



## **Borough of Douglas**

---

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

---

Town Hall,

Douglas,

4<sup>th</sup> April, 2014

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL to be held on WEDNESDAY, the 9th day of APRIL, 2014, 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, 12<sup>th</sup> March, 2014 and Special Private Council Meeting on Friday, 28<sup>th</sup> March, 2014.

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

## EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Friday, 28<sup>th</sup> March, 2014.

Members Present: Mr Councillor D.W. Christian (Chair), the Mayor (from 2.50pm), Messrs Councillors S.R. Pitts, D.J. Ashford, R.H. McNicholl.

Apologies: Mr Councillor E.A. Joyce.

In Attendance: Chief Executive, Borough Treasurer, Borough Engineer & Surveyor, Assistant Town Clerk (for Clauses A8, A9, and B18), Assistant Chief Executive (for Clause A10).

### 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.

##### **A2. Declarations of Interest**

No declarations of interest were submitted.

##### **A3. Minutes**

The minutes of the meeting held on Thursday 27<sup>th</sup> February 2014 were approved and signed.

##### **A4. Matters Arising From Previous Minutes**

There were no matters arising from the previous minutes.

##### **A5. Minutes and Referrals of the Environmental Services Advisory Committee**

The Committee considered the minutes of the Environmental Services Advisory Committee meeting held on Monday 17<sup>th</sup> March 2014. There were no items specifically referred to the Executive Committee.

Resolved, “That particulars of the minutes of the Environmental Services Advisory Committee be noted.”

##### **A6. 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 18<sup>th</sup> March 2014, including the below item specifically referred to the Executive Committee:

Clause B7 – Hutchinson Square Railings and Coping Refurbishment Works: the Regeneration and Community Advisory Committee had been advised that four tenders had been submitted for these elements of the Hutchinson Square refurbishment, however, the lowest tender received was still considerably above the pre-tender estimate. In addition, there had been further previous expenditure on consultants' fees, and the Committee was therefore seeking an additional sum of £66,600, to be allocated from Revenue Balances, for the works to be carried out. The total revised estimated cost for the project being £216,600.

The Executive Committee suggested that additional funding should also be approved in order to install electricity points within the Square, together with the inclusion of interpretation boards in relation to the internee camp.

Discussion took place with regard to the replacement of the railings and whether the originals should be retained. It was agreed that some of the original railings should be retained, which could be used for replacement or repair in other areas with similar railings.

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

(ii) That approval be given for a sum of £66,600 to be allocated from General Revenue Reserves for the progression of the railings replacement and coping refurbishment works at Hutchinson Square;

(iii) That approval be given for an additional sum of £15,000 to be allocated from General Revenue Reserves, to enable electricity points and interpretation boards to be installed in Hutchinson Square; and

(iv) That a portion of the original railings from Hutchinson Square be retained for use as replacement or repair in other areas with similar railings.”

#### **A7. Minutes and Referrals of the Housing and Property Advisory Committee**

The Committee considered the minutes of the Housing and Property Advisory Committee meeting held on Wednesday 19<sup>th</sup> March 2014. There were no items specifically referred to the Executive Committee.

Resolved, “That particulars of the minutes of the Housing and Property Advisory Committee be noted.”

#### **A8. Consultation Document – Freedom of Information Bill 2014**

The Committee considered a written report by the Assistant Town Clerk in relation to a consultation document issued by the Council of Ministers.

It was noted that the Bill provided for information held by public authorities (other than ‘exempt’ information - of which there were several very specific categories) to be made available on request to any resident of the Isle of Man.

The Council broadly supported the principle that all information should be made available wherever possible, and the principle of the Bill was therefore accepted as this was in line with the ethos of the Council’s Constitution of openness, transparency, and accountability being fundamental to good governance.

Members were advised that the Bill would only apply to Central Government initially, but that it was intended for it to be extended to local authorities and publicly-owned companies (which would include the Douglas Development Partnership) in due course.

Members noted that there was provision within the Bill for fees to be payable, but there was no indication of what they would be. As the consequences for the Council could be that officers’ time would be consumed in responding to requests for information, it was suggested that a fee should be introduced, payable to the authority providing the information, in order to avoid unnecessary costs on the ratepayer, and further proposed that clear rules should be set out on them (as in the UK), where the key concept was the ‘appropriate limit’, (i.e., public authorities could either charge for, or decline, requests for information that would cost over a certain amount to deal with). It was also noted that the entitlement for information would only apply to Island residents.

As the Bill would initially only affect Government Departments and agencies, it was recommended that the Council support the Bill in principle, then monitor how it affected each Department, and prepare for implementation by way of a pilot procedure. Members discussed the proposal that there should be a further residential restriction, so that only residents of a local authority area could request information from that authority, however, this was not supported.

Finally, because the cost of implementing the Bill was unpredictable, the proposed phased introduction to Government Departments initially would enable the public appetite for requesting information to be measured, enabling the Council to make financial provision and put in place proper procedures for dealing with requests and the training of staff.

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

(ii) That the Council of Ministers be advised that the Council supported the Bill in principle, but with the following comments also being included:

- That further details be requested with regard to the timescale for its extension to local authorities
- That it be suggested that Schedule 2(ii) of the legislation, dealing with the appointment of an Information Commissioner, should include a list of skills and competencies that should be required by the post-holder
- That it be suggested that Schedule 3(ii) of the legislation, dealing with tenure of office, should be amended so that an Information Commissioner, having held office for a five year period, could be re-appointed for a second five-year term with the consent of Tynwald, but that a third five-year term be not included
- That there should be greater clarity within the Bill that all fees be payable to the authority providing the requested information, and that consultation on the regulations regarding fees and the Code of Practice should also take place;

(iii) That once the Bill was implemented within Government, the Council observe how it operated with a view to planning its own compliance once the scope was extended to local authorities; and

(iv) That in extending the scope of the Bill to local authorities, the proposed restriction that only residents of a local authority area be entitled to request information from that authority be not supported.”

**A9. Consultation Document – Draft Development Brief for Former Prison Site, Victoria Road, Douglas**

The Committee considered a written report by the Assistant Town Clerk in relation to a consultation document issued by the Director of Planning and Building Control on the Draft Development Brief for the former Prison site.

Members were advised that the proposed Development Brief for the former prison site on Victoria Road was intended to provide guidance as to the use of the site now that the prison had been closed and demolished. The existing approved land use of the site (according to the Douglas Local Plan 1998) was ‘area of buildings for civic, cultural and other special uses’, with an annotation that it was a prison.

In relation to the change in designation of the land, there appeared to have been a conclusion already drawn that the most appropriate use would be for residential development, as the aim of the Brief was *‘to encourage and influence the redevelopment of a vacant former prison site in Douglas for purely residential use, which may incorporate some residential / day care uses’*. It was noted that three Members of Council had submitted comments all to the effect that the site would be suitable for sheltered housing and / or first-time buyers’ housing.

It was also noted that the proposed Development Brief contained a requirement for the provision of public open space, and it was accordingly recommended that this should be made more specific by requiring the developer to design the open space in consultation with the local authority, which would be responsible for its future maintenance.

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

(ii) That the Director of Planning and Building Control be advised as follows:

- That the Council’s view was that the most appropriate use of the site was for it to be developed as sheltered housing, operated by the local authority
- That any provision of public open space within the development (if it was to be maintained by the Council) should be agreed between the developer and the Council.”

**A10. Civil Registration Services**

The Committee considered a written report by the Assistant Chief Executive in relation to a request from the Isle of Man Government General Registry asking the Council to give consideration to taking over responsibility for its civil registration functions.

Members noted that the Director of Public Services at the General Registry had contacted the Council (by letter on 11<sup>th</sup> February 2014) with regard to the viability of transferring its civil registration function to appropriate municipal authorities, and seeking to establish whether such a proposal would be of interest to the Council.

The Chief Executive and the Assistant Chief Executive had subsequently met with the Director of Public Services for the General Registry (on 6<sup>th</sup> March 2014), when it had been confirmed that if the Council was willing to take responsibility for the service, then the General Registry would not look to continue undertaking registration services, other than Approved Places ceremonies, but would, however, retain an overview / steering function.

Members noted the principles of the proposal, together with the potential benefits and disadvantages to the Council in providing the function. Outline information on fee income, the number of anticipated registrations, etc, had been made available, and it was intended that this data be fully evaluated in tandem with considerations on the optimum way to deliver the service. It was noted that no firm start date had been requested or proposed, although it was envisaged that a fairly short lead-in period of two to three months would be achievable.

Finally, it was noted that Ramsey Town Commissioners and Castletown Town Commissioners had already taken on the role and had been providing a civil registration service since November 2013 and January 2014 respectively, and that Peel Town Commissioners would assume responsibility with effect from 1<sup>st</sup> April 2014. It was suggested that discussion take place with Ramsey and Castletown Commissioners in order to establish what additional costs had been incurred by them in providing the service.

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

(ii) That the Isle of Man Government General Registry be advised that the Council agreed in principle to providing a civil registration function, that was, the registration of births, marriages / civil partnerships, and deaths, by agreement with the General Registry;

(iii) That the Chief Executive be authorised to be the ‘proper officer’ for the function on behalf of the Council, and progresses discussions with the General Registry regarding the transfer and implementation of the service;

(iv) That Ramsey Town Commissioners and Castletown Town Commissioners be contacted with a view to establishing what additional costs had been incurred by them in providing the service; and

(v) That once the outline information on fee income, the number of anticipated registrations, etc, had been fully evaluated, a further report be submitted to the Committee.”

#### **A11. 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.

The Borough Treasurer reported in relation to the Rate levied by the Council for 2014 / 2015. At 397 pence in the pound, the Douglas rate remained the highest on the Island. Members noted the Rate levied by other local authorities ranged from 357 pence in the pound to 72 pence in the pound, with eight authorities seeing no increase on the previous year and only Braddan seeing a reduction. It was noted, however, that some authorities levied a separate refuse charge and, of those that levied a fixed annual charge, that charge had increased by between 11% and 17%. The Water rate increase was also again quite significant at 2.9%.

It was also noted, in relation to sundry debtors, that the main debts were those owing by Government in respect of Shaw’s Brow Car Park. Although the Department of Infrastructure had given an assurance that a part-payment would be forthcoming, to date nothing had been received.

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

#### **A12. Replacement of Two Electric Street Vacuums (‘Gluttons’)**

The Committee considered a written report by the Transport & Plant Manager seeking approval to replace two electric street vacuum machines.

The two electric ‘Glutton’ vacuums predominately operated within the Town Centre and were excellent in areas where there was limited access or uneven surfaces. High-profile machines such as these demonstrated the Council’s on-going determination to keep Douglas clean and to improve public perception in maintaining high-levels of cleanliness.

It was noted that a review of the Waste Services operation had confirmed that two similar-type machines would be required to carry out the service.

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

(ii) That approval be given for the following:

- The replacement of electric street vacuum machines JMN 93J and JMN 94J (‘Gluttons’), operating within the Waste Services Street Cleansing Section
- The disposal of vehicles JMN 93J and JMN 94J for spare parts
- The procurement of two ‘Glutton’ 2411 Electric Street Vacuum machines.”

#### **A13. Purchase of One Replacement Small Van**

The Committee considered a written report by the Transport & Plant Manager seeking approval for the purchase of one small van to replace GMN 178K.

It was noted that the vehicle was ten years old and was allocated to electricians working on both housing stock and general electrical maintenance. The Electrical Services Manager had justified its replacement in terms of being able to carry out repairs, maintenance, and installations efficiently, and due to the high running costs which were being experienced.

A Member queried the continued practice of installing radios in the Council’s vehicles now that mobile telephones were prevalent. The Borough Engineer & Surveyor advised that it was his current view that a radio system was an operational requirement, but the matter did need reviewing, and he undertook to carry out such a review, the result of which would be reported to the Chief Officers’ Management Team.

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

(ii) That approval be given for the procurement of one Citroen Berlingo L1 625 LX 1.6HDi 75 vehicle, via the Department of Infrastructure’s procurement process; and

(iii) That the Borough Engineer & Surveyor carry out a review of the continued need for a radio system and report his findings to the Chief Officers’ Management Team accordingly.”

#### **A14. Replacement of Two Pedestrian Vehicles**

The Committee considered a written report by the Transport & Plant Manager seeking approval for the replacement of two electric pedestrian vehicles, HMN 481R and JMN 430A, operating within the Cleansing Section.

It was noted that both vehicles were significantly corroded in areas such as the chassis, and required a full rewire and electrical components. A review of the Council's waste service operation had identified that one compact tipper-type vehicle would provide a much more efficient service as opposed to the two pedestrian-type machines currently within the fleet, and would also produce a significant capital cost saving. A further benefit of a tipper-type vehicle was that the load could be automatically transferred, thus eliminating the need for operatives to reach inside the load area to empty and transfer waste to another vehicle, reducing the risk of injury from broken glass and needles, etc.

It was recommended, however, in order to provide operational continuity, that one pedestrian vehicle continue to be used until the change-over was fully implemented.

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

(ii) That approval be given for the procurement of one DFSK Compact Tipper vehicle; and

(iii) That one pedestrian vehicle continue to be utilised for six months for operational requirements, with both the pedestrian vehicles (HMN 481R and JMN 430A) being disposed off after this period."

#### **A15. Purchase of Two Replacement Panel Vans and One Replacement Small Van**

The Committee considered a written report by the Transport & Plant Manager seeking approval for the purchase of two panel vans to replace GMN 213W and GMN 284X, and one small van to replace HMN 106L.

It was noted that the three current vehicles were operating within the Parks Department and that the Head of Parks had justified the need for their replacement in terms of being able to carry out associated tasks. To not replace them would be contrary to best practice, would increase maintenance costs and be a poor use of Council resources.

It was recalled that the Council benefited from procuring vehicles (up to 3500kg) via the Department of Infrastructure's procurement method, which typically provided up to a 50% saving on the manufacturer's retail price.

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

(ii) That the following vehicles be approved for purchase, via the Department of Infrastructure's procurement process:-

- One Citroen Relay 35 L3 H3 130 panel van
- One Peugeot Boxer 335 L2 H2 130 panel van
- One Citroen Nemo LX 1.3 HDi 75 van."

#### **A16. 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."

#### **A17. Chairman's Closing Remarks**

The Chairman thanked Members of the Committee for their support during a year in which a significant amount of business had been transacted, including changes to the Constitution which he believed would strengthen the Council. Thanks were also extended to the Chief Officers' Management Team and all officers for the work undertaken in supporting Members and Committees.

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

#### ***PART B –***

#### ***Matters subject to Council approval***

#### **B18. Constitution – Annual Review**

The Committee considered a written report by the Assistant Town Clerk in relation to changes required in the Council's Constitution document, following a review by the Executive Committee at its informal meeting held on 16<sup>th</sup> December 2013.

The following had been specifically requested for consideration:

Vice Chairs of Committees substituting for the Chair, when the Chair was unable to attend meetings of the Executive Committee: this was not recommended because the Chair was appointed by the Council, whereas the Vice Chair was appointed only by the respective Committee, and it was considered not appropriate to have a Member who had not been elected by the Council to take a seat on the Executive Committee, which was composed entirely of Council appointees.

Standing Order 7, which currently provided that in the case of a Mayor Select having failed to be re-elected (i.e., having lost their seat on the Council) the Council would definitely select another person to be Mayor for the following year: it was recommended that the proposed change to '*the Council may select another person*', be not adopted as it would reintroduce uncertainty about whether or not the Council could elect a person other than the Mayor Select. A situation such as this had arisen in 1997, however, it was noted that it was a legal requirement that the Council elect a Mayor, otherwise the High Court might intervene.

Standing Order 38, which currently required a two-thirds majority to move an item of private business into public: it was recommended that the proposed change to one-half be not adopted as the two-thirds majority gave certainty that there was substantial proportion of the Council in favour. There was invariably a reason for matters being presented in private and the Council needed to avoid the risk of matters that should remain private being moved into public without due consideration of the consequences. Discussion also took place with regard to the moving of items from public into private, and it was suggested that this should require the same two-thirds majority.

It was also recommended that the Chief Executive be authorised to deal with any other consequential and typographical changes that had so far escaped notice, as long as the effect of the document was not changed. Any material changes required would be brought to the Committee's attention so that proper consideration could be given.

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

(ii) That subject to the specific exceptions detailed in resolutions (iii) to (ix) below, the changes to the Council's Constitution document (as appended to the written report) be approved and recommended to Council for adoption;

(iii) That in respect of Part 2 – Articles of the Constitution, Article 5 – Chairing the Council, paragraph 5.5(c) be amended to read '*problems (legally) may arise if the outgoing Mayor or Deputy Mayor is a candidate for the post again (i.e., a second or subsequent term), as he / she has a direct interest. The Mayor / Deputy Mayor should therefore absent him / herself from the Chair during the election*';

(iv) That in respect of the payment of a reasonable fee for a copy of the Council's Constitution (Part 2 – Articles of the Constitution, Article 14 – Suspension, Interpretation and Publication of the Constitution (paragraph 14.3)), the Council's Fees and Charges be amended to read 'Constitution' rather than 'Standing Orders';

(v) That in respect of Part 4 – Rules of Procedure, Section 1 – Council Procedure Rules (Standing Orders), Standing Order 45 remain unchanged, and that the proposed amendment, to exclude from voting any Member who had been temporarily absent from the Chamber during debate, be not supported, and Standing Order 45 remain in its present form;

(vi) That in respect of Part 4 – Rules of Procedure, Section 1 – Council Procedure Rules (Standing Orders), Standing Order 62 remain unchanged, and that the proposed amendment, to exclude from voting any Member who had been temporarily absent from the Chamber during debate, be not supported;

(vi) That in respect of Part 4 – Rules of Procedure, Section 1 – Council Procedure Rules (Standing Orders), Standing Order 80 be amended to read '*the Executive Committee of the Council shall be appointed at the special Council meeting convened biennially in accordance with Standing Order No. 81 and shall consist of five Members, being the Leader of the Council and three Members elected by the Council to be Chair of the following Committees: Housing and Property; Regeneration and Community; Environmental Services; and one Member elected by the Council who shall not hold any of the above Offices, nor be a Member of any of the Committees set out above*';

(vii) That in respect of Part 4 – Rules of Procedure, Section 1 – Council Procedure Rules (Standing Orders), Standing Order 7 be amended to read '*... if the Council is unable to make such a selection or if the selected Member is no longer a Member of the Council by 1<sup>st</sup> May, a person will be selected either at a special meeting convened in accordance with Standing Order 8 or at another special meeting convened by the Chief Executive especially for the purpose in May before the Annual Meeting*';

(viii) That in respect of Part 4 – Rules of Procedure, Section 1 – Council Procedure Rules (Standing Orders), the proposed change to Standing Order 38, that a simple majority of one-half only be required to move an item of private business into public be not approved, and instead the current two-thirds majority be retained;

(ix) That the majority required to move an item of public business into private also be two-thirds (Standing Order 37);



(x) That the Chief Executive be authorised to make any consequent amendments to the Constitution document; and

(xi) That the changes take effect from 1<sup>st</sup> May 2014, to correspond with the new municipal year, and that the updated document be published from that date.”

*[On a vote being taken in respect of resolutions (viii) and (ix), Mr Councillor S.R. Pitts and Mr Councillor R.H. McNicholl requested their vote against to be recorded.]*

The Committee rose at 4.15pm.

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

# PENSIONS COMMITTEE

PENSIONS COMMITTEE – Minutes of Meeting held on Wednesday, 26<sup>th</sup> March, 2014.

Members Present: Mr Councillor J. Joughin (Vice-Chairman), the Mayor (from 10.10am to 12.40pm), Messrs Councillors D.J. Ashford, R.H. McNicholl, Councillor Ms K. Angela, Mr A. Thomas (Independent Member).

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

In Attendance: Borough Treasurer, Assistant Chief Officer (Finance), Mr Andrew Beedall – Capita, Mr James Montieth – Capita, Assistant Democratic Services Officer.

## REPORT

### **PART A –**

#### ***Matters within the scope of the Committee's delegated authority***

##### **A1. Chair of Meeting**

In the absence of the Chairman, it was unanimously agreed that the Vice-Chairman, Mr Councillor J. Joughin, chair the meeting.

##### **A2. Minutes – 26<sup>th</sup> February 2014**

The minutes from the meeting held Wednesday, 26<sup>th</sup> February, 2014, were approved and signed.

##### **A3. Attendance**

Her Worship the Mayor joined the meeting during discussion of the following item.

##### **A4. Training Presentation – Death Grants**

The Committee considered a training presentation by Mr Andrew Beedall of Capita.

Mr Beedall began by advising that a death grant is in addition to the spouse pension and is payable on death of a member under the age of 75.

A Member queried if the death grant risk could be insured separately, there was discussion surrounding the large underwriting costs and the potential for expensive premiums. The Borough Treasurer agreed to research the suggestion and report back to the Committee.

Mr Beedall went on to advise that the death grant is a statutory payment however the receiver of the grant is at the Administering Authority's "absolute discretion". In response to query from Members, the Borough Treasurer left the room to source the statement of policy on discretion in relation to death grants.

Mr Beedall provided examples of death grants payable to active, deferred and pensioner members based on the various regulations determined by the date active membership ceased.

The expression of wish document was discussed. Mr Beedall advised this document was available to Members to nominate beneficiaries to receive the death grant payment however the document has no legal enforcement and is simply an indication of where members would like the money to be paid.

In relation to the expression of wish form, Mr Beedall advised that generally the Administering Authority adheres to member's wishes where possible but all potential beneficiaries should be investigated and the validity of the expression of wish should be determined by the date created and changes in circumstances since the date. In answer to question, the Assistant Chief Officer (Finance) advised that Douglas Borough Council employees are reminded annually to update their expression of wish.

Members were presented with a case study where the expression of wish was out of date compared to the will. The Ombudsman decision on the case was that the authority had not followed their adopted policy and that they should not rely on the Member's expression of wish but should undertake a data gathering exercise to ensure all relevant potential beneficiaries were taken into account.

The Borough Treasurer returned to the meeting and circulated the Statement of Policy on Discretions as an Administering Authority adopted by the Council in relation to the death grants. In answer to question the Borough Treasurer confirmed he previously made the payment decision based on information available and following report recommended that the approach be reviewed and be delegated to the pension contract administrators. Mr Beedall confirmed there would be no additional charge for this service.

Resolved, "That particulars of the presentation and discussion be noted on the minutes."

#### **A5. Review of Death Grants**

The Committee considered a report submitted by the Assistant Chief Officer (Finance) to review the approach to determining entitlement and payment of death grants.

Appended to the report was a document prepared by Capita on the payment of death grants and a robust criteria used to define the beneficiary of a death grant.

The Borough Treasurer advised that currently Capita would advise the Council of the death grant payable including details from the expression of wish form and the Council would undertake informal enquiries of previous employers to ascertain whether there had been a change of circumstances since the expression of wish had been made.

The report advised that it would be appropriate for the pension scheme administrators to determine who death grants should be payable to without reference to the Council providing the robust process outlined in the report is followed. Implementing the recommendations within the report would give Capita clear rules needed to determine the appropriate payee (s). The Borough Treasurer opined the new process was more robust and can provide evidence that proper processes have been followed which should stand up to scrutiny.

A member queried who would be liable for an incorrect payment of a grant; the Borough Treasurer advised that if Capita followed the criteria approved by the Committee, the Scheme would be liable for an incorrect payment.

The Borough Treasurer advised that death grant payments are not that frequent and agreed to circulate the number of death grants paid in the last five years and the overall cost to all Members of the Committee.

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

- (i) Personal representatives be asked to provide details of beneficiaries regardless of the value of the Death Grant payable;
- (ii) The death grant be paid to beneficiaries named on the expression of wish form; and that if there is no valid expression of wish form then the death grant be paid in accordance with the Laws of Intestacy;
- (iii) Beneficiaries be asked to complete an Indemnity Form;
- (iv) The determination of the party to whom the Death Grant is to be paid be delegated to the pension contract administrator."

#### **A6. Approval of Independent Registered Medical Practitioner**

The Committee considered a report submitted by the Borough Treasurer on the approval of the Independent Registered Medical Practitioner (IRMP) for the Isle of Man Local Government Superannuation Scheme (IOMLGSS).

Under the Administration Authority discretions approved by the Council, the Administration Authority must approve the medical advisors used by the employers (for ill health benefits).

The report advised the IOMLGSS requires the Administering Authority to approve an IRMP used by Employing Authorities for the purposes of Regulation 20, early leavers due to ill health and Regulation 31, early payment of pension due to ill health, of the benefits regulations.

The report recommended the continuation of the Occupational Health and Safety Service as the IRMP.

In answer to question, Mr Beedall confirmed the IRMP have stringent national guidelines to follow with their assessment of ill health and there are various tiers for ill health retirement. Members noted the employer makes the final decision based on the information provided by the IRMP.

Resolved, "That particulars of the report and discussion be noted on the minutes and the continuation of the Occupational Health and Safety Service (employed by the Isle of Man Government) as the approved Occupational Health Practitioners for the Local Government Superannuation Scheme, be approved."

#### **A7. Adjournment and resumption**

The meeting adjourned at 12.10pm and resumed at 12.16pm.

#### **A8. 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.

Resolved, "That particulars of 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***

There were no matters requiring Council approval.

The Committee rose at 12.47pm.

VI(iii) - The proceedings of the STANDARDS COMMITTEE as follows:

# STANDARDS COMMITTEE

STANDARDS COMMITTEE – Minutes of Meeting held on Thursday, 27<sup>th</sup> March, 2014.

Members Present: Councillor Mrs R. Chatel (Vice-Chairman), Messrs Councillors G.J. Faragher, J.E. Skinner, Mr D.M. Booth (Independent Member).

Apologies: Mr Councillor E.A. Joyce (Chairman).

In Attendance: Assistant Town Clerk, Democratic Services Officer.

Declarations of Interest: Mr D.M. Booth declared an interest in Clause B7.

## REPORT

### **PART A –**

#### ***Matters within the scope of the Committee's delegated authority***

##### **A1. Chair of the Meeting**

In the absence of the Chairman, the Vice-Chairman was unanimously elected to chair the meeting.

##### **A2. Minutes - 22<sup>nd</sup> January, 2014**

The minutes of the meeting held Wednesday, 22<sup>nd</sup> January, 2014 were approved and signed.

##### **A3. Members' Interests**

The Committee considered a draft revised form for Members' declaration of interests together with a draft letter which would be circulated with the form. In discussion it was noted that the form included sections for declaration of membership of organisations which is not strictly required by the Local Government Act. In response to query, the Assistant Town Clerk confirmed that there have not been any recent changes to legislation, but the amended form has been drafted to more closely align the strict statutory provisions and the Code of Conduct in the Council's Constitution.

Resolved, "That the discussion be noted on the minutes and approval given to the declaration form and accompanying letter as drafted."

##### **A4. Forward Plan**

The Committee considered the Forward Plan of Key Items for consideration by the Committee in the coming months. It was noted that the review of the Protocol for use of ICT has been carried forward and remains outstanding. It was also noted that after the previous training session using a hypothetical scenario, that if and when there is 'live' matter to consider there will be refresher training on procedures beforehand; and possibly follow-up training after any hearing to review any improvements which could be made.

No specific items were added to the Forward Plan.

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

##### **A5. Annual Report 2014**

The Committee reviewed the draft annual report for 2013/2014.

Resolved, "That the draft annual report be approved for circulation to the Council with no further amendments."

##### **A6. Schedule of Meetings**

The Committee noted that the next regular meeting is at 10.00am, on Thursday, 26<sup>th</sup> June, 2014.

The Committee was advised that a special meeting is required in order to conduct a hearing into a complaint. It was agreed that the hearing be provisionally set for Thursday, 10<sup>th</sup> April, 2014 at 11am to be immediately preceded at 10am by refresher training on procedures.

Resolved, "That the date for the regular meeting be agreed and noted on the minutes and the date of special meeting be agreed subject to the other necessary persons being available that day."

### **PART B –**

#### ***Matters for Approval by Council***

##### **B7. Appointment of Independent Member**

Mr D.M. Booth declared an interest in this item and left the meeting whilst it was considered.

The Committee considered a report submitted by the Assistant Town Clerk on the completion of the two year term of office of the current Independent Member, Mr Derek Booth. The report recommended the reappointment of Mr Booth for a further two-year term as he has indicated his willingness to continue if re-appointed.

There was a brief discussion on the maximum length of term for Independent Members. The Constitution currently only allows Independent Members to be appointed for four years as it was seen that a longer term might erode their independence. It was noted that many similar government appointments are for a three-year term which can be renewed once, after which the individual has to stand down from the appointment, but is eligible to re-apply after a period out of office.

Resolved, "That the report and discussion be noted on the minutes and approval be given for a recommendation to be made to Council that Mr D.M. Booth be reappointed to serve as Independent Member for the Standards Committee for the two-year term ending May 2016."

The meeting ended at 10.20am.

VI(iv) - The proceedings of the EASTERN DISTRICT CIVIC AMENITY SITE JOINT COMMITTEE as follows:

# EASTERN DISTRICT CIVIC AMENITY SITE JOINT COMMITTEE

EASTERN DISTRICT CIVIC AMENITY SITE JOINT COMMITTEE – Minutes of Meeting held on Thursday, 6<sup>th</sup> February, 2014.

Members Present: For Douglas Borough Council - Mr Councillor W.M. Malarkey (Member), Mr I.J.G. Clague (Borough Engineer & Surveyor). For Onchan District Commissioners - Mr D. Crellin (Member), Mr P.M. Hulme, Chief Executive/Clerk. For Laxey Village Commissioners - Mr A. Moore (Member). For Lonan Parish Commissioners - Mr N. Dobson (Member). For Santon Parish Commissioners - Mr N. Kelly (Member).

Apologies: Mr J. Wrigley, Department of Infrastructure. Mr C. Slinn, Braddan Parish Commissioners. Mr J.C. Whiteway, Braddan Parish Commissioners.

In Attendance: Secretary – Mr P.E. Cowin. Department of Infrastructure Representative – Mr J. Quayle. Legal Adviser – Mr J.J. Callin.

## REPORT

### **PART A –**

#### ***Matters within the Scope of the Joint Committee's Delegated Authority***

##### **A1. Minutes – 23<sup>rd</sup> December, 2013**

The minutes of meeting held on Monday, 23<sup>rd</sup> December, 2013, had been circulated. The Chairman advised that Douglas Borough Council had not approved them because of the budgetary implications of the Department of Infrastructure imposing a rental charge for the Site.

It was agreed that the minutes were not incorrect; it was set out in Clause A2 that the Joint Committee was opposed to the charge and in Clause B4 they referred to making budgetary provision for the charge in case payment of the charge became unavoidable.

It was agreed to amend resolution 2 of Clause B4 to reflect that, by changing it to read:

##### **2 *That the budget for operation of the Site for 2014/15, including an increase of £81,450 in tipping charges and subject to further discussions in line with Clause A3 above, £70,000 Site rental, be approved, the contributions of the respective authorities to be as follows:***

<i>Douglas</i>	<i>£381,370</i>
<i>Onchan</i>	<i>£108,840</i>
<i>Braddan</i>	<i>£71,070</i>
<i>Laxey</i>	<i>£17,040</i>
<i>Lonan</i>	<i>£15,530</i>
<i>Santon</i>	<i>£10,450</i>

**It was agreed: that the minutes be approved subject to that amendment.**

##### **A2. WEEE Goods Disposal Contract**

Mr Quayle advised that despite earlier indications to the contrary, and with the concurrence of the Contractor, the Department of Infrastructure was now prepared to allow the Committee confidential sight of the contract for disposal of WEEE goods from the Site by Manx Waste solutions.

The Committee welcomed the information and reserved consideration until later in the meeting.

*At 3.25pm Mr Quayle left the meeting temporarily while the following item was considered.*

##### **A3. Site Rental Charge**

Copies had been circulated of the Lease of the Site between Lingfield Estates Ltd. and the Department of Infrastructure, together with a Supplemental Agreement which provided an option for extension. The Chairman stressed that the copies had been provided in confidence. Copies had also been circulated of Mr Callin's advice in relation to the entitlement of the Department to levy a rental charge for the Site other than the nominal charge agreed in 2011.

Several of the representatives advised that their authorities had reluctantly made provision for the additional charge in their 2014/15 budgets although Douglas had not. There was discussion on the justification of the charge and of the Lease being in the name of the Department, with the conclusion that the charge might be less unpalatable if the Joint Committee were to hold the Lease of the Site and pay the rental charge directly to the owner. Members were concerned that the charge had been imposed as one sudden large increase rather than being staged.

In the first instance, Mr Callin suggested that an offer be made to the Department of the Joint Committee paying the charge on a staged basis: Members agreed that such an offer be put to the Department, and that Mr Callin explore the possibilities of the Lease being transferred to Douglas Borough Council (acting as Administrator for the Joint Committee).

Members queried what options were available should the Department not accept the offer; the Chairman suggested that the values proposed allowed for some negotiation if the principle was accepted by the Department. Alternatively the Joint Committee could simply refuse to pay and wait for the Department's reaction.

There was then discussion about how the charge, whether the offer were accepted or otherwise, could be paid when the local authorities had not budgeted for it. It was noted that the income from recycling at the Site was customarily either used for equipment replacement or shared between the six Authorities, although contractually it could be retained by the operator; the suggestion was made that this income should be set aside for the purpose of rental payments.

Mr Callin pointed out that if the Operator were amenable, the contract provision in relation to income generated at the site could be amended.

**It was agreed unanimously:**

- 1. That the Secretary and Borough Engineer seek the concurrence of Douglas Borough Council (as Operator of the Site) to the amendment of the contract to provide for income accruing at the Site to be payable to the Joint Committee;**
- 2. That any income arising from the Site be held in a separate fund for use in paying for rental charges and replacement of equipment;**
- 3. That Mr Callin be instructed to write to the Owner of the Site to explore the possibility of Lease to Douglas Borough Council on behalf of the Joint Committee.**

*At 3.50pm Mr Quayle rejoined the meeting.*

**A4. WEEE Goods Disposal Contract**

The Joint Committee returned to consideration of the contract for disposal of WEEE goods. The Chairman advised that the matter in question was whether the Joint Committee could become a party to the contract awarded by the Department to Manx Waste Solutions without going through a fresh tendering exercise under its Standing Orders. Mr Quayle produced a letter confirming that the tendering process which had been undertaken by the Department had been carried out properly, and the view of the Joint Committee was that as long as Mr Callin was satisfied that the process was in order, there would be no need for the Joint Committee to tender separately.

*Mr Callin and Mr Quayle left the meeting at 4.00pm to review the matter, and returned at 4.15pm.*

Mr Callin confirmed that he had examined the contract and the tender process leading up to it and was satisfied that the Joint Committee was entitled to participate. The contract ran until 2016 and was a fixed price per unit for fridges, freezers, t.v. sets and PC monitors.

**It was agreed unanimously that the Joint Committee continue to participate in the current contract for disposal of WEEE goods, and continue to pay the costs per unit to the Department.**

**A5. Re-Use Facility**

Mr Kelly asked for an explanation of recent closures of the re-use shed and was advised by Members that it was on account of the floor becoming slippery when wet rather than any issues of misuse.

**It was agreed that a report be brought to the next meeting on the provision of non-slip flooring; Mr Quayle advised that a similar issue had arisen at the Northern Site and that he would ask the Manager of that Site to advise the Secretary in relation to treatment.**

**A6. Next meeting**

The date of the next regular meeting was fixed as 3.30pm on Monday 12<sup>th</sup> May, 2014, the venue to be Onchan District Commissioners' Boardroom as the Strathallan suite was being taken out of use. It was also recognised that a special meeting might be required in the interim should the Department not accept the Committee's offer in relation to rental of the Site.

The meeting ended at 4.25pm.



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, 19<sup>th</sup> March, 2014.

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

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

## REPORT

### **PART A –**

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

##### **A1. Minutes 19<sup>th</sup> February, 2014**

The minutes of the meeting held Wednesday, 19<sup>th</sup> February, 2014 were approved and signed.

##### **A2. Douglas Market Hall – Internal Decorations**

The Committee considered a report on the planned decoration works to the interior of the Market Hall. The report identified the scope of the works and advised that there is a need for a planning supervisor.

Members asked why an independent Planning Supervisor is needed and if any staff can carry out this role. The Assistant Chief Officer (Housing and Property) advised that regulations require independence in planning supervision. Whilst there may be Council officers qualified to carry out that supervision, they are on the same small team as those that will be supervised which leads to potential conflicts of interest. In response to query, the Assistant Chief Officer (Housing and Property) confirmed that there is a list of approved planning supervisors from whom quotations are obtained.

Members discussed the timing of the works and the need for a Planning Supervisor. The Committee was advised that the works are expected to take up to eight weeks and that there needs to be dialogue with the existing tenants to minimise disruption. It is planned to complete the works prior to the Douglas Carnival.

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

- (i) Approval is given to the appointment of a planning supervisor to ensure compliance with the Construction (Design and Management) Regulations and payment of the professional fee, subject to a maximum of £1,500; and
- (ii) The Committee noted the scope of decoration works to be undertaken to the internal areas of Douglas Market Hall."

##### **A3. Matters for Future Consideration**

The Committee considered the report on matters for future consideration. No additional reports were added to the schedule attached to the report.

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

### **PART B –**

#### ***Matters requiring Executive Committee Approval***

There were no items requiring Executive Committee approval.

### **PART C –**

#### ***Matters subject to Council Approval***

There were no items requiring Council approval.

The meeting ended at 11.30am.

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, 18<sup>th</sup> March, 2014.

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

In Attendance: Borough Engineer and Surveyor (Item A1 to A4), Assistant Town Clerk, Assistant Chief Executive, Assistant Chief Officer (Finance), Assistant Borough Engineer (Item A4 to C8), Assistant Chief Officer (Corporate and Development) (Item A3 only), Head of Parks, Assistant Democratic Services Officer.

## REPORT

### **PART A –**

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

##### **A1. Minutes – 18<sup>th</sup> February, 2014**

Minutes of meeting held on Tuesday, 18<sup>th</sup> February, 2014, were approved and signed.

##### **A2. Special Joint Committee Minutes – 18<sup>th</sup> February, 2014**

Minutes of the special joint meeting with the Executive Committee held on Tuesday, 18<sup>th</sup> February, 2014, were approved and signed.

##### **A3. Douglas Carnival**

The Committee considered a report submitted by the Assistant Chief Officer (Corporate and Development) updating on the preparations in relation to Douglas Carnival 2014.

The Assistant Chief Officer (Corporate and Development) began by updating on the media partnership. Members were advised that the Manx Radio media proposal had been accepted and details of the package were included in the report. A Member queried if the Mayor could voice over the radio adverts.

The 'After Party' was discussed. Heron and Brearley Limited confirmed their sponsorship of the 'After Party' event. They were concerned that, with the music event scheduled for the same evening, there might not be sufficient appetite for a wholly music based programme. It was instead proposed to develop a more varied programme of entertainment and attractions throughout the evening involving local groups participating in the Carnival procession. In light of this Officers organised a meeting to compile a list of ideas; it was agreed Mr Councillor W.M. Malarkey would attend this meeting.

The Assistant Chief Officer (Corporate and Development) advised that a new website will be up and running within the next week. The current address will be transferred to the site.

Concessions and attractions for the Fun Day event were briefly discussed and a list of confirmed pitches was detailed within the report.

In relation to the Community Committee the Assistant Chief Officer (Corporate and Development) advised that invitations to get involved in the committee had been placed on Facebook, the Chairman requested an advert inviting members of the public to get involved be placed in the local paper as soon as possible.

Members were advised, in relation to the road closure, that the Bus Company had informed they would object to a full road closure for the Promenade due to the implications on the bus service. As a result of this Officers submitted a road closure for the Promenade with an exception of buses on the north bound carriageway. Members requested that a full road closure, excluding access for buses, be submitted. In answer to question the Assistant Chief Officer (Corporate and Development) confirmed the road closure would be in place for approximately ninety minutes.

The Assistant Chief Officer (Corporate and Development) confirmed a sign was currently being prepared for the Pulrose Bridge advertising board. In relation to the marketing budget for the event, following suggestions at a recent Council meeting for newspaper advertising and the distribution of entry forms, an additional budget could be required for marketing purposes and would be reported back to the Committee.

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

- (i) The progress made in areas including the Media Partnership, 'After Party' sponsor, website, budget, concessions, entries and activities be noted;
- (ii) An updated road closure for the full length of Douglas Promenade, excluding access for buses, during the Carnival Procession, be submitted;
- (iii) Mr Councillor W.M. Malarkey attend the 'After Party' meeting to discuss potential ideas for the event."

#### **A4. Allotments**

Mr Les Gerrard joined the meeting to discuss the Watterson Lane allotments. Mr Mark Pilkington submitted apologies for the meeting.

Mr Gerrard reported the allotments were running well and there were no problems arising.

Mr Gerrard suggested the Council produce membership cards to easily identify allotment plot holders. He advised that local shops provide discounts to allotment holders.

Resolved, "That particulars of the discussion be noted on the minutes and the possibility of providing membership cards for allotment holders be explored."

Mr Gerrard was thanked for his attendance and left the meeting.

#### **A5. Mayor's Ball – Invitation of Members of Ballymoney Council**

The Committee considered a report submitted by the Assistant Democratic Services Officer, following a request from the Mayor, to seek approval to funding for the accommodation of five visitors from Ballymoney for a visit to Douglas to the Mayor's Ball on Saturday, 5<sup>th</sup> April, 2014. The Mayor also requested that the Committee entertain the Ballymoney visitors on the evening of Friday, 4<sup>th</sup> April, 2014.

The Assistant Town Clerk advised the budget for the 2014/15 municipal year was £3,840; this was an increase in the figure detailed within the report.

The report calculated a total cost per room per evening based on one guest per twin room. The Mayor advised that the guests have agreed to share rooms reducing the total costs by two rooms per evening.

Members opined that the Mayor should fund the hotel expenses through the Mayoral Budget on the basis that it is a Mayoral event and not a Twinning event. Members agreed that a Twinning event could take place on the Friday evening and funded through the Twinning Budget.

The Mayor advised that funding had not been ring-fenced within the Mayoral Budget for accommodation costs as the Twinning Budget has met the cost of the guests' accommodation to attend the Mayoral Ball in previous years.

A Member suggested the Twinning and Affiliations Budget could fund half of the accommodation costs. It was opined that in future year's accommodation for visitors to attend the Mayoral Ball would not be funded from the Twinning Budget.

The report broke down estimated costs for the 2014/15 municipal year. Members discussed the travel expenses to a netball tournament to be arranged in Ballymoney; it was felt these costs could be significantly reduced if the airline was contacted in advance to book. It was suggested that the netball team and coaches could contribute half the total travel costs, excluding accommodation, similar to the Ballymoney arrangements with their travelling netball team; no date for the netball tournament had been set.

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

- (i) Half the cost of accommodation for five visitors from Ballymoney, sharing three rooms for a maximum of two nights, visiting Douglas for the Mayoral Ball on Saturday, 5<sup>th</sup> April, 2014, be funded from the Twinning and Affiliations budget, the remaining cost be funded from the Mayoral Budget;
- (ii) The Committee entertain the Ballymoney visitors on the Friday evening."

#### **A6. Items for Future Consideration**

The Committee considered a report submitted by the Assistant Town Clerk regarding reports for future consideration by the Committee.

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

### ***PART B –***

#### ***Matters requiring Executive Committee Approval***

#### **B7. Hutchinson Square Railings and Coping Refurbishment Works**

The Committee considered a report submitted by the Assistant Borough Engineer on the tender returns received for the railings and coping refurbishment works at Hutchinson Square.

The report confirmed that seven contractors submitted a written tender for this element of the Hutchinson Square refurbishment. Members were advised that all seven tender figures returned were significantly over budget.

The Hutchinson Square budget had been significantly reduced over the years to £150,000. The Assistant Borough Engineer advised that £9,000 of the budget had been spent in consultant fees; this figure was not included in the report and as a result the figure detailed in report recommendation was increased by £9,000.

The Committee approved the split of the works into two phases in an attempt to reduce costs. The first phase was successfully tendered leaving a figure of £53,358.00 in the approved budget for the proposed railing and coping refurbishment works.

Members were advised three of the seven contractors withdrew their tender. Norman Cowin Limited submitted the lowest tender for the works.

The report recommended seeking approval from the Executive Committee for the additional funds to be allocated from Revenue Reserves.

In response to question, the Assistant Borough Engineer confirmed the scrap income from the old railings would be received by the Council, not the contractor.

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

- (i) The additional sum for the proposed Hutchinson Square railing and coping refurbishment works be referred to the Executive Committee with a request to allocate funds from Revenue Balances;
- (ii) Subject to further approval, the lowest tender received from Norman Cowin Limited, for the proposed Hutchinson Square railing and coping refurbishment works be accepted."

#### ***PART C –***

##### ***Matters requiring Council Approval***

#### **C8. Douglas Borough Cemetery Footpath and Drainage Refurbishment Works**

The Committee considered a report submitted by the Assistant Borough Engineer on the tender returns received for the footpath and drainage works at Douglas Borough Cemetery.

The report confirmed that five contractors submitted a written tender for the works.

The Assistant Borough Engineer confirmed the works required petition approval and could take up to six weeks.

A Member raised concern that the loan period was over a 30 year term, he opined that the life span of the footpaths would be considerably less than 30 years and recommended reducing the loan term to 20 years. Although annual charges would be increased the total amount payable would be significantly reduced. The Member was advised that the loan charges based on a 30 year term had been approved during the budget process. Officers advised that the footpaths would be expected to last for at least 25 years and would be regularly maintained to increase their life span.

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

- (i) The lowest tender received from Quest Landscape Limited for the proposed footpath and drainage refurbishment works at Douglas Borough Cemetery, Glencrutchery Road, Douglas;
- (ii) The Town Clerk and Chief Executive be authorised to submit a Borrowing Petition to the Department of Infrastructure for borrowing powers in the sum of £679,602.00 being the total capital cost required to complete this project, including the Planning Supervisor's fees;

For: 3 Against: 2 (Resolution (ii) only)

- (iii) The Department of Infrastructure be advised that an assessment of the Council's Reserve Funds had been undertaken to establish if sufficient monies were available to fund the scheme via that source."

The meeting ended at 11.36am.

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, 17<sup>th</sup> March, 2014.

Members Present: Mr Councillor R.H. McNicholl (Chairman), the Mayor, Councillor Mesdames C.A. Corlett, S.D.A. Hackman, E.C. Quirk.

In Attendance: Assistant Town Clerk, Assistant Borough Engineer, Senior Accountancy Officer, Building Control Manager, Democratic Services Officer.

## REPORT

### **PART A –**

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

##### **A1. Minutes – 17<sup>th</sup> February, 2014**

The minutes of the meeting held Monday, 17<sup>th</sup> February, 2014 were approved and signed.

##### **A2. Minutes – 17<sup>th</sup> February, 2014 – Special Joint Meeting with Executive Committee**

The minutes of the special joint meeting with the Executive Committee held on Monday, 17<sup>th</sup> February, 2014 were approved and signed.

##### **A3. Planning Application 14/00219/B – Eaglehurst, Belmont Hill, Douglas**

The Committee considered planning application 14/00219/B seeking approval for the conversion of Eaglehurst, Belmont Hill from a residential property to a private school. The private school would provide primary education for children aged three to eleven. The school is registered with the Isle of Man Department of Education and is presently known as Market Square Preparatory School. The school is expected to accommodate up to seventy children.

The property was originally residential, and more recently has been used for office accommodation. It is currently designated for residential use.

Members discussed the application and agreed that whilst the proposal could be a good use of the otherwise vacant property, they had serious concerns about the effect on traffic in the area. Belmont Hill is a steep, twisty road and the proposal would increase the number of cars using the road at peak times.

Resolved, “That particulars of the application be noted on the minutes and whilst the Committee has no objection to the proposed change of use for the property, it does have serious concerns about the effect of the proposal on the traffic management in the area, particularly Belmont Hill.”

##### **A4. Unightly Properties and Properties in Poor Condition**

The Committee discussed the recently re-formatted Schedule of neglected, dilapidated, ruinous, and dangerous properties. There was discussion of the section of the Schedule labelled “Cases closed to date this year”; and it was agreed that this section should be reduced to show only the cases closed in the past month. It was agreed that numbering be added to the Schedule to assist the Chairman in responding to questions raised during Council debate. Members asked that the Schedule include the dates of Committee approval for service of a Notice.

Members questioned why it takes so long to prepare a Notice as the phrase ‘Notice being prepared’ appears nine times in the Schedule. The Building Control Manager explained that in the event that there is non-compliance with a Notice, the matter then goes to Court; and the Court is closely scrutinising every Notice so the exact wording used is very important. Consequently, a team of officers is reviewing the exact wording used in Notices so as to ensure that that there are no delays or unexpected issues arising if the matter has to go to Court. At the conclusion of the review there will be standard wording to be used in all Notices, which in the future should reduce the time needed for preparation and service of Notices.

Members raised queries on specific properties which were answered by the Building Control Manager.

Resolved, “That the report and discussion be noted on the minutes and the changes to the Schedule format approved.”

**A5. Adjournment and Resumption**

The meeting adjourned at 11.05am and resumed at 11.15am with the same Members and officers present.

**A6. Tail Lift and Caged Body for Tipper Vehicle**

The Committee considered a report on a proposal to procure and fit a tail lift and to fabricate and fit a caged body to HMN 122N, an existing 7.5t vehicle now being used by the Cleansing Section. In November 2013 the Committee considered a report about the vehicle and agreed that it be transferred from the Parks Section to the Cleansing Section in order to use the vehicle more efficiently. The modifications will allow more flexible use of the vehicle throughout the Waste Management and Cleansing Section.

The tail lift can be procured from Wades Truck Services Limited who are the sole agents on the Isle of Man for this equipment. Three quotations will be sought for the fabrication and fitting of a caged body.

Resolved, "That particulars of the report be noted on the minutes and approval be given for procurement and fitting of a tail lift, and for the fabrication and fitting of a caged body to HMN 122N; and for the cost of the specified works to be funded from the Plant and Vehicles Renewals Fund."

**A7. Items for Future Consideration**

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

Comment was made on the report on Shaw's Brow resurfacing work which will come to the next Committee meeting. It was suggested that the project should include repainting of the railings.

It was suggested that the lights in Shaw's Brow car park should be changed to LED fittings, ideally with movement sensors to limit the time that the lights were on in the evenings. Members asked that a report be brought to Committee on the cost of implementing these suggestions.

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

***PART B –***

***Matters requiring Executive Committee Approval***

There were no items requiring Executive Committee approval.

***PART C –***

***Matters subject to Council Approval***

There were no items requiring Council approval.

The meeting ended at 11.50am.