARY, 2014, in the COUNCIL CHAMBER, within the TOWN HALL, at which Meeting the following Members were present, that is to say: -

The Mayor

**COUNCILLOR MRS CAROL ELIZABETH MALARKEY, JP**

Councillor

Mrs C.A. Corlett

Mrs S.D.A. Hackman

Mr S.R. Pitts

Mr D.J. Ashford, JP

Mrs R. Chatel

Mr J. Joughin

Mr D.W. Christian MBE, JP

Mr E.A. Joyce

Mr G.J. Faragher

Miss D.A.M. Pitts

Mr W.M. Malarkey

Mr R.H. McNicholl

Mr J.E. Skinner

Ms K. Angela

Mr S.C. Cain

Mrs E.C. Quirk

Apologies were submitted by Mr Councillor C.L.H. Cain.

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

1. **Minutes – 8<sup>th</sup> January, 2014**

The minutes of the monthly Council meeting held on Wednesday, 8<sup>th</sup> January, 2014 were approved and signed.

2. **Minutes – 29<sup>th</sup> January, 2014**

The minutes of the special Council meeting held on Wednesday, 29<sup>th</sup> January, 2014 were approved and signed.

3. **Standing Order 39 Question – Mr Councillor D.J. Ashford**

The following question addressed by Mr Councillor D.J. Ashford to the Chairman of the Environmental Services Advisory Committee, and the Chairman's reply were noted:-

Question:

Why did the Committee only consider planning application 13/91329/B at its 13<sup>th</sup> January 2014 meeting, when this application was before the Planning Committee for consideration at the same time that morning, which therefore rendered any consideration pointless as the Committee's views could not be submitted?

Reply:

In 2010, the Council approved a policy that delegated responsibility for consideration of all planning applications to the Borough Engineer and Surveyor. The policy also set out the categories of applications which are not delegated to the officer, but which should be considered by the appropriate Committee. Planning applications submitted by Councillors or their spouses form one of the categories of applications which are not delegated to the Borough Engineer and Surveyor, but which should be considered by Committee. Identification of these planning applications can be problematic for officers.

Every week a Notice of planning applications submitted in the previous week is sent to the Town Hall when the Planning Office publishes the list in the press and online. This Notice is seen and reviewed by senior management. This initial Notice does not include any applicant details; nor is any indication given as to whether the matter will be considered by the Planning Officers under delegated powers or by the full Planning Committee. The Notice only includes the property address and the matter requiring planning approval. For Council officers, it will not be immediately obvious that an application is submitted by a Member or a Member's spouse.

The Planning Office also supplies a list of applications which will be considered by the Planning Committee at its next fortnightly meeting. This second list includes the name of the applicant.

Following receipt of the list of planning applications to be considered by the Planning Committee at its meeting held on 13<sup>th</sup> January 2014 it was noticed that a planning application for the conversion of 1 Bathurst Street from a Newsagent to a hot food outlet was to be considered. The application advised that the applicant was 'Eddie Joyce', which it was assumed was Mr Councillor E.A. Joyce. Once it was realised that this application should be considered by the Environmental Services Advisory Committee discussions took place with both the Borough Engineer and the Chairman of the Environmental Services Advisory Committee. The application was then placed on the agenda for the next available meeting of the Environmental Services Advisory Committee.

Whilst the application was considered by both the Environmental Services Advisory Committee and the Planning Committee on the same day, if the Advisory Committee had raised an objection, it would have been possible as an 'Interested Party' for this objection to be brought to the Planning Committee through the Appeal process.

4. **Standing Order 39 Question – Mr Councillor D.J. Ashford**

The following question addressed by Mr Councillor D.J. Ashford to the Leader of the Council, and the Leader's reply were noted:-

Question:

What progress has been made in relation to the resolution to have the Council's advocate discuss with the Attorney General's Chambers whether Section 26 of the Local Government Act 1985 extends to the Building Control Act 1991?

Reply:

I am not yet in a position to update the Council on these discussions.

Supplementary Question:

When is it expected that these discussions will be concluded?

Reply:

No timescale has been set, but I will seek to update Members prior to the next meeting of the Executive Committee.

**5. Standing Order 39 Question – Mr Councillor D.J. Ashford**

The following question addressed by Mr Councillor D.J. Ashford to the Chairman of the Regeneration and Community Advisory Committee, and the Chairman's reply were noted:-

Question:

In relation to the Hutchinson Square scheme, the Committee minutes of 17<sup>th</sup> September 2013 state "Members requested that the specification be provided to Members before advertised." Was the specification provided to Members prior to advertising as requested and if not why not?

Reply:

Committee Members were provided with information on the specification for the Hutchinson Square scheme in a Briefing Note reference number 13/10-03 which was circulated on 30<sup>th</sup> October, 2013.

**6. Executive Committee – 24<sup>th</sup> January, 2014 – Clauses A1 – A12 inclusive**

Resolved unanimously, "That the minutes of proceedings of the Executive Committee as contained in Clauses A1 to A12 inclusive of report of meeting held Friday, 24<sup>th</sup> January, 2014 be received, approved and adopted by the Council."

**7. Executive Committee – 24<sup>th</sup> January, 2014 – Clause B13**

Resolved unanimously, "That the minutes of proceedings of the Executive Committee as contained in Clause B13 of report of meeting held Friday, 24<sup>th</sup> January, 2014 be received, approved and adopted by the Council."

**8. Standards Committee – 22<sup>nd</sup> January, 2014**

Resolved unanimously, "That the minutes of proceedings of the Standards Committee as contained in report of meeting held Wednesday, 22<sup>nd</sup> January, 2014 be received, approved and adopted by the Council."

**9. Housing and Property Advisory Committee – 15<sup>th</sup> January, 2014 – Clauses A1 to A3 inclusive**

Resolved unanimously, "That the minutes of proceedings of the Housing and Property Advisory Committee, as contained in Clauses A1 to A3 inclusive of report of meeting held Wednesday, 15<sup>th</sup> January, 2014, be received, approved and adopted by the Council."

**10. Housing and Property Advisory Committee – 15<sup>th</sup> January, 2014 – Clause C4**

Resolved unanimously, "That the minutes of proceedings of the Housing and Property Advisory Committee, as contained in Clause C4 of report of meeting held Wednesday, 15<sup>th</sup> January, 2014, be received, approved and adopted by the Council."

**11. Regeneration and Community Advisory Committee – 20<sup>th</sup> January, 2014**

Motion moved by Mr Councillor S.R. Pitts, seconded by Mr Councillor G.J. Faragher, "That the minutes of proceedings of the Regeneration and Community Advisory Committee, as contained in report of meeting held Monday, 20<sup>th</sup> January, 2014, be received, approved and adopted by Council."

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

**12. Environmental Services Advisory Committee – 13<sup>th</sup> January, 2014 – Clauses A5 and A6**

Motion moved by Mr Councillor R.H. McNicholl, seconded by Councillor Mrs S.D.A. Hackman, "That the minutes of proceedings of the Environmental Services Advisory Committee, as contained in Clauses A5 and A6 inclusive of report of meeting held Monday, 13<sup>th</sup> January, 2014, be received, approved and adopted by the Council."

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

*Under the provisions of the Local Government Act 1985, Mr Councillor E.A. Joyce declared an interest in the item and retired whilst it was considered.*

**13. Environmental Services Advisory Committee – 13<sup>th</sup> January, 2014 – Clauses A1 – A4, A7 inclusive**

Motion moved by Mr Councillor R.H. McNicholl, seconded by Councillor Mrs S.D.A. Hackman, "That the minutes of proceedings of the Environmental Services Advisory Committee, as contained in Clauses A1 –

A4 and A7 inclusive of report of meeting held Monday, 13<sup>th</sup> January, 2014, be received, approved and adopted by the Council.”

Question put on Motion. On division being challenged a vote was taken electronically and there voted **For** the Motion: Councillors Mesdames C.A. Corlett, S.D.A. Hackman, Messrs Councillors S.R. Pitts, D.J. Ashford, Councillor Mrs R. Chatel, Messrs Councillors J. Joughin, D.W. Christian, E.A. Joyce, G.J. Faragher, Councillor Miss D.A.M. Pitts, Messrs Councillors W.M. Malarkey, R.H. McNicholl, J.E. Skinner, S.C. Cain, Councillor Mrs E.C. Quirk, the Mayor – **16**

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

Motion carried.

**14. Adjournment and Resumption of meeting**

The meeting adjourned at 4.10pm and resumed at 4.30pm with the same Members present.

**IN PRIVATE**

**15. Executive Committee – 24<sup>th</sup> January, 2014**

Resolved unanimously, “That the minutes of proceedings of the Executive Committee, as contained in private report of meeting held Friday, 24<sup>th</sup> January, 2014, be received, approved and adopted by the Council.”

**16. Housing and Property Advisory Committee – 15<sup>th</sup> January, 2014**

Motion moved by Mr Councillor D.J. Ashford, seconded by Mr Councillor J.E. Skinner, “That the minutes of proceedings of the Housing and Property Advisory Committee, as contained in report of meeting held Wednesday, 15<sup>th</sup> January, 2014, be received, approved and adopted by Council.”

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

The Council rose at 5.00pm.

Town Clerk & Chief Executive