



## **Borough of Douglas**

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**MR COUNCILLOR STANLEY COLVIN CAIN, JP  
MAYOR**

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Town Hall,

Douglas,

8<sup>th</sup> August, 2014

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL to be held on WEDNESDAY, the 13th day of AUGUST, 2014, 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 District Civic Amenity Site Joint Committee;
- (v) Any other Joint Committee;

VII - Consideration of the report of each Chair 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, 9<sup>th</sup> July, 2014.

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

## EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Friday, 25<sup>th</sup> July, 2014.

Members Present: Mr Councillor D.W. Christian (Chair), the Mayor, Messrs Councillors D.J. Ashford, J. Joughin, R.H. McNicholl.

Apologies: Mr Councillor S.R. Pitts, Chief Executive.

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

### REPORT

#### **PART A –**

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

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

Apologies for absence were submitted on behalf of Mr Councillor S.R. Pitts and the Chief Executive.

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

No declarations of interest were submitted.

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

The minutes of the meeting held on Friday, 27<sup>th</sup> June, 2014 were approved and signed.

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

Clause A21 - Alternative Sites for the Henry Bloom Noble Library: the Borough Treasurer confirmed that discussions had taken place with the existing landlord and that a further report would be placed before the Committee in September 2014.

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

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

The Committee considered the minutes of the Environmental Services Committee meeting held on Monday, 14<sup>th</sup> July, 2014. There were no items specifically referred to the Executive Committee.

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

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

The Committee considered the public minutes of the Regeneration and Community Committee meeting held on Tuesday, 15<sup>th</sup> July, 2014. There were no items specifically referred to the Executive Committee.

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

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

The Committee considered the minutes of the Housing and Property Committee meeting held on Wednesday, 16<sup>th</sup> July, 2014. There were no items specifically referred to the Executive Committee.

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

##### **A8. Consultation Document – Proposed Changes to Public Transport and Parking Provision**

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

Members were advised that the Department was seeking views on certain aspects of public transport and parking, with a view to making savings of £5,000,000 in the current year. It was noted that the Department had already commenced a review of parking and traffic in the Town Centres around the Island, with the aim of producing a unified strategy. There also appeared to be a separate exercise,

however, wherein the Department had identified three main areas where savings might be possible in the current year. These were (i) the reduction of subsidies on bus travel; (ii) charging for on-street parking; and (iii) charging for parking at Government buildings.

It was recognised that, while the exercise was directed at saving costs, changes in policy would have a direct bearing on other matters, such as the vibrancy of town centres, and the health benefits of walking and cycling as opposed to bus or car travel.

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

(ii) That the Department of Infrastructure be thanked for including the Council in its consultation exercise, and be advised that the Council -

- Expressed its support for the creation of a unified parking strategy for the Island, as long as the differing needs of the various towns could be accommodated;
- Recognised that the Department was likely to introduce charges for on-street parking in critical areas, such as Loch Promenade, and supported this, provided such charges were fixed at an appropriate level (for example, that the first two hours be free in order not to deter shoppers from visiting the Town Centre);
- Supported the retention of parking disc zones with a view to possibly extending the on-street parking charges into some such areas, if considered appropriate in the future, but expressed concern in relation to the enforcement of the zones (the Council wishing to see greater use of existing legislation) and to overnight and weekend parking by commercial vehicles in them;
- Did not support the suggestion of introducing of charges for residents’ permits for disc zones;
- Asks the Department to consider whether local authorities, especially in the four principal towns on the Island, could be more effectively involved in policing and enforcement, with costs and income being shared;
- Supported the ending of free travel on buses, except for state retirement pensioners and disabled people;
- Supported the ending of all free travel on the electric railway and the steam railway; and
- Supported the introduction of charges for Government officers, with the exception of those providing essential services, and makes no comment on charging for Members of the Legislature.”

#### **A9. Consultation Document – Criminal Procedure and Investigations Bill 2014**

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

It was noted that the content of the Bill concerned the process and rules of the Court, and that it was principally about disclosure requirements in cases of criminal prosecution.

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

(ii) That the Department of Home Affairs be advised that the Council -

- In general, supported the principles of the proposed Bill; and
- Suggested that the proposed disclosure procedure become a statutory requirement.”

#### **A10. Consultation Document – Beneficial Ownership of Companies**

The Committee considered a written report by the Assistant Town Clerk in relation to a consultation document received from the Cabinet Office.

It was noted that the content of the document was outwith the scope of the Council as a local authority, however, as a general principle, the creation of greater transparency in the beneficial ownership of companies could be supported.

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

(ii) That the Cabinet Office be advised that the Council -

- Considered that sufficient legislation in the form of the Companies (Beneficial Ownership) Act 2012 already existed, however, if the principles of the new legislation were to be introduced;
- Supported the creation of a central register of beneficial ownership of companies operating within the Isle of Man; and
- Suggested that such register need not to be public, as long as access was available to regulatory and enforcement agencies.”

**A11. Consultation Document – Proposed Additional Qualifying Session during the 2014 Festival of Motorcycling**

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

Members were advised that the organisers of the Festival of Motorcycling, the Manx Motor Cycle Club, had requested road closures over and above the traditional times in order to allow more time for competitors' qualifying. The proposal was to utilise the Saturday morning between Practice Week and Race Week (23<sup>rd</sup> August 2014).

It was noted that there was already a road closure scheduled for racing during the Saturday afternoon (23<sup>rd</sup> August 2014), and that one of the reasons given for the proposed additional qualifying session was because of the high number of entrants. In this latter respect, it was suggested that the organisers should give consideration to limiting the number of entrants to the time available.

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

(ii) That the Department of Economic Development be advised that the Council's preferred solution would be for an additional qualifying session taking place between 1.00pm and 5.00pm on the Thursday afternoon of Practice Week (i.e., 21<sup>st</sup> August 2014);

(iii) That, in the event that the Department proceeded with the proposed additional qualifying session on the morning of Saturday, 23<sup>rd</sup> August, 2014 -

- Access points be opened for at least an hour in the middle of the day to reduce the inconvenience to residents and businesses; and
- Information relating to the location of access points and their opening times be widely communicated; and

(iv) That the Department be requested to give an undertaking that the road closures for the 2015 Festival would be consulted upon, finalised, and in place at least three months prior to the start of the meeting."

**A12. Monthly Financial Review**

The Committee considered a written report by the Borough Treasurer setting out details of progress made compared to key performance indicators in relation to the percentage of rates collected; the increase in the number of non-cash / non-cheque payments; and the percentage of sundry debtors collected within three months.

The Borough Treasurer gave Members a verbal update in relation to outstanding debts associated with Shaw's Brow Car Park, advising that the Department of Infrastructure had indicated, because its contribution would fall to nil by the 2018 / 2019 financial year, that payments would be restarted on a quarterly basis as invoices were raised.

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

(ii) That the Borough Treasurer be requested to write to the Department of Infrastructure confirming the outstanding amounts relating to the Shaw's Brow Car Park."

**A13. Shaw's Brow Car Park – Resealing of Levels 4 and 5**

The Committee considered a written report by the Assistant Borough Engineer seeking approval to proceed with resealing works on levels 4 and 5 of the Shaw's Brow Car Park during August 2014.

As the month of August generally saw reduced usage of the Car Park due to the school summer holidays, there should therefore be a reduced amount of disruption and inconvenience to customers by carrying out the resealing works at that time. The contractor had advised that work could commence with two weeks' notice (subject to obtaining work permits for their staff), and that the works would take six weeks to complete. It was noted that the design and supervision of the project would be carried out using in-house resources.

The Borough Engineer & Surveyor updated the Committee on the latest information he had received on the progress of the submission of the petition to the Department of Infrastructure seeking funding for the scheme. He advised that it had been understood that a report had been prepared by the Department recommending approval of the petition, however, following further contact with the Department, it appeared that this was not the case and that the earliest date for a report to now be drawn up was mid-August 2014, on the return from annual leave of the only officer able to deal with the matter. Assuming approval of the petition, work could only then be commenced in September, with completion in October 2014. It was noted that the nature of the work required clement weather conditions.

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

(ii) That the outcome of the petition application be awaited and, if granted, that the resealing works to levels 4 and 5 of the Shaw's Brow Car Park be commenced as soon as possible after that, with the

scheme being managed as best as possible in respect of any disruption to customers and weather conditions; and

(iii) That the Borough Engineer & Surveyor be requested to write to the Department of Infrastructure confirming that the petition would be progressed immediately upon the return of the officer responsible, and expressing the Council's concern that the petition was processed and approved as quickly as possible."

**A14. Royal Artillery Association – Request to hold World War I Commemoration Service on Douglas Head**

The Committee considered a written report by the Borough Engineer & Surveyor in relation to a request received from the Royal Artillery Association seeking permission to hold a memorial service on Douglas Head on Monday, 4<sup>th</sup> August, 2014.

Members noted that 4<sup>th</sup> August 2014 would be the one-hundredth anniversary of the outbreak of the First World War. The Secretary of the Royal Artillery Association (Isle of Man Branch) had requested Council approval to hold a service of remembrance on that date at 7.00pm at the Goldie-Taubman Memorial on Douglas Head. This would essentially be a private event for members of the Royal Artillery Association, with no other service organisations or members of the public being invited (although there was nothing to prevent people attending). The number of persons expected to attend was estimated at fifty, and there was no formal expectation for stewarding.

Members were advised that it was understood that the Manx Legion Club were attempting to organise a separate event – involving a parade from Market Street along North Quay to the Victoria Pier – but this would clearly not conflict with the Royal Artillery Association's proposed event.

Resolved, "That particulars of the report be noted on the minutes and that the request be approved accordingly."

**A15. Replacement Machinery – Professional Ride-On Mower**

The Committee considered a written report by the Transport & Plant Manager seeking approval to procure a 'Walker MDDGHSCEU' ride-on mower as replacement machinery.

It was noted that the duties of the 'P162' ride-on mower, currently operating within the Parks Section, included maintaining the grass areas in open spaces, the Town Squares, the Douglas Promenades, and at St George's Church. It was eight years old, becoming wholly uneconomical to run, and the impact on service delivery was increasing due to its consistent downtime.

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

(ii) That approval be given for the procurement of a 'Walker MDDGHSCEU' ride-on mower, to be funded from the Plant Renewals Fund; and

(iii) That approval be given for the disposal of the 'P162' mower via the auction method."

**A16. Replacement Machinery – Two No. Four-Wheel Drive Professional Ride-On Mowers**

The Committee considered a written report by the Transport & Plant Manager seeking approval to procure two 'John Deere 1445' ride-on mowers as replacement machinery.

It was noted that the duties of the 'P23' ride-on mower, currently operating predominately at Douglas Golf Course, included maintaining the rough and semi-rough areas of the Course plus the fairways. Although it was twelve years old and had been reliable and efficient, it now required repair work to its deck, main frame and gearbox.

The duties of the 'P68' ride-on mower, currently operating within the Parks Section, included maintaining the Lawn Cemetery and open spaces around the Borough. This machine was seven years old and its cutting deck required replacing, however, because of the cost, it was not deemed viable to replace the deck on a machine of this age.

Members were advised that the Head of Parks had requested a slightly larger mower to replace 'P68', in order that grassed areas could be maintained more efficiently, and, although the machine proposed for procurement was not the lowest priced tender returned, its width cut, reliability and efficiency justified the recommendation.

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

(ii) That approval be given for the procurement of two 'John Deere 1445' ride-on mowers, to be funded from the Plant Renewals Fund; and

(iii) That approval be given for the disposal of the 'P23' and 'P68' mowers via the auction method."

#### **A17. Replacement Machinery – Wheeled Skid-Steer Loader**

The Committee considered a written report by the Transport & Plant Manager seeking approval to procure a 'Bobcat S530' loader as replacement machinery.

It was noted that the duties of vehicle FMN 837M, a mechanical dumper truck operating within the Parks Section, included moving soil and compost around the Nursery. It was thirteen years old, becoming wholly uneconomical to run, and the impact on service delivery was increasing due to its consistent downtime.

Vehicle GMN 58R, also a mechanical dumper truck, operated at Noble's Park. Although this machine was ten years old, it was in fair condition, and the Head of Parks had requested it be retained until it was no longer viable to maintain.

It was therefore recommended that the replacement fund allocated to both these vehicles be used to procure the wheeled skid-steer loader.

Members were additionally informed that the introduction of a 'Bobcat'-type bucket machine would remove the need for manual handling currently involved in loading; and that vehicle GMN 58R would not be replaced following its eventual removal from service.

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

(ii) That approval be given for the procurement of a 'Bobcat S530' loader, to be funded from the Plant Renewals Fund;

(iii) That approval be given for the disposal of vehicle FMN 837M via the auction method; and

(iv) That approval be given for the retention of vehicle GMN 58R, to operate at Noble's Park in a limited capacity until it was no longer viable to maintain, and to then dispose of it via the auction method."

#### **A18. Car Park Resurfacing Works at Darragh, Anagh Coar, Douglas**

The Committee considered a written report by the Assistant Borough Engineer in relation to tenders received for the resurfacing of the car park at Darragh in Anagh Coar, Douglas.

Members were advised that five contractors on the Council's select tender list had been sent tender documentation for the car park refurbishment project, with four submissions being received.

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

(ii) That the lowest tender received for the resurfacing of the car park, from Stephen Christian & Sons Limited, be accepted."

#### **A19. Douglas Town Hall Internal Redecoration Works**

The Committee considered a written report by the Assistant Property Manager (Assets) seeking approval to appoint a contractor to undertake internal decoration works to the main staircase and first-floor landing of the Town Hall.

Members recalled that, during the Council's recess in August 2013, the Council Chamber, Mayor's Parlour and Committee Room had been redecorated, and these works had highlighted the need to decorate the landing and staircase area. The proposed scheme would incorporate the repainting of surfaces previously decorated (with the colour finishes being similar to the existing) but excluding the painting of the bronzed-effect balustrading and varnished timber handrail on the staircase.

As the Town Hall was a working building, restrictions would be placed on the contractor, including no noisy works of a long duration between 8.45am and 5.15pm, and any access equipment required being brought into the building at weekends. The duration of the scheme would be from Saturday, 9<sup>th</sup> August to Sunday, 31<sup>st</sup> August, 2014, although access to the Council Chamber on Wednesday, 13<sup>th</sup> August, 2014 would be maintained to allow the scheduled Council Meeting to proceed.

Members were informed that the first attempt to obtain priced quotations had yielded no returns. Therefore, in order to progress the project, further pricing documentation had been issued to painting and decorating contractors inviting quotations by 1<sup>st</sup> August 2014.

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

(ii) That the Leader of the Council and the Borough Engineer & Surveyor be authorised to accept the lowest submitted quotation to undertake the internal decoration works as set out in the relevant Specification of Works."

#### **A20. Landlord and Tenant (Private Housing) Bill 2013**

The Committee considered a written report by the Borough Engineer & Surveyor seeking approval to submit a written response to the Tynwald Select Committee on the proposal to extend the Landlord and Tenant (Private Housing) Bill 2013 to incorporate public sector housing.

Members were advised that the Landlord and Tenant (Private Housing) Bill 2013 was being promoted by the Department of Social Care, with the purpose of the Act (resulting from the Bill) being to achieve a fair and reasonable balance between the rights of landlords and tenants under privately-rented tenancies. It was noted that Clause 4 of the Bill provided for exemption for a lease granted by a local authority performing functions under the Housing Act 1955.

It was recalled that the Council had considered a report on the proposed Bill in March 2013 and had resolved that *'the introduction of the Landlord and Tenant (Private Housing) Bill be supported, with the comment that registration and enforcement of registration should be a local authority responsibility'*. The Council's decision had been based on the perception that this service was one that could rightly be assumed by local authorities.

A Select Committee of Tynwald had subsequently been set up to consider a proposal that the provisions of the Bill be extended to cover public sector housing. A request had been made for written evidence from the Council by 30<sup>th</sup> May 2014 (although this date had been extended to 4<sup>th</sup> July 2014, it had not been possible to prepare a report for Committee to meet that deadline, and the Assistant Town Clerk had, accordingly, requested a further extension to allow for consideration of this report).

It was suggested that to merely extend the provisions of the Bill to cover public sector housing should not be recommended for a number of reasons, and Members considered these points in detail as contained in the written report. In summary, these included -

- The Council currently obtained funding assistance for social housing from Tynwald through the Department of Social Care (the Housing Deficiency Grant). If the Council's social housing stock did not comply with the minimum standards set out in the Bill and work was required to be undertaken, then the only way funding could be provided would be through the Department. If the Department failed to provide funding, the Council would be unable to comply unless funding was provided for from the General Rate Fund.
- In relation to the above point, if the Council could not comply with the provisions of the Bill because of the funding issue, it could risk losing its registration either to the individual property or generally. As the Department of Social Care was responsible for serving notice in relation to minimum standards, there was clearly a conflict as far as the Department was concerned in respect of any notice it were to serve on the Council, or any other local authorities which provided public sector housing.
- The Council currently had 2,355 social housing units, all of which would require to be registered under the Bill if it was extended to public sector housing, and this would present a potential significant financial cost to the Council in registering each individual property;
- A number of public sector units may well require significant work or have to be closed entirely if they fell short of the minimum standards. This could cause a considerable problem in individuals having to be re-housed and, whilst it would be desirable for all public sector housing to meet the same high standard as that in the private sector, it was questionable whether that would be affordable;
- In certain circumstances, tenants may withhold rent or reclaim it if the tenant claimed that the property did not comply with the minimum standards. This could be a particular concern to public sector properties and could potentially cause serious issues in relation to rent collection;
- As all local authorities which provided public sector housing were already governed by the Housing Act 1955, there was an argument for potential amendments to that Act rather than the introduction of the Bill to local authorities;
- Any breaches of the Bill would give concerns relating to funding (as above);
- The Department of Social Care would potentially be regulator and operator of the provisions of the Bill.

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

(ii) That the Tynwald Select Committee be advised that the Council opposed the simple extension of the Landlord and Tenant (Private Housing) Bill to the public sector; and

(iii) That the Assistant Town Clerk be authorised to prepare a written response on behalf of the Chief Executive to the Tynwald Select Committee, incorporating the rationale contained within the written report; and

(iv) That, if it was considered that the principles of the Bill were to be extended to cover the public sector, then the Chief Executive be further authorised to include in the written response that this would best be addressed by a different Bill, or by amendments to the Housing Act 1955."



**A21. Isle of Man Municipal Association – Minutes of Meetings**

The Committee had been circulated with the minutes of the Isle of Man Municipal Association meeting held on Thursday 26<sup>th</sup> June 2014. It was noted that the minutes of these meetings would continue to come before the Committee as a regular item for approval.

Resolved, “That particulars of the minutes of the Isle of Man Municipal Association be noted and approved.”

**A22. 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.”

**A23. Commemoration of the Commencement of Hostilities in the First World War (Monday 4<sup>th</sup> August 2014)**

The Committee considered a written report by the Borough Engineer & Surveyor seeking a resolution for a Council event to mark the centenary of the declaration of War on Germany and her allies on 4<sup>th</sup> August 1914.

Members were informed of a Royal British Legion ‘Lights Out’ project, supported by the United Kingdom Government, which aimed to achieve a nationwide switch-off between 10.00pm and 11.00pm on Monday, 4<sup>th</sup> August, 2014 – the hour in which Britain had declared itself at war with Germany one-hundred years previously. The organisers were hoping that every household in Britain would also mark the event, leaving a single light or candle burning for a ‘shared moment of reflection’.

It was noted that the Isle of Man Government had chosen not to promote this event on the Island, however, it was proposed that the Council might be in a position to take a lead in promoting an approach which, whilst not as intensive as in the UK, would allow the Council to appropriately commemorate the event.

Members were advised that it would be possible for the majority of the Council’s decorative lighting – on the Promenades and the Drives, in the shopping areas, on Douglas Head and the Marine Gardens - to be extinguished. The Council’s major public buildings would also be in darkness. Although it was not possible or desirable to extinguish highway lighting, some electronic dimming would be possible on the recently-installed columns in the Douglas regeneration area.

Additionally, there was the potential to project an illuminated poppy on to two boards on the Sefton traffic island, and to increase the level of illumination on the figure of the soldier on top of the Douglas War Memorial.

It was also suggested that Members of the Council (together with members of the public, if desired) could gather on Douglas Head to observe the decorative lighting being extinguished and, if weather conditions permitted, for Members to each light a candle (candles produced especially for the event were being sold through ‘Marks & Spencer’ stores, with a percentage of the income from their sale being donated to the Royal British Legion). It was noted that the Archdeacon had indicated his willingness to conduct a short service of commemoration, and the Douglas Town Band had agreed to provide appropriate music.

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

(ii) That approval be given for the Council, on Monday, 4<sup>th</sup> August, 2014 to -

- Extinguish appropriate decorative lighting at 10.00pm;
- Project images of poppies on to the boards on the Sefton traffic Island on Harris Promenade, Douglas, from 10.00pm;
- Dim (electronically) lighting in the Douglas regeneration area; and
- Invite Members to assemble at 9.50pm on the viewing platform on Douglas Head for a short service of commemoration.”

***PART B –***

***Matters requiring Council approval***

No matters subject to Council approval were considered.

The Committee rose at 4.20pm.

VI(iii) – The Proceedings of the STANDARDS COMMITTEE as follows:

# STANDARDS COMMITTEE

STANDARDS COMMITTEE – Minutes of Meeting held on Wednesday, 2<sup>nd</sup> July, 2014.

Members Present: Councillor Mrs R. Chatel (Chairman), Councillor Miss D.A.M. Pitts, Mr Councillor J.E. Skinner, Mr D.M. Booth (Independent Member).

Apologies: Mr Councillor W.M. Malarkey.

In Attendance: Assistant Town Clerk, Democratic Services Officer.

## REPORT

### **PART A –**

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

##### **A1. Appointment of Vice-Chairman 2014/2016**

Mr Councillor J.E. Skinner was unanimously elected to serve as Vice-Chairman for 2014/2016.

##### **A2. Minutes - 27<sup>th</sup> March, 2014**

The minutes of the meeting held Thursday, 27<sup>th</sup> March, 2014 were approved and signed.

##### **A3. Minutes - 10<sup>th</sup> April, 2014**

The minutes of the hearing held Thursday, 10<sup>th</sup> April, 2014 were approved and signed subject to correction of a minor typographical error.

##### **A4. Additional Issues Raised During Investigation Connected with Hearing on Complaint 14/01 on 10<sup>th</sup> April, 2014**

The Committee considered a report from the Chief Executive for the Standards Committee on matters raised in connection with the hearing into Complaint 14/01 conducted on 10<sup>th</sup> April, 2014. The report did not recommend any further action in relation to the additional matters raised in the hearing, but during the Committee consideration of the report it became clear that there are some areas of uncertainty for some Members.

The report highlighted that each Councillor may have several different roles and responsibilities within and outside of the Council. At times it may be difficult to separate those roles. Whilst it is apparent that Councillors can and do make appropriate declarations of interest in meetings, in other instances the different roles might not be as clear-cut. The report referred to a possible lack of clarity as to what 'hat a Councillor is wearing' in different situations. This is an on-going issue for Members because roles within Council change and develop, and individual circumstances change and develop. The Committee agreed to be open to suggestions and requests from Council for further guidance on the matter. The Committee discussed ways to assist Councillors in ensuring that the different roles are clear not only to themselves, but also to others, so as to avoid conflicts of interest. The Committee did not recommend further formal training for Members, but did note that refresher sessions might be appropriate, given that the formal induction for Councillors takes place shortly after taking office.

Related to Councillors' different roles is the issue of confidentiality. Whilst it is proper and expected for the Members of a Committee to discuss an issue thoroughly within a Committee meeting, outside of that meeting, the matter remains confidential until the minutes are published.

The report also highlighted the difficulties which may arise when a Councillor is unhappy or unsure if procedures have been followed, or is unsure of the correct or appropriate course of action in particular circumstances. In some instances, a Councillor may consider lodging a formal complaint, but before doing so, approach a more senior Member for advice. The report reiterated that a better course of action would be to seek the advice of the Chief Executive. If other Councillors are consulted first, then there could be breaches of confidentiality and/or any complaint and subsequent investigation could be compromised.

The Committee discussed other matters related to the hearing and report. It was agreed that the run-through of procedures on the day of the hearing, and prior to start of proceedings was very useful. It was also agreed that holding the hearing at a completely separate meeting was appropriate and ensured that Members were completely focused on the hearing itself. Members noted that the timetable for investigation and report was challenging. No changes were recommended to the timetable.

Resolved, "That the report and discussion be noted on the minutes, and the findings of the investigations be accepted in full."

**A5. Forward Plan**

The Committee considered the Forward Plan of Key Items for consideration by the Committee in the coming months. It was noted that the review of the Protocol for use of ICT has been carried forward and remains outstanding.

The Committee asked that a report on the ex officio status of the Mayor be brought to the next regular meeting of the Committee.

The Committee asked that paper copies of the Standards Committee Handbook be printed for members of the Committee.

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

**A6. Schedule of Meetings 2014/2015**

The Committee agreed that the regular meetings of the Committee for the remainder of the current financial year will be as follows:-

Monday, 22<sup>nd</sup> September, 2014; 10.30am

Monday, 22<sup>nd</sup> December, 2014; 10.30am

Monday, 23<sup>rd</sup> March, 2014; 10.30am

Resolved, "That the dates and times of the regular Committee meetings be noted on the minutes."

***PART B –***

***Matters requiring Executive Committee approval***

There were no matters requiring approval from the Executive Committee.

***PART C –***

***Matters requiring Council approval***

There were no matters requiring Council approval.

The meeting ended at 11.50am.

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

# HOUSING AND PROPERTY COMMITTEE

HOUSING AND PROPERTY COMMITTEE – Minutes of Meeting held on Wednesday, 16<sup>th</sup> July, 2014.

Members Present: Mr Councillor D.J. Ashford (Chairman), the Mayor, Councillors Mesdames S.D.A. Hackman, C.E. Malarkey, Mr Councillor J.E. Skinner, Councillor Ms K. Angela.

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

## REPORT

### ***PART A –***

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

##### **A1. Minutes - 18<sup>th</sup> June, 2014**

The minutes of the meeting held Wednesday, 18<sup>th</sup> June, 2014 were approved and signed.

##### **A2. Minutes - 13<sup>th</sup> June, 2014**

The minutes of the special joint meeting held Friday, 13<sup>th</sup> June, 2014 were approved and signed.

##### **A3. Matters for Future Consideration**

The Committee noted the report on matters for future consideration.

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

### ***PART B –***

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

There were no matters requiring approval from the Executive Committee.

### ***PART C –***

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

There were no matters requiring Council approval.

The meeting ended at 11.05am.

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

# REGENERATION AND COMMUNITY COMMITTEE

REGENERATION AND COMMUNITY COMMITTEE – Minutes of meeting held on Tuesday, 15<sup>th</sup> July, 2014.

Members Present: Mr Councillor S.R. Pitts (Chairman), the Mayor, Councillor Mrs R. Chatel, Messrs Councillors E.A. Joyce, G.J. Faragher, Councillor Miss D.A.M. Pitts.

In Attendance: Assistant Town Clerk, Assistant Chief Executive, Assistant Chief Officer (Finance), Assistant Borough Engineer, Assistant Chief Officer (Corporate and Development) (item A2 only), Assistant Chief Officer (Housing and Property) (items A5 and C7 only), Head of Parks, Assistant Property Manager (Capital) (items A5 and C7 only), Assistant Democratic Services Officer.

## REPORT

### **PART A –**

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

##### **A1. Minutes – 17<sup>th</sup> June, 2014**

Minutes of the meeting held on Tuesday, 17<sup>th</sup> June, 2014, were approved and signed.

##### **A2. Douglas Carnival**

The Assistant Chief Officer (Corporate and Development) provided an update on the Douglas Carnival.

Members were advised that 67 entries will feature in the Carnival procession.

The Assistant Chief Officer advised that the Fun Day element is fully subscribed with a variety of inflatables, two performance areas, food outlets and stalls.

The Assistant Chief Officer went on to discuss the After Party, it was confirmed that four local bands will perform at a staged area in the Bottleneck car park from 7.20pm. A licenced bar will be situated in the Bottleneck car park and the Parks Department will be creating a 'beer garden' on the day. It was confirmed families will be permitted in the licenced area and wrist bands will be distributed to adults.

It was reported that there had been plenty of volunteers for the day-time stewarding but additional stewards are still required to assist with road closures on the evening of the event. A Member agreed to assist with the road closures of the Esplanade. Members suggested various organisations that could possibly assist with stewarding on the day.

Members queried the road closure arrangements and the number of volunteers required to assist with the event.

The Assistant Chief Officer reported that the Carnival budget was likely to be overspent, but the Leader of the Council has agreed that additional funding could be sourced through the Executive Committee. The budget will be considered in detail at the event debrief.

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

The Assistant Chief Officer was thanked for his attendance and left the meeting.

##### **A3. Allotments**

Mr Les Gerrard joined the meeting to discuss the Johnny Watterson's Lane allotments.

Mr Gerrard reported no major issues with the allotments other than a small number of plots were unkempt. The Head of Parks advised two tenants had been given one month notice to vacate their plots and eight tenants received notices to improve their plots.

In response to query, the Head of Parks confirmed the discount cards had now been produced and ready to be circulated to all plot holders. At present he was negotiating with local retailers about participation.

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

Mr Gerrard was thanked for his attendance and left the meeting.

##### **A4. Christmas Lights Ceremony**

The Committee considered a report submitted by the Assistant Democratic Services Officer on the 2014 Christmas Lights Ceremony.

The report recommended a change in format for the 2014 event, proposing that Douglas Town Band play Christmas Carols on the stage at 6.15pm, followed by Christmas songs performed by a local singer at 6.30pm and a performance by a local choir at 6.45pm.

Members expressed concern about the proposals, a Member opined that the historical elements of the event should not be changed and both the pantomime and band should be asked to perform at the event.

Members agreed that all four performers should be invited to attend the event and if required the duration of the event could be extended.

It was suggested that local choirs could also be invited to perform in Regent Street during the late night shopping evenings.

The report advised that a common issue raised after the event is that members of the public cannot view the event from the Prospect Hill area. The report recommending hiring and installing a large screen in this area with a link recorded at a cost of £1,650.00 + VAT.

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

- (i) The Douglas Town Band, a local singer, Rebecca Forrest, the Christmas Pantomime and a local choir, Roc Vannin, be invited to perform at the 2014 Christmas Lights Ceremony;
- (ii) A large screen, at a cost of £1,650.00, be hired for the event;
- (iii) The Assistant Democratic Services Officer liaise with the Committee regarding arrangements for the event."

#### **A5. The Henry Bloom Noble Library Remedial Works**

The Assistant Chief Officer (Housing and Property) and the Assistant Property Manager (Capital) joined the meeting to discuss the following two items.

The Committee considered a report submitted by the Assistant Property Manager (Assets) on the proposed appointment of a contractor to undertake the replacement of the air conditioning installation and a second contractor to undertake the external decorative works at Henry Bloom Noble (HBN) Library.

The report confirmed the HBN Library building has been leased since 2003 by the Council. Under the lease, the Council is responsible for the full repair and maintenance of the property which ensures compliance with current statutes and legislation.

Members firstly discussed the external decorative works. It was reported that no tenders had been returned for this element of the works.

Members went on to discuss the air conditioning system. The report confirmed that a change in legislation had led to the cessation of the production of the refrigerant gas air conditioning equipment in 2003. The report advised that should a component become faulty the replacement parts will not be available. This includes the gas required to refill the system.

The Assistant Chief Officer (Housing and Property) advised that the air conditioning system has recently suffered some maintenance issues.

The report recommended replacing the air conditioning system. A Member queried if the lease stated the Council are legally contracted to replace elements of the building, as the report only confirmed the Council was contracted to a full repairing lease.

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

- (i) the item be deferred pending circulation of the appropriate clause of the Henry Bloom Noble Library lease to all Members of the Regeneration and Community Committee in order to confirm if the Council is obliged to replace the air conditioning system;
- (ii) Further legal advice be sought if requested by Members."

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

The Committee considered a report by the Assistant Town Clerk regarding reports for future consideration by the Committee.

Members agreed to various site visits on Thursday, 31<sup>st</sup> July, 2014.

The Head of Parks reported that the Council was awarded all four Green Flag Awards at this year's judging.

Members requested an update on the Living Promenade.

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 approval from the Executive Committee.

**PART C –**

***Matters requiring Council approval***

**C7. Chapel and Crematorium Extension, Refurbishment and Upgrade**

The Committee considered a report submitted by the Assistant Property Manager (Capital) on the chapel and crematorium extension, refurbishment and upgrades.

The report confirmed that the Douglas Borough Chapel and Crematorium are in urgent need of upgrade.

Three tenders were received for the works; the lowest tender submitted by N K Construction Limited was recommended for acceptance.

The report advised that the Council's Cremator Renewals Reserve Fund will be providing the financial contribution for the replacement of one cremator with a larger cremator and the installation of mercury abatement filtration equipment to both cremators in the sum of £690,144.00. This reduces the amount required to be borrowed to £1,126,856.00.

Members opined that the commencement date, 25<sup>th</sup> August, 2014, was unrealistic. The Assistant Chief Officer (Housing and Property) advised that the proposed commencement date is desirable and achievable if the petition is approved in good time.

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

- (i) N K Construction be approved as the principal contractor for the scheme together with their tender being the lowest submitted;
- (ii) The Chief Executive be authorised to submit a petition to the Isle of Man Government Department of Infrastructure for funding in the sum of £1,126,856.00, being the total capital borrowing required for the project, the remaining amount to be funded by the Council's Cremator Renewals Fund;
- (iii) The Department of Infrastructure be advised that an assessment of the Council's Reserve Fund has been undertaken to establish if sufficient monies were available to fund the proposed scheme via that source;
- (iv) That the Department of Infrastructure be requested to fund the annual loan charges (principal and interest) estimated to be £70,490.00 per annum."

The meeting ended at 11.44am.

# REGENERATION AND COMMUNITY COMMITTEE

REGENERATION AND COMMUNITY COMMITTEE – Minutes of Special meeting held on Thursday, 7<sup>th</sup> August, 2014.

*Minutes to be circulated separately.*



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

# ENVIRONMENTAL SERVICES COMMITTEE

ENVIRONMENTAL SERVICES COMMITTEE – Minutes of meeting held on Monday, 14<sup>th</sup> July, 2014.

Members Present: Mr Councillor R.H. McNicholl (Chairman), the Mayor (from 10.00am – 10.40am), Messrs Councillors C.L.H. Cain, W.M. Malarkey, Councillor Mrs E.C. Quirk.

Apologies: Councillor Mrs C.A. Corlett.

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

## REPORT

### **PART A –**

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

##### **A1. Minutes – 16<sup>th</sup> June, 2014**

The minutes of the regular meeting held Monday, 16<sup>th</sup> June, 2014 were approved and signed, subject to correction of the figure cited in Minute B11, resolution ii, which should read: £108,070.00.

##### **A2. Matters Arising from the Minutes**

Members of the Committee expressed grave concern over reports that the Council's objection to planning application 14/00594/B had not been communicated to the Planning Committee. The Borough Treasurer advised the Committee that the Council's views have been sent to the Planning Committee even though the deadline for submissions had passed as it may be important in the event of an appeal. Members were advised that there is an on-going internal investigation into the non-communication.

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

##### **A3. Matters Arising from the Minutes**

The Assistant Borough Engineer advised that no contractor has been found who is willing to take large machinery onto the beach to carry out beach levelling works due to the exposure to salt which will inevitably result from such works. He further advised that the Department of Infrastructure has offered the Council the use of a large machine and driver to carry out the work in exchange for the Council repairing the railings on the Promenade.

Resolved, "That the verbal update be noted on the minutes."

##### **A4. Planning Application 14/00581/B**

The Committee considered planning application 14/00581/B seeking approval for the creation of a primary school with associated parking, access and drop-off areas, playing areas and sports pitches, along with highway works to form bus lay-bys and pedestrian crossing points; and part demolition of the former post-graduate medical centre at the former site of Nobles Hospital, Westmoreland Road, Douglas. The Design and Access Statement which formed part of the planning application was appended to the report. Details such as environmental features, traffic management, materials used, layout, and plans were included in the Statement.

The school is designed to accommodate four hundred and twenty primary pupils. The development provides fifty-four standard, and three disabled car parking spaces, together with a further ten standard drop-off spaces along the front of the school. The new school will replace Ballacloan Infant School and Fairfield Junior School.

Members commented that the reuse of this site as a new primary school is a positive development which is long overdue as it was first proposed a number of years ago. There was discussion of the parking provision for the numbers of staff on-site and parking provision nearby for users of the neighbouring health facilities. Members noted that new road crossings for pedestrians are included in the proposal. Plans were circulated and reviewed by Members.

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

For: 3 – Against: 1

Mr Councillor R.H. McNicholl asked that his name be recorded as voting against the resolution.

**A5. Nuisance Abatement Notice – Homefield Depot, Murrays Road, Douglas**

The Committee considered a report on the external appearance of Homefield Depot, Murrays Road, Douglas. The doors are in poor repair and the doors and gate facing Murrays Road need repainting. Photographs attached to the report were reviewed by the Committee.

Resolved, “That the report be noted on the minutes and approval be given for the service of a Nuisance Abatement Notice on the owner of Homefield Depot, Murrays Road, Douglas, under section 24 of the Building Control Act 1991, requiring repainting and repair of the doors and repainting of the gate on the Murrays Road elevation.”

**A6. Nuisance Abatement Notice – Former Bakery, Grosvenor Road, Douglas**

The Committee considered a report on the external appearance of Former Bakery, Grosvenor Road, Douglas. The paintwork to the front and side elevations of the property is in poor condition.

Resolved, “That the report be noted on the minutes and approval given to the service of a Nuisance Abatement Notice under section 24 of the Building Control Act 1991, on the owner of the former Bakery, Grosvenor Road, Douglas requiring improvements to the visual condition of the front elevation and canopy of the property.”

**A7. Unsightly Properties**

The Committee considered the lists of unsightly properties being dealt with on behalf of the Council by the Building Control Section and by Environmental Health Officers. Members reviewed the schedule and discussed a number of issues related to specific properties.

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

**A8. Tender Report**

The Committee considered a report on tenders received for the supply of two refurbished canning balers and the refurbishment of an existing T40 baler. In May 2014 the Committee had given approval for tenders to be sought and the Executive Committee had approved an appropriate increase of the budget. Tenders were sought from two companies able to supply the appropriate machinery and to carry out the refurbishment work to the T40 baler. Only one company, Core Industries Ltd, submitted a tender by the closing date of 27<sup>th</sup> June, 2014. The tender amount for provision of the two balers and refurbishment of the existing baler is within budget estimates and represents good value for money.

The Assistant Borough Engineer reported that the new balers are the standard industry-sized machines, which is smaller than the T40. This will provide greater flexibility for the waste services section.

During consideration of the tender report, the discussion widened to include a general discussion on matters related to recycling. There was discussion on the possibility of a public relations exercise to raise awareness of the cost of waste disposal and the benefits of recycling. There was discussion of stickers to go on the bins to encourage recycling. The Committee had previously considered and given approval for the production and distribution of stickers, but these have not been finalised. Not all Members agreed that placing stickers on bins would encourage recycling. There was an alternative suggestion that production of fridge magnets and/or calendars would be more effective promotional materials.

There was discussion of recycling facilities for schools. The Assistant Borough Engineer reported that there have been informal discussions with schools on the possibility of recycling collections. In discussion it was agreed that the Assistant Borough Engineer should write to the head teacher of Ballakermeen High School to propose a trial of collections of recyclable materials from the school, starting in September, 2014. It was brought to the Committee’s attention that, as there was not a written report on the subject before them, they did not have any estimate of the cost of implementation of such a trial.

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

- (i) the tender submitted by Core Industries Ltd for provision of the two balers and refurbishment of the existing baler, being within budget estimates and good value for money, be accepted; and
- (ii) that approval is given for an approach to be made to Ballakermeen High School for collections of recyclable materials for a trial period of six months, starting in September, 2014, with an evaluation report being brought back to Committee at the end of the trial; and
- (iii) that a report be brought back to Committee setting out proposals for a public relations campaign to raise awareness of recycling including any materials, such as stickers, to be used.”

**A9. Attendance, Adjournment and Resumption**

The Mayor left the meeting at 10.40am during consideration of the previous item.

The meeting adjourned at 11.00am. The meeting resumed at 11.10am with these Members present: Mr Councillor R.H. McNicholl (Chairman), Messrs Councillors C.L.H. Cain, W.M. Malarkey, Councillor Mrs E.C. Quirk. The Building Control Manager was thanked for his attendance and left the meeting during the adjournment; all other officers remained in attendance when the meeting resumed.

**A10. Items for Future Consideration**

The Committee considered a report setting out items on which there are reports outstanding and discussed the matters raised earlier in the meeting for future report. The Committee reviewed and discussed correspondence received regarding restrictions on dogs on the beach. The Committee was advised that the restrictions on dogs are governed by byelaws which are published on the Council's website. The Committee asked that copies of the relevant byelaws be circulated to Committee Members and that a report on dogs on the beach and on procedures for amending byelaws be brought forward 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***

**C11. Capital Lighting Schemes 2014/2015**

The Committee considered a report on tenders received to carry out civil engineering works associated with the capital lighting schemes at these locations; Baldwin Road, Cambridge Terrace, Castleward Green, Clypse Road, Douglas Head Road, Falcon Cliff Terrace, Falcon Cliff Lane, Highcroft Road, Little Switzerland, Murray's Road, Norwood Drive, Park Avenue, Peel Road (Lower), Peveril Road, Poplar Road, Sulby Road, Terrence Avenue and Tynwald Road.

Three tenders were received by the closing date of 27<sup>th</sup> June, 2014.

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

- (i) the tender submitted by Paul Carey and Sons Ltd, being the lowest tender and within budget estimates, be accepted; and
- (ii) the Town Clerk and Chief Executive be authorised to submit a borrowing petition in the amount of £355,300.00 being the amount required to defray the cost of the works; and
- (iii) that the Department of Infrastructure be advised that an assessment of the Council's reserve funds has been undertaken to establish if sufficient monies were available to fund the scheme via that source."

The meeting ended at 11.40am.