



Borough of Douglas

Town Hall,

Douglas,

12th June, 2013

At a MEETING of the COUNCIL of the BOROUGH OF DOUGLAS, duly convened and holden at 2.30 p.m. on WEDNESDAY, the 12th day of JUNE, 2013, in the COUNCIL CHAMBER, within the TOWN HALL, at which Meeting the following Members were present, that is to say: -

The Mayor

COUNCILLOR MRS CAROL ELIZABETH MALARKEY, J.P.

Councillor

Mrs S.D.A. Hackman

Mr S.R. Pitts

Mr D.J. Ashford, J.P.

Mrs R. Chatel

Mr J. Joughin

Mr D.W. Christian, J.P.

Mr E.A. Joyce

Mr G.J. Faragher

Miss D.A.M. Pitts

Mr W.M. Malarkey

Mr R.H. McNicholl

Mr J.E. Skinner

Ms K. Angela

Mr S.C. Cain

Mr A.V. Quirk

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

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

1. **Minutes – 8th May, 2013**

The minutes of the annual Council meeting held Wednesday, 8th May, 2013 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 Chairman of the Environmental Services Advisory Committee, and the Chairman's reply were noted:-

Question:

Why in relation to the former Imperial Hotel, Central Promenade:

The Members for Victoria Ward, each time they have asked over a number of years, have always been told the building is not dilapidated but unsightly in appearance. Yet consultants MacOwan Collett Consulting Engineers Ltd, who were engaged by the owners to undertake a structural assessment of the building, stated in April 2013 "The general condition of the building is very poor, with several areas in a dangerous state" and "Several of the major structural elements, including principal roof members and lintels have already failed".

In light of this does the Chairman accept that a full re-assessment should be undertaken by Building Control immediately with a view to finally adding the property to the dilapidated properties list?

Reply:

The Building Control team has received several complaints about the former Imperial Hotel in the past and, in each case, some improvements to the appearance of the property were made.

As a result of the most recent concerns expressed in Council regarding the appearance of the property, it was again added to the list of dilapidated properties in February 2013 and contact was made with the owners. In reply, representatives of the owners indicated that it was the owner's intention to carry out demolition. The necessary Demolition Direction was sought and issued and pre-demolition procedures were put in place.

However, because the building is in a Conservation Area it proved necessary for a planning application to be submitted for approval prior to demolition. The initial planning application was withdrawn when it became apparent that the application was likely to be refused by the Planning Committee until an alternative scheme is submitted to replace the current building. The owners have commissioned design work and it is anticipated that a second planning application is imminent.

With regard to the building posing a danger, the original planning application suggested that the building should be demolished without delay due to it being in a dangerous condition. The planning report also indicated that the Health and Safety at Work directorate had carried out an assessment of the condition of the building. However, neither the planning authority nor the Health and Safety at Work Directorate had contacted the Council regarding the claims that the building was dangerous.

As soon as the Building Control Manager discovered that it was being claimed that the building posed a danger to the public, he instructed the Council's Consultant Engineers to carry out an immediate inspection. The inspection took place, accompanied by the owner's agent, on 1st May 2013. Following the inspection the Council's Consultant produced a written report which concluded that, "Based on our visual inspection of the areas identified by Macowan and Collett, we do not consider the building to be in imminent danger of collapse." The report further advised that, "Loose slates may be present on the roof, which could fall. The boundary to the property must be secured to prevent public/unauthorised access. The property will continue to deteriorate and may in the future endanger the public." The owner's agent was made aware of these findings and did not dispute the conclusion that the building was not in imminent danger of collapse.

Prior to the inspection, temporary fencing had been erected around the property to address the concerns regarding loose slates and unauthorised access. Since the report was produced, the Building Control Manager understands that a recommendation is to be made to the owners by their representatives that a more permanent hoarding should be erected around the site. As a result of a telephone conversation with the owner's architect on 5th June 2013, it is understood that discussions are still taking place with planning officers regarding the requirement of a further application. The architect is due to meet with the owners and their health and safety consultant during the week commencing 10th June with a view to addressing the issue of a hoarding. The architect is fully aware, and agrees with the Council's concerns regarding the unsightly appearance of the site. It is also understood that the owners are pushing to resolve the matter of the condition of the building as soon as possible.

In summary, the property has been on the Dilapidated Properties list since February 2013 and the Building Control Manager is liaising with the owner's agents to ensure the necessary actions are being pursued diligently to improve the unsightliness by erecting a more substantial hoarding in the short term followed by either demolition or redevelopment once planning consent is forthcoming.

Supplementary Question:

Is the Council's Consultant saying the initial consultants' findings that "principal roof members and lintels have already failed" is incorrect and no failure has occurred?

Reply to Supplementary Question:

The Council's consultant states that the building is not in imminent danger of collapse. That is not inimical to the statement that roof members and lintels may have failed and both statements may well be accurate. I will be seeking confirmation and will advise the questioner further when that is received.

3. **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:-

Question:-

Why in relation to the costs of Standing Committee Administration:

- a) Overall administration of the standing committees has increased 16.69%, from an actual cost across the Standing Committees of £843,720 in 2010/11 to a budgeted cost of £984,560 for 2013/14.
- b) With the allocated cost of Administration of the Executive Committee (old Policy & Resources Committee) having risen 2.2% (from an actual cost of £334,140 to a budgeted figure of £341,500) in the same period despite the number of meetings now taking place being halved?

Reply:

a) The total in 2010/11 of the former services Public Health & Housing administration, Public Works Administration, Leisure Services Administration and Policy & Resources Administration compared to the total in the 2013/14 budget for Housing & Property Committee Administration, Environmental Services Committee Administration, Regeneration & Community Committee Administration and Executive Committee Administration is set out below:

Year	Amount	
	£	
2010/11 Actual	843,722	
2013/14 Estimate	984,560	
Increase	140,838	16.69%

The main items of expenditure are employee costs and support services. The basis of support services recharges are set out on page 114 of the 2013/14 Estimates Book.

The following table sets out the variations that make up the £140,838

Item	Amount	Notes
	£	
Employee Cost Inflation	17,290	5.5% between 2010/11 and 2013/14 budget. This includes changes in employer's contributions for National Insurance.
Net Other Changes Employee Costs	4,920	The actual for 2010/11 only reflects the cost incurred. However a number of posts were not filled for all of the year. The budget includes provision for those employed and vacant posts which are to be filled.
Legal Services	28,810	Due to government's activities the Council has needed to take an increased amount of legal advice, particularly in relation to the termination of the Drainage Agency agreement, Cambrian Place development and the Housing Review.
Human Resources	3,700	Training was consolidated into the Human Resources budget having previously been to individual services.

		This has delivered more flexibility in managing the training budget. The increase in training apportioned to committee admin budgets is offset by reductions in other services.
End of the Drainage Agency	14,090	This amount of costs in relation to Financial Services, Income & Cashiers and Payments & Payroll were charged to the Drainage Agency in 2010/11. These costs are only charged to committee admin services and to agencies. This amount is therefore apportioned to committee admin services in the 2013/14 budget. The termination of the drainage agency is mentioned in item d on page 7 of the 2013/14 Estimates Book.
Inflation on ICT Supplies & Services	20,940	Increases in costs of software, hardware and internet-related supplies and service contracts.
Making Permanent the Senior ICT Officer (Systems) Role	12,630	Offset by savings in loan charges (which are no longer included in service costs) - per 28/5/10 P&R resolution.
Conference Costs	4,040	Budgets for conference fees were centralised into committee admin services as part of a move to reduce overall conference costs previously charged direct to services.
Inflation on Employee Costs within Support Service Recharge to Committee Admin Services	14,330	5.5% between 2010/11 and 2013/14 budget. This includes changes in employer's contributions for National Insurance.
Non-Employment Inflation and Other Net Changes	20,088	Note, as a guide, that Manx RPI over the past 4 years has been approximately 19%. This £20,088 equates to 13% of the relevant costs.
Total	140,838	

b) The costs in 2010/11 of the former Policy & Resources Administration service compared to the total in the 2013/14 budget for Executive Committee Administration is set out below:

Year	Employee costs	Support Services	Other costs	Total	
	£	£	£	£	
2010/11 Actual	123,890	208,510	1,740	334,140	
2013/14 Estimate	97,690	240,550	3,260	984,560	
Increase/(decrease)	(26,200)	32,040	1,520	140,838	2.2%

In relation to employee costs these have reduced by £26,200 (21%), despite inflationary increases referred to above. The employee costs charged to this Service includes; attendance at the Committee meetings, officer time involved in preparing for meetings together with following up actions and officer time involved in writing reports and briefing notes. The reduction in costs reflects the reduction in time at meetings but there is no difference in preparation time, follow up time, number of reports and briefing notes.

The support services apportionment is not related to the number of meetings. The basis of support services recharges are set out on page 114 of the 2013/14 Estimates Book.

For changes in the support service costs please see the explanations shown above.

Other costs relate to the cost of Conferences also explained above.

4. Executive Committee – 24th May, 2013 – Clause B18

Motion moved by Mr Councillor D.W. Christian, seconded by Mr Councillor S.R. Pitts, “That the minutes of proceedings of the Executive Committee, as contained in Clause B18 of report of meeting held Friday, 24th May, 2103 be received, approved and adopted by Council.”

On division being called, a vote was taken electronically, and the Motion approved unanimously.

5. Executive Committee – 24th May, 2013 – Clauses A1 – A17 inclusive

Resolved unanimously, “That the minutes of proceedings of the Executive Committee, as contained in Clauses A1 to A17 inclusive, be received, approved and adopted by Council.”

6. Pensions Committee – 23rd May, 2013

Resolved unanimously, “That the minutes of proceedings of the Pensions Committee, as contained in report of meeting held Thursday, 23rd May, 2013 be received, approved and adopted by Council.”

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

7. Eastern Civic Amenity Site Joint Committee

Resolved unanimously, “That the minutes of proceedings of the Eastern Civic Amenity Site Joint Committee as contained in report of meeting held Monday, 20th May, 2013, be received, approved and adopted by Council.”

8. Housing and Property Advisory Committee – 15th May, 2013 – Clause A4 Private Agenda

Resolved unanimously, “That the proceedings of the Housing and Property Advisory Committee as contained in Clause A4 of the private report of meeting held on Wednesday, 15th May, 2013 be considered in the public session of Council.”

9. Housing and Property Advisory Committee – 15th May, 2013 – Clauses A1 – C6 and A4 moved from the Private Agenda

Resolved unanimously, “That the minutes of proceedings of the Housing and Property Advisory Committee, as contained in Clauses A1 to C6 inclusive from the public report and Clause A4 moved from the private report of meeting held Wednesday, 15th May, 2013, be received, approved and adopted by the Council.”

10. Regeneration and Community Advisory Committee

Resolved unanimously, “That the minutes of proceedings of the Regeneration and Community Advisory Committee, as contained in report of meeting held Tuesday, 14th May, 2013 be received, approved and adopted by Council.”

11. Notice of Motion

Mr Councillor D.J. Ashford moved this Motion, notice of which had been given:-

“Where a resolution of Council, or of a Committee if delegated powers exist, cannot be enacted within one month of the resolution being passed, and the relevant Committee has not already been advised of any delays in implementation, then the following procedure must be followed: the responsible officer must report back in written format to the next meeting of the relevant Committee explaining why the delay has occurred, what action is being taken and what timescales are in place to implement the resolution.”

The Motion was seconded by Mr Councillor W.M. Malarkey.

Under the provisions of Standing Order 30, the Motion was referred to the Executive Committee for consideration and report back to the Council.

12. Notice of Motion

Mr Councillor D.J. Ashford moved this Motion, notice of which had been given:-

"That the Council utilises the powers conferred on it under Section 26 of the Local Government Act 1985 in respect of any property on the dilapidated properties list that has been vacant for eight years or more, or has been first investigated for dilapidation in excess of eight years previously."

The Motion was seconded by Mr Councillor S.R. Pitts.

Under the provisions of Standing Order 30, the Motion was referred to the Executive Committee for consideration and report back to the Council.

13. Miscellaneous Business

The Chief Executive reported to Council that a vacancy had arisen in St George's Ward as a result of Mr Councillor Thomas taking up a seat in the House of Keys. A bye-election to fill the vacancy has been called. Nominations have opened and nomination papers are available from the main Reception desk in the Town Hall. The closing date for nominations will be 5pm on Tuesday, 25th June, 2013. If the election is contested, polling will take place on Thursday, 18th July, 2013.

14. Adjournment and Resumption of meeting

The meeting adjourned at 4.50pm and resumed at 4.55pm with the same sixteen Members in attendance.

15. Appointment of Member to the Environmental Services Advisory Committee

The Leader of the Council, Mr Councillor D.W. Christian, reported that, during the adjournment the Executive Committee had met and appointed to serve on the Environmental Services Advisory Committee for the remainder of the 2013/2014 municipal year, whichever individual who is elected in the forthcoming Bye-Election.

16. Appointment of Member to Pensions Committee

Resolved unanimously, "That Mr Councillor D.J. Ashford be appointed to serve on the Pensions Committee for the remainder of the 2013/2014 municipal year."

17. Adjournment and Resumption

The meeting adjourned at 5:00pm and resumed in private at 5:15pm with the following Members present: Councillor Mrs S.D.A. Hackman, Messrs Councillors S.R. Pitts, J. Joughin, D.J. Ashford, Councillor Mrs R. Chatel, Messrs Councillors D.W. Christian, E.A. Joyce, G.J. Faragher, Councillor Miss D.A.M. Pitts, Messrs Councillors W.M. Malarkey, R.H. McNicholl, J.E. Skinner, Councillor Ms K. Angela, Messrs Councillors S.C. Cain, A.V. Quirk, the Mayor.

18. Executive Committee – 24th May, 2013

Motion moved by Mr Councillor D.W. Christian, seconded by Mr Councillor S.R. Pitts, "That the minutes of proceedings of the Executive Committee, as contained in private report of meeting held Friday, 24th May, 2013, be received, approved and adopted by the Council."

Motion put. On division being called, the vote was put electronically and carried unanimously.

19. Housing and Property Advisory Committee – 15th May, 2013

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 Advisory Committee, as contained in private report of meeting held Wednesday, 15th May, 2013 be received, approved and adopted by the Council."

Motion put.

On division being called the vote was taken electronically and there voted **for** the Motion: Councillor Mrs S.D.A. Hackman, Messrs Councillors S.R. Pitts, J. Joughin, D.J. Ashford, Councillor Mrs R. Chatel, Messrs Councillors D.W. Christian, Councillor Miss D.A.M. Pitts, Messrs Councillors W.M. Malarkey, R.H. McNicholl, J.E. Skinner, Councillor Ms K. Angela, Messrs Councillors S.C. Cain, A.V. Quirk, the Mayor –

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Against: Messrs Councillors E.A. Joyce, G.J. Faragher – **2**

Motion carried.

The Council rose at 5.55pm.