



Borough of Douglas

**COUNCILLOR MRS SARA DAWN ANDREA HACKMAN, JP
MAYOR**

Town Hall,

Douglas,

3rd July, 2015

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL to be held on WEDNESDAY, the 8th day of JULY, 2015, 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;
- (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, 10th June, 2015.

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

EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Friday, 26th June, 2015.

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

Officers in Attendance: Chief Executive, Borough Treasurer, Assistant Borough Engineer, Assistant Town Clerk (for Clauses A1 to A7), Building Control Manager (for Clause A12).

REPORT

PART A –

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

A1. Apologies for Absence

No apologies for absence were submitted.

A2. Declarations of Interest

No declarations of interest were submitted.

A3. Minutes

The minutes of the meeting held on Friday 29th May 2015 were approved and signed.

A4. Matters Arising From Previous Minutes

Clause A6 – Referrals of the Environmental Services Committee / Publicity Campaign for Kerbside Recycling: a suggestion had been made to Ballakermeen High School proposing that students produce the bespoke video as a school project.

Resolved, “That the Assistant Borough Engineer be requested to follow up the proposal with the Head Teacher at Ballakermeen High School.”

A5. Minutes and Referrals of the Environmental Services Committee

The Committee considered a referral from the Environmental Services Committee meeting held on Monday 15th June 2015:

Clause B9 – Disabled Parking in Council Car Parks: the policy of charging for disabled parking had been agreed by the Council in January 2015, as part of the budget process, in respect of the Shaw's Brow and Bottleneck Car Parks. Since that time, agreement had been reached with the Department of Infrastructure for the Council to operate the Chester Street and Drumgold Street Car Parks on the Department's behalf, and charging for disabled badge-holders had also been introduced in these car parks with effect from 1st June 2015 in line with the Council-owned car parks. Consideration had been given to various comments received in response to the changes, the common theme of which was that disabled persons needed more time to get from place to place, including from the car to the pay-station. It had therefore been agreed that a concession, permitting one extra hour in addition to the time purchased, be introduced.

Although this concession could be introduced without difficulty at the pay-and-display car parks (Chester Street and Drumgold Street), the Assistant Town Clerk advised that he had been in discussion with the Head of ICT in relation to programming the tariffs to allow the additional hour for the pay-on-foot system at the Shaw's Brow and Bottleneck car parks. A possible solution would be to issue proximity cards to disabled badge holders, which could be programmed accordingly.

Resolved, “(i) That particulars of the referral from the Environmental Services Committee be noted;

(ii) That approval be given for amendments to be made to the Schedule of Fees and Charges and to the Douglas Car Parking Orders, in order to implement the concession for disabled badge-holders; and

(iii) That officers be requested to implement the changes to the tariffs in the Shaw's Brow and Bottleneck Car Parks, and to progress the proposal for disabled badge holders to be issued with

proximity cards as soon as possible, in order that the concession could be introduced within the four car parks at the same time.”

A6. Minutes and Referrals of the Regeneration and Community Committee

The Committee considered a referral from the Regeneration and Community Committee meeting held on Tuesday 16th June 2015:

Clause B13 – Revenue Out-turn 2014 / 2015: the Committee had been recommended that the favourable variance on the ‘Rover Tickets’ income be allocated to the Trams Renewal Fund, however, given the current uncertainties surrounding the horse tram service, it had instead been agreed that the amount be allocated to General Revenue Reserves.

Resolved, “(i) That particulars of the referral from the Regeneration and Community Committee be noted; and

(ii) That approval be given for the favourable variance on the ‘Rover Tickets’ income to be allocated to General Revenue Reserves, rather than the Trams Renewal Fund.”

A7. Consultation Document – Police (Amendment) Bill

The Committee considered a written report by the Assistant Town Clerk in relation to a consultation document issued by the Department of Home Affairs proposing the introduction of a Bill to amend the Police Act 1993 and the Police Powers and Procedures Act 1998.

The effect of the amendments and new provisions were intended to -

- Enable re-appointment of an incumbent Chief Constable on expiry of term, without the need to re-advertise and go through a selection process;
- Provide powers for the Department to engage contractors to carry out services in connection with the Police and to assign functions to contracted individuals; and
- Enable matters pertaining to the conduct of police officers to be investigated without the need for complaint, by referral by the Chief Constable or the Police Complaints Commissioner.

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 -

- supported the enabling of re-appointment of a serving Chief Constable on a fixed-term contract for one further fixed term, but not an indeterminate appointment;
- considered the fixed-term for a Chief Constable should be five years;
- was opposed to the contracting out of police functions, and considered that the best means of providing such services in a cost-effective and accountable manner was by the use of police officers or civilian support staff employed directly by the Department;
- disagreed with the assumption of further cuts to Police funding, as the Isle of Man Constabulary was already one of the least expensive police forces per head of population in the British Isles;
- supported the ‘self-referral’ of police conduct or disciplinary matters by the Chief Constable and the Police Complaints Commissioner, such ‘self-referral’ to include in its scope all disciplinary or conduct issues;
- strongly opposed the proposed empowerment of the Department to refer any matter for investigation, as there should be not political input into conduct or disciplinary matters; and
- considered the proposed Bill to be contradictory as it stated in Section 77c(vii) that the Chief Constable need only be consulted about any cuts in the provision of services, whereas Schedule 2A stated that the Chief Constable must designate or delegate the services to contracted individuals; and accordingly suggested that the document be amended to read that the Department must obtain the concurrence of the Chief Constable to any delegation of services.”

A8. 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.

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

A9. Public Consultation on the Review of Domestic Rates

The Committee considered a written report by the Borough Treasurer in relation to the public consultation on the Review of Domestic Rates.

The results of the consultation had been published and it was noted that the Executive Summary (as appended to the written report) showed support for a number of the views expressed by the Council.

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

(ii) That further representation be made to the Isle of Man Treasury as follows -

- That the Council re-iterated its support for the retention of the domestic rating system for raising funds for local authority services, but in a form which enhanced fairness and transparency;
- That the Council was totally opposed to an all-Island Rate, as this -
 - removed the accountability from locally elected representatives
 - could lead to conflict between elected representatives from different local authorities
 - could lead to the demise of local government in order that the all-Island ratepayer could have a clear line of political accountability to the all-Island elected representatives;

(iii) That the report and above recommendations be conveyed to the Isle of Man Municipal Association to obtain support for the retention of raising funds for local authority services, as a locally set and levied form of local taxation by use of the rating system; and

(iv) That the Isle of Man Treasury be advised that there was an error in the Summary of Responses from Local Authorities, whereby the box indicating Authorities’ responses to whether there should be an all-Island rate had been left blank for Douglas, although the Council had clearly indicated being against an all-Island rate in its response.”

A10. Local Services at a Local Level

The Committee considered a written report by the Borough Treasurer setting out a suggested approach for discussion in relation to further Services to be delegated to the local level.

Members were advised that Chief Officers had met with the Honourable Minister for the Department of Infrastructure, Mr P Gawne, MHK, and his officers, on 22nd May 2015, to discuss localisation of services. At this meeting, the Minister had mentioned that both Housing and Waste Management Services would be subject to further discussions, and it was recommended that representation be made to the Minister indicating the Council’s desire to retain both of these Services locally. Chief Officers had also noted a number of other Services that could be considered for localisation, and it was suggested that these now also be confirmed for response.

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

(ii) That authority be given for a response to be made to the Honourable Minister for the Department of Infrastructure indicating the Council’s willingness to retain localised Housing and Waste Management Services;

(iii) That authority be given for a response to be made to the Minister indicating the Council’s willingness to discuss the localisation of the following Services -

- Public Conveniences
- On-Street Parking
- Off-Street Parking
- Local Traffic Control (e.g., signals, zebra crossings, bollards, etc)
- Building Control
- Registry
- Highways in Douglas
- Taxi Licensing;

(iv) That the Minister be informed that the Council believed that the Incinerator and the National Sports Centre were considered to be national assets that were most appropriately operated by the Isle of Man Government and paid for through taxation; and

(v) That representation be made to the Minister that in future Byelaws be confirmed without the need for approval by Tynwald.”

A11. Revenue Out-Turn 2014 / 2015

The Committee considered a written report by the Assistant Chief Officer (Finance) setting out the revenue out-turn position for the 2014 / 2015 financial year, together with an appraisal of the Balances position as at 31st March 2015.

This annual report set out the overall revenue performance against budgets, and the ensuing impact upon the General Revenue Reserve. Members noted the summary revenue out-turn position, including transfers to and from Reserves, comparing the actual expenditure to the original budget.

The revenue out-turn position across all Committees showed a significant under-spend position at the service level, compared to the original approved budget, while the revenue out-turn position across all services, together with all other revenue items, provided a significant final contribution into the General Revenue Reserve balance.

The year-end balance, before future commitments had been considered, was considerably higher than the balance envisaged when the original budget had been approved in January 2014 (although it was noted that significant commitments did exist).

A further review of the Balances would need to be conducted as part of the 2016 / 2017 budget process, with the outcome being reported to Committee, together with any recommendations for fund top-ups that may be required in order to assist with the funding of identified priority schemes.

Members noted the Isle of Man Treasury's Statement of Recommended Practice 2007 (the 'SORP'), for entities subject to the Audit Act 2006, which stated that, *'where an event after the Balance Sheet date, favourable or unfavourable, which provided evidence of conditions that existed at the Balance Sheet date occurs (adjusting event), the amounts recognised in the Statement of Accounts should be adjusted ... Any disclosure affected by the new information about the adjusting event should be updated in the light of the new information'*.

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

(ii) That the year-end revenue out-turn position for 2014 / 2015 (including the final contribution into balances of £497,449), and the year-end General Revenue Reserve balance of £2,640,659 (before reduction from future commitments) be noted and approved;

(iii) That the favourable variance on Corporate Management Consultants of £12,705 be rolled forward to 2015 / 2016, to fund costs associated with property transactions currently being considered; and

(iv) That, in accordance with the Isle of Man Treasury's Statement of Recommended Practice 2007 (the 'SORP'), the Committee did not identify any post-Balance Sheet events."

A12. Douglas Promenade Refurbishment and Douglas Bay Tramway – Planning Application

The Committee considered a written report by the Building Control Manager in relation to Planning Application 15/00594/B, which had been submitted by the Department of Infrastructure but involved Council-owned land.

The planning application related to the reconstruction of the highway and footways from Peveril Square to Strathallan Crescent, to create a low-speed streetscape; together with the relocation of the horse tram tracks on to the Promenade Walkway, the resurfacing of the Promenade Walkway, and the creation of a cultural quarter near the Gaiety Theatre.

Members noted that the report had been prepared in order to consider the merits of the application in planning terms only, although the proposals would have other implications for the Council, such as changes to the Tramway service, street lighting, and other Council-owned assets.

In terms of land use, the main part of the application site was designated as a principal traffic route, although part of the application was designated as public open space. The area immediately adjacent to the site was a mix of land uses, which included tourism and leisure, residential, offices, and shopping. The site also fell within the Douglas Promenades Conservation Area, and the Douglas Flood Zone, and it was considered that the proposals may have an impact upon the area of public open space.

Within the adopted Isle of Man Strategic Plan 2007, the following policies were considered to be relevant in the consideration of this application:- Strategic Policy 2; Environmental Policies 10, 11, 13 (flood risk), 32 and 35 (conservation areas), 41 (archaeology), 43 (regeneration); and Recreational Policy 2. In addition, Transport Policies 5 and 6 might also be considered to be applicable. Members noted the detailed comments by the Building Control Manager set out in the written report. In summary, these were -

- The scheme intended to introduce the concept of a low-speed streetscape along the length of the Promenades, which was designed to influence driver behaviour and to moderate speeds.
- The proposals included the relocation of the Douglas Bay Tramway tracks from the carriageway on to the walkway. While this could be seen as improving traffic safety, the Road Safety Audit (submitted in support of the application) had identified a number of issues and possible solutions. One such issue was street lighting, with the suggestion that the existing lighting may be inadequate, and that the street lighting provision should be reviewed. From the Risk Management perspective (also submitted as part of the report in support of the application), when all hazards had been considered, the conclusion was that the operation of a tramway along

the pedestrianised portion of Douglas Promenade should be capable of being designed and risk-assessed to be safe and workable. It was noted that there was no indication that a risk assessment had been carried out, and therefore it would appear prudent for risk assessments to be carried out prior to deciding to relocate the tramway.

- Although the proposals did not include occupied buildings, it could be prudent for the applicant to be asked to provide a flood risk statement indicating that the potential for flooding had been considered.
- It was proposed to replace paving within the curtilages of two Registered Buildings (below the covered arcade to the front of the Castle Mona shops; and below the canopy to the Gaiety Theatre). While it was not suggested that the replacement paving would be detrimental to these Registered Buildings, it was suggested that careful assessment should be given by the planning authority.
- The development aimed to improve the aesthetics within the Promenade Conservation Area by introducing a higher-quality surface finish to the footways.
- Any archaeology remains which may be exposed by the ground-works would be investigated and recorded.
- The scheme acknowledged the importance of the Douglas Promenades, and had been designed to bring about the regeneration of an important Island asset. It also appeared to recognise the relevancy of the Conservation Area.
- The Promenade Walkway, along its length on Loch Promenade, was part of the open space provision, which was currently restricted to use by pedestrians and cyclists. It was, however, also used at times by vehicle drivers, and the proposal to relocate the tram tracks to the Promenade Walkway could be seen by some to adversely affect the public open space. It was suggested therefore that consideration should be given to any perceived conflict between the Douglas Bay horse tramway service and the running of organised events on the Walkway.

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

(ii) That no objection be raised to this application, subject to the applicant providing a flood-risk statement to the satisfaction of the Department of Infrastructure.”

3 For. 2 Against. Mr Councillor D.J. Ashford and Mr Councillor R.H. McNicholl requested their votes against the resolution to be noted.

A13. Marathon Court Nursing Home – Boundary Wall

The Committee considered a written report by the Assistant Borough Engineer seeking approval to transfer a section of the boundary wall between the Marathon Court Nursing Home and the extinguished highway known as Woodville Terrace Lane (above Mona Drive, and adjacent to Marathon Court Nursing Home, Victoria Road, Douglas).

To allow the construction of additional units to the nursing home, the owner had initially developed a scheme which would cantilever the first floor of the development over the boundary wall, as this section of the existing Manx-stone wall was in Council ownership. However, this proposal had the potential for longer-term issues in relation to maintenance liability, and it was therefore suggested that transference of ownership of a section of the wall to the Marathon Court Nursing Home would resolve the matter and allow the development to proceed.

Members were advised that a legal agreement would be required to be entered into, to indemnify the Council of any structural issues occurring if the Marathon Court Nursing Home failed to carry out appropriate maintenance, to the Council’s reasonable requirements.

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

(ii) That approval be given for the transfer of ownership of approximately fourteen metres of the Manx-stone boundary wall between Marathon Court and the extinguished highway known as Woodville Terrace Lane to allow the construction of additional units to the nursing home complex, subject to -

- the Marathon Court Nursing Home meeting the costs of all legal fees incurred in the transfer and proposed legal agreement; and
- the extinguished highway being left in its existing condition.”

A14. Isle of Man Municipal Association

The Committee had been circulated with a number of documents received from the Isle of Man Municipal Association.

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

A15. Items for Future Report

The Committee considered a written report by the Chief Executive identifying those issues on which further reports had been requested or which were outstanding, so that Members and officers were aware of them and could monitor progress.

Resolved, "That particulars of the report be noted on the minutes and that it be considered and monitored at each meeting of the Executive Committee."

PART B –

Matters subject to Council approval

No public matters subject to Council approval were considered.

The Committee rose at 4.10pm.

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

PENSIONS COMMITTEE

PENSIONS COMMITTEE – Minutes of Special Meeting held on Friday, 26th June, 2015.

Members Present: Mr Councillor J. Joughin, (Chairman), Mr Councillor D.J. Ashford, Mr Councillor R.H. McNicholl, Councillor Ms K. Angela, Mr A. Thomas (Independent Member).

Apologies: Mr Councillor C.L.H. Cain.

In Attendance: Borough Treasurer, Assistant Chief Officer (Finance), Assistant Democratic Services Officer.

REPORT

PART A –

Matters within the scope of the Committee's delegated authority

A1. Apologies

Mr Councillor C.L.H. Cain submitted apologies for the meeting.

A2. Declarations of Interest

There were no declarations of interest.

PART B –

Matters to be decided by the Executive Committee

There were no matters for decision by the Executive Committee.

PART C –

Matters requiring Council approval

C3. Investasure Update

The Committee considered a report submitted by the Borough Treasurer reviewing progress with the appointment of Investasure and the legal relationship between Douglas Borough Council (as the administrator of the Isle of Man Local Government Superannuation Scheme), Investasure and St. James's Place Unit Trust Group Limited (SJP).

The report had been produced following on from the update provided at the May 2015 meeting of the Committee. Members were reminded at the May meeting that the Borough Treasurer had now received revised documentation, and this was considered by the Council's Advocate. The Advocate raised some issues on the documentation however the issues did not seem to make the offer unacceptable. Following discussions between the Borough Treasurer and the Council's Advocate and with the agreement of Investasure, a number of wording changes were made to Investasure's Terms of Business.

The Borough Treasurer reported that the Council are now in a position to sign the Investasure agreement, however the Council's Advocate has observed that under the Council's Standing Order 147, the Council only enters into Agreements subject to the laws of the Isle of Man unless they are less than £17,000. This Standing Order may be suspended subject to the consent of a two-thirds majority of the Council and the action formally recorded under Section 27 of the Local Government Act 1985. This was recommended as Investasure is a tied agent on the Isle of Man for the St James's Place Group, but SJP will be the entity in which the funds are invested and those transactions will be subject to English law.

The Borough Treasurer advised that the Council's Advocate has reviewed the Isle of Man Local Government Superannuation Scheme regulations in relation to Investments and can find nothing in the Scheme which would prevent such an arrangement, under consideration, being entered into. Equally he can find nothing in the Scheme that specifically endorses it.

In response to concerns raised by a Member about the time taken to sign the agreement, the Borough Treasurer verbally provided the Committee with a detailed timetable of events, and the report provided a full history of Committee meetings relating to the agreement.

The Assistant Chief Officer (Finance) confirmed that the total amount to be transferred now stands at £15.5million. In answer to question the Borough Treasurer confirmed the funds will be transferred directly to SJP.

Members expressed their concerns about Investasure, they felt that the length of time taken to sign the agreement was unacceptable and were uneasy about the initial failure to hold the correct licence.

The Borough Treasurer explained the issue surrounding the Investasure licence, initially Investasure thought they had the required licence, however after entering discussions with the Financial Supervision Commission, it became apparent a different type of licence, not held by Investasure was required. It was agreed that in future issues surrounding the specific licence required should be checked at an earlier stage in the process. Although the Council did not specifically ask Investasure if they held the required licence, they were asked if they can carry out the business in line with the Island's Superannuation Scheme Regulations.

It was agreed, if the recommendations are approved by Council, that Members of the Committee would advise St. James's Place of the need to improve their on-Island base at the September Pensions Committee meeting taking place in London. At this meeting Members will also emphasise the requirement for a St. James's place representative to attend Committee meetings on the Isle of Man, together with an Investasure representative.

The Borough Treasurer confirmed that attendance of SJP to support Investasure at Committee meetings is allowed for in the legal agreement. Members were reminded, in line with the Plan of Investment Activities, that Investasure and St. James's Place will attend Committee meetings every six months.

In answer to question the Borough Treasurer listed the funds to be invested in, following the transfer.

- | | | |
|----|-------------------------|-----|
| 1. | Global Equity | 30% |
| 2. | Global Equity Income | 30% |
| 3. | Global | 30% |
| 4. | Emerging Markets Equity | 10% |

It was agreed that the exact names of the funds be circulated.

In light of the extensive use of the Council's Advocate to enter into the agreement, Members requested that Investasure be approached and asked to contribute towards the legal costs accrued during the process. The Borough Treasurer agreed to review the legal costs and determine which costs would have been incurred by the Council regardless, and which costs specifically relate to documentation and issues raised by Investasure.

A Member asked if the funds will be transferred to St. James's Place in one transaction or if the Council will consider holding cash and transferring in separate transactions. The Borough Treasurer confirmed that the funds will be transferred in one transaction as all movements from BlackRock to the new fund managers need to happen on the same day to avoid the need for alterations to the current legal agreement with BlackRock.

In answer to question, and as detailed in the legal agreement, the Borough Treasurer confirmed that if Investasure was to cease trading, St James's Place have assured that they would find another agent on Island to deal with the Scheme.

Members queried the fee paid to Investasure and the fees charged by SJP, the Borough Treasurer agreed to circulate a briefing note on questions raised during the meeting. It was noted that the fee remained the same as presented to the Committee in 2014.

Although Members raised a series of issues about Investasure, Members opined that access to the SJP funds will be extremely beneficial for the scheme.

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

- (i) The latest progress with the appointment of Investasure be noted;
- (ii) The Committee recommend that the Council accept that transactions between Douglas Borough Council and St. James's Place Unit Trust Group Limited will be subject to English Law and that Standing Order Number 147 (b) be suspended (with this action being formally recorded under Section 27 of the Local Government Act 1985) for the purpose of transaction with St. James's Place Unit Trust Group Limited;
- (iii) On approval by Council the Borough Treasurer be authorised to enter into the agreement with Investasure and through them as agent to purchase units for St. James's Place Unit Trust Group Limited."

The Committee rose at 12.20pm.

VII(i) – The proceedings of the HOUSING COMMITTEE as follows:

HOUSING COMMITTEE

HOUSING COMMITTEE – Minutes of Meeting held on Wednesday, 17th June, 2015.

Members Present: Mr Councillor D.J. Ashford (Chairman) (until 11.12am), Councillor Miss D.A.M. Pitts, Councillor Mrs C.E. Malarkey (Vice-Chairman), Mr Councillor S.C. Cain, Councillor Ms K. Angela.

Apologies: the Mayor.

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

REPORT

PART A –

Matters decided by the Committee

A1. Apologies

The Mayor submitted her apologies for absence.

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes - 20th May, 2015

The minutes of the meeting of the Housing Committee held Wednesday, 20th May, 2015 were approved and signed.

A4. Matters Arising – A6: Sheltered Housing Acceptance and Allocation Criteria

A Member asked if there was any further update on the matter. The Assistant Chief Officer (Housing and Property) advised that a response has been sent to the Department of Infrastructure's Housing Division incorporating all member comments which were forwarded to him. The matter will come back to the Committee in due course, but no further update is available now.

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

A5. Tenant Property Refusal Policy

The Committee considered a policy for dealing with tenants who do not wish to move out of a property to allow improvement or refurbishment work to be carried out to the property. A need for an explicit policy has arisen in order to progress the planned refurbishment of the Willaston Estate, although the policy will apply throughout the Borough. The Committee reviewed the flowchart which was appended to the report. The Housing Manager advised that whilst the flowchart gives a brief overview of the process, Housing officers will communicate with tenants as often as is necessary not only sending letters, but calling on tenants as needed. There will also be liaison with Environmental Health officers as required.

Tenants are only moved out of properties when the proposed works are so extensive or of such a nature that it is not safe for the work to be done whilst the properties remain occupied. In these circumstances, tenants are moved to alternative Council accommodation whilst the work is carried out. In the Housing Section the move to alternative accommodation is referred to as 'decanting tenants' and the properties into which they are moved, are referred to as 'decant properties'. The decant properties may be reused many times over the span of the refurbishment scheme.

The Housing Section identifies properties for inclusion in a Phase of work based either on their condition or their location; which allows either properties in a similar condition to be worked on in the same phase, or the properties in close proximity to be worked on in the same phase. Once the addresses in each Phase of work are identified, those tenants are contacted with details of the timetable for works and the decanting process. At that point tenants are asked to agree to the move to a decant property. Every effort is made to ensure that the tenants are given reasonable notice of the need to move and explanations and information on the work to be undertaken.

If a tenant refuses to move, an inspection of the property will be carried out and the reasons for the refusal will be considered. If the condition of the property is such that the work could reasonably be delayed, then it will be deferred until a later phase, although tenants will be advised that the work cannot be deferred indefinitely and so there will come a time that the tenant must move. Where the property forms part of a larger structure (for example, one of a pair of semi-detached properties) then

both tenants must agree to move at the same time to enable works to be progressed. If there is refusal from one or more of the tenants, then both properties will be inspected.

If the inspection reveals that one or more properties is in an unacceptable condition or suffers from significant defects, and the tenant(s) continue to refuse to move out to allow refurbishment works, then legal proceedings to repossess the property will be commenced. The tenants will be offered suitable alternative accommodation.

Members discussed the necessary balance between the need to refurbish the Council's properties and the need to be respectful of the tenants occupying those properties. In discussion it was noted that the Committee's focus should be on the overall policy, rather than specific situations.

Resolved, "That the report and discussion be noted on the minutes and approval be given to the tenant property refusal policy as described in the body of the minute above, and as illustrated in the flow chart which was attached to the report."

A6. Quarterly Report on Housing Property Voids

At 11.12am, during consideration of this item, the Chairman left the meeting and the Committee unanimously agreed that the Vice-Chairman should take the Chair for the remainder of the meeting.

The Committee considered a report on housing property voids. The Committee reviewed the current list of void properties and expressed disappointment that there are currently fifty-four void properties.

Members discussed the various circumstances that increase the number of void properties.

Capital schemes for building new properties can increase the number of voids as has been the case with Hazel Court. Hazel Court is a new sheltered housing facility and many of the residents have been moved from other Council properties, which in many instances have been properties more appropriate for families. Although in principle this 'freeing up' of larger properties is welcome it has produced a backlog of void properties because so many were vacated at the same time. There was discussion of the idea that a capital scheme to carry out the necessary works to void properties to bring down the backlog to more manageable levels. The suggestion was further modified, in that the number of properties to be included in the capital scheme should be the same number as have been built at Hazel Court.

There was suggestion that the policy on allocations should be reviewed so as to allow more flexibility to allow both current and medium-term future housing needs to be met.

In response to query officers advised that an ideal manageable level of void properties is twenty and with the current level of void properties it becomes very difficult to ever catch up. There is a finite amount of money available for housing maintenance, and even though more properties are being turned around, the difficulties remain.

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

A7. Revenue Outturn 2014/2015

The Committee considered the report on revenue outturn for 2014/2015. This is the last report to include the commercial properties as that portfolio has now been transferred to the remit of the Regeneration and Community Committee.

The position in relation to the Housing Deficiency Grant is explained in Appendix 2.

Housing Management Legal Fees were adverse to budget by £43,000 due to increased rent collection action. Using the last Friday of the year, the level of rent arrears excluding former tenants has significantly reduced from 0.61% at the start of the year to 0.34% at the end of the year.

One of the appendices to the report included an explanation of the Housing Deficiency Grant.

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

A8. Matters for Future Consideration

The Committee noted the report on matters for future consideration.

The Assistant Chief Officer (Housing and Property) advised that a report on Phase 2 of the Willaston Refurbishment scheme will be brought forward for Committee consideration in July. The Committee agreed that the capital scheme for void properties should be brought forward as soon as possible; and that a review of the housing allocations policy should be brought forward for Committee consideration in the near future.

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

PART B –

Matters to be decided by the Executive Committee

There were no matters for decision by the Executive Committee.

PART C –

Matters subject to Council approval

There were no matters for decision by the Council.

The meeting ended at 11.35am.

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, 16th June, 2015.

Members Present: Mr Councillor J.E. Skinner (Chairman), the Mayor (to 11.30am), Mr Councillor S.R. Pitts, Councillor Mrs R. Chatel, Mr Councillor G.J. Faragher.

In Attendance: Assistant Chief Executive, Assistant Borough Engineer, Assistant Chief Officer (Finance), Head of Parks, Assistant Democratic Services Officer.

REPORT

PART A –

Matters within the scope of the Committee's delegated authority

A1. Apologies

No apologies for absence were submitted.

A2. Declarations of Interest

No declarations of interest were submitted.

A3. Minutes – 19th May, 2015

Minutes of the meeting held on Tuesday, 19th May, 2015, were approved and signed.

A4. Matters Arising – Clause A6 – Solar System Model

A Member, in response to a question raised at the June Council meeting, queried why the solar system sun could not be powered by solar light. It was agreed Officers would determine the reason why and circulate the information to all Council Members.

Resolved, “That the matters arising be noted on the minutes and an e-mail be circulated to all Members confirming why the solar system sun cannot be powered by solar energy.”

A5. Matters Arising – Clause A5 – Johnny Watterson's Lane Allotments

In response to question, the Head of Parks confirmed a notice advertising the Independent Member vacancy on the Allotments Committee has been displayed at the Johnny Watterson's notice board for one month. To date no expressions of interest to fill the vacancy have been received. The Head of Parks advised that a letter will be sent to all plot holders to advertise the position.

Resolved, “That the matters arising be noted on the minutes.”

A6. Matters Arising – Clause A8 – Market Hall Liaison Group

A Member queried when the next Market Hall Liaison Group meeting was scheduled to take place.

Resolved, “That the relevant officers contact the Member with the next meeting date of the Group.”

A7. Christmas Lights Ceremony 2015

The Committee considered a report submitted by the Assistant Town Clerk on proposals for the 2015 Christmas Lights Ceremony.

The report confirmed that the 2015 Christmas Lights Ceremony is scheduled to take place on Thursday, 26th November, 2015, and officers have reviewed previous years' events and identified a number of concerns. These concerns principally involved crowd control, which as a safety issue must have priority. Other issues raised have been the visibility of the stage from certain parts of the event area, sound system coverage and the entertainment provided.

Members were advised that the event has not undergone a radical review since its inception; the format appears to work reasonably well and the major issue is the number of people it attracts into a comparatively small area, and how it can be made safer. Officers, assuming Ridgeway Street is the preferred location, have looked closely at how the space available can be used safely while maintaining the entertaining spirit of the event.

The report proposed not to place the stage at the Town Hall entrance but instead hire a stage unit that can be set up on Prospect Hill, clearly visible to both Ridgeway Street and Victoria Street; this would

enable people to congregate in either of those Streets and have a view of the stage. Prospect Hill would be closed to vehicles from Athol Street downwards, Victoria Street would be closed at Thomas Street, and Ridgeway Street at Lord Street. The relocation of the stage would provide a much greater viewing area, and raises the height of the stage to make it more visible to a greater number of people. A location plan demonstrating the revised location was circulated to Members.

Members queried how long the stage would take to erect and dismantle and the length of time Officers propose to close the roads for. Officers advised that following a meeting with the Department of Infrastructure, the Department would support a midday road closure of Prospect Hill if required. The Assistant Borough Engineer advised that the road closure period would depend on the stage required for the event, this element of the event is still under consideration but Officers intend to keep disruption to a minimum. Members raised concern that the bus service might object to the proposed road closures.

The Assistant Democratic Services Officer confirmed that the Fire Service have no objection to the proposed layout.

Members were asked to support a sound system relying on a greater number of smaller speaker units, rather than using two very loud speaker stacks. These smaller speakers could then be distributed evenly throughout the area.

The report asked Members to review the nature of the entertainment provided. In recent years, Douglas Town Band has played carols; there has been a singer and some entertainers from the local pantomime and in 2014 a choir was engaged.

Members discussed the possibility of a local singer, the Town Band, a choir, a local dance group or the pantomime to perform at the event. It was agreed that the Assistant Democratic Services Officer consider the options and report back to the Committee.

There was uncertainty surrounding the availability of the pantomime for 2015 as the company is a UK based provider.

The Mayor suggested that the words of the Christmas Carols and songs be projected onto a building at the event.

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

- (i) The Council promote a Christmas Lights Ceremony in Ridgeway Street in the evening of Thursday, 26th November, 2015; and
- (ii) The relocation of the stage from the Town Hall entrance to the roadway at the foot of Prospect Hill be approved in principle;

Resolution (ii) For: 2 Against: 2

The Chairman exercised his casting vote for the Motion and the Motion was carried.

Mr Councillor S.R. Pitts and Councillor Mrs R. Chatel requested their names be recorded as voting against the resolution.

- (iii) The relevant Council officers be authorised to proceed with arrangements for the event as outlined in the body of the minute, and report back to Committee as necessary;

Resolution (iii) For: 2 Against: 2

The Chairman exercised his casting vote for the Motion and the Motion was carried.

Mr Councillor S.R. Pitts and Councillor Mrs R. Chatel requested their names be recorded as voting against the resolution.

- (iv) The 2015 pantomime provider be contacted and asked to perform at the event free of charge similarly to previous years."

For: 3 Against: 1

Mr Councillor J.E. Skinner requested his name be recorded as voting against the resolution.

A8. Switched On Events Limited – Hire of Noble's Park for Christmas/New Year period 2015

The Committee considered a report submitted by the Assistant Chief Executive, following a request from Switched On Events Limited, to site a marquee in Noble's Park during the Christmas/New Year period 2015 for hosting private functions and public events.

Members recalled that Switched On Events had previously utilised the 'boneyard' area of Noble's Park for the Christmas/New Year period, the fee was set out in the report. The Assistant Chief Executive advised that the 2014 events held were well managed and no problems were reported.

Mr Gale, by e-mail, has requested Switched On Events be permitted to hire the area again for the erection of a marquee for Christmas/New Year 2015. Mr Gale has stated that the fee set in 2014 would be acceptable.

In answer to question, the Assistant Chief Executive confirmed that set up would commence mid-November and the site would be clear by mid-January 2016.

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

- (i) The hire of the 'boneyard' area of Noble's Park over the Christmas/New Year period, conditional upon details of the events to be held, licensing, security, risk assessments, insurances, legal agreement, health and safety matters, noise mitigation measures and consultation with relevant statutory organisations, be agreed;
- (ii) Any music and/or liquor licences cease at midnight, with the exception of New Year's Eve with opening until 1am be permitted;
- (iii) A fee as set out in the report be requested for the period, such fee to be paid in full by 12th September 2015, with any additional costs to be borne by the hirer;
- (iv) As the 'boneyard' area is gravelled, that the requirement for a £10,000 deposit be waived (the Council being protected through its legal agreement for reinstatement/damage);
- (v) The Chairman and Council officers be delegated to liaise with Switched On Events in respect of the detail of the events to be held."

A9. Noble's Park Multi-Purpose Building Proposal

The Committee considered a report submitted by the Assistant Borough Engineer, following a request from the Committee, on a proposed multi-purpose building at Noble's Park.

The report proposed erecting a tension-membrane covered, multi-purpose building to cover the existing tennis/netball courts in Noble's Park.

Members considered the use of building, whilst it was envisaged that the principle use will be for sports, in order to maximise the use of building, additional uses, including functions and conferences were discussed. Officers were asked to research how other local authorities utilise this type of building.

The Assistant Borough Engineer reminded Members that the multi-purpose building proposal had been previously refused at the planning stage due to insufficient car parking in the surrounding area.

The Assistant Chief Officer (Finance) advised that if this building was to be funded by a fifteen year loan, the rate borne cost would be £140,000 per annum which is the equivalent to a 5 penny rate or a 1.3% rate increase. It was highlighted that there may also be further on-going costs including staffing, energy bills and rates.

Resolved, "That particulars of the report and discussion be noted on the minutes and £1,500,000 for a tensile building to cover the existing tennis and netball courts in Noble's Park be included in the 2016/17 budget estimates subject to a detailed business plan being presented to the Committee."

For: 3 Against: 1

Mr Councillor J.E. Skinner requested his name be recorded as voting against the resolution.

A10. Items for Future Report

The Committee considered a report by the Assistant Democratic Services Officer 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

B11. Revenue Outturn 2014/15

The Committee considered a report submitted by the Assistant Chief Officer (Finance) requesting approval of the revenue outturn position for the 2014/15 financial year.

Report appendix one presented the revenue outturn position across services with explanations given for significant variations against the Approved Budget (the original budget as amended for subsequent virements and Committee approvals).

The Assistant Chief Officer (Finance) explained the variances for the different services listed and the reason for each variance. The Committee had a total underspend of £186,571 for the year.

Members noted that the income from the Government in relation to Rover Tickets exceeded budget by £11,576 in 2014/15. The report recommended that this amount be allocated to the Trams Renewal Fund

to provide for future requirements. A Member suggested that, given the current uncertainties surrounding the horse tram service, the favourable variances on Rover Tickets Income be allocated to General Revenue Reserves.

During discussion, it was suggested that in light of the total Committee underspend, the previous water play area proposed for Noble's Park be reconsidered and a sum of money allocated to fund the Scheme. It was agreed that the Head of Parks re-submit the previous water play area business plan to the next Committee meeting for consideration.

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

- (i) The year end revenue outturn position for 2014/15 be noted;
- (ii) The Committee recommend to the Executive Committee that the favourable variance on the Rover Tickets Income of £11,576 be allocated to General Revenue Reserves and not the Trams Renewal Fund;
- (iii) The Head of Parks re-submit the Noble's Park water play area business plan to the July Committee meeting."

PART C –

Matters requiring Council approval

There were no matters requiring Council approval.

The meeting ended at 11.42am.

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

ENVIRONMENTAL SERVICES COMMITTEE

ENVIRONMENTAL SERVICES COMMITTEE – Minutes of Meeting held on Monday, 15th June, 2015.

Members Present: Mr Councillor R.H. McNicholl, the Mayor (until 10.55am), Councillor Mrs C.A. Corlett, Councillor Mrs R. Chatel, Councillor Mrs E.C. Quirk.

Apologies: Mr Councillor C.L.H. Cain.

In Attendance: Borough Treasurer, Assistant Borough Engineer, Building Control Manager, Democratic Services Officer, Assistant Chief Officer (Corporate and Development)

REPORT

PART A –

Matters decided by the Committee

A1. Apologies

Apologies for absence were submitted by Mr Councillor C.L.H. Cain

A2. Declarations of Interest

There were no declarations of interest.

A3. Minutes – 18th May, 2015

The minutes of the regular meeting held Monday, 18th May, 2015 were approved and signed.

A4. Election of Vice-Chairman 2015/2016

Councillor Mrs C.A. Corlett was unanimously elected to serve as Vice-Chairman of the Committee for the 2015/2016 municipal year.

A5. Schedule of Unsightly Properties

The Committee considered the Schedule of unsightly properties being dealt with on behalf of the Council. Members reviewed the schedule and discussed a number of specific properties.

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

The Building Control Manager was thanked for his attendance and left the meeting at 10.35am.

A6. Revenue Outturn Report 2014-2015

The Committee considered the annual report setting out the revenue outturn position at the end of the previous financial year. Refuse collection income was adverse in relation to recycling due to the facility at Ballacottier starting part way through the year, whilst the budgeted expectation was for a full year. The Borough Treasurer advised that he had reviewed the waste collection service over the past three years to see if there were any on-going issues. Each of the past three years there has been a different issue which has adversely affected the budget.

The Borough Treasurer advised that he and the Assistant Borough Engineer will review the budget issues currently affecting the refuse collection service.

The income from commercial refuse collection was adverse to the budget due to increased competition from the private sector. There was a brief discussion about refuse collections from charity shops. Members were advised that regulations under the Public Health Act specifically categorise charity premises as domestic premises for the purposes of waste collections. It was also noted that because the issues surrounding charity shops are complicated and cross over a number of different pieces of legislation, a report on the matter will be brought forward for consideration in September.

Members queried the progress on various public lighting schemes. Whilst it was noted that this information appears monthly in the Members’ Bulletin, nonetheless Members requested that an update be circulated by way of a Briefing Note.

Resolved, “That the report be noted on the minutes and approved.”

A7. Items for Future Consideration

The Committee considered a report setting out items which will be considered at future meetings. It was agreed that the reports on ticket machines and on charity shops will be brought to the Committee in September. The Committee asked the Assistant Chief Officer (Corporate and Development) to bring forward a twelve-month plan of consecutive campaigns tackling different issues such as litter and dog fouling. Members were advised that there are competing demands on officer time available to implement such campaigns, nonetheless a simple timetable will be brought forward for Committee review.

There was suggestion that the Council could have an anti-litter campaign for next June aimed at bikers. There was discussion of the suggestion made at a previous meeting that the sellers of takeaway food should write the car registration number on the bag so that it would be easier to trace those who drop such litter. The Assistant Chief Officer (Corporate and Development) advised that he has been in positive discussions with the manager of one takeaway outlet. In response to query he advised that it is not possible to require a takeaway shop to comply with the suggestion.

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

PART B –

Matters requiring Executive Committee approval

B8. Disabled Parking in Council Car Parks

The Committee considered a report on the introduction of charges for disabled parking in Council car parks. The policy of charging for disabled parking was agreed by the Council in January, 2015 as part of the process of setting the budget and rates for the 2015/2016 financial year. Subsequent to the Council's decision in January the Minister for Infrastructure, The Hon. P. Gawne MHK, opened a dialogue with the Council on the potential for the Council to operate, make charges and receive income from the Department of Infrastructure's Drumgold Street (Marks and Spencer) and Chester Street (Shoprite) car parks in return for an annual licence fee payable to the Department. Whilst the discussions with the Department were on-going the implementation of the charging for disabled badge holders was not progressed. It was eventually agreed with the Department of Infrastructure that the Council would take over operation of the Drumgold Street and Chester Street car parks from Monday June 1st 2015. Charging for disabled badge holders was therefore also introduced across these car parks and the Council's own car parks at Shaw's Brow, Bottleneck and Pulrose Road.

The Committee discussed the public reaction to the changes in light of the debate at the June Council meeting. Responses have varied from complete opposition to the concept of charging disabled badge holders to acceptance that some fee might be reasonable given that possession of a disabled badge does not reflect an ability to pay for parking. The one common thread in all responses was that disabled badge holders need longer to get from place to place including the relatively short distance from the car to the pay station. It was agreed that the Council should allow additional time for disabled badge holders to park; and that one additional hour was a reasonable concession. Members confirmed that disabled badge holders could be allowed the hour in addition to whatever time was purchased.

The Committee questioned the mechanics of how a concession could be applied. The Assistant Chief Officer (Corporate and Development) advised that in Drumgold Street and Chester Street car parks, the Borough Wardens could simply allow one additional hour to the amount shown on the ticket.

The report stated and officers confirmed that there are different issues with the implementation of this concession at the Shaw's Brow and Bottleneck car parks as these have entrance and exit barriers and a pay on foot system. Research is on-going to identify a possible solution. The Borough Treasurer confirmed that there isn't one method of applying the concession which will work in all of the car parks.

The Chairman moved the meeting to the Shaw's Brow car park so that Members could view the facility and continue the discussion.

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

- (i) approval be given for the introduction of a concession for disabled users of Pay and Display car parks of an additional hour's parking being permitted in addition to the time purchased;
- (ii) the report be referred to the Executive Committee for approval of the amendments to the Schedule of Fees and Charges and to the Car Parking Orders required to implement the decision; and
- (iii) consideration of a comparable concession in those car parks with pay on foot systems be deferred to a future meeting of the Committee."

PART C –

Matters requiring Council approval

C9. Resurfacing Works to Shaw’s Brow Car Park, Levels 2 and 3

The Committee considered a report on tenders received to carry out resurfacing works to Shaw’s Brow Car Park, levels 2 and 3. Four contractors applied to be included on the select list with all four passing competency and financial checking. All four contractors were sent tender documentation for a return date of Friday, 29th May, 2015. At the close of tenders, two companies had submitted their tender prices. Both prices submitted were above the budgeted estimate, one by 5% and the other by 20% because the price of materials has increased. The Borough Treasurer advised that under the Council’s current financial regulations F24 the tender could be accepted. Officers had considered and evaluated the possibility of only carrying out the works to Level 3 and deferring the work on Level 2 to a future year, but that would only produce a small savings this year and lead to additional costs for the additional preliminary works required in future years. The Borough Treasurer advised that the additional revenue costs in loan charges would only amount to £300 per annum.

There was some discussion of the way the work would be done, given that level three has the main entrance into the car park and one of the exits. The Assistant Borough Engineer advised that planning is already underway to address those issues and that it is expected that the work would be done in phases. As a capital project, petition approval of the borrowing is required and Council officers and officers from the Department of Infrastructure are already in discussions to progress the matter.

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

- (i) the Committee accepts the lowest tender received from Universal Sealants UK for resurfacing using the Badische Aniline und Soda Fabrik (BASF) Conideck proprietary deck system.
- (ii) that the Chief Executive be authorised to submit a petition under S31 of the Local Government Act 1985 to the Department of Infrastructure for borrowing powers in the sum of £183,869.00, being the total capital cost required to complete this project, including planning supervisor’s fees.
- (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 12.40pm.