



Borough of Douglas

**COUNCILLOR MRS CAROL ELIZABETH MALARKEY, JP
MAYOR**

Town Hall,

Douglas,

8th November, 2013

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL to be held on WEDNESDAY, the 13th day of November, 2013, 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 Lead Member in the following order:

- (i) Housing and Property;
- (ii) Regeneration and Community;
- (iii) Environmental Services;

VIII - Consideration of such communications or petitions and memorials as the Mayor or Chief Executive may desire to lay before Council.

IX - Notices of Motion submitted by Members of the Council in order of their receipt by the Chief Executive.

X - Any Miscellaneous Business of which Notice has been given pursuant to Standing Orders.

The above Order of Agenda is in accordance with Standing Order No. 16(1); under Standing Order No. 16(2) it may be varied by the Council to give precedence to any business of a special urgency, but such variation shall not displace business under I and II.

AGENDA

III – Chief Executive to read minutes of the Council Meeting held on Wednesday, 9th October, 2013.

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

EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Special Meeting held on Wednesday, 9th October, 2013.

Members Present: Messrs Councillors D.W. Christian (Chairman), S.R. Pitts, D.J. Ashford, E.A. Joyce, R.H. McNicholl.

In Attendance: Assistant Democratic Services Officer.

REPORT

PART A –

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

A1. Appointment of a Member to fill the vacancy on the Environmental Services Advisory Committee

Resolved, “That the successful candidate in the forthcoming Bye-Election be appointed to serve on the Environmental Services Advisory Committee for the remainder of the 2013/2014 municipal year.”

A2. Minutes and referrals of the Housing and Property Advisory Committee

The Committee considered a minute of the Housing and Property Advisory Committee meeting held on Wednesday, 18th September, 2013.

Clause A2 of the Housing and Property Advisory Committee, which referred to the proposed refurbishment and redecoration of the windows at Willaston Manor Lodge, required Executive Committee approval to increase budget provision in the commercial properties budget to enable the works to be complete.

Resolved, “That the commercial properties budget be increased accordingly to enable the refurbishment and redecoration of the windows at Willaston Manor Lodge.”

The meeting ended at 4.51pm.

EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Friday, 25th October, 2013.

Members Present: Mr Councillor D.W. Christian (Chair), the Mayor (from 2.15pm), Messrs Councillors S.R. Pitts, D.J. Ashford, R.H. McNicholl.

Apologies: Mr Councillor E.A. Joyce, Borough Treasurer.

In Attendance: Chief Executive, Borough Engineer & Surveyor, Assistant Chief Officer (Finance), Assistant Town Clerk (from 2.15pm to 2.40pm), Assistant Chief Executive (from 2.45pm to 3.15pm).

REPORT

PART A –

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

A1. Apologies for Absence

Apologies for absence were submitted on behalf of Mr Councillor E.A. Joyce and the Borough Treasurer.

A2. Declarations of Interest

No declarations of interest were submitted.

A3. Minutes

The minutes of the meeting held on Friday 27th September 2013 and a Special Meeting held on Wednesday 9th October 2013 were approved and signed.

A4. Matters Arising From Previous Minutes

Resolved, "That all references to the Environmental Services Advisory Committee, contained in Clause A2 of the minutes of the Special Meeting held on Wednesday 9th October 2013, be amended to read 'Housing and Property Advisory Committee'."

A5. Minutes and Referrals of the Regeneration and Community Advisory Committee

The Committee considered the minutes of the Regeneration and Community Advisory Committee meeting held on Tuesday 15th October 2013, including the below item specifically referred to the Executive Committee:

Clause A13 – St Mary's Amateur Football Club (Changing Room / Clubhouse Building, Groves Road, Douglas): the Advisory Committee had been advised of St Mary's AFC's long-standing proposals to create a new clubhouse. These proposals had not progressed as the previous planning permission had been refused. There had also been issues with the ground, with the Council having to carry out remediation works in 2010 to ensure the site could continue to be safely used for leisure purposes. It was noted that the Club was now interested to know if a proposal of using the field on a twenty-year lease at a peppercorn rent was open to discussion.

Clause A9 – Ballymoney Borough Council – Twinning Visit – Two-Chair Procedure: although not specifically referred, the Executive Committee noted part of resolution (iii) of the minute '*that as a matter of policy no future Twinning requests be dealt with through the two-chair procedure*', which was contrary to Standing Orders. This was deleted from the minutes, as an Advisory Committee did not have the authority to alter Standing Orders.

Resolved, "(i) That particulars of the minutes of the Regeneration and Community Advisory Committee be noted;

(ii) That the resolution of the Advisory Committee – to approve St Mary's AFC's proposal subject to further developed proposals being submitted - be supported; and

(iii) That part of resolution (iii) of Clause A9 of the Advisory Committee's minutes - that no future Twinning requests be dealt with through the Two-Chair Procedure - be deleted, as contrary to Standing Orders."

A6. Consultation Document – Lower Douglas Master Plan

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

Members were advised that the consultation document related to proposed updates to the '2012 Lower Douglas Master Plan – Interim Planning Guidance' to reflect changes in circumstances. These being that the Government's Development Agreement for the bus station site had lapsed, and that public

consultation in relation to the relocation of the bus interchange (away from that site) had met with considerable public resistance.

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

(ii) That the Council responds to the consultation by supporting the proposed amendments, and to add the observation that, in relation to Clause 5.8 of the Master Plan, where car parking provision was seen as a constraint, the Council’s proposed development at Cambrian Place would assist in providing alternative parking very close to the site.”

A7. 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.”

A8. Statement of Accounts for the Year Ending 31st March 2013

The Committee considered a written report by the Assistant Chief Officer (Finance) in relation to the Statement of Accounts for the year ending 31st March 2013.

It was noted that the Accounts and Audit Regulations 2007 required local authorities to have their Statement of Accounts approved and certified by the external auditor by 31st October each year. The Committee had previously approved the Statement of Accounts at its meeting on 26th July 2013, however, as a result of the statutory audit, a number of changes had been made to the accounts, requiring their re-approval by the Committee. Also, as in previous years, the Council’s auditor had asked that a Letter of Representation be issued by the Council, alongside the Statement of Accounts, in order that certification could take place.

A Member queried why there was no reference to children’s playgrounds in paragraph 18 of Appendix 2 ‘Fixed Assets Held’, suggesting these should be classed as assets and as having some value.

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

(ii) That the re-submitted Statement of Accounts for the year ended 31st March 2013 be approved, taking into account a number of changes that had been made as a result of required adjustments identified during the audit process;

(iii) That the proposed Letter of Representation be signed and presented to the Council’s external auditor in respect of the Council’s main accounts;

(iv) That the completion letter also be noted, and the responses given therein be approved accordingly;

(v) That authority be given to the Assistant Chief Officer (Finance) to sign the Statement of Accounts in the capacity of (Acting) Borough Treasurer; and

(vi) That the Assistant Chief Officer (Finance) be requested to advise the Committee according, via email, regarding the inclusion of children’s playgrounds as fixed assets.”

A9. Pulrose Bridge Sign – Two-Chair Procedure

The Committee considered a written report by the Assistant Chief Executive setting out details of a Two-Chair Procedure that had been agreed to approve expenditure for the creation of a new sign at Pulrose Bridge.

As part of the highway works to Peel Road, the Council’s large advertising sign had had to be dismantled, and, on removal, it had been found to be in a very poor condition due to long-term wear and tear. However, because of the excellent location, it was considered that the sign should be re-erected as soon as possible to facilitate information about the Council’s Christmas events, with the opportunity also being taken to illuminate the sign. It was dealt with as a matter of urgency through the Two-Chair Procedure because of the importance of communicating information to the public, and the timescale otherwise for the production of the sign would have meant an unacceptable delay.

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

(ii) That it also be noted that the relevant expenditure of £3,900 had been met out of the Council’s Reserves.”

A10. 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.”

A11. Time and Date of Next Meeting

Resolved, "That the next meeting be held at 10.00am on Monday 2nd December 2013."

PART B –

Matters subject to Council approval

B12. Constitution Amendments – Articles of the Constitution

The Committee considered a written report by the Assistant Town Clerk following a scheduled review of the Articles of the Constitution.

Members recalled that the Articles of the Constitution had taken effect from May 2012, when the document had been adopted by the Council. It was anticipated at the outset that amendments would become necessary, and that the Constitution should be reviewed periodically. Since that time, amendments had been made to other parts of the Constitution, notably to Standing Orders, however, within the Articles themselves, only two amendments had been made. These were to better define the role and remit of the Standards Committee, and to introduce a policy to work with the 'third sector'.

The Articles had now been re-examined to establish whether any of the other changes made to the Constitution had brought about any potential conflict. As there had been no instances identified, it was recommended that the Articles be not further changed at this time, but that changes be introduced as and when they became necessary. It was noted, however, that some revisions to Standing Orders and Financial Regulations had been identified as being desirable.

Although it was recommended that a further full review take place in 2015 in order that any changes could take effect from May 2016 (to coincide with the next general election of Councillors), Members requested that an opportunity be provided at this stage for them to review the entire Constitution.

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

(ii) That the changes that had taken place within the Articles of the Constitution also be noted;

(iii) That no further changes be proposed at the present time;

(iv) That the wording of Standing Order 161 be amended to read: -

'Where a Chief Officer recommends the disposal of any materials, equipment, property or vehicle valued up to £5,500, the appropriate Standing Committee may for reasons of speed and convenience, authorise such disposal to take place by public auction as an alternative to tendering. In such case, Standing Orders 127 to 160 inclusive shall not apply, but:

1. The Chief Officer shall appoint an appropriate local auctioneer to carry out the disposal;

2. All materials, goods or equipment to be disposed of shall be catalogued;

3. After the sale, the Chief Officer will submit to the Executive Committee a detailed report on the items sold and the return achieved, and the auctioneer's charges';

(v) That, to bring Financial Regulations into line with Standing Orders, the wording be amended to read: -

F.1: These regulations outline the principles of financial administration which must be operated by all Officers of the Council and it shall be the responsibility of each Committee and Chief Officer to ensure their observance. Each Chief Officer must ensure that all members of their staff are aware of these Regulations. These Financial Regulations should be read together with Council's Constitution, Part 4 (1) Council Procedure Rules (Standing Orders). Nothing in these Regulations shall override Standing Orders. More detailed instructions in support of these Regulations are issued as appropriate by the Borough Treasurer.

F.22A: If there is an underspend against the revenue budget then the Chief Executive, with the consent of the Borough Treasurer, may roll forward that budget into the new financial year, up to the limit shown in the schedule of amounts, for use on specific projects that were in progress before the end of the financial year in which the underspend occurred. A briefing note must be provided to the Executive Committee explaining any such roll forwards.

F.27: The procedures for Tenders and Contracts are set out in Standing Orders Part V: Tenders and Contracts, and in the Procedure Notes for Management of Construction Projects issued by the Isle of Man Government Treasury.

F.50: Arrangements for the disposal of surplus assets or writing off stores or inventory items worth less than the value shown in the Standing Order in Part V: Tenders and Contracts entitled 'Disposal of Surplus Property, Materials, etc' shall be subject to approval in writing by the Borough Treasurer.

F.61: The methods for inviting tenders and quotations, their acceptance and exemptions are set out in Standing Orders Part V: Tenders and Contracts.

F.68: *The appointment of Consultants is set out in Standing Orders entitled 'Consultants' and 'Conditions of Engagement' within Part V: Tenders and Contracts. In addition, the appropriate Chief Officer must consult with the Borough Treasurer on fees to be paid to, and confirm insurance status of, any Consultants before the appointment is made;*

(vi) That an informal meeting of the Executive Committee be arranged for 2.00pm on Monday 16th December 2013 in order that Members could review the entire Constitution; and

(vii) That the Assistant Town Clerk be requested to circulate a copy of the Constitution to Members of the Executive Committee after the November 2013 meeting of Council (once the above amendments had been approved and accordingly incorporated).”

B13. Notice of Motion – Delegated Powers

The Committee considered a written report by the Assistant Town Clerk in relation to a Motion moved and seconded in Council, and accordingly referred to the Executive Committee for consideration.

Members were reminded that Mr Councillor D.J. Ashford had submitted the following Motion to the Council in June 2013:

‘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’.

Members were advised that, under normal circumstances, where a Committee or the Council made a decision requiring action, the relevant officer (generally the author of a report on which the decision was based) would instigate it at the earliest opportunity after the decision was finalised. Although any timescale implications known at the time should be included in the initial report so that the Committee or Council was aware of them, there were occasions when there were unforeseen delays in acting on the decision. It was, however, reasonable for Members to expect that action should be effected as soon as practicable after a Committee or the Council made a decision requiring action, and that if any unforeseen delay occurred, then Members should be informed accordingly.

The Motion, as submitted, sought a written report to Committee or Council in every case of delay. In the majority of cases where delays occurred, there was no need to vary the decision and it was therefore proposed that a Briefing Note instead be circulated, which would ensure that Members were aware at an earlier stage about the delay. In any case where a delay might impact on the decision, then a further report should follow to enable a further decision to be made.

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

(ii) That the Motion as submitted be not approved, but instead the following procedure be adopted: -

‘Where, after approval of action by a Committee or the Council, any delay arises in implementation of the decision that was not foreseen in the report on which the decision was based, the officer responsible for implementation of the decision will prepare a Briefing Note advising Members of the reasons for the delay, during the course of that cycle of Committee meetings’; and

(iii) That the procedure be incorporated into the Constitution, within Part 5, Section C (Member Support Protocol) immediately after approval by the Council.”

B14. Douglas Promenade Improvement – Impact on Douglas Bay Tramway

The Committee considered a joint written report by the Borough Engineer & Surveyor and the Assistant Chief Executive in relation to the latest discussions with the Department of Infrastructure regarding the redevelopment of Douglas Promenade and the impact the proposals could have on the Douglas Bay Tramway.

Members were reminded that in early 2011 the Department of Infrastructure issued a public consultation document – ‘Douglas Promenade Issues and Options’, and that, on 19th January 2011, the Director of Highways, Mr Richard Pearson, had addressed an informal meeting of Council Members giving an overview of the options for change. The results of the public consultation provided confirmation of support for the continuation of the horse tram service, however, the Department was minded to relocate the horse trams to a single track operation (with passing places) on the sea-ward side of the Promenade highway. The Council, at a special meeting held on 25th November 2011, resolved to support the examination of this proposal and also confirmed that, if in future the tracks were to be shared with another operator, this would be subject to certain conditions.

Work on Phase 1 of the Promenade Redevelopment had since commenced, on the landward side from Peveril Buildings to the Jubilee Clock. Although this did not impact on the horse tram operation, the Department, at a meeting held on 18th September 2013 (at the request of the Honourable Minister for Infrastructure) between Members and officers of both the Council and the Department, was now looking to progress the remainder of the phases (subject to funding), and was seeking comfort that the

Council was committed to retaining and operating the horse trams. It had been made clear that, legally, the Council could not commit any future Council to a particular policy or decision, but that the current Corporate Plan indicated the current stance was to retain the service.

The Department anticipated that it would be a year before further detailed plans for future phases for the Promenade Redevelopment were submitted to Tynwald. The Director of Highways was cognisant that the conditions of the Council's resolutions of November 2011 had not yet been explored, but any inclusion of an electric railway from Strathallan to Harris Promenade would require a business case from the Department of Community, Culture and Leisure (and to be funded by that Department). However, as the Department of Infrastructure intended to future-proof the infrastructure of the tracks and services, it was proposed that the Council, for its own benefit, should work with that Department to ensure that provision for electrical infrastructure be included.

Members were also reminded that the condition of the Strathallan building had been of increasing concern in recent years and this, coupled with only modest income from the Strathallan Suite, had meant that the use of the building, and the need to invest to bring it to an acceptable standard, had become a more imminent priority. It was therefore proposed that, if the stables and tram operation were able to be combined on the Strathallan site, then the Tramways Terrace / stables site could be disposed of (and provide funding to undertake the works). As these possible building works, the possible disposal of Tramway Terrace, and the future operation of the horse tram service were all linked, it was suggested that working up how the Strathallan site might be developed was a critical starting point.

Resolved, "(i) That particulars of the report be noted on the minutes and that it be recommended to Council: -

- That the Council works in partnership with the Department of Infrastructure in respect of the redevelopment of Douglas Promenade and the relocation of the horse trams (in line with the Council's resolution of 25th November 2011) and, in addition, seeks to maximise potential for the upgrading of the electrical infrastructure along the Promenade;
- That, as a public statement of intent and as contained in the Corporate Plan 2013 – 2017, the Council re-affirms its priority '*To support the continuity of the historic Douglas horse tram service*';
- That a professional fees package, up to a maximum amount of £20,000 (funded from General Reserves), be progressed to develop an initial scheme to explore the feasibility of combining the stables and tramway operations on the Strathallan Site; and
- That capital funding for a developed scheme for the Strathallan Site, potentially to be funded wholly or partly by disposal of the Tramway Terrace / stables site, be included in the Council's 2014 / 2015 and 2015 / 2016 Capital Programmes; and

(iii) That the Chairs of both the Executive Committee and the Regeneration and Community Advisory Committee be advised once the professional fees package (as referred to above) had been obtained."

B15. Advertising for Tenders and Contracts in Isle of Man Newspapers

The Committee considered a written report by the Borough Engineer & Surveyor in relation to interim procedures for the rationalisation and modernisation of procurement processes in respect of advertising for tenders and contracts in local newspapers.

Members noted the current wording of Standing Orders 129 and 135, which governed the contractual procurement procedure in respect of methods of inviting tenders and quotations and advertisements for Select Lists respectively. While Parts (1) and (2) of Standing Order 129 committed the Council to the costs of advertising in at least one or more newspapers or trade journals, and the costs of placing advertisements with Isle of Man Newspapers could vary, it was noted that the average cost for at least two weeks in at least two publications had risen considerably over recent times.

Although expenditure on public notices in newspapers had been significantly reduced in the last few years through a rationalisation of the format and by keeping sizes to a minimum, there was often a legislative requirement or a particular reason why notices had to be placed. Standing Order 135 already allowed for the use of the Council's Website as well as printed media to advertise for Select Lists, and it was proposed that this provision be immediately extended to Standing Order 129, which would produce significant savings on the current annual costs. Although use for statutory public announcements must continue, to comply with current legislation where appropriate, it was recommended that this interim measure - which would further reduce the usage of costly newspaper advertising for procurement - be approved, with a view to introducing an electronic (newspaper-free) procurement process for the 2014 / 2015 financial year.

Members expressed concern that the Procurement Section on the Council's Website was not particularly easy to locate, and it was suggested that there should be a direct link from the Home Page.

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

(ii) That it be recommended that the wording of Standing Order 129 be amended to read: -

'129 Methods of inviting tenders and quotations

Tenders or quotations for contracts shall be obtained by one of the methods indicated below -

(1) Estimated cost in excess of £70,000 for schemes funded by capital and £40,000 for revenue funded schemes, supplies and services: by a minimum of 10 days' notice in a newspaper and such trade journals as the appropriate Chief Officer may consider appropriate and also by at least 10 days' notice on the Procurement Section of the Council's Website. The use of any trade journal's electronic procurement methods to be preferred to a printed notice.

(2) Estimated cost between £15,000 and £70,000 for schemes funded by capital and between £15,000 and £40,000 for revenue funded schemes, supplies and services: by the appropriate Chief Officer inviting tenders from all appropriate persons included in the Council's list of approved Contractors or from all the persons included in a list of applicants invited in relation to any particular contract. The invitation to apply for inclusion in any such list shall be advertised in accordance with Standing Order 135.

(3) Estimated cost between £3,500 and £15,000: by the appropriate Chief Officer inviting written quotations from suitable contractors.

In employing any of the above methods, the Chief Officer shall endeavour to obtain at least three valid competitive prices for comparative purposes.

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

(iii) That it be recommended that the wording of Standing Order 135 be amended to read: -

'135 Advertisement for Select Lists

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

This Standing Order shall not preclude it being advertised in addition in a newspaper or trade journal if deemed necessary by the appropriate Chief Officer. Such advertisements shall be by minimum of 10 days' notice in a newspaper and such trade journals as the appropriate Chief Officer may consider necessary and also by at least 10 days' notice on the Procurement Section of the Council's Website. The use of any trade journal's electronic procurement methods to be preferred to a printed notice.

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

(iv) That approval be given for the Borough Engineer & Surveyor to report back, through the Council's Chief Officers' Management Team, with proposals to further amend Standing Orders in relation to the procurement of Tenders and Contracts, as contained in Part V of Part 4 of the Council's Constitution (Council Procedure Rules (Standing Orders)), in order to have an approved electronic procurement policy in place for the 2014 / 2015 financial year; and

(v) That the ICT Department be requested to install a direct link to the Procurement Section from the Home Page on the Council's Website."

The Committee rose at 4.55pm.

VI(ii) – The Proceedings of the PENSIONS COMMITTEE as follows:

PENSIONS COMMITTEE

PENSIONS COMMITTEE – Minutes of Meeting held on Wednesday, 23rd October, 2013.

Members Present: Mr Councillor C.L.H. Cain (Chairman), the Mayor, Mr Councillor J. Joughin, Councillor Ms K. Angela, Mr A. Thomas (Independent Member) (from 2.10pm onwards).

Apologies: Messrs Councillors D.J. Ashford, R.H. McNicholl, Borough Treasurer.

In Attendance: Assistant Chief Officer (Finance), Mrs Jayne Wiberg – Capita (Items A1 to A7 only), Mr Andrew Beedall – Capita (Items A1 to A7 only), Assistant Democratic Services Officer.

REPORT

PART A –

Matters within the scope of the Committee’s delegated authority

A1. Minutes – 24th July 2013

The minutes from the meeting held Wednesday, 24th July, 2013 were approved and signed.

A2. Training Presentation - Internal Dispute Resolution Procedure

The Committee considered a training presentation on internal dispute resolution procedure (IDRP) by Mr Andrew Beedall.

Mr Beedall began by discussing the complaints procedure which all disputes would firstly be considered by. Complaints are generally responded to within ten working days unless there are exceptional circumstances. The response is issued following an investigation to the Member and Douglas Borough Council and reported to the Pensions Committee on a quarterly basis.

Mr Beedall then provided an overview of the internal dispute resolution procedure, advising that where the complaints procedure does not reach an agreement, the member may enter into the formal dispute procedure. Members noted that the IDRP covers any decision made (or failure to make a decision) by the Employing or Administering Authority. Mr Beedall informed that where covered by a discretionary policy the decision must be in line with the relevant policy and a decision on a discretionary policy cannot be overturned but the decision making body can be asked to review the decision in line with the policy.

Mr Beedall advised who can apply for IDRP, which included active members, deferred members, pensioner members and eligible non-members and the dependents or personal representatives of the members detailed.

Members were then advised on the stage one process of the IDRP which is reviewed by the specified person for the Administering Authority (the Borough Treasurer) or the Scheme Employer. The specified person may overturn or uphold the decision and the response must be sent within two months, although this can be extended if the member is notified.

Mr Beedall went on to discuss stage two of the IDRP which Members can apply to if they are unhappy with the stage one decision (within six months of the decision), if no decision or interim letter has been received within three months or if it is one month after the member was told the decision would be made. Members were advised that stage two requires review by the Administering Authority and the specified person for stage two could overturn or uphold the decision or ask the relevant body at stage one to review a decision.

Mr Beedall finished by advising the Committee that Scheme members can apply to the Pensions Ombudsman if they are unhappy with a decision made at stage two, if no stage two response was received or if no response was received by the date specified in an interim response.

Members noted that the Pensions Ombudsman decision is based on law and was binding on both parties. The Ombudsman would not review a case unless The Pensions Advisory Service (TPAS) have been involved in the IDRP.

A Member queried if the Pensions Ombudsman and TPAS have jurisdiction in the Isle of Man, Mr Beedall was confident they did but agreed to confirm and report back to the Committee.

In answer to question Mr Beedall advised the vast majority of complaints are in relation to the health tiers and which category members are classed as.

Resolved, “That particulars of the training presentation and discussion be noted on the minutes.”

A3. **Review of Communications Policy**

The Committee considered a report submitted jointly by the Borough Treasurer and Mr Beedall reviewing the communications policy.

Members noted that the Isle of Man Local Government Superannuation Scheme Communications Policy Statement is a statutory statement required under regulation 67 of the administering regulations.

Appended to the report was a full revised policy statement by Capita to reflect the current understanding of the communications required and currently provided by Douglas Borough Council and a copy of the extant communications policy statement.

Members were advised that the report was not recommending a change in the current communication policy but the document required updating to reflect the policies that are already in place.

The Assistant Chief Officer (Finance) recommended two changes to the non-mandatory scheme communication, firstly, the website address should be the Douglas Borough Council address, not Capita, and the use of the word 'prospective member' referred to numerous times in the document should be amended to read 'eligible non-member.'

Resolved, "That particulars of the report and discussion be noted on the minutes and the communications policy be approved subject to;

- The website address being amended to www.douglas.gov.im;
- The title 'prospective member' be changed to 'eligible non-member' throughout the document."

A4. **Final Pensions Fund Annual Report 2012/13**

The Committee considered a report submitted by the Assistant Chief Officer (Finance) on the Isle of Man Local Government Superannuation Scheme Pension Fund Annual Report for the year ending 31st March 2013.

Members were reminded that the draft Isle of Man Local Government Superannuation Scheme Pension Fund Annual Report for the year ending 31st March 2013 had previously been approved at the July meeting of the Committee. The audit fieldwork on the document had now been completed and the document was ready for certification by the Chairman of the Pensions Committee and the auditor.

Members noted that as a result of the audit some changes had been made in the report and notes to the Pensions Fund Annual Report.

Appended to the report was a letter of representation to the auditor, the Pension Fund Annual Report for the year ending 31st March 2013 and an audit completion letter from BDO.

Members noted that the audit completion letter detailed nine adjustments to the accounts which had been done since the first draft was provided to the auditors in June. Seven of those had already been incorporated in the draft Pension Fund Annual Report before it was presented to the Pensions Committee in July.

The Assistant Chief Officer (Finance), as Acting Borough Treasurer, sought approval to sign the final accounts in the absence of the Borough Treasurer.

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

- (i) The resubmitted Statement of Accounts for the year ended 31st March 2013, taking into account a number of changes identified during the audit process, be approved;
- (ii) The Letter of Representation be signed and presented to the Council's external auditor in respect of the Council's main accounts;
- (iii) The Assistant Chief Officer (Finance), in the capacity of Acting Borough Treasurer, be approved to sign the final accounts."

A5. **Attendance**

The Worshipful the Mayor left the meeting at 2.36pm.

A6. **Items For Future Report**

The Committee considered a report submitted by the Borough Treasurer setting out items that are to be considered at future meetings and to review any future training requirements. Where there has been a delay in reporting, the reason for this is outlined.

The Assistant Chief Officer (Finance) discussed a number of items for future report explaining the reason for delay where appropriate.

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

A7. Thank you to Mrs Wiberg

In light of Ms Jayne Wiberg's last meeting as the Committee's consultant the Committee and the Assistant Chief Officer (Finance), on behalf of the Borough Treasurer and himself, expressed their thanks to Ms Wiberg for all her hard work over the years.

Mrs Jayne Wiberg and Mr Andrew Beedall left the meeting at 2.50pm.

A8. Special Meeting of the Committee

The Assistant Chief Officer (Finance) and the Chairman advised that a special meeting of the Committee was to take place to review the funding strategy included in the funding strategy statement. The Assistant Chief Officer (Finance) advised that this item required reviewing prior to the November Pensions Investment meeting where the Triennial Valuation will be considered.

Members queried if the London Pensions Committee meeting was to go ahead this year, it was felt the trip was required to meet the new BlackRock fund managers of the IOMLGSS. It was agreed that this would be considered at the special meeting of the Committee.

Resolved, "That particulars of the discussion be noted on the minutes and a meeting take place on Tuesday, 12th November, 2013, at 2.00pm to consider the review of the funding strategy included in the funding strategy statement and the London Pensions Committee meeting arrangements."

PART B –

Matters requiring Executive Committee Approval

There were no matters requiring Executive Committee approval.

PART C –

Matters requiring Council Approval

There were no matters requiring Council approval.

The Committee rose at 3.41pm.

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

STANDARDS COMMITTEE

STANDARDS COMMITTEE – Minutes of Meeting held on Wednesday, 23rd October, 2013.

Members Present: Mr Councillor E.A. Joyce (Chairman), Mr Councillor J.E. Skinner, Mr D. Booth (Independent Member).

Apologies: Councillor Mrs R. Chatel, Mr Councillor G.J. Faragher.

In Attendance: Assistant Town Clerk, Democratic Services Officer, Senior Accountancy Officer (for item 1 only).

REPORT

PART A -

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

A1. Budget

The Chairman advised that the Committee has identified a need for training. The Committee also recognises that whilst some training can be delivered in-house, it could be useful to engage outside tutors to deliver additional training. This has led to discussion as to what training budget may be available to the Committee.

The Senior Accountancy Officer gave a brief explanation to the Committee of the budget process as it relates to the Standards Committee. He explained that the Standards Committee has a limited budget that is included amongst those services that are within the Executive Committee's remit. He further explained that the only budget specifically allocated for training is within the Human Resources function and that there is no separate budget for Councillor training.

Officers are working to identify suitable tutors, perhaps from other local authorities. The Senior Accountancy Officer advised that an estimated amount will need to be identified and put forward for inclusion in the 2014-15 budget estimates. The amount will be a growth item which will need to be considered by the Executive Committee during the budget setting round.

Resolved, "That the discussion be noted on the minutes, and approval be given for officers to further research the likely cost of engaging outside tutors to deliver training and to prepare a bid for appropriate budget allocation for consideration by the Executive Committee during the budget-setting process."

The Senior Accountancy Officer was thanked for his attendance and left the meeting.

A2. Training

The Committee engaged in a training exercise which included analysis of a hypothetical scenario. Areas covered in the discussion included declarations of interest, representation of constituents, and prejudicial statements.

A3. Minutes 28th August, 2013

The minutes of the meeting held Wednesday, 28th August, 2013 were approved and signed.

A4. Matters Arising

There was query on the results of consultations held on the code on confidential reporting (whistleblowing). The Assistant Town Clerk advised that the consultation was not yet complete. It is expected that the consultation will be completed and the results reported to the next meeting of the Committee.

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

A5. Review of Procedures in relation to complaints against Members

The Committee considered a report on a review of procedures as set out in the Standards Committee handbook in relation to complaints against Members. Three separate but interdependent elements were reviewed. These were the General Procedure for Complaints; the Procedure specific to investigation of complaints; and the procedure in relation to formal hearings by the Committee. The report identified and recommended implementation of a number of small changes to the Handbook. Attached to the report was a flowchart of the investigation process. The Committee considered the report and the recommended changes. Within the flowchart, it was agreed that the words 'case established' should be substituted for 'evidence found of wrongdoing' and that the timescales set out elsewhere in the Standards Committee Handbook should be incorporated into the flowchart.

Resolved, "That the report be noted on the minutes and approval be given for the Handbook to be amended as set out in the report; and that the amended flowchart be added to the Handbook."

A6. Council Etiquette and Traditions

The Committee considered a report on the Council's older traditions and matters of etiquette. Attached to the report was a schedule of matters of traditional etiquette. Members discussed whether or not there is a need for a dress code and if so, how it might be articulated and implemented.

Resolved, "That the report be noted on the minutes. It was agreed that the schedule should be circulated to Members for their comments and suggestions; and the report brought back for full consideration with the responses received."

A7. Forward Plan

The Committee reviewed the draft forward plan setting out the topics for consideration and review over the next six months. It was agreed that the forward plan should be amended to show that those reports and reviews scheduled for this meeting, but not considered herein, should be carried forward to the next quarterly meeting, with the exception of the proposed report on the composition of the Standards Committee which is to be deferred for the time being.

Resolved, "That the report be noted on the minutes and the forward plan amended as discussed."

A8. Legislative Update

The Assistant Town Clerk advised the Committee that correspondence has been received from the Local Government Unit of the Department of Infrastructure stating the Department is reviewing the legislation and regulations governing the provision of hospitality and gifts from public funds. The review is not yet completed, and Members will be updated as the matter is progressed.

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

A9. Schedule of Meetings

The Committee noted that the next scheduled meetings are at 10.00am, on Wednesday, 22nd January, 2014, and Thursday, 27th March, 2014.

PART B –

Matters requiring Council Approval

There were no matters requiring Council approval.

The meeting ended at 12.30pm.

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

HOUSING AND PROPERTY ADVISORY COMMITTEE

HOUSING AND PROPERTY ADVISORY COMMITTEE – Minutes of Meeting held on Wednesday, 16th October, 2013.

Members Present: Mr Councillor D.J. Ashford (Chairman), the Mayor, Mr Councillor J.E. Skinner, Councillor Ms K. Angela, Mr Councillor S.C. Cain.

Apologies: Mr Councillor J. Joughin.

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

REPORT

PART A –

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

A1. Minutes 18th September, 2013

The minutes of the meeting held Wednesday, 18th September, 2013 were approved and signed.

A2. Housing Performance Monitoring Report Quarter 1

The Committee noted the housing performance monitoring report for Quarter 1 of 2013/2014.

A3. Matters for Future Consideration

The Committee considered the report on matters for future consideration.

Whilst not a request for a specific report, a Member asked that the Committee be informed when projects are completed.

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

PART B –

Matters requiring Executive Committee Approval

There were no matters requiring Executive Committee approval.

PART C –

Matters requiring Council Approval

C4. Willaston External Refurbishment Phase 1

The Committee considered a report on the negotiated tender received from Auldyn Construction Limited to carry out external refurbishment works to twenty-four houses in the Willaston Estate very badly affected by damp.

A pilot project of six houses was carried out to identify how best to procure a larger scale project to eliminate damp ingress in properties in Willaston. The main emphasis was to identify suitable materials and construction techniques for the best possible value, whilst at the same time ensuring the specified design was not compromised. The best construction methodology and materials were successfully identified in the pilot scheme. The design team has compiled a post-construction review report which evaluates all of the various elements of the pilot scheme.

Following the successful completion of the pilot scheme, the Council approved the Willaston Estate Redevelopment Strategy, which details years one to five of a ten year redevelopment programme. The approved strategy included the appointment of the contractor from the pilot scheme to carry out Phase One, subject to the negotiation of an acceptable cost and programme. The rates submitted by Auldyn Construction have been scrutinised and found to be the same as those used in the pilot scheme.

The Committee carefully reviewed the report and capital cost breakdown included therein. The Assistant Chief Officer (Income) advised that there had been a reconsideration of the loan period for the project. The report showed that the loan would be repayable over a period of fifteen years, whereas it was expected that the life of the assets would be sufficiently extended so as to justify the loan being repayable over a thirty year period. The total petition sum of £1,295,885.91 would not change from that included in the report. The resultant amended figures are as follows. The annual amount repayable would be £81,059.52. The total amount payable would be £2,431,785.60; and the total interest payable would be £1,135,899.69.

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

- (i) the negotiated tender submitted by Auldyn Construction Limited be accepted, and the company appointed as principal contractor for Phase 1 of the Willaston External Refurbishment Scheme; and
- (ii) the Town Clerk and Chief Executive be authorised to submit a borrowing petition to the Department of Social Care in the sum of £1,295,885.91, being the amount required to defray the cost of the works; and
- (iii) the Department of Social Care be advised that an assessment of the Council's Housing Reserve Fund has been undertaken to establish if sufficient monies are available to fund the proposed scheme via that source."

The meeting ended at 12.15pm.

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

REGENERATION AND COMMUNITY ADVISORY COMMITTEE

REGENERATION AND COMMUNITY ADVISORY COMMITTEE – Minutes of meeting held on Tuesday, 15th October, 2013.

Members Present: Mr Councillor S.R Pitts, the Mayor, Councillor Mrs R. Chatel, Mr Councillor G.J. Faragher, Councillor Miss D.A.M. Pitts, Mr Councillor W.M. Malarkey.

In Attendance: Assistant Chief Executive, Assistant Town Clerk, Assistant Chief Officer (Finance), Assistant Chief Officer (Corporate and Development) (Item A2 only), Senior Engineering and Waste Services Manager, Head of Parks, Assistant Democratic Services Officer.

REPORT

PART A –

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

A1. Minutes – 17th September 2013

Minutes of meeting held on Tuesday, 17th September, 2013, were approved and signed.

A2. Living Promenade and Beach Action Plan

The Committee considered a report submitted by the Assistant Chief Officer (Corporate and Development) seeking approval of the project mandate for the Living Promenade year 1 project and to advise of the related piece of work to produce a Beach Action Plan as the result of a request from the Environmental Services Advisory Committee to encourage greater use on Douglas Beach.

The report identified three component projects that could be included in the year 1 Living Promenade project to encourage greater use of the Promenade Walkway as part of concept two of the Living Promenade document, “Walk, Run, Race.” The third component of the project is connected to and provides the opportunity to add interest to a walk along the Promenade and raise the profile of the island’s growing space-related industry.

The three components suggested in the report were outdoor gym equipment, distance markers and a model solar system.

In answer to question the Assistant Chief Officer (Corporate and Development) advised that the location of the outdoor gym equipment was not confirmed and that the cost of the proposed eight pieces of equipment was £31,000.

Members raised concern over the maintenance of the gym equipment and the general wear and tear during the winter months. Officers were content that the equipment could survive the winter seasons with the correct weekly maintenance.

To fit in with the proposed distance markers, and to support the growing importance of the Isle of Man as a Dark Skies destination, the report suggested a model solar system along the Promenade. A model sun would be located in the vicinity of the Jubilee Clock and then, at various distances along the walkway, would be markers to show the position of the scale of the planets. It was felt that interpretative signs would be the appropriate way of marking the planets.

A project mandate for all three component projects and the beach action plan were attached to the report. Members discussed a number of action points.

The total cost for all three projects was calculated at approximately £50,000. Members noted that £50,000 was budgeted for the Living Promenade project.

Members suggested introducing a shower at Douglas Beach, repositioning the cycleway and displaying the tide times on the Promenade.

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

- (i) The mandate for the Living Promenade Year 1 project comprising the installation of eight pieces of outdoor gym equipment and distance markers at various locations on the Promenade and an accompanying series of distance markers based on the solar system, be approved subject to the detailed proposals being submitted for approval prior to installation;
- (ii) The draft Beach Action Plan, which is also subject to approval by the Environmental Services Advisory Committee, be noted.”

A3. Adjournment and Resumption

The meeting adjourned at 11.01am to enable Members to read the reports circulated at the meeting in relation to sound and staging equipment for public events.

The meeting resumed at 11.15am, Mr Councillor S.R. Pitts declared an interest in the item and retired whilst it was considered.

A4. Chair of Meeting

In light of the Chairman's declaration of interest Members unanimously voted the Vice-Chairman, Mr Councillor G.J. Faragher, to Chair the meeting for the following item.

A5. Provision of Sound and Stage Equipment for Forthcoming Public Events

The Committee considered a report submitted by the Assistant Democratic Services Officer on the provision of sound and staging for forthcoming public events.

A Member queried why the PSS proposal to provide a trailer stage for the Christmas lights ceremony, in exchange for a number of fun fair stalls attendance at the event, was not to be considered as a separate item on the agenda. Officers advised that the item was considered as a proposal to provide staging at a Council event.

Resolved, "That the Committee consider the PSS Christmas Lights Ceremony proposal separate from the expressions of interest submitted for the provision of sound and staging for forthcoming public events."

For: 3 Against: 1

Mr Councillor G.J. Faragher requested his name be recorded as voting against the resolution.

A6. PSS Christmas Lights Ceremony Proposal

Member discussed the PSS Christmas Lights Ceremony proposal, to provide a 30ft trailer stage outside the Town Hall, this would be reversed into position and once made safe hand rails and decorations would be installed. The trailer stage would be provided free of charge on the basis that PSS could erect a number of fun fair stalls within the event vicinity, the area suggested by PSS was John Street.

Officers advised that the proposal was not recommended as there were reservations over the practicalities of trailer reversing in Ridgeway Street and the areas proposed for the fun fair stalls would not necessarily block an exit but could cause inconvenience to the St John's Ambulance crew that are located in this area and the car park entrance on this street could potentially be obstructed.

Members agreed, following a thorough discussion, not to continue with the PSS proposal for the 2013 Christmas Lights Ceremony. Members felt it was impractical to implement the event changes in the little time left prior to the switch on but did agree that the idea could be considered for future years if the proposal was received early in 2014.

Resolved, "That particulars of the proposal and discussion be noted on the minutes and the PSS proposal not be pursued for the 2013 Christmas Lights Ceremony due to practicalities with the proposal and the lack of time available prior to the event to implement the changes, but PSS be advised that the Committee would be willing to consider the proposal in early 2014 for next year's Christmas Lights Ceremony."

A7. Provision of Sound and Stage Equipment for Forthcoming Public Events

The Committee considered the report, submitted by the Assistant Democratic Services Officer, on the expressions of interest received for the provision of sound and staging at public events.

Five companies submitted expressions of interest to provide sound and/or staging at the forthcoming Fireworks Display, Remembrance Sunday and Christmas Lights Ceremony.

Members noted that of the five companies that submitted an interest two submitted quotations to provide staging for the Fireworks Display and/or the Christmas Lights Ceremony and three submitted quotations to provide sound and staging for all three events.

Resolved, "That the Ginger Events quotations being the lowest submission to provide sound and staging for the 2013 Fireworks Display and Christmas Lights Ceremony, and to provide a sound system for Remembrance Sunday be accepted."

A8. Proposed Purchase of Sound and Staging Equipment for Public Events

The Chairman resumed his Seat as Chair of the meeting.

The Committee considered a report submitted by the Assistant Town Clerk, following a request from the Committee, on the proposed purchase of sound and staging equipment for public events.

The proposal arose from the consideration of hiring equipment for the Council's Fun Day; Fireworks Display; Remembrance Sunday and Christmas Lights Ceremony.

Members noted that each event requires a different degree of sound and staging equipment because the function of the stage and area to be covered by the sound system vary. The cost to purchase sound equipment based on the recent specification for the hire of equipment for 2013 events, including speakers, brackets, cabling, microphones, stands and amplifier was £8,000. The cost of staging depends largely on the event. A modular system that can be adapted to the needs of the different events would cost in the region of £3,500. This would be for a 20m² which would not necessarily be suitable for the Christmas Lights Ceremony.

Staff and transport costs would vary for each event and for the amount of equipment that would need to be deployed. The report advised that annual costs would be in the region of £3,850.

Resolved, "That particulars of the report be noted on the minutes and the Council do not purchase sound and stage equipment for use at public events but continues, as at present, to hire equipment specific to the needs of each event."

A9. Ballymoney Borough Council Twinning Visit – Two-Chair Procedure

The Committee considered a report submitted by the Chief Executive to inform of a Two-Chair Procedure which was agreed to send two Members to a business meeting in Ballymoney Borough Council on the subject of 'Town Centre Revitalisation and Tourism' on 31st October and 1st November 2013.

A Member advised of his intention to refer the Two-Chair Procedure to the Standards Committee for investigation because he felt that the item should have been considered by the Committee at a previous meeting as discussions about the trip had been taking place since July 2013.

The report advised that the matter had to be dealt with through the Two-Chair Procedure as the dates of the business meeting were not clarified by Ballymoney Borough Council until 19th September 2013, and therefore missed the September Committee meeting. It was necessary to book flights as soon as possible to ensure the best price was obtained.

Members noted that the total price for two Members to attend the business meeting was £347.76. The invitation also included attendance at the Mayor of Ballymoney's Charity Dinner at an additional cost of £20 per person.

Members discussed the Twinning Champion's involvement with Ballymoney Borough Council. The Champion opined that he was not aware of the trip and did not receive an invite. The Mayor and Committee Chairman suggested that the Champion could be more proactive in relation to the Twinning agreement.

A Member queried why the Regeneration and Community Advisory Committee Members do not get the opportunity to attend relevant conferences, the Assistant Chief Executive and Head of Parks agreed to research conferences related to the Parks' services and report back to the Committee.

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

- (i) The Two-Chair Procedure, in relation to Members attendance at a business meeting in Ballymoney, be noted on the minutes;
- (ii) That it be noted that the relevant expenditure will be met out of the Twinning Budget;
- (iii) As a matter of policy no future Twinning requests be dealt with through the two-chair procedure and Ballymoney be advised that invitations to Council Members must be sent in advance to ensure the Council has sufficient time to consider and organise the requests."

A10. Switched On Events Limited – Hire of Noble's Park for Christmas/New Year period 2013

The Committee considered a report submitted by the Assistant Chief Executive on a request received by Mr James Gale of Switched On Events Limited to site a marquee in Noble's Park during the 2013 Christmas and New Year period for hosting private functions and public events.

Members noted that Switched On Events had previously held a number of events in Noble's Park and whilst there had been concerns in respect of the management of the events by the company, the December 2011 events passed without incident. In 2012 the area was not used. The area that Switched On Events again wishes to hire is the boneyard area of Noble's Park which has a rough gravel surface.

Members noted that other than the winter karting operation in Noble's Park main car park, no other major events are booked in the Park over the period. In answer to question the Assistant Chief Executive confirmed, similar to 2012, other areas of the Park will be available for hire but to date no further requests had been received.

Resolved, "That particulars of the report 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 further information in respect of the events to be held, licensing, security, risk assessments, insurances, legal agreement, health and safety matters, consultation with relevant

statutory organisations, noise mitigation measures, and liaison with the karting operation, be agreed;

- (ii) Any music and/or liquor licences cease at midnight, with the exception of New Year's Eve with opening until 1am to be permitted;
- (iii) A specified fee be requested for the period, such fee to be paid in full by 12th November, 2013, 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);
- (v) Officers, the Chairman and Member Champion for Noble's Park be delegated to liaise with Switched On Events in respect of the detail of the events to be held."

A11. Centenary Gardens – Additional Play Equipment

The Committee considered a report submitted by the Head of Parks, following a request from a Member, to install additional play equipment in the Centenary Gardens.

Members noted that there are four spring toys each in a bark safety unit. Following discussions with a Member it was agreed to submit a report to increase the activities for junior children to include a flat seat and cradle seat swing. In order to accommodate the swing bay two spring toys would have to be removed and relocated to another play area.

Whilst any proposed installation work is undertaken it was advised to replace the existing bark safety surfacing with rubber safety surfacing.

The report recommended seeking approval from the Executive Committee for the expenditure of £8,060 to be funded from Revenue Reserves. The Assistant Chief Officer (Finance) reminded Members of a resolution from the former Policy and Resources Committee advising that in order to acquire Revenue Reserves funding a statement from the relevant Committee explaining why the project required urgent funding was required along with an assessment of risk to the Council if the project was not commenced.

Members discussed alternative funding for the works, the Assistant Chief Officer (Finance) suggested funds may be available within the revenue budget.

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

- (i) A two bay swing set, comprising of one cradle and one flat seat, and safety surfacing be installed at the Centenary Garden at a cost of £5,110;
- (ii) The bark bases underneath the existing equipment be replaced with rubber safety surfacing at a cost of £1,150;
- (iii) Two spring toys be removed to accommodate the swing set and utilise in another play area at a cost of £1,800 including a safety surface for each toy;
- (iv) The budget manager and Assistant Chief Officer (Finance) explore the various funding options and if Revenue Reserve funding is required an additional report will be considered at the November meeting of the Committee."

A12. Items for Future Consideration

The Committee considered a report by the Assistant Town Clerk detailing items for future consideration by the Committee.

The Senior Engineering Manager agreed to confirm with Members the date of tender returns of the Cemetery footpath.

Resolved, "That particulars of the matters for future consideration be noted on the minutes."

PART B -

Matters requiring Executive Committee Approval

B13. St. Mary's Amateur Football Club – Changing Room/Clubhouse Building, Groves Road

St. Mary's Amateur Football Club Representatives, Mr Antony Dooley and Mr Mark Gorman, joined the meeting at 11.45am to discuss plans for a new clubhouse at Groves Road, Pulrose. The Committee also considered a report submitted by the Assistant Chief Executive on the proposal.

The representatives began by advising Members on the Club's intention to create a clubhouse in partnership with the Manx Amateur Boxing Club. The Manx Amateur Boxing Club will have its own separate permanent area within the clubhouse.

Members noted that the Groves Road site had previously been used for landfill some decades ago and in 2010 the Council had to carry out remediation works to ensure that the site could continue to be used safely for leisure purposes.

The report advised that St. Mary's AFC had had an aspiration to create a clubhouse on site since 2007, however planning permission was refused for a number of reasons, and this, coupled with the ground issues meant the project was not able to be progressed at the time.

The Club was interested to know if the proposal of using the field on peppercorn rent was still open to discussion. Despite the ground issues the Club believe a clubhouse can now be built without 'breaking the ground' with the installation of suitable precautions and in discussion and consultation with the Council and statutory bodies.

Mr Dooley and Mr Gorman confirmed that St. Mary's AFC would be leading the project.

The representatives advised that the project does not intend to make a profit in the long run and an alcohol licence would not be sought for the premises.

Mr Dooley and Mr Gorman were thanked for their attendance and left the meeting.

Members noted that at this early stage it would not be recommended that St. Mary's AFC takes on the responsibilities for pitch maintenance due to ground conditions and the need to ensure quality standards.

In respect of providing comfort to the Council that any building works were satisfactorily completed by the Club, Members discussed the requirement for a bond from the Club; the Assistant Chief Executive advised that this matter and the lease options would be discussed in detail with the Council's legal advisors.

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

- (i) The proposal in principal be approved subject to further developed proposals being submitted by the Club for consideration by the Committee;
- (ii) A twenty year lease at a peppercorn rent be offered to the Club;
- (iii) As the matter involves Council property, that Executive Committee ratification be sought."

PART C -

Matters requiring Council Approval

There were no matters requiring Council approval.

The meeting ended at 2.58pm.

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

ENVIRONMENTAL SERVICES ADVISORY COMMITTEE

ENVIRONMENTAL SERVICES ADVISORY COMMITTEE – Minutes of meeting held on Monday, 14th October, 2013.

Members Present: Mr Councillor R.H. McNicholl (Chairman), the Mayor, Councillor Mrs S.D.A. Hackman, Mr Councillor C.L.H. Cain.

Apologies: Councillor Mrs C.A. Corlett.

In Attendance: Assistant Town Clerk, Senior Engineering & Waste Services Manager, Senior Accountancy Officer, Building Control Manager, Assistant Chief Officer (Corporate and Development), Democratic Services Officer.

REPORT

PART A -

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

A1. Minutes 16th September, 2013

The minutes of the meeting held Monday, 16th September, 2013 were approved and signed.

A2. Unsightly Properties

The Building Control Manager reported on a new approach to deal with properties where there are complications related to the ownership and/or control of the property. Section 37 of the Local Government Act enables the Council to serve a "Requisition for Information" Notice which compels persons to state what their interest is in a property. The need for such a Notice arises when the person who appears to be responsible for a property, then denies ownership and responsibility for carrying out repair or improvement works. In some instances this has led to delay and increased Court costs. A s37 Notice is not a replacement for Notices which require repair and/or improvement works to be carried out on a property, and these sorts of Notices will still be brought to Committee for specific approval.

The Advisory Committee discussed the lists of unsightly properties being dealt with on behalf of the Council by the Building Control Section and by Environmental Health Officers. The Building Control Manager provided further information on specific cases on request by Members.

Resolved, "That approval be given for s37 Notices to be served in appropriate cases so as to resolve questions of ownership at an early stage; and that the lists be noted on the minutes."

The Building Control Manager was thanked for his attendance and left the meeting at 10.25am.

A3. Living Promenade and Beach Action Plan

The Committee considered a report on proposals for the Promenade and Douglas Beach submitted by the Assistant Chief Officer (Corporate and Development). The report was prepared in response to direction by the Committee to look at ways of improving the use of the Beach. Attached to the report was a detailed action plan setting out a series of proposed actions to increase the usage of Douglas Beach both by groups and individuals. Each action point was graded in terms of the impact the proposed action would have, the resources needed to implement it and a priority score. The priority scores were also colour-coded with the 21 higher ones marked in green, the 5 medium priority ones marked in yellow and the 5 low priority ones marked in red. Many of the proposals involve improved marketing of the possibilities for using the Beach rather than specific changes to the Beach or Promenade.

The Committee considered the action plan in detail.

Resolved, "That the report be noted on the minutes and approval be given for all items marked on the action plan in green to be the subject of further investigation and future detailed report to Committee for approval."

A4. Referral from the Regeneration and Community Advisory Committee

The Committee considered a referral from the Regeneration and Community Advisory Committee regarding proposals for the commemoration of the 150th anniversary of the birth of the artist and designer, Archibald Knox. Two of the suggestions considered by the Regeneration and Community Advisory Committee are within the remit of the Environmental Services Advisory Committee. The first suggestion is to investigate renaming a street in honour of Archibald Knox. There was discussion of the garden at the corner of Athol Street and Peel Road which is the location of Archibald Knox's home in

Douglas. The house was demolished some time ago; but there is a small plaque in his honour in the garden. It was agreed that a street nameplate could be erected in the garden highlighting the connection with the artist. There was a brief discussion of the possibility of using a 'gateway' sign to honour Archibald Knox as well, but that discussion was deferred until November as the sample sign has not yet been received. There was some discussion of other places within the Borough which have a connection with Knox, either because they are locations of his work, or because they are places where he lived or worked.

Resolved, "That the referral and discussion be noted on the minutes and approval be given for a street sign to be erected in the small garden adjoining number 69 Athol Street, known as Archibald Knox Garden."

The Assistant Chief Officer (Corporate and Development) was thanked for his attendance and left the meeting at 11.20am.

A5. Adjournment and Resumption of Meeting

The meeting adjourned at 11.20am and resumed at 11.28am with the following Members present:

Mr Councillor R.H. McNicholl (Chairman), the Mayor, Councillor Mrs S.D.A. Hackman, Mr Councillor C.L.H. Cain.

Officers in attendance were: Assistant Town Clerk, Senior Engineering & Waste Services Manager, Senior Accountancy Officer, Democratic Services Officer.

A6. Proposed Recycling Stickers for Domestic Wheelie Bins

The Committee considered a report on a proposal to produce stickers promoting recycling for use on domestic wheelie bins. A prototype showing the design and suggested wording was circulated and discussed. There was general agreement that the tagline "*If it doesn't burn, don't bin it*" was inappropriate because some of the materials which can be recycled, do burn. It was suggested that this be replaced with the simpler wording *Reduce / Reuse / Recycle*. The prototype design included the Douglas Borough Council heading and crest. The report also included an estimated cost of £1,190.00 for production of 20,000 A6 sized stickers. The prototype was printed on A4 paper and there was discussion as to whether or not an A6 size sticker would be large enough to include sufficient information. There was discussion of the difference between A5 and A6 sizing and which size is appropriate. The Senior Engineering & Waste Services Manager agreed to double-check that the estimate received is for A6 size stickers.

Members discussed the aim of promoting recycling as an alternative to the waste bin for the disposal of materials, the need for a visually appealing sticker, the need for sufficient information, the relatively long lifespan of the sticker, and the wording and design which would meet this aim and fulfil these needs.

Resolved, "That the particulars of the report and discussion be noted on the minutes and approval be given for the officers to review the wording and design for the stickers for final approval by the Chairman."

A7. Items for Future Consideration

The Committee considered a report listing a number of items as the subjects of reports for future consideration.

The Committee asked that samples of the calendars for kerbside recycling be brought the November meeting, and that the new calendars provide contact details for queries about recycling.

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

PART B -

Matters requiring Executive Committee Approval

There were no matters requiring Executive Committee approval.

PART C -

Matters requiring Council Approval

There were no matters requiring Council approval.

The meeting ended at 12.50pm.