



Borough of Douglas

Town Hall,

Douglas,

10th March, 2021

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 MARCH, 2021, held VIRTUALLY, by VIDEO CONFERENCE, at which Meeting the following Members were present, that is to say: -

The Mayor

MR COUNCILLOR JONATHAN JOUGHIN, JP

Councillors

Miss N.A. Byron

Mrs H. Callow

Mr S.R. Pitts

Mrs R. Chatel

Mr I.J.G. Clague, MBE

Mr D.W. Christian, MBE, JP

Mrs C.E. Crawley

Mrs C.L. Wells

Mr A.J. Bentley

Mr S. Hamer

Mr D. Watson

Mr F. Horning

Mr R.H. McNicholl

Mr J.E. Skinner

Ms K. Angela

Mrs E.C. Quirk

Ms J. Thommeny

The Chief Executive, Director of Finance, Director of Environment and Regeneration and Director of Housing and Property were in attendance.

1. **Minutes – 10th February, 2021**

The minutes of the Council meeting held on Wednesday, 10th February, 2021, were approved for signature.

2. **Standing Order 39 – Question – Mr Councillor D. Watson**

Mr Councillor D. Watson asked the Chair of the Housing and Property Committee:

How extensively has the Housing Department explored the use of modular, prefabricated or non-traditional building materials methods to reduce costs, maintenance and construction time for new housing, as has been done by local authorities in the UK?

Response by the Chair of the Housing and Property Committee:

Modular, prefabricated or non-traditional building materials methods are explored during design stages of the capital schemes, however unlike the UK, the cost of prefabricated modular construction is significantly more expensive on the Isle of Man due to the need to import materials and labour. The cost is approx 20 - 25% higher than the traditional construction costs (based on recent market comparison for large scheme in south of Island).

3. **Standing Order 39 – Mr Councillor D. Watson**

Mr Councillor D. Watson asked the Chair of the Environmental Services Committee:

What is the responsibility of the Council in the maintenance and upkeep of the condition of Douglas beach and bay?

Response by the Chair of the Environmental Services Committee:

The beach was purchased by Douglas Town Commissioners, which became the Borough Council, under the powers of the Douglas Foreshore and Town Act 1886. The beach is therefore the Council's responsibility to maintain which it does through a combination of in-house staff and use of contractors. The Council is not responsible for the bay or the footpath immediately behind the beach. Through Committee resolution, the Council removes seaweed strandings from the beach, re-profiles to reduce and even out the levels of the beach, litter picks on the beach and undertakes mechanical methods of improving the aesthetics of the beach.

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

Mr Councillor J.E. Skinner asked the Leader of the Council:

Pursuant to a question asked at a Council Meeting held in December 2020, we have now entered a third "lockdown" due to the COVID-19 virus, so will the Leader and appropriate Officers now give further consideration to the addition of a discreet portal on Council websites to provide support, advice and contact information for those at risk or experiencing domestic abuse which is fast becoming a very serious issue?

Response by the Leader of the Council:

Whilst the Council's Website may not be the most obvious place for any victim to look for support, it will be updated to provide appropriate links to organisations that can provide advice and assistance, such as Women's Aid, Victim Support, and the Government's own domestic abuse portal.

As a responsible employer and aware of staff wellbeing issues during lockdown, the Council circulated information in staff updates regarding this issue and where help could be obtained, during the lockdown in January 2021, and this week for the present lockdown.

Supplementary Question:

I am aware that the Council is a caring employer but would the Leader agree that more could be done to aid sufferers of domestic abuse outside of Council employment?

Reply by Leader of the Council:

I am always conscious that more can be done, and as and when things need to be done I am sure the Council will take the appropriate action.

5. **Standing Order 39 – Mr Councillor J.E. Skinner**

Mr Councillor J.E. Skinner asked the Chair of the Housing and Property Committee:

Currently how many active legal cases are there concerning tenants awaiting court appearance in relation to tenancy matters?

Response by the Chair of the Housing and Property Committee:

We have 10 active legal cases all for rent arrears due in court. It is important to note that these are cases from before the original COVID-19 lockdown in March 2020.

6. Standing Order 39 – Mr Councillor J.E. Skinner

Mr Councillor J.E. Skinner asked the Chair of the Regeneration and Community Committee:

The heavy duty plastic covering over the grassed area on Queens Promenade is currently being lifted. Is it the intention that this area is now being reseeded and fully restored back to just grass with the full cost being borne by the Department of Infrastructure?

Response by the Chair of the Regeneration and Community Committee:

Yes, the Department of Infrastructure is funding the cost of remediating this area which will be levelled and turfed, rather than seeded.

Supplementary Question:

Can the Chairman give an assurance that plastic covering similar to that which has been removed will not be replaced for the area to become a motor bike park in the future and does he agree that retention of any green space no matter how small is an environmental asset?

Response:

The plastic has been removed and will not be replaced. I agree that any retention of green space is an environmental asset. The plastic was a temporary measure during the Promenade regeneration works. We had an agreement it would be removed once the Promenade was finished in that area.

7. Standing Order 39 – Mr Councillor J.E. Skinner

Mr Councillor J.E. Skinner asked the Chair of the Regeneration and Community Committee:

Pursuant to a question on 9th October 2019 regarding the ground reparation works in Nobles Park in and around the area of the VIP Hospitality and “Trackside Bar” was this work carried out and completed by the Department of Enterprise Contractor by 7th October 2019 as directed or did Parks Services staff have to do the work?

If the reparation work was carried out by Parks Services staff what was the cost incurred and subsequently recharged to the Department of Enterprise?

Response by the Chair of the Regeneration and Community Committee:

The reparation work was undertaken by a Contractor employed by the Department for Enterprise at their sole cost. The works were completed by 12th October.

Supplementary question:

Is the Chairman satisfied that the reparation works have been completed and carried out to a satisfactory and acceptable standard?

Response:

Yes I am happy, officers would have raised the matter with the Department if the works were not satisfactory.

8. Standing Order 39 – Councillor Mrs C.E. Crawley

Councillor Mrs C.E. Crawley asked the Leader of the Council:

In each of the last five years, what has been the cost incurred by the Council due to engaging outside legal services?

Response by the Leader of the Council:

The table below shows the total costs incurred by the Council due to engaging outside legal services in the relevant years, including costs relating to the Joint Civic Amenity Site, the Local Government Superannuation Scheme and the Housing Revenue Account which are all recharged in accordance with the relevant funding approach.

<i>Financial Year ending 31 March</i>	<i>Legal Fees (excluding VAT)</i>
<i>2016</i>	<i>£198,089.68</i>
<i>2017</i>	<i>£234,773.55</i>
<i>2018</i>	<i>£236,746.51</i>
<i>2019</i>	<i>£175,531.87</i>
<i>2020</i>	<i>£233,022.70</i>
<i>2021 (to date)</i>	<i>£112,257.54”</i>

Supplementary Question:

What has been the reason for the dramatic reduction in these figures, and given additional legal staff, will the Council see a no cost incurred in following years?

Response:

An analysis will be undertaken to see why there is a differential in the costs involved there. In relation to there being no costs incurred in the forthcoming year, I can't see that happening Mr Mayor, if we were not going outside for legal fees we would probably have to employ two and a half legal people rather than the one legal person we are currently employing.

9. Standing Order 39 – Councillor Mrs C.E. Crawley

Councillor Mrs C.E. Crawley asked the Leader of the Council:

Since 1st January 2020 to date, what has been the cost incurred by the Council due to engaging outside legal services specifically related to COVID-19 matters?

The Leader of the Council to reply:

There was one invoice for £3,500.00 (excluding VAT) wholly related to Covid-19 and another invoice for £3,145 (excluding VAT) which was mainly relating to another matter but partly relating to Covid-19. The invoice is not sub-split between the two matters.

Supplementary Question:

What type of outside services were required for these two relatively small costs since January 2020 related to Covid-19 matters, could they not be dealt with in house.

Response:

I do not have the information to hand, I am going to have to request a breakdown and the details to be circulated.

10. Standing Order 39 – Councillor Mrs C.E. Crawley

Councillor Mrs C.E. Crawley asked the Leader of the Council:

In each of the last five years, what has been the cost incurred due to engaging outside legal services to represent the Council in courts?

Response by the Leader of the Council:

Invoices for Legal Fees incurred are not broken down between representation in the Courts and other work. This level of analysis is not therefore available.

Supplementary Question:

Would the Leader be in agreement that the legal fees should be broken down for auditing purposes, and if so, then the information should be available?

Response:

I concur with the Member, this is an item that has come up on numerous occasions, particularly around budget time. Chief Officers will note today and look into providing breakdowns.

11. Standing Order 39 – Mr Councillor D. Watson

Mr Councillor D. Watson asked the Leader of the Council:

Since 2016, how often has Douglas Borough Council requested additional funds to add to or maintain our housing stock from treasury or the department of infrastructure over and above the standard deficiency payments we get each year?

Response by the Chair of the Housing & Property Committee:

Each year, pre rent setting time (September), a letter is sent out to the Department of Infrastructure highlighting that the present funding mechanism for social housing by Government is unsustainable and recommends that Local Authorities revert to being responsible for setting social housing rent as appropriate without the need for allowances set by Government but with an alternative support process.

Members and Officers have continued to lobby the Department for changes, and although still insufficient, have had some success with an approval of the minor works capital in 2019/2020 and 2020/2021 financial years which allowed a further £150,000 per year of maintenance work of a capital nature to be expended. Additionally the introduction of quarterly 'funding change request' forms by the Department and trialled by the Council, is assisting with void rent loss. Both of these schemes have been of benefit. The Officers continue to work with the DOI to enhance existing funding schemes.

“Voids Change Requests

This request is to cover the additional rent loss over and above the general 2% target for the properties listed below being categorized as “refurb’s” due to the very poor state of repair and requiring significant work to bring them back to re-let standard prior to allocation.

Housing Minor Capital Works Funding

The Minor Capital Works allowance was set up by the Council and the Department of Infrastructure in 2019 to enable and fund housing repair work of a capital nature i.e. works that will have a fifteen years plus lifespan, but are only minor in nature and cost. This new funding process streamlines capital procedures and negates the preparation of multiple petitions for borrowing for relatively minor capital works”.

12. Standing Order – Mr Councillor S. Hamer

Mr Councillor S. Hamer asked the Chair of the Environmental Services Committee:

Have we sought advice from public health on whether or not there are procedures we can put in place to allow the continuing of our recycling programme?

Response by the Chair of Environmental Services Committee:

Specific advice from public health has not been sought. Unlike refuse collection, the kerbside collection is not a statutory service and Local Authorities are limited by the current circulars to only undertake statutory duties.

13. Standing Order 39 – Mr Councillor S. Hamer

Mr Councillor S. Hamer asked the Leader of the Council:

Is there a current plan in place for if the election needs to go ahead during some form of lockdown?

Response by the Leader of the Council:

The Council’s Chief Executive had written to the Chief Executive of the Department of Infrastructure setting out a number of issues that would arise if the election were to be held, or the election process commenced, while restrictions are in place.

The matter has also been raised by other local authorities with the DOI.

The consensus from the local authorities is that the best solution would be to postpone the election, or facilitate the commencement of the election timetable (i.e. the publication of the Notice of Election, which is presently due to happen on 16 March 2021) from the date of the lockdown ending, with the date of the election being pushed back correspondingly.

This would have to be done by an amendment to the legislation, which last Friday the Local Government Unit said it would be discussing with the Attorney General’s Chambers, and would then be advising local authorities accordingly.

I think by now we are all aware that the outcome is the passing yesterday of a resolution of Tynwald setting in motion the change in legislation to postpone the date of the elections to 22nd July or as soon as practicable thereafter.

14. Executive Committee – 26th February, 2021

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 report of meeting held on Friday, 26th February, 2021, be received by the Council.”

Question put; Motion carried unanimously.

15. Pensions Committee – 24th February, 2021

Motion moved by Councillor Ms K Angela, seconded by Mr Councillor F. Horning, “That the minutes of proceedings of the Pensions Committee, as contained in report of meeting held on Friday, 24th February, 2021, be received by the Council.”

Question put; Motion carried unanimously.

16. Standards Committee – 17th February, 2021 – Clauses A1 to A4 Inclusive

Motion moved by Councillor Mrs C.E. Crawley, seconded by Councillor Miss N.A. Byron, “That the minutes of proceedings of the Standards Committee, as contained in Clauses A1 to A4 inclusive of report of meeting held on Wednesday, 17th February, 2021, be received by the Council.”

Question put; Motion carried unanimously.

17. **Standards Committee – 17th February, 2021 – Clause C5**

Motion moved by Councillor Mrs C.E. Crawley, seconded by Councillor Miss N.A. Byron, “That the minutes of proceedings of the Standards Committee, as contained in Clause C5 of report of meeting held on Wednesday, 17th February, 2021, be received, approved and adopted by the Council.”

Question put. Members were asked to vote For or Against the Motion, and there voted **For** the Motion, Councillors; Miss N.A. Byron, Mrs H. Callow, Mrs C.E. Crawley, Mrs C.L. Wells, Mr A.J. Bentley, Mr F. Horning, Mr J.E. Skinner, Ms K. Angela, Ms J. Thommeny – **9**

Against: Mr S.R. Pitts, Mrs R. Chatel, Mr. I.J.G. Clague, Mr D.W. Christian, Mr S. Hamer, Mr D. Watson, Mr R.H. McNicholl, Mrs E.C. Quirk, the Mayor – **9**

The Mayor exercised his casting vote **Against**. Motion fell.

18. **Eastern District Civic Amenity Site Joint Committee – 18th February, 2021**

Motion moved by Mr Councillor R.H. McNicholl, seconded by Mr Councillor F. Horning, “That the minutes of proceedings of the Eastern District Civic Amenity Site Joint Committee, as contained in report of meeting held on Thursday, 18th February, 2021, be received by the Council.”

Question put; Motion carried unanimously.

19. **Housing and Property Committee – 17th February, 2021**

Motion moved by Councillor Mrs C.L. Wells, seconded by Councillor Mrs C.E. Crawley, “That the minutes of proceedings of the Housing and Property Committee, as contained in report of meeting held on Wednesday, 17th February, 2021, be received by the Council.”

Question put; Motion carried unanimously.

20. **Regeneration and Community Committee – 16th February, 2021**

Motion moved by Mr Councillor S.R. Pitts, seconded by Councillor Mrs H. Callow, “That the minutes of proceedings of the Regeneration and Community Committee, as contained in report of meeting held on Tuesday, 16th February, 2021, be received by the Council.”

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

21. **Environmental Services Committee – 15th February, 2021 – Clause A8**

Motion moved by Mr Councillor R.H. McNicholl, seconded by Mr Councillor F. Horning, “That the minutes of proceedings of the Environmental Services Committee, as contained in Clause A8 of report of meeting held on Monday, 15th February, 2021, be received by the Council.”

Question put on Motion, Members were asked to vote For or Against the Motion, and there voted **For** the Motion, Councillors; Miss N.A. Byron, Mr S.R. Pitts, Mrs R. Chatel, Mr A.J. Bentley, Mr F. Horning, Mr R.H. McNicholl, Ms K. Angela, Ms J. Thommeny – **8**

Against, Councillors; Mrs H. Callow, Mr I.J.G. Clague, Mr D.W. Christian, Mrs C.E. Crawley, Mrs C.L. Wells, Mr S. Hamer, Mr D. Watson, Mr J.E. Skinner, Mrs E.C. Quirk, the Mayor – **10**

Motion fell.

Under the provisions of the Local Government Act 1985, the Assistant Town Clerk declared an interest in this item and retired whilst it was considered.

22. **Attendance**

Councillor Mrs C.L. Wells submitted her apologies and left for the remainder of the meeting.

23. **Environmental Services Committee – 15th February, 2021 – Clause A9**

Motion moved by Mr Councillor R.H. McNicholl, seconded by Mr Councillor F. Horning, “That the minutes of proceedings of the Environmental Services Committee, as contained in Clause A9 of report of meeting held on Monday, 15th February, 2021, be received by the Council.”

Question put; Motion carried unanimously.

Under the provisions of the Local Government Act 1985, Mr Councillor J.E. Skinner and the Director of Environment and Regeneration declared an interest in this item and retired whilst it was considered.

24. **Environmental Services Committee – 15th February, 2021 – Clauses A1 to A7, A10 to A14 Inclusive**

Motion moved by Mr Councillor R.H. McNicholl, seconded by Mr Councillor F. Horning, “That the minutes of proceedings of the Environmental Services Committee, as contained in Clauses A1 to A7 and A10 to A14 inclusive of report of meeting held on Monday, 15th February, 2021, be received by the Council.”

Question put; Motion carried unanimously.

25. **Adjournment and Resumption**

The meeting adjourned at 6.15pm and resumed at 6.29pm with the same Members and Officers present.

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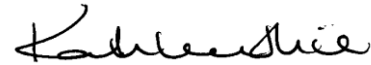
26. **Standing Order 9 – Duration of Meeting**

The Mayor drew attention to the provisions of Standing Order 9, a vote to continue after 6.30pm to consider the outstanding business was taken, and there voted **For** the Motion, Councillors: Mr I.J.G. Clague, Mr S. Hamer, Mr D. Watson, Mr F. Horning, Ms J. Thommeny - **5**

Against, Councillors; Miss N.A. Byron, Mrs H. Callow, Mr S.R. Pitts, Mrs R. Chatel, Mr D.W. Christian, Mrs C.E. Crawley, Mr A.J. Bentley, Mr R.H. McNicholl, Mr J.E. Skinner, Ms K. Angela, Mrs E.C. Quirk, the Mayor – **12**

Motion fell. The meeting was adjourned until 10.00am on Thursday, 11th March, 2021.

The Council rose at 6.35pm.



Town Clerk & Chief Executive