



Borough of Douglas

Town Hall,

Douglas,

10th December, 2014

At a MEETING of the COUNCIL of the BOROUGH OF DOUGLAS, duly convened and holden at 2.30 p.m. on WEDNESDAY, the 10th day of DECEMBER, 2014, in the COUNCIL CHAMBER, within the TOWN HALL, at which Meeting the following Members were present, that is to say: -

The Mayor

MR COUNCILLOR STANLEY COLVIN CAIN, JP

Councillor

Mrs C.A. Corlett

Mrs S.D.A. Hackman

Mr D.J. Ashford

Mrs R. Chatel

Mr J. Joughin

Mr D.W. Christian, MBE, JP

Mrs C.E. Malarkey, JP

Mr C.L.H. Cain

Mr G.J. Faragher

Miss D.A.M. Pitts

Mr W.M. Malarkey

Mr R.H. McNicholl

Mr J.E. Skinner

Ms K. Angela

Mrs E.C. Quirk

Apologies for absence were submitted on behalf of Mr Councillor S.R. Pitts.

The Chief Executive, Borough Treasurer and the Borough Engineer and Surveyor were in attendance.

1. **Minutes – 12th November, 2014**

The minutes of the monthly Council meeting held on Wednesday, 12th November, 2014, were approved and signed.

2. **Standing Order 39 – Question Mr Councillor D.J. Ashford**

The following question addressed by Mr Councillor D.J. Ashford to the Leader of the Council, and the Leader's reply, were noted on the minutes:-

Question:

With reference to the Executive Committee resolution of 25th July 2014 A8 (ii) bullet point 4, in relation to the DOI plans to charge for parking permits:

- (i) When the Council will be issuing a full public statement supporting Douglas residents against what, as it is currently proposed, is an unfair tax on those living in disc zones?
- (ii) In light of the overwhelming public opposition and concern in relation to this "local tax" will the Council be writing to the Minister direct appealing for the policy to be reversed?

Reply:

The resolution to which the Member refers was in response to a consultation exercise by the Department of Infrastructure on a varied range of parking and traffic related issues. The Executive Committee agreed, on behalf of the Council, not to support the proposed introduction of charges for residents' permits and the Department was advised accordingly.

There was no decision to actively campaign against the proposal and therefore I would be reluctant to make any form of public statement to that effect or to write to the Minister along that line. However, following a number of public meetings it is clear that residents are opposed to the introduction of charges and I am happy to write to the Minister reflecting that view.

Supplementary Question:

Does the Leader agree with me that in the Ministers own words this is a "ridiculous" charge and it is therefore important that the Council is seen to be actively supporting our rate payers against what is a local tax for a national parking strategy?

Reply:

I do agree, I think it is a ridiculous unfair charge that is being introduced; one of several that seem to have come out of the Department, others have been amended as the days go on. There is quite clearly a great strength of feeling opposing these charges and I will hope to interpret those feelings in a letter that will be written to the Department.

3. **Standing Order 39 – Question Mr Councillor D.J. Ashford**

The following question addressed by Mr Councillor D.J. Ashford to the Vice- Chairman of the Regeneration and Community Committee, and the Vice-Chairman's reply, were noted on the minutes:-

Question:

In relation to the budgeted capital scheme, approved by Council on 29th January 2014, for Governors Hill Playground:

- (i) why other than a path at the side of the playground no other resurfacing works have progressed, bearing in mind it was to be funded from reserves and not awaiting rate income?
- (ii) what is the estimated start date for the rest of the scheme?
- (iii) what the total cost of the new pathway was broken down by materials, design, construction and how much of the budget of the overall scheme, which Council intended as mainly to resurface the playground itself, it has consumed?

Reply:

- (i) This path is not part of the playground works and came out of another Parks budget.
- (ii) If everything goes to plan a contractor should start on site early February and take around 2 -3 week to complete.
- (iii) The path is not part of the playground scheme so it has not consumed any of that budget.

Supplementary Question:

As asked in the first part of the original question why have no works progressed in the last eleven months, and none will commence until thirteen months after the scheme was approved, bearing in mind the scheme was being funded by reserves?

Reply:

Funding for the scheme is available but works have been planned to take place throughout the financial year to in order to make best use of resources.

4. **Standing Order 39 – Question Mr Councillor J.E. Skinner**

The following question addressed by Mr Councillor J.E. Skinner to the Leader of the Council, and the Leader's reply, were noted on the minutes:-

Question:

Was any Member or Officer of Douglas Borough Council consulted or made aware of the proposal by Isle of Man Post to close Regent Street Post Office (or Ramsey) prior to the announcement being made public?

Reply:

The Chief Executive sent an e-mail to all Council Members in the afternoon of Wednesday 19th November, setting out the position. A meeting that morning, between the Leader and the Chief Executive of the Council and the Chief Executive and the Operations Director of Isle of Man Post, had been arranged on a confidential basis and only at the meeting did it become clear what the subject was. This was, of course, after the issue by the Post Office of its press release.

Following consideration in the House of Keys the matter has been delayed for three months to enable the Post Office to consult with local authorities in the two areas affected by the proposed changes. I look forward to hearing from the Chief Executive of the Post Office and am willing to meet him to discuss the proposals in more depth at any time.

5. **Executive Committee – 14th November, 2014**

With the consent of the Mayor, the Chairman withdrew the minutes of the special meeting for further consideration by the Committee.

6. **Executive Committee – 28th November, 2014 – Clause A9**

Motion moved by Mr Councillor D.W. Christian, seconded by Mr Councillor R.H. McNicholl, "That the minutes of proceedings of the Executive Committee, as contained in Clause A9 of report of meeting held Friday, 28th November, 2014, be received by the Council."

Question put on Motion; a vote was taken electronically, and there voted **For** the Motion: Councillor Mesdames C.A. Corlett, S.D.A. Hackman, R. Chatel, Messrs Councillors J. Joughin, D.W. Christian, C.L.H. Cain, G.J. Faragher, Councillor Miss D.A.M. Pitts, Messrs Councillors R.H. McNicholl, J.E. Skinner, Councillor Ms K. Angela, Councillor Mrs E.C. Quirk, the Mayor – **13**

Against: Councillor Mrs C.E. Malarkey, Mr Councillor W.M. Malarkey – **2**

Motion carried.

Under the provisions of the Local Government Act 1985, Mr Councillor D.J. Ashford declared an interest in the item and retired whilst it was considered.

7. **Executive Committee – 28th November, 2014 – Clauses A1 to A8 and A10 to A17 inclusive**

Motion moved by Mr Councillor D.W. Christian, seconded by Mr Councillor D.J. Ashford, "That the minutes of proceedings of the Executive Committee, as contained in Clauses A1 to A8 and A10 to A17 inclusive, be received by the Council."

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

8. **Executive Committee – 28th November, 2014 – Clause B18**

Motion moved by Mr Councillor D.W. Christian, seconded by Mr Councillor D.J. Ashford, "That the minutes of proceedings of the Executive Committee, as contained in Clause B18 of report of meeting held Friday, 28th November, 2014, be received, approved and adopted by the Council."

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

*As a consequence of the Motion being carried, the **Constitution: Part 4 – Rules of Procedure – Section 1 – Council Procedure Rules (Standing Orders) – Part V – Tenders and Contracts – Standing Order 129** was amended to read:*

Standing Order 129:

'Methods of inviting tenders and quotations

Tenders or quotations for contracts shall be obtained by one of the methods indicated as follows:-

- (1) *Estimated cost in excess of £80,000 for schemes funded by capital, and £45,000 for revenue funded schemes, supplies and services: - by a minimum of ten days' notice on the Procurement Section of the*

Council's Website. This Standing Order shall not preclude it being advertised in addition in an off-Island newspaper or trade journal if deemed necessary by the appropriate Chief Officer. Such advertisement shall be by minimum ten days' notice in such newspaper and trade journals as the appropriate Chief Officer may consider necessary. The use of any trade journal's electronic procurement methods to be preferred to a printed notice.

- (2) *Estimated cost between £17,000 and £80,000 for schemes funded by capital, and between £17,000 and £45,000 for revenue funded schemes, supplies and services: - by the appropriate Chief Officer inviting tenders electronically from all appropriate persons included in the Council's list of approved Contractors or from the persons included in a list of applicants invited in relation to any particular contract. The invitation to apply for inclusion in any such list shall be advertised in accordance with Standing Order 135.*
- (3) *Estimated cost between £4,000 and £17,000: - by the appropriate Chief Officer electronically inviting written quotations from suitable contractors. In employing any of the above methods, the Chief Officer shall endeavour to obtain at least three valid competitive prices for comparative purposes.*

When considering whether any of the value thresholds apply, it should be the value of the whole scheme that matters regardless of the fact that it may be broken down to a number of individual elements. Where a number of elements of work can be awarded collectively, the estimated cost of the total should be considered, not the estimated cost per unit. A 'scheme' is a systematic arrangement, where there is strong linkage between the elements of work and they can be quoted for collectively because the details of what is required can be specified in advance, although in exceptional circumstances the appropriate Chief Officer's discretion should apply.'

*As a consequence of the Motion being carried, the **Constitution: Part 4 – Rules of Procedure – Section 1 – Council Procedure Rules (Standing Orders) – Part V – Tenders and Contracts – Standing Order 135** was amended to read:*

Standing Order 135:

'Advertisement for Select Lists

Where because of the nature and significance of any contract it is deemed necessary to formulate a specific Select List of Contractors for that contract, the invitation to apply for inclusion on such list shall be advertised to contractors through the Procurement Section of the Council's Website.

This Standing Order shall not preclude it being advertised in an off-Island newspaper or trade journal if deemed necessary by the appropriate Chief Officer. Such advertisement shall be by minimum of ten days' notice in such newspaper and trade journals as the appropriate Chief Officer may consider necessary. The use of any trade journal's electronic procurement methods to be preferred to a printed notice.

The provisions of Standing Orders 136 to 138 inclusive shall apply to such applications as they do to tenders.'

9. Pensions Committee – 26th November, 2014

Motion moved by Mr Councillor J. Joughin, seconded by Mr Councillor D.J. Ashford, "That the minutes of proceedings of the Pensions Committee, as contained in report of meeting held Wednesday, 26th November, 2014, be received by the Council."

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

Under the provisions of the Local Government Act 1985, Councillor Mrs R. Chatel declared an interest in the item and retired whilst it was considered.

10. Eastern District Civic Amenity Site Joint Committee – 20th October, 2014

Motion moved by Councillor W.M. Malarkey, seconded by Mr Councillor R.H. McNicholl, "That the minutes of proceedings of the Eastern District Civic Amenity Site Joint Committee, as contained in report of meeting held Monday, 20th October, 2014, be received by Council."

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

11. Housing and Property Committee – 19th November, 2014 – Clauses A1 to A3 inclusive

Motion moved by Mr Councillor D.J. Ashford, seconded by Mr Councillor J.E. Skinner, "That the minutes of proceedings of the Housing and Property Committee, as contained in Clauses A1 to A3 inclusive of report of meeting held Wednesday, 19th November, 2014, be received by the Council."

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

12. Housing and Property Committee – 19th November, 2014 – Clause C4

With the consent of the Mayor, Clause C4 of report of meeting was withdrawn for further consideration by the Committee.

13. Regeneration and Community Committee – 18th November, 2014

Motion moved by Mr Councillor G.J. Faragher, seconded by Councillor Miss D.A.M. Pitts, “That the minutes of proceedings of the Regeneration and Community Committee, as contained in report of meeting held Tuesday, 18th November, 2014, be received by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

14. Environmental Services Committee – 17th November, 2014 – Clauses A1 to B7 inclusive

Motion moved by Mr Councillor R.H. McNicholl, seconded by Mr Councillor W.M. Malarkey, “That the minutes of proceedings of the Environmental Services Committee, as contained in Clauses A1 to B7 inclusive of report of meeting held Monday, 17th November, 2014, be received by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

15. Environmental Services Committee – 17th November, 2014 – Clause C8

Motion moved by Mr Councillor R.H. McNicholl, seconded by Mr Councillor W.M. Malarkey, “That the minutes of proceedings of Environmental Services Committee, as contained in Clause C8 of report meeting held Monday, 17th November, 2014, be received, approved and adopted by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

16. Adjournment and Resumption of meeting

The meeting adjourned at 4.50pm and resumed at 5.10pm with the following Members present: Councillor Mrs C.A. Corlett, S.D.A. Hackman, Mr Councillor D.J. Ashford, Councillor Mrs R. Chatel, Messrs Councillors J. Joughin, D.W. Christian, Councillor Mrs C.E. Malarkey, Messrs Councillors C.L.H. Cain, G.J. Faragher, Councillor Miss D.A.M. Pitts, Messrs Councillors W.M. Malarkey, R.H. McNicholl, J.E. Skinner, Councillor Ms K. Angela, Councillor Mrs E.C. Quirk.

IN PRIVATE

17. Chair of the Meeting

In the absence of the Mayor, the Deputy Mayor was unanimously approved to take the Chair for the remainder of the meeting.

18. Executive Committee – 28th November, 2014

Motion moved by Mr Councillor D.W. Christian, seconded by Mr Councillor D.J. Ashford, “That the minutes of proceedings of the Executive Committee, as contained in private report of meeting held Friday, 28th November, 2014, be received, approved and adopted by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

The Chairman withdrew Clause A3.

19. Pensions Committee – 26th November, 2014

Motion moved by Mr Councillor D.J. Ashford, seconded by Mr Councillor R.H. McNicholl, “That the minutes of proceedings of the Pensions Committee, as contained in private report of meeting held Wednesday, 26th November, 2014, be received by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

Under the provisions of the Local Government Act 1985, Councillor Mrs R. Chatel declared an interest in the item and retired whilst it was considered.

20. Housing and Property Committee – 19th November, 2014

Motion moved by Mr Councillor D.J. Ashford, seconded by Mr Councillor J.E. Skinner, “That the minutes of proceedings of the Housing and Property Committee, as contained in private report of meeting held Wednesday, 19th November, 2014, be received by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

21. Regeneration and Community Committee – 18th November, 2014

Motion moved by Mr Councillor G.J. Faragher, seconded by Councillor Miss D.A.M. Pitts, “That the minutes of proceedings of the Regeneration and Community Committee, as contained in private report of meeting held Tuesday, 18th November, 2014, be received by the Council.”

Question put on Motion; a vote was taken electronically, and there voted For the Motion: Councillor S.D.A. Hackman, Mr Councillor D.J. Ashford, Councillor Mrs R. Chatel, Mr Councillor D.W. Christian, Councillor

Mrs C.E. Malarkey, Messrs C.L.H. Cain, G.J. Faragher, Councillor Miss D.A.M. Pitts, Messrs Councillors W.M. Malarkey, R.H. McNicholl, J.E. Skinner, Councillor Ms K. Angela, Councillor Mrs E.C. Quirk, Deputy Mayor – **14**

Against: Councillor Mrs C.A. Corlett – **1**

Motion carried.

22. Environmental Services Committee – 17th November, 2014

Motion moved by Mr Councillor R.H. McNicholl, seconded by Mr Councillor W.M. Malarkey, “That the minutes of proceedings of the Environmental Services Committee, as contained in private report of meeting held Monday, 17th November, 2014, be received by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

The Council rose at 5.50pm.

Town Clerk & Chief Executive