



Borough of Douglas

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

Town Hall,

Douglas,

8th February, 2013

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL to be held on WEDNESDAY, the 13th day of FEBRUARY, 2013, 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, 9th January, 2013 and Special Council Meeting held on Thursday, 24th January, 2013.

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

EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Friday, 25th January, 2013.

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

In Attendance: Borough Treasurer, Borough Engineer & Surveyor, Assistant Town Clerk, Assistant Chief Officer (Corporate & Development) (from 2.00pm to 2.20pm).

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 the Chief Executive.

A2. Declarations of Interest

His Worship the Mayor declared an interest in the item relating to the Bottleneck Car Park, Loch Promenade, Douglas - Use for Entertainment during the T.T. Festivals 2013 to 2015 (inclusive).

A3. Minutes

Minutes of meeting held on Thursday 3rd January and Special Budget meeting held on Friday 11th January 2013 were approved and signed.

A4. Matters Arising from Previous Minutes

Local Authority Rates: Members were advised that the Honourable Minister for the Department of Infrastructure had stated in the media that some local authorities had charged more on their respective rates than they should have to take account of waste charges, this going back to the time when the incinerator had come on line and the introduction of the Government subsidy.

Resolved, "That particulars be noted on the minutes, that the Borough Treasurer researches the Council's financial records and provides the relevant information to the Leader of the Council, in order that he may respond to the Honourable Minister's statement accordingly."

Anagh Coar Shops' Car Park (Engineering Scheme): Hills Ward Members reported that they had still not been advised of the date when the contractors were due to commence works. The Borough Engineer & Surveyor advised that he understood the Assistant Borough Engineer was intending to take the Members on a site visit.

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

A5. Douglas Development Partnership – Events Programme 2012 / 2013 and 2013 / 2014

The Committee considered a written report by the Assistant Chief Officer (Corporate & Development) setting out a review of the experimental 2012 / 2013 Town Centre programme of events, together with a provisional programme for 2013 / 2014.

The Assistant Chief Officer (Corporate & Development) reminded Members that a £40,000 budget had been allocated towards the delivery of an experimental events programme for 2012 / 2013 to support the Town Centre regeneration process, by delivering enjoyable experiences which, in turn, should encourage footfall and make the Town Centre a more vibrant destination. Although some events had been more successful than others, it was considered that the programme had proved a great success, with much positive feedback from the public. Additional feedback from businesses had also been positive, with many reporting increased footfall and turnover during events.

Running a successful event was a very time-consuming process and a great deal of the Town Centre Manager's time had been spent organising the events, resulting in fewer events being held than anticipated. Two measures to tackle these problems were proposed as follows:

- The first was to buy in more event management services to deal with the practical on-site issues and, whilst this would entail some additional cost, it was hoped to offset this by securing sponsorship.
- The second was to work more closely with charities and fund-raising initiatives. Whilst all events in 2012 had involved the Partnership being the lead organisation, three enquiries had already been received in 2013 from other organisations seeking the Partnership's assistance but volunteering to take the lead. This would be an ideal situation, as it would allow the Partnership to steer the event whilst relieving the Town Centre Manager of some aspects of the organisation.

Members were reminded of a previous suggestion that events should be advertised on a big-screen in the Town Centre. Big screens could be hired out and could also be used to provide useful information. It was noted that the Borough Engineer & Surveyor's Department's Electrical Services Section had some ideas in this respect.

Discussion also took place about information being provided in relation to the regeneration programme in the Town Centre, by way of big screens, hoardings, etc. The Assistant Chief Officer (Corporate & Development) advised that it had been raised at a recent meeting of the Douglas Local Regeneration Committee, but that members of that Committee had not been supportive of the idea.

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

(ii) That the review of the event programme for 2012 / 2013 and the provisional programme for 2013 / 2014 also be noted;

(iii) That authority be given to the Borough Treasurer to release £40,000 to the Douglas Development Partnership in respect of the event programme for 2012 / 2013; and

(iv) That further investigation be undertaken in respect of the installation of a big screen for advertising events / providing information in the Town Centre."

A6. Charitable Collections and Flag Days for 2013

The Committee considered a written report by the Assistant Chief Officer (Corporate & Development) seeking approval of advanced bookings for charitable collections and flag days for 2013.

It was recalled that each year the Council invited charities to apply in advance to hold flag day and charitable collections during the forthcoming year. Twenty-six applications had been received to date for 2013.

It was noted that approval of any subsequent applications throughout the year (up to the annual limit of twenty-eight collections) was delegated to the Chief Executive for consideration. The Chief Executive had further delegated this responsibility to the Assistant Chief Officer (Corporate & Development) in order to ensure that subsequent approvals did not coincide with other Town Centre events and activities.

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

(ii) That the schedule of flag days and charitable collections, as appended to the written report, be approved."

The Assistant Chief Officer (Corporate & Development) was thanked for his attendance and left the meeting at 2.20pm.

A7. Minutes and Referrals of the Environmental Services Advisory Committee

The Committee considered the minutes of the Environmental Services Advisory Committee meeting held on Monday 14th January 2013. It was noted that no items had been specifically referred to the Executive Committee.

Resolved, "That particulars of the minutes of the Environmental Services Advisory Committee be noted."

A8. Minutes and Referrals of the Regeneration and Community Advisory Committee

The Committee considered the minutes of the Regeneration and Community Advisory Committee meeting held on Tuesday 15th January 2013. It was noted that no items had been specifically referred to the Executive Committee.

Resolved, "That particulars of the minutes of the Regeneration and Community Advisory Committee be noted."

A9. 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 16th January 2013. It was noted that no items had been specifically referred to the Executive Committee.

Resolved, "That particulars of the minutes of the Housing and Property Advisory Committee be noted."

A10. Consultation Document – Vehicle Roadworthiness Testing

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

It was noted that the Department proposed to introduce regular testing of vehicles for roadworthiness on the grounds of safety. It was aimed principally at vehicles that may not have been thoroughly maintained, or those over a certain age, which may be subject to deterioration and may cause danger on the road.

The proposals followed common practice in other countries, but it was recommended that the United Kingdom practice of initial testing after three years and then annual testing, be supported. The introduction of mandatory testing would result in some of the Council's vehicle fleet becoming subject to testing. However, as the Council, through its garage service, already maintained its fleet to a high standard with regular servicing, the effect would be minimal.

Although there was no reference to fees in the proposals, if United Kingdom fees were followed, each vehicle over three years old would cost in the region of £55.00. As the Council's fleet contained approximately forty vehicles that would qualify, there would be an annual cost involved.

Members noted that the Transport and Plant Manager had observed that mileage within the Isle of Man was so low compared to averages in the United Kingdom, that the introduction of annual testing may be over-regulation and therefore an unnecessary expense. This low mileage also resulted in the rate of wear on components, such as brakes, steering, suspension, and tyres, being a lot less.

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:

- That the Council supported the proposal to introduce roadworthiness testing of vehicles, but not following United Kingdom practice as this was considered too frequent, given the significantly lower mileage (and therefore the lower rate of wear on components) within the Isle of Man compared to UK averages;
- That the Council supported testing at first registration of vehicles of three or more years old, with a further test at ten years old and a subsequent test five years after this (rather than annual testing); and
- That the Council supported identity checks on vehicles that were less than three years old when brought to the Island, in order to reduce the risk of insurance fraud."

A11. Monthly Financial Review (December 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.

Members were reminded that an inconsistency between Standing Orders and Financial Regulations had previously been identified. The Committee had considered this matter on 30th October 2012 and agreed that the value of £3,500, as stated in Standing Order 129(3), should be quoted in the Financial Regulations Schedule of Amounts. Therefore, in order to bring Financial Regulations into line with Standing Order 129, an amendment was required to Financial Regulation F65(ii) by the inclusion of an appropriate phrase in the Schedule of Amounts.

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

(ii) That approval be given for Financial Regulation F65(ii) to be amended to state '*before signing an order, the responsible officer shall (ii) ensure that in the case of an order exceeding the lowest value shown in Standing Order 129, Methods of Inviting Tenders and Quotations, that at least three competitive quotations have been obtained, except where the Chief Officer and the Borough Treasurer agree otherwise*.'

A12. Willowbrook Gardens, Vicarage Road, Douglas – Adoption of Open Spaces

The Committee considered a written report by the Borough Engineer & Surveyor seeking approval for the adoption of land at Willowbrook Gardens, a small cul-de-sac located off Vicarage Road.

Members were advised that several areas of communal open space, which were still in the ownership of the developer, were being maintained by the Council. It was therefore recommended to formally transfer ownership of these areas from the developer (Heritage Homes Limited) to the Council, under Section 25 of the Local Government Act 1985.

It was noted that provision existed in current budgets for continued maintenance.

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

(ii) That approval be given for the Council to take ownership of areas of open space at Willowbrook Gardens, Vicarage Road, Douglas; and

(iii) That no cost was to fall on the Council, including all reasonable legal costs incurred by the Council, which would be required to be met by the developer.”

A13. Bottleneck Car Park, Loch Promenade, Douglas – Use for Entertainment during the T.T. Festivals 2013 to 2015 (inclusive)

Under the provisions of the Local Government Act 1985, His Worship 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 tenders received for the use of the Bottleneck Car Park for entertainment during the T.T. festivals from 2013 to 2015 inclusive.

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

(ii) That the tender received from Bushy’s Brewery for the use of the Bottleneck Car Park site for a beer tent / entertainment operation be accepted.”

A14. 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.”

A15. Proposed Visit to Ballymoney by Council Representatives

The Committee considered a written report by the Assistant Town Clerk in relation to an invitation received from Ballymoney Borough Council.

Members were advised that a letter had been received, inviting the Mayor and Mayoress and Deputy Mayor and Deputy Mayoress, together with the Chief Executive, to visit Ballymoney in conjunction with a visit by Douglas Boxing Club on 8th March 2013, and to participate in a business meeting of the Council on 9th March 2013, when current plans and areas of mutual co-operation, with particular regard to economic development and tourism, would be discussed.

The Borough of Douglas and the Borough of Ballymoney were partners in a Twinning Agreement and, in recent years, there had been regular visits by Council representatives in both directions. The principle behind the twinning arrangements was to promote links between the two areas and there had been reciprocal visits, particularly by sporting clubs.

The usual arrangements for such visits were that the host Council provided accommodation, while the visiting Council paid its own travel expenses.

It was noted that the invitation to participate in a Council meeting was unusual, however, as three of the invited party, if approved and able to visit Ballymoney, were Councillors, they would therefore be well equipped to participate. The Chief Executive, although included in the invitation, had indicated that she was unable to accept because of other commitments. It was also noted that the Mayoress was unavailable on the proposed dates.

The Chair advised that a further letter had also been received from Ballymoney, extending an invitation for an additional Member of the Council to be a member of the visiting party, however, that Member was unable to attend.

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

(ii) That authority be given for the Mayor, Deputy Mayor and Deputy Mayoress to visit Ballymoney on the 8th and 9th March 2013; and

(iii) That approval be given for the party’s travel expenses to be funded by the Council.”

PART B –

Matters subject to Council approval

B16. Standing Order 7: Private Meeting – Selection of Mayor

The Committee considered a written report by the Assistant Town Clerk seeking approval for the suspension of Standing Order 7 to enable a variation in the date of the Special Council in 2013.

Standing Order 7 required the Chief Executive to convene a special meeting of the Council on the last Friday in March each year for the purpose of selecting an individual to serve as Mayor with effect from the Annual Council Meeting.

In 2013, the last Friday of March was the 'Good Friday' holiday and, under normal rules of interpretation, the meeting would usually take place the day previous, on the Thursday. As some Members had already indicated that they would not be available on the Thursday because of the holiday period, Wednesday 27th March was therefore recommended as the date for the meeting.

It was noted that the March meeting of the Executive Committee was similarly affected, and that had been re-arranged by the Chief Executive in consultation with the Chair to take place on Wednesday 27th March 2013, with the Pensions Committee (previously scheduled for 27th March) being re-scheduled to the afternoon of Tuesday 26th March 2013.

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

(ii) That it be recommended to Council that Standing Order 7 be suspended, to enable the Special Private Council for the Selection of Mayor to take place on Wednesday 27th March 2013; and

(iii) That for Members' clarification, a note of the amended meeting schedule for the last week in March 2013 be circulated accordingly."

Adjournment and Resumption

The Committee adjourned at 3.20pm and resumed at 3.40pm when the following Members were present: Mr Councillor D W Christian (Chair), the Mayor, Mr Councillor S R Pitts, Mr Councillor E A Joyce, Councillor Mrs C E Malarkey, Mr Councillor R H McNicholl.

B17. Standing Order 125: Urgent Business - Amendment

The Committee considered a written report by the Assistant Town Clerk seeking approval to revise Standing Order 125 in order to address a concern raised by a Member.

In recent months there had been a number of occasions where Standing Order 125, applying to urgent business and more usually known as 'the Two Chair Procedure', had been invoked. The procedure had been designed to facilitate urgent decisions and provided for the Leader of the Council with one other Lead Member to approve a recommendation from the appropriate Chief Officers, enabling speedier action than having to await a Committee decision. Although the use of the procedure must be reported to the next meeting of the Executive Committee, the Executive Committee may not change the substance of the decision (in the expectation that the approved action would already have been taken by the time of the Committee meeting).

Concern had been raised that, if two Members representing the same Ward were asked to sign, the procedure may lead to the perception that their Ward interests could influence their decision. In order to protect Members and to counter that perception, it was proposed that any use of the procedure should be signed by the Leader of the Council and one other Lead Member, who should not represent the same Ward as the Council Leader. Ideally, the other Lead Member should be the one whose remit included the relevant subject, but where that Lead Member represented the same Ward as the Council Leader, another Lead Member should sign (but with the Lead Member for the relevant subject being consulted).

It was noted that the procedure would be revisited in the next few months to expand the detail of the procedure and the supporting information required in its implementation.

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

(ii) That it be recommended to Council that Standing Order 125 be revised to read as follows:

'In any case where a matter arises that in the opinion of the relevant Chief Officer and the Chief Executive, cannot properly wait until the next meeting of the appropriate Committee, the Chief Executive if satisfied that all the relevant information has been provided in written form may seek a decision thereon from the Leader of the Council and the appropriate Lead Member.

Any decision taken in this manner shall be reported at the next meeting of the Executive Committee, and all relevant papers shall be made available to Members of the Executive Committee, but the Committee shall not vary the substance of the decision.

This procedure may only be used in case the subject matter is of such importance and urgency that, in the opinion of the Chief Executive the Leader of the Council and the Lead Member, it cannot properly be allowed to await a decision by the Committee under its normal timeframe, and where it is inappropriate to convene a special meeting of the Committee under Standing Order 90 (Meetings of Committees).

Where the Lead Member for a particular subject represents the same Ward as the Council Leader, they shall be consulted in relation to the matter but shall not sign off the decision'."

B18. Standing Order 56A: Use of Electronic Equipment at Meetings

The Committee considered a written report by the Assistant Town Clerk seeking approval for the introduction of a new Standing Order 56A to control the use of electronic devices during meetings.

The use of electronic equipment in meetings had become more prevalent, as such equipment had become more widely available, and this proposal was intended to facilitate its proper use where appropriate. Members recalled that an earlier draft had been rejected by the Council in November 2012 on the grounds that the use of electronic devices should be permitted but controlled.

It was suggested that mobile telephones, although they could distract Members, should not be prohibited for emergency communication. However, it was recommended that they be switched to silent operation and the Mayor or Chair should be informed that the Member concerned may need to leave the meeting to respond to an emergency call.

It was also recommended that the use of iPads should not be precluded altogether, provided they were used for purposes relevant to the meeting and not for communication. Members agreed that there should be no recording of proceedings on any device, and no device other than a mobile telephone or an iPad should be used.

The Borough Engineer & Surveyor advised the Committee that a device on silent operation, but still able to receive voice or data, had the potential to cause interference to the recording system installed in the Council Chamber.

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

(ii) That it be recommended to Council that a new Standing Order 56A be adopted as follows:

‘Except for the official recording system or in case the Mayor has given specific permission, no Member of the Council, officer or the public attending a meeting shall, during the meeting make any audio or video recording of the proceedings.

During any meeting all mobile communications devices shall be switched to silent operation. No mobile telephone or computer shall be used for any form of communication during the meeting except in case of potential emergency where the Mayor has given consent and in such case when a communication is received the individual concerned shall leave the Chamber to deal with the matter.

The use of laptop and tablet computers by Members of the Council during meetings shall be permitted only at the discretion of the Mayor and for the purpose of viewing files relevant to the business of the meeting’.”

3 For. 2 Against. Mr Councillor S R Pitts and Councillor Mrs C E Malarkey requested their vote against resolution (ii) be noted on the minutes.

The Committee rose at 4.25pm.

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

STANDARDS COMMITTEE

STANDARDS COMMITTEE – Minutes of Meeting held on Wednesday, 23rd January, 2013.

Members Present: Mr Councillor E.A. Joyce (Chairman), Councillor Mrs R. Chatel, Messrs Councillors G.J. Faragher, J.E. Skinner, Mr D. Booth (Independent Member).

In Attendance: Assistant Town Clerk, Democratic Services Officer.

REPORT

PART A -

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

A1. Minutes 6th November, 2012

The minutes of the meeting held Tuesday, 6th November, 2012 were approved subject to minor grammatical amendments.

A2. Statement of Complaints Investigated

The Committee noted that one complaint had been investigated against two Members. The investigation showed that there had been a breach of the Code of Conduct which had occurred through misunderstanding on the part of the Members. The action taken in this instance was to provide clarification of the Code of Conduct. There was an extended discussion of the incident, the nature of the complaint, and the need for greater clarity for Members as to what is and is not permitted. The Assistant Town Clerk was asked to draft guidance on the use of Council stationery and equipment.

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

A3. Investigation of Future Complaints

The Committee discussed the procedure by which complaints are investigated, reported to Committee and action taken. Whilst it was understood that correct procedures had been followed in dealing with the complaint which was the subject of the report to Committee, there was unease that the decision had been made by one officer.

Resolved, "That the Assistant Town Clerk should investigate any complaints made, then prepare a report with a recommendation as to the action to be taken; and the report should then be jointly considered by the Chairman of the Standards Committee, the Chief Executive and the Leader of the Council. The decision made by the three is then to be reported to the Standards Committee at its next scheduled meeting."

A4. Forward Plan

The Committee considered the Forward Plan and agreed that training and a careful consideration of the Constitution should be priorities.

Resolved, "That the Forward Plan be approved as drafted."

A5. Programme for Review of Codes Relevant to Governance

The Committee considered a report setting out a programme for review of internal and external codes relevant to governance. This programme was requested by the Committee in consideration of its forward plan.

Resolved, "That the report be noted on the minutes and approval given to the timetable of reviews as drafted."

A6. Training for Standards Committee Members

The Committee considered a report on training needs for Committee members. Members advised that a series of short training sessions would be preferably to one all-day session. The Independent Member offered his expertise in delivering some of the training. It was suggested that training be in one hour sessions and the Chairman, the Independent Member and the Assistant Town Clerk should meet to organise training.

Resolved, "That the report and discussion be noted on the minutes, and approval be given for training to be provided to members of the Standards Committee on the second Wednesday of the month for one hour prior to the regular meeting of the Council, and that the Independent Member's offer of assistance be accepted."

A7. Gifts and Hospitality – Guidance for Members and Officers

The Committee were advised that a thorough report on the topic of guidance for Members and on officers on gifts and hospitality will be brought forward for consideration at the next meeting. No specific issues were raised for inclusion in the report.

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

A8. Member / Officer Protocol

The Committee noted that the Member / Officer protocol will be reviewed in April 2013 as part of the Committee’s on-going review process. There was discussion of the Council’s protocol, etiquette and particularly historical protocols and procedures. It was agreed that these should be reviewed and where appropriate, revived.

Resolved, “That the discussion be noted on the minutes and the historical protocol review included in the Forward Plan.”

A9. Independent Member

Mr D. Booth, the Independent Member, advised that he has been appointed to the Employment Tribunal as an independent member. He has advised the Employment Tribunal of his position with Douglas Borough Council, and as he will only be needed to serve intermittently on the Tribunal, and never in any matter concerning Douglas Borough Council, he believes that there should be no conflict between the two positions.

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

A10. Schedule of Meetings

The Committee noted that the next meeting is scheduled for 10.00am, Wednesday 17th April, 2013. Councillor Mrs R. Chatel and Mr Councillor G.J. Faragher indicated that they may not be able to attend that meeting.

The meeting ended at 12.10pm.

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, 16th January, 2013.

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

In Attendance: Assistant Town Clerk, Assistant Chief Officer (Housing and Property), Assistant Chief Officer (Finance), Assistant Chief Officer (Corporate and Development), Assistant Chief Officer (Income), Housing Manager, Democratic Services Officer.

REPORT

PART A –

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

A1. Minutes 19th December, 2012

The minutes of the meeting held Wednesday, 19th December, 2012 were approved and signed.

A2. Waverley Court Heating System

The Committee considered a report on proposed modifications to the heating system at Waverley Court sheltered housing complex. The current central heating system serving the Waverley Court sheltered housing complex requires modifications to improve efficiencies and reduce running costs. Attached to the report was detailed technical information on the heating system and the proposed upgrade.

The Assistant Chief Officer (Income) advised that the tenants of the sheltered housing complex were recharged the actual cost of the heating and so the tenants would see the benefit of reduced heating costs. This would not be a saving for Douglas Borough Council as the cost would come out of reserves.

Resolved, "That particulars of the report be noted on the minutes and approval be given to the implementation of modifications by Manx Controls Systems Limited to the heating system at Waverley Court sheltered housing system at a cost of £13,969 to be funded from the Communities Facilities Reserves, subject to the concurrence of the Department of Social Care."

A3. Matters for Future Consideration

The Committee considered the report on matters for future consideration and asked for reports to be brought back for consideration by the Committee.

Resolved, "That 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 meeting ended at 11.30am

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, 15th January, 2013.

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

REPORT

PART A –

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

A1. Minutes – 18th December 2012

Minutes of meeting held on Tuesday, 18th December, 2012 were approved and signed.

A2. Cremated Remains Interment Options

The Committee considered a report from the Head of Parks on cremated remains interment options.

Resolved, “That the report be deferred to the next meeting of the Committee to allow the Head of Parks to gather further information on individually curbed and graveled cremated remains plots.”

A3. Snoozebox TT 2013 – Licensing Arrangements

The Committee considered a report from the Assistant Chief Executive, in response to a request from Snoozebox Limited (Snoozebox), seeking the Committee's support for the TT 2013 operation in advance of application to the licensing court.

It was noted that Snoozebox have accepted the hire fee agreed by the Committee and plan to seek a license application for the duration of the units being on site.

The report recommended that consent be granted for Snoozebox to seek licensing for alcohol sales on the basis that sales would be limited to Snoozebox customers and their guests and that alcohol would cease to be served by 1.00am.

Members discussed the arrangements for licensed premises in the park during TT week, it was agreed that, in line with other licensed premises in Noble's Park, an alcohol license which would cease trading by 12.00am rather than 1.00am would be supported.

Members agreed that the sale of alcohol does not have to be limited to customers and their guests.

Two areas were identified for the sale of alcohol, the community room in the Pavilion building or, as originally suggested by the Snoozebox, a marquee could be erected in the Snoozebox area.

In relation to a music license Members agreed to support an application subject to no live music being performed on the premises.

During discussions a Member queried if the Council had an area of land available to house the tented village that will be located in the athletics area of the NSC. The Assistant Chief Executive advised that other than lower Noble's Park, which is not ideal for a tented village, there is no suitable area of Noble's Park available during TT week.

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

- (i) Consent be granted for the Snoozebox Limited to seek licensing for alcohol sales for the Snoozebox operation on the basis that alcohol would cease to be served by 12.00am for the duration of the TT 2013;
- (ii) The sale of alcohol not be limited to Snoozebox customers and their guests;
- (iii) Consent be granted for the Snoozebox Limited to seek a 12.00am music license on the basis that no live music be performed on the premises.”

A4. Duke Track Days Limited – Noble’s Park

The Committee considered a report from the Assistant Chief Executive, in response to a request from Duke Track Days Limited, requesting an agreement to continue operating karts in Noble’s Park for the winter of 2013/14.

Members previously approved commercial go-karting in a section of the main car park at Noble’s Park during the winter months for an agreed hire fee.

Duke Track Days Limited commenced public karting on 15th December, 2012, and reported a positive response despite the unfavourable weather conditions.

Members were informed that Duke Track Days Limited is considering investing in a new fleet of karts and replacement of all water barriers but require financial justification to do so. Mr Duke, of Duke Track Days Limited, approached the Council to request an extension to the agreement for winter 2013/14.

The report detailed that little formal feedback and no complaints had been received by the Council, although the Mayor informed of three complaints from residents in the Noble’s Park area.

It was confirmed that the karting dates and location do not conflict with other events planned for Noble’s Park.

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

- (i) The agreement to operate karts in Noble’s Park by Duke Track Days Limited be amended to include an option to continue for the winter of 2013/14 on the same terms as originally agreed;
- (ii) An agreed fee continue to be charged with the addition of an inflationary increase in line with July’s Manx RPI;
- (iii) The dates of operation be confirmed for the 2012/2013 season as ceasing on Sunday 21st April 2013 and recommencing for the 2013/14 season on 24th September 2013 through to 25th April 2014 both dates inclusive;
- (iv) Duke Track Days Limited be responsible for notifying Upper Dukes Road and Victoria Avenue residents of the dates of operation for the 2012/13 and 2013/14 season.”

A5. Council Events 2013

The Committee considered a report submitted by the Assistant Town Clerk seeking confirmation of dates and initial arrangements for Council managed public events in 2013.

Members agreed to fix the date of the Christmas lights ceremony to the fifth Thursday before Christmas.

Discussion took place in relation to the date of Civic Sunday and the on-going conflict with either Father’s Day or the Sunday immediately following TT week. The recommended date for 2013 is the Sunday immediately following TT week, Members in attendance at the 2012 ceremony, which took place the Sunday immediately following TT week, agreed that numbers did not decrease. It was agreed that to avoid a potential conflict of dates with other local authorities the date of Civic Sunday would not be altered.

It was noted that the tide times were favourable for a beach display and bonfire on Tuesday, 5th November, 2013. Tide times were not suitable for a bonfire on the beach for the weekend immediately after bonfire night and the fireworks would require firing from a barge.

In answer to question, the Assistant Town Clerk informed the fireworks display had not been tendered for three years. Members suggested that a tender exercise be carried out for the 2014 display. To carry out the tender process for the 2013 display would be difficult as advanced booking is required for the popular date. In previous years firework companies have been asked to provide an example of what they can provide for a lump sum. A Member suggested that the 2013 fireworks display be professionally recorded and distributed to large firework suppliers with a request to submit a quote to provide a similar display.

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

- (i) The following dates for events in 2013 be approved:

Sunday, 9th June	Civic Sunday
Friday, 5th July	Performance of Royal Marines Band on Promenade
Saturday, 20th July	Noble’s Park Fun Day
Tuesday, 5th November	Fireworks Display
Sunday, 10th November	Remembrance Sunday
Monday, 11th November	Armistice Day

Thursday, 21st November

Christmas Lights Ceremony

- (ii) Officers be authorised to commence arrangements for the events on the dates proposed;
- (iii) Merlin Fireworks be engaged to provide the Fireworks Display, fired from the beach on Tuesday, 5th November;
- (iv) The 2013 fireworks display be professionally recorded and distributed to large firework suppliers with a request to provide a cost for a similar display in 2014;

For: 4 Against: 1

Mr Councillor G.J. Faragher requested his name be recorded as voting against resolution (iv).

- (v) Sponsorship be invited in respect of those events for which it is appropriate;
- (vi) A maximum of £500 be expended on banners to brand events as Council events.”

A6. Items for Future Consideration

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.”

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 11.30am.

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, 14th January, 2013.

Members Present: Councillor Mrs S.D.A. Hackman (Vice-Chairman), Messrs Councillors C.C. Thomas, R.H. McNicholl (Chairman) (for items A5 and A6 only), A.V. Quirk.

Apologies: the Mayor, Mr Councillor R.H. McNicholl (for lateness).

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

REPORT

PART A -

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

A1. Chair of the Meeting

In the absence of the Chairman, it was unanimously agreed that the Vice-Chairman should chair the meeting.

A2. Planning Application 12/01614/A – Kingswood House, 3 Harris Terrace, Douglas

The Committee considered planning application 12/01614/A seeking approval for the conversion to six apartments of a former office building at Kingswood House, 3 Harris Terrace, Douglas. There was some discussion about bin storage and the Building Control Manager confirmed that there are Building Regulations regarding the provision of bin storage.

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

A3. List of Unsightly Properties

The Advisory Committee considered the lists of unsightly properties being dealt with by the Building Control Section on behalf of the Council.

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

A4. Items for Future Consideration

The Committee considered a report setting out items on which there are reports outstanding. The Committee noted that some reports for future consideration had been raised at the start of the meeting under matters arising. The Assistant Borough Engineer advised that he will be bringing a presentation to the February committee meeting on disposal routes for recyclable materials.

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

A5. Attendance

Mr Councillor R.H. McNicholl joined the meeting at 11.00am and took the Chair.

A6. Minutes – 17th December, 2012

Minutes from the meeting held Monday, 17th December, 2012 were approved and signed.

A7. Matters Arising

There was some discussion as to whether or not there will be a future report on car parks. It was agreed that the matters identified may be the subject of future reports, dependent on the budget-setting process.

There was some discussion of the proposed lighting of the Jubilee Buildings on Victoria Street.

The Assistant Borough Engineer confirmed that it is hoped that Dr Greenwell of Durham University will be able to make a presentation to the Committee in February on seaweed technology.

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 11.33am.