

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

EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Thursday, 3rd January, 2013.

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

In Attendance: Chief Executive, Borough Treasurer, Borough Engineer & Surveyor, Assistant Chief Officer (Corporate & Development) (from 2.00pm to 3.10pm), Assistant Town Clerk (from 3.20pm to 4.00pm).

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 S R Pitts.

A2. Declarations of Interest

No declarations of interest were submitted.

A3. Minutes

Minutes of meeting held on Friday 30th November 2012 were approved and signed.

A4. Matters Arising from Previous Minutes

Clause C21 – Anagh Coar Shops' Car Park (Engineering Scheme): the Borough Engineer & Surveyor was requested to confirm to the Hills Ward Members the date when the contractors were due to commence works.

Resolved, "That particulars be noted on the minutes"

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 17th December 2012, including those items specifically referred to the Executive Committee, as follows:

Clause A11 – Street Nameplates (Additional Funding): it was noted that a large number of street nameplates, erected in 2003 and 2004, had degraded and were now in a very poor condition or were unreadable. This sudden degradation had over-burdened this year's budget and approval for additional funding was therefore being sought. The current method of producing street nameplates was by printing and lamination and it was agreed by the Executive Committee that the use of vinyl lettering should be further investigated.

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

(ii) That authority be given for additional funding up to £11,000 from General Revenue Reserves for the replacement of street nameplates; and

(iii) That before any final decision was made on the method of producing street nameplates, the Assistant Chief Officer (Corporate & Development) be requested to research the cost comparisons between the current method of printing and lamination and the alternative method of vinyl lettering."

A6. Borough Warden Service – Performance and Strategy

The Committee considered a written report by the Assistant Chief Officer (Corporate & Development) in relation to the Borough Warden Service.

Members recalled the resolution by the Executive Committee on 27th July 2012 that fixed penalty notices were to be issued on the spot for byelaw infringements, rather than warnings being given. All cases of litter or dog-related offences, either reported or observed on patrol, and where there was sufficient evidence of both the offence and the identity of the perpetrator, had resulted in either a fixed penalty or a prosecution. Although these particular cases were not great in number, it was, however, noted that a total of 860 cases across all matters had been dealt with during the year.

In addition to byelaws, the Wardens also provided other services, including those associated with the Council's car parks; inspection of lifebelts, bee-lines and toilets; assisting with postal deliveries and other similar duties in the absence of the Facilities Manager; stewarding at civic, town centre and Council events; monitoring and dealing with car park issues; and dealing with referrals, such as fly-tipping, property enquiries and rates enquiries.

It was suggested, if the Team was provided with more substantial legislative tools and was managed with more focus on output and performance measures, then efficiency and effectiveness could be improved. Although fixed penalty notices were a valuable tool for local authorities, it was agreed that they were not a suitable measure to be used as a performance indicator.

It was therefore proposed, in order to demonstrate performance and effectiveness in relation to the Team's aim of improving the environment and amenity of the Borough, that the impact of measuring the condition of specific hot-spots could be used to demonstrate the efficacy of intervention by Wardens. The Assistant Chief Officer (Corporate & Development) confirmed that the Wardens already liaised with managers of public houses with regard to their obligation to keep the area outside of their respective premises clean, and Members requested that a list of the premises visited also be kept, in order to determine if intervention by the Wardens was achieving the desired results.

It was also suggested that Isle of Man environmental legislation needed to be updated to provide a more effective tool to encourage businesses and individuals to be more responsible regarding litter, such as was already in operation in the United Kingdom, and therefore it was proposed that the Council should prepare a submission to the Department of Infrastructure recommending and requesting improved legislation.

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

(ii) That the number of fixed penalties and prosecutions pursued during 2012 be noted;

(iii) That it be noted that the Wardens had been instructed that fixed penalties were to be issued, or prosecutions pursued, in all cases where they were warranted under current legislation;

(iv) That, in future, the number of fixed penalties issued be reported for information, but not be used as the main performance indicator to measure the effectiveness of the Warden Service;

(v) That, in future, officers provide performance data on environmental improvements achieved through intervention in relation to specific problem hot-spots, as well as the percentage of jobs closed with a positive outcome;

(vi) That a list of all the licensed premises visited be kept in order to determine if intervention by the Wardens was achieving positive results;

(vii) That authority be given for the preparation of a proposed revision to Section 14 of the Local Government (Miscellaneous Provisions) Act 1984, and the preparation of an Isle of Man version of the Clean Neighbourhoods and Environment Act, to be used as a basis for discussion with the Department of Infrastructure on improvements to current legislation; and

(viii) That the Assistant Chief Officer (Corporate & Development) be requested to report back to the Committee in three months' time in relation to progress on the drafting of the above legislation and performance of the Service."

A7. Voice Over Internet Protocol – Recording of Incoming Telephone Calls and Call-Management System

The Committee considered a joint written report by the Borough Engineer & Surveyor and the Head of ICT in relation to the Council's telephone system.

It was proposed to implement a step change in the level of management and the service offered by the Council, by way of use of the telephone system and the introduction of a Customer Relationship Management (CRM) System.

It was noted that the provision of voice recording, integrated with a standard CRM System, would allow for the comprehensive analysis of call management and customer relations within the Council. Following discussion, Members agreed that the level of management that would be provided by the CRM System was not currently warranted, and that a stand-alone voice-recording facility only should be implemented (together with an appropriate protocol). The protocol would provide protection for the Council's staff and provide the customer with protection and assistance over any disputes arising from telephone contact.

In addition to the provision of the voice-recording system in the Housing Services Section of the Borough Engineer & Surveyor's Department, it was proposed that additional user licences be added to the core system to enable the voice-recording facility to also be deployed in the main reception in the Town Hall.

The cost of providing the voice-recording system for the Housing Services Section would be £5,129, with monthly support charges of £84.33 (although there may be some small additional cost associated with deploying the facility in the main reception area).

It was noted that staff consultation and appropriate training would need to be carried out with existing staff over the introduction of voice recording. The proposed protocol would also require to comply with Data Protection, Telecommunications and Human Rights Legislation, as applicable to the Isle of Man.

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

(ii) That approval be given only for the implementation of a voice-recording system, the cost of £5,129 to be funded from General Revenue Reserves;

(iii) That the voice-recording system be deployed in both the Housing Services Section and the main reception area of the Town Hall;

(iv) That the monthly support charges be funded from within the existing ICT budget;

(v) That a suitable protocol be prepared and agreed for the operation of the voice-recording system;

(vi) That the necessary staff consultation and agreements, coupled with appropriate training, be completed within the next month to allow for implementation of the voice-recording system with effect from 1st February 2013; and

(vii) That a further report be submitted to the Committee in September 2013 to assess the benefits of the new system and any further Services into which it should be expanded, and to determine if a Customer Relationship Management System would be beneficial to the Council."

A8. Boundary Review Committee

The Committee considered a written report by the Assistant Town Clerk in relation to the publication by the House of Keys Select Committee of its Second Interim Report on proposals to change the House of Keys constituency boundaries.

The Report recommended the creation of twelve two-seat constituencies to replace the current mix of one-, two- and three-seat constituencies. This accorded with the Council's view, expressed in March 2011, that all constituencies should be of equal size and have equal representation in the House of Keys.

As far as Douglas was concerned, there should be no change as it presently contained four constituencies, each with two seats. However, in creating new constituencies, the Select Committee would take into account the number of voters in each, and the imbalances that existed in the Douglas constituencies would clearly need to be addressed. It was possible that the Select Committee would seek to create equality by combining an existing Douglas constituency with an adjoining one, either a part of Braddan or a part of Onchan.

Members noted that there could also be an effect on the Council's Wards boundaries. Although it was not proposed at the present time that local authority boundaries should be changed,

previous exercises to try to equalise Ward numbers had failed because of the polling district boundaries within them and the fundamental inequality at that level.

Members also recalled that the Council had previously made representation that the polling districts should be examined, and that any changes should be made in a manner that suited both the four House of Keys constituencies and the six Wards of the Borough. If changes were proposed to polling districts within Douglas, it was recommended that these be supported as long as the end result served both purposes.

Should such changes be achieved, the Council would be left in a position where it could consider a number of aspects relating to its own internal boundaries, including a reduction from six to four Wards (to correspond with the House of Keys constituencies), and the number of Members per Ward.

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

(ii) That it also be noted that the Leader of the Council and the Chief Executive would be meeting with the Select Committee on a date to be arranged;

(iii) That the Council re-affirmed its view that the polling districts in Douglas should be reviewed to promote greater equality of representation;

(iv) That should the Select Committee concur with the review of polling districts, any support or assistance required from the Council be given; and

(v) That should the review of boundaries be successful, reports be brought forward in due course for consideration in respect of the alteration of Ward Boundaries.”

A9. Monthly Financial Review (November 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.

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

A10. Recycling Facilities at the Ballacottier Service Centre

The Committee considered a written report by the Assistant Borough Engineer in relation to proposals to centralise recycling facilities at the Ballacottier Service Centre.

The Council, in addition to carrying out various in-house waste management services, also contracted out shared waste management services for Braddan Parish Commissioners and the Department of Infrastructure. The waste management services undertaken were domestic and commercial refuse collection for Douglas and Braddan, kerbside collection for Douglas and Braddan, and a bring-bank collection for the Department of Infrastructure.

As the current subsidy received for waste delivery to the Energy from Waste Plant diminished year-on-year, it was becoming more important to reduce rate-borne costs by recycling and re-using materials from both the domestic and commercial waste streams. The current processing and disposal routes for all collected recyclates was inconsistent and, clearly, centralised processing had advantages. The Council’s own facilities at the Ballacottier Service Centre had therefore been identified and a planning application had been submitted to establish if this would be possible.

Members were advised that the planning application had been approved and the Department of Environment, Food and Agriculture had subsequently confirmed that a Waste Licence to operate would be issued, if required. It was noted that an initial cost-benefit analysis had also been undertaken and, if processing of recyclates was to be relocated to the Ballacottier Service Centre, then potential savings could be achieved. Initial indications were, therefore, that the proposal was feasible and worthy of further detailed investigation.

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

(ii) That agreement in principle be given to relocating the recycling facilities from the current site at Unit 41, Snugborough Trading Estate, Braddan, to the Ballacottier Service Centre; and

(iii) That authority be given for a further detailed feasibility study to be undertaken, the results of which were to be reported back to the Committee in May 2013.”

A11. 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

B12. Standing Orders Amendments – No. 39 (Written Questions)

The Committee considered a written report by the Assistant Town Clerk proposing changes to Standing Order 39 (Written Questions).

The principal changes were to provide clearer definition of questions that may be asked in Council under Standing Order 39. Since April 2012, when a new Council was elected, the number of questions submitted for written answer at Council meetings, and the complexity of them, had risen considerably. Previously, only four or five questions were received annually; now there were several at every Council meeting.

The responses to all Members’ written questions must be absolutely accurate and that sometimes required considerable research and consultation. There had been several occasions recently when a series of quite complex questions had been submitted, entailing a large number of senior staff being involved for several hours’ work each. This was time diverted from the mainstream responsibilities the Council expected them to fulfil and this was not the intention and purpose of the Standing Order allowing written questions.

There was also currently no bar in the Standing Order (although common sense and reasonableness could arguably be implied) to Members asking the same, or very similar questions, at several separate Council meetings, which was again wasteful of officer time and not a proper use of the Council’s procedures. The right of Members to ask questions was beyond doubt, however, in certain circumstances, it was only reasonable to impose some limitation.

At the same time, it was proposed to clarify that Members were entitled to one question on each topic, to eliminate the situation where a Member can ask multiple questions on the same subject.

The report stressed the resources that were required to research and prepare responses to questions, and Members took the view that it was reasonable and legitimate under the existing Standing Order for a question to be disallowed, if the cost would be disproportionate, or there were personal interests involved on the part of the Member asking the question, or if it was inappropriate for any other reason. The Chief Executive advised that although some leeway had been given in the first few months of the new Council, to allow Members to have all the information they felt they required, this Standing Order would now be adhered to more rigidly.

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

(ii) That no action be taken to amend Standing Order 39, but that it remain in its present form as the proposed changes were already contained in it implicitly; and

(iii) That the Chief Executive would ensure that Standing Order 39 be more rigidly applied with the support of the Leader of the Council and Committee Chairs, and its operation monitored.”

The Committee rose at 5.20pm.