



## **Borough of Douglas**

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**COUNCILLOR MRS SARA DAWN ANDREA HACKMAN, JP  
MAYOR**

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Town Hall,

Douglas,

7<sup>th</sup> August, 2015

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL to be held on WEDNESDAY, the 12th day of AUGUST, 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;
- (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, 8<sup>th</sup> July, 2015.

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

## EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Friday, 24<sup>th</sup> July, 2015.

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

Apologies: Borough Treasurer.

Officers in Attendance: Chief Executive, Assistant Chief Officer (Finance), Assistant Borough Engineer, Assistant Chief Executive (Clause B14), Assistant Town Clerk (Clauses A1 to A8, and B15).

### 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 Treasurer.

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

No declarations of interest were submitted.

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

The minutes of the meeting held on Friday 26<sup>th</sup> June 2015 were approved and signed.

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

Clause A4 – Matters Arising from Previous Minutes (Referrals from the Environmental Services Committee / Publicity Campaign for Kerbside Recycling): it was understood that an approach had been made to the Head Teacher at Ballakermeen High School, but that no response had been received to date. It would now be September 2015 before a report could be submitted to the Committee.

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

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

The Committee considered a referral from the Environmental Services Committee meeting held on Monday 13<sup>th</sup> July 2015:

Clause B11 – Procurement of forty 240-litre litter bins: the Committee had approved a proposal to purchase forty new, larger, litter bins to replace existing litter bins which were either damaged or in poor condition, and authority for funding was accordingly sought.

Resolved, “(i) That particulars of the referral from the Environmental Services Committee be noted; and (ii) That funding in the sum of £16,000 be approved from General Revenue Reserves for the purchase of forty 240-litre litter bins.”

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

There were no referrals from the Regeneration and Community Committee meeting held on Tuesday 14<sup>th</sup> July 2015.

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

##### **A7. Land at Middle River**

The Committee considered a written report by the Assistant Chief Officer (Corporate & Development) in relation to land at the Middle River Industrial Estate.

For some years cars had routinely parked on the grass verge adjacent to Middle River Road, which ran the length of the Middle River Industrial Estate. The verge was privately owned by the owner of the

industrial estate and he had offered to gift the land (the grass verge) to the Council, in the belief that the Council would have more powers to deal with the unauthorised parking.

Members noted the provision of Byelaw 15 of the Douglas General Byelaws 2013 – ‘*no person shall without lawful authority, drive, park or leave any motor vehicle, motor cycle, trailer, or caravan, on any road margin or verge to which this byelaw applies.*’ This byelaw applied to areas included in Schedule 3 of the legislation, however, Middle River Road was not currently included in that Schedule, so the legislation could not therefore be applied to the land in question.

A number of options were available, including that of the Council taking ownership of the land from the current owner; or for the Council to seek an amendment to the legislation whereby Middle River was included in Schedule 3 of the Douglas General Byelaws 2013.

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

(ii) That the Department of Infrastructure be requested to approve a revised Schedule 3 of the Douglas General Byelaws 2013 to include Middle River Road;

(iii) That the offer of the land be declined, but that the Council undertakes to use any future powers under the Douglas General Byelaws to prevent unauthorised vehicles from parking on the grass verge at Middle River Road, Douglas; and

(iv) That the matter be referred to the Department of Infrastructure with the recommendation that the Transport Advisory Group look into the issue of long-term unauthorised parking on Middle River Road itself.”

#### **A8. Consultation Document – The Isle of Man Government as a Single Legal Entity**

The Committee considered a written report by the Assistant Town Clerk in relation to a consultation document issued by the Cabinet Office.

Members noted that, until now, each Government Department had had its own legal entity, and views were being sought on whether this Departmental system should be dispensed with in favour of the creation of a single legal entity for the entire Government.

Members considered the proposed responses to the specific questions set out in the Consultation Document (as appended to the written report). The following amendments were proposed and agreed accordingly:-

- Question 3: that the answer be amended to ‘yes’, that a Single Legal Entity should replace the existing legal identities which currently existed, otherwise a true, separate legal entity structure could not be created;
- Question 4: that the answer ‘yes’ be inserted, that responsibility and accountability should be delegated to Ministers, and retention of the Departmental scheme;
- Question 9: that the answer be changed to ‘yes’, as these commercial or semi-commercial bodies were subsidised through Departmental budgets;
- Question 11: that the answer be amended to ‘no’, that a single strategic framework should be given statutory force with supporting legislation;
- Question 13: that the answer be amended to ‘no’, that a greater number of policy decisions which currently sit within Departments should be agreed collectively by the Council of Ministers;
- Question 14: that the answer ‘Tynwald’ be inserted, as to who should be responsible for determining Government policy on the Isle of Man;
- Question 17: that the answer ‘yes’ be inserted, as to should the section of the Government Code which describes collective responsibility be modified, but Ministers should be able to vote individually in Tynwald;
- Question 20: that the answer ‘yes’ be inserted, that Central Government should adopt more common systems;
- Question 21: that the answer ‘yes, there needs to be more data sharing between Departments’, be inserted, for which areas should be subject to common systems;
- Question 25: that the answer be inserted that ‘there should be scrutiny of the budget as a whole, but also of its component parts’;
- Question 26: that the answer ‘yes, the Chief Secretary should effectively become a Chief Executive Officer of the Government, with all other Heads of Departments reporting to him / her’, be inserted;

- Question 30: that the answer ‘no, local government should be democratically independent of Central Government to ensure local matters are decided upon locally, and not subject to interference by Central Government’, be inserted.

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

(ii) That the Cabinet Office be advised that the Council supported the establishment of the Isle of Man Government as a single legal entity, and that the responses to the specific questions in the Consultation Document (as set out in the appendix, and as amended above) be submitted accordingly.”

#### **A9. 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.

Members were advised of a correction to the General Revenue Reserve uncommitted balance figure.

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

#### **A10. Former Swing-Bridge Tower, South Quay, Douglas**

The Committee considered a written report by the Assistant Borough Engineer setting out supplementary information in relation to a submission to The Manx Lottery Trust for grant aid towards funding for the potential creation of a heritage visitor centre at the former swing-bridge tower.

Members recalled that, at their meeting on 29<sup>th</sup> May 2015, the decision on whether to progress the project had been deferred whilst clarification was sought from The Manx Lottery Trust as to whether the Council would be required to submit a business case. It was recalled that the conclusion of a feasibility study had recommended that a business case should only be progressed if the proposed scheme was considered affordable.

At present, The Manx Lottery Trust had informally indicated that any grant towards any proposed scheme would be capped at £50,000, although this would have to be formally considered by The Trust. Members were advised that an outline proposal form had been submitted to The Trust in January 2015, a full application not being undertaken at that stage in order not to use officer time and resources if the project was not likely to be ever considered.

In February 2015, The Trust had informed the Council that the Trustees had decided to invite a full application for funding towards the project (or business case, as it actually was). If planning permission was needed for the project, then this had to be applied for before the full application was submitted to The Trust.

Members noted the total estimated cost of undertaking the proposed scheme at this stage (£509,000, without further costs for producing a business case and appointing a designer), together with the loan charges that would be payable, including interest. It was also noted that the complex would need to produce a minimum income of £43,000 per annum to cover capital costs alone, and, without undertaking a full marketing and business case exercise, it was not possible to state that there was the potential to generate this amount annually and to sustain it for at least fifteen years.

A Member put forward the argument that this was an opportunity for the Council to preserve a unique heritage site for the Island, but, whilst the proposal to create a visitor centre and preserve a unique item of industrial heritage was undoubtedly commendable, the recommendation was that progression of the scheme be ceased as substantial income support would be required from the Council to offset the costs incurred.

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

(ii) That, regrettably, it be recommended that further progression of the proposal for the Council to acquire the site for the provision and operation of a visitor centre be ceased; and

(iii) That the Department of Infrastructure be informed that the offer for the Council to acquire the site at a nominal cost, subject to conditions, be refused.”

*On a vote being taken, Members voted 2 For; 2 Against. The Chairman’s casting vote was in favour of the recommendations. Mr Councillor R.H. McNicholl and Mr Councillor J.E. Skinner requested their votes against the recommendations be recorded on the minutes accordingly.*

#### **A11. Purchase of One Replacement Refuse Vehicle**

The Committee considered a written report by the Transport & Plant Manager seeking approval for the purchase of one refuse vehicle to replace HMN 891L, currently operating within the Cleansing Section.

Members were advised of the age, mileage covered, and the mechanical reasons for replacement in respect of vehicle HMN 891L.

It was noted that the recommended replacement vehicle had a payload of up to 10,000kg, a low-level bin-lift, and a narrow chassis to negotiate busy streets. The annual road fund licence was also considerably lower because of its reduced level of emissions.

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

(ii) That approval be given for the purchase of an Olympus 16N / Dennis Elite 6x2 RS Narrow c/w Terberg Lifter and AMCS Limited weighing system, to be funded from the Plant Renewals Fund; and

(iii) That approval be given for vehicle HMN 891L to be disposed of at a later date via the auction method.”

#### **A12. Isle of Man Municipal Association**

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

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

#### **A13. 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***

#### **B14. Douglas Promenade Refurbishment and Douglas Bay Tramway - Notice of Motion**

The Committee considered a written report by the Assistant Chief Executive in relation to a Notice of Motion submitted to the Council Meeting on 10<sup>th</sup> June 2015 by Mr Councillor S.R. Pitts.

Members recalled that the Notice of Motion submitted was ‘*that in the event that the horse trams are relocated onto the Promenade Walkway, the Council offer the horse tram undertaking to the Isle of Man Government for a nominal fee as a heritage attraction, along with an agreement for long term use of any land concerned with such undertaking, but that said land remain in the ownership of the Council.*’

The Department of Infrastructure operated the majority of public transport on the Island; the Council was the only other public sector public transport operator on the Island, and it had owned and operated the horse trams since 1902. It was noted that the Chief Executive of the Department of Infrastructure had been informed of the content of the Motion and had stated that it (the Department) did not wish to accept responsibility for operating the horse trams, irrespective of location.

The scheme to develop Douglas Promenade had been the subject of consultation between the Council and the Department of Infrastructure, with the latest proposals – including the relocation of the horse trams to the Promenade Walkway – having been submitted for planning permission by the Department. Although there was presently no scheduled date for the planning inquiry, those proposals had been supported by the Council when presented to Members at a Special Meeting of the Council on 22<sup>nd</sup> April 2015.

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

(ii) That it be recommended that the Council continues to operate the Douglas Bay Tramway and retains ownership thereof.”

#### **B15. Amendments to the Council’s Constitution**

The Committee considered a written report by the Assistant Town Clerk seeking approval to various changes in the Constitution of the Council.

The Constitution had always been envisaged to be a ‘living’ document, in the expectation that, as the Council changed the way in which it operated, the Constitution would change to reflect it. Since the Constitution had first taken effect in 2012, there had been some amendments to it, and now, as required by the Corporate Plan, a review had been carried out to identify further areas that needed to be changed.

Members considered the proposed amendments, as set out in the Schedule appended to the written report, and noted that: -

- there were proposed changes in respect of the Financial Regulations – these been made on the recommendation of the Borough Treasurer;
- there was a new section - Part 5(L) - this being the Procedure for dealing with Government Consultation papers; and

- there were changes proposed to Standing Orders on the invitation and acceptance of tenders – these being to formalise the move to electronic procurement.

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

(ii) That the amendments to the Articles of the Constitution, Standing Orders, Financial Regulations, Member Support Protocol, and the Protocol for Members and Officers involved in Partnerships, as set out in the Schedule appended to the written report, be approved subject to the following amendment -

- Standing Order No. 98 – Press Statements: that the amendments to the wording be approved with the exception of ‘*removal of embargo on publication of statements arising from Press Briefing,*’ which was to be re-instated.’

The Committee rose at 4.20pm.

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

# STANDARDS COMMITTEE

STANDARDS COMMITTEE – Minutes of Meeting held on Monday, 27<sup>th</sup> July, 2015.

Members Present: Councillor Mrs R. Chatel (Chairman), Councillor Mrs C.A. Corlett, Councillor Miss D.A.M. Pitts, Mr D.M. Booth (Independent Member).

In Attendance: Assistant Town Clerk, Democratic Services Officer.

## REPORT

### **PART A –**

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

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

There were no apologies for absence submitted.

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

There were no declarations of interest.

##### **A3. Minutes - 23<sup>rd</sup> March, 2015**

The minutes of the meeting held Monday, 23<sup>rd</sup> March, 2015, were approved and signed.

##### **A4. Matters Arising – A5: Dates of Future Meetings**

At the previous meeting, the Committee had expressed a wish to meet more frequently, but had not made any firm decision on the matter. Members briefly discussed it and agreed that it would be beneficial to meet more frequently.

Resolved, “That the discussion be noted on the matter and the number of regular meetings be increased to six per year.”

##### **A5. Report on Suggested Legislative Changes**

The Committee considered a report on legislative changes required for the imposition of some sanctions against Members of the Council who transgress an element of the Constitution. The Committee and the Council have previously approved a Schedule of sanctions which may be applied where necessary, but there are no powers available to the Council to suspend a Member from either Council or Committee meetings. Suspension would only be appropriate in instances of very serious transgressions, and so it is expected that a power to suspend would be used rarely.

Resolved, “That the report and discussion be noted on the minutes and approval be given for a formal request to be submitted to the Department of Infrastructure for inclusion in a forthcoming Local Government Amendment Bill of provision for suspension of any Member of a Local Authority for a period of up to three months when there has been a contravention of the provisions of any Standing Order or Code of Conduct applying to that Authority.”

##### **A6. Review of Forward Plan**

The Committee reviewed the Forward Plan. In the training needs of Council Members and Officers it was agreed that ICT training should be offered to all Members every twelve months and/or when any new systems are adopted. Other topics put forward as suggestions for occasional training sessions for all Members included public speaking and making presentations; and effective time-management. Members agreed that training for Members of the Standards Committee has been most effective when delivered immediately before the need to put the regulations into practice. The Independent Member offered to bring a diagrammatic representation of an appeals process for possible inclusion in the Standards Committee Handbook when it comes forward for review.

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

##### **A7. Training Exercise**

The Committee undertook a training exercise based on a case considered by the Commissioner for Ethical Standards in Public Life in Scotland.

The discussion centred on the need to declare an interest and how it may not be a clear-cut matter. Question was raised about the requirement for a Member to leave the room during the debate of any matter on which an interest has been declared, even when that matter is considered in the public Council. This requirement is set out in the Council's Standing Orders. It was suggested that in some

instances the presence in the room of a Councillor who has declared an interest may inhibit or influence debate, even if that individual does not participate in the discussion.

Officers advised that details of the cases considered by the Commissioner for Ethical Standards in Public Life in Scotland are on its website. Whilst there are differences in the detail of the Code of Conduct for public officials in Scotland and the Code of conduct for the Isle of Man, the methodology used in investigating possible breaches of the Code is the same and so can be useful. The reasons given for a decision as to whether or not there has been a breach of the Code of Conduct provide useful guidance for Members.

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

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

The Committee noted the schedule of meetings for 2015/2016 agreed at previous meetings and the comments earlier in the meeting about the need to meet more frequently.

Resolved, "That the discussion be noted on the minutes and at the next meeting on Monday, 21<sup>st</sup> September a meeting schedule, revised to increase the number of meetings to six per year, be considered."

#### **PART B –**

#### **Matters referred to Executive Committee**

#### **B9. Draft ICT Protocol**

The Committee reviewed the draft protocol for the use of ICT. There was some discussion as to the Standards Committee's role in the review and implementation of this Protocol. Members were advised that whilst the Executive Committee reviews the Protocol because it will form part of the Constitution; nonetheless it is appropriate for the Standards Committee to review it as well because transgressions of the Protocol will be dealt with by this Committee.

Members discussed a number of different issues relating to electronic equipment and the use of the Council ICT system. Members asked if they should ensure that the Council iPads are covered by their own home insurance policy or if these are covered by the Council's insurance policy. There was discussion on the security of information sent and received by email, either within the email itself or as an attachment to an email. There was some discussion on guidance for Councillors when they receive sensitive or potentially sensitive information via email. As an example, there was discussion of how information sent by constituents via email can be kept secure. Question was raised as to whether or not in the future there may need to be encryption and additional passwords to secure documents circulated electronically. There was discussion of the different issues and concerns arising from the current plans to move to all electronic agendas for Council meetings. There was some discussion of the extent (if at all) to which Council iPads could be used for personal matters.

During the discussion it became clear that Members have different levels of confidence and expertise in using electronic equipment and accessing the ICT system. Concern was raised that Members could inadvertently misuse ICT facilities through a lack of understanding or awareness. As misuse of ICT facilities is a breach of the Code of Conduct, there could be serious consequences. Although there are individual training needs it was agreed that there should be regular training and/or updating for Members on ICT matters to help prevent any misuse.

Resolved, "That the draft ICT Protocol and the discussion be noted on the minutes, approved and referred to the Executive Committee subject to these amendments:

- (i) In paragraph 37 to change the word *contently* to *constantly*; and
- (ii) Also in paragraph 37 to change the phrase '*on a regular basis*' to one which indicates a more precise timeframe for review of technology. It was suggested that an annual review may be appropriate."

The meeting ended at 12.05pm.

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 on Monday, 13<sup>th</sup> July, 2015.

Members Present: For Douglas Borough Council - Mr Councillor R.H. McNicholl (Chair), Mr G. Atkin, Assistant Chief Officer (Housing & Property). 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.

Apologies: Mrs M. Hodge, Member, Braddan Parish Commissioners (substituted by Mr Jessopp), Ms S. Gray and Mr J. Quayle (Department of Infrastructure representatives).

In Attendance: Secretary - Mr P.E. Cowin, Contractor's Representative – Mr S.A. Crook.

## REPORT

### **PART A –**

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

##### **A1. Chair**

The Secretary advised that Mr Councillor R.H. McNicholl had been appointed the Council's representative on the Joint Committee in place of Mr W.M. Malarkey, the former Chair, who was no longer a Council member.

**It was agreed unanimously:** that Mr Councillor R.H. McNicholl be elected Chair of the Joint Committee for the 2015/16.

##### **A2. Vice-Chair**

The Joint Committee considered the election of a Vice-Chair for the ensuing year.

**It was agreed unanimously:** that subject to his concurrence, Mr N. Dobson be elected Vice-Chair of the Joint Committee for 2015/16.

##### **A3. Minutes – 2<sup>nd</sup> March, 2015**

The minutes of meeting held on Monday, 2<sup>nd</sup> March, 2015, were noted and approved for signature.

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

There was discussion of the postponement of this meeting from 18<sup>th</sup> May. The general view was that the meeting could have gone ahead as scheduled with a substitute in place of the Council's representative and with a Chair being elected for that meeting only.

The Secretary advised that the decision to postpone had been made only after careful consideration and the circumstances leading to it were unlikely to occur again. He asked members to consider resolving not to hold meetings in May in future years, to avoid the complications caused by the Chair and Vice-Chair going out of Office, and which this year had been compounded by the former Chair's involvement in the House of Keys Bye Election. It was also agreed to remind the constituent authorities of the substitution provisions in the Joint Committee Agreement.

**It was agreed:** that in future, the month of May be avoided in fixing the dates of Joint Committee meetings.

##### **A5. Height Restriction Barrier**

Copies had been circulated of a letter from the Western Civic Amenity Site Board, asking the Joint Committee to reconsider its policy in relation to installation of a height barrier at the Eastern Civic Amenity Site. The letter stated that the authorities involved in the Western Site were incurring additional disposal costs due to high vehicles unable to use the Eastern Site going to the Western Site instead. It was stated that the refuse being delivered in that way was domestic, as opposed to commercial and that ratepayers of the eastern area were being inconvenienced.

Members of the Joint Committee considered the argument put forward and recalled the reason for introduction of the height barrier, to deter commercial use of the Site. They were also reminded that it is not in operation on Wednesday afternoon and Sunday afternoon for the convenience of users whose

only vehicle was over 2.2 metres in height. Members remained convinced of the benefit of the height barrier in deterring commercial traffic and agreed that it should remain.

**It was agreed:** that the Joint Committee reaffirm its policy that vehicles over 2.2 metres in height be not permitted into the Eastern Civic Amenity Site except after 2.00pm on Wednesday and Sunday afternoons.

**A6. Operational Statistics – June, 2015**

Copies were circulated of the operational statistics for the Site for June 2015. It was noted that out of a total throughput of 631.36 tonnes, 57% had fed into recycling streams.

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

**A7. Operational Issues**

In response to an enquiry from the Chairman, Mr Crook advised that the cardboard collection bin was covered in bad weather to prevent water contamination, and that a more effective means of keeping the material dry were being explored.

Mr Jessopp asked about the collection for recycling of “Tetrapak” cartons and Mr Crook confirmed that trial collections would commence later in the year.

The Chairman advised that a Member of the Council had complained about having visited the Site and found no staff Member at the gate to direct her. She had also complained about the lack of parking at the re-use area. Mr Crook confirmed that the staff on Site had a number of duties in addition to directing users, and sickness and holidays could also have an impact so there would inevitably be times when they were all occupied in other tasks. At the time of the Member’s visit, parking at the re-use shed may have been restricted to enable a vehicle in to remove some of the collected electrical goods.

Members felt that there were operational limitations imposed by the layout of the Site, and a number of suggestions were made, including ending of the collection of items from the re-use area by the public, with all items deposited being passed to a charity for disposal. Mr Crook was asked to review the operations and identify any areas where operational changes could make the Site more user-friendly.

**It was agreed:** that the Contractor report back in due course on any proposals to change the operation of the Site within its current layout.

*Mr Crook left the meeting at 4.30pm.*

**A8. Operational Contract**

The Joint Committee considered a draft specification for the contract for operation of the Site from 1<sup>st</sup> April 2016.

It was agreed that the draft covered all the issues previously raised, and that the Officers should collaborate to update the inventory attached to it. It was further agreed that tenders should be sought from Contractors on Douglas Borough Council’s approved list, and from Contractors on the MACCS database.

**It was agreed:** that the draft specification and attachments be finalised by the Officers in preparation for seeking tenders, with a view to a decision by December 2015 on the awarding of the Contract to run for three years from 1<sup>st</sup> April 2016.

**A9. Next meeting**

The date and time of the next meeting were fixed as 3.30pm on Monday 7<sup>th</sup> September, 2015, at Douglas Town Hall.

The meeting ended at 5.15pm.

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

# HOUSING COMMITTEE

HOUSING COMMITTEE – Minutes of Meeting held on Wednesday, 15<sup>th</sup> July, 2015.

Members Present: Mr Councillor D.J. Ashford (Chairman), the Mayor (until 10.45am), Councillor Miss D.A.M. Pitts, Mr Councillor S.C. Cain, Councillor Ms K. Angela.

Apologies: Councillor Mrs C.E. Malarkey.

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

## REPORT

### ***PART A –***

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

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

Councillor Mrs C.E. Malarkey submitted her apologies for absence.

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

There were no declarations of interest.

##### **A3. Minutes - 17<sup>th</sup> June, 2015**

The minutes of the meeting of the Housing Committee held Wednesday, 17<sup>th</sup> June, 2015 were approved and signed.

##### **A4. Matters Arising**

There were no matters arising from the minutes.

##### **A5. Matters for Future Consideration**

The Committee noted the report on matters for future consideration.

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

### ***PART B –***

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

There were no matters for decision by the Executive Committee.

### ***PART C –***

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

##### **C6. Willaston External Refurbishment**

The Committee considered a report setting the tender received for the initial five-year framework agreement to carry out refurbishment works in Willaston Estate. Each Phase of the work will be subject of a negotiated tender based on the overall framework price submitted and will be subject to Council acceptance and approval. The framework price is based on three hundred and forty properties.

Thirty-six properties are included in Phase 2, which will be the first phase of this five-year framework agreement. Assuming that petition approval is granted in a timely manner, it is expected that work will begin on-site by October, 2015. The expectation is that future Phases of work will overlap so that there will be continuity of work on the estate.

The report set out the tender figure for the entire five years of the framework agreement, and an estimated price for Phase 2 works. The tender figure for Phase 2 was not yet available, but the Assistant Chief Officer (Housing and Property) advised that it would be by the end of the week. He further advised that the Committee could authorise submission of the petition as long as the amount was within 5% of the pre-estimated price, so the maximum amount the petition could be was £1,703,486.

In addition to the report, the Committee were able to view a plan of Willaston Estate with the thirty-six properties for Phase 2 earmarked, and were able to view indicative photos showing the expected finish on the refurbished properties.

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

- (i) The Framework tender submitted by NK Construction Limited for the initial five years of the Willaston external refurbishment be accepted; and
- (ii) NK Construction Limited be appointed as principal contractor for the first five years of the framework project, subject to periodic review; and
- (iii) The subsequent negotiated tender for Phase 2 in accordance with the tendered framework rates submitted by NK Construction Ltd be accepted, subject to the price being within 5% of the pre-estimated price; and
- (iv) The Town Clerk and Chief Executive be authorised to petition the Department of Infrastructure for borrowing powers up to a maximum of £1,703,486, being the amount required to defray the cost of the Phase 2 works; and
- (v) The Department of Infrastructure be advised that an assessment of the Council's Housing Reserve Fund has been undertaken to establish if sufficient monies are available to fund the proposed scheme via that source."

The meeting ended at 10.50am.

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

# REGENERATION AND COMMUNITY COMMITTEE

REGENERATION AND COMMUNITY COMMITTEE – Minutes of Meeting held on Tuesday, 14<sup>th</sup> July, 2015.

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

Apologies: The Mayor, Mr Councillor E.A. Joyce.

In Attendance: Assistant Chief Executive, Assistant Town Clerk, Assistant Chief Officer (Finance), Senior Engineering Manager, Head of Parks, Assistant Democratic Services Officer.

## REPORT

### **PART A –**

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

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

The Mayor and Mr Councillor E.A. Joyce submitted apologies for absence.

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

No declarations of interest were submitted.

##### **A3. Minutes – 16<sup>th</sup> June, 2015**

Minutes of the meeting held on Tuesday, 16<sup>th</sup> June, 2015, were approved and signed.

##### **A4. Matters Arising – Clause A9 – Noble's Park Multi-Purpose Building Proposal**

A Member requested the business plan including a breakdown of costs, be considered at the September meeting of the Committee. The Member opined that the figure provided in the initial report was not an accurate figure.

Members also discussed the daily operation of the proposed building, whilst the Chairman believed the building would require staff, some Members were of the opinion that staff would simply lock and unlock the building as and when required similar to arrangements in place at the Noble's Park Pavilion.

Resolved, That the discussion be noted on the minutes and a business plan, including a breakdown of costs, be considered by the Committee at the September 2015 meeting."

##### **A5. Matters Arising – Clause A5 – Johnny Watterson's Lane Allotments**

The Head of Parks reported that in response to a letter to all allotment tenants, a representative has come forward. The representative is not an allotment tenant, but the wife of a tenant and is involved in the maintenance of the allotment plot.

It was noted there are no firm rules as to whom should be a representative, and although the possibility of amending the lease to a joint tenancy was discussed, it was agreed that a notice to the effect that the representative has come forward will be placed in the notice board with the representative details, and a time frame for allottees to object. It was noted only one individual came forward to fill the vacancy.

Resolved, "That the new representative be noted and a notice be placed in the notice board to this effect with the opportunity for allottees to object within a time specified on the notice."

##### **A6. Christmas Lights Ceremony 2015**

The Committee considered a report submitted by the Assistant Democratic Services Officer to update on the arrangements for the Christmas Lights Ceremony.

In 2014, the band opened proceedings at 6.15pm, however the band have indicated that the earlier time slot caused them some logistic issues and requested a later slot at the event.

Following a suggestion from a Member, the report recommended that a young lady, Grace Lee, a performer involved with Alder Hay Children's Hospital, be invited to perform at the event.

As requested by Members at the June Regeneration and Community meeting, the Christmas Pantomime had been invited to perform at the event.

During the discussion, Members requested Officers to contact the IOM Transport regarding the changes to the 2015 event layout and in particular the road closures required.

Resolved, "That the following running order be approved for the 2015 Christmas Lights Switch On Ceremony;

1. 6.15pm Pantomime performance – Sleeping Beauty
2. 6.30pm Douglas Town Band
3. 6.40pm Grace Lee
4. 6.50pm Ballakermeen School Choir
5. 7.00pm lights switch on and fireworks display."

#### **A7. Children's Water Play Equipment Noble's Park**

The Committee considered a report submitted by the Head of Parks, following a request from Members, on the supply and installation of a children's water play feature for Noble's Park.

At the June 2015 Regeneration and Community Committee meeting, Members considered the 2014/15 Revenue Outturn report by the Assistant Chief Officer (Finance). The report detailed a total favourable variance of £186,571. It was the opinion of the Committee that some of the favourable variance should be invested into a children's water play area for Noble's Park and a report was requested. Members noted that the Executive Committee subsequently resolved that the 2014/15 outturn surplus should be retained in the Council's General Revenue Reserve.

The report reminded Members that during August 2013, a parks user survey was undertaken at Noble's Park. Users were asked what future developments they would like to see in the park and water play came out as the second most popular. It was noted that during 2014 many comments have been received on the Council's Facebook page suggesting the Council invest in a water play area within the park.

The report listed the benefits of installing a children's water play area.

Resolved, "That particulars of the report and discussion be noted on the minutes and proposal for a capital scheme for the supply and installation of a children's water play area at Noble's Park, at an estimated cost of £175,000, be included in the Committee's budget considerations for 2016/17."

#### **A8. Age-Related Play Equipment in Pulrose**

The Committee considered a report submitted by the Head of Parks, following representation to the Council through the Hills Community Council by a resident of Pulrose, concerning the feasibility of age-related play equipment in Pulrose.

Members were presented with a letter received from a Pulrose resident bringing to the attention of the Hills Community Council the lack of appropriate play equipment for older children within the Pulrose area.

The Head of Parks advised that whilst undertaking research prior to the production of the Parks and Play Strategy for Douglas currently being developed, it has become apparent that there is a lack of teenage play equipment within the Pulrose area. The report provided Members with the current play provision within the South Douglas area and the demographics of under 18s in South Douglas.

The Head of Parks provided examples of the type of equipment that could be installed and example projects had been appended to the report.

The report proposed a consultation with youth within the age range of 10 to 18 to establish what play provision they would like to see within the Pulrose area. Following a consultation, project options will be put together with broad budget estimates for consideration by Committee, with a view to submitting a capital project business case during October 2015 as part of the 2016/17 budget process.

Resolved, "That a consultation process be undertaken to establish the type of age-related equipment required in the Pulrose area and that a further report be brought to Committee with options and outline costings."

#### **A9. Items for Future Report**

The Committee considered a report by the Assistant Democratic Services Officer regarding reports for future consideration by the Committee.

A Member advised that Ballymoney are hosting a women's rugby match with Isle of Man Vagabonds. The Member advised that although no funding has been requested from the Council, all Members are invited to travel to Ballymoney and an invite will be sent accordingly.

The Assistant Chief Officer (Finance) provided an update on the HBN Library.

Resolved, "That particulars of the matters for future consideration 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 12.17pm.

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

# ENVIRONMENTAL SERVICES COMMITTEE

ENVIRONMENTAL SERVICES COMMITTEE – Minutes of Meeting held on Monday, 13<sup>th</sup> July, 2015.

Members Present: Mr Councillor R.H. McNicholl (Chair), Councillor Mrs C.A. Corlett, Councillor Mrs R. Chatel (from 10.18am), Mr Councillor C.L.H. Cain, Councillor Mrs E.C. Quirk.

Apologies: The Mayor, Councillor Mrs R. Chatel (for lateness).

In Attendance: Assistant Town Clerk, Assistant Chief Officer (Corporate and Development), Building Control Manager, Accountancy Manager, Senior Engineering & Waste Services Manager, Democratic Services Officer, Mr Mike Williamson and Ms Marianne Konieczny from the Department of Social Care (Agenda Item A6 only).

## REPORT

### **PART A - PUBLIC**

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

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

Apologies for absence were submitted by the Mayor who was carrying out Mayoral duties; and apologies for lateness were submitted by Councillor Mrs R. Chatel.

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

There were no declarations of interest.

##### **A3. Minutes – 15<sup>th</sup> June, 2015**

The minutes of the regular meeting held Monday, 15<sup>th</sup> June, 2015 were approved and signed.

##### **A5. Matters Arising – B9 Disabled Parking in Council Car Parks**

A Member asked if the decision to allow an additional hour of car parking for disabled users has been implemented. Officers advised that in the pay-and-display car parks the decision has been immediately implemented.

For the car parks with barrier systems, the ICT section has identified a possible way of allowing the additional hour for disabled drivers which is still being tested. Once the solution is proven effective, it will be implemented and publicised.

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

##### **A6. Presentation on Hoarding**

Mr Mike Williamson and Ms Marianne Konieczny from the Department of Social Care joined the meeting and gave a presentation on the subject of hoarding and hoarders on the Isle of Man. This presentation has previously been given to the Douglas Community Partnership. The presentation centred on the story of an individual, referred to by a pseudonym, whose problems with hoarding became so severe that they dominated his life causing a wide range of health and social problems. His property fell into a dilapidated condition and became so full of stuff that it was only possible to gain access via a window. Over the past two years, he moved out of the property and found other accommodation, but the house itself remained a source of anxiety and the habit of collecting and keeping stuff continued in different premises. The collecting habit, together with an abrasive and difficult manner meant that over the past two years the person was unable to settle anywhere for very long. The presentation showed the steps that have been taken to help the individual stabilise his personal life, deal with his large accumulation of materials, and to clear the house.

Whilst the presentation centred on a particular severe case, Ms Konieczny and Mr Williamson confirmed that many of the issues are common to other hoarders and that this is an increasing problem on the Island. Issues include individuals experiencing a high level of anxiety, poor personal hygiene, resistance to outside assistance, and poor health often stemming from or exacerbated by eating contaminated or out of date food. Problems with hoarding can become more acute following major life events such as bereavement when individuals become less and less able to distinguish between things which are of some use and value and the things which need to be discarded because they are broken, perished or essentially unusable. The case study highlighted in the presentation showed that it is possible to help individuals to gain control of their lives and possessions, but it is a slow process.

There was some discussion of the sharing of information between officers from the Department, the Council and Environmental Health. Mr Williamson advised that there is a need to have agreement and dialogue with the individual over the sharing of information. The Department is guided by the principles of the second Caldicott report on privacy issues.

Members agreed that the presentation had provided an insight into the problem and steps that are being taken to address it. The Committee suggested that the Housing Committee and Housing officers should receive the presentation and Mr Williamson and Ms Konieczny agreed that they would be willing to make the presentation again.

Resolved, "That the officers be thanked for the presentation and the discussion be noted on the minutes, and the recommendation made to the Housing Committee that the presentation be given to that Committee."

Mr Williamson and Ms Konieczny were thanked for their attendance and left the meeting at 11.10am.

#### **A7. Report on Hoarders**

The Committee considered a report on hoarders in light of the presentation. It was agreed that in future the Committee should keep in mind the issues raised by it.

Resolved, "That the issues raised by the presentation be noted and taken into consideration should the need arise in future unsightly property cases."

#### **A8. Environmental Campaigns 2015/2016**

The Committee considered a report setting out a proposed programme of pro-active environmental campaigns to be held over the coming year. The first campaign to address dog fouling is scheduled to begin in November 2015 and run through the winter months. It is intended to once again use the logo and posters '*We're Watching You*' to target owners who do not clear away their dog mess. This is to be followed in the Spring by the second campaign which would be to tackle litter, particularly cigarette litter in the commercial area.

Members expressed disappointment that the campaigns were limited and would not start immediately. Officers advised that the programme has been developed taking into account the available staffing and resources. Members were reminded that Borough Wardens, who already have a busy workload, have recently had to take on the supervision of two additional car parks. Officers further advised that each environmental campaign involves preparatory work before the start, inspections and monitoring throughout the campaign and evaluation and follow-up at the end of the campaign.

Members raised questions on and discussed a wide range of matters including the inspection regime for lifebelts on the Promenade, placement of litter bins at Douglas Head, cleanliness issues in Shaw's Brow Car Park, a suggestion to stencil temporary notices on the pavement to deter dog fouling, inappropriately parked motorcycles, chewing gum, the regime for cleaning Strand Street, provision of poo bags and gloves for dog owners, domestic bins on the highway, discussions with takeaways about litter, the Big Tidy-Up and early morning patrols by the Borough Wardens.

The Chair proposed that he accompany the Borough Wardens on their rounds for a full day to see what they do. Officers advised that the Chief Executive was very unlikely to agree with this proposal. The Chair took a vote of Members, who all agreed that he should go round with the Wardens for a full day.

Members then discussed the regime for enforcing regulations on dog fouling and litter. Members commented that there have been few (if any) prosecutions for dog fouling. Members expressed a wish to see on-the-spot fines for dog fouling. Officers advised that Fixed Penalty Notices are issued for littering and that the Council policy has been to seek court prosecutions for dog fouling. Members were advised that the same evidence is required for either action; and that previously it has been the Council's policy to seek prosecutions because court actions are publicly reported. There was some further discussion regarding the enforcement options available to the Council. The Assistant Chief Officer (Corporate and Development) advised that the Council is seeking a change to primary legislation to increase the enforcement options available to local authorities.

Members agreed that Fixed Penalty Notices should be issued for dog fouling, instead of seeking court prosecutions.

Resolved, "That the report and discussion be noted on the minutes and approval be given to the proposed programme of environmental campaigns."

#### **A9. Schedule of Unsightly Properties**

The Committee considered the Schedule of unsightly properties being dealt with on behalf of the Council. Members reviewed the schedule and discussed a number of specific properties.

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

**A10. Items for Future Consideration**

The Committee considered a report setting out items which will be considered at future meetings. Members asked for information to be provided to the Committee either in Briefing Notes or in reports on details of the Big Tidy-Up 2015; the installation of the shutters at Shaw's Brow Car Park; the layout and management of the Civic Amenity site and the management of Douglas Beach.

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

***PART B –***

***Matters requiring approval from the Executive Committee***

**B11. Procurement of Forty 240 litre Litter Bins**

The Committee considered a report seeking approval for the purchase of forty new, larger litter bins to replace existing litter bins which are damaged or in poor condition. The proposal is to buy larger bins which will not require emptying as frequently and which can be emptied with the newer bin wagons.

Resolved, "That the report be noted on the minutes and approval be given to the purchase of forty, 240 litre litter bins at a cost of £16,000, subject to the approval of the Executive Committee for the funding from reserves."

***PART C –***

***Matters requiring Council approval***

There were no matters requiring Council approval.

The meeting ended at 12.40pm.

X - Miscellaneous Business of which Notice has been given pursuant to Standing Orders:

## MISCELLANEOUS BUSINESS

1. The Chief Executive to report that:
  - 1.1 Mr J. Joughin has vacated the office of Councillor and that consequently an election will take place of one Member for Victoria Ward;
  - 1.2 At the close of nominations for the vacancy in Murray's Ward on 20<sup>th</sup> July, 2015, no nominations had been received; and
  - 1.3 The vacancies in Victoria Ward and Murrays Ward have been advertised with nominations in both cases closing on Monday 17<sup>th</sup> August at 5.00 p.m., and polls, if required, on Thursday 10<sup>th</sup> September.
2. Appointment of one Member to serve as a Member of the Executive Committee until April 2016.
3. Appointment of one Member to serve as Chair of the Pensions Committee until April 2016.
4. If the Member appointed to be Chair of the Pensions Committee is currently a Member of that Committee, the Council to appoint one further Member to serve on the Pensions Committee until April 2016.