



Borough of Douglas

Town Hall,

Douglas,

13th April, 2016

At a MEETING of the COUNCIL of the BOROUGH OF DOUGLAS, duly convened and holden at 2.30 p.m. on WEDNESDAY, the 13th day of APRIL, 2016, in the COUNCIL CHAMBER, within the TOWN HALL, at which Meeting the following Members were present, that is to say: -

The Mayor

COUNCILLOR MRS SARA DAWN ANDREA HACKMAN, JP

Councillor

Mrs C.A. Corlett

Mr S.R. Pitts

Mr D.J. Ashford

Mrs R. Chatel

Ms C.R. Turner

Mr D.W. Christian, MBE, JP

Mrs C.E. Malarkey

Mr G.J. Faragher

Miss D.A.M. Pitts

Mr J.E. Skinner

Mrs C.L. Wells

Ms K. Angela

Mr S.C. Cain, JP

Mrs E.C. Quirk

Apologies for absence were submitted by Mr Councillor C.L.H. Cain and Mr Councillor R.H. McNicholl.

The Chief Executive and Town Clerk, the Director of Finance, the Director of Housing and Property and the Assistant Chief Officer (Environment) were in attendance.

1. **Minutes – 2nd March, 2016**

The minutes of the Special Council Meeting held on Wednesday, 2nd March, 2016, were approved and signed.

2. **Minutes – 9th March, 2016**

The minutes of the monthly Council Meeting held on Wednesday, 9th March, 2016, were approved, subject to amendment of a clerical error in Clause 16. Councillor Mrs C.E. Malarkey's name appears twice.

3. **Standing Order 39 – Question – Mr Councillor J.E. Skinner**

Mr Councillor J.E. Skinner to ask the Leader of the Council:

Question:

In relation to Notices of Excess Parking Charge issued by the Borough Wardens:

- (a) under what legislation, Act or Order do the Borough Wardens have powers to issue Notices of Excess Parking Charges to drivers for failure to display a current valid Road Fund Licence (tax disc) in Car Parks?
- (b) in each month and in each car park how many such Notices have been issued since the Council took over the management of car parks from the Department of Infrastructure?
- (c) how many such notices have been successfully appealed?
- (d) for what other offences can the Borough Wardens issue Notices of Excess Charge in car parks?
- (e) who receives the income from the Excess Parking Charges for such offences?

Reply:

- (a) Part 2 (7) of the Douglas Borough Council Off-Street Parking Places Order 2015 states:

“The driver of any vehicle shall not leave it on any car park unless there is displayed in or on the vehicle in the prescribed manner, a valid vehicle licence issued by the Isle of Man Government under the Licensing and Registration of Vehicles Act 1985, or by some other agency appropriate to the jurisdiction in which the vehicle is registered.”

Excess charge notices for failing to display a valid vehicle excise licence have been issued since January 2015 following confirmation that the 2015 Parking Places Order had been registered.

- (b) The numbers of such charges issued by month and by car park since the Council took over management of the Chester Street and Drumgold Street Car Parks are as set out in Table 1 attached.
- (c) Since 1st January 2016 there have been 46 appeals against Excess Charge Notices issued for failing to display a valid excise licence. 33 appeals have been accepted, 11 have been rejected and 2 are currently open.
- (d) The Douglas Borough Council Off-Street Parking Places Order provides for numerous offences for both drivers and non-drivers. Any person convicted for contravening or failing to comply with the provisions of the Order would be liable to a fine not exceeding £500. However, the Order provides that an Excess Parking Charge may be issued as an alternative to prosecution.

The current IT system used by the Borough Wardens contains the following categories of offence for which the Borough Wardens can issue Excess Charge Notices under the Car Parks Order:

- Parking after the expiry of the ticket displayed.
- Parking without a valid ticket displayed.
- Parking other than between the markings of a parking bay.
- Parking on a reserved space without displaying a valid permit.
- Parking other than in a permitted parking bay.
- Parking on a disabled space without displaying a valid permit.
- Parking whilst failing to display a valid vehicle excise licence.
- Avoidance of Payment.

It is proposed to add a category for other offences.

(e) The Council receives the income from Excess Parking charges.

4. Standing Order 39 – Question – Mr Councillor J.E. Skinner

Mr Councillor J.E. Skinner to ask the Leader of the Council:

Question:

- (a) In each month since the Council took over the management of the car parks from the Department of Infrastructure how many Notices of Excess Charge have been issued for 'Failing to Park within the Lines' of the designated parking bays in each of the car parks managed by the Council?
- (b) Who receives the income from the Excess Charges for such offences?

Reply:

- (a) The details are set out in Table 2 attached.
- (b) The Council receives the income from Excess Charges.

5. Executive Committee – 24th March, 2016

Motion moved by Mr Councillor D.W. Christian, seconded by Mr Councillor D.J. Ashford, “That the minutes of proceedings of the Executive Committee, as contained in report of meeting held Thursday, 24th March, 2016, be received by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

6. Pensions Committee – 23rd March, 2016 – Clauses A1 to A10 inclusive

Motion moved by Mr Councillor D.J. Ashford, seconded by Councillor Ms K. Angela, “That the minutes of proceedings of the Pensions Committee, as contained in Clauses A1 to A10 inclusive of report of meeting held on Wednesday, 23rd March, 2016, be received by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

Under the provisions of the Local Government Act 1985, Councillor Mrs R. Chatel declared an interest in the item and retired whilst it was considered.

7. Pensions Committee – 23rd March, 2016 – Clause C11

Motion moved by Mr Councillor D.J. Ashford, seconded by Councillor Ms K. Angela, “That the minutes of proceedings of the Pensions Committee, as contained in Clause C11 of report of meeting held on Wednesday, 23rd March, 2016, be received, approved and adopted by the Council.”

Question put on Motion; a vote was taken electronically, and the motion was carried unanimously.

Under the provisions of the Local Government Act 1985, Councillor Mrs R. Chatel declared an interest in the item and retired whilst it was considered.

8. Standards Committee – 21st March, 2016

Motion moved by Councillor Mrs R. Chatel, seconded by Councillor Miss D.A.M Pitts, “That the minutes of proceedings of the Standards Committee, as contained in report of meeting held Monday, 21st March, 2016, be received, by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

9. Housing Committee – 16th March, 2016 – Clauses A1 to A12 inclusive

Motion moved by Mr Councillor D.J. Ashford, seconded by Councillor Mrs C.E. Malarkey, “That the minutes of proceedings of the Housing Committee, as contained in Clauses A1 to A12 inclusive of report of meeting held Wednesday, 16th March, 2016, be received by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

10. Housing Committee – 16th March, 2016 – Clause B13

Motion moved by Mr Councillor D.J. Ashford, seconded by Councillor Mrs C.E. Malarkey, “That the minutes of proceedings of the Housing Committee, as contained in Clause B13 of report of meeting held Wednesday, 16th March, 2016, be received, approved and adopted by the Council.”

Question put on Motion; a vote was taken electronically, and the motion was carried unanimously.

11. Housing Committee – 16th March, 2016 – Clause B14

Motion moved by Mr Councillor D.J. Ashford, seconded by Councillor Mrs C.E. Malarkey, “That the minutes of proceedings of the Housing Committee, as contained in Clause B14 of report of meeting held Wednesday, 16th March, 2016, be received, approved and adopted by the Council.”

Question put on Motion; a vote was taken electronically, and the motion was carried unanimously.

12. Housing Committee – 30th March, 2016

Motion moved by Mr Councillor D.J. Ashford, seconded by Councillor Mrs C.E. Malarkey, “That the minutes of proceedings of the Housing Committee, as contained in report of special meeting held Wednesday, 30th March, 2016, be received by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

13. Regeneration and Community Committee – 15th March, 2016

Motion moved by Mr Councillor J.E. Skinner, seconded by Mr Councillor G.J Faragher, “That the minutes of proceedings of the Regeneration and Community Committee, as contained in report of meeting held Tuesday, 15th March, 2016, be received by the Council.”

Question put on Motion; a vote was taken electronically, and there voted **For** the Motion: Councillor Mrs C.A. Corlett, Mr Councillor S.R. Pitts, Councillor Mrs R. Chatel, Mr Councillor D.W. Christian, Councillor Mrs C.E. Malarkey, Mr Councillor G.J. Faragher, Councillor Mr J.E. Skinner, Councillor Mrs C.L. Wells, Councillor Ms K. Angela, Mr Councillor S.C. Cain, Councillor Mrs E.C. Quirk – **11**

Against: Mr Councillor D.J. Ashford, Councillor Ms C.R. Turner, Councillor Miss D.A.M. Pitts, the Mayor – **4**

Motion carried.

14. Environmental Services Committee – 14th March, 2016 – Clause A13

Motion moved by Councillor Mrs C.A. Corlett, seconded by Councillor Mrs C.L. Wells, “That the minutes of proceedings of the Environmental Services Committee, as contained in Clause A13 of report of meeting held Monday, 14th March, 2016, be received by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

Under the provisions of the Local Government Act 1985, Mr Councillor S.R. Pitts declared an interest in the item and retired whilst it was considered.

15. Environmental Services Committee – 14th March, 2016 – Clauses A1 to A12 inclusive, A14 and A15

Motion moved by Councillor Mrs C.A. Corlett, seconded by Councillor Mrs C.L. Wells, “That the minutes of proceedings of the Environmental Services Committee, as contained in Clauses A1 to A12 inclusive, A14 and A15 of report of meeting held Monday, 14th March, 2016, be received by the Council.”

During discussion Councillor Mrs C.A. Corlett agreed, subject to the consent of the Council, to refer Clause A7 back to the Committee for further consideration.

A vote to refer Clause A7 back to Committee was taken electronically, and there voted **For** the Motion: Councillor Mrs C.A. Corlett, Mr Councillor S.R. Pitts, Mr Councillor D.J. Ashford, Councillor Mrs R. Chatel, Mr Councillor D.W. Christian, Councillor Mrs C.E. Malarkey, Mr Councillor G.J. Faragher, Councillor Miss D.A.M. Pitts, Councillor Mr J.E. Skinner, Councillor Mrs C.L. Wells, Councillor Ms K. Angela, Mr Councillor S.C. Cain, Councillor Mrs E.C. Quirk, the Mayor – **14**

Against: Councillor Ms C.R. Turner – **1**

Motion carried, Clause A7 referred back to Committee.

Question put on amended Motion; a vote was taken electronically, and the Motion was carried unanimously.

16. Adjournment and Resumption

The meeting adjourned at 5.25pm and resumed at 5.45pm with the following Members present: Councillor Mrs C.A. Corlett, Mr Councillor S.R. Pitts, Mr Councillor D.J. Ashford, Councillor Mrs R. Chatel, Councillor Ms C.R. Turner, Mr Councillor D.W. Christian, Councillor Mrs C.E. Malarkey, Councillor Miss D.A.M Pitts, Councillor Mr J.E. Skinner, Councillor Ms K. Angela, Mr Councillor S.C. Cain, Councillor Mrs E.C. Quirk, the Mayor.

Mr Councillor G.J Faragher and Councillor Mrs C.L. Wells submitted their apologies for the remainder of the meeting.

IN PRIVATE

17. Minutes – 24th March, 2016

The minutes of the Special Private Council Meeting held on Thursday, 24th March, 2016, were approved and signed.

18. Private Council Agenda – 9th March, 2016

Motion moved by Mr Councillor D.W. Christian, seconded by Mr Councillor D.J. Ashford, “That the private agenda of the monthly Council meeting held on 9th March, 2016, be received and considered by the Council as one motion.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

The minutes of proceedings of the following Committees were considered:

Executive Committee, as contained in private report of meeting held Friday, 26th February, 2016;

Pensions Committee, as contained in private report of meeting held Wednesday, 24th February, 2016;

Housing Committee, as contained in private report of meeting held Wednesday, 17th February, 2016;

Regeneration and Community Committee, as contained in report of meeting held Tuesday, 16th February, 2016;

Environmental Services Committee, as contained in private report of meeting held Monday, 15th February, 2016.

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

19. Executive Committee – 24th March, 2016

Motion moved by Mr Councillor D.W. Christian, seconded by Mr Councillor D.J. Ashford, “That the minutes of proceedings of the Executive Committee, as contained in private report of meeting held Thursday, 24th March, 2016, be received by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

20. Pensions Committee – 23rd March, 2016

Motion moved by Mr Councillor D.J. Ashford, seconded by Councillor Ms K. Angela, “That the minutes of proceedings of the Pensions Committee, as contained in private report of meeting held Wednesday, 23rd March, 2016, be received by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

Under the provisions of the Local Government Act 1985, Councillor Mrs R. Chatel declared an interest in the item and retired whilst it was considered.

21. Standards Committee – 21st March, 2016

Motion moved by Councillor Mrs R Chatel, seconded by Councillor Miss D.A.M. Pitts, “That the minutes of proceedings of the Standards Committee, as contained in private report of meeting held Monday, 21st March, 2016, be received by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

22. Housing Committee – 16th March, 2016 – Clauses A1 to A2

Motion moved by Mr Councillor D.J. Ashford, seconded by Councillor Mrs C.E Malarkey, “That the minutes of proceedings of the Housing Committee, as contained in Clauses A1 and A2 of private report of meeting held Wednesday, 16th March, 2016, be received by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

23. Housing Committee – 16th March, 2016 – Clause B3

Motion moved by Mr Councillor D.J. Ashford, seconded by Councillor Mrs C.E Malarkey, “That the minutes of proceedings of the Housing Committee, as contained in Clause B3 of private report of meeting held Wednesday, 16th March, 2016, be received by the Council for referral to the Special Council Meeting on Friday, 6th May, 2016.”

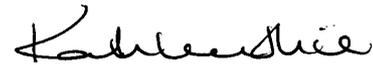
Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

24. **Environmental Services Committee – 14th March, 2016**

Motion moved by Councillor Mrs C.A. Corlett, seconded by Councillor Mrs C.A. Corlett, “That the minutes of proceedings of the Environmental Services Committee, as contained in private report of meeting held Monday, 14th March, 2016, be received by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

The Council rose at 6.25pm.



Town Clerk & Chief Executive