



## **Borough of Douglas**

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**MR COUNCILLOR STANLEY COLVIN CAIN, JP  
MAYOR**

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Town Hall,  
Douglas,  
6<sup>th</sup> March, 2015

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL to be held on WEDNESDAY, the 11th day of MARCH, 2015, 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 District Civic Amenity Site Joint Committee;
- (v) Any other Joint Committee;

VII - Consideration of the report of each Chair 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, 11<sup>th</sup> February, 2015.

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

## EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held at 2.00pm on Friday, 27<sup>th</sup> February, 2015.

Members Present: Mr Councillor D W Christian (Chair), the Mayor, Mr Councillor D J Ashford, Mr Councillor J Joughin, Mr Councillor R H McNicholl, Mr Councillor J E Skinner.

In Attendance: Chief Executive, Borough Treasurer, Assistant Chief Officer (Housing & Property), Assistant Town Clerk (for Clauses A10, A11), Assistant Chief Officer (Finance) (for Clauses A13, A14 and A15), Building Control Manager (for Clause A5).

### REPORT

#### **PART A**

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

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

Apologies for absence were submitted on behalf of the Borough Engineer & Surveyor.

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

The Chair declared an interest in Clause A9 (Douglas Market Hall – Partnership with the Isle of Man College of Further and Higher Education).

#### **A3. Minutes**

The minutes of the meeting held on Friday 30<sup>th</sup> January 2015 were approved and signed.

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

There were no matters arising from the previous public minutes.

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

The Committee considered the public minutes of the Environmental Services Committee meeting held on Monday 16<sup>th</sup> February 2015, including the below items specifically referred to the Executive Committee:

Clause B13 – 33 Princes Street, Douglas: the Committee had considered options for the removal of the visual detriment caused by the condition of the rear of the property. The owners had been convicted of failing to comply with a statutory unsightly property improvement notice, and a budget estimate had been prepared for the Council to carry out remedial works to abate the nuisance. It had been agreed that tenders should be sought for demolition of the rear outlet, making good the abutments, and for the repair of the remaining window frames at the rear elevation. In the event that the owners had not carried out the required work themselves before a contractor had been appointed and the works were then carried out by the Council, it had been further agreed that reasonable costs incurred in doing the works should be sought from the owners of the property accordingly.

The Building Control Manager advised that, since the meeting of the Environmental Services Committee meeting, the owner had commenced some works on the property.

Clause B14 – 72 Derby Road, Douglas: the Committee had been reminded that the owner had been prosecuted for failing to carry out work to prevent the spread of dry rot to adjoining properties, and that the Council had subsequently carried out the work and was seeking to recover the monies expended. The Council had also served Section 14 and Section 24 Notices relating to the unsightly condition of the paintwork on the doors and windows, and weeds and rubbish in the garden. In view of the amount already spent, it had been agreed that the front garden should be tidied whilst efforts were continuing to reclaim the cost of the dry rot work, and approval for funding was sought accordingly.

The Building Control Manager reported that a price had been obtained from the Parks Department for the work to be carried out, and it was agreed that a price should also be obtained from an outside contractor, as the Council had to seek the least expensive way of doing the work in order to be able to recoup the monies from the owner.

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

(ii) That a typographical error in relation to Attendance (the Borough Warden being in attendance for Item A2 and not A3) be amended accordingly;

(iii) That the proposal to carry out remedial works to abate the nuisance at 33 Princes Street be held in abeyance, and that the owner be given a period of two months in which to carry out the works;

(iv) That the owner of 33 Princes Street be advised of the Committee’s decision and the timescale, and informed that failure to comply with the resolution would result in the Council undertaking the works and re-charging reasonable costs accordingly;

(v) That, in the event of the Council having to undertake the works, funding be from the Derelict Building Fund in the first instance, until the monies were recouped; and

(vi) That the proposal to tidy the garden of 72 Derby Road, as set out in the Section 14 Notice, be endorsed, but that the Building Control Manager be requested to obtain a quote for the works to be carried out by an outside contractor, in order to compare the price to that provided by the Parks Department.”

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

The Committee considered the minutes of the Regeneration and Community Committee meeting held on Tuesday 17<sup>th</sup> February 2015. There were no items specifically referred to the Executive Committee.

Resolved, “That particulars of the minutes of the Regeneration and Community Committee be noted.”

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

The Committee considered the minutes of the Housing and Property Committee meeting held on Wednesday 18<sup>th</sup> February 2015. There were no items specifically referred to the Executive Committee, although a number of typographical errors were noted.

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

(ii) That the typographical errors identified be amended accordingly.”

#### **A8. Douglas Development Partnership Town Centre Programme and Business Plan Monitoring**

The Committee considered a written report by the Assistant Chief Officer (Corporate & Development) providing a review of the Douglas Development Partnership’s activities during 2014, and also seeking approval to release grant funding in relation to the 2014 / 2015 Town Centre Programme.

Members were advised that 2014 was the first year of the Partnership’s Business Plan for 2014 – 2018. It was noted that the Town Centre Manager had been very successful in delivering a wide-range of events as part of the Town Centre Programme, with all key performance indicators having been met and with many exceeded. The Town Centre Manager had also been in contact with Town Centre businesses, having made in the region of 450 visits over the year.

Particularly successful had been the number of small-scale events (target 100 / actual 606); Sunday events (target 20 / actual 88); and charity / community events (target 12 / actual 37), which cost relatively little, but did a great deal to help enliven the Town Centre as the hub of the Island’s community. In relation to the small-scale events (Objective 10 within the Business Plan), Members noted the breakdown of the type of event that had taken place and suggested that, while the total was extremely commendable, the aim should be to deliver 100 events that would not otherwise have occurred.

It was noted that delays to the Government’s Promenade Improvement Scheme had, however, hampered progress on a Beach and Promenade Action Plan, and that, unfortunately, little progress had been made in attempts to improve certain aspects of the street-scene that were outside the Council’s jurisdiction, but alternative strategies for this would be tried for 2015.

There were a number of priorities for 2015, including investigating and developing options for a Town Centre loyalty scheme; pursuing the Douglas Marketing Initiative to encourage businesses to consider investing in Douglas Town Centre; and conducting a public perception survey in relation to the Town Centre.

Resolved, “(i) That particulars of the report, including progress made in relation to the Douglas Development Partnership’s Business Plan for 2014 – 2018, be noted on the minutes;

(ii) That, in pursuing to achieve the Objective to deliver small-scale events, focus should be placed on reaching the target by delivering 100 events that would not otherwise have occurred; and

(iii) That authority be given for the Borough Treasurer to release £30,000 to the Douglas Development Partnership in respect of the Town Centre Programme delivered during 2014 / 2015.”

#### **A9. Douglas Market Hall – Partnership with the Isle of Man College of Further and Higher Education**

Under the provisions of the Local Government Act 1985, the Chair declared an interest in this item and retired whilst it was considered; the Vice-Chair assumed the Chair accordingly for this item only.

The Committee considered a written report by the Assistant Chief Officer (Corporate & Development) reviewing the agreement with the Isle of Man College of Further and Higher Education to occupy Douglas Market Hall.

The Council had entered into the agreement with the College for a period of one year (commenced in September 2014), with an option for the licensee to extend on identical terms for a further two years. The College had reported that it was pleased with the space and was planning a number of art-related events in the building, however, issues relating to noise and the lack of heating had arisen out of the lead-work improvement works being carried out to the roof, resulting in the students temporarily moving back to the main College building for two weeks.

Feedback from the Art & Design Programme Manager was that, with the exception of the problems during the lead-work contract, the College was pleased with the arrangement and believed that the building worked well for its purposes. The students enjoyed working there, although it had been acknowledged that the internal presentation of the building could be improved with the help of more information boards to explain to the public how it was being used, and the College had, accordingly, undertaken to produce these.

The two tenants (the Butcher and the Café proprietors) and the College were all aware of the contents of the Council Leader's budget speech relating to the Market Hall, and the College had requested, should the Council wish to pursue the disposal of the building, that they be invited to liaise on a succession strategy to explore possible mechanisms by which they may be able to continue to occupy the building.

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

#### **A10. Consultation Document – The Draft Isle of Man Strategic Plan 2015**

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

Members noted that, following an initial consultation, the Department had determined that the principal changes required within the Strategic Plan were to those elements relating to housing, i.e., to adapt the revised figures arising from the 2011 Census, and the projections calculated therefrom. The Council had responded in January 2014 (when it was consulted), urging the Department to re-examine the whole Plan rather than just the elements affected by changes in Census data. The development of the Area Plans had also been referred to, with a request that they be expedited, however, it was clear from this subsequent consultation that the Council's comments had not been acted upon, and that the Department was limiting the review to those elements where population change had an effect, principally, in relation to housing provision.

Members were advised that a meeting of representatives from local authorities included in the Eastern area had taken place on 24<sup>th</sup> February 2015, at which strong doubts had been expressed about the validity of the protracted figures for growth. It was felt that the population growth figures, based on 2006 and 2011 data, were inaccurate, and that either the current review exercise should be delayed until after the 2016 Interim Census, or that the growth figures should be halved as an interim measure, pending further review after the 2016 Interim Census results had become available.

Concern had also been expressed at the meeting that, as the Eastern Area Plan was scheduled for revision following this review of the Strategic Plan, the figures currently projected might be imposed on the East, while they would be revised in later Area Plans for the North, South and West, following more accurate figures being available from the 2016 Interim Census. One of the principal concerns expressed was that, should Douglas not be able to accommodate its allocation of new dwellings, then the balance might have to be made up by other local authority areas within the East.

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

(ii) That the Council acknowledged its inclusion in the consultation exercise, and made the following comments on the proposed changes to the Isle of Man Strategic Plan:

- Change 1 – *inclusion of additional foreword by the current Minister for the Department of Infrastructure reiterating the aims and purpose of the Plan; explaining the need for this partial review in relation to housing figures; and reiterating the intention to use the Strategic Plan to develop four Area Plans (although no timescale had been indicated, unlike the original foreword which stated 'within four years')* :

That the Council supports the change, but seeks reassurance that the Eastern Area Plan will be expedited, taking into account both the revised Strategic Plan and the recently-approved Douglas Town

Centre Masterplan; and that both the Strategic Plan and the Eastern Area Plan would be reviewed in the light of the 2016 Interim Census data;

- Change 2 – *insertion of an additional preface to the document, expanding on the reasons for the partial review :*

That the Council supports the change with the reservation that other factors, particularly employment opportunities, should have some bearing on the need for housing and its allocation to different areas;

- Change 3 – *relating to the timeframe of the Plan, this being a period of fifteen years from 2011 to 2026 (although this would be subject to periodic review as data from the 2016 and 2021 Censuses became available) :*

That the Council reiterates the view that the whole Plan should be subject to review on a periodic basis;

- Change 4 – *Strategic Policy 11 currently provided for development opportunities for 6,000 additional dwellings to be provided between 2001 and 2016, and the proposal was to change that to 5,100 dwellings between 2011 and 2026 :*

That the Council asks the Department of Infrastructure for reassurance that the 2016 Interim Census data would be taken into account, and the figures revised accordingly at the earliest possible opportunity;

- Change 5 – *referring to spatial distribution of the new housing provision requirements, and explaining how the figures for distribution of the provision across the North, South, East and West of the Island were calculated :*

That the Council expresses concern that such a high figure of new development is required within the confines of existing boundaries, while recognising the need for such development (although not convinced of the accuracy of the projected figures); and asks the Department to discuss ways in which the numbers could be accommodated without encroachment into the green areas separating the Borough from neighbouring districts;

- Change 6(i) – *revising and expanding upon the work carried out by the Department in analysing the data and leading to the conclusions in relation to housing needs; reiterating the need for 5,100 dwellings to be provided between 2011 and 2026; and also introducing the concept of ‘Strategic Reserves’, whereby certain areas would be allocated for development, but not released until the Department was satisfied that the need had been established :*

That, subject to the same reservations as to the accuracy of the figures as set out in relation to Change 4 above, the Council supports the change, including the provision of ‘Strategic Reserves’, in order to prioritise development where it was most appropriate in the first instance; and once again urging that the Area Plan for the East be expedited in order to identify such areas;

- Change 6(ii) – *updating the demographic data in the Plan which underpinned the calculations and projections, including revised tables of population growth from 2011 to 2016; and also recognising within the proposed wording that the projections were subject to a wide-range of influences, and that the Plan would need to be regularly reviewed :*

That, subject to the same reservations as to the accuracy of the figures as set out in relation to Change 4 above, the Council supports the change;

- Change 6(iii) – *relating to the analysis of development trends across the North, South, East and West of the Island; and how the proposed 5,100 additional dwellings should be spatially distributed across these areas (North = 770; South = 1,120; East = 2,440; West = 770); and amending Housing Policy 3 to reflect Change 5 (above) :*

That the Council questions the accuracy of the figures calculated for the distribution of new dwellings and, as for Change 5 (above), expresses concern over how the numbers in the East, and specifically Douglas, could be accommodated;

- Change 7 – *referring to a Transport Study carried out by consultants in 2006 and a further study carried out on the Strategic Transport Links in 2014; taking into account the proposed level and location of housing development (as set out in the 2007 Strategic Plan); and identifying a small number of concerns to be addressed during the life of the revised Plan :*

That the Council supports the change and looks forward to specific proposals within the Eastern Area Plan; with the observation that, in addition to traffic congestion on the Strategic Transport Links, parking provision needs to be a major element of that Area plan;

- Change 8 – *the implementation, monitoring and review of the Plan had been revised and clarified, allowing for the annual review of key elements (including a more comprehensive review at five years); with the monitoring and review provisions being intended to be*

*particularly helpful in securing a focus on development of brownfield sites, previously-developed land, and sites within existing settlements, before releasing any 'Strategic Reserve' areas of greenfield sites :*

That the Council supports the revision;

- Change 9 – *replacing the outdated figures for development approvals granted, with a table showing the number of dwellings approved and started or completed between 2001 and 2011 :*

That the Council accepts the change as a factual update; and

(iii) That the following additional comments, made specifically by Members of the Committee, also be included in the response:

- That, alongside the number of units proposed, there should be a focus on the actual type of dwelling required;
- That, in order to cope with the projected population figures for the Island, a review should be undertaken in respect of infrastructure; utilities; and transport;
- That, in order to accommodate the proposed number of dwellings in Douglas, a review of the boundaries should be undertaken.”

#### **A11. Consultation Document - Proposed Credit Unions Act Amendment**

The Committee considered a written report by the Assistant Town Clerk in relation to a consultation document issued by the Financial Supervision Commission. Members were advised that the consultation document envisaged changes to legislation to facilitate the establishment of Credit Unions within the Isle of Man, and to bring them within the scope of the Financial Supervision Commission's regulatory powers.

Views had been sought on two identified key issues - the first was whether the incorporation of credit unions, as societies under the Industrial and Building Societies Act 1892 was appropriate, or whether an alternative should be sought; and the second was whether some form of protection scheme for savers within a credit union should be established.

The consultation document also listed twenty further revisions, which set out the conditions that would apply to the operation of a credit union. It was not recommended that the Council comment at this stage of consultation on these conditions, as the document stated that further consultation on the details would take place at a later stage.

Discussion also took place in relation to 'pay-day lenders', and it was noted that legislation regulating their operation in the United Kingdom had recently been tightened.

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

(ii) That the Council supports the proposed amendment of the Credit Unions Act 1993, to facilitate the establishment and supervision of Credit Unions in the Isle of Man;

(iii) That the Council supports credit unions being brought within the scope of the Financial Supervision Commission's regulatory and supervisory authority;

(iv) That the Council takes the view that savings within credit unions should not be subject to a protection scheme;

(v) That the Council suggests amendment to Isle of Man legislation, similar to that which had recently been enacted in the United Kingdom, regulating the operation of 'pay-day lenders'; and

(vi) That the Council reserves its judgement in respect of the detailed conditions attached to the operation of credit unions.”

#### **A12. Monthly Financial Review**

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

Discussion ensued about the public debate that had been taking place in the media in relation to the Council's Reserves. This had followed a Question in Tynwald when an Honourable Minister had given a response to the Question, but had failed to explain the difference between the full reserve and the uncommitted reserve.

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

(ii) That the Assistant Chief Officer (Finance) and the Council's Media Advisor be requested to prepare a press release, clarifying the position and setting out the difference between the Council's full reserve and its uncommitted reserve."

#### **A13. CIPFA Conference**

The Committee considered a written report by the Borough Treasurer seeking early approval (in order to attain discounted rates) for attendance by the Chair of the Executive Committee and himself at the 2015 CIPFA Conference.

The Chair and Borough Treasurer had attended the Conference in previous years and found it of great benefit in following current trends in public sector finance and accountancy. Although the conference programme was not yet available, the event brought together world-class speakers and commentators, as well as leading figures from the industry, with the main speakers normally being drawn from politicians from Central and Local Government and finance practitioners in the public sector.

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

(ii) That authority to attend the CIPFA Conference be considered again once the proposed programme had become available; and

(iii) That, in the event of approval for attendance being given, the Vice Chair be offered the opportunity to attend, as the Chair would be unavailable on the dates of the Conference (7<sup>th</sup> to 9<sup>th</sup> July 2015)."

#### **A14. Internal Audit Service**

The Committee considered a written report by the Assistant Chief Officer (Finance) seeking approval to appoint a new internal auditor.

The Accounts and Audit Regulations 2013 required local authorities to maintain an adequate and effective system of internal audit of its accounting records and of its systems of financial control, and the internal audit service had last been awarded in 2008 for five years, with an option to extend for up to a further five years by mutual agreement. In 2012, a two-year extension of the contract had been agreed and the current contract was now due to expire on 31<sup>st</sup> March 2015.

Members were advised that the Service Specification had been updated and expressions of interest invited. Six organisations had submitted expressions of interest and, following assessment, four had been invited to tender. Of these, three had submitted tenders.

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

(ii) That Crowe Clark Whitehill LLC be appointed to provide an internal audit service to the Council for five years, commencing on 1<sup>st</sup> April 2015."

#### **A15. Capital Programme Monitoring for April to December 2014**

The Committee considered a written report by the Assistant Chief Officer (Finance) setting out the Capital Programme budget monitoring position to the end of December 2014, compared to the Revised Estimates for 2014 / 2015.

In order to meet its legal responsibilities and the requirements of recommended practice, the Council's Statement of Internal Control under Financial Management set out its framework for budgetary control. The framework required a mid-term report on the Council's performance against the approved Capital Programme estimates. It was noted that Capital monitoring had previously been provided each half-year, but would now be on a quarterly basis.

The original estimate for the Capital Programme had been revised with Committee approval in October 2014. This was mainly due to changes in project expenditure profiling across years, and the deferral of items in line with current expectations. The schedule (appended to the written report) presented expenditure for the period April to December 2014.

Members were advised that it was not feasible to profile the budget for capital expenditure across months within the financial year, as the timing of expenditure depended on a number of factors, such as the tender and petition processes. It was not, therefore, appropriate to consider the budget monitoring position in terms of adverse or favourable variances, unless a project was actually complete, and any remaining unspent balance of items that were not completed by the end of the financial year would need to be carried forward into the new financial year.

It was noted that Capital Programme budget monitoring was reported to both the Extended Chief Officers' Management Team and project managers on a quarterly basis.

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

(ii) That the expenditure incurred on capital projects up to the end of December 2014 also be noted."

#### **A16. Former Police Station, Pulrose**

The Committee considered a written report by the Assistant Property Manager (Assets) seeking approval for funding to undertake works to the former Pulrose police station and to extend the lease period.

Members recalled that the former Pulrose police station building and land had been transferred to the Council from the Department of Home Affairs in 2013, in exchange for the long-term lease of the new police station on the upper part of the Pulrose Estate.

The original intention had been to demolish the former police station and to build four new social housing apartments on the site, however, during the transfer process, the Council had received an approach from the Church seeking to lease the building to use as a charity-based community centre. This had subsequently been approved by the Housing and Property Committee for a fixed-term period of twelve months, on the basis of no costs falling on the Council. It was noted that the Church had now been successful in obtaining authority to appoint a community worker for a three-year period and, to take advantage of this, was seeking to extend the original fixed-term lease (including all terms and conditions) for a further three-year period until 30<sup>th</sup> April 2018.

Although the property was now owned by the Council and the intention remained to demolish it and construct social housing units at some point in the future, it did not currently form part of the commercial property portfolio or have any separate repairs and maintenance budget, and requests had now been received from the Church to carry out some further repairs and maintenance work to enable the community project to commence. These included upgrading the central heating system; re-glazing broken glass; and the erection of new external timber boundary fencing. Discussion took place in relation to the fencing element of the works, and it was suggested that 'Zaun' or other metal fencing should be installed instead, if this could be done at less cost than that quoted for the installation of timber fencing.

Members also queried a previous minute of the Housing and Property Committee from 18<sup>th</sup> September 2013, in which it stated that '*a proposal had been received from the Church for the use of the property to accommodate children and community workers, as living accommodation and as a base for activities within the community*'. As it was not the intention that the property be used as living accommodation, clarification on this point was sought.

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

(ii) That approval be given for expenditure in the sum of £9,206 to undertake identified remedial works to the former Pulrose police station, to be funded from General Revenue Balances;

(iii) That 'Zaun' or other metal boundary fencing be installed, subject to this costing less than that quoted for the installation of timber fencing;

(iv) That approval be given for the current lease (including all terms and conditions) to be extended for an additional three-year period, until 30<sup>th</sup> April 2018, based on no further costs falling on the Council; and

(v) That, as it was not intended that the property should be used as living accommodation, clarification be provided in relation to the previous minute of the Housing and Property Committee (from 18<sup>th</sup> September 2013.)"

#### **A17. Isle of Man Municipal Association – Minutes of Meetings**

The Committee had been circulated with the minutes of the Isle of Man Municipal Association meeting held on Thursday 29<sup>th</sup> January 2015; the minutes of the meeting of the World War One Commemoration Steering Group held on Thursday 29<sup>th</sup> January 2015; the agenda for a meeting with the Honourable Minister for the Department of Health and Social Care; and the Municipal Association's monthly financial statement.

In respect of the minutes of the World War One Commemoration Steering Group, clause 06 / 15, Members queried the statement '*the Chairman noted that he had received no further correspondence after encouraging Douglas Borough Council to review their records in order to plan suitable commemorations.*'

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

(ii) That the Assistant Chief Executive be requested to clarify whether a response had been sent to Manx National Heritage in respect of World War One commemorations."

#### **A18. Items for Future Report**

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

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

***PART B***

***Matters subject to Council approval***

No public matters subject to Council approval were considered.

The meeting ended at 5.35pm.

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

## PENSIONS COMMITTEE

PENSIONS COMMITTEE – Minutes of Meeting held at 11.00am on Wednesday, 25<sup>th</sup> February, 2015.

Members Present: Mr Councillor J. Joughin, (Chairman), the Mayor, Messrs Councillors D.J. Ashford, C.L.H. Cain, R.H. McNicholl, Councillor Ms K. Angela, Mr A. Thomas (Independent Member).

In Attendance: Mr Mark Freeman, Scheme's Investment Advisor – Hymans Robertson, Mr David Chatel and Mr Simon Betteley, BlackRock – agenda item A8 only, Mr Chris Bell, Capital International – agenda item A9 only, Borough Treasurer, Assistant Chief Officer (Finance), Assistant Democratic Services Officer.

### REPORT

#### **Part A – Public**

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

##### **A1. Minutes – 26<sup>th</sup> November 2014**

The minutes of the meeting held Wednesday, 26<sup>th</sup> November, 2014, were approved and signed.

##### **A2. Training – Revised Manager Monitoring Process and Triggers**

The Committee received a training presentation by Hymans Robertson on the revised manager monitoring process and triggers.

Members were reminded that with the revised fund manager arrangements the number of investment managers will increase from two to four. Mr Freeman advised that it will be difficult for the Committee to meet with all managers at every quarterly meeting. The Committee previously agreed to meet with each of the three active managers twice a year and the index-tracking manager once a year. It was noted that all managers will continue to be monitored quarterly through Hymans Robertson's reports, and a fuller annual review. The quarterly report will also include manager review triggers.

Members were presented with a manager schedule as agreed at the November 2014 meeting. It was noted that the annual review of managers would be presented at the February meeting.

The presentation went on to list various triggers for review that will be in place for both the active and index-tracking funds. Mr Freeman advised that the most effective way to highlight issues is by monitoring key issues with agreed triggers.

During the training presentation Members requested an update on the transfer of funds to the two new approved managers, Canaccord and Investasure. The Borough Treasurer advised that the Canaccord documentation has been agreed and signed and they are in a position to receive the funds. Investasure documentation is outstanding due to issues in the agreement and a meeting has been scheduled between the Borough Treasurer and Investasure for the day after the Committee meeting. The Borough Treasurer intends to request changes to the documentation and then refer the agreement to the Council's Advocate for ratification. The latest delay is due to Borough Treasurer's time constraints, both he and the Council's Advocate have been dealing with agreements relating to a pressing Council issue that had to take precedence over the Investasure agreement.

In answer to question, Mr Freeman advised that following the completion and agreement of the paperwork a transfer can be implemented fairly quickly but advanced planning is required to avoid large transaction costs and minimise out of market risk. Members were reminded that it was preferable for funds to Canaccord and Investasure to be transferred at the same time.

In response to a previous request by the Committee, Mr Freeman advised Investasure will be invited to a meeting following signature of the agreed documentation.

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

##### **A3. Review of Investment Manager's Performance**

The Committee considered a report by Hymans Robertson reviewing the Investment Managers' performance for the fourth quarter of 2014.

Mr Freeman began by providing the historic returns for the market and highlighted the key events during the quarter. Members agreed to question if BlackRock have exposure in Russia and what BlackRock are doing in respect of currency hedging of the overseas equities.

In answer to question, Mr Freeman advised that 10% of the equity portfolio is invested in oil and gas and was comfortable that this is a fairly modest allocation.

Members were presented with a portfolio summary detailing the valuation summary, the performance summary gross of fees and the absolute quarterly and annualised cumulative performance.

Mr Freeman reported a positive performance during the quarter. The fund increased by over £1 million gross of fees. BlackRock outperformed the benchmark by 0.5% and Capital International outperformed LIBOR + 3% by 0.3%.

Members were provided with a BlackRock overview for the quarter. The mandate outperformed the benchmark by 0.5% over the quarter with an absolute return of 3.9%. It remains ahead of the benchmark over one and three years but has underperformed over the past five years. BlackRock's main driver of the outperformance for the period was due to stock selection, particularly within UK equities.

In answer to question, Mr Freeman advised that Hymans Robertson continue to recommend an alternative manager for UK equities, international equities and gilts, despite the UK equity fund outperforming the benchmark by 3.4% during the quarter and 6.0% over the past 12 months. Members were advised that now is a good time to sell the portfolio after a strong run.

Mr Freeman reported a positive quarter for Capital International. The fund outperformed the LIBOR +3% performance target over the quarter while longer term performance also remained comfortably ahead of target over the past year and since inception of the mandate. A Member agreed to query the alternative strategy fund holdings with Capital International.

Members discussed if the Hymans Robertson quarterly report should feature returns net of fees. Mr Freeman advised that it can be difficult to display the figure net of fees as BlackRock's fee is not a flat 0.6% but is calculated by a scale that decreases the fee as the assets increase. Mr Freeman confirmed the report could be produced with figures net of fees but would prefer to remain with the current format. Members agreed that in order to compare figures it is simpler to display the returns gross of fees. The Borough Treasurer provided a background into the current manager and fee structure.

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

#### **A4. Capital Market Service**

The Committee considered a presentation by Mr Freeman on the quarter four 2014 market update.

A series of graphs were presented to Members demonstrating market returns, global equity performance relative to cash, long-dated gilts and long dated conventional gilts, purchasing managers index manufacturing indicators comparing the US, UK, Japan and Eurozone, commodity price indicators, core CPI inflation, 10-year conventional government bonds, 10 year inflation-linked government bonds and the investment property databank monthly index from 2002 to 2014.

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

#### **A5. Annual Review of Investment Manager Performance 2014 Comparison**

The Committee considered a report submitted by Hymans Robertson comparing the performance of BlackRock and Capital International with their benchmarks alongside the performance of their respective peer groups to 31<sup>st</sup> December, 2014. For BlackRock, the peer group consists of managers appearing in the Mellon CAPS survey of pooled funds. As Mellon CAPS does not monitor an appropriate peer group for the Scheme's absolute return strategy, the performance of Capital International is compared with the returns of 18 absolute return managers in the Hymans Robertson diversified growth fund peer group.

The report evaluated the performance of BlackRock across the broad asset classes beginning with UK Equities. The UK Equity portfolio outperformed the FTSE All Share-Index by a significant margin in 2014 and has now generated positive relative returns over all time periods. BlackRock's UK equities also outperformed its CAPS survey peer group in 2014 and ranked in the top ten percent of 50 UK equity funds. Relative performance against peers has been more modest over the longer term periods, as the portfolio ranks in the third and fourth quartiles over three and five years respectively.

Following a year of positive relative returns from the BlackRock UK Equities portfolio, Mr Freeman advised that now is a good time to sell the portfolio after a strong run. He continues to recommend investing the proceeds in a passive mandate from Canaccord with lower fees and certainty of obtaining index returns.

The report went on to consider overseas equities. The overseas equity portfolio underperformed its composite index benchmark over the one, three and five year time periods, however it has outperformed since inception. In comparison with the 11 overseas funds remaining in the CAPS universe the fund's long term performance has been disappointing as it ranks in the fourth quartile over the past three years and in the third quartile over the past five years. Relative return in 2014 was stronger as it ranked in the second quartile.

Mr Freeman reaffirmed Hymans Robertson's support to replace BlackRock's overseas equity portfolio with another active manager.

Members considered BlackRock's property fund which posted a very strong return in absolute terms in 2014, although it did underperform the IPD Balanced Index by 0.6%. The property fund has performed strongly against its peers over the past three and five years, being ranked in the second quartile for both time periods. Relative performance in 2014 has not been as strong and the funds ranked in the third quartile. Hymans Robertson confirmed they continue to support the current BlackRock pooled fund.

Mr Freeman discussed the fixed interest portfolio which outperformed the benchmark in 2014. Relative to the CAPS universe of bond managers in 2014, BlackRock's fixed interest holdings ranked in the fourth quartile and ranked in the third quartile over the past three and five years. Hymans Robertson remains supportive of the BlackRock fixed income team for corporate bonds.

Generally, stock selection drove outperformance over the benchmark in 2014, during which broad and sub asset allocation detracted from relative returns. At the overall scheme level, the report advised that BlackRock returned 9.3% over the year and outperformed its benchmark by 0.4% gross of fees. The portfolio has not met the performance target of +0.65% outperformance per annum before fees over one, three, five year or since inception. Hymans Robertson continues to support their recommendation to make the agreed changes to the mandate.

In answer to question, Mr Freeman confirmed under the new asset allocation BlackRock will be responsible for three different funds as opposed to one lump sum to invest.

Members reviewed Capital International. Capital International was up 5.8% in 2014 and has returned 8.4% per annum since inception, exceeding their target by a comfortable margin. However, it was noted that this outperformance has been achieved during a period when growth assets have provided strong returns and LIBOR is at a very low level.

Capital's return placed it in the second quartile of Hymans Robertson's peer group for 2014 and Hymans Robertson remain supportive of Capital International as an absolute return manager.

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

#### **A6. Update on asset transition and revised strategy**

The Borough Treasurer had updated Members on the asset transition and revised strategy during the training presentation.

In answer to question, the Borough Treasurer advised that the Investasure documentation was received later than anticipated following their difficulty in FSC registration and initially the agreement had been between the Council and St. James's Place which was not acceptable. Investasure subsequently provided a draft agreement between the Council and them but the Borough Treasurer is not satisfied with the wording in the document. The Borough Treasurer plans to address the issues with Investasure prior to the documentation being considered by the Council's advocate in order to keep costs to a minimum. Members opined that Investasure should provide the correct documentation to reduce the time spent by the Borough Treasurer and Council's Advocate amending the document. It was noted that Investasure had been selected in June 2014.

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

#### **Adjournment and Resumption**

The meeting adjourned for lunch at 1.00pm and resumed at 1.55pm with the same Members and Officers present.

#### **A7. Review of Asset Allocation and Proposals for Future Rebalancing**

The Committee considered a report submitted by Hymans Robertson to review asset allocation and consider proposals for future rebalancing.

In light of the Committee's decision to amend BlackRock's current mandate, Members were presented with a table detailing the target allocation and control ranges for the various asset classes and managers.

The report confirmed the key advantages of this process. Members were asked to consider how the Committee could manage this process alongside the current manager monitoring process.

Hymans Robertson proposed using three elements for maintaining the target asset allocation, a detailed explanation of each was provided in the report.

Mr Freeman opined the process described will be a cost effective and efficient way of maintaining asset allocation close to the agreed target. It was noted that although there may be some additional input required from the Committee from time to time, overall Hymans Robertson expect this to be minimal and to require a limited amount of additional ongoing advice from Hymans Robertson. The process will mean that assets that have performed well and become expensive will be sold, thus crystallising profits, and assets that have performed less well and are "cheap" will be purchased.

The Chairman advised the Committee that the new asset allocation will result in Canaccord investing 35% of the fund, BlackRock investing 30%, Investasure investing 25% and Capital International investing 10% of the total fund.

Resolved, "That particulars of the report and discussion be noted on the minutes and the three rebalancing process recommendations by Hymans Robertson be approved as follows;

- i. Any surplus contributions when available should be invested in the most underweight asset classes.
- ii. Annual review of assets and potentially rebalanced back to the central benchmark position once a year based on Hyman Robertson's quarterly investment report.
- iii. Assets moving outside of the agreed control ranges due to extreme market movements be highlighted in Hymans Robertson's quarterly investment report and be discussed at the next Committee meeting with a decision taken as required."

#### **A8. Investment Manager's Presentation – BlackRock**

Mr David Chatel and Mr Simon Betteley joined the meeting to present their report on BlackRock's performance for quarter four of 2014.

As requested by Mr Betteley, Mr Freeman provided an update on the decision to transfer assets from BlackRock to a different fund manager.

BlackRock outperformed the benchmark by 0.5% during quarter four. Mr Betteley provided a background into market returns for the quarter and BlackRock's positioning to 31<sup>st</sup> January, 2015. Members were advised of attribution for quarter four.

Mr Betteley discussed the market outlook for the year. The UK and US reduction in quantitative easing and Japan's concern about deflation resulted in unusual cycles during the quarter. Central bank liquidity injections, the oil price decline and Government yields were discussed. In answer to question, Mr Betteley confirmed the fund does not hold direct exposure to Russia or Venezuela.

Mr Betteley discussed UK Equity performance during quarter 4. UK equities outperformed the benchmark by 3.4% during the quarter. Members were presented with the contributors and detractors for the quarter and the past 12 months together with the transactions during the period.

Overseas equity underperformed by 1.0% during quarter 4. The report confirmed what did and did not work well and gave a brief overview of trades during the period.

Mr Betteley advised that fixed income slightly outperformed against its benchmark during the quarter. The performance was driven by macro positioning.

Mr Betteley finished with an overview of the property fund for the period. Members were presented with the portfolio construction, the total return on a net asset value basis per cent for the quarter, the sector spread as at December 2013 and 2014 and the acquisitions and disposals during the quarter.

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

Mr David Chatel and Mr Simon Betteley were thanked for their attendance and left the meeting.

#### **A9. Investment Manager Presentation – Capital International**

Mr Bell of Capital International joined the meeting to present the fourth quarter of 2014 investment review.

Capital International outperformed the LIBOR +3% performance by 0.3% during the quarter. Mr Bell provided an insight into key economic and market themes for the period. Members were presented with charts demonstrating the total returns over 2014 by major asset classes and a graph demonstrating central bank balance sheets.

Mr Bell provided an overview of the portfolio strategy thoughts for quarter four of 2014 and quarter one to date of 2015.

Members were advised of recent activity within the fund and the asset allocation and performance to the end of quarter 4. Mr Bell provided the value of the fund as at 31<sup>st</sup> January, 2015. The fund totalled at £6.75 million, an increase of 3.48% excluding the cash injection during the period.

Mr Bell finished by discussing economic and market thoughts.

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

Mr Bell was thanked for his attendance and left the meeting.

#### **A10. 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 items for future 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 meeting ended at 3.48p.m

VI(iii) - The proceedings of the STANDARDS COMMITTEE as follows:

# STANDARDS COMMITTEE

STANDARDS COMMITTEE – Minutes of Meeting held at 2.30pm on Tuesday, 24<sup>th</sup> February, 2015.

Members Present: Councillor Mrs R. Chatel (Chair), Councillor Mrs C.A. Corlett, Councillor Miss D.A.M. Pitts, Mr Councillor W.M. Malarkey, Mr. D.M. Booth (Independent Member), Mr Councillor R.H. McNicholl (for item A4 only).

In Attendance: Chief Executive, Assistant Town Clerk, Democratic Services Officer.

## REPORT

### **PART A**

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

##### **A1. Minutes, 22<sup>nd</sup> December, 2014**

The minutes of the meeting held Monday, 22<sup>nd</sup> December, 2014 were approved and signed as a correct record of the meeting.

##### **A2. Election of Vice-Chair**

It was unanimously agreed to appoint Mr Councillor W.M. Malarkey to act as Vice-Chair to serve until April 2016. The vacancy had arisen due to the appointment by the Council of Mr Councillor J.E. Skinner to serve as Chair of the Regeneration and Community Committee and his consequent ineligibility for membership of the Standards Committee.

##### **A3. Opening Remarks**

The Chair welcomed Councillor Mrs. Corlett to the Committee and advised Members that this additional meeting had been called specifically to address those minutes from the meeting held 22<sup>nd</sup> December, 2014 which had been withdrawn at Council on 14<sup>th</sup> January, 2015 for reconsideration by the Committee. The Chair also advised that Mr Councillor McNicholl had requested and been granted permission to attend and address the Committee to discuss issues of concern to him.

##### **A4. Reconsideration of Clause A2 – Matters Arising**

The Committee reconsidered Clause A2 of the December 2014 minutes which was a matter arising from previous Committee minutes.

The Chair welcomed Mr Councillor McNicholl to the meeting. There was a discussion on the procedures adhered to by the Standards Committee in accordance with the Standards Committee Handbook as approved and adopted by the Council on 14<sup>th</sup> November, 2012, which had been followed in dealing with a complaint and consequential matters which arose whilst dealing with that complaint. When matters are investigated, reports on the investigations are brought to the Standards Committee either for noting or for a hearing. Only those Councillors who are directly involved, either as a complainant or the subject of a complaint are advised of the outcome of the investigation.

Mr Councillor McNicholl stated that although he was aware of the outcome of the original complaint, he was not aware that the consequential matters identified during investigation of that complaint had been investigated and concluded. Mr Councillor McNicholl was reminded that the report on the investigation into the consequential matters was considered by the Standards Committee on Wednesday, 2<sup>nd</sup> July, 2014 and the minute reported to the Council on 13<sup>th</sup> August, 2014.

He felt aggrieved that he had not been specifically advised of those outcomes but acknowledged that he had not personally made any written complaint. The Chair reminded Mr Councillor McNicholl that it was only the complainant or Member complained about that would be specifically advised of the outcome.

The Chair advised Members to make written complaint to the Standards Committee if circumstances arise which they believe involves a breach of the Codes of Conduct set out in the Constitution.

There was further discussion on the matter and Mr Councillor McNicholl was thanked for his attendance and left the meeting.

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

##### **A5. Reconsideration of Clause A3 – Confidentiality Issues and Publication of Standards Committee Minutes**

The Committee reconsidered Clause A3 of the December 2014 minutes concerned with the confidentiality and publication of Standards Committee minutes.

The Committee discussed whether items should be considered in public or private Council paying particular regard to the debate and comments put forward by other Members of the Council at the January, 2015 Council meeting.

Whenever possible reports should be considered in public to demonstrate transparency; but matters still under investigation should remain private until the investigation is concluded in order not to prejudice the investigation.

Resolved, "That the discussion be noted on the minutes and approval be given to a policy that;

- i. All on-going complaints and investigations be considered and reported to the Council in private; and
- ii. The outcome of a complaint or investigation be reported to the Council in public without naming the Member or Members concerned; and
- iii. Options for an appeals procedure be brought forward to a future Committee."

#### **A6. Reconsideration of Clause A5 – Summary of Cases of Complaint Investigated October to December, 2014**

The Committee reviewed Clause A5 of the December 2014 minutes which provided a summary of the cases of complaint investigated between the months of October to December, 2014. In the debate at the meeting of Council on 14<sup>th</sup> January, 2015 Members were of the view that the minute did not supply sufficient information. It was noted that this is a quarterly monitoring report reflecting the work undertaken by the Committee. It was agreed that the minutes should include the information supplied in the summary report.

Accordingly, in the period between October and December 2014 there were two complaints; each involving one Councillor.

In the first instance the complaint was that there had been a breach of Clause 13 of the Member/Officer Protocol as set out in the Constitution at Part 5 Section (B). The outcome of the investigation was that a Breach had occurred which was mitigated by lack of awareness as to circulation of e-mails. The Member was reminded of the applicable sections of the Constitution and advised about the circumstances in which e-mails should not be circulated to the whole Council.

In the second instance, the complaint was that there had been a breach of Breach of Clauses 13 and 16, and the "Guidance for Members on Use of Council Resources" in Part 5 of the Constitution (Code of Conduct for Local Authority Members and Officers). The outcome of the investigation was that the matter is to be formally investigated and a report brought to the Standards Committee.

Resolved, "That the discussion be noted on the minutes and approval be given for the detail provided in the summary monitoring report to be included in the minutes in the future."

#### **A7. Reconsideration of Clause A7 – Sanctions**

The Committee reconsidered Clause A7 of the December, 2014 minutes setting out the sanctions which could be applied in the event of a breach of the Members' Code of Conduct. In response to comments made in the Council meeting on 14<sup>th</sup> January, 2015 it was confirmed that the Committee formally delivers the sanctions in writing with the letter to be signed by the Chairman of the Standards Committee. The Committee reviewed the list of sanctions in light of the points made during that Council debate. The Committee noted that all of the sanctions adopted by the Committee at the December 2014 meeting could be applied utilising the Council's existing powers under the Local Government Act 1985. Officers confirmed that a formal request is being prepared for submission to the Local Government Unit of the Department of Infrastructure seeking changes to legislation to give the Council the power to suspend a Member for a period of up to three months. That matter is still outstanding.

A Member queried what powers the Standards Committee and/or the Council has to force a Member to accept or comply with the terms of a sanction. Officers confirmed that whilst there are no powers to force compliance, in the event that a Member did not comply with a sanction, the non-compliance would be reported to the Standards Committee with the possibility of further sanctions being applied. It was noted that the sanctions were based on Members' acceptance of the Council's Constitution on election to the Council which includes the Members' Code of Conduct and the Standards Committee Handbook.

There was further detailed discussion of the issues which had been raised in the Council meeting on 14<sup>th</sup> January, 2015.

Resolved, "That the discussion be noted on the minutes and the following sanctions be adopted by the Standards Committee to be applied in cases of Members' misconduct, with sanctions 1 to 4 to be

applied directly by the Standards Committee, and sanctions 5 to 8 being applied on the approval by the Council of a recommendation by the Committee;

1. An instruction that the Member must apologise to the complainant, either privately or publicly;
2. Censure or reprimand of the Member;
3. Instruction to the Monitoring Officer to arrange training for the Member with a requirement that the Member attend the formal training;
4. Withdrawal of some or any facilities, where the breach involves inappropriate use of such facilities;
5. The removal of the Member from membership of some or all Committees;
6. The removal of a Member as representative of the Council on an outside body/ or any outside bodies;
7. The barring of a Member from representing the Council at conferences or other similar events;
8. The recommendation to the appointing body or Committee that the Member be removed from the office of Chair or any other office.”

**A8. Dates of Future Meetings 2015/2016**

The Committee were presented with the dates and times of future meetings in 2015/16.

Resolved, “That particulars of the discussion be noted on the minutes and the following dates agreed for meetings in 2015/16:-

- Monday, 23<sup>rd</sup> March, 2015;
- Monday, 22<sup>nd</sup> June, 2015;
- Monday, 21<sup>st</sup> September, 2015;
- Monday, 7<sup>th</sup> December, 2015;
- Monday, 21<sup>st</sup> March, 2016.”

***PART B -***

***Matters requiring Executive Committee approval***

There were no matters requiring Executive Committee approval.

***PART C -***

***Matters requiring Council approval***

There were no matters requiring Council approval.

The meeting ended at 4.45pm.

VI(iv) – The Proceedings of the EASTERN DISTRICT CIVIC AMENITY SITE JOINT COMMITTEE as follows:

# EASTERN DISTRICT CIVIC AMENITY SITE JOINT COMMITTEE

EASTERN DISTRICT CIVIC AMENITY SITE JOINT COMMITTEE – Minutes of Meeting held at 3.30pm on Monday, 2<sup>nd</sup> March, 2014.

Members Present: For Douglas Borough Council - Mr Councillor W.M. Malarkey (Chair), Mr. A.J. Donnelly (Assistant Borough Engineer), For Onchan District Commissioners - Mr D. Crellin (Member), Mr P.M. Hulme, Chief Executive/Clerk, For Braddan Parish Commissioners - Mr A. Jessopp (Member) (from 3.35pm), Mr J.C. Whiteway (Clerk), For Lonan Parish Commissioners - Mr N. Dobson.

Apologies: Mr I.J.G. Clague (Borough Engineer & Surveyor), Ms S. Gray (Department of Infrastructure representative).

In Attendance: Secretary – Mr P.E. Cowin, Department of Infrastructure Representative – Mr J. Quayle, Contractor's Representative - Mr S.A. Crook.

## **PART A**

### ***Matters within the scope of the Joint Committee's Delegated Authority***

#### **A1. Minutes – 8<sup>th</sup> December, 2014**

The minutes of meeting held on Monday, 8<sup>th</sup> December, 2014, were noted and approved for signature.

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

The Chairman advised that Crossroads Care had still not settled the outstanding invoices and a default summons had been issued to recover the sum outstanding. The Secretary read a letter received from Crossroads Care following the issue of the summons, repeating their request for a meeting to discuss the invoices and seeking predicted costs for the next five years.

There was discussion of the letter and the outstanding debt and there was general agreement that no useful purpose could be served by a meeting, which would be inappropriate in any case while the legal proceedings were in progress and the debt remained outstanding. It was also stressed that the charge is simply the cost to the Joint Committee of the disposal of the waste, without any haulage or administration charge being added.

In relation to ongoing costs, the Secretary was asked to make the charity aware of the rising scale of waste disposal costs provided to local authorities by the Government.

**It was agreed:** that the Secretary write to Hospice Care advising that the Joint Committee will not consider meeting them until settlement of the outstanding debt, and informing them of the future cost of waste disposal as notified by the Government.

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

The Joint Committee considered a report by the Borough Engineer summarising advice received in relation to the proposed installation of an APNR system at the Site. The advice given by the Council's Advocate was that it was not lawful to use such a system and a query had been directed to the Attorney General's Chambers seeking confirmation or otherwise. This had not yet been forthcoming.

Members of the Joint Committee expressed disappointment that the matter was taking so long to resolve, but accepted that due to funding by the Department having been withdrawn, the matter was not being progressed.

**It was agreed:** that the report be noted and that the installation of an ANPR System at the Site be further considered if and when clear advice is received that its use is lawful.

#### **A4. Re-Use Area – Electrical Goods**

The Joint Committee considered a report by the Borough Engineer in relation to the re-use of electrical goods. It was recommended that such items be not accepted into the re-use area on the grounds that to ensure their safety for re-use would be impractical. The Site would have to comply with the BIS Code of Practice for Collection of WEEE Equipment from Designated Collection Facilities, and with PAS Protocol 141 of the UK Waste Resources and Action Programme. While both of these standards were designed to facilitate re-use, they imposed defined safety standards which would require items to be tested.

Members of the Joint Committee were aware that other Civic Amenity Sites did permit the re-use of untested waste electrical items, relying on disclaimer notices. Members were concerned to facilitate recycling of electrical goods, in order to remove them from the incinerable waste stream, but felt that the quantity involved did not justify the expense of setting up a testing regime at the present time. Instead it was agreed that they be collected separately, baled and disposed of through a licensed recycling processor.

Mr Donnelly advised that there could be a small income stream generated by that method, but the essential issue was to reduce disposal costs through removal of another element from the general waste stream.

**It was agreed:** that waste electrical goods be not accepted into the Re-use facility but instead they be collected for separate disposal.

#### A5. **Rules for Use of the Site**

The Secretary had circulated a set of draft rules, combining those approved at the last meeting and the rules previously approved in March 2013. They also incorporated the opening hours and other details with the intention that they would form a composite document to be published by way of notices at the Site and on websites.

There was a query as to the continuation of opening until 7.00 p.m. in Summer; there had been a suggestion that costs could be saved by closing earlier, but there was a perception that the evening period was useful to users in facilitating disposal of waste outside of normal working hours. It was agreed that the current opening regime should continue until a survey had been carried out to monitor usage of the Site throughout the day but that such survey be undertaken as soon as practicable.

Mr Quayle offered to assist in obtaining the use of a traffic counter from the Highways Section of the Department to assist in the monitoring exercise.

There was discussion of the need for the height restriction and it was agreed that it remain in effect.

The final issue considered was the proposed limitation of the time limit for parking at the re-use facility and whether it should be reduced from fifteen minutes to five; it was felt that enforcement of such a short duration would be wasteful of resources and that fifteen minutes was reasonable and should remain.

**It was agreed:** that the revised composite rules be approved and published through notice boards on the Site and appropriate websites.

#### A6. **Replacement Skips**

Mr Crook advised that following approval at the last meeting, delivery of the replacement skips was due later this month. The Secretary had circulated an e-mail on 24<sup>th</sup> December 2014, clarifying that although the tender from Glosta Engineering was the second lowest received, it was actually the lowest when carriage charges were taken into account.

**Noted.**

#### A7. **Budget 2015/16**

The Secretary advised the meeting that the budget details had been communicated to each of the participating authorities and that none had challenged the level of contributions.

**Noted.**

#### A8. **Operational Contract**

The Secretary confirmed that Douglas Borough Council had signified its willingness to continue the operational contract as Contractor for the forthcoming year (Executive Committee minute 19<sup>th</sup> December 2014) in accordance with the Joint Committee's decision on 8<sup>th</sup> December.

The Joint Committee recognised that prior to the December meeting, a Working Group led by Mr. Dobson had almost completed preparation of a specification for tendering and that it should be straightforward to update it and to go through the tendering process in good time for any new contractor to be ready to occupy the Site from 1<sup>st</sup> April 2016. Members felt that it may be wasteful of resources in that the current contractor would be best placed to tender, but the importance was stressed of good value being demonstrated.

**It was agreed:** that the Working Group finalise the draft specification for operation of the Site and that it be considered at the meeting of the Joint Committee in May 2015.

#### A9. **Operational Statistics**

The Joint Committee considered the operational statistics for the Site for the year up to 31<sup>st</sup> January, 2015, together with comparative figures for the previous two years. Members expressed concern that the percentage of material being recycled was not greater.

Mr Quayle cautioned against looking at the data in isolation, suggesting that overall waste disposal figures including kerbside collections and refuse collections might show a clearer picture of the amount of recycling taking place.

The Chairman asked for the Joint Committee to be provided with the year-on-year comparisons for every meeting.

**It was agreed:** that the statistics be noted and that comparative yearly figures be considered at each meeting.

#### A10. **Operational Issues**

The Chairman referred to a recent incident of the cardboard skip having been full over a weekend, and the consequent diversion of cardboard into the general waste stream. Mr Crook advised that it was a problem of capacity and should be eased once the new skips arrived and one could be allocated as a backup to the cardboard skip.

Mr Crook also confirmed that a skip would be available for collection of small electrical items as required by minute A4 above.

Members suggested that recycling could be enhanced by the separate collection of food and drink cartons. Mr Crook suggested that as a trial a 1,100 litre bin could be allocated to assess demand. Members were conscious however that this type of material was better suited to kerbside collection.

Mr Crook also advised that a recent spot check by the Department of Environment, Food and Agriculture, which oversees the licensing of waste disposal facilities, had raised a number of comparatively minor issues that required to be dealt with. Although the final report was not yet available, it was known that the issues included drainage channels, handrails, etc. that needed attention. A number of other small maintenance issues had also been identified in a condition inspection by the Council's Borough Engineer's Department. The overall cost would amount to approximately £1,500 and Mr Crook suggested that a two-day closure of the Site would enable them all to be completed and provide an opportunity for the painting of the re-use facility floor, as previously approved.

**It was agreed:**

- (1) that the Site be closed for maintenance on two days to be fixed by the Contractor to enable essential maintenance to be carried out, and that adequate public notice be given of the closure;
- (2) that details of the maintenance works required be circulated to the members of the Joint Committee for information.

#### A11. **Rebranding of Site**

The Chairman suggested that rather than emphasising the purpose of the site as "Waste Disposal", an exercise should be undertaken to emphasise the Recycling function. He proposed renaming the site in all publicity as a Recycling Centre rather than a Civic Amenity Site.

He also proposed some changes to the Site layout to facilitate recycling.

There was considerable discussion of suitable titles and general agreement that the use of the site to recycle domestic waste materials should be promoted.

**It was agreed:** that the Site be relaunched as "The Eastern Household Waste Recycling Centre" with effect from 1<sup>st</sup> May 2015, following completion of essential maintenance work and revision of the layout of recycling receptacles, and that a ceremony be arranged on site on that day to further promote recycling.

#### A12 **Large Vehicles – Voucher System**

The Chairman advised that in some Civic Amenity Sites in the UK a voucher system is used to permit vans to visit on a limited number of occasions per month or per year and suggested that it be considered in place of the height barrier.

There was concern over the potential cost of administration, policing and enforcement should such a system be adopted at the Site.

**It was agreed:** that consideration be deferred to the next meeting of the Committee.

#### A13 **Next meeting**

The date and time of the next meeting were fixed as 3.30 p.m. on Monday 18<sup>th</sup> May, at Douglas Town Hall.

The meeting ended at 5.15 p.m.

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

# HOUSING AND PROPERTY COMMITTEE

HOUSING AND PROPERTY COMMITTEE – Minutes of Meeting held at 10.30am on Wednesday, 18<sup>th</sup> February, 2015.

Members Present: Mr Councillor D.J. Ashford (Chairman), the Mayor, Councillor Mrs S.D.A. Hackman, Councillor Mrs C.E. Malarkey, Councillor Ms K. Angela.

Apologies: Councillor Miss D.A.M. Pitts.

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

## REPORT

### **PART A –**

#### ***Matters decided by the Committee***

##### **A1. Minutes 21<sup>st</sup> January, 2015**

The minutes of the meeting held Wednesday, 21<sup>st</sup> January were approved and signed.

##### **A2. Matters Arising – Minute A5 – Willaston Sheltered Housing**

The Chairman advised that the Willaston Sheltered Housing Scheme is included within the Government ‘Pink book’ setting out the budget for the coming financial years. The Assistant Chief Officer (Housing and Property) reported that the Council has not yet received formal acceptance of the business case. The next stage in progression of the matter will be to appoint a design team to develop the plans.

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

##### **A3. Capital Programme Monitoring for April to December 2014**

The Committee considered the capital programme monitoring report for April to December 2014. In response to query officers advised that the Council is still awaiting formal approval of the borrowing petition for the Olympia Kitchens project. Question was raised about progression of the refurbishment programme in Willaston. The Assistant Chief Officer (Housing and Property) advised that Treasury approval has been granted for the entire Willaston Estate business plan so the project will continue. There are empty properties in Willaston which are to be used as decant housing for the next phase. Tenants living in properties to be refurbished are moved into decant housing whilst the work is going on, then they are moved back into the refurbished houses.

Resolved, “That the report and the discussion be noted on the minutes.”

##### **A4. Property Voids and Re-Letting Standards**

The Committee considered a report setting out the latest draft of Council’s standard for preparing empty housing properties for re-letting. The Committee reviewed the document in detail. Officers confirmed that the housing maintenance officers currently work to a minimum standard checklist to ensure void properties are in a condition that they can be re-let. Members suggested that the protocol at the point of a property handover should be more formalised with a checklist and an inventory setting out the condition of the property with photographs attached, which should be signed by both parties.

The Committee queried the section of the draft document setting out an alternative procedure to be followed in the event of there being a high number of void properties. In discussion Members were of the view that deviation from a property standard would undermine the standard and potentially cause more problems than it would solve. Members were advised that compliance with the standard in all circumstances may have adverse cost implications.

Resolved, “That the report be noted on the minutes and the Property Re-Let Standard appended therein be approved subject to these amendments:-

- i. deletion of the entire section headed *High VOID property numbers*; and
- ii. addition of a paragraph stating that when there is the handover of a property, there will be a condition checklist, attesting to the condition of the property accompanied by up-to-date

photos of the property to be signed both by the incoming tenant and the Housing Officer, acting on behalf of the Council.”

**A5. Matters for Future Consideration**

The Committee noted the report on matters for future consideration.

It was agreed that the Committee should have a quarterly update on the number of voids which would include addresses of void properties, the date these became void and the date that it is expected to return them to the housing stock.

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

***PART C –***

***Matters requiring Council approval***

**C6. Central Heating Fuel Policy**

The Committee considered a report regarding the Council’s policy on the type of fuel to be used for central heating in the Council’s social housing stock. Currently the Council has some properties with gas-fired boilers and some with oil-fired boilers. The report recommended that the Council over the next ten years move to having only gas-fired boilers.

Oil-fired boilers are more costly for the Council to install and maintain than gas-fired boilers. The report set out details of those costs and the number of actual call-outs for the different types of boilers. Oil has been seen as a cheaper fuel for tenants, but as oil requires a lump sum payment for the refilling of a tank, whilst gas can be paid in regular instalments, this difference may not always be felt. Both fuels fluctuate in price so the difference between the two is smoothed out over the long-term.

The Council has just entered into a new contract for servicing, maintenance and replacement of all central heating boilers. Part of the review that went into drawing up the specification for that contract was setting out a programme of regular proactive replacement of boilers. This programme will ensure that no boilers are over ten years old, which will reduce the overall costs of repair and maintenance as older boilers are more likely to need repair than newer ones.

The central heating fuel policy is to clarify what type of replacement boiler will be installed. In response to query it was confirmed that oil-fired boilers would only be replaced with gas-fired ones when the boiler was due to be replaced, either due to age or to poor condition. A change in heating fuel policy now would not lead to an immediate changeover of existing boilers in good condition.

In response to query it was confirmed that there is little difference between the energy efficiency and emissions of the two types of boiler. Members queried whether the Council may have to pay connection fees for connecting properties to the gas mains. The Assistant Chief Officer (Housing and Property) confirmed that there would be no connection fee for new customers (which these would be). He was also confident that all Council housing properties are within reach of a gas supply.

Resolved, “That the report and discussion be noted on the minutes and approval be given for the use of natural gas as the preferred central heating fuel type for the Council’s social housing stock properties from April 2015, except where natural gas is not feasible, then an alternative type of heating system will be fitted ensuring that all Council-owned social housing stock properties have central heating installed to meet the decent homes standard.”

The meeting ended at 12.15pm

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

# REGENERATION AND COMMUNITY COMMITTEE

REGENERATION AND COMMUNITY COMMITTEE – Minutes of Meeting held at 10.30am on Tuesday, 17<sup>th</sup> February, 2015.

Members Present: Mr Councillor J.E. Skinner (Chairman), the Mayor, Councillor Mrs R. Chatel, Mr Councillor G.J. Faragher.

Apologies: Messrs Councillors S.R. Pitts, E.A. Joyce.

In Attendance: Assistant Town Clerk, Assistant Chief Executive, Assistant Borough Engineer, Assistant Chief Officer (Finance), Head of Parks, Town Centre Manager (A1 to A3), Assistant Democratic Services Officer.

## REPORT

### **PART A –**

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

##### **A1. Minutes – 20<sup>th</sup> January, 2015**

Minutes of the meeting held on Tuesday, 20<sup>th</sup> January, 2015, were approved and signed.

##### **A2. Matters Arising – Clause B11 – Douglas Carnival**

In response to comments made by Members at the February Council meeting, the Chairman queried the Committee's January resolution to support a Carnival Queen and not support a Carnival King at the 2015 Douglas Carnival. A Member opined that it should be a Carnival Princess and suggested contacting local primary schools.

Resolved, "That the Committee continue to support its previous decision to select a Carnival Queen for the 2015 Douglas Carnival and not support the selection of a Carnival King."

For: 2 Against: 1

Mr Councillor J.E. Skinner requested his name be recorded as voting against the resolution.

##### **A3. Douglas Carnival 2015 – Media Partner**

The Committee considered a report submitted by the Assistant Chief Officer (Corporate and Development) to seek approval to appoint Manx Radio as the Douglas Carnival 2015 media partner.

Members were advised that a brief inviting the submission of a proposal to become the media partner for Douglas Carnival 2015 had been issued to the Island's three radio stations. A copy of the brief was appended to the report.

Both Energy FM and Manx Radio submitted proposals. Both proposals were very similar in respect of advertising, competitions, social media, inclusion in event listings and opportunities for radio interviews. The main difference is that Manx Radio's proposal included outside broadcasting and the provision of an MC for the After Party. This was not included in the Energy FM proposal. Consequently, it was recommended that Manx Radio's proposal be pursued. It was noted that Manx Radio had been the Carnival's official media partner in 2014.

The Chairman queried if Manx Radio are usually involved in the Viking Long Boat Races taking place earlier on the same day as the Carnival. The Town Centre Manager could not confirm if they are usually involved but opined that they could still cover both events effectively and it would not be detrimental to the Carnival.

Resolved, "That particulars of the report and discussion be noted on the minutes and the proposal by Manx Radio to become the Douglas Carnival 2015 event media partner be accepted."

The Town Centre Manager was thanked for her attendance and left the meeting.

##### **A4. Fun Day 2015**

The Committee considered a report by the Assistant Democratic Services Officer to determine the logistics of the 2015 Fun Day.

Members were reminded that in previous years the Fun Day had consisted of children's rides, car boot sale, charity and catering vehicles, family races, bouncy castles and in recent years a staged area for local bands to perform.

The report recommended reverting back to the previous Fun Day format of providing a ground level performance area and not erecting a staged area. The staged area significantly increased the total expenditure for the event and was not a particularly popular element of the day with local bands often performing to no standing crowds.

The Chairman queried the feasibility of moving the staged area to the sheltered area of the Pavilion to reduce costs. The Head of Parks advised that the playing field adjacent to the Pavilion is often receiving treatment in early August as a result of damage caused during TT week. It is for this reason that the neighbouring playing field is utilised for the Fun Day event.

A Member offered to provide a sound system for the performance area and to comper the children's races. There was also a suggestion to organise an outdoor children's disco during the event, a break-dancing competition and ferret racing. The Assistant Democratic Services Officer agreed to liaise with the Member regarding ideas for the event.

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

(i) The Fun Day commences at 1.00pm and finishes at 4.00pm;

(ii) the Assistant Democratic Services Officer be authorised to contact all attractions that took part in previous Fun Day events;

(iii) A staged area not be organised as part of the Fun Day event."

#### **A5. Capital Programme Monitoring for April to December 2014**

The Committee considered a report submitted by the Assistant Chief Officer (Finance) on the capital programme monitoring for April to December 2014.

In order to meet its legal responsibilities and the requirements of Recommended Practice, the Council's Statement of Internal Control under Financial Management sets out its framework for budgetary control. The framework requires a mid-term report on the Council's performance against the approved Capital Programme estimates. The report goes beyond that requirement in providing a quarterly update.

Members had in front of them a schedule presenting the expenditure for the period April to December, 2014 compared to the Revised Estimates for 2014/15.

Resolved, "That the Committee notes the expenditure incurred on capital projects up to the end of December 2014."

#### **A6. Application by PSS Services Limited to hold a themed Easter Egg Hunt in Summerhill Glen**

The Committee considered a report submitted by the Head of Parks, following a request from PSS Services Limited, to hold a themed Easter Egg Hunt in Summerhill Glen between 3<sup>rd</sup> April and 7<sup>th</sup> April 2015.

The report recommended setting a site rental fee of £1,000.

This price would be in addition to a separate reinstatement clause and excluding the costs likely to be incurred by the Council. The Head of Parks advised that the rental fee was based on site rentals for other open spaces in the Borough and works out at 10% of the estimated income for the event based on the numbers expected and the charge per family.

The report advised that the Council is likely to incur costs of £200 for the electrical services installation checks and the provision of additional litter bins and collection; these costs would be recharged to PSS Services Limited.

A Member opined that the proposed fee is an expensive ground rent for a new event. He felt that the rental fee should only cover costs incurred by the Council in 2015 and if the event is a success the Council could increase the rent to a commercial rent in 2016.

The Head of Parks provided Members with the costs likely to be incurred by the Council in preparing a legal agreement and checking the relevant event documentation in order for the event to go ahead. The cost excludes the additional £200 cost to the Council as detailed above. It was noted that PSS provided their own generators for the previous Hop-Tu-Naa event in Summerhill Glen and the event did not cause damage to the Glen, therefore there had been no reinstatement costs charged to PSS Services Limited.

A Member expressed concern that a ticket price of £20 per family of four is expensive.

Members agreed to charge a ground rent that will cover costs incurred by the Council and therefore did not approve the £1,000 site rental fee.

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

(i) The PSS Services Limited proposal to hold a themed Easter Egg Hunt in Summerhill Glen between 3<sup>rd</sup> April and 7<sup>th</sup> April 2015 be approved subject to a fee and to completion of an appropriate legal agreement;

(ii) Any costs additional to the usual costs of Summerhill Glen, be recharged to PSS Services Limited.”

#### **A7. Noble’s Bowling Club, Noble’s Park**

The Committee considered a report submitted by the Assistant Chief Executive to provide background information on the new combined Noble’s Bowling Club.

Members were advised that during recent years, two main bowling clubs have been based at Noble’s Park. For a number of reasons, including the decline in membership, the two clubs have decided to merge and the new club ‘Noble’s Bowling Club’ was formalised at an Extraordinary General Meeting in December.

The previous licence/lease arrangement for the clubhouse, which comprises the majority of the kiosk building, was terminated in 2012. At the time it was planned to demolish the building. The Club have continued to pay the same amount as the previous rental for the use of the clubhouse section of the kiosk building since the refurbishment works.

The Assistant Chief Executive advised that terms have yet to be established for a new agreement with the new Club, although a number of informal meetings have been held.

Noble’s Park Bowling Club representatives, Mr John Ruscoe, Chairman, and Mr Grahem Moore, Treasurer, joined the meeting to discuss the Club and details of the potential new lease.

The representatives confirmed they wish to continue using bowling green one and two and the kiosk clubhouse.

Mr Moore went on to explain some of the initiatives the Club intend to run over the year to encourage new members. Members suggested holding a tournament and an open day in conjunction with the Council’s Noble’s Park Fun Day.

The representatives advised Members of the cost to join the Club and the annual green fees. In response to question, Mr Moore confirmed there is no management in place to stop casual bowlers playing on the pitch without paying the daily fee however from previous experience it was not an often occurring issue.

A Member queried if a casual bowler could hire bowls to play and was advised that currently there is no facility in place to hire bowls.

The representatives were thanked for their attendance and left the meeting at 11.30am.

The Head of Parks listed various potential options for the collection of daily bowls fees and to offer the hire of bowls equipment.

In response to questions raised about the new lease agreement, Members agreed to continue with a similar arrangement and similar rent with further negotiations about the management of the greens in terms of non-member usage and the hiring of bowls to non-members.

Resolved, “That particulars of the report and discussion be noted on the minutes and a further report on the lease agreement for the Noble’s Bowling Club be considered by the Committee.”

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

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

The Chairman requested that a previous report on the use of the Snakepit by a neighbouring business be considered again.

A Member queried if the Clergy had been invited to recent Civic and Remembrance Sunday services. It was agreed the invitee list would be considered at the March meeting of the Committee.

During discussions surrounding Civic Sunday it was confirmed that this years’ service would take place on the 14<sup>th</sup> June (second Sunday) 2015.

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

#### **A9. Date and Time of Next Meeting**

Members were advised that the March meeting of the Committee will be inquorate. It was agreed to reschedule the meeting to Friday, 13<sup>th</sup> March, 2015 at 10.30am.

### ***PART B -***

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

There were no matters requiring Executive Committee approval.

***PART C -***

***Matters requiring Council approval***

There were no matters requiring Council approval.

The meeting ended at 12.03pm.

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

# ENVIRONMENTAL SERVICES COMMITTEE

ENVIRONMENTAL SERVICES COMMITTEE – Minutes of Meeting held at 10.00am on Monday, 16<sup>th</sup> February, 2015.

Members Present: Mr Councillor R.H. McNicholl (Chairman), the Mayor (until 12.20pm), Councillor Mrs C.A. Corlett, Mr Councillor C.L.H. Cain (from 10.20am), Councillor Mr W.M. Malarkey, Councillor Mrs E.C. Quirk .

In Attendance: Assistant Town Clerk, Assistant Borough Engineer, Building Control Manager, Senior Accountancy Officer, Democratic Services Officer, Borough Warden Manager [for item A2 only].

## REPORT

### **PART A -**

#### ***Matters decided by the Committee***

#### **A1. Minutes – 19<sup>th</sup> January, 2015**

The minutes of the regular meeting held Monday, 19<sup>th</sup> January, 2015 were approved and signed.

#### **A2. Update on “We’re Watching You” Campaign**

The Committee considered a report on the campaign arranged following a trial by Keep Britain Tidy called “We’re Watching You”. The campaign was based on research showing that dog owners were more likely to pick up after their dogs if they thought they were being seen. The posters were made, in part of a material which absorbed light in the daylight hours and then glowed at night. The image produced was of a clearly viewed pair of eyes watching the area.

The report detailed the areas covered in the campaign, the number of posters used and the information on dog deposits found in the areas before, during and after the campaign. There was a reduction in the number of dog deposits found in all four areas.

The media were notified prior to the start of the campaign and this attracted a good deal of interest which may have contributed to the reduction in dog fouling. Members of the public have responded positively to the campaign and information on dogs at large has been provided to the Borough Wardens.

There was some discussion of other areas in the Borough where there are problems with dog fouling. There was also discussion of other campaigns and projects undertaken by the Borough Wardens. These include cigarette litter, wheely bins on the highway, and overhanging hedges.

Resolved, “That the report and the discussion be noted on the minutes.”

The Borough Warden Manager was thanked for his attendance and left the meeting at 10.28am.

#### **A3. Planning Application 15/0070/B – Former Banking Hall, 1 Prospect Hill**

The Committee considered planning application 15/0070/B seeking approval for the conversion of the former banking hall at 1 Prospect Hill to a café, bar and restaurant and installation of replacement windows. Members were broadly supportive of the proposed change of use. Questions were raised about the arrangements for bin storage given that the proposed use will generate different types of waste than the previous use of the building. The Building Control Manager confirmed that Building Control regulations govern the arrangements for bins and that the plans for the property show an area for bins. Questions were also raised about access for disabled customers. In discussion it was noted that there is no statutory requirement to provide disabled access for customers.

Resolved, “That the discussion be noted on the minutes and no objection to the application be raised; the Committee expressed its disappointment that there was no specific provision within the proposal for disabled customer access.”

#### **A4. Planning Application - 15/00118/GB Jim Crosbie Memorial Bandroom, Derby Road**

The Committee considered planning application 15/00118/GB seeking approval to carry out alterations and repairs to a Registered Building in a Conservation zone, the Jim Crosbie Memorial Bandroom (formerly the Red Cross Headquarters), Derby Road. The application proposes external repairs and refurbishments to the building. Members reviewed the Method Statement for the proposed external repair works which was submitted with the application.

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

**A5. Planning Application 15/00095/A seeking approval in principle for the erection of eight detached dwellings in Fields 530451, 530452, and 530453 next to Castleward Green, Ballanard Road, Douglas**

The Committee considered planning application 15/00095/A seeking approval in principle for the erection of eight detached dwellings in Fields 530451, 530452, and 530453 next to Castleward Green, Ballanard Road, Douglas. The application addressed siting, means of access, landscaping and creation of a new area of public open space. The proposed site, which has an area of eighteen acres (seven hectares) is located west of Ballanard Road, and to the north of the existing Castleward Green residential estate. Under the Douglas Local Plan the area is zoned as open space or woodland.

The Committee discussed the applicant's executive summary which was appended to the report. Members asked whether or not an independent ecology survey has been carried out. The Building Control Manager confirmed that the Executive Summary refers to a survey commissioned by the applicant, and that he is not aware of any independent report. It was suggested that as the site has never been used for housing and includes mature woodland, that an independent survey of the ecology of the site is important.

Resolved, "That the application and discussion be noted on the minutes and an objection be raised on the grounds that the site is not zoned for residential development and that further investigations of the ecology of the site are needed before planning permission should be granted."

For: 3 Against: 2

Mr Councillor C.L.H. Cain and Councillor Mrs E.C. Quirk asked that their names should be recorded as voting against the motion.

**A6. Nuisance Abatement Notice – 140 Bucks Road, Douglas**

The Committee considered a report on the appearance of the boundary walls and railings to 140 Bucks Road, Douglas which require repainting. The owner of the property has not responded to correspondence from the Council regarding the condition of the wall and railings. The property is in a prominent position.

Resolved, "That the report be noted on the minutes and approval be given for the service of a Notice under s24 of the Building Control Act 1991 on the owners of 140 Bucks Road requiring the repainting of the boundary walls and railings to the front elevation."

**A7. Nuisance Abatement Notice – 22 Richmond Grove, Douglas**

The Committee considered a report on the appearance of the front elevation of the garage at 22 Richmond Grove, Douglas. The front of the building requires repainting.

Resolved, "That particulars of the report be noted on the minutes and approval be given for the service of a Notice under s24 of the Building Control Act 1991 on the owners of 22 Richmond Grove, Douglas requiring the repainting of the front elevation of the garage/workshop premises to include the door shutter, the lintel over garage door and the boarded window to the first floor."

**A8. Schedule of Unightly Properties**

The Committee considered the Schedule of unightly properties being dealt with on behalf of the Council by the Building Control Section. Members reviewed the schedule and discussed a number of specific and additional properties. The Committee noted that the Schedule also appears in the Members' Bulletin.

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

**A9. Matters being Dealt with by the Office of Environmental Health on Behalf of the Council**

The Committee reviewed the Schedule of matters being dealt with on behalf of the Council by the Office of Environmental Health and noted that the information also appears in the Members' Bulletin.

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

**A10. Shaw's Brow Car Park Charity Car Boot Sales**

The Committee considered a report on options for use of Shaw's Brow car park as a venue for a monthly charity car boot sale. Members queried the information provided in the report and the Council costs involved in allowing car boot sales in Shaw's Brow car park

Resolved, "That consideration of the report be deferred pending receipt of additional information regarding the costs associated with car boot sales in Shaw's Brow Car Park."

**A11. Capital Programme Monitoring for April to December 2014**

The Committee noted the capital programme monitoring report for April to December 2014.

**A12. Items for Future Consideration**

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

The Chairman asked that a report be brought back on car boot sales in Shaw's Brow Car Park.

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

**PART B –**

***Matters to be decided by the Executive Committee***

**B13. 33 Princes Street, Douglas**

The Committee considered a report setting out options for removal of the visual detriment caused by the condition of the rear of 33 Princes Street. The owners of 33 Princes Street have been convicted of failing to comply with a statutory unsightly property improvement notice. A period of time has been given for the owners to carry the necessary improvement works. The report was prepared ten days before the Committee meeting and at that time there was no progress. A Member reported seeing recent on-going work at the property. The Committee directed that the Executive Committee should be provided with an update on the matter when it is considered by that Committee.

Attached to the report was a budget estimate prepared by quantity surveyors for remedial works to the property. This budget estimate included several options for works to be done. The Building Control Manager reported that the Notice served on the owner had included three different options for removing the visual detriment, so the estimates received reflected the options given to the owner. The officer also advised the Committee that the Council should only carry out work necessary to abate the nuisance at the lowest cost. There is a risk for the Council in that the owner may carry out the repairs after a contractor has been appointed, but before the work starts in which case payment to the contractor would still be required.

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

- i. Approval be given for the Council to seek tenders to demolish the rear outlet, making good the abutments and the repair of replacement of the remaining window frames to the rear elevation; and
- ii. In the event of the work being carried out by the Council the reasonable costs incurred in doing the works to be sought from the owners of the property; and
- iii. The report be referred to the Executive Committee for approval and initial funding of the works from the Derelict Buildings Fund."

**B14. 72 Derby Road, Douglas**

The Committee considered a report on 72 Derby Road which been the subject of Nuisance Abatement Notices recommended by the Environmental Health Officer regarding dry rot in the property. The Council has also served s24 and s14 Notices relating to unsightliness related to the condition of the paintwork on the doors and windows, and weeds and rubbish in the garden.

The property is vacant, the absentee owner lives in South Africa and has been difficult to contact. The owner was prosecuted for failure to carry out the necessary works to prevent the spread of dry rot to adjoining properties. The Council has subsequently carried out those works and is seeking to recover the monies expended. In view of the amount already spent, Members were of the view that only the front garden should be tidied whilst efforts were continuing to reclaim the cost of the dry rot work.

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

- i. Only the works set out in the s14 Notice to tidy the garden be carried out; and
- ii. Continue procedures for recovery of the debt incurred for works already carried out to abate the nuisance arising from dry rot; and
- iii. That the matter be referred to the Executive Committee for funding of the minimal garden works from the Derelict Buildings Fund."

**PART C -**

***Matters requiring Council approval***

There were no matters requiring Council approval.

The meeting ended at 1.20pm.