



Borough of Douglas

Town Hall,

Douglas,

13th November, 2013

At a MEETING of the COUNCIL of the BOROUGH OF DOUGLAS, duly convened and holden at 2.30 p.m. on WEDNESDAY, the 13th day of NOVEMBER, 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, JP

Councillor

Mrs C.A. Corlett

Mrs S.D.A. Hackman

Mr S.R. Pitts

Mr D.J. Ashford, JP

Mrs R. Chatel

Mr J. Joughin

Mr D.W. Christian MBE, JP

Mr E.A. Joyce

Mr C.L.H. Cain

Mr G.J. Faragher (to 5.25pm)

Miss D.A.M. Pitts

Mr W.M. Malarkey

Mr R.H. McNicholl

Mr J.E. Skinner

Ms K. Angela

Mr S.C. Cain

Mrs E.C. Quirk

Apologies for lateness were submitted by Mr Councillor J. Joughin.

The Town Clerk and Chief Executive, the Borough Treasurer and the Assistant Borough Engineer were in attendance.

1. **Minutes – 9th October, 2013**

The minutes of the monthly Council meeting held Wednesday, 9th October, 2013 were approved and signed.

2. **Executive Committee – 9th October 2013**

Resolved unanimously, “That the minutes of proceedings of the Executive Committee, as contained in report of a special meeting held on Wednesday, 9th October, 2013, be received, approved and adopted by the Council.”

3. **Executive Committee – 25th October 2013 – Clause A5**

Resolved unanimously, “That the minutes of proceedings of the Executive Committee, as contained in Clause A5 of report of a meeting held on Friday, 25th October, 2013, be received, approved and adopted by the Council.”

Under the provisions of the Local Government Act 1985, Mr Councillor E.A. Joyce declared an interest in the item and retired whilst it was considered.

4. **Executive Committee – 25th October 2013 – Clause B12**

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 B12 of report of a meeting held on Friday, 25th October, 2013, be received, approved and adopted by the Council.”

Motion put. On division being challenged, the vote was taken electronically and the Motion was approved unanimously.

As a consequence of the Motion being carried Standing Order 161 was amended to read;

“Standing Order 161: Disposal of Surplus Property, Materials etc.

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 of the items sold and the return achieved, and the auctioneer’s charges.”*

5. **Executive Committee – 25th October 2013 – Clause B15**

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 report of a meeting held on Friday, 25th October, 2013, be received, approved and adopted by the Council.”

Motion put. On division being challenged, the vote was taken electronically and the Motion was approved unanimously.

As a consequence of the Motion being carried Standing Order 129 and Standing Order 135 was amended to read;

“Standing Order 129: Methods of inviting tenders and quotations

Tenders or quotations for contracts shall be obtained by one of the methods indicated 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."

"Standing Order 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."

6. Executive Committee – 25th October 2013 – Clauses A1 to A4, A6 to A11, B13 and B14 inclusive

Resolved unanimously, "That the minutes of proceedings of the Executive Committee, as contained in Clauses A1 to A4, A6 to A11, B13 and B14 inclusive of report of a meeting held on Friday, 25th October, 2013, be received, approved and adopted by the Council."

7. Pensions Committee – 23rd October 2013

Resolved unanimously, "That the minutes of proceedings of the Pensions Committee, as contained in report of a meeting held Wednesday, 23rd October, 2013, be received, approved and adopted by the Council."

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

8. Attendance

Mr Councillor J. Joughin joined the meeting at 2.55pm.

9. Standards Committee – 23rd October 2013

Motion moved by Mr Councillor E.A. Joyce, seconded by Councillor Mrs R. Chatel, "That the minutes of proceedings of the Standards Committee, as contained in report of a meeting held on Wednesday, 23rd October, 2013, be received, approved and adopted by the Council."

Motion put. On division being challenged a vote was taken electronically and there voted **For** the Motion: Messrs Councillors D.J. Ashford, J. Joughin, D.W. Christian, E.A. Joyce, C.L.H. Cain, Councillor Miss D.A.M. Pitts, Messrs Councillors W.M. Malarkey, R.H. McNicholl, J.E. Skinner, S.C. Cain, the Mayor – **11**

Against: Councillors Mesdames C.A. Corlett, S.D.A. Hackman, Mr Councillor S.R. Pitts, Councillor Mrs R. Chatel, Mr Councillor G.J. Faragher, Councillors Mesdames K. Angela, E.C. Quirk – **7**

Motion carried.

10. Housing and Property Advisory Committee – 16th October 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 report of meeting held Wednesday, 16th October, 2013 be received, approved and adopted by the Council."

Motion put. On division being challenged a vote was taken electronically and there voted **For** the Motion: Councillor Mrs C.A. Corlett, Mr Councillor D.J. Ashford, Councillor Mrs R. Chatel, Messrs Councillors J. Joughin, D.W. Christian, E.A. Joyce, C.L.H. Cain, G.J. Faragher, Councillor Miss D.A.M. Pitts, Messrs Councillors R.H. McNicholl, J.E. Skinner, Councillor Ms K. Angela, Mr Councillor S.C. Cain, Councillor Mrs E.C. Quirk, the Mayor – **15**

Against: Councillor Mrs S.D.A. Hackman, Messrs Councillors S.R. Pitts, W.M. Malarkey - **3**

Motion carried.

11. Regeneration and Community Advisory Committee – 15th October 2013 – Clauses A3 to A7

Resolved unanimously, “That the minutes of proceedings of the Regeneration and Community Advisory Committee as contained in Clauses A3 to A7 of report of meeting held Tuesday, 15th October, 2013, be received, approved and adopted by Council.”

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

12. Regeneration and Community Advisory Committee – 15th October 2013 – Clause B13

Resolved unanimously, “That the minutes of proceedings of the Regeneration and Community Advisory Committee as contained in Clause B13 of report of meeting held Tuesday, 15th October, 2013, be received, approved and adopted by Council.”

Under the provisions of the Local Government Act 1985, Mr Councillor E.A. Joyce declared an interest in the item and retired whilst it was considered.

13. Regeneration and Community Advisory Committee – 15th October 2013 – Clauses A1, A2 and A8 to A12 inclusive

Motion moved and seconded, “That the minutes of proceedings of the Regeneration and Community Advisory Committee as contained in Clauses A1, A2 and A8 to A12 inclusive of report of meeting held Tuesday, 15th October, 2013, received, approved and adopted by Council.”

Further Motion moved by Mr Councillor S.R. Pitts, “That item A2 be withdrawn for further consideration by the Committee.”

Further Motion put. On division being challenged a vote was taken electronically and there voted **For** the Motion: Councillors Mesdames C.A. Corlett, S.D.A. Hackman, Mr Councillor D.J. Ashford, Councillor Mrs R. Chatel, Messrs Councillors J. Joughin, D.W. Christian, E.A. Joyce, C.L.H. Cain, Councillor Miss D.A.M. Pitts, Messrs Councillors W.M. Malarkey, R.H. McNicholl, J.E. Skinner, Councillor Ms K. Angela, Mr Councillor S.C. Cain, Councillor Mrs E.C. Quirk, the Mayor – **16**

Against: Messrs Councillors S.R. Pitts, G.J. Faragher – **2**

Further Motion carried.

Question put on Substantive Motion. Carried unanimously. No division.

14. Environmental Services Advisory Committee – 14th October, 2013

Resolved unanimously, “That the minutes of proceedings of the Environmental Services Advisory Committee as contained in report of meeting held on Monday, 14th October, 2013 be received, approved and adopted by the Council.”

15. Adjournment and Resumption of meeting

The meeting adjourned at 5.25pm and resumed at 5.35pm with the following Members present: Councillors Mesdames C.A. Corlett, S.D.A. Hackman, Messrs Councillors S.R. Pitts, D.J. Ashford, Councillor Mrs R. Chatel, Messrs Councillors J. Joughin, D.W. Christian, E.A. Joyce, C.L.H. Cain, Councillor Miss D.A.M. Pitts, Messrs Councillors W.M. Malarkey, R.H. McNicholl, J.E. Skinner, Councillor Ms K. Angela, Mr Councillor S.C. Cain, Councillor Mrs E.C. Quirk, the Mayor.

Mr Councillor G.J. Faragher submitted his apologies for the remainder of the meeting.

IN PRIVATE

16. Point of Order

Mr Councillor D.J. Ashford rose to a point of order regarding the delegation of items within the private Council agenda. The Advisory Committees categorised the Fees and Charges and Draft Capital Programme as matters requiring Executive Committee and Council approval, the Executive Committee listed 2014/15 Fees and Charges and the schedule of rents and lettings for the Market Hall and Commercial Properties for 2014/15 as matters requiring Council approval.

Mr Councillor D.J. Ashford commented that the items should be delegated as matters within the scope of the appropriate Committee’s authority prior to the budget process. During the budget process the items would be considered by Executive Committee and the Council.

The Mayor advised that the Executive Committee and the three Advisory Committee minutes for consideration in the private agenda would be subject to an amendment to move the items discussed to matters within the appropriate Committee’s delegated authority.

17. Statement to Council

The Council resolved unanimously that the Leader of the Council, Mr Councillor D.W. Christian, be allowed to make a statement to the Council. Mr Councillor Christian reported to Council that the Cambrian Place Redevelopment Scheme will not be proceeding. The owners of the land, Rural Views Limited, have withdrawn from the sale of the land to the Council.

The Leader of the Council discussed the background of the Scheme, difficulties overcome along the way, thanked Officers and Members for their hard work in relation to the Scheme and expressed his disappointment that it would not proceed.

18. Executive Committee – 25th October 2013

Resolved unanimously, “That the minutes of proceedings of the Executive Committee, as contained in private report of a meeting held Friday, 25th October, 2013, be received, approved and adopted by the Council subject to an amendment to the effect that Clauses B11 and B12 are within the scope of the Executive Committee’s delegated authority and do not require Council approval at this stage.”

19. Pensions Committee – 23rd October 2013

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

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

20. Standing Order 9 – Duration of Meeting

At 6.29pm the Mayor drew attention to the provisions of Standing Order 9 and directed that a vote be taken as to whether or not the meeting would adjourn at 6.30pm and resume the following day at 10.00am.

Resolved unanimously, “That the Council session continue until consideration of all outstanding business on the Agenda is completed.”

21. Housing and Property Advisory Committee – 16th October 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 on Wednesday, 16th October, 2013, be received, approved and adopted by the Council subject to an amendment to the effect that Clauses B/C3, B/C4 and B/C5 be considered within the scope of the Housing and Property Advisory Committee’s delegated authority and therefore do not require Executive Committee and Council approval at this stage.”

Motion put. On division being challenged a vote was taken electronically and there voted **For** the Motion: Councillors Mesdames C.A. Corlett, S.D.A. Hackman, Messrs Councillors D.J. Ashford, J. Joughin, Councillor Miss D.A.M. Pitts, Messrs Councillors W.M. Malarkey, R.H. McNicholl, J.E. Skinner, Councillor Ms K. Angela, Mr Councillor S.C. Cain, the Mayor – **11**

Against: Mr Councillor S.R. Pitts, Councillor Mrs R. Chatel, Messrs Councillors D.W. Christian, E.A. Joyce, C.L.H. Cain, Councillor Mrs E.C. Quirk – **6**

Motion carried.

22. Regeneration and Community Advisory Committee – 15th October 2013

Motion moved by Mr Councillor S.R. Pitts, seconded by Councillor Mrs R. Chatel, “That the minutes of proceedings of the Regeneration and Community Advisory Committee, as contained in private report of a meeting held on 15th October, 2013, be received, approved and adopted by the Council subject to an amendment to the effect that Clauses B/C1 to B/C4 inclusive be considered within the scope of the Regeneration and Community Advisory Committee’s delegated authority and therefore do not require Executive Committee and Council approval at this stage.”

Question put. On division being challenged a vote was taken electronically and there voted **For** the Motion: Councillor Mrs S.D.A. Hackman, Messrs Councillors S.R. Pitts, D.J. Ashford, Councillor Mrs R. Chatel, Messrs Councillors J. Joughin, D.W. Christian, E.A. Joyce, C.L.H. Cain, Councillor Miss D.A.M. Pitts, Messrs Councillors W.M. Malarkey, J.E. Skinner, Councillor Ms K. Angela, Councillor Mrs E.C. Quirk, the Mayor - **14**

Against: Councillor Mrs C.A. Corlett, Messrs Councillors R.H. McNicholl, S.C Cain - **3**

Motion carried.

23. Environmental Services Advisory Committee – 14th October 2013

Resolved unanimously, “That the minutes of proceedings of the Environmental Services Advisory Committee, as contained in a private report of a meeting held on 14th October, 2013, be received, approved

and adopted by the Council subject to an amendment to the effect that Clauses B/C1 and B/C2 be considered within the scope of the Environmental Services Advisory Committee's delegated authority and therefore do not require Executive Committee and Council approval at this stage."

The Council rose at 6.50pm.

Town Clerk & Chief Executive