



## **Borough of Douglas**

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

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Town Hall,  
Douglas,  
6<sup>th</sup> January, 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 JANUARY, 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, 14<sup>th</sup> December 2011.

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 Thursday, 15<sup>th</sup> December, 2011. Members present: Mr Councillor D W Christian (Chairman), Mr Councillor S R Pitts (from 4.20pm), Councillor Mrs S D A Hackman, Councillor Mrs C E Malarkey, Councillor Mrs E C Quirk (from 2.05pm), Councillor Mrs D M Kinrade.

In Attendance: Chief Executive, Borough Treasurer, Borough Engineer & Surveyor, Assistant Chief Executive (from 1.45pm to 3.20pm), Assistant Chief Officer (Corporate & Development) (from 1.45pm to 3.10pm).

### REPORT

#### 1. **Apologies for Absence**

Apologies for absence were submitted on behalf of the Worshipful the Mayor and Mr Councillor D J Ashford. Mr Councillor S R Pitts gave apologies through the Chair for being late.

#### \*2. **Declarations of Interest**

The Borough Engineer & Surveyor declared an interest in Item 8, Charitable Collections and Flag Days 2012.

#### 3. **Minutes**

Minutes of meeting held on Friday 25<sup>th</sup> November 2011 were approved and signed.

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

No matters arising from the previous minutes were identified.

#### \*5. **Planning Application at Spring Valley – Next plc**

The Committee considered a written report by the Assistant Chief Officer (Corporate & Development) in relation to a planning application submitted by Next plc for a Certificate of Lawful Use in relation to the sale of home furnishings and children's wear at Unit 1, Spring Valley Industrial Estate.

Members were advised that planning consent had been granted in February 2010 for two retail units at the Spring Valley Industrial Estate and, at that time, it had been anticipated that the two retailers who would occupy the units would be 'Pets At Home' and 'Halfords'. Although the Planning Committee had originally refused the application on the grounds that it contravened Business Policy 5 of the Strategic Plan, the refusal was overturned at appeal. The wording of Business Policy 5 was noted as being as follows:

*'On land zoned for industrial use, permission will be given only for industrial development or for storage and distribution; retailing will not be permitted except where either:*

- (a) the items to be sold could not reasonably be sold from a town centre location because of their size or nature; or*
- (b) the items to be sold are produced on the site and their sale could not reasonably be severed from the overall business;*

*And, in respect of (a) or (b), where it can be demonstrated that the sales would not detract from the vitality and viability of the appropriate town centre shopping area.'*

Much of the appeal argument focussed on part (a) of Business Policy 5, however, ultimately, the Inspector concluded that the wording of the policy was ambiguous and that, as there were no sites suitable for the 'Pets At Home' and 'Halfords' operations in Douglas town centre, they should therefore be allowed. The Honourable Minister agreed with the Inspector's findings and the application was subsequently approved.

The Assistant Chief Officer (Corporate & Development) reported that Next plc were considering opening a branch at Unit 1 of the Spring Valley Industrial Estate, selling home furnishings and children's wear. It was understood that informal advice given to Next plc was that, whilst home furnishings fell within the current

consent, children's wear did not and that they would need to apply for a variation of the consent. Instead, Next plc had applied for a Certificate of Lawful Use in order to determine formally if their proposed use of Unit 1 complied with the planning consent. As Next plc already sold clothing from a large store in Strand Street, this demonstrated that the proposed sale of children's wear from the unit at Spring Valley contravened Business Policy 5, as the goods could clearly be sold from a town centre location. Next's application stated that 75% of the net floor space would be dedicated to items contained within a list prescribed under the current conditions, with only 25% being dedicated to children's wear and, therefore, they were complying with the existing consent.

Whilst it was unusual for the Council to consider planning applications outside of the Borough, it was considered that if Next's application for a Certificate of Lawful Use was successful in respect of children's wear, it would set a dangerous precedent that could ultimately lead to a growth in out-of-town retailing of non-bulky goods, despite there being a Policy in the Strategic Plan aimed at preventing it.

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

(ii) That the Council submit an objection to the application by Next plc for a Certificate of Lawful Use in relation to the sale of children's wear at Unit 1, Spring Valley Industrial Estate, on the grounds that it contravened Business Policy 5 of the Strategic Plan;

(iii) That the wording of the objection make it clear that, although the Council recognised and welcomed the need for competition on the Island in respect of the sale of 'bulky' goods, it opposed the sale of children's clothing from out-of-town retail outlets; and

(iv) That the Council request the application to be referred to the Council of Ministers for consideration, as the outcome of the application would be of national importance by setting a precedent in relation to out-of-town retailing."

#### \*6. **Charitable Collections and Flag Days 2012**

Under the provisions of the Local Government Act 1985, the Borough Engineer & Surveyor declared an interest in this item.

The Committee considered a written report by the Assistant Chief Officer (Corporate & Development) seeking approval of advanced bookings for charitable collections and flag days for 2012, and setting out a recommendation that there be a revision of the Council's policy on the approval of charitable collections and flag days.

Each year the Council invited charities to apply in advance for dates for flag days and collections in the forthcoming year and it was noted that nineteen such applications had been received for 2012. Approval of any subsequent applications throughout the year, up to the annual limit of twenty-eight collections, was delegated to the Chief Executive for consideration. This responsibility was further delegated to the Assistant Chief Officer (Corporate & Development), in order to ensure that subsequent approvals did not coincide with other Town Centre events and activities.

The current Council policy to limit charitable collections in the Borough to twenty-eight per year made no distinction based on the proposed location for the collection. It was acknowledged that there was clear logic to limiting the number of collections in the town centre in order to ensure that the public were not overwhelmed by charities on every visit, however, during 2011, applications exceeded the twenty-eight limit and many of these were for places such as the Promenade, the North Quay and the T.T. Course. It was not possible for these additional applications to be authorised by officers, despite them having little impact on shoppers in the town centre but, as they were usually made close to the date of the event, there was also not sufficient notice to prepare a report for Committee.

It was therefore recommended that the Council's policy be revised, such that the limit of twenty-eight collections only applied within the main retail area, namely:

- Duke Street
- Wellington Street
- Regent Street
- Granville Street
- Strand Street
- Victoria Street
- Howard Street
- Castle Street.

This would allow an unlimited number of collections in all other parts of the Borough, which it was anticipated would lead to a moderate increase in the number of collections on the Promenade, the North Quay and in other areas outside of the main retail area. As charitable collections were often linked to wider charity events, all charities would be requested to consider how they could link their collections to events or activities which would not only help raise their profile, but would add vibrancy and spectacle to the streetscape, and create interest for the public. This could potentially attract increased footfall, be beneficial to businesses and contribute towards creating positive first impressions of the areas.

Discussion took place in relation to the policing of busking and street collections, and it was suggested that it would be beneficial for a copy of the licence to be displayed by buskers and those holding charitable collections, and the Assistant Chief Officer (Corporate & Development) undertook to look into putting this in place.

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

(ii) That the schedule (appended to the report), setting out recommended dates for charitable collections and flag days for 2012, be approved; and

(iii) That the Council’s policy on limiting the number of charitable collections to twenty-eight per year continue to apply for the main retail corridor (as described above), but that collections in other parts of the Borough be unlimited in order to assist in attracting footfall to peripheral areas.”

The Assistant Chief Officer (Corporate & Development) was thanked for his attendance and left the meeting at 3.10pm.

**\*7. Revision of Standing Orders**

The Committee considered a written report by the Assistant Town Clerk on progress made in relation to the revision of Standing Orders.

It was recalled that the revision of Standing Orders had been recognised as long overdue and, as a consequence of the revision of the constitution of Council, a series of amendments was being drafted to address the issues arising from that and from other incidental changes that had been identified as necessary. It was noted that a separate report on the constitution of Council would be presented separately.

It was intended to provide detailed reports on both the revision of Standing Orders and the constitution of Council for consideration by the Committee in January 2012, for approval by the Council in February 2012 and implementation in May 2012.

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

(ii) That work continue on the revision of Standing Orders, with a detailed report being prepared for consideration at the Committee meeting on 27<sup>th</sup> January 2012.”

**\*8. Revision of General Byelaws**

The Committee considered a written report by the Assistant Town Clerk on progress made in relation to the ongoing revision of the General Byelaws.

Members were advised, following repeated discussion and submission of draft Byelaws to the Department of Local Government and the Environment several years ago, progress had been slow due to a number of factors. However, the position had now been reached whereby a set of Byelaws had been prepared by the Attorney General’s Department, based on the Council’s initial draft, which should meet the Council’s aspirations to modernise the Byelaws so that they could be more effectively applied.

It was therefore recommended that the Chief Executive be authorised to make any such adjustments and to bring a finalised version of the draft Byelaws to Committee for formal approval before execution. A target date of 31<sup>st</sup> March 2012 would not appear unreasonable, although the timescale would depend largely on other parties. The Byelaws would then require Tynwald approval before implementation.

It was noted that a similar process was being followed in relation to the Recreation and Leisure Byelaws and the Housing Byelaws, however, progress in those cases appeared to be even slower, and another exercise was to be carried out on Byelaws for the Lawn Cemetery. It was anticipated, however, that once the General Byelaws had been approved, the others might flow more easily, as the general principles of powers and matters that may and may not be included, would have been established.

Resolved, “(i) That particulars of the report and the current position in relation to the revision of the General Byelaws be noted on the minutes; and

(ii) That the Chief Executive be authorised to make any further amendments to the draft Byelaws in consultation with the Attorney General’s Department, and to prepare the document for execution.”

**\*9. Consultation Document – Amendment of the Countryside Care Scheme**

The Committee considered a written report by the Assistant Town Clerk in relation to a consultation document received from the Department of Environment, Food and Agriculture proposing an amendment to the Countryside Care Scheme.

It was noted that the Scheme provided support for farmers and its total annual budget was currently £7,625,000. Granting of support was generally conditional upon good husbandry and the level of support based upon the area of land under cultivation. At the end of each year, any surplus or deficit was allocated between participants on a pro-rata basis. The Department wished to make the Scheme more flexible by removing some of the constraints under which it operated to allow funding to be put to other, related, uses and to end the compulsory allocation of surpluses to the participants. While the changes would improve

budgetary control, there was no effect on the Council or the Borough arising from the proposals, as Douglas had very little agricultural land within its Boundaries.

Resolved, "That particulars of the report be noted on the minutes and that the Department of Environment, Food and Agriculture be advised that the Council acknowledged the consultation and expressed its general support for the continuation of the Scheme."

**\*10. 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.

Information requested by Members relating to a number of issues was also included within the report and attention was drawn to wording contained in housing tenancy agreements, to the effect that there were two rent-free weeks at Christmas. It was confirmed that this wording was ambiguous, as fifty-two weeks' rent was payable across a fifty-week period, with there being two weeks when rent was therefore not collected.

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

**\*11. Market Street Depot – Refurbishment**

The Committee had been circulated with a written report by the Property Maintenance Officer seeking funding for the refurbishment of the Market Street depot, to enable the cleansing equipment to be relocated from level 1 of the Shaw's Brow Car Parking area.

It was agreed that a breakdown of the costs should be provided for consideration at the Special Budget Meeting scheduled for 13<sup>th</sup> January 2012.

Resolved, "(i) That the Borough Engineer & Surveyor be requested to provide a breakdown of the costs; and

(ii) That consideration of this matter be deferred to the Special Budget Meeting scheduled for 13<sup>th</sup> January 2012."

**\*12. Upper Pulrose Redevelopment (Phase 9) – Manx Electricity Authority sub-Station**

The Committee considered a referral from the Public Health and Housing Committee meeting held on Monday 21<sup>st</sup> November 2011 seeking approval to enter into a lease with the Manx Electricity Authority (MEA) in respect of the lease of land in Upper Pulrose to permit the construction of an electricity sub-station.

It was noted that there was the need for a new electricity sub-station to meet the electrical requirements associated with the redeveloped estate, and that it had therefore been proposed that an area of land, situated within Phase 9 of the Pulrose redevelopment project, be leased to the MEA on a ninety-nine year lease.

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

(ii) That approval be given for the lease of land within Phase 9 of the Pulrose redevelopment project to allow for the construction of an electricity sub-station by the MEA; and

(iii) That the Chief Executive be authorised to petition the Department of Infrastructure, under Section 25 of the Local Government Act, to seek approval for the Council to enter into ninety-nine year lease with the MEA."

**\*13. 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."

***Attendance***

*Mr Councillor S R Pitts joined the meeting at 4.20pm.*

**\*14. Next Meeting / Special Budget Meeting**

Members noted that the next ordinary meeting would take place at 2.15pm on Friday 6<sup>th</sup> January 2012, and that the Special Budget Meeting would take place at 10.30am on Friday 13<sup>th</sup> January 2012. Additionally, as per Clause 1 above, a special meeting would also be held at 1.30pm on Friday 6<sup>th</sup> January 2012.

Mr Councillor S R Pitts requested his apologies to be submitted to the meetings scheduled for 6<sup>th</sup> January 2012.

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

\*15. **Agenda Review**

The Committee undertook a full review of its agenda.

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

The Committee rose at 4.30pm

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

# LEISURE SERVICES COMMITTEE

LEISURE SERVICES COMMITTEE – Minutes of Meeting held on Thursday, 22<sup>nd</sup> December, 2011.

Members present: Mr. Councillor S.R. Pitts (Chairman), Mr. Councillor R.I. Kissack, Councillor Mrs. R. Chatel, Councillor Mrs. C.E. Malarkey, Councillor Mrs. E.C. Quirk.

Apologies: Messrs. Councillors S. Cain, J.R. Mitchell.

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

Declarations of Interest: There were no declarations of interest.

## REPORT

### \*1. Minutes – 17<sup>th</sup> November, 2011

Minutes of meeting held on Thursday, 17<sup>th</sup> November, 2011 were approved and signed.

### 2. Matters Arising – Repainting of Play Equipment at Noble’s Park

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

The Vice-Chairman, Mr. Councillor R.I. Kissack, was unanimously elected to take the Chair.

The Assistant Borough Engineer informed three quotations were received for the repainting of play equipment in Noble’s Park. The Policy and Resources Committee accepted the lowest quotation, subsequently the offer was withdrawn. The second lowest quotation was now unable to complete the works leaving only the third quotation available to accept. It was noted that if the third quotation was accepted additional funding would be required from the Policy and Resources Committee for the difference between the lowest and remaining quotation.

Resolved, “That (i) particulars of the discussion be noted on the minutes and the quotation submitted by Buchanan and Pitts be accepted; and

(ii) Approval be sought from the Policy and Resources Committee for the additional expenditure to be funded from the Risk Management and Special Projects Fund.”

### \*3. Chair of the Meeting

The Chairman returned to the meeting and thereupon returned the Chair.

### \*4. Matters Arising – Ballaughton Park

The Chairman confirmed signs had been produced for display in the area surrounding the Ballaughton play area.

### \*5. Income and Expenses of Noble’s Park Bowling Green

The Committee considered a report by the Assistant Chief Officer (Finance) on the income and expenses generated from the bowling greens in Noble’s Park. This information was requested to assist with the consideration of future options for Number 1 Kiosk, the toilets and club house.

It was noted that the income anticipated from the bowling greens for the 2011/2012 financial year was £11,859.83; this includes the rent of the building, season ticket sales, visiting team fees and the fees for the bowls festival. The income received from the Government may not be received in future years if the clubhouse is not available during the bowls festival.

The costs of the bowling green are not separately identified from the rest of Noble’s Park.

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

### \*6. Procurement of a Trampoline for use by the Public in Noble’s Park

The Committee considered a report by the Senior Engineering Manager on the procurement of trampolines at Noble’s Park.

Members were presented with three types of trampolines and the advantages and disadvantage of each. The types of trampolines listed were demountable, fixed and mobile. It was noted that both the Council’s insurer and the guidance notes produced by the Royal Society for the Prevention of Accidents (RoSPA)



recommended that a commercial mobile 'trailer mounted' option is the most suitable and any option should only be considered if the facility is to be used in a supervised control environment.

Currently, there is no supervision at Noble's Park and a number of Members felt there was a danger the trampolines could cause accidents.

Resolved, "That particulars of the report be noted on the minutes and that no further action be taken at present."

#### **7. New Skate Ramps for Noble's Park Skate Park**

The Committee considered a report submitted by the Civil Engineering Assistant on the procurement of skate ramps for Noble's Park Skate Park.

Quotations were sought for new skate park equipment. One quotation was received by Phinik (IOM) Limited to provide three ramps, a volcano ramp, a double ramp and a high wave ramp.

Resolved, "That (i) particulars of the report be noted on the minutes and the quotation submitted by Phinik (IOM) Limited be accepted; and

(ii) Approval be sought from the Policy and Resources Committee for expenditure from the Risk Management and Special Projects Fund."

#### **8. Proposed Crazy Golf Course in Noble's Park**

The Committee considered a report by the Civil Engineering Assistant seeking approval to include a new crazy golf course in the 2012/2013 capital estimates.

It was noted that £150,000 would be the all inclusive cost for an eighteen hole adventure golf course with a water feature and landscaping. The scheme is currently included in the 2014/2015 capital estimates.

Motion moved that the £150,000 be included in the 2012/2013 for the inclusion of crazy golf in Noble's Park.

For:1 – Against: 4

Motion Fell.

Mr. Councillor R.I. Kissack, Councillor Mrs. R. Chatel, Councillor Mrs. C.E. Malarkey and Councillor Mrs. E.C. Quirk asked their name be recorded as voting against the resolution.

(ii) The scheme be retained in the five year plan for further consideration in 2013/2014."

#### **9. Replacement Springers in Centenary Gardens**

The Committee considered a report submitted by the Civil Engineering Assistant on quotations received for four replacement springers/rockers to be installed in the Centenary garden.

The lowest quotation was 30% of the pre quote budget; this figure did not include carriage to the Island or installation. Carriage and installation would increase the quotation to 70% of the pre quote budget.

Resolved, "That (i) particulars of the report be noted on the minutes and the quotation, including carriage and installation, from SMP Limited be approved; and

(ii) Approval be sought from the Policy and Resources Committee for expenditure of £5,000, including contingencies, from the Risk Management and Special Projects Fund."

#### **\*10. TT 2012 Events in Noble's Park – Request from Crossan Motorcycles**

The Committee considered a report by the Assistant Borough Engineer, following a request from Crossan Motorcycles, to site a retail unit in Noble's Park during TT 2012.

Crossan Motorcycles have had a retail unit in Noble's Park for several years formerly in agreement with the Borough of Douglas, but in recent years with the Department of Economic Development within the Corporate Hospitality Area.

Crossan Motorcycles approached the Assistant Borough Engineer with a request to site a retail unit in Noble's Park preferably close to the hospitality tent. A second request was received to authorise the hiring of additional land at a cost per metre to allow the set up a trade village to include both motorcycle companies displaying products and local arts and crafts and catering businesses. It was noted that security and full public liability insurance would be in place.

Officers informed Members of the new location suggested by the Snooze Box hotel, Members expressed their dissatisfaction at the new area suggested and asked their disappointment be highlighted to the Policy and Resources Committee.

Resolved, "That (i) particulars of the report be noted on the minutes and the request from Crossan motorcycles to use an area in Noble's Park close to the hospitality tent in TT 2012 be accepted; and

- (ii) All associated costs and a refundable bond for reinstatement be provided by Crossan Motorcycles; and
- (iii) The request for additional land to organise a trade village be accepted on the basis that a minimum number of metres be hired and Officers be authorised to discuss a minimum figure with Crossan Motorcycles; and
- (iv) The Leisure Services Committee's disappointment at the new location for the Snooze Box Hotel be noted and highlighted to the Policy and Resources Committee."

**\*11. With Woman Worldwide Fun Day in Noble's Park**

The Committee considered a report by the Assistant Chief Executive following a request from With Woman Worldwide to hold a family fun day in Noble's Park on Sunday, 1<sup>st</sup> July, 2012.

It was noted that the Council's 'Party in the Park' is scheduled to take place on Saturday, 7<sup>th</sup> July, 2012, one week after the proposed date for this event.

It was recommended that no hire fee is charged for the event and the requirement for a reinstatement bond be waived on this occasion but there still be a requirement to reinstate any damage to the grassed area.

Members agreed that if the reinstatement bond is waived this could set a precedent and requested more information on plans for the event before a decision could be reached.

Resolved, "That the decision be deferred pending more information on the charity and the proposed plans for the event including any machinery or equipment expected to be in use on the grassed area."

**\*12. Horse Tram Service Operating Dates and Times**

The Committee considered a report by the Assistant Chief Executive evaluating the horse tram service for the 2011 season and to decide operating dates for the 2012 season.

It was noted that the season had experienced a 5.4% increase in passenger numbers compared to 2010. The Department of Community, Culture and Leisure (DCCL) has confirmed the Explorer Ticket income will be approximately £22,000, a £7,000 increase on 2010.

Members discussed the possibility of operating one tram through the Easter period, the Assistant Chief Executive agreed to research this option and report back to the Committee.

Resolved, "That (i) particulars of the report be noted on the minutes and an 18 week season, commencing Monday, 14<sup>th</sup> May, 2012 and ending Sunday, 16<sup>th</sup> September, 2012 (both dates inclusive) be approved; and

(ii) The operation times be from 9:00am (first tram from Strathallan) to 6:00pm (last tram from Sea Terminal 5:40pm) daily; and

(iii) The possibility of providing the horse tram service during Easter be researched and brought back to Committee for further consideration."

**\*13. Fitness Trail in Noble's Park**

At a previous meeting Members requested a map of Noble's Park to decide a location for fitness equipment in Noble's Park. It was suggested that the old dog walking area be used to site the fitness equipment. Members discussed spreading the equipment around the trail as opposed to having all the equipment in the one area.

Resolved, "That particulars of the discussion be noted on the minutes and the outdoor fitness equipment be installed separately around the proposed fitness trail in Noble's Park."

**\*14. Date for Allotments Sub-Committee Meeting**

Members were reminded that December's meeting of the Allotments Sub-Committee was cancelled and a new meeting date was required. The Sub-Committee agreed to visit the Allotments prior to the meeting.

Members discussed visiting the tram shed and the Allotments on the same day followed by an Allotments Sub-Committee meeting.

Resolved, "That the Leisure Services Committee meet on Thursday, 19<sup>th</sup> January, 2012, at 2:30pm at the Strathallan tram sheds followed by a visit to the Allotments for Members who form the Sub-Committee and the Allotments Sub-Committee take place on that same day at 4:00pm."

**\*15. 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."

\*16. **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 12:47pm.

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, 19<sup>th</sup> December, 2011. 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 10:42am), Mr Councillor T.M. Gelling, Councillor Mrs. D.M. Kinrade

Apologies: There were no apologies for absence.

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

There were no declarations of interest.

## REPORT

### \*1. Minutes 21<sup>st</sup> November, 2011

The minutes of the regular meeting held Monday, 21<sup>st</sup> November, 2011 were approved and signed.

### 2. Attendance

The Assistant Chief Executive was in attendance from 10:40am, Councillor Mrs E.H. Callow joined the meeting at 10:42am and the Mayor left the meeting at 12:10pm.

### \*3. Housing Emergency Out-of-Hours Repair Criteria

The Committee considered a report submitted by the Assistant Chief Officer (Housing and Property) on the criteria used to judge whether or not to attend for out of hours emergency repairs. Currently the system relies very heavily on the judgement of the stand-by officer as to whether or not repairs should be made out of hours.

This issue was considered during the Housing Review process. The report stated that an emergency repair is one required as there is a serious risk to either a tenant's health and safety or where there may be serious damage to a property itself. The report identified ten criteria for emergency out-of-hours repairs. Over the coming year the data on emergency call-outs can be collected and analysed and if necessary, the specific criteria can be reviewed.

Special consideration will be given to tenants who are elderly, disabled or with specific health problems when reporting emergency repairs which are not included in the approved criteria. It was confirmed that if a repair does not fall within the approved criteria, then it will not be carried out as an emergency repair unless the tenants are ones to whom special considerations apply. The Committee approved the adoption of the ten recommended criteria for emergency repairs with amendment to one of the criteria.

Resolved, "That particulars of the report be noted on the minutes and approval is given to acceptance of these specific criteria for attendance for out-of-hours emergency repairs in housing properties unless the tenants are ones to whom special considerations apply. Any repairs which do not fall within this criteria will be carried out in normal working hours

- a) Central heating – the loss of central heating systems during the winter months only (November to April)
- b) Electrical – the loss of electricity power that is not caused by a general power cut
- c) Electrical – an unsafe power or lighting switch or socket
- d) Electrical – loss of lighting to bathroom or stairway only
- e) Electrical – loss or fault with a fire alarm system
- f) Plumbing – loss of water supply
- g) Plumbing – blocked or leaking toilet or foul drain
- h) Plumbing – toilet not flushing (where only one toilet is available)
- i) Plumbing – water leak from pipe, tank or cistern
- j) Joinery – insecure external door or window."

### \*4. Memorial Roses and Memorial Plaques

The Committee considered a report submitted by the Assistant Chief Executive on memorial roses, memorial rose plaques, and bronze memorial plaques. The report was drafted in response to questions which arose during consideration of the draft schedule of fees and charges. The charge for memorial roses includes the cost of upkeep for ten years. The memorial rose plaque is made of plastic, inscribed with

messages relating to the deceased and the charge includes upkeep for ten years. These plaques are produced on-Island. The brass plaques are forged from solid brass for longevity and are supplied by a specialist company in England.

Resolved, "That particulars of the report be noted on the minutes and the draft schedule of Fees and Charges for 2012/2013 include the following charges for placement of memorial roses and memorial rose plaques in the Garden of Remembrance at the Borough Cemetery:-

- i. £13.99 (including VAT) for a memorial rose only including ten years upkeep and administration; and
- ii. £40.10 (including VAT) for a memorial rose plaque including ten years upkeep and administration; and
- iii. £129.38 (including VAT) for a bronze memorial plaque including upkeep for ten years."

**\*5. Items for Future Consideration**

The Committee noted the report on items for future consideration.

Members asked for confirmation on the length of time it is taking to install kitchens in Anagh Coar and sought confirmation that no tenant will be left without a kitchen over Christmas. The Assistant Chief Officer (Housing and Property) agreed to investigate and report back as necessary.

**\*6. Agenda Review**

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

**\*7. Chairman's Remarks**

The Chairman offered congratulations on behalf of the Committee to Mark Close on his appointment as Housing Manager and to Peter Pierce on his appointment as Assistant Chief Officer (Finance).

The Chairman then wished the Committee and officers a Happy Christmas.

The Committee rose at 12:50pm.

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

# PUBLIC WORKS COMMITTEE

PUBLIC WORKS COMMITTEE – Minutes of meeting held on Wednesday, 21<sup>st</sup> December 2011.  
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, Councillor Mrs D.M. Kinrade

Apologies: There were no apologies for absence.

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

There were no declarations of interest.

## REPORT

### \*1. Minutes – 16<sup>th</sup> November, 2011

Minutes of the meeting held on Wednesday, 16<sup>th</sup> November, 2011 were approved and signed

### \*2. Planning Application – 11/01530/B – Land between Lake Road and Old Castletown Road, Douglas

The Committee considered planning application 11/01530/B seeking approval for the erection of a pedestrian link bridge over the Douglas River which would link Lake Road to the higher level Old Castletown Road. Steps to the Lake Road side of the river are an ambulant staircase to be de-mountable with a central channel to allow safe carrying of bicycles from each side. Plans were circulated for viewing by the Committee.

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

### \*3. Nuisance Abatement Notice – 11 Allan Street, Douglas

The Committee considered a report on 11 Allan Street, Douglas. The front elevation (ground and first floor) of this property is in a dilapidated condition and requires repainting. Since the report was written, the owner has contacted Building Control and stated that he is planning to paint the property. The Committee agreed to authorise service of a Notice if the plans for painting do not materialise quickly.

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 work to the property to be done.”

### \*4. Nuisance Abatement Notice – 11 Leigh Terrace Street, Douglas

The Committee considered a report on 11 Leigh Terrace, Douglas. The front garden is severely overgrown and littered and the paintwork to the front elevation is suffering from an advanced state of neglect. Since the report was written, the owner has contacted Building Control and stated that she intends to carry out work to the property. The Committee authorised service of a Notice if the owner does not carry through with the promised improvements.

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 work to the property to be done.”

### \*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 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. Queries were raised about specific properties on the list.

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

### \*7. Two-Chairman Procedure

The Committee noted that a decision had been made by way of a Two-Chairman Procedure to submit a quotation to carry out kerbside collection of recyclable materials to Braddan Commissioners. Braddan Commissioners had not yet responded to the quotation.

### \*8. Review of Car Parks

The Committee considered a report submitted by the Assistant Town Clerk reviewing the car parks revenue and income following installation of the car barrier system. There has been a shortfall in revenue income

from the car parks throughout 2011. Each month from April 2011 onwards the income figures have been below both the budget estimate and the previous year's comparative figures. The barrier system became operational on 16<sup>th</sup> May. From that point, some shortfall may be due to the barrier system and to the associated change in tariff structure. On installation of the barrier system it became possible to produce a great deal of data for analysis. The old ticket machines did not produce the same level of detailed data, so in many instances direct comparison is impossible.

Prior to 16<sup>th</sup> May, there had been a perceived reduction in usage and that is reflected in the figures for 2010/2011 which show a drop in revenue in December 2010 that did not recover in January or February 2011. The overall income statement for all three car parks for 2011/2012 so far broadly tracks the trends for 2010/2011 and does show income increasing. Nonetheless, income is not yet at the budgeted level and it is most unlikely that the losses incurred earlier in the year will be recouped. The Committee discussed whether the budget had been set too high and was therefore unrealistic.

Some revenue loss was experienced in the weeks after installation when because of problems and tariff changes there was a loss of confidence among users. One of the main problems has arisen from the use of the daily tickets fitted with a magnetic strip. The majority of these work perfectly, but occasional errors in reading the ticket either at the exit barrier or at the pay station have meant that some users have had to be released without payment. In the interim, that issue has been addressed by reconfiguring the entry barrier machines to validate every ticket issued (rather than the one in eight in the default setting) and the prepayment facility is being promoted to current car park users in order to reduce the number of 'daily' tickets being issued. The suppliers of the machines and the tickets are investigating a more permanent solution.

There have been particular problems with the Bottleneck Car Park as the machinery is very exposed in poor weather. Whilst the machinery has been given improved protection, occasionally users' tickets become damp before the tickets are put into the machines, so that moisture gets into the machinery with consequent jamming problems.

Questions were raised about the Bowl Car Park. It was confirmed that the equipment at the Bowl is not functioning because the machines have been cannibalised for parts to carry out repairs to machines in the other car parks.

Suppliers are working closely with officers of the Council to address the residual issues. Changes have been introduced to operational practice to address users' issues. These changes are leading to much more effective control, improved service and more realistic income levels.

Overall, the usage data is showing that over all use of the car parks is increasing. In recent weeks, Shaw's Brow car park has reached capacity on several occasions showing that usage is about at its maximum. Even so, the revenue is below the budgeted level.

Resolved, "That it be noted that there is a shortfall in revenue income against the budget for 2011/2012; and that the steps taken to remedy issues arising from the installation of the car parks barrier system be noted; and that officers be supported in working with the suppliers of the car parks barrier equipment to resolve any residual issues.

**\*9. Items for Future Consideration**

The Committee noted the report setting out the items for future consideration. The committee asked that the two reports on the schedule of future reports which should have come been ready for consideration at this meeting be brought to the January, 2012 meeting.

The Building Control Manager was thanked for his attendance and left the meeting at 11:10am.

**\*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.

The Committee rose at 1.00pm.