



Borough of Douglas

**MR. COUNCILLOR RICHARD HENRY McNICHOLL, J.P.
MAYOR**

Town Hall,
Douglas,
5th April, 2012

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL to be held on WEDNESDAY, the 11th day of APRIL, 2012, 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. 36.
- 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 Policy and Resources Committee;
 - (ii) The Leisure Services Committee;
 - (iii) The Public Health and Housing Committee;
 - (iv) The Public Works Committee;
 - (v) Any other Joint Committee;
 - (vi) Any Select Committee of the Council.
- VII.- Consideration of such communications or petitions and memorials as the Mayor or Town Clerk may desire to lay before Council.
- VIII.- Notices of Motion submitted by Members of the Council in order of their receipt by the Town Clerk.
- IX.- 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. 15(1); under Standing Order No. 15(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.

*Items marked thus in the Minutes of Committees are those in respect of which the Committees have delegated powers, and such matters are therefore reported for information only.

AGENDA

III. – Chief Executive to read minutes of the Council Meeting held on Wednesday, 14th March 2012.

VI(i). - The proceedings of the POLICY AND RESOURCES COMMITTEE as follows:

POLICY AND RESOURCES COMMITTEE

POLICY AND RESOURCES COMMITTEE – Minutes of Meeting held on Friday, 16th March, 2012.

Members present: Mr Councillor D W Christian (Chairman), the Mayor, Councillor Mrs S D A Hackman, Mr Councillor D J Ashford, Councillor Mrs C E Malarkey (from 3.25pm), Councillor Mrs E C Quirk.

In Attendance: Borough Treasurer, Borough Engineer & Surveyor, Assistant Town Clerk.

REPORT

1. **Apologies for Absence**

Apologies for absence were submitted on behalf of Mr Councillor S R Pitts, Councillor Mrs D M Kinrade and the Chief Executive.

*2. **Declarations of Interest**

No declarations of interest were submitted.

3. **Minutes**

Minutes of meeting held on Friday 24th February 2012 were approved and signed.

*4. **Matters Arising from Previous Minutes**

Constitution of the Council: before consideration of this item at the Council Meeting held on 14th March 2012, it had been agreed that the delegation should be removed.

Constitution of the Council – Appointment of an Independent Member to the Standards Committee: before consideration of this item at the Council Meeting held on 14th March 2012, it had been agreed that the delegation should be removed.

Pulrose Redevelopment – Police Station: it was noted that the reference in recommendation (ii)(c) of this minute referring to the Department of Home Affairs, needed to be amended to read Department of Social Care.

Resolved, “That particulars be noted and that the above amendments be made to the minutes of the meeting held on 24th February 2012 accordingly.”

5. **Constitution of the Council – Finalised Version**

The Committee considered a written report by the Chief Executive seeking approval for Part 4 (Rules of Procedure); Part 5 (Codes and Protocols); and Part 6 (Members’ Allowance Scheme) of the Council’s Constitution.

Members recalled that Part 1 (Summary and Explanation); Part 2 (Articles of the Constitution, Articles 1 to 14); and Part 7 (Management Structure) of the Constitution had already been approved at their meeting on 24th February 2012, subject to a number of amendments (detailed in the minutes of that date), and which had now been incorporated accordingly.

Approval was now therefore sought for the following Parts:

Part 4 – Rules of Procedure (Rules 2 to 6); and Part 5 - Codes and Protocols:

These set out the main documents that the Council would expect to have in order to ensure good governance, and most of them were already in place and could be included in the Constitution. Members were advised that it would be beneficial to review some of these at a later stage and to update the Constitution accordingly. A few of the documents that were not yet in existence would be brought forward for approval at a later date but, in the meantime, the ‘Contents of the Constitution’ indicated the status of each document.

Part 6 – Members’ Allowance Scheme:

This Scheme was already in place in the Council, the amounts for which were set by Government under the Local Government Act 1985 (Schedule 2) and the Local Authority Members' Allowance Orders.

It was noted that Part 3 and Part 4(1) (Council Procedure Rules (Standing Orders)) of the Constitution were the subject of separate reports (below) on these minutes.

Members discussed the following specific points:

“Part 1 – How decisions are made: areas of responsibility”

It was agreed responsibility for the Cleaner Safer Greener Charter should be included within the remit of the Environmental Services Advisory Committee.

“Article 8 – The Standards Committee”:

In response to a Member's query as to what power the Committee would have, the Chairman advised that the Chief Executive had suggested its inclusion in the Constitution with a view to further discussion taking place by the Executive Committee and then the Department of Infrastructure being advised that it was the Council's intention to have this Committee within its decision-making structure.

“Part 2 – Articles of the Constitution”:

That, to correct a clerical error, the Articles be re-numbered as number ten had been omitted, with Articles 11 to 15 accordingly being renumbered 10 to 14.

“Part 4 – Clause 10.4 – Meaning of Exempt Information – sub-paragraph 5, Legal professional privilege”:

It was agreed that additional wording be included in the 'Notes' to read, 'Privilege lies with the "client" which broadly is the Council. The Chief Executive *or the Council* can decide to waive privilege'.

“Part 5 – Councillor / Officer Protocol”:

That all references to the Policy and Resources Committee be amended to read the Executive Committee. This also applied to Financial Regulations.

“Part 5 – Whistleblowing”:

Following discussion, it was agreed to adopt the Isle of Man Government's Code on Whistleblowing. It was noted that this had already been accepted by the trade unions and therefore there should only be a need to advise the unions that the Council was adopting the same policy.

“Part 5 – Gifts and Hospitality – A Protocol for Members” (Clause 3(viii)):

Following discussion on the proposal that the Assistant Town Clerk should write to the person or organisation making the gift and inform them that it had been donated to the Mayor's Charity, it was agreed, in order not to cause offence, that the advice of the donation of the gift to the Mayor's Charity should only be mentioned in the letter if this was considered appropriate. It was noted that this matter was also dealt with in the Isle of Man Government's *Corporate Governance Principles and Code of Conduct for Local Authorities* and therefore that the Assistant Town Clerk should review that particular section to ensure the Council's proposed policy in relation to gifts and hospitality was in accordance with it.

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

(ii) That with effect from 1st May 2012, the Council adopts a formal Constitution on Parts 1, 2 and 7 (as already approved by this Committee on 24th February 2012) and Part 4 (Rules of Procedure (Rules 2 to 6)), Part 5 (Codes and Protocols) and Part 6 (Members' Allowance Scheme), subject to the following amendments:

(a) That responsibility for the 'Cleaner Safer Greener' Charter be included within the remit of the Environmental Services Advisory Committee;

(b) That to correct a clerical error, the Articles be re-numbered as number ten had been omitted, with Articles 11 to 15 being renumbered 10 to 14 accordingly;

(c) That additional wording be added to the Notes of Part 4, Clause 10.4 – Meaning of Exempt Information, sub-paragraph 5, Legal professional privilege, to read 'Privilege lies with the "client" which broadly is the Council. The Chief Executive *or the Council* can decide to waive privilege';

(d) That in Part 4 (Financial Regulations) and Part 5, Member / Officer Protocol, all references to the Policy and Resources Committee be amended to read the Executive Committee;

(e) That the Isle of Man Government's Code on Whistleblowing be adopted and incorporated into the Constitution; and that the trade unions be advised accordingly that the Council had adopted this policy; and

(f) That the Assistant Town Clerk be requested to review the section dealing with gifts and hospitality of the Isle of Man Government's *Corporate Governance Principles and Code of Conduct for Local Authorities*, to ensure that the Council's proposed policy in relation to gifts and hospitality accorded with this document; and that if the Assistant Town Clerk did write to a person or organisation making a gift and thanking them for it, that the person or organisation only be informed that the gift had been donated to the Mayor's Charity if it was considered appropriate, in order not to cause offence."

6. Constitution of the Council – Part 3 (Responsibility for Functions)

The Committee considered a written report by the Assistant Town Clerk setting out a schedule of the proposed allocation of responsibilities to be assigned to each Portfolio under the revised structure to be implemented from 1st May 2012.

The proposed changes in the Council's decision-making structure were due to take effect from 1st May 2012, when a Constitution and revised Standing Orders would be implemented. This revised structure embodied a total of six Committees and it was necessary to identify at the outset what the remit of each would be.

Although there would be a number of matters in which the Council could not delegate authority, principally budgetary and democratic matters, it was envisaged that certain functions would be delegated to the Executive Committee, which would report monthly to the Council. In making its recommendations, the Executive Committee would be supported by three Advisory Committees (each meeting monthly), which would make their recommendations on policies within their respective remits.

In addition to the Executive and the three Advisory Committees, there would be two specific Committees reporting directly to the Council in relation to Pensions and Standards.

Members were advised that the principal role of all Committees would be the formulation of policy, under which decisions could be made in the certainty that they complied with the Council's wishes.

It was intended that the schedule of the allocation of responsibilities should form the basis of a clear chain of responsibility for all matters under the Council's control, identifying the Chief Officer, Assistant Chief Officer and Manager responsible in each area, as well as the political body in overall control.

Members discussed the following specific points:

"Appendix A – Assignment of Responsibilities by Council / Portfolio / Committee":

That the election of the Deputy Mayor be not a function for the Council, but for the Mayor (as agreed at this Committee's meeting held on 24th February 2012).

"Enforcement of Legislation and Byelaws":

It was agreed that Byelaws should be listed under a separate heading within the Constitution, as a responsibility of the Executive Committee.

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

(ii) That the Schedule of Assignment of Responsibilities for Portfolios (as appended to the written report) be approved and adopted with effect from 1st May 2012, subject to the amendments set out below and to ongoing review by the Executive Committee to identify any areas where it may be appropriate to recommend changes to the Council:

(a) That the election of the Deputy Mayor be a function for the Mayor, rather than the Council; and

(b) That Byelaws be listed under a separate heading within the Constitution, as a responsibility of the Executive Committee; and

(iii) That the finalised version of the Constitution be circulated to all Members two weeks prior to the April Meeting of Council, with annotations denoting those documents which were already in existence."

Adjournment and Resumption

The Committee adjourned at 3.00pm and resumed at 3.10pm, when the following Members were present: Mr Councillor D W Christian (Chairman), the Mayor, Councillor Mrs S D A Hackman, Mr Councillor D J Ashford, Councillor Mrs C E Malarkey (from 3.25pm), Councillor Mrs E C Quirk.

Attendance

Councillor Mrs C E Malarkey joined the meeting at 3.25pm, during discussion of the following item.

7. Review of Standing Orders

The Committee considered a written report by the Assistant Town Clerk setting out updated Standing Orders to reflect the revised structure to be implemented from 1st May 2012.

The Council had already approved changes to its decision-making structure to introduce an Executive style, and the purpose of the proposed changes in Standing Orders was to facilitate its introduction. In reviewing

Standing Orders, very little had been changed except to reflect the proposed structure and, in some areas, to update and clarify the wording.

As there was still uncertainty in some areas, such as the days and times of monthly meetings, the proposals in the schedule were based on the Council Meeting remaining on the second Wednesday in each month. Meetings of the Advisory Committee would be held in the week after the Council Meeting so that they could feed into the Executive Committee meeting on the third Friday after the Council Meeting. This, and other adjustments, would need to be reviewed on a constant basis to ensure effective operation.

Members discussed the following specific points:

“Standing Order 2 – Monthly Meetings”:

Discussion took place as to whether the August recess should continue, however, it was agreed for the time being to continue with no meetings in August.

“Standing Order 7 – Private Meeting – Selection of Mayor”:

It was agreed to amend the wording to read ‘..... If the Council is unable to make such a selection or if the selected Member is no longer a Member of the Council by 1st May, another *person* will be selected either at a special meeting convened in accordance with Standing Order No.8 or at another special meeting convened by the Chief Executive especially for the purpose in May before the Annual Meeting’.

“Standing Order 7A – Special Council Meeting – Committees and Chairmen”:

It was agreed that additional wording be added to read ‘Confirmation of the Selection of the Mayor (*in a general election year*)’.

It was also agreed that specific mention be made of the election of a Member to the Eastern Civic Amenity Site Joint Committee.

“Standing Order 15 – Order of Business”:

Discussion took place in relation to the order of presentation of business to the Council and the Assistant Town Clerk advised that the order was as set out to reflect the fact that the Pensions and Standards Committees reported directly to Council.

“Standing Order 22 – Executive and Advisory Committee Proceedings”:

It was agreed that the wording be amended to read ‘The report will be presented to the Council for *information*, except such elements as relate to Council policy which will be subject to approval by the Council. All such elements will be identified in the report as policy matters’.

“Standing Order 38 – Rules of Debate – Reservation of Seconder’s Remarks”:

Following considerable discussion, it was agreed to delete the following wording ‘*Once the seconder has reserved his remarks, he may not speak until after other Members*’.

“Standing Order 39 – Rules of Debate – Members wishing to speak”:

It was agreed that additional wording be added to read ‘..... While a Member is speaking, all other Members shall remain seated *and silent*, unless rising to a point of order or some similar purpose provided by these Standing Orders’.

It was also agreed that there should be specific mention within Standing Order No.53, dealing with the barring of recording, that mobile telephones be not permitted to be used during Council debates.

“Standing Order 41 – Duration of Speeches”:

It was agreed that additional wording be added to read ‘This Standing Order shall not apply to the presentation of the annual budget by the Leader of the Council, *nor to any Lead Member or Chair replying to debate*’.

“Standing Order 56 – Divisions – Procedures”:

It was agreed that the wording be amended to read ‘... using the voting facility in the microphone unit on each Member’s desk; the Mayor shall ask Members to register their presence by *pressing the appropriate button and voting for or against accordingly*’.

“Standing Order 71 – Position in Council Chamber of Ex-Mayor being a Councillor”:

It was agreed that this Standing Order be deleted completely.

“Standing Order 109 – Declaration of Secrecy”:

It was agreed that, in relation to the Chairmen’s Press Briefing sessions held on the Friday before Council Meetings, that the embargo on the release of details of public matters until 7.00am on the following Monday morning, be re-introduced and reinforced.

“Standing Order 153 – Contents of Contracts”:

That the order of the wording of clause (d) be amended to read ‘Where contracts exceed £15,000 an amount shall be included in the form of contract for ascertained and liquidated damages to be paid by the contractor if the contract is not completed at the specified date, unless the Chief Executive directs otherwise’.

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

(ii) That the Council’s Standing Orders be amended with effect from 1st May 2012, in accordance with the amendments to be incorporated into the Schedule appended to the written report, together with the additional amendments as set out above;

(iii) That the approved Standing Orders be cross-referenced and indexed, then circulated to all Council Members for consideration at the Council Meeting on 11th April 2012; and

(iv) That for an initial six month period, the Executive Committee review the operation of the revised Standing Orders on a monthly basis, and recommend to Council any adjustments that may be required.”

***8. 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 rates collected; the increase in direct debit take-up for the year; the percentage of net rent collected; gross rent arrears; the number of tenants owing over £500; and sundry debtors over three months old.

The Borough Treasurer sought authority for a debt in the sum of £1,407.60 to be written off. This amount related to an invoice that had been raised in connection with labour costs for repairs carried out on the Gumclear CCR 3000 Machine, which had been supplied to the Council for removing chewing gum from streets. Despite the Borough Engineer & Surveyor seeking payment, none had been received from the supplier, and the Council’s advocate had recommended against pursuing collection of this debt in English courts as significant sums would be incurred, with no guarantee of success.

Members also noted that a 1.75% pay award for all manual workers had been implemented as of 1st April 2011 and the Civil Service pay award had now been agreed at 1.2%. A 1.75% pay award had therefore been paid to all staff employed on NJC terms and conditions, in line with Council policy, the costs of which would be met from within the Council’s approved budget.

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

(ii) That authority be given for the outstanding debt in the sum of £1,407.60 to be written off.”

***9. Local Government Superannuation Scheme – Draft Contributions Policy Statement**

The Committee considered a written report by the Borough Treasurer seeking approval of a draft Contribution Policy Statement in relation to the Local Government Superannuation Scheme 2012.

The Borough Treasurer reported that the Local Government Superannuation Scheme 2012 would be laid before Tynwald at its March sitting and, in order to operate the regulations with regard to contributions, there was a requirement for each employing authority to have a clear policy detailing the level of contributions to be paid by members of the Scheme.

Although the proposed Policy would be the subject of consultation with the unions representing Council employees, it would be used initially to calculate contributions from April 2012. It was noted that employees would be formally notified by 1st April 2012 which new earnings band they had been assigned to, this band determining their contribution rate.

Following the consultation process and formal adoption, the Policy would then be reviewed annually in April each year to determine whether there needed to be a change to the contribution rate payable by employees. It would also continue to be reviewed, as required, in the light of any changes to the Scheme regulations after 1st April 2012.

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

(ii) That the Local Government Superannuation Scheme draft Contributions Policy, as appended to the written report, be approved and

(a) Be used as the basis for initial contributions from 1st April 2012

(b) Be sent to the unions for consultation

(c) Be brought back to Committee in June 2012 for adoption

(d) Be made available on the Council’s website.”

***10. Local Government Superannuation Scheme – Statement of Policy on Employer Discretions**

The Committee considered a written report by the Borough Treasurer seeking approval of a draft Statement of Policy on Employer Discretions in relation to the Local Government Superannuation Scheme 2012.

The Borough Treasurer reported that the Local Government Superannuation Scheme 2012 would be laid before Tynwald at its March sitting and, in order to operate the regulations, there was a requirement for each employing authority to have a clear policy in relation to a number of mandatory employer discretions.

The initial version of the draft Policy (as appended to the report), contained all of the mandatory policies that were required together with a number of other important discretions. This would be updated in May 2012 with more discretions that were not mandatory, however, they were numerous and would take some time to assemble. It was noted that the discretions contained within the policy would apply to all employees of the Council who were eligible for membership of the Scheme.

The Council, in its capacity of employing authority, would retain the right to change the policy at any time on the condition that it was published at least one month before the change(s) being introduced came into effect.

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

(ii) That the Local Government Superannuation Scheme 2012 Draft Statement of Policy on Employer Discretions (as appended to the written report) be approved with effect from 1st April 2012; and

(iii) That it be made available on the Council’s website.”

COMMERCIAL PROPERTIES

***11. Loch Promenade Kiosk – Tenders for Lease**

The Committee considered a written report by the Democratic Services Officer in relation to tenders received for the lease of the Loch Promenade Kiosk.

It was noted that the current tenants, who were in the second year of a three-year lease, had indicated a wish to relinquish the tenancy, however, there was no provision within the lease either for it to be determined early, or for it to be assigned.

As the lease did not allow either early determination or assignment, the Chief Executive had determined that there was no scope to immediately accede to the tenants’ request. However, as this was a high-profile facility, it had been considered worthwhile establishing if other operators would be interested in renting the premises and, accordingly, advertisements seeking tenders for the lease of the Kiosk had been placed in the local newspaper, with six tenders being returned accordingly.

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

(ii) That the current tenants’ request to surrender the lease be approved; and

(iii) That the tender received from Mr Benjamin Brooker be accepted for the lease of the Loch Promenade Kiosk.”

***12. 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 Policy and Resources Committee.”

***13. Agenda Review**

The Committee undertook a full review of its agenda.

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

The Committee rose at 4.55pm

POLICY AND RESOURCES COMMITTEE

POLICY AND RESOURCES COMMITTEE – Minutes of Meeting held on Friday, 30th March, 2012.
Members present: Mr Councillor D W Christian (Chairman), the Mayor, Councillor Mrs S D A Hackman, Mr Councillor S R Pitts (from 2.40pm), Mr Councillor D J Ashford, Councillor Mrs C E Malarkey.

In Attendance: Chief Executive, Borough Treasurer, Borough Engineer & Surveyor.

REPORT

1. Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Mrs E C Quirk, Councillor Mrs D M Kinrade, and the Assistant Chief Officer (Corporate & Development).

*2. Declarations of Interest

No declarations of interest were submitted.

3. Minutes

Minutes of meeting held on Friday 16th March 2012 were approved and signed.

*4. Matters Arising from Previous Minutes

Review of Standing Orders – Standing Order 7A (Special Council Meeting – Committees and Chairmen, and Confirmation of the Selection of the Mayor in a general election year): in response to a Member's query as to how the meeting would proceed regarding the confirmation of Mayor in the event that the Mayor Elect was not returned as a Member of Council following the Local Elections now that the meeting was public rather than private (as had previously been the case), and whether that part of the meeting should remain private in case of any objections, the Chief Executive confirmed that the situation would be reviewed prior to the date of the Special Meeting.

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

Attendance

Mr Councillor S R Pitts joined the meeting at 2.40pm.

*5. Planning Application – (11/01726/B) Unit 1, Spring Valley Industrial Estate (Isle of Man Development Company Limited and Dixons Retail Plc)

The Committee considered a written report by the Assistant Chief Officer (Corporate & Development) in relation to the planning application submitted by the Isle of Man Development Company Limited and Dixons Retail Plc in respect of Unit 1 at the Spring Valley Industrial Estate.

Members were reminded that the planning application for the construction of two retail units at the Spring Valley Industrial Estate had been approved at appeal. Unit 2 was now occupied by Pets At Home, but Unit 1 was still unoccupied. The Department of Infrastructure had originally refused the application and objected to it at appeal on the grounds that it was in contravention of Business Policy 5 of the Strategic Plan. The application was, however, approved on appeal, following concerns by the Planning Inspector about the ambiguity of Business Policy 5 relating to 'bulky' goods.

The Committee, at its meeting on 15th December 2011, had considered an application by Next Plc for a Certificate of Lawful Use to sell homewares and children's wear from Unit 1, and had resolved to object to that application on the grounds that it contravened Business Policy 5. It was noted that that application by Next had since been refused.

The current proposal, by Dixons Retail Ltd, was to sell electrical goods from Unit 1 in two formats – Curry's (white goods and general electrical appliances) and PC World (computers and related accessories), and the application related to the proposed introduction of a 634 square metre mezzanine level into the existing unit.

Consent for the original application for two retail units had been conditional upon nine standard and special conditions. Conditions 6 and 9 were the two special conditions relevant to this report and they related, respectively, to a maximum retail floor-space of 1,672 square metres and the type of goods that were not approved for sale within the units. The sale of electrical goods and equipment was included within the list as set out in Condition 9. The Douglas Development Partnership had raised concerns with the Department of Infrastructure in relation to the wording of Business Policy 5, however, it was recommended that an objection on the grounds that the application contravened Condition 9 (type of goods to be sold) and Business Policy 5 would not be sufficiently robust.

The proposal was, however, contrary to Condition 6 of the existing consent, which limited the retail floor space to 1,672 square metres, as the proposal by Dixons Retail Ltd exceeded this gross retail floor space by 634 square metres. It was noted that a retail impact study had been requested by the Council (a request

supported by the Department of Planning and Building Control) and that the applicant had now submitted this accordingly.

Members were also advised that the applicant's retail impact statement showed a forecast turnover for the proposed Curry's / PC World store of £7,160,000 per annum. Ten per cent of this figure was anticipated trade draw from the internet and off-Island purchases, with the remainder being drawn from existing on-Island retailers. The Island's existing electrical retailers had calculated that the current combined annual turnover of all electrical retail outlets on the Isle of Man was approximately £10,000,000, therefore, if the applicant's forecast was correct and the new store took over £6,300,000 of the Island's existing £10,000,000 market in electrical retailing, then the likely impact on existing retailers would be substantial.

Concerns had also been raised about the car parking provision for the development. Based on the existing 1,673 square metres gross floor-space, the mezzanine proposal would result in a requirement for an additional twenty-seven parking spaces on top of the existing seventy-six spaces. The applicant had now submitted a car parking statement stating that the requirement for Pets At Home and the proposed enlarged Curry's / PC World was forty-three, i.e., thirty-three fewer than at present. It was noted that requirements had been exceeded at peak times at the Pets At Home unit alone and it was suggested, therefore, that the applicant's case was flawed.

It was recommended that, should the application be considered at an inquiry, the Council should engage a retail planning consultant to present the Council's case. It was agreed that the Council should present a case jointly with the Isle of Man Chamber of Commerce (subject to the Chamber's agreement) and a maximum contribution by the Council was agreed.

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

(ii) That the Committee objects to the planning application on the grounds that –

- (a) the proposal substantially exceeded the 1,672 square metre of retail floor space, as limited by Condition 6 of the existing planning consent on the site;
- (b) the proposal contravened Business Policy 9, in that it would have an adverse impact on adjacent retail areas; and
- (c) the increase in retail floor space proposed would generate additional traffic, and therefore require additional car parking not proposed in the application;

(iii) That should the application be refused and subsequently appealed by the applicant –

- (a) approval be given for the Council to engage a retail planning consultant to present the Council's case at the appeal inquiry;
- (b) the Committee would wish to present its case jointly with the Isle of Man Chamber of Commerce (its partner in the Douglas Development Partnership), should the Chamber also agree to this course of action;
- (c) the maximum contribution by the Council for the appointment of a retail planning consultant was as agreed in the private minute, and that Chief Officers, under delegated authority, be permitted to expend up to this amount; and
- (d) the Council's contribution be funded from the Risk Management and Special Projects Fund."

***6. Douglas Development Partnership – Project Budget 2011 / 2012**

The Committee considered a written report by the Assistant Chief Officer (Corporate & Development) seeking authority for the Borough Treasurer's Department to release budgeted funds to the Douglas Development Partnership in relation to its projects.

Members recalled that, as part of the 2011 / 2012 revenue budget, the Council had agreed to allocate £30,000 towards projects undertaken by the Douglas Development Partnership during 2011 / 2012. The total anticipated project expenditure by the close of the 2011 / 2012 financial year was £30,000, which included an amount of £8,000 in respect of Town Centre Regeneration. The balance for the Town Centre Regeneration budget was anticipated to be £1,135.95 following receipt of grant funding from the Regeneration Fund, and it was therefore proposed to roll the remaining £6,864.05 into the 2012 / 2013 financial year, in order to provide cash flow to deliver projects (as regeneration grant monies were paid retrospectively).

Members also noted, following agreement by the Committee for the hanging basket subsidy to be paid directly by the Council in future years, that this was the last time it would appear as a Partnership expense.

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

(ii) That approval be given for a payment of £30,000 to be made to the Douglas Development Partnership, in respect of the Partnership's project programme, from funds approved by the Council as part of its 2011 / 2012 revenue budget."

***7. Proposed Chewing Gum Campaign**

The Committee considered a written report by the Borough Engineer & Surveyor seeking approval for the Council to conduct a campaign to inform and educate the public that it was an offence to drop chewing gum in a public place.

Members were advised that it was proposed to run the campaign in conjunction with a similar campaign to be organised by the Chewing Gum Action Group in the United Kingdom, scheduled for May / June 2012 (exact dates still to be finalised).

It was noted that gum-dropping was littering and had an 'on-the-spot' penalty of £50 (although this could involve a maximum fine through the Courts of £2,500).

Members were circulated with example posters, which could be suitably adapted for use by Douglas, and which could be displayed on Council-owned media space (lighting columns, vehicles, etc), in addition to news releases.

It was recommended that collaboration with the private sector be sought (by way of use of other media sites / sponsoring of gum receptacles), and that the effectiveness of the campaign be measured (by way of survey / control methods). In this respect, although the campaign would be addressed throughout the whole of the Borough, it was suggested that the area to be used as the control sector be Duke Street (between Victoria Street and Wellington Street).

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

(ii) That approval be given for a campaign to be conducted during May / June 2012 informing and educating the public that it was an offence to drop chewing gum in a public place; and

(iii) That approval be given for expenditure of up to £3,000 for services external to the Council."

Adjournment and Resumption

The Committee adjourned at 3.35pm and resumed at 3.45pm, when the following Members were present: Mr Councillor D W Christian (Chairman), the Mayor, Councillor Mrs S D A Hackman, Mr Councillor S R Pitts, Mr Councillor D J Ashford, Councillor Mrs C E Malarkey.

***8. Independent Event Co-Ordinator – Use for Public /Community Events**

The Committee considered a written report by the Borough Engineer & Surveyor setting out a review of the use of an independent event co-ordinator for public / community events.

Members recalled that, at a meeting held on 30th July 2010, approval had been given for the appointment of an independent event co-ordinator to be used, where appropriate, at public / community events. It had been further resolved that a review be undertaken to assess the financial impact on the Council.

The use of an independent event co-ordinator had been monitored throughout the whole of the last financial year and had been reviewed in September / October 2011. The Chief Executive had delayed reporting back to the Committee until the Chief Officers' Management Team (COMT) had looked at other resources and unfilled posts within the Council, in order to establish whether the duties could be taken up elsewhere. It was recommended by COMT, however, that it was more economical and a more efficient use of resources to continue with the present arrangement, thereby achieving the required salary savings identified for the next financial year.

It was noted that the use of an independent event co-ordinator had only been necessary on four occasions between August 2010 and March 2012. These had been the Freedom of the Borough Ceremony for the 12th Regiment on 28th August 2010; the Christmas Lights Switch-On Ceremonies on 25th November 2010 and 24th November 2011; and the Fireworks Display on 5th November 2011. Additional professional expertise and advice had been required on these occasions due to the size and nature of the events.

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

(ii) That the engagement of an independent event co-ordinator during the period from August 2010 to March 2012 also be noted;

(iii) That the policy of engaging a professional, qualified and experienced independent event co-ordinator be continued for those events that were of a size and nature that required additional expertise and advice that was not possessed by the Council's officers; and

(iv) That the Chief Officers' Management Team continue to monitor expenditure and review the use of the independent event co-ordinator."

***9. Housing Capital Programme – 2012 to 2017**

The Committee considered a referral from the Public Health and Housing Committee meeting held on 26th March 2012 seeking amendments to the Housing Capital Projects budget for the 2012 / 2013 financial year.

The Public Health and Housing Committee had previously considered an asset strategy report in September 2011 and had set out its priority of projects for the next five years. Following consultation with the

Department of Social Care to identify which of those projects the Department would support, the Council had been advised that an assessment by the Department of all local authority capital housing programmes for the next five years had taken place, and only those projects considered to be a priority would be supported by the Department. It was noted that all local authority housing capital programmes been substantially reduced due to the current economic downturn.

As the Government-approved project budgets were different from those budgets previously approved by the Council for the 2012 / 2013 financial year, the Public Health and Housing Committee was, accordingly, seeking an amendment to the Capital Housing Planned Maintenance Programme for 2012 / 2013.

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

(ii) That approval be given for the Capital Housing Planned Maintenance Programme for 2012 / 2013 to be amended.”

***10. 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 Policy and Resources Committee.”

***11. Chairman’s Closing Remarks**

The Chairman thanked the Members of the Committee for their participation and support during the course of the last four years, especially during this last year, when a lot of work had been undertaken, including the formulation of the new Constitution, which would greatly assist in taking the Council forward in the future. The Chairman also thanked the officers for all their work and support.

Replying on behalf of the Committee, His Worship the Mayor thanked the Chairman for his leadership of the Committee and the Council during the last municipal year and term.

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

***12. Agenda Review**

The Committee undertook a full review of its agenda.

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

The Committee rose at 4.20pm.

POLICY AND RESOURCES COMMITTEE

POLICY AND RESOURCES COMMITTEE – Minutes of Special Meeting held at 3.45 p.m. on Monday, 2nd April, 2012. Members present: Mr Councillor D W Christian (Chairman), the Mayor, Councillor Mrs S D A Hackman, Mr Councillor S R Pitts, Mr Councillor D J Ashford, Councillor Mrs E C Quirk.

Apologies: Councillor Mrs C E Malarkey and Councillor Mrs D M Kinrade.

In Attendance: Chief Executive, Borough Treasurer, Borough Engineer & Surveyor, Assistant Chief Officer (Housing & Property).

REPORT

*1. **Whey Discharge Pipe on Douglas Foreshore**

The Committee considered a written report by the Borough Engineer & Surveyor in relation to a request by the Isle of Man Water & Sewerage Authority seeking permission to bury a replacement whey discharge pipe on Douglas Foreshore.

Members were advised that the Isle of Man Water & Sewerage Authority had notified the Council that urgent attention was necessary to the existing Creamery discharge pipeline, situated in the Broadway surface water culvert. Failure to address the problem would mean there was a very significant risk of whey being discharged directly on to the Douglas Foreshore at this point.

It was noted that the Isle of Man Water & Sewerage Authority was prepared to commence the works immediately with a view to completion before the 2012 T.T. period. Given the nature of the works, and the serious potential of whey being discharged on to the Foreshore, it was recommended that permission be granted, subject to an appropriate wayleave agreement put in place, the requirements of the Borough Engineer & Surveyor being met and that no cost fell on the Council.

Discussion took place as to whether officers should negotiate a fee for the wayleave, and the suggestion was proposed and seconded. On a vote being taken that a charge be levied for the wayleave, two Members voted for and three against.

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

(ii) That the Isle of Man Water & Sewerage Authority be granted permission to bury a replacement Creamery discharge pipeline under Douglas Foreshore, adjacent to the Broadway surface water culvert, subject to an appropriate wayleave and to the requirements of the Borough Engineer & Surveyor being met and at no cost to the Council.”

3 For. 2 Against. Mr Councillor S R Pitts and Councillor Mrs E C Quirk requested their vote against to be recorded on the minutes.

The meeting closed at 3.50pm.

VI(ii). – The Proceedings of the LEISURE SERVICES COMMITTEE as follows:

LEISURE SERVICES COMMITTEE

LEISURE SERVICES COMMITTEE – Minutes of Meeting held on Thursday, 22nd March, 2012.

Members present: Mr. Councillor R.I. Kissack (vice-Chairman), The Mayor, Councillor Mrs. R. Chatel, Councillor Mrs. E.C. Quirk, Mr. Councillor S. Cain, Mr. Councillor J.R. Mitchell.

Apologies: Mr. Councillor S.R. Pitts (Chairman) and Councillor Mrs. C.E. Malarkey.

In Attendance: Assistant Chief Officer (Finance), Assistant Borough Engineer, Assistant Democratic Services Officer.

Declarations of Interest: There were no declarations of interest.

REPORT

*1. Chair of Meeting

In the absence of the Chairman, the Vice-Chairman Mr Councillor R.I. Kissack was unanimously elected to take the chair.

*2. Minutes – 16th February 2012

Minutes of meeting held on Thursday, 16th February, 2012, were approved and signed.

*3. Matters Arising – Minute 6 – Fitness Equipment on Douglas Promenade

Members discussed the Alderman Kaye memorial park, a location previously suggested for the installation of fitness equipment, it was noted that Members agreed not to use the park for this purpose.

Members agreed that the Alderman Kaye memorial park is currently under utilised and made a number of suggestions that could potentially increase the number of people using the park. Members requested a report be brought back to the Committee detailing options to enhance the park considering particularly planting more flowers and the feasibility of including a café with outside tables and chairs in the area.

Resolved, “That particulars of the matters arising be noted on the minutes and a report be brought back to the Leisure Services Committee detailing options to enhance the Alderman Kaye memorial park considering particularly the possibility of planting more flowers and including a café with tables and chairs in the area.”

*4. Matters Arising – Minute 10 – BMX Club

In answer to question the Assistant Borough Engineer confirmed a draft lease had been prepared for the BMX Isle of Man Club. Members requested a report be brought back to Committee detailing the future of the BMX track and details of the lease agreement. It was confirmed that the BMX Club will not have exclusive rights to the track.

Resolved, “That particulars of the matters arising be noted on the minutes and a report detailing the future of the BMX track and the lease agreement be brought back to the Leisure Services Committee.”

*5. Allotments Sub-Committee

The Committee had been circulated with the minutes of the meeting of the Allotments Sub-Committee held on Wednesday, 14th March, 2012, and noted the following:-

Matters arising: Members requested an update on the reallocation of uncultivated plots.

Members requested photographs of a specific plot be circulated, it is believed the plot is not complying with the allotment rules, this has since been actioned.

Request from Praxis Care for plot at Johnny Watterson’s Lane Allotments: Praxis Care, a Manx registered charity, wrote to the Sub-Committee requesting the allocation of an allotment plot for the use of the organisation’s clients. It was noted that Praxis Care are currently 126 on the waiting list and the Isle of Man College currently has the one allotment plot specifically earmarked for community use. It was agreed that Praxis Care remain on the waiting list but be advised of alternate allotment plots that are currently vacant which provide welfare facilities better suited to the needs of the charity.

Provision of a Tap It was agreed that one push down tap be installed at the allotment plots to provide hand washing facilities.

Date and time of next meeting: The next meeting of the Sub-Committee will take place Thursday, 14th June, 2012 at 11:00am.

It was noted that allotment plots were leased from April 2010 to coincide with the financial year. Members discussed the issue with allocating plots in April as the allotment season begins in November, it was suggested this could be the reason for the small number of uncultivated plots. Members discussed the

possibility of changing the lease dates to be in line with the allotment season. It was suggested that in April 2013 a seven month lease be prepared for allottees and an annual lease be signed in November 2013. Members requested a report be brought back to the Allotments Sub-Committee on the subject.

Resolved, "That (i) particulars of the discussion be noted on the minutes and the Allotments Sub-Committee minutes of Wednesday, 14th March, 2012, be noted and approved; and

(ii) A report be brought back to the Allotments Sub-Committee detailing options to change the signing of an annual lease from April to November."

***6. Attendance**

The Worshipful the Mayor left the meeting at 11:49am during consideration of the following subject.

***7. Noble's Park Five Year Plan**

The Committee considered a report by the Assistant Chief Executive on the Noble's Park Five Year Plan.

It was noted that the plan had previously been agreed by the Committee but since the approval of the plan two proposed major developments had been removed from the plan following consideration at the 2012/13 budget discussions.

It was recommended that the final plan be approved and released to the Council's intranet, all Council Members and the Council's website with a recommendation to review the plan on an annual basis.

A Member requested a report on the reinstatement of the amphitheatre at Douglas Head; this report was previously requested during discussions at the Five Year Plan Committee meeting.

Members discussed a number of projects that had been brought forward, removed or completed and agreed that the approval of this report should be deferred and considered by the newly appointed Leisure Services Committee in May 2012.

Resolved, "That particulars of the report be noted on the minutes and the report be deferred until the next meeting of the Leisure Services Committee."

***8. Items For Future Report**

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

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

***9. Agenda Review**

The Committee reviewed the Agenda to ensure that all matters had been dealt with and to determine which items should be considered in public and which in private Council.

The Committee rose at 12:15pm.

VI(iii). – The Proceedings of the PUBLIC HEALTH AND HOUSING COMMITTEE as follows:

PUBLIC HEALTH AND HOUSING COMMITTEE

PUBLIC HEALTH AND HOUSING COMMITTEE – Minutes of Meeting held on Monday, 26th March, 2012. Members Present: Councillor Mrs C.E. Malarkey (Chairman), the Mayor, Councillor Mrs G.G.S. Corkish, Councillor Mrs S.D.A. Hackman, Mr Councillor D.J. Ashford, Councillor Mrs E.H. Callow (from 10:40am), Mr Councillor T.M. Gelling, Councillor Mrs. D.M. Kinrade

Apologies: There were no apologies for absence.

In Attendance: Assistant Chief Officer (Housing and Property), Assistant Chief Officer (Finance), Housing Manager, Planned Maintenance Officer, Democratic Services Officer

There were no declarations of interest.

REPORT

*1. Minutes 20th February, 2012

The minutes of the regular meeting held Monday, 20th February, 2012, were approved and signed.

*2. Attendance

Councillor Mrs E.H. Callow joined the meeting at 10:40am during consideration of the following item.

*3. Crematorium and Chapel Upgrades – Temporary Facilities during Works

The Committee considered a report providing further information on the need for temporary ‘portacabin’ buildings to be put in place on-site at the Borough Cemetery during refurbishment works to the Crematorium and Chapel. During consideration of the Stage 3 report at the February meeting, Members questioned the need for temporary facilities during the building works. The report set out the range of work which would be undertaken within the temporary Committal Office. The report also set out the reasons for providing a temporary structure to house the Book of Remembrance in the Borough Cemetery. Finally, the report set out the reasons for provision of temporary staff welfare facilities, including toilets. The Committee took the view that only staff welfare facilities were needed on-site in the Borough Cemetery.

Resolved, “That particulars of the report be noted on the minutes and approval given for the retention within the project only of temporary staff welfare facilities. The Committee directed that the Committal Office be moved to the Town Hall for the duration of the works, and that the Book of Remembrance be relocated to the chapel in the Lawn Cemetery for the duration of the works.”

*4. Capital Housing Programme 2012 – 2017

The Committee considered a report submitted by the Planned Maintenance Officer setting out the Capital Housing programme for 2012 to 2017. The Committee had considered an asset strategy report in September, 2011 and set out its priorities of projects for the next five years. Council officers had subsequently consulted with the Department of Social Care to identify which of those projects the Department would support. All Local Authority housing capital programmes have been substantially reduced due to the current economic downturn and only priority projects will be supported by the Department.

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

- i. Approval be given to the five-year Capital Housing programme as altered following discussion with officers from the Department of Social Care; and
- ii. Approval be given to the proposed Capital Housing Planned Maintenance Programme 2012/2013 as set out in Appendix B to the report; and
- iii. Referral be made to the Policy and Resources Committee for approval to amend the Capital projects budget for 2012/2013; and
- iv. A letter be sent to the Department expressing the Committee’s disappointment that the Department of Social Care has different priorities for housing capital schemes than the Committee.”

***5. Tenders – Cleaning of Communal Areas of Flats**

The Committee considered a report on tenders received to carry out cleaning of the communal areas of housing flats. Five companies submitted tenders.

In response to query, the Assistant Chief Officer confirmed that there will be no inflationary increases in the contract price during the three years and that the amounts tendered are to include both labour and materials.

Members asked that a sheet be located in each of the areas covered by the cleaning contract for the contractor to sign-off when the work has been done.

Resolved, “That particulars of the tenders received be noted on the minutes and approval be given for the acceptance of the tender submitted by Classic Services and the company accordingly be appointed cleaning contractors for a period of three years.”

***6. Items for Future Consideration**

The Committee considered the report on items for future consideration and raised additional matters.

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

***7. Agenda Review**

The Committee reviewed the Agenda to check that all matters had been dealt with and determined which items should be considered in public and which in private Council.

The Committee rose at 12:23pm.

VI(iv). – The proceedings of the PUBLIC WORKS COMMITTEE as follows:

PUBLIC WORKS COMMITTEE

PUBLIC WORKS COMMITTEE – Minutes of meeting held on Wednesday, 21st March, 2012. Members Present: Mr Councillor D.J. Ashford (Chairman), The Mayor, Councillor Mrs. G.G.S. Corkish, Mr. Councillor R.I. Kissack, Mr Councillor G.J. Faragher, Councillor Mrs E.C. Quirk, Mr Councillor T.M. Gelling

Apologies: Councillor Mrs D.M. Kinrade

In Attendance: Senior Technical Officer, Building Control Manager, Assistant Borough Engineer, Democratic Services Officer

There were no declarations of interest.

REPORT

*1. Minutes – 15th February, 2012

Minutes of the meeting held on Wednesday, 15th February, 2012 were approved and signed

*2. Planning Application – 12/00255/B – 8 Kingswood Grove, Douglas

The committee considered planning application 12/00255/B seeking approval for the conversion of an existing dwelling into a three residential apartments at 8 Kingswood Grove, Douglas.

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

*3. Nuisance Abatement Notice – 11 Drinkwater Street, Douglas

The Committee considered a report on number 11 Drinkwater Street, Douglas. The front elevation has staining to the pebble-dash finish, the guttering needs to be repainted and there are weeds. Letters sent to the off-Island owner have elicited no response. The Building Control Section is seeking authorisation to serve a Notice as informal approaches to the owner have not yet resulted in a rectification of the problems. Photos of the property were circulated to the Committee during consideration of the report.

Resolved, “That the particulars of the report be noted on the minutes and approval given for the service of a Notice under Section 24 of the Building Control Act 1991 to require improvements to the front elevation of the property.”

*4. Nuisance Abatement Notice – 15 Drinkwater Street, Douglas

The Committee considered a report on 15 Drinkwater Street, Douglas. The masonry to the front wall needs to be repaired and repainted. The Building Control Section is seeking authorisation to serve a Notice as informal approaches to the owner have not yet resulted in a rectification of the problems. Photos of the property were circulated to the Committee during consideration of the report

Resolved, “That the particulars of the report be noted on the minutes and approval given for the service of a Notice under Section 24 of the Building Control Act 1991 to require the masonry wall to the front elevation of the property to be repaired and repainted.”

*5. Schedule of Dilapidated, Ruinous, Neglected, or Dangerous Properties

The Committee considered the schedule of dilapidated, ruinous, neglected or dangerous properties submitted by the Building Control Manager and raised some additional queries.

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

*6. Schedule of Properties in Poor Condition

The Committee considered a schedule of properties in poor condition, where the condition is not serious enough to warrant taking legal action.

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

*7. Disposal of Trailer-Mounted Hoist

The Committee considered a further report submitted by the Transport and Plant Manager seeking approval for disposal of a trailer mounted hoist which is deemed to be surplus to requirements. The hoist is used by the Electrical Services Section and other sections have advised the fleet manager that they do not need this piece of equipment. The Committee fully discussed the both the use and the disposal options available for the hoist.

Resolved, “That particulars of the report be noted on the minutes and approval be given for the disposal of the equipment by auction; the Committee also directed that other local authorities be informed of the details of the auction.”

***8. Naming of Streets in Pulrose**

The Committee considered a report submitted by the Building Control Manager seeking approval for the naming of two new street formed by the revised layout of the Pulrose Estate. There will be a new cul-de-sac accessed from Oak Avenue and a new cul-de-sac accessed from Hazel Crescent. The report recommended that the first new street should be named Oak Close and the second new street should be named Hazel Close.

Resolved, "That particulars of the report be noted on the minutes and approval given for the two new streets created by the revised layout of Pulrose Estate to be named Oak Close and Hazel Close."

***9. Items for Future Consideration**

The Committee noted the report setting out the items for future consideration.

***10. Agenda Review**

The Committee reviewed the Agenda to ensure that all matters had been dealt with and determined that all items should be considered in public Council.

***11. Chairman's Remarks**

As this was the last meeting of the Committee for this municipal year, the Chairman gave his thanks to the Committee and officers.

The Committee rose at 11.33am.

VI(vi) – The proceedings of the PENSIONS COMMITTEE as follows:

PENSIONS COMMITTEE

PENSIONS COMMITTEE – Minutes of meeting held on Wednesday, 28th March, 2012. Members Present: Mr. Councillor D.W. Christian (Chairman), Councillor Mrs. G.G.S. Corkish, Mr. Councillor R.I. Kissack

Apologies: The Worshipful the Mayor, Mr. Councillor D.J. Ashford, Mr. Councillor C.L.H. Cain, Independent Member Mr. Hulme

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

There were no declarations of interest.

REPORT

*1. **Minutes – 26th October 2011**

Minutes of meeting held on Wednesday, 26th October, 2011, were approved and signed.

*2. **Matters Arising – Non-Club Transfer and Consideration of Future Policy for Discretion on Acceptance of Transfers**

The Borough Treasurer informed Members that the total cost to purchase up to date factors from the Government Actuaries Department (GAD) was £4,995, which was an overspend of £995. In answer to question the Borough Treasurer confirmed GAD had calculated and issued all the non-club transfers that had been issued at an 80th accrual rate.

Resolved, “That particulars of the matters arising be noted on the minutes and an over spend of £995 for the use of GAD to calculate and transfer non-club transfers at an 80th accrual rate be noted and approved.”

*3. **Isle of Man Local Government Superannuation Scheme 2012 – Presentation by Jayne Wiberg**

The Committee received a presentation from Mrs. Jayne Wiberg updating Members on the Isle of Man Local Government Superannuation Scheme 2012 (IOMLGSS 2012).

Mrs. Wiberg began by explaining the current stage of the IOMLGSS 2012, following the approval of the Committee Capita Hartshead sent a hold harmless letter to the Department of Infrastructure releasing the high level review of what has been removed, changed or added to the new scheme. This information was used to enable the release of the statutory consultation in December 2011.

Following the release of the consultation Capita Hartshead appointed a project manager who acted as the central link between the employer, Capita Hartshead and the Borough of Douglas as the Administering Authority. Mrs. Wiberg explained a number of documents that had been produced at this stage.

The statutory consultation closed in February 2012, Mrs. Wiberg confirmed that Capita Hartshead have raised a small number of queries relating to the document which are hoped to be resolved.

Mrs. Wiberg confirmed Capita Hartshead was pleased with the progress to date and confirmed that approval was given to the statutory document in March 2012 with the recommendations coming into force on 1st April 2012. The Chairman thanked Mrs. Wiberg and Capita Hartshead for their work in the project.

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

*4. **Local Government Superannuation Scheme Statement of Policy on Administration Authority Discretions**

The Committee considered a report by the Borough Treasurer on the statement policy on Administering Authority discretions.

The Local Government Superannuation Scheme was approved by Tynwald at its March sitting. To operate the regulations requires the Administering Authority to have a clear policy in relation to a number of mandatory discretions.

Members were presented with a statement of policy of discretions for Douglas, it was noted that this policy contains all of the mandatory policies that are required. Members were informed that the document would be further updated with more discretions that are not mandatory.

Members noted that a draft contribution strategy had been approved by the Policy and Resources Committee and issued to unions for consultation. The Borough Treasurer confirmed that all salaried staff

members have been informed of their contribution band and all waged staff members will be informed on Friday, 30th March, 2012.

Resolved, "That particulars of the report be noted on the minutes and the statement of policy on Administering Authority discretions be approved from 1st April 2012 and be made available on the website."

***5. Annual Review of Risk Register**

The Committee considered a report submitted by the Borough Treasurer on the annual review of the risk register.

The risk register is reviewed on an annual basis for the administration of the Pension Scheme and to help keep the Committee aware of risk management issues. Members were provided with a table of twenty possible risks, each with an inherent score colour coded green, amber or red to represent a low moderate or severe risk. The inherent risk score is calculated from impact and probability. A second colour coded column represents the same twenty risks calculated by impact and probability after a chosen action has been implemented to reduce the risk. The majority of risks had decreased in severity with the chosen action.

Members made reference to PF16, relating to the Borough Treasurer's successor, in light of the previous Assistant Borough Treasurer (Financial Services) leaving the post the newly appointed Assistant Chief Officer (Finance) is being adequately trained to reduce the risk of the Pensions Committee losing its executive officer function.

Resolved, "That particulars of the report be noted on the minutes and the Pensions Risk Register be noted and the chosen actions therein be agreed."

***6. Dates and Times of Next Meetings**

The following dates and times for future meetings were approved:

(Investments)
Wednesday, 23rd May, 2012, at 11:30am.

(Administration)
Wednesday, 24th October, 2012, at 2:15pm.

It was noted that the Pensions Committee next municipal year would not need this item on the agenda as the meetings are now included in Standing Orders.

Resolved, "That particulars of the dates and times be noted on the minutes."

***7. Agenda Review**

The Committee reviewed the Agenda to ensure that all matters had been dealt with and determined all items could be considered in public.

***8. Chairman's Closing Remarks**

The Chairman thanked the Members of the Committee, Officers and consultants for their hard work, support and participation over the last four years.

The Committee rose at 3.12 p.m.