



## **Borough of Douglas**

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**MR. COUNCILLOR DAVID JOHN ASHFORD, J.P.  
MAYOR**

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Town Hall,  
Douglas,  
4<sup>th</sup> July, 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 JULY, 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. 39.

V - Consideration of the minutes of proceedings of the Council in Committee.

VI - Consideration of the minutes of proceedings of Committees of the Council in the following order:

- (i) The Executive Committee;
- (ii) The Pensions Committee;
- (iii) The Standards Committee;
- (iv) The Eastern Civic Amenity Site Joint Committee;
- (v) Any other Joint Committee;

VII - Consideration of the report of each Lead Member in the following order:

- (i) Housing and Property;
- (ii) Regeneration and Community;
- (iii) Environmental Services;

VIII - Consideration of such communications or petitions and memorials as the Mayor or Chief Executive may desire to lay before Council.

IX - Notices of Motion submitted by Members of the Council in order of their receipt by the Chief Executive.

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

The above Order of Agenda is in accordance with Standing Order No. 16(1); under Standing Order No. 16(2) it may be varied by the Council to give precedence to any business of a special urgency, but such variation shall not displace business under I and II.

# AGENDA

III – Chief Executive to read minutes of the Council Meeting held on Wednesday, 13<sup>th</sup> June, 2012.

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

## EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Friday, 29<sup>th</sup> June, 2012.

Members Present: Mr. Councillor D.W. Christian (Chair), the Mayor, Messrs Councillors S.R. Pitts, E.A. Joyce, Councillor Mrs. C.E. Malarkey, Mr Councillor R.H. McNicholl.

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

### REPORT

#### **PART A -**

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

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

No apologies for absence had been received.

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

Mr. Councillor R.H. McNicholl declared an interest in Part B, Clause 2B of agenda item number 5, Minutes and Referrals of the Environmental Services Advisory Committee.

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

The minutes of the meeting held on 25<sup>th</sup> May 2012 were approved and signed.

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

Part A, Clause 6 – Consultation Document (Planning Policy Statement – Planning and the Economy): in response to a Member's question, the Chief Executive confirmed that the Council had submitted a response and, although this had been submitted after the closing date, the Honourable Minister for the Department of Infrastructure had confirmed that it would be accepted.

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

Part A, Clause 7 – Car Park Barrier System (Two Chair Procedure for Provision of Additional Equipment): a Member raised concerns regarding customers exiting the car parks without paying, either by mounting the pavement at the Bottleneck Car Park, or by claiming that their ticket would not allow exit at Shaw's Brow Car Park.

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

(ii) That the planters, which it had been proposed be placed on the perimeter pavement at the Bottleneck Car Park to prevent drivers mounting the pavement and exiting without paying, be installed as soon as possible; and

(iii) That the Borough Engineer & Surveyor be requested to give priority to Car Parks within the programme for CCTV provision."

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

The Committee considered the minutes of the Environmental Services Advisory Committee meeting held on Monday 18<sup>th</sup> June 2012, including specifically those items referred to the Executive Committee.

Part A, Clause 3A – List of Dangerous, Neglected, Ruinous and Dilapidated Properties and Properties in Poor Condition: a Member advised that the list, as detailed in the monthly Members' Bulletin, did not set out the dates on which properties were first included on the list.

Under the provisions of the Local Government Act 1985, Mr. Councillor R.H. McNicholl declared an interest in Part B, Clause 2B of the Environmental Services Advisory Committee minutes and retired whilst the Clause was discussed.

Part B, Clause 2B – Purchase of Bucket Loader for Kerbside Bulking Facility: approval had been sought to purchase a Manitou 732 bucket loader from the Manx Electricity Authority for use in the kerbside collection service. The machine was three years old and no longer under guarantee, however, Council officers had inspected and assessed it and concluded that it was in good condition and fit for the purpose. It was noted that the purchase of this piece of equipment would allow the hire of the skid steer loader to be discontinued and for the commencement of in-house baling of recycled paper.

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

(ii) That the Assistant Town Clerk be requested to ensure that, in future editions of the Members’ Bulletin, the Dilapidated Properties List included the dates when properties were first added to it;

(iii) That the Building Control Manager be requested to circulate a further copy of the Dilapidated Properties List which included the dates accordingly;

(iv) That authority be given for officers to enter into negotiations with the Manx Electricity Authority for the purchase of the bucket loader; and

(v) That approval be given for the purchase of the bucket loader to be funded from the Vehicle and Plant Renewal Fund.”

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

The Committee considered the minutes of the Regeneration and Community Advisory Committee meeting held on Tuesday 19<sup>th</sup> June 2012. It was noted that there were no items requiring specific referral to the Executive Committee, however, the following was discussed:

Part A, Clause 3A: Noble’s Park Bowling Green Kiosk: it was suggested that all Members should be provided with a breakdown of the costs identified for (a) a full refurbishment / re-build of the kiosk; (b) the demolition of the extensions whilst retaining the original building; and (c) the demolition and reinstatement of the site.

Resolved, “(i) That particulars of the minutes of the Regeneration and Community Advisory Committee be noted; and

(ii) That the report by the Property Maintenance Officer detailing the breakdown of costs for the Noble’s Park Bowling Green Kiosk be circulated, under private and confidential cover, to all Members of Council.”

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

The Committee considered the minutes of the Housing and Property Advisory Committee meeting held on Wednesday 20<sup>th</sup> June 2012. It was noted that there were no items requiring specific referral to the Executive Committee, however, the following was discussed:

Part A, Clause 2A – Pulrose Development Phase 10 (Upper): the current design for Phase 10 utilised biomass as the main fuel source for the proposed sheltered housing complex, which was in accordance with current Government policy. It was noted that Council officers had expressed concern over the future maintenance and repair costs associated with this fuel system. The Chair of the Advisory Committee reported that Members were due to visit two sites on 4<sup>th</sup> July 2012 which were both now heated by this fuel source (a sheltered housing complex in Port Erin and the Department of the Environment, Food and Agriculture’s office building at St John’s).

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

(ii) That the Borough Engineer & Surveyor be requested to issue an invitation to Members of both the Housing and Property Advisory Committee and the Executive Committee to attend the site visit on 4<sup>th</sup> July 2012.”

#### **A8. Housing and Property Advisory Committee – Vacancy in Membership / Election of New Council Member on 21<sup>st</sup> June 2012**

The Committee considered a written report by the Assistant Town Clerk in relation to a vacancy in Membership of the Housing and Property Advisory Committee and the election of a new Member of Council for Athol Ward at a bye-election on 21<sup>st</sup> June 2012.

Following the death of Councillor Mrs. D.M. Kinrade shortly after her re-election to the Council, a bye-election to fill the vacancy took place on Thursday 21<sup>st</sup> June 2012 and resulted in the election of Ms K. Angela as a Councillor. As a newly elected Member of the Council, Ms Angela holds no Advisory Committee memberships and Standing Order 86 provides that, where an appointment has been made by the Executive Committee, the vacancy is to be filled by the same body. Members therefore considered the following options:

(a) To appoint Councillor Ms Angela directly to the Housing and Property Advisory Committee; or

(b) To appoint another Member to the Housing and Property Advisory Committee, and who would then relinquish their previous Membership of another Committee, enabling Councillor Ms Angela to be allocated to it.

The Chair advised that he had discussed the issue with other Members, who had indicated that they were content with the Committees to which they had been assigned, and it was therefore agreed that Councillor Ms Angela be appointed directly to the Housing and Property Advisory Committee.

It was noted that Councillor Ms Angela had submitted details of holiday dates, including on the date of the next meeting of the Housing and Property Advisory Committee. The Chair of the Housing and Property Advisory Committee advised that both she and her Vice Chair would also be absent for the next meeting.

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

(ii) That Councillor Ms K. Angela be appointed to the Housing and Property Advisory Committee; and

(iii) That the Assistant Town Clerk be requested to liaise with the Chair of the Housing and Property Advisory Committee with a view to determining if there was sufficient business to be considered at the July meeting of the Advisory Committee to warrant a meeting, or whether the items could be held over to the September 2012 meeting.”

#### **A9. Monthly Financial Review 2012 / 2013**

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.

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

#### **A10. Annual Internal Audit Review**

The Committee considered a written report by the Assistant Chief Officer (Finance) summarising the work carried out by Internal Audit (KPMG) during the 2011 / 2012 financial year.

The remit of the Internal Audit function covered potentially all areas of work carried out by the Council, and included a review that the Council’s Standing Orders and Financial Regulations were being complied with. It was noted that the report was a requirement under the Internal Audit contract and was also a legal obligation under the Audit Act 2006.

Members were advised that, of the thirty-eight areas audited, twenty-three (61%) were rated green (‘no improvements needed’); thirteen (34%) were rated amber (‘some improvements needed’); with two were rated as red. These ratings showed a clear trend of system control improvement.

Members considered in detail the findings and recommendations in relation to the ‘amber’ and ‘red’ areas as set out in the schedule appended to the written report. It was noted that these were as at the point of audit, and that action should already have commenced to deal with any serious issues).

The findings and recommendations were of an operational management rather than policy nature, and it was therefore the responsibility of management to ensure that adequate systems of control were in place and that the Internal Audit recommendations were implemented. It was noted that the report had already been presented to the Extended Chief Officers’ Management Team, which would continue to monitor progress against implementation of agreed recommendations.

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

(ii) That in relation to Section 4c (Vehicles and Maintenance), the Transport and Plant Manager be requested to provide information to the Committee detailing the occasions on which vehicles had not been presented for service on the due date;

(iii) That in relation to Section 5b (Budget Setting, Monitoring and Control), the Borough Treasurer’s Department undertake to ensure that all budget managers submitted the required budget savings and growth schedules, even if these showed a nil return;

(iv) That in relation to Section 5c (Room Bookings and Security), the Assistant Town Clerk undertake to implement a standard booking form by July 2012;

(v) That in relation to Section 5e (Market Hall), the Assistant Chief Officer (Corporate & Development) be asked if he was aware of a report due to come before the Housing and Properties Advisory Committee; and

(vi) That all other management responses be accepted, and that Chief Officers continue to monitor progress against implementation of agreed recommendations.”

#### **A11. Freemen of the Borough – Memorial to ‘The Bee Gees’**

The Committee considered a written report by the Assistant Town Clerk in relation to a letter received from a member of the public suggesting that consideration be given for a small memorial to be erected to the late Robin and Maurice Gibb.

The proposal stemmed from the recent death of Robin Gibb who, along with his predeceased and surviving brothers (the Bee Gees), had been honoured as Freeman by the Council in 2009 in recognition of their contribution to popular music and the Isle of Man. The Honorary Freedom of the Borough was recognised as the highest honour the Council could bestow and any further recognition by the Council could be considered unnecessary, however, it was suggested that the Council may wish to support the provision of a permanent mark of the Bee Gees’ association with the Island on a wider basis (for example, public subscription to fund a plaque or similar – possibly on a site owned by the Council – which would enable those such as the correspondent to give a positive commitment of their admiration).

Discussion took place on possible ways that the Bee Gees could be commemorated to the wider public, including the erection of a ‘blue plaque’ at their former home on St Catherine’s Drive – in this respect it was suggested that the Island should introduce its own version of the ‘blue plaque’ system. Another suggestion was to dedicate one of the ‘glass wall’ features (proposed as part of the redevelopment of Douglas Promenade) to the Bee Gees. It was agreed, however, that any memorial should be to all three Bee Gees, rather than just the two deceased brothers.

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

(ii) That the suggestion that the Isle of Man introduces its own version of the ‘blue plaque’ system be referred to the Regeneration and Community Advisory Committee;

(iii) That the suggestion that a memorial to the Bee Gees be incorporated into the Douglas Promenade redevelopment be referred to the Assistant Chief Officer (Corporate & Development), with a request that he submit a report with proposals back to this Committee; and

(iv) That the Assistant Town Clerk be requested to write back to the correspondent, advising that his proposal had received initial consideration, that it had been agreed that any memorial to the Bee Gees should include all three brothers, and that the matter would be considered in greater detail in due course.”

#### **A12. ‘Party in the Park’ Event**

The Committee considered a written report by the Assistant Democratic Services Officer in relation to the ‘Party in the Park’ event, which was scheduled to take place in Noble’s Park on Saturday 7<sup>th</sup> July 2012, to commemorate Her Majesty The Queen’s Diamond Jubilee.

Members were advised that, due to the size and nature of the event, an event co-ordinator had been required to advise and assist Council officers in the organisation and the cost of this, together with a number of ancillary items and a contingency figure of 10%, meant that additional funding was required.

It was suggested that the Council should invest in the purchase of its own stage, which could then be used at various events throughout the year, and, in response to a Member’s query, the Assistant Town Clerk advised that the sound system was being supplied as part of the sponsorship package for the event. Members requested that discussion should take place with event sponsors as to whether a sound system needed to be included as part of sponsorship agreements.

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

(ii) That approval be given for additional funding in the sum of £1,171 for the ‘Party in the Park’ event, to be funded from the Risk Management and Special Projects Fund;

(iii) That the Assistant Town Clerk be requested to investigate the costings that would be involved if the Council was to purchase its own stage for public events; and

(iv) That the Assistant Town Clerk be requested to investigate whether the Council should be tendering for the hire of a sound-system for future events.”

#### **A13. Items for Future Report**

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

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

**PART B -**

***Matters subject to Council approval***

**B14. Standing Order 90 – Start Times of Committee Meetings (Amendment)**

The Committee considered a written report by the Assistant Town Clerk in relation to an amendment to Standing Order 90, following indications from Members that the starting time of 10.00am for Committee meetings was not suitable.

Standing Order 90 had been approved by the Council in April 2012 and, under Standing Order 31, no amendment could be made except on the recommendation of a Committee. However, now that Members had expressed alternative preferences, this report was put to the Committee to make that recommendation to Council and therefore formalise the changes, and to amend the relevant Standing Order in the Constitution.

The Borough Treasurer recommended a further amendment to the schedule for the Pensions Committee meetings, this being that they take place on the *second* Wednesday after Council (rather than the *last* Wednesday) in the months detailed. This would avoid problems during the T.T. and Manx Grand Prix periods.

In relation to the proposed amendment to the commencement time of 11.00am for Pensions Committee meetings, the Borough Treasurer explained that this was to facilitate travel to the Island on the day of the meeting by the consultants advising the Committee. A Member advised that this late commencement time caused some difficulty in that a whole day had to be taken off from employment commitments. It was therefore suggested that an approach be made to Government seeking an exemption to the way Members' Allowances were paid for attendance at meetings, when the times of those meetings had to be arranged to allow for the attendance of consultants.

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

(ii) That it be recommended to Council that Standing Order 90 be revised to read as follows:

***Meetings of Committees***

*Committees of the Council, other than the Pensions and Standards Committee, shall meet for the transaction of regular business on the days following the Annual or regular Council Meeting and at the times specified below, except that no Committee meetings shall be held in the months of April or August unless convened on the specific instruction of the Committee at a previous meeting, that Committee meetings shall be convened in September as though a regular Council Meeting were to take place on the second Wednesday, and further, that from time to time a Committee may change the time of a future meeting, but for not more than six occasions in a municipal year without the prior consent of the Council:*

*Executive Committee: third Friday at 2.00pm;*

*Environmental Services Advisory Committee: first Monday at 10.00am;*

*Regeneration and Community Advisory Committee: first Tuesday at 10.30am;*

*Housing and Property Advisory Committee: first Wednesday at 10.30am;*

*Pensions Committee: second Wednesday in February, March, May, July, October and November at 11.00am.*

*Provided that the Chair of any Committee may authorise the Chief Executive in special circumstances to convene a meeting of that Committee at any time, and to alter the particular day or time for the holding of any regular Committee meeting.*

*Committees not listed within this Standing Order shall meet as and when the Chief Executive in consultation with the Chair deems it necessary for the transaction of business"; and*

(iii) That the Borough Engineer & Surveyor and the Assistant Town Clerk be requested to make an approach to Government seeking an exemption to the way Members' Allowances were paid for attendance at meetings, when the times of those meetings had to be arranged to allow for the attendance of consultants."

**B15. Local Government Superannuation Scheme Contribution Policy Statement**

The Committee considered a written report by the Borough Treasurer in relation to the requirement of the Local Government Superannuation Scheme 2012 for each employing authority to have a clear policy in relation to the level of contributions to be paid by members of the Scheme.

The draft policy had previously been approved by the former Policy and Resources Committee on 16<sup>th</sup> March 2012 and reported to the Pensions Committee on 28<sup>th</sup> March 2012. It had also been used as the basis for contributions since 1<sup>st</sup> April 2012. It was noted that the Unions representing Council employees had been consulted on the policy, however, as no response had been received, the Borough Treasurer advised that the Douglas Borough Council Employer Contribution Policy Statement (as appended to the written report) could now be adopted.

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

(ii) That authority be given for the Douglas Borough Council Employer Contribution Policy Statement to be adopted.”

#### **B16. Members’ Attendance at Conferences, Etc**

The Committee considered a written report by the Assistant Town Clerk in relation to attendance by Members of the Council at conferences and similar events.

In the past, Members’ attendance at conferences and similar events had required the appropriate Committee to make budgetary provision and to nominate a representative in accordance with approved policy. Following the adoption of the Council’s new Constitution, the proposal now was to require any such attendance on behalf of the Council to be approved by the Executive Committee, and for this Committee to hold the budgetary provision in order to maintain control and monitoring.

The opportunity for networking and information-gathering was recognised as being beneficial to the Council and it was therefore recommended that the new Constitution be amended to include a new Section at the end of Part 5 (Codes and Protocols), entitled ‘Attendance at Conferences, Etc’, setting out a policy for representation at conference, seminar and exhibition by Members of the Council.

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

(ii) That attendance by any Member of the Council at any conference, seminar, exhibition, or comparable event, at the expense of the Council, be subject to prior approval by the Executive Committee;

(iii) That the Council’s Constitution be amended by the inclusion of a new Section (K) – Attendance at Conferences, Etc, at the end of Part 5 (Codes and Protocols); and

(iv) That the proposed policy, as appended to the written report, be amended as follows:

- the list of specific conferences and events, as set out in section 3, to be deleted
- the amounts permitted for meals, as set out in Section 5, to have up-to-date inflation added and the figures to be amended accordingly
- the reference to reimbursement, as set out in Section 6, to be amended to reflect the fact that a corporate credit card was now available for use on such occasions.”

The Committee rose at 4.40pm.

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

# HOUSING AND PROPERTY ADVISORY COMMITTEE

HOUSING AND PROPERTY ADVISORY COMMITTEE – Minutes of Meeting held on Wednesday, 20<sup>th</sup> June, 2012.

Members Present: Councillor Mrs. C.E. Malarkey (Lead Member), the Mayor, Messrs Councillors J. Joughin, J.E. Skinner, S.C. Cain (until 12.05pm).

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

## REPORT

### **PART A –**

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

##### **A1. Minutes 16<sup>th</sup> May, 2012**

The minutes of the meeting held Wednesday, 16<sup>th</sup> May, 2012 were approved and signed.

##### **A2. Pulrose Development Phase 10 (Upper)**

The Committee considered the Stage II report from the Design Team of Phase 10 of the current Pulrose redevelopment programme. Phase 10 consists of a thirty-eight unit sheltered housing complex. The Assistant Chief Officer (Housing and Property) advised that Government has made changes to the Stages in Capital Procedures and the Stage II report equates to the old Stage 3 report. A full copy of the II report was available for Members view prior to the meeting.

The current design for Phase 10 utilises biomass as the main fuel source for the complex in accordance with current Government policy. Bio-mass is a form of locally produced woodchip which is auger fed into a central bio-mass boiler system. The Assistant Chief Officer (Housing and Property) stated that Council officers have some concerns over this fuel system and its future maintenance and repair costs. The bio-mass is produced on the Island from locally grown wood and the Department of the Environment, Food and Agriculture office building at St Johns and the newest sheltered housing complex, in Port Erin are both now being heated by this fuel. As this is new technology, Members asked for a visit to be arranged to view the process of making the woodchip, the use of it in one of the working boilers and one of the buildings being heated by this fuel.

Current Council policy is for the installation of gas-fired boilers in new buildings, so Council policy would need to be amended to allow the use of the bio-mass fuelled boiler. Given the concerns raised by officers and Members it was decided not to seek any change to the Council policy until further information had been obtained.

Resolved, "That particulars of the report and discussion be noted on the minutes and approval be given to the Stage II report from the design team, and the design team is authorised to continue the progression of this project to Capital Procedures Technical Design Stage I2, subject to further clarification on the future operation and maintenance costs of the chosen bio-mass heating system."

##### **A3. The Lodge, Ballaughton Nurseries, New Castletown Road**

The Committee considered a report submitted by the Democratic Services Officer regarding the renewal of the lease of The Lodge, Ballaughton Nurseries, New Castletown Road for a further twelve month period. The current tenant has complied with all the lease requirements.

Resolved, "That the current tenant of The Lodge, Ballaughton Nurseries, New Castletown Road, be offered a further twelve month lease at the rent that was approved in the Schedule of Rentals and Lettings as part of the budget-setting process; and that Dean Wood Estate Agents be instructed to provide a lease for a further twelve-month term."

##### **A4. Willaston Lodge, Ballanard Road**

The Committee considered a report submitted by the Democratic Services Officer regarding the renewal of the lease of Willaston Lodge, Ballanard Road for a further twelve month period. The current tenant has complied with all the lease requirements as regards the rent and the property will be inspected shortly.

Resolved, "That, subject to a satisfactory inspection, the current tenant of Willaston Lodge, Ballanard Road, be offered a further twelve month lease at the rent that was approved in the Schedule of Rentals and Lettings as part of the budget-setting process; and that Dean Wood Estate Agents be instructed to provide a lease for a further twelve-month term."

**A5. Matters for Future Consideration**

The Committee discussed matters requiring a report for future consideration.

Report on the options for the heating of the Waverley Court complex.

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

***PART B –***

***Matters requiring Executive Committee Approval***

No matters were considered which require Executive approval.

***PART C –***

***Matters requiring Council Approval***

**C6. Kitchen Framework Agreement – Anagh Coar Estate Phase 4**

The Committee considered a report on the tender received from Cedar Developments Limited, being the approved contractor for the Kitchen Framework Agreement in Douglas.

Resolved, "That the particulars of the report be noted on the minutes and the tender submitted by the appointed contractor under the Kitchen Framework Agreement, Cedar Developments Limited, being within the previously accepted rates and good value for money, be accepted."

Further resolved, "That the Town Clerk and Chief Executive be authorised to petition the Department of Social Care for borrowing powers in the sum of £400,155.49, being the amount required to defray the cost of the Phase 4, Anagh Coar Estate Kitchen Replacement works."

Further resolved, "That the Department of Social Care be advised that an assessment of the Council's housing reserve funds had been undertaken to establish if sufficient monies were available to fund the proposed scheme via that source."

The Advisory Committee rose at 12.40pm.

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

# REGENERATION AND COMMUNITY ADVISORY COMMITTEE

REGENERATION AND COMMUNITY ADVISORY COMMITTEE – Minutes of meeting held on Tuesday, 19<sup>th</sup> June, 2012.

Members Present: Mr. Councillor S.R. Pitts (Lead Member), the Mayor, Councillor Mrs. R. Chatel, Mr. Councillor G.J. Faragher, Councillor Miss. D.A.M. Pitts, Mr. Councillor W.M. Malarkey.

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

## REPORT

### **PART A –**

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

##### **A1. Minutes – 15<sup>th</sup> May 2012**

Minutes of meeting held on Tuesday, 15<sup>th</sup> May, 2012 were approved and signed subject to a correction in Clause 6, Noble's Park Five Year Plan, it was resolved that a hard copy of the Five Year Plan would be available in both the Town Hall and the Henry Bloom Noble Library.

##### **A2. Matters Arising – Queen's Diamond Jubilee Beacons**

A Member expressed thanks to St Ninian's Church who provided refreshments on the evening of the Diamond Jubilee Beacon Event and requested a letter of thanks be sent to the Church.

##### **A3. Noble's Park Bowling Green Kiosk**

The Committee considered a report by the Property Maintenance Officer on the Noble's Park Bowling Green Kiosk Number 1 Clubhouse, Kiosk and Toilets. This item was previously considered by the Leisure Services Committee which agreed to demolish the building as the building was reaching towards the end of its useful life.

Following the resolution to demolish the building there has been a negative response from the bowling club and ratepayers, and in particular question has been raised over the costings provided for the full refurbishment/rebuild of the building, the cost to demolish the extensions and retain the original building and the cost to demolish and reinstate the site.

Included in the appendix of the report were a number of quotes submitted by local contractors for various works required on the building; the quotes were provided by the Noble's Park Bowling Club. Members were concerned that the costs provided were considerably less than those estimated in the reports to the Leisure Services Committee. A further breakdown of estimated costs were provided in the report, as requested by the Committee, it was noted at this stage all costs were independently scrutinised by a local Chartered Quantity Surveyor for budget purposes and no tenders were sought for the works.

Members expressed concerns at the estimated 13% professional fees for the project.

Members discussed the future of the building and agreed that quotes be sought to renovate the building with a specification being produced in house.

Members discussed the lease of the building and agreed that if the building is renovated the bowling club will have to consider either agreeing a full repairing lease or an increase in rents. Members agreed to discuss this with the club at next month's meeting of the Committee. It was noted that the greens maintenance was funded by the Council.

Resolved, "That (i) particulars of the report be noted on the minutes and a specification to renovate the Noble's Park bowling green kiosk be produced in house and quotes be sought from local companies for the works.

(ii) That a report be brought back to the next meeting of the Committee to be considered prior to the bowling club attending the meeting.

(iii) A memorandum circulated to all Members of the Committee, submitted by Mr Councillor J.E. Skinner, be noted on the minutes."

##### **A4. Attendance**

Mr. Councillor G.J. Faragher left the meeting at 10.50am.

#### **A5. Presentation on the Crematorium and Chapel Upgrade**

The Assistant Chief Officer (Housing and Property) and Planned Maintenance Officer joined the meeting at 10.50am to deliver a presentation on the Crematorium and Chapel upgrade, following a request from Members to provide a background of the project.

The Assistant Chief Officer (Housing and Property) spoke first about the background of the project, a brief history of the project was circulated to Members.

In answer to question, the Assistant Chief Officer (Housing and Property) explained various factors that resulted in the increased cost of the project, which question was raised by the Public Health and Housing Committee at Stage 3 approval. It was noted that the report requested regarding the increased cost will be presented to the Committee in October forming part of the stage 4 and 5 reports to be approved. Until this time the increase costs cannot be confirmed as tenders have not been sought for the works. It was confirmed that the figure provided to the Public Health and Housing Committee was the maximum increased costs.

The Assistant Chief Officer (Housing and Property) confirmed two quotes for mercury abatement had been received, one quote was considerably cheaper but the service charge, charged on a three year cycle, was more expensive. This again would be considered at Stages 4 and 5 of the project.

The Planned Maintenance Officer then went on to breakdown the work required to upgrade the Cemetery and Chapel; diagrams of the Crematorium and Chapel were referred to throughout the presentation.

A Member made reference to the 13% consultant fees and suggested that the Isle of Man Government would not approve a petition with fees over 10%.

In answer to question, the Assistant Chief Officer (Finance) confirmed the Government currently pay the loan charges for the crematorium aspect of the project. This project was budgeted on the basis of about half of the original anticipated cost being funded from the Council's Cremator Renewals Fund and the rest being funded by loan with the loan charges related to that loan being recharged to the government. This had been agreed with the government. The Assistant Chief Officer (Finance) explained that agreement of the government to the large increase in costs should be obtained in advance because if the government did not accept the consequent increase in loan charges then there would be a rate-borne cost. The Crematorium service does not have a rate-borne impact now because of the fees are set at a level that covers the costs.

The Committee asked for a breakdown of the loan charges and funding, showing what the Government has already agreed, what additional approval is required, and what is to be funded by the Council. Members expressed concern with regards to paying any additional loan payments, as the project is to upgrade the crematorium, an island wide facility, therefore the Government should be funding loan charges.

Stage 3 of the upgrade has been agreed by Council but is still awaiting approval from the Department of Infrastructure. Works are now expected to start early 2013.

Resolved, "That the presentation be noted on the minutes and the Assistant Chief Officer (Housing and Property) provide Members with a breakdown of funding from the Council and the Government for the crematorium and chapel upgrade project."

#### **A6. Crematorium and Chapel Upgrades – Lawn Chapel Shelter**

The Committee considered a report submitted by the Planned Maintenance Officer on the shelter required for the Lawn Chapel.

It was noted that at a late stage of the planning and design process for the Crematorium scheme a shelter was requested due to the exposed location of the site. This proposal was not included in the original design brief and will require additional services from the Architect and Structural Engineer to survey the site, design a suitable shelter, obtain Planning and Building Regulation approvals and supervise construction.

The cost for the Architect's professional fees is £2,000 and the Structural Engineer's fees are £4,000.

Members agreed the shelter was required as a permanent feature but expressed concerns over the price of each professional fee. Members requested local suppliers and manufacturers be approached to complete the work. Due to the nature of the project, in particular the location of the site is extremely windy, the Assistant Chief Officer (Housing and Property) confirmed a structural engineer would still be required to approve the design.

Resolved, "That the construction of a shelter be approved, to be situated at the Lawn Chapel, and local suppliers and manufacturers be invited to design the shelter."

The Assistant Chief Officer (Housing and Property) and the Planned Maintenance Officer were thanked for their attendance and left the meeting.

**A7. Long term user agreement for the playing fields of Noble's Park for TT and MGP periods**

With the consent of the Chairman this item was deferred.

**A8. Go-Karting at Noble's Park**

The Committee considered a report submitted by the Assistant Chief Executive on go-karting in Noble's Park.

As requested by the Committee and included in the Noble's Park Five Year Plan the possibility of including go-karting in Noble's Park was considered. Following site visits Duke Marketing Limited submitted a written proposal, setting out how the karting operation, utilising approximately one-half of the main car park, would be managed.

Duke Marketing Limited has agreed to apply for planning permission and any other statutory requirements at no cost to the Council. It was suggested that planning permissions is not required as the car park is used for motor sports therefore there is no change in the use of the land, this was a decision to be determined by Duke Marketing Limited.

Duke Marketing Limited submitted a written proposal to set up a kart track using water-filled barriers for the winter months, September through to March. In answer to question, the Assistant Chief Executive confirmed the go karts were in use during the summer months, at a different location, therefore only available during the winter period. It was also noted that during the summer months the TT paddock is used for various motor sporting events.

Resolved, "That Duke Marketing Limited be approved to take forward commercial go-karting in a section of the main car park at Noble's Park, during the winter months, at an agreed hire fee excluding services, subject to planning permission and compliance with all statutory requirements."

**A9. Kaye Memorial Garden**

The Committee considered a report prepared by the Assistant Chief Executive on the Kaye Memorial Garden.

In response to a request from Members a report was prepared outlining a number of options for the garden.

Members agreed to integrate more colour through planting and re-introduce seating in the area. It was suggested the Manx Disabled Workshop be approached to discuss the purchase of tables and chairs for the area. Members requested hanging baskets be erected in the area.

Reference was made to the amount of stone within the park, it was agreed to eventually replace areas of stone with flowers and planters, some areas of stone, particularly the pillars, required painting or jet washed. It was confirmed that the majority of the works can be completed within existing budgets.

The owner of a nearby restaurant has indicated he would like to hold themed evenings in the garden, it was suggested that Douglas Development Partnership pursue this idea as part of the Council's ongoing community involvement.

Resolved, "That the requests therein be included in a mandate for any required updating of the Kaye Memorial Garden and a report be brought back to Committee on the upgrade."

**A10. Allotment Tenancy Renewal Dates**

The Committee considered a report by the Assistant Chief Executive on the tenancy renewal dates of the Allotment plots.

Previous Members of the Leisure Services Committee asked Officers to research the possibility of changing the current annually payment date from April, to coincide with the Council's financial year, to November to coincide with the allotments planting cycle.

Members requested this report as they felt the reason for small number of uncultivated plots was due to plots being allocated in April. It was noted that tenants can surrender their tenancy with three months' notice and the Council can serve one months' notice to any tenant in breach of tenancy conditions, if a plot is surrendered or repossessed it is reallocated to the next person on the list as soon as possible.

Moving the tenancy renewal date would involve an amount of administration for the Council and possible inconvenience to the tenant. Members agreed that moving the tenancy agreement date would be of no benefit to the Council or the tenant.

Resolved, "That particulars of the report be noted on the minutes and the allotments tenancy renewal date continues to run from 1<sup>st</sup> April to 31<sup>st</sup> March annually."

**A11. Land Use Options for the Donkey Fields Site**

The Committee considered a report submitted by the Senior Engineering Manager on options for the open space adjacent to Lheannag Park, Anagh Coar, known as the Donkey Fields.

It was noted that Members of the Leisure Services Committee resolved that Officers investigate options for use of the area, and in particular, a Member's request that consideration be given to the provision of allotments on site.

Members discussed alternate uses for the land including a change of use to provide land for a housing scheme or a community centre, it was agreed providing allotments in the area would not best utilise the site.

Members were advised that the land is currently zoned as Open Space or Woodland and planning permission would be required for a change of use to the land.

During the discussion of planning applications it was noted that Officers received official confirmation that planning permission for the multi-purpose building to be located in Noble's Park tennis courts was refused, the letter was sent after the deadline to appeal, so Officers will re-submit the application. The Planning Department claimed an initial letter regarding the refusal was sent a number of weeks ago, although this was not received by Officers in the Council.

Resolved, "That (i) particulars of the report be noted on the minutes and an in-house feasibility study be carried out on the site for its future use and a further report be brought back to Committee.

(ii) Planning permission, in principle, be sought for a change in use to the land."

**A12. 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."

**A13. 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.

***PART B -***

***Matters requiring Executive Committee Approval***

There were no matters requiring Executive Committee Approval

***PART C -***

***Matters requiring Council Approval***

There were no matters requiring Council approval.

The Advisory Committee rose at 11.55am.

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

# ENVIRONMENTAL SERVICES ADVISORY COMMITTEE

ENVIRONMENTAL SERVICES ADVISORY COMMITTEE – Minutes of meeting held on Monday, 18<sup>th</sup> June, 2012.

Members Present: Mr. Councillor R.H. McNicholl (Lead Member), the Mayor, Councillor Mrs. S.D.A. Hackman, Messrs Councillors C.C. Thomas, A.V. Quirk.

Apologies: Mr. Councillor C.L.H. Cain.

In Attendance: Borough Engineer and Surveyor, Assistant Town Clerk (from 10.00am – 10.55am), Building Control Manager, Senior Accountancy Officer, Democratic Services Officer.

Declarations of Interest: Mr. Councillor R.H. McNicholl declared an interest in the report on the proposed purchase of a bucket loader.

## REPORT

### **PART A -**

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

##### **A1. Minutes 14<sup>th</sup> May, 2012**

Minutes of the meeting held Monday, 14<sup>th</sup> May, 2012 were approved and signed.

##### **A2. Building Control Services**

The Committee considered a report submitted by the Building Control Manager setting out the Service Plan for the Building Regulations Service, a draft Building Control Customer Charter, and a draft Customer Satisfaction Survey. The Service Plan sets out in a formal document the functions and aims of the Building Regulations Service. This document is largely for internal use with the organisation.

The Building Control Customer Charter and the Customer Satisfaction Survey are both documents for the users of the service. The Building Control Manager advised that results of customer satisfaction surveys will be reported back to the Committee, and the first of these reports will be brought to the September meeting.

Resolved, "That particulars of the report be noted on the minutes and that these documents be approved as drafted the "*Service Plan for the Building Regulations Service,*" the "*Building Control Customer Charter*" and the "*Building Control Customer Satisfaction Survey.*"

##### **A3. List of dangerous, neglected, ruinous and dilapidated properties and properties in poor condition**

The Advisory Committee considered the two lists of properties being dealt with by the Building Control Section on behalf of the Council because the exterior of the property is in a poor state. There was some discussion about the properties on the list and Members asked that some additional properties be investigated.

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

##### **A4. Lower Douglas Master Plan – Planning Guidance for Key Town Centre Sites**

The Committee considered a report submitted by the Assistant Chief Officer (Corporate and Development) on the IOM Government consultation document "*Lower Douglas Master Plan – Planning Guidance for Key Town Centre Sites.*" The report set out the key objectives of the draft Master Plan as follows:

- To set out clear interim planning policy guidance in advance of the Area Plan for the East to assist in bringing forward innovative and achievable proposals on 3 important opportunity sites known as the Lord Street Site, the Middlemarch Site and Parade Street Site.
- To build on recent public realm improvements along North Quay and South Quay which have stimulated the regeneration of these areas, particularly along North Quay. By the formulation of clear policy guidance, the intention is to encourage further investment and stimulate interest in these areas particularly the development of vacant and underused sites which will help improve the general appearance and vitality along one of the key routes into Douglas from the South.

- To set out strong design principles, this will be vital in both the preparation of schemes and the successful delivery of these development opportunities. Proposals will have to demonstrate consideration of the historic character of the quayside;
- Achieve strong physical links between the various sites and adjacent areas including the Port, the Sea Terminal and the established retail, residential and business areas; and
- Address public and private vehicle circulation, pedestrian permeability and parking arrangements and facilities.

Pending the publication of the Area Plan for the East, it intended that the document will provide interim planning policy guidance that will be used as a material consideration by those determining planning applications and planning appeals.

Resolved, "That the particulars of the report be noted on the minutes and approval given for the following comments to be included in the Council's response to the consultation document:

- (i) The Master Plan, once adopted, should take precedence over the Planning Policy Statement (PPS) on Planning and the Economy recently consulted upon by the Department as the Master Plan considers the sites in question specifically as opposed to the more general policy contained in the draft PPS.
- (ii) The Council does not support the proposal for general retailing on the sites in question as the main focus of retailing in the town should remain within the Strand Street corridor (Market Hill to Marina Road). It is however accepted that some convenience retailing is likely to support the other uses proposed for the sites. If major retail development opportunities become available on these sites the Council believes it may ultimately be damaging to the existing fragile retail environment in the town centre.
- (iii) That specific reference should be made to the opportunity that exists to create a permanent pedestrian link from the Middlemarch site onto Victoria Street through the vacant plot on Victoria Street.
- (iv) All efforts should be made to minimise vehicular traffic on North Quay. In particular the development of the former Lord Street bus station site should be designed such that it prioritises pedestrian uses on North Quay and does not generate vehicular traffic onto the Quay.
- (v) Public transport facilities are of fundamental importance to the town centre and to consideration of the wider master plan. The Council would support the development of a high quality undercover bus interchange and facilities as part of the Lower Douglas Master Plan.
- (vi) A footbridge over the inner harbour would improve pedestrian access into the town centre, thereby making the sites on South Quay more accessible by foot but also supporting the leisure and convenience businesses on North Quay, Market Hill and Duke Street which would otherwise be bypassed by pedestrians walking around the inner harbour between South Quay and the town centre.
- (vii) Proposals that incorporate high quality public spaces and facilities, including public art, are likely to be supported by the Council.
- (viii) A definition of 'cycleway' and a proposed route should be included in the Interim Planning Guidance.
- (ix) The Planning Guidance should be more precise about the total number of parking places required.
- (x) The Planning Guidance should include a requirement for public toilets.
- (xi) The Council is dissatisfied that the Douglas Plan has not been updated since 1998."

#### **A5. 2011/2012 Environmental Quality Survey**

The Committee considered a report submitted by the Senior Engineering Manager setting out the detailed results of the Tranche 3 environmental quality survey conducted in March 2012. Previous reports were based on the old District Local Environmental Quality (DLEQ), whereas the Council has adopted the new bespoke Local Environmental Quality Survey (LEQS) Pro format. This was the first survey carried out with the new format, so no fair comparison can be carried out with previous T3 surveys of Douglas. The report went on to compare the Douglas findings with United Kingdom's 2010/2011 national standard.

The survey assesses cleaning standards including litter, detritus, weeds, fly-posting, graffiti, fly-tipping, leaf fall, litter bins, landscaping and litter. Three hundred transects across Douglas were assessed by ENCAMS-trained surveyors from Douglas Borough Council using hand-held equipment. A seven-point grading scale is used (A, B+, B, B-, C, C-, D) and surveyor observations are included.

In response to query, the Borough Engineer reported that the 'deep cleans' referred to in the report are extra cleaning exercises targeted at specific areas. Depending on the area, it would take a half to a full day to carry out a deep clean using both Council and Department of Infrastructure staff. Parking would be suspended in the targeted area, and not only would there be thorough cleaning of the road, footpath and surrounding area for litter etc, but minor road repairs would be carried out on the same day.

During consideration of the report there was a wide-ranging discussion of matters related to the cleanliness of the town. Members discussed problems related to cigarette litter; the need for fines to be imposed for dropping litter; the usefulness or otherwise of campaigns to target litter and dog fouling; the usefulness or otherwise of the DLEQ surveys; the routes used by road sweepers and the frequency of street sweeping.

During the consideration of this item, the meeting was adjourned from noon to 12.20pm to allow Members the opportunity to walk up and down Prospect Hill to view the cleanliness of the area. After the adjournment the discussion continued.

Resolved, "That particulars of the report and discussion be noted on the minutes and approval given to:

- (i) Implement a programme of litter-related campaigns for the remainder of 2012/2013 any funding to be identified in advance, and in future years all campaigns to be identified and necessary funding allowed for during the budget-setting process.
- (ii) Re-introduce a programme of area deep cleans.
- (iii) A new survey approach is to be adopted with Tranches 1 & 2 being a level 2 survey; Tranche 3 being a level 1 survey and any supplementary surveys being a level 3.
- (iv) A further two members of staff being trained as Environmental Quality Surveyors, with the training costs to be funded by the Department of Infrastructure."

#### **A6. Items for Future Consideration**

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

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

#### ***PART B –***

#### ***Matters requiring Executive Committee Approval***

#### **B7. Declaration of Interest and Chair of the Meeting**

The Chairman declared an interest in the following matter and retired whilst it was considered. In his absence, it was unanimously agreed that the Vice-Chairman, Councillor Mrs. S.D.A. Hackman should take the Chair.

#### **B8. Purchase of Bucket Loader for Kerbside Bulking Facility**

During consideration of this item, there was a brief adjournment whilst additional specific information was obtained.

The Advisory Committee considered a report seeking approval for the purchase of a Manitou 732 Bucket Loader from the Manx Electricity Authority. The machine is to be used by the kerbside collection service when baling recycled materials prior to onward transport. Currently a skid steer loader is hired on a weekly basis to bale recyclables other than paper. Paper is taken to the Energy from Waste Plant where it is loaded onto a moving floor trailer for baling. SITA who operate the Energy from Waste Plant charge for the use of this equipment. The bucket loader would allow all recyclables to be baled at the same bulking-up facility and savings would be made on the hire charges.

The Borough Engineer gave a brief history of the kerbside collection of recyclables in Douglas. The collection service in Douglas, Onchan and Braddan was fully funded by central government for the first three years of operation, there was then an extension of the service funded by all three Authorities for a six month trial period, and then since 1<sup>st</sup> April, 2012 the service has been operated by Douglas and Braddan only. Douglas operates the service and Braddan is charged a proportion of the cost based on the number of properties. In order to provide a continuity of service, the arrangements made by Government for such elements as bulking-up were continued during the trial period and to date. Council officers are now in the process of reviewing all the elements of the service to identify improved ways of delivering it. The type of loading machinery and the manner of procurement were already under review when the Council was informed that the MEA would be disposing of this machine. The machine is three years old and has under seven hundred running hours. Council officers have inspected and assessed the machine and concluded that it is in good condition, fit for the required purpose and is good value for money.

In response to query it was confirmed that the machine is no longer under guarantee due to its age. It was further confirmed that there would only be a twelve month warranty offered on a new machine of a similar type. The manufacturer does offer longer warranty contracts on new machines, but this would be an additional cost. The machine can be maintained by existing staff.

Members asked if the machine would only be used for kerbside collection service. In answer, the Borough Engineer stated that the primary use would be for that service, but as other uses are identified, it will be used for those as well.

There was some discussion as to the need for approval from this Committee when the funding for the purchase would be provided by the Executive Committee. Members were advised that it is the role of this Advisory Committee as it has responsibility for the Service, to thoroughly investigate the matter and make a recommendation to the Executive Committee.

Resolved, "That particulars of the report be noted on the minutes and approval be given:

- (i) for the purchase of the Manitou 732 Bucket Loader from the MEA at a cost of £25,000 primarily for use in the Kerbside Collection Service; and
- (ii) for the Environmental Services Advisory Committee to seek the approval of the Executive Committee for the expenditure from the Vehicle and Plant Renewal Fund; and
- (iii) to discontinue the hire of the skid steer loader from HSS Ltd and for the commencement of in-house baling of recycled paper."

The Chairman returned to the meeting at the conclusion of consideration of this matter and resumed the Chair.

***PART C –***

***Matters requiring Council Approval***

No matters were considered which require Council approval.

The meeting ended at 12.45pm.