



## **Borough of Douglas**

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

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Town Hall,

Douglas,

9<sup>th</sup> November, 2012

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL to be held on WEDNESDAY, the 14th day of NOVEMBER, 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, 10<sup>th</sup> October, 2012.

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

## EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Tuesday, 30<sup>th</sup> October, 2012.

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

Apologies: Mr. Councillor E.A. Joyce.

In Attendance: Chief Executive, Borough Engineer & Surveyor, Assistant Chief Officer (Finance), Member Services Officer (from 4.15pm to 4.30pm).

### REPORT

#### **PART A -**

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

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

Apologies for absence were submitted on behalf of Mr. Councillor E.A. Joyce and the Borough Treasurer.

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

The Worshipful the Mayor declared an interest in item A18 (Bottleneck Car Park – Use during the T.T. Festival (2013 – 2015)).

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

The minutes of the meeting held on Friday 28<sup>th</sup> September 2012 were approved and signed.

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

Clause A6 – Minutes and Referrals of the Regeneration and Community Advisory Committee, 18<sup>th</sup> September 2012 – ‘Santa Horse Trams’: the Borough Engineer & Surveyor advised that the use of battery-operated low-voltage lights had been investigated and he was currently awaiting confirmation from the Borough Treasurer whether there could be a virement of funds from an existing budget in order to purchase the lights.

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

##### **A5. 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 17<sup>th</sup> October 2012, including specifically those items referred to the Executive Committee, as follows:

Clause B4 – Fire Precautions (Flats) Regulations Consultation Document: the Housing and Property Advisory Committee had resolved its support for the implementation of the Regulations as proposed, and requested this be included in the Council’s formal response to the Department of Home Affairs (see Clause A7 below).

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

(ii) That the Housing and Property Advisory Committee’s support for the implementation of the proposed Fire Precautions (Flats) Regulations be noted and included in the Council’s formal response to the Department of Home Affairs.”

#### ***Adjournment and Resumption***

*The Committee adjourned at 4.05pm and resumed at 4.15pm, when the following Members were present: Mr Councillor D W Christian (Chair), the Mayor, Mr Councillor S R Pitts, Councillor Mrs C E Malarkey, Mr Councillor R H McNicholl.*

#### **A6. Consultation Document – Fire Precautions (Flats) Regulations 2012**

*The Member Services Officer joined the meeting at 4.15pm.*

The Committee considered a written report by the Assistant Town Clerk in relation to a consultation document issued by the Department of Home Affairs.

The proposed Regulations sought to introduce enhancements to fire safety through the imposition of fire safety requirements in the construction of flats. These Regulations would not apply to flats already in existence (which were therefore compliant with current Regulations on the commencement date), but any flats built after that date would have to comply and this would include local authority housing and sheltered accommodation.

The Council had long been supportive of these safety principles, particularly following a demonstration of the benefits of sprinkler systems during the demolition of properties in Upper Pulrose. The Council's principal reservation about installing sprinkler systems had, however, been the potential cost. It was noted that there was a specific requirement for sprinkler systems to be included in any flats building, although the Department might exempt any building from compliance if it appeared appropriate.

Members were advised that the Regulations did not apply retrospectively, therefore the Council's existing flats would not immediately have to have additional works carried out. It was suggested, however, for the avoidance of doubt, that the Council would not support the Regulations being extended to apply retrospectively, to any flats, both local authority-owned and private sector.

It was noted that the Housing and Property Advisory Committee had also considered a report on the matter at its meeting on 17<sup>th</sup> October 2012, noting and supporting the implementation of the Regulations as proposed.

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

(ii) That the Council supports the introduction of the new Regulations, subject to the firm understanding that they will not be retrospectively applied at any time in the future to local authority or private sector housing."

#### **A7. Consultation Document – Marine Development Consenting Process**

The Committee considered a written report by the Assistant Town Clerk in relation to a consultation document issued by the Department of Infrastructure.

The consultation was based on the question of whether or not planning control should be introduced to Manx territorial waters (generally known as the twelve mile limit). The Town and Country Planning Acts, which governed development on land, did not apply below the high-water mark and there was no specific planning legislation relating to the sea.

This proposal sought to introduce controls, and specifically included the areas between the high- and low-water marks, i.e., - beaches. There would be a process for consideration of applications for consent to develop, very similar to the process for terrestrial development under the Town and Country Planning Acts. There were, however, specific exemptions to the proposed controls – these related to fishing; placing of buoys; scientific sampling; and short-term mooring.

Members noted that, as it was likely there would, sooner or later, be some form of development within Manx territorial waters (with associated concerns about ecological and visual impacts), it was appropriate that consideration should be given at this early stage as to how such developments should be controlled. As the proposals appeared to be reasonable and to form a pro-active approach to marine development, with a process for consent that would provide protection for the environment and public consultation in appropriate cases, it was recommended that they be supported.

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

(ii) That the Council expresses support for the introduction of the proposed controls on marine development."

#### **A8. Consultation Document – Introduction of Fees for Submission of Planning Appeals**

The Committee considered a written report by the Assistant Town Clerk in relation to a consultation document issued by the Department of Infrastructure.

The consultation document proposed the introduction of a fee for submission of Appeals against planning decisions on the grounds that the current situation, whereby no Appeal fee was charged, was unsustainable. This followed general Government practice of seeking to recover its costs which, in the case of Planning Appeals, could be substantial.

It was noted that, in comparison with neighbouring jurisdictions, the percentage of planning decisions appealed in the Isle of Man was higher than elsewhere, where fees were levied. Although it was not unreasonable to seek to recover costs, it was suggested that care should be taken that the level of charge was not so great as to deter any person with a valid case from appealing.

The document also made reference to the fee being refundable if the Appeal was upheld by the Minister. There were, however, cases where an Appeal could result in changes to planning conditions attached to an approval, without the Appeal being fully upheld and it was suggested, in those cases, where a substantial change resulted from the Appeal, there should be provision to refund the fee.

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

(ii) That the following comments be submitted to the Department of Infrastructure in response to the consultation:

- That the Council supports the introduction of a flat-rate fee of £150 for submission of any Planning Appeal;
- That the fee should be payable by each party submitting an Appeal;
- That the fee should be refunded if the Appeal was upheld, or if consideration of the Appeal resulted in substantial variation of conditions attached to a Planning Approval.”

#### A9. Consultation Document – Criminal Justice Strategy 2012

The Committee considered a written report by the Assistant Town Clerk in relation to a consultation document issued by the Chief Secretary’s Office.

The consultation document asked specific questions in relation to the following general principles:

- The possibility of the several component elements of the criminal justice system being brought together under one body to achieve greater accountability;
- Alternatives to prison sentencing for less serious offences;
- The cost of Legal Aid;
- Early preventative intervention;
- Increasing the range of offences dealt with by Fixed Penalty Notices;
- Greater participation in the justice process by victims and witnesses;
- Engaging with communities in relation to the impact of crime on specific areas; and
- Information to be made available on performance of the Criminal Justice system.

Members considered proposed responses to these specific questions, which were appended to the written report.

Members expressed concern that there was no precise definition of what was meant by ‘low-level offences’ and agreed this needed to be defined clearly.

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

(ii) That the reform of the Criminal Justice system, as proposed in the consultation document, be generally supported and that the responses to the specific questions (as set out in the appendix to the written report) be approved for submission to the Chief Secretary’s Office, subject to the following:

- That the Response to Question 8 read ‘information provided on performance should be confined to indicators, principally in the form of statistics relating to the number of cases dealt with and costs, as currently provided in the Chief Constable’s Annual Report to Tynwald;
- That there be a clear definition of what was meant by ‘low-level offences’.”

*The Member Services Officer was thanked for her attendance and left the meeting at 4.30pm.*

#### A10. Monthly Financial Review (September 2012)

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.

Approval was also sought to increase the Schedule of Amounts in Financial Regulations to £3,500 in respect of regulation F65(ii). Financial Regulation 65(ii) read ‘before signing an order, the responsible officer shall ... ensure that in the case of an order exceeding the value shown in the Schedule of Amounts [£2,500] that at least three competitive quotations have been obtained, except where the Chief Officer and the Borough Treasurer agree otherwise’. It was noted, however, that there was an inconsistency between Financial Regulations and Standing Orders, with Standing Order 129(3) reading ‘tenders or quotations for contracts shall be obtained by ..... estimated cost between £3,500 and £15,000: by the appropriate Chief Officer inviting written quotations from suitable contractors’.

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

(ii) That approval be given to increase the Schedule of Amounts in Financial Regulations to £3,500 in respect of regulation F65(ii), to bring this into line with Standing Order 129(3); and

(iii) That there be a cross-reference between Financial Regulations and Standing Orders in order to avoid a similar occurrence in the future by the inclusion of an appropriate phrase in the Financial Regulations Schedule of Amounts.”

#### **A11. Treasury Management Plan 2012 / 2013**

The Committee considered a written report by the Assistant Chief Officer (Finance) detailing the Council’s plans and related Prudential Indicators.

The plan is a key aspect of delivering the Treasury Management Strategy, as approved in 2011. It summarises planned treasury management activities in respect of long-term loans; bond repayments; short-term investments; and outlined information in relation to Prudential Indicators for 2012 / 2013. The indicator for prudence was that net external borrowing would not exceed the capital financing requirement, and it was noted that the Plan stipulated that this would be complied with.

Members also noted that the indicator for treasury management was whether the CIPFA Treasury Management Code of Practice and Cross-Sectoral Guidance Notes had been adopted by the organisation, and it was re-affirmed that these had been adopted by the Council in 2011.

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

(ii) That the Treasury Management Plan 2012 / 2013 (as appended to the written report) be approved.”

#### **A12. Statement of Accounts for Year Ended 31<sup>st</sup> March 2012**

The Committee considered a written report by the Assistant Chief Officer (Finance) in relation to the Statement of Accounts for the year ending 31<sup>st</sup> March 2012.

It was noted that the Accounts and Audit Regulations 2007 required local authorities to have their Statement of Accounts approved and certified by the external auditor by 31<sup>st</sup> October each year. The Committee had previously approved the Statement of Accounts at its meeting on 27<sup>th</sup> July 2012, however, as a result of the statutory audit, a number of changes had been made to the accounts, requiring their re-approval by Committee, and the Assistant Chief Officer (Finance) reported on the main changes to the Statement of Accounts since the earlier version had been approved.

As in previous years, the Council’s auditor had asked that a Letter of Representation be issued by the Council, alongside the financial statements, in order that certification could take place. This would provide added assurances to the auditor on the accuracy and integrity of the accounts, including the control systems that underpinned them.

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

(ii) That the re-submitted Statement of Accounts for the year ended 31<sup>st</sup> March 2012 be approved, taking into account a number of changes that had been made as a result of required adjustments identified during the audit process;

(iii) That Borough Treasurer’s Department circulate the following information:

- Analysis of Favourable Out-turn Position – Other Miscellaneous: that an email be sent to Members of the Executive Committee providing more information about what is included under this heading;
- Analysis of Favourable Out-turn Position – Stores: that an email be sent to Members of the Executive Committee explaining this variance;

(iii) That the proposed Letter of Representation be signed and presented to the Council’s external auditor in respect of the Council’s main accounts; and

(iv) That the completion letter also be noted, and the responses given therein be approved accordingly.”

#### **A13. Notice of Motion – the Council’s Borrowing Options**

The Committee considered a written report by the Assistant Chief Officer (Finance) in response to a Notice of Motion moved in Council by Mr Councillor C C Thomas on 8<sup>th</sup> August 2012, “*That the Council investigate all options for financing the Council’s rate-borne and other borrowings, including the opportunities for the issuance of bonds*”.

Members noted a comparison of ten options for financing the Council’s capital expenditure on creation or improvement of assets as follows (their various advantages and disadvantages being as set out in the appendix to the written report):

- Fixed-rate loan under the Local Authority Borrowing Scheme;
- Variable-rate loan under the Local Authority Borrowing Scheme;
- Fixed-rate loan outside of the Local Authority Borrowing Scheme arrangements;

- Variable-rate loan outside of the Local Authority Borrowing Scheme arrangements;
- The issue of short-term (fixed-rate, up to five years) bonds to Isle of Man residents;
- The issue of long-term (fixed-rate) bonds to Isle of Man residents in line with life of assets;
- The issue of long-term (fixed-rate) bonds to Isle of Man residents with round durations (i.e., five, ten, fifteen, etc years);
- The issue of (fixed-rate) bonds to institutional investors with £100,000 minimum values;
- To borrow from the Isle of Man Government; and
- Not to borrow, i.e., save to reserves over a number of years and then purchase.

It was noted that a large portion of the loan charges on the Council's borrowing were borne by the Isle of Man Government as a result of the public sector Housing Deficiency Arrangements. The Isle of Man Government Treasury Financial Controller had issued an instruction that only Variable-Rate loans be taken out under the Local Authority Borrowing Scheme. This will have the result of reducing interest costs on new loans in the short term, and thereby reducing the cost of housing deficiency to the Isle of Man Government in the short term. It may be expected that variable interest rates will rise, leading to higher interest costs in the long term.

On balance, it was suggested that fixed-rate loans under the Local Authority Borrowing Scheme were the best approach. As the Government was bearing the cost of most of the resulting loan charges, it seemed reasonable to accept their instruction until they could be convinced in relation to fixed-rate loans.

It was suggested, however, where there was no cost to the Government of a major scheme, then the Council should be at liberty to finance it as it saw fit.

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

(ii) That it be confirmed that the Council's preferred source of finance was fixed-rate loans, under the Isle of Man Government-backed Local Authority Borrowing Scheme;

(iii) That it be acknowledged, as the Council's public sector housing-related borrowing was currently supported by deficiency grant from the Isle of Man Government, that the Treasury's current preference for variable-rate loans under the Local Authority Borrowing Scheme would be complied with; and

(iv) That the option, to make special arrangements for specific, very large rate-funded projects, also be approved."

#### A14. Notice of Motion – Planning and the Regeneration of Douglas

The Committee considered a written report by the Assistant Town Clerk in relation to a Notice of Motion moved in Council by Mr Councillor C C Thomas on 8<sup>th</sup> August 2012, "*That the Council investigates increasing its allocation of resource to planning to contribute to joined-up regeneration of Douglas and reports back to Council at its November 2012 meeting, especially in the light of the Council's submission to Lower Douglas Master Plan consultation that i) it is dissatisfied that the Douglas Plan has not been updated since 1998 and that ii) it would support the development of a high quality undercover bus interchange and facilities as part of the Lower Douglas Master Plan.*"

The Motion proposed that the Council take a more pro-active stance in relation to planning, given that the Douglas Plan had not been updated for some years, and that resources be allocated to support the production of a Lower Douglas Master Plan (to include provision for a bus interchange).

Members were advised that, as the Council did not have statutory responsibility for planning under the Town and Country Planning Acts, it did not allocate dedicated resources, however, it did contribute to the consideration of planning applications by the Planning Committee as an interested party, as did the Douglas Development Partnership, in which the Council was a partner. The Council also took an active role in the Regeneration scheme for the Town Centre through its participation in the Douglas Regeneration Committee. It was also recalled that the Council had recently expressed opposition to the siting of a bus interchange on Victoria Street in response to a Government consultation document.

The recent consultation on the Scope of Government Report sought to identify areas of responsibility that could be transferred to local authorities, and the Council's response had included a reiteration of the Council's view that first-stage planning should be a local authority responsibility (with several other areas also being similarly identified). If the Council wished to take on more responsibility in these areas, including planning, there would be resource implications requiring consideration and, until the Government had responded to the consultation and it could be known which, if any, services were to be transferred, that process could not begin. To consider allocation of resources to a planning service now would be premature and, because the Council currently did not have responsibility for the service, it would be an unnecessary cost to the ratepayer.

Resolved, "(i) That the Motion be noted;

(ii) That particulars of the report be noted on the minutes;

(iii) That no action be taken at the present time, however, the following comments be noted:

- That the Council expresses its dissatisfaction that the Douglas Plan had not been updated since 1998;
- That the Council recognises the need for an under-cover bus station in Douglas; and

(iv) That the Council review the situation with regard to allocation of resources to planning following the outcome of the Government's consultation on the Scope of Government."

#### **A15. IRRV Conference – Telford International Centre 2012**

The Committee considered a written report by the Borough Treasurer setting out the content from the Conference attended by Mr Councillor S R Pitts, as the Executive Committee's nominated attendee in the Chairman's absence, and himself.

The annual conference of the Institute of Revenues, Rating and Valuation (IRRV) provided access to up-to-date information and training on Income Services and was the main source of the Borough Treasurer's compulsory Continuing Professional Development, which was required to retain his qualification.

Resolved, "(i) That particulars of the report and the details from the 2012 IRRV Conference be noted on the minutes; and

(ii) That authority for attendance at this Conference in future be sought from the Executive Committee, on an individual basis, when the programme was available, and in accordance with the Council's Constitution."

#### **A16. 2013 / 2014 Revenue Budget Committee Targets**

The Committee considered a written report by the Assistant Chief Officer (Finance) seeking approval of the revenue budget targets for each Committee, ahead of their consideration of the detailed service estimates.

Members recalled that, for the last three years, the Council had set 0.5% or zero Rate increases. This had been in response to the difficulties being experienced by the Isle of Man Government and in the economy. It was unlikely, however, that it would be possible to set a Rate at the same level as last year (387 pence in the pound) due to a number of pressures, including the fact that inflation had continued to rise, and there were a number of important capital investments which were needed.

The Manx Retail Price Index had been 2.1% in August 2012 and 2.8% in September 2012, and a default inflation assumption of 2% was therefore being used in the budget. It was recommended that the Executive Committee target a 2% Rate increase to 395 pence in the pound, which was within inflation.

The recommended targets for Committees were based on 2% increases – each Committee would be informed of its targets, with an instruction to keep within it, with any additional items of growth or suggested savings being separately listed for review at the Special Budget Meeting of the Executive Committee in January 2013.

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

(ii) That the inflationary revenue targets for each Committee be agreed and set, as part of the 2013 / 2014 Rate-setting process; and

(iii) That the following Committee targets for 2013 / 2014 be set:

- Housing and Property Advisory Committee (non-Housing Revenue Account): £433,330;
- Environmental Services Advisory Committee: £3,467,160;
- Regeneration and Community Advisory Committee: £3,965,000; and
- Executive Committee: £2,149,070."

#### **A17. Strathallan Building**

The Committee considered a written report by the Borough Engineer & Surveyor in relation to the condition of the Strathallan building.

Members were reminded of a previous resolution from the former Policy and Resources Committee on 30<sup>th</sup> March 2012, and it was noted that asbestos removal works had now been undertaken to the ground floor rear wall in the tram shed section. This had exposed the rear of the building, showing the extent of debris that had built up over the years from the cliff directly behind the tram shed.

A structural engineer would need to be appointed to carry out a preliminary visual survey and to provide recommendations on any works required. Following this, it was possible that consideration would also



have to be given to engaging a specialist geological consultant, experienced in cliff stabilisation, to report on the risks to the structure and on possible remediation measures that may be required.

It was recommended, if a specialist geological consultant was required, that the Chief Executive and Borough Engineer & Surveyor be authorised to proceed with this appointment.

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

(ii) That approval be given for a structural engineer to be appointed to advise on the cliff and rear of the Strathallan building, to be funded from the Risk Management & Special Projects Fund;

(iii) That a maximum provisional sum be set aside, funded from the Risk Management & Special Projects Fund, if required, for the engagement of a specialist geological consultant; and

(iv) That the Chief Executive and Borough Engineer & Surveyor be authorised to proceed with the appointment, if required, of a specialist geological consultant experienced in the field of cliff stabilisation.”

**A18. Bottleneck Car Park, Loch Promenade, Douglas – Use During T.T. Festivals (2013 – 2015)**

Under the Local Government Act 1985, the Worshipful the Mayor declared an interest in this item and retired whilst it was considered.

The Committee considered a written report by the Borough Engineer & Surveyor in relation to the use of the Bottleneck Car Park for entertainment during the T.T Festivals, 2013 to 2015 inclusive.

Members recalled that, for a number of years, parking on the Bottleneck Car Park had been suspended for the T.T. Festival to allow Bushy’s Brewery Limited to operate a beer tent and associated entertainment facility. The facility had been viewed as being unique to the T.T. Festival, however, the exclusive agreements with Bushy’s Brewery Limited, usually for three-year periods, had now expired.

Although the former Department of Tourism and Leisure had focused the majority of its entertainment around the Bushy’s facility, the Department of Economic Development was now focusing the Douglas Promenade T.T. Festival entertainment around the Harris Promenade and Villa Marina areas, including a beer tent adjacent to the Douglas War Memorial. This had, therefore, radically altered the profile of the use of the Bottleneck Car Park site. Given the changes to the T.T. Festival’s entertainment profile and, as there had never been a market-testing exercise to see if there would be better value to the Council in other operators offering similar, or even completely different, entertainment on the site, it was recommended that the Council should seek tenders on an ‘open market’ basis for the operation of the site for the T.T. Festival, for the three-year period from 2013 to 2015 inclusive.

Members also requested that the successful tender should be required to use a good standard of facilities (such as toilets) on the site.

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

(ii) That authority be given for tenders to be sought on an ‘open market’ basis for the use of the Bottleneck Car Park site for a beer tent / entertainment operation, or alternative style of leisure promotion, for the T.T. Festival periods from 2013 to 2015 inclusive.”

**A19. CCTV**

The Committee considered a written report by the Borough Engineer & Surveyor updating Members on the progression of the compilation of the Code of Practice for the Douglas Borough Council Municipal CCTV System.

The Council was committed to upgrading and expanding the current Municipal CCTV System which was operational within the Borough. It was noted that the current CCTV monitoring facility would be re-equipped by an upgrade of the control centre facilities (including all hardware, software, and building requirements). This was to be funded by direct contribution from the Department of Home Affairs in conjunction with the Douglas Community Safety Partnership.

At the same time, a fully revised, comprehensive Code of Practice was being developed. This was now well progressed and had been submitted to the Isle of Man Data Protection Supervisor for confirmation of conformity with Data Protection legislation and practice. It had originally been envisaged that the Isle of Man Data Protection Supervisor’s views would have been fully obtained for the October 2012 meeting of the Executive Committee. This had not, however, been the case, but once the draft Code of Practice had been signed off, it could then be considered through the Council’s procedures for adoption and approval.

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

(ii) That it also be noted that the draft Code of Practice for the operation of the Douglas Borough Council Municipal CCTV System had been prepared, and was currently with the Isle of Man Data Protection Supervisor for consideration; and

(iii) That the Chief Executive be requested to formally write to the Data Protection Supervisor requesting that he urgently considered the draft Code of Practice, in order to allow the Council to proceed with the upgrading of the current CCTV system, including the proposed Control Room works.”

#### **A20. Purchase of Replacement Agricultural Tractor**

The Committee considered a written report by the Transport and Plant Manager seeking approval for the purchase of an agricultural tractor for operation within the Parks Department.

Members were advised that vehicle HMN 764H (a SAME Dorado 86 tractor) had been in operation for six years and had recorded over 4,000 working hours. It had become unreliable and had received major repairs, including the removal of its 4-wheel drive system, meaning it was operating on 2-wheel drive which limited its operation.

Vehicle HMN 584M (a SAME Dorado 76 tractor) had also been in service for six years and had recorded over 3,000 working hours. It had had major repairs to its gearbox.

It was noted that there were no service agents on the Island and parts had to be shipped in from Germany, which significantly increased the vehicles’ downtime, resulting in regular spot-hiring of tractors to enable the Parks Department to carry out its scheduled work.

The Head of Parks and his Team had evaluated the possibility of operating just one, slightly larger tractor instead of the two medium-sized SAME tractors currently in use. Although one tractor would suffice in terms of the Department’s operational needs throughout the year, there would be a need to hire in a tractor over the summer period to specifically manage the grass-cutting schedule.

It was noted that four tender packs had been sent out, with two being returned. The lowest quotation received met the Transport and Plant Manager’s specifications and would achieve savings associated with running costs and renewal costs and was therefore recommended for purchase.

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

(ii) That authority be given to procure a New Holland T5050 tractor, complete with loader and air-brakes, from JDW Engineering Limited;

(iii) That the Committee accepts the offer made by JDW Engineering Limited for the trade-in of both HMN 764H and HMN 584M SAME Dorado tractors and loaders, currently operating in the Parks Department (subject to condition at point of sale); and

(iv) That approval be given to the option of hiring a suitable tractor during the summer period (April to October) for the maintenance of open spaces.”

#### **A21. 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.”

The Committee rose at 5.35pm.

VI(ii) - The proceedings of the PENSIONS COMMITTEE as follows:

## PENSIONS COMMITTEE

PENSIONS COMMITTEE – Minutes of Meeting held on Wednesday, 31<sup>st</sup> October, 2012.

Members Present: Mr. Councillor C.L.H. Cain (Chairman), the Mayor (to 12.43pm), Messrs Councillors C.C. Thomas, J. Joughin, R.H. McNicholl, A.V. Quirk.

In Attendance: Borough Treasurer, Assistant Chief Officer (Finance), Senior Technical Officer (Item 3-8), Mrs. Jayne Wiberg – Capita (Item 3-8), Mr. Andrew Beedall – Capita (Item 3-8), Assistant Democratic Services Officer.

Apologies: Independent Member Mr Andrew Thomas.

### REPORT

#### **PART A –**

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

##### **A1. Minutes – 30<sup>th</sup> July 2012**

Minutes of meeting held on Wednesday, 30<sup>th</sup> July, 2012, were approved and signed subject to amendment to Clause A1, paragraph 10, to read that a method of the calculation was provided to Members, not the actual calculation.

##### **A2. Isle of Man Local Government Superannuation Scheme Statement of Accounts for year ending 31<sup>st</sup> March 2012**

The Committee considered a report submitted by the Assistant Chief Officer (Finance) requesting approval of the Isle of Man Local Government Superannuation Scheme Statement of Accounts for the year ending 31<sup>st</sup> March 2012 and a Letter of Representation.

Members noted that the Accounts and Letter of Representation would be hand delivered to the auditor, following approval, in order to make the 31<sup>st</sup> October 2012 deadline.

A Member referred to the Letter of Representation in relation to the internal control, the letter states that 'there have been no deficiencies in internal control of which we are aware' the Member felt that previous deficiencies should be acknowledge in the letter.

The Borough Treasurer informed that a letter detailing the errors in the accounts had been received by the auditor and the Letter of Representation referred to the amended accounts. In light of the comments made by the Member the Borough Treasurer suggested the sentence be amended to read 'The Pensions Committee have through a letter supplied by the Borough Treasurer, dated 31<sup>st</sup> July 2012, informed you of the points raised by the Committee in July. Other than these there have been no deficiencies in internal control of which we are aware.' Members unanimously agreed to replace the original sentence with the suggested sentence.

A Member referred to a statement in the Letter of Representation and the completeness of information. The letter states that access to information was provided as requested. The Member made reference to PKF's statement of significant difficulties which informed there was difficulty in obtaining a reconciliation of the cash assets held by the custodian. It was felt this would suggest that access to all information was not provided. The Borough Treasurer and Assistant Chief Officer (Finance) confirmed that all information requested by the auditors was provided.

During discussion the Borough Treasurer informed that the auditor suggested a number of amendments to the accounts only two weeks ago, despite the Borough Treasurer asking for this information before the 30<sup>th</sup> July meeting. The Borough Treasurer, with the consent of the Committee, has agreed to request that the information be provided earlier next year to ensure all amendments can be implemented. Members agreed a two week time scale to amend the accounts was not satisfactory.

A Member made reference to the supporting rationale within the report, paragraph three states that as a result of the audit, a small number of relatively immaterial changes have been made in the reports and notes to the Statement of Accounts, arising from audit fieldwork. The changes were listed in PKF's letter to the scheme, it was noted that £101,825 was not recorded in the financial statements, this was subsequently adjusted. Members agreed that a number changes were not a small figure or relatively immaterial and agreed that this be noted. The Assistant Chief Officer (Finance) explained why this figure was not recorded. Members unanimously agreed that the adjusted and unadjusted amounts, provided by PKF, be noted in detail on the minutes.

A Member queried if a statement of liability should be included in the accounts as it appears in the Douglas Borough Council annual accounts. The Borough Treasurer informed that the valuation exercise

is only carried out every three years and a roll forward basis is used for accounting purposes. The previous Pensions Committee agreed a valuation would not be carried out annually but tri-annually as required by the regulations. An annual valuation would triple the £20,000 cost and would not be beneficial to the Scheme because the Scheme is relatively stable in relation to the number of people entering and leaving the Scheme. It was noted the next valuation was 31<sup>st</sup> March 2013 and will be based on the new regulations.

In answer to question the Borough Treasurer confirmed the Council will adopt the recommendations detailed in PKF's audit completion letter and had the recommendations been received at an earlier date a number of them would have been implemented this year.

A Member suggested moving the October meeting of the Committee to September in future years; the Borough Treasurer informed that this meeting had already moved from September to October as the auditor's completion letter was never received in time to make the amendments and approve the accounts at the September meeting. Members requested the auditor be approached and requested to complete the audit in sufficient time so the accounts can be provided to the Committee in September to allow sufficient time for Members to consider. It was agreed that for the moment the meeting would still take place in October but should the accounts be received earlier a Committee meeting can be arranged and if, after a couple of years, the accounts are received in a more timely manner the Committee will consider amending Standing Orders and permanently moving the October meeting to September.

A Member queried if the Council have an obligation to clear the FRS17 deficit, the Borough Treasurer confirmed the deficit is being addressed over a twenty year period.

Resolved, "That particulars of the report and discussion be noted on the minutes and;

- (i) The Letter of Representation, as amended, be signed and presented to the Council's external auditor in respect of the Isle of Man Local Government Superannuation Scheme Statement of Accounts;
- (ii) The Committee noted that a number of the changes made to the accounts were not small or immaterial as detailed in the supporting rationale of the report;
- (iii) The auditors be requested to complete the audit and provide the Borough Treasurer with the audit completion letter in sufficient time for the Committee to consider the accounts in the September;
- (iv) The following adjusted and unadjusted amounts be noted on the minutes;
  - An accrued income of £101,825 had not been recorded in the financial statements and this was subsequently adjusted.
  - In addition the comparatives for Investments within 'other pooled investments', where their respective underlying investments are in fixed interest securities and equities, were restated to include amounts within fixed interest securities and equities respectively in the current year.
  - This resulted in an increase on the opening balances of fixed interest securities of £196,215 an increase in equities of £14,451,700 and a decrease in pooled investment vehicles of £14,647,915. The total net effect of this investment reclassification is £nil.
  - There are no uncorrected misstatements, excluding those that we consider to be clearly trivial.
- (i) The Committee adjourn for ten minutes in order for the Chairman to sign the Letter of Representation, as amended."

### **A3. Adjournment and Resumption**

The Committee adjourned at 12.06pm and resumed at 12.25pm.

Mrs Jayne Wiberg, Mr Andrew Beedall and Senior Technical Officer joined the meeting.

### **A4. Training Isle of Man Local Government Superannuation Scheme 2012**

Mrs Wiberg provided the Committee with a training presentation on the Isle of Man Local Government Superannuation Scheme 2012.

Mrs Wiberg talked through the main features of the Scheme including the eligibility of the Scheme, the new contribution band, employer's responsibility, change to accrual rates, retirement and the 85 year rule, additional benefits and survivor benefits.

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

### **A5. Adjournment and resumption**

The Worshipful the Mayor left the meeting at 12.43pm.

The Committee meeting adjourned at 1.00pm and resumed at 2.15pm. The same Members and Officers were present.

**A6. Review of issues revealed in Committee when the accounts were presented for approval to send to auditors at the July meeting**

The Committee considered a report submitted by the Borough Treasurer as a result of issues revealed by the Committee when the accounts were presented for approval to send to auditors. The report updated Members on the issues revealed following letters sent to BlackRock and Capita together with discussions in the Borough Treasurers Department.

The report detailed measures set out to improve the process in future years. Members expressed disappointment over the issues raised in July's meeting.

Resolved, "That the contents of the review and approved measures set out to improve the process in future years be noted."

**A7. Formal review of the Pensions Administration Contract with Capita during the 2011/2012 financial year**

The Committee considered a report submitted by the Borough Treasurer setting out details from the review of the Capita contract.

The report recommended that the continuation of the Pensions Administration contract be approved and reviewed in the 2014/15 financial year. It was noted that the current Pensions Administration agreement with Capita commenced on 1<sup>st</sup> April 2006 (dated 14<sup>th</sup> June 2006). Although the agreement was initially set up as an appointment for a period of three years from the commencement date the agreement includes provision for automatic continuation unless either party gives twelve months' notice of termination at any date.

A Member suggested, in line with good governance, that expressions of interest be sought for the contract with a view to obtain a tender in April 2014.

The Borough Treasurer requested that, due to the number of alterations to the Scheme still not in place and the likelihood of more changes to come, the Administration Contract be kept in place until the alterations have been made and the Scheme has adopted them successfully. The tender process is also a timely process; Mrs Wiberg informed that, in her experience, it can take between 3 and 6 months for the cost of procurement and 6 to 8 months for submissions and evaluation.

The Scheme could also be changed in 2014/2015 in line with the UK or more in line with the Government Unified Scheme; the Borough Treasurer informed this would be a more suitable time to obtain tenders to administer the Scheme.

In answer to question the Borough Treasurer confirmed the contract terms and conditions remained the same. It was noted that there has been no issues with the administration of the Scheme.

The Borough Treasurer requested the Committee approve the recommendation on the basis of two reports being brought back to Committee for consideration. Firstly, a report on the Administration Contract and the tender process, to be brought back in September 2013, and a report on what each Pensions Contract costs and in what order the contracts should be dealt with in respect of tendering. The Borough Treasurer informed that a tender process could not be carried out for the three Pensions contracts at one time and therefore the Committee should consider which contract should be considered first.

Members expressed their concerns that the market has not been tested.

Resolved, "That particulars of the report and the discussion be noted on the minutes and;

- (i) The details of the review be noted and the continuation of the current Pensions Administration agreement with Capita be approved with the next informal review of the contract to take place during the 2014/15 year;

For: 4      Against: 1

Mr Councillor C.C. Thomas requested his name be recorded as voting against the resolution.

- (ii) A report be prepared on the current Administration Contract and the tender process for consideration in September 2013;
- (iii) A report detailing the cost of each Pensions contract and the order that the each contract should be dealt with through the tendering process be prepared and considered at February's meeting of the Committee."

**A8. Highlight Report – Implementation of the Isle of Man Local Government Superannuation Scheme Regulations 2012**

The Committee considered a report submitted by Capita summarising progress of the Scheme since the previous reporting period.

In answer to question Mrs Wiberg confirmed that Capita are extremely concerned that no progress has been made on Scheme Actuarial Guidance. Capita are unable to administer the Scheme, where the

application of Scheme or Department of Infrastructure actuarial guidance is required and as a result with respects to this area only, both the Council and Capita are unable to fulfil their contractual obligations with one another.

The cost of initial work by the Scheme Actuary is estimated at £50,000, this cost appears to be the reason there has been no progress to date. The Department of Infrastructure (Department) advised the Borough Treasurer to appoint a Scheme Actuary but the Borough Treasurer does not have the authority to do so.

The Borough Treasurer responded that the Department could appoint or hand the responsibility to the public sector pension's authority however neither seems to have the authority under the current regulations. The solution appears to be an amendment to the regulations to make clear who will appoint the Scheme Actuary and who will pay for this work.

Members suggested writing a letter to the Minister of the Department or the Department itself, the Borough Treasurer informed that a detailed letter has recently been sent to the Department, no response had been received. It was agreed that, if a response is received before the November meeting of the Pensions Committee, the Borough Treasurer will report the response at the meeting.

The Borough Treasurer agreed to produce a briefing note to update Members on correspondence sent, received and responded to in relation to the appointment of a Scheme Actuary.

Resolved, "That particulars of the report and discussion be noted on the minutes and;

(i) The following summary be noted on the minutes;

- No progress has been made on Scheme Actuarial Guidance. This is still required as a matter of urgency from the Scheme Actuary. There are serious implications on the Administering Authority, as they may be in breach of disclosure requirements. In June 2012, Capita and the Borough Treasurer attended a meeting with the Department of Infrastructure and the Chief Executive from the Public Sector Pensions Authority to try and resolve the situation. It was agreed that the PSPA would contact the Government Actuary's Department in London to seek assistance in providing the scheme actuarial guidance. Since the meeting Capita has held a conference call with GAD to assist them in identifying the guidance required. Following this conference call GAD have written to the Department of Infrastructure offering them four options to which notification of progress is awaited.
- Capita Pensions Operations team is only processing cases that do not require the application of Scheme Actuarial Guidance. All other cases are on hold.
- Until Scheme Actuarial Guidance is in place, the affected calculation routines that require respective changes are on hold.
- Capita Fund Accounting Team has confirmed that contributions are now received on a regular basis from each of the employers and that only 1 contribution return is outstanding."

Mrs Jayne Wiberg, Mr Andrew Beedall and the Senior Technical Officer were thanked for their attendance and left the meeting.

#### A9. **Adjournment and Resumption**

The meeting adjourned at 3.05pm and resumed at 3.15pm.

The Assistant Chief Officer (Finance) submitted his apologies for the remainder of the meeting.

#### A10. **Minutes – 28<sup>th</sup> March 2012**

Minutes of meeting held on Wednesday, 28<sup>th</sup> March, 2012, were approved and signed.

#### A11. **Minutes – 15<sup>th</sup> August 2012**

Minutes of meeting held on Wednesday, 15<sup>th</sup> August, 2012, were approved and signed.

#### A12. **Terms of Reference for a Governance Review acknowledging the Council's role acting as Trustee of the Scheme (Incorporating evaluation of Committee and Advisors)**

With the consent of the Committee this item was withdrawn.

#### A13. **Update following the review of Investment Strategy approved in February 2012**

The Committee considered a report submitted jointly by the Borough Treasurer and Hymans Robertson to update following the initial engagement of Capital International and the implications for the Benchmark approved for the proportion of BlackRock.

It was noted that Capital International had been appointed, at the February meeting of the Pensions Committee, to provide an absolute return fund. Following completion of all documentation a transfer of £4.4 million has taken place.

At the February Committee meeting the benchmark approved by the Committee was for the overall fund. When it came to approving a side letter for BlackRock the figures looked different from those approved as they are for 90% not the previous 100%. It was also recognised that the use of an overall range from the total amount of equities had produced narrow ranges for the UK and Overseas equities that would not give BlackRock the room to add value as the Committee may have intended.

Hymans Robertson provided a report detailing the agreed benchmark on 22<sup>nd</sup> February 2012 and the revised benchmark, it was confirmed that the revised benchmark is consistent with the Scheme's overall target asset allocation.

The Borough Treasurer agreed to provide information on the remit for Capital International as requested by a Member.

Resolved, "That particulars of the report be noted on the minutes and the revised benchmark for BlackRock, arising from the overall benchmark for the fund as set out in the table, be approved."

Asset Class	Revised Central Benchmark %	Revised Benchmark Range %
UK equities	26.6	16.6-36.6
Global (ex UK) equities (all countries)	34.5	24.5-44.5
Aggregate Bonds	25.6	15.6-35.6
Property	13.3	8.3-18.3
Cash	0.0	0.0-10.0
Total	100.0	

#### A14. **Items for Future Report**

The Committee considered a report submitted by the Borough Treasurer setting out items that are to be considered at future meetings and to review any future training requirements. Where there has been a delay in reporting, the reason for this is outlined.

The following reports were added to the list during the meeting.

1. A report on the current Administration Contract and the tender process for consideration in September 2013 (Clause 7)
2. A report detailing the cost of each Pensions contract and the order that the each contract should be dealt with through the tendering process be prepared for consideration at February's meeting of the Committee (Clause 7)

A Briefing Note to update Members on correspondence sent, received and responded to in relation to the appointment of a Scheme Actuary was also requested. (Clause 8)

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

#### **PART B –**

##### ***Matters requiring Executive Committee approval***

There were no matters requiring Executive Committee approval.

#### **PART C –**

##### ***Matters requiring Council approval***

There were no matters requiring Council approval.

The Committee rose at 3.35pm.

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

# **STANDARDS COMMITTEE**

STANDARDS COMMITTEE – Tuesday, 6<sup>th</sup> November, 2012.

*Minutes to be circulated separately.*



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, 17<sup>th</sup> October, 2012.

Members Present: Councillor Mrs. C.E. Malarkey (Chairman), the Mayor, Mr. Councillor J. Joughin, Councillor Ms. K. Angela, Mr. Councillor S.C. Cain.

Apologies: Mr. Councillor J.E. Skinner.

In Attendance: Assistant Town Clerk, Assistant Chief Officer (Finance), 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 19<sup>th</sup> September, 2012**

The minutes of the meeting held Wednesday, 19<sup>th</sup> September, 2012 were approved and signed.

##### **A2. Matters for Future Consideration**

The Committee considered the report on matters for future consideration.

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

### **PART B –**

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

##### **B3. Fire Precautions (Flats) Regulations Consultation Document**

The Committee considered a report on the consultation document on the draft Fire Precautions (Flats) Regulations 2012. The current fire regulations have not been updated since coming into operation on 1<sup>st</sup> June 1996. The draft regulations are intended to update the legislation and ensure modern and appropriate fire prevention measures are in place in flats and buildings containing flats. Sections of the current fire regulations have been superseded, by the Building Regulations 2007 regarding provision of sprinkler systems and best practice in the industry for fire safety equipment. The Building Regulations apply to new-build properties.

Resolved, "That the report be noted on the minutes and it be noted that the Committee supports the implementation of the Fire Precautions (Flats) Regulations 2012, and forwards the same to the Executive Committee for inclusion in the Council's formal response to the consultation."

### **PART C –**

#### ***Matters requiring Council Approval***

##### **C4. Anagh Coar Kitchen Refurbishment Phase 5 incorporating Electrical Refurbishment**

The Committee considered a report submitted by the Planned Maintenance Officer on the Anagh Coar Kitchen Phase 5. This phase will complete kitchen and electrical refurbishment work on the Anagh Coar Estate. Cedar Developments Limited is the Department of Social Care's approved kitchen framework contractor who has been carrying out kitchen refurbishment work on the Anagh Coar Estate. Tenders were sought and received for the electrical refurbishment work from five companies. The lowest electrical work tender has been scrutinised and included in the tender put forward by Cedar Developments Ltd.

The whole scheme will be funded from a fifteen year loan met by the housing deficiency grant. The petition amount to be borrowed will be £1,684,248.57 payable over fifteen years. The annual repayments will be £158,053.74. The total amount payable will be £2,370,806.10 which includes £686,557.53 in interest over the fifteen year period of the loan.

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

- (i) The tender received from Cedar Developments Ltd in the sum of £1,582,131.07 for kitchen and electrical refurbishments on the Anagh Coar Estate be accepted; and
- (ii) The Town Clerk and Chief Executive be authorised to petition the Department of Social Care for borrowing powers not to exceed the sum of £1,684,248.57, being the amount required to

defray the cost of completion of Phase 5 kitchen and electrical refurbishments on the Anagh Coar Estate; and

- (iii) The Department of Social Care be advised that an assessment of the Council's Housing Reserve Fund has been undertaken to establish if sufficient monies were available to fund the proposed scheme via that source; and
- (iv) The Committee recommends to Council that there is a suspension of Standing Orders under Standing Order 105 in relation to the requirement for a Bond for this project, due to the limited exposure of risk to the Council."

**C5. Upper Pulrose Redevelopment and Outer Ring Refurbishments**

The Committee considered a report submitted by the Planned Maintenance Officer on Upper Pulrose. The report set out the business case for conversion of the three bedroom houses in the Upper Pulrose Outer Ring to two bedroom houses by moving the ground floor bathroom to the third bedroom and refurbishing the downstairs to provide a kitchen / diner. The waiting list figures demonstrate a high demand for two bedroom properties. There are currently fifteen void properties on the Outer Ring which are in an unsatisfactory condition. These properties would make up the first serialized phase of works ensuring they can be re-let in the shortest possible time. The seventy-six houses of the Outer Ring are in good structural condition, but are unsatisfactory in terms of design and living accommodation.

Resolved, "That particulars of the report be noted on the minutes and approval is given for;

- (i) The business case to be submitted to the Treasury Capital Projects Unit for approval and inclusion in the 2013/2014 Local Authority Capital Budget; and
- (ii) Savage Chadwick Architects be appointed to carry out contract administration services, Safetynet Limited to undertake planning supervision services and Nick Dernie to conduct the asbestos surveys on this project; and
- (iii) The Town Clerk and Chief Executive be authorised to petition the Department of Social Care for borrowing powers not to exceed the sum of £40,000, being the amount required to defray the cost of professional fees up to tender stage; and
- (iv) The Department of Social Care be advised that an assessment of the Council's Housing Reserve Fund has been undertaken to establish if sufficient monies were available to fund the proposed scheme via that source."

The meeting ended at 12.20pm.

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, 16<sup>th</sup> October, 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.

Declarations of Interest: Mr. Councillor G.J. Faragher declared an interest in Clause A3.

## REPORT

### **PART A –**

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

##### **A1. Minutes – 18<sup>th</sup> September 2012**

Minutes of meeting held on Tuesday, 18<sup>th</sup> September, 2012 were approved and signed.

##### **A2. Horsetram Service Operating Dates and Times for 2013 Season**

The Committee considered a report submitted by the Assistant Chief Executive evaluating the 2012 horsetram service and the 2013 season suggested operational dates and times.

Members discussed extending the horsetram season by one week to cater for tour buses visiting the Island, the Assistant Chief Executive confirmed this can be arranged but the additional seasonal staff costs for an extra week's operation, with two trams, would be in the region of £6,000. In answer to question the Assistant Chief Executive confirmed operating one tram would decrease the cost to approximately £4,500.

Members discussed starting the season one week later and finishing one week later to accommodate for the tour buses without increasing costs. The Assistant Chief Executive confirmed this is possible however the suggested first week of the horsetram season is usually busy and allows for the horses to adapt to the roads prior to TT week.

A Member suggested that extending the horsetram season for an additional week be revisited in July/August 2013 when cruise ship visitor figures are available and other factors, for example the weather, can be taken into consideration.

Resolved, "That particulars of the report and discussion be noted on the minutes and;

- (i) The 2013 horsetram season operate for an 18 week season, commencing on Monday, 13<sup>th</sup> May, 2013 and ending on Sunday, 15<sup>th</sup> September, 2013 (Both dates inclusive);
- (ii) The operating times daily be 9.00am (first tram from Strathallan) and finishing daily at 6.00pm (last tram from Sea Terminal 5.40pm);
- (iii) The additional one week extension to the horsetram season, to cater for tour buses in September, be reconsidered in July/August 2013 when further information will be available."

##### **A3. Switched On Limited – Hire of Noble's Park for December 2012**

Mr. Councillor G.J. Faragher declared an interest in this item and retired whilst it was considered.

The Committee considered a report by the Assistant Chief Executive, following a request from Mr J. Gale of Switched On Limited, to site a marquee in Noble's Park during December 2012 for hosting private functions and public events.

Switched On Limited has again requested to hire the boneyard area of Noble's Park for the month of December 2012 to host a number of events.

Switched On Events proposed a 1.00am license for three events on Friday, 7<sup>th</sup> December, Saturday 8<sup>th</sup> December and New Year's Eve. Members agree to support a 12.30am license for the events taking place Friday 7<sup>th</sup> and Saturday 8<sup>th</sup> December and agreed to support the 1am license for New Year's Eve.

A Member made reference to the free bar available on Friday, 7<sup>th</sup> December; a Member informed that an event providing alcohol free of charge does not require a music license. Members emphasised that the music must still be switched off at the agreed time on this evening. In answer to question the Assistant Chief Executive confirmed the police would monitor the situation and enforce the licensing agreement if required.

Members requested payment be received by the Council prior to the court date at which the alcohol license would be considered.

Resolved, "That particulars of the report and discussion be noted on the minutes and;

- (i) Switched On Limited be granted permission to hire an area of Noble's Park, known as the boneyard, for corporate and private functions and events in a large marquee for the month of December 2012;
- (ii) A fee be charged for the siting of the marquee with legal costs and any additional services to be borne by the hirer;
- (iii) The hire be subject to standard legal agreement incorporating health and safety, insurances, reinstatement and event management requirements;
- (iv) An alcohol license be supported up to 12.30am on Friday 7<sup>th</sup> and Saturday 8<sup>th</sup> December and a 1.00am license be supported for New Year's eve; all other dates and times be supported as proposed subject to the hire fee being received by the Council prior to the date of Licensing Court at which the alcohol license would be considered;
- (v) In line with the Committee's resolve relating to the company's 2011 hire, and as the area is gravelled, that the requirement for a £10,000 deposit not be taken up; the Council being protected for reinstatement through the legal agreement;
- (vi) The hire be conditional upon Switched On Limited liaising with A3 Marquees to ensure that proposed events for both organisations are co-ordinated to the satisfaction of health and safety officials, and regulatory/statutory bodies;
- (vii) Switched On Events be advised the 12.30am music license for Friday, 7<sup>th</sup> December, still applies despite alcohol being provided free of charge on the evening."

#### A4. **A3 Island Marquees**

The Committee considered a report by the Assistant Chief Executive, following a request from A3 Island Marquees Limited, to site a marquee in Noble's Park for the purpose of holding two corporate functions on 7<sup>th</sup> and 8<sup>th</sup> December, 2012.

A3 Island Marquees Limited has requested an area within the TT paddock/camping area, a location plan was circulated to Members.

Members agreed to support an alcohol and music license for the marquee for Friday, 7<sup>th</sup> and Saturday 8<sup>th</sup> December up to 12.30am on the basis the hire fee has been received by the Council prior to the court date at which the alcohol license would be considered.

Resolved, "That particulars of the report and discussion be noted on the minutes and;

- (i) A3 Island Marquees be granted permission to hire an area of Noble's Park for corporate functions over the weekend of 7<sup>th</sup> and 8<sup>th</sup> December 2012,
- (ii) A fee be charged for the siting of the with legal costs and any additional services to be borne by the hirer;
- (iii) A 12.30am music and alcohol license be supported subject to the hire fee being received by the Council prior to the date of the Licensing Court at which the alcohol license would be considered;
- (iv) As the marquee will be located on hard standing and rough grass area, that the requirement for a £10,000 deposit not be taken up; the Council being protected for reinstatement through legal agreement;
- (v) The hire be conditional upon A3 Island Marquees Limited liaising with Switched On Limited to ensure that proposed events for both organisations are co-ordinated to the satisfaction of health and safety officials, and regulatory/statutory bodies."

#### A5. **Expressions of Interest for the supply of sound system and staging, when required, for 2012 fireworks display, Remembrance Sunday and Christmas lights ceremony**

Members were presented with three proposals submitted to provide a sound system and staging (when required) for the fireworks display, Remembrance Sunday and the Christmas lights ceremony.

One of the three proposals submitted a quote to provide staging for the Christmas lights ceremony.

Two organisations submitted proposals to provide sounds system and staging (when required) for the 2012 fireworks display, Remembrance Sunday and Christmas lights ceremony.

In answer to question Officers confirmed the Electrical Services Manager had seen both quotes and was satisfied with the proposed equipment to be used for each event.

Resolved, "That particulars of the discussion be noted on the minutes and Tanfastic be appointed to provide sound equipment and staging, when required, for the 2012 fireworks display, Remembrance Sunday and Christmas lights ceremony, subject to passing the financial and health and safety checks."

**A6. Attendance**

Councillor Mrs. R. Chatel left the meeting at 12.55pm.

Mr. Councillor G.J. Faragher left the meeting at 12.56pm.

**A7. Items For Future Report**

The Committee considered a report submitted by the 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."

**A8. 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.

***PART B -***

***Matters requiring Executive Committee Approval***

There were no matters requiring Executive Committee approval.

***PART C -***

***Matters requiring Council Approval***

There were no matters requiring Council approval.

The meeting ended at 1.10pm.

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, 15<sup>th</sup> October, 2012.

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

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

## REPORT

### **PART A -**

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

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

Minutes of the meeting held Monday, 16<sup>th</sup> July, 2012 were approved and signed.

##### **A2. Standard Correspondence to Owners of Properties in Need of Attention**

The Committee considered a report submitted by the Building Control Manager regarding the standard letters sent out to owners of unsightly properties that are in need of attention.

A Member brought forward a particular letter which had been sent about a property in need of attention which had upset the constituent who had received it. The constituent appears to have been upset not only by the letter itself, but also because he had not been able to speak to any officer about the matter despite several attempts.

The Committee was advised that there is a review process after the on-the-street surveys are undertaken. This internal review process is to determine the severity of the problem and to ensure that there is a consistent approach taken to properties across the Borough. The review determines whether a property is considered 'neglected', 'dilapidated', 'ruinous' or 'dangerous' using industry-standard definitions. Following the review, a letter is sent to the property owner advising that the property is in need of attention, and asking them to contact the Council to discuss the matter. Once direct contact with an owner has been established, then a timetable for further monitoring is determined.

There was then a lengthy discussion. Some Members opined that in the first instance, face to face contact may be preferable to written correspondence, although others suggested that this may be difficult or impossible as many people are out at work during the day. It was suggested that several initial standard letters should be developed and used according to the severity of the problems noted. Members asked to review these standard letters prior to implementation. Members wish to see the standard definitions of 'neglected', 'dilapidated', 'ruinous' and 'dangerous'. Members noted that for some considerable time the Council has sought to improve the appearance of properties in the town and that this is part of that process. Members also noted that there has been frustration expressed in Council over the length of time it takes for properties to be improved.

Resolved, "That the report and discussion be noted on the minutes and a further report be brought back addressing the various issues raised."

##### **A3. Nuisance Abatement Notice – 33 Princes Street, Douglas**

The Committee considered a report on 33 Princes Street. The property has been vacant for a number of years and has been the subject of complaints from neighbours. Since 2007 three Notices have been served and in each case the work required by the Notice has been done. The fence adjacent to the rear service lane has now been removed so there is now a clear view of the rear yard from the lane. The present appearance of the rear of the property together with further deterioration in the condition of the property has raised further concerns.

Resolved, "That particulars of the report be noted on the minutes and approval be given for the service of a Notice under Section 14 of the Local Government (Miscellaneous Provisions) Act 1984 to require these works to be carried out to the property:-

- (i) Tidy up all building materials and detritus from the rear yard and dispose of same in an approved manner, leaving the yard in a tidy condition.

And for service of a Notice under Section 24 of the Building Control Act 1991 to require these works to be carried out to the property:-

- (i) Replace ill-fitting Perspex sheet to front ground floor window frame with well fitted glazing; and
- (ii) Clean out, repair, and relay existing rainwater gutter and down pipes serving the rear main house, renewing all broken, missing and serviceable parts; and
- (iii) Overhaul and repair the main house and outlet roofs, replacing all loose damaged and missing slates and re-securing any loose ridge tiles; and
- (iv) Properly demolish the sagged and partially collapsed roof to the rear outlet leaving the walls in a secure and safe condition; and
- (v) Repair skylight.”

**A4. 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.

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

**A5. Planning Application – 12/01327/B – Douglas Promenade Improvements, Phase 1**

The Committee considered planning application 12/01327/B on the first of several phases of improvements to the Promenade. The application is submitted by the Department of Infrastructure who are progressing the scheme. A copy of the plans submitted with the application were circulated and examined by the Committee. Attached to the report was the Statement of Case submitted by the Department of Infrastructure as part of the planning application.

The Senior Building Control Officer reported that an email had been received from the Department stating that although plans showing the entire Promenade were included with the planning application, Phase 1, (the application under consideration) only includes an area of public highway between the Sea Terminal Building and the Royal Bank of Scotland Building, namely Peveril Square, Loch Promenade, the junctions of Loch Promenade with Walpole Avenue and Victoria Street. The Sea Terminal Building front car park and associated footways are also included within Phase 1 which does not extend to the junction of Loch Promenade and Regent Street. The officer was unable to confirm whether this was simply a clarification, or if there had been an amendment of the application.

Members discussed the effect of the proposed work on the horse trams as it was not clear from the plans and accompanying documentation.

Resolved, “That the Planning Application be noted on the minutes and no objection raised.”

Members asked that a Briefing Note be circulated clarifying the extent of the area included in the Phase 1.

**A6. Anti-Chewing Gum Campaign**

The Committee considered a report on a campaign which was conducted in May and June 2012 to inform and educate the public that it is an offence to drop chewing gum in a public place. The campaign was conducted in conjunction with a national campaign in the United Kingdom by the Chewing Gum Action Group of the United Kingdom. The control area was Duke Street between Victoria Street and Wellington Street and the amount of chewing gum did not appreciably change during or after the campaign. In May, 2012 seventy ‘splats’ were counted, in June, 2012, seventy-four ‘splats’ were counted, and in July 2012, seventy-two ‘splats’ were counted. It was noted that the Council decided not to install highly visible chewing gum bins used in various places throughout Britain and that may have contributed to the poor response to the campaign.

Members took the opportunity to discuss problems with cigarette-related litter in Strand Street and adjacent to various commercial office buildings in the town. Members opined that the Borough Wardens should be targeted at those areas.

Resolved, “That

- (i) the report be noted on the minutes; and
- (ii) the recommendation to run a trial using proprietary chewing gum receptacles such as the ‘Gum Drop Bins’ not be accepted; and
- (iii) a recommendation be made to the responsible Chief Officer for the Borough Wardens to be deployed to Strand Street and adjacent to various commercial office buildings to target cigarette-related littering.”

**A7. Light in Woodbourne Road Lane**

The Committee considered a report on a light in Woodbourne Road Lane. The single lighting installation in Woodbourne Road Lane was removed some time ago. The cost incurred in installing and removing the column was just under £3,000. The column was installed without specific Committee approval as at that point it was procedurally unclear whether permission was required to install a column and lantern for trial purposes. To prevent further occurrences, no new public lighting installations will be installed without specific Committee approval.

Resolved, "That particulars of the report be noted on the minutes and approval be given to the policy that no new lighting is installed without specific Committee approval."

**A8. Tenders Planned Maintenance Painting of Public Lighting Columns**

The Committee considered a report on tenders received for planned maintenance painting of public lighting columns. Three tenders were received.

Resolved, "That the tender received from Sean Beattie Ltd, being the lowest tender and good value for money, is accepted subject to the presentation of copies of staff Government registration cards in line with the Scheme for the Certification of Craftsmen 1990."

**A9. Public Lighting Westbourne Drive Lane**

The Committee considered a report on the possible installation of public lighting in Westbourne Drive Lane. The report was brought forward in response to a request from a member of the public. Westbourne Drive Lane is currently an unadopted road. The ground is uneven, containing rock boulder and has not been constructed to Manx Roads standards. The Department of Infrastructure has been contacted about the lane, and there are no immediate plans to adopt it. The civil engineering trenching and reinstatement estimate is higher because it is an unmade, unadopted lane.

Resolved, "That should the Department of Infrastructure adopt the Westbourne Drive Lane, then the request for public lighting be brought back to Committee for consideration."

**A10. Minutes of Eastern District Civic Amenity Site Joint Committee**

The Committee noted the minutes of the meeting of the Eastern District Civic Amenity Site Joint Committee held Monday, 18<sup>th</sup> June, 2012.

**A11. Tender for Operation of all-Island Bring Bank Collection**

The Committee considered a report on a tender submitted for the operation of an all-Island bring bank collection and bulking-up facility. During August, the Department of Infrastructure advertised seeking expressions of interest for a three-year contract to provide an all-Island bring bank collection service and bulking-up facility. The Borough Engineer and Surveyor's Department submitted a tender on behalf of the Council and were successfully awarded the contract to commence on 29<sup>th</sup> October, 2012. There are significant synergies in this operation relating to other waste management functions carried out by the Department. The tender submitted is sufficient to cover the costs of the operation.

Resolved, "That particulars of the report be noted on the minutes and approval be given to the execution of the contract for the operation of an all-Island bring bank collection and bulking-up facility."

**A12. Tender for Refuse Collection for Patrick Parish Commissioners**

The Committee considered a report on a proposal to submit a tender for the collection of refuse for Patrick Parish Commissioners for a three-year period as from 1<sup>st</sup> April, 2013. Patrick Parish Commissioners have advertised for expressions of interest from suitably qualified parties to submit a tender for the collection of refuse from approximately eight hundred properties in the Parish and for the provision and storage of one hundred 240 litre bins. The tender needs to be submitted on or before the 18<sup>th</sup> October, 2012. Question was raised as to whether or not the Council is allowed under the Local Government Act to provide this service to another local authority. The Assistant Town Clerk advised that this point has been researched and the proposed action is allowed. It was agreed that a Briefing Note on this point will be circulated to Members.

Resolved, "That particulars of the report be noted on the minutes and that approval be given for the submission of a tender to Patrick Parish Commissioners for the provision of refuse collection services for a three-year period from 1<sup>st</sup> April, 2013."

**A13. Items for Future Consideration**

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

A Member expressed regret that the planning submission regarding the Lower Douglas Masterplan was not submitted to Government and asked for a report explaining the circumstances.

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



***PART B -***

***Matters requiring Executive Committee Approval***

There were no matters requiring Executive Committee approval.

***PART C -***

***Matters requiring Council Approval***

There were no matters requiring Council approval

The meeting ended at 1.00pm.