

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

EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Thursday, 4th February, 2021.

Members Present: Mr Councillor D.W. Christian (Chair), the Mayor, Mr Councillor S.R. Pitts, Mr Councillor I.J.G. Clague, Mr Councillor R.H. McNicholl.

In Attendance: Chief Executive (Miss K.J. Rice), Director of Finance (Mr A.J.T. Boyd), Director of Environment and Regeneration (Mrs D. Eynon), Director of Housing and Property (Mr D. Looney), Democratic Services Officer (Mrs D. Atkinson) (for Clauses A10 and C16), Executive Officer (Mrs J.M. Keig) (taking minutes).

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 Councillor Mrs C.L. Wells.

A2. Declarations of Interest

No declarations of interest were submitted.

A3. Council Meeting, 14th October 2020 – Standing Order 125

The Committee was asked to formally amend Clause A9 of the minutes of its meeting held on 25th September 2020, relating to the use of the Council's Urgent Business Procedure.

This was in response to a point raised by a Member of the Council in October 2020, seeking to clarify that, under Standing Order 125, the Urgent Business Procedure varying the Pavement Café Regulations had been authorised by the Leader of the Council and the Chair of the Environmental Services Committee. It was confirmed that the Chair of the Environmental Services Committee had been acting in that capacity, and not in his role as Vice-Chair of the Executive Committee.

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

(ii) That the references to the Vice-Chair of the Executive Committee in Clause A9 of the minutes of the meeting held on 25th September 2020 be amended to read 'Chair of the Environmental Services Committee'."

A4. Minutes

The following minutes were approved and signed –

- Special Meeting held on Monday 14th December 2020;
- Meeting held on Thursday 17th December 2020;
- Special Budget Meeting held on Thursday 14th January 2021.

A5. Matters Arising From Previous Minutes

Clause A4 – Erection of Pedestrian Footbridge, Glencrutchery Road, Douglas: as previously noted, any further action by the Council would have to wait until the Department of Infrastructure came forward with alternative proposals.

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

A6. Referrals from the Environmental Services Committee

The Committee considered the following referrals from the minutes of the Environmental Services Committee meeting held on Monday 18th January 2021:

Clause A11 – Acquisition of Event Display Trailer for Promoting the Council’s Recycling Service: the Committee had considered a report by the Senior Engineering and Waste Services Manager on a proposal to purchase a dedicated event display trailer, to be used as part of the existing suite of tools used to promote the recycling service at events and open days and as part of the schools’ education programme. It had been noted that the proposed acquisition met the criteria for ‘Invest to Save’ funding.

The Executive Committee was advised that the trailer would also be used in conjunction with other events, its use not being solely restricted to recycling; and that it would be furnished in the Council’s livery.

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

- (ii) That the resolution of the Environmental Services Committee be supported in respect of the purchase of the used 4.2 metre Townmaster Oregon trailer for the sum of £9,450, and that approval be given for the purchase of the trailer to be funded from the ‘Invest to Save’ fund; and
- (iii) That the Director of Environment and Regeneration be asked to investigate the possibility of installing amplifiers inside the trailer, which could be used to run speakers from, in order to expand the versatility of the trailer for use at other events.”

Clause A12 – Scheme of Delegation for Planning Applications: the Committee had considered a report by the Assistant Chief Officer (Regeneration) in relation to the Scheme of Delegation operated by the Council in relation to its role of commenting on planning applications. With the exception of certain specific categories of application, consideration of the Council’s response was delegated to the Director of Environment and Regeneration. Those excepted categories were accordingly considered by either the Environmental Services Committee or the Executive Committee.

The recommendation considered by the Environmental Services Committee had been for a revision of the Scheme of Delegation to authorise the Director of Environment and Regeneration to withdraw objections to planning applications where they had been amended following consideration by the Planning Committee, and where the amendment would nullify the Council’s objection.

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

- (ii) That the resolution of the Environmental Services Committee be supported, and that the Council’s Scheme of Delegation for planning applications be amended by the addition of the following paragraph -

‘Withdrawal of objections: In circumstances where the Council objects to a planning application following consideration by the Environmental Services Committee or the Executive Committee and the application is subsequently amended following such consideration but prior to being considered by the Planning Committee, the Director of Environment and Regeneration may withdraw the Council’s objection without further consideration by the Committee if the Director is satisfied that the Council’s reasons for objection have been negated by the amendment to the application. This decision to be made in consultation with the Committee Chair.’”

A7. Referrals from the Regeneration and Community Committee

There were no referrals from the minutes of the Regeneration and Community Committee meeting held on Tuesday 19th January 2021.

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

A8. Referrals from the Housing and Property Committee

There were no referrals from the minutes of the Housing and Property Committee meeting held on Wednesday 20th January 2021.

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

A9. Local Authority General Elections 2021 – Returning Officer

The Committee considered a written report by the Assistant Town Clerk in relation to the appointment of a Returning Officer for the general election of Councillors in April 2021; and also seeking provisional agreement of the date on which to hold the Special Council Meeting to be convened under Standing Order 8.

The Local Elections Act 1986 provided for the Returning Officer for the Election of Councillors to be the Mayor or a Member appointed by the Council. Where the Mayor or such Member could not so act (including where they may be a candidate), there was provision for appointment by the Council of another person. As all current Members of Council, including the Worshipful the Mayor, were eligible to be candidates in the general election of Councillors in 2021, it was recommended that the role of Returning Officer be undertaken by the Chief Executive.

The date of the general election of local authority Members had been fixed by the Department of Infrastructure as Thursday 22nd April 2021 and, that being the case, a Special Council Meeting would need to be convened to re-affirm the selection of Mayor for 2021 / 2022, and to make appointments of Committee Chairs, and Committee Memberships, etc, for the ensuing two years.

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

- (ii) That the Chief Executive be appointed Returning Officer for the general election of Councillors in April 2021; and
- (iii) That the Special Council Meeting to be convened under Standing Order 8, be agreed to take place on Wednesday 5th May 2021 at 10.30am.”

A10. Consultation Document – Draft Local Government (Amendment) Bill 2020

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

The Department was consulting with local authorities in relation to a proposed Local Government Bill, which sought to amend the Local Government Act 1985 in a number of areas. A large proportion of the Local Government Act 1985 was left unchanged, and most of the proposed changes were positive from the Council’s perspective as a local authority, setting out clearer guidance for processes. The major changes were as set out in the written report but included:-

- There was an emphasis on facilitating the creation of Joint Boards to enable the Department, when it refused consent for one local authority to carry out the functions of another, to require the formation of a Joint Board. It was noted that several local authorities, including the Council, had various arrangements in place for co-operative working;
- The current provisions for declarations of interest by Members of local authorities were erased and replaced. These changes did bring some clarity to the issue of Members’ interests, including that it was the responsibility of the Member to notify of any interests;
- The approval of byelaws by Tynwald would no longer be required, but Departmental approval would still be needed. There was provision for the local authority to petition Tynwald for approval, if the Department withheld approval;
- A new requirement was introduced for approval by the Department of local authority standing orders; and
- There was a fundamental change to the established practices of the Council in relation to public access to meetings and documents. All meetings (including Committees) must be held in public, except where specific issues that were permitted to remain confidential were to be considered.

It was noted that the consultation document had been reviewed by Members of the Consultation Working Party and Council officers.

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

- (ii) That the Department of Infrastructure be advised:-

- (a) That the Council welcomed the introduction of the Local Government (Amendment) Bill 2020, amending the Local Government Act 1985, and largely supported the provisions contained therein;
 - (b) That the Council supported the principle of as much business as possible being conducted in public, and asked the Department to ensure, in relation to the implementation of Clause 28 (Insertion of new Schedule 3A), that sufficient time be allowed to enable the Council and all other local authorities to produce procedures to facilitate public access to meetings and documents;
 - (c) That while the Council supported the general principles of the proposed amendments to the Pensions Act 2011, it was of the view that the facility for the Department to impose on the Superannuation Fund costs that it, as the supervising authority should bear, should be reasonable and proper and that any sum required should be subject to consultation with the Administering Authority to the Scheme;
 - (d) That the Council objected to the insertion of the new Clause 15C, as it was of the view that there should be no requirement for details of Members' interests to be published online, provided records were satisfactorily maintained and available for inspection on request;
 - (e) That the Council rejected the principle that a local authority could be compelled to join a Joint Board;
 - (f) That the Council objected to the insertion of a new sub-Clause (6A) to the effect that local authority standing orders would be subject to the approval of the Department, as it was of the view that, provided legislation and model standing orders were complied with, it should be for individual local authorities to determine what was included in their standing orders; and
- (iii) That the suggestions put forward by Council officers (as set out in the appendix to the written report) also be approved for inclusion as part of the Council's response to the Department, amended as follows:
- (a) That rather than Department consent being required for all borrowing by local authorities, an amount below which Departmental consent was not required should instead be set, this being proportionate and relevant to the size of the entity;
 - (b) That any proposed changes in relation to 'loss of earnings' (Schedule 2, Clause 2) and childcare provisions (Schedule 2, Clause 3) should be included in the regulations, but that consultation take place with local authorities as to suitable limits being set before such regulations were approved."

A11. Monthly Financial Review

The Committee considered a written report by the Director of Finance setting out details of progress made against key performance indicators for finance, and related key financial monitoring information.

Members noted that, if the current trend in respect of the collection of rates income continued, then it still remained possible to achieve the collection target figure by the end of the current financial year.

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

- (ii) That the 94.6% rates collection figure for April to December 2020, compared against the target of 95.7% for that period, also be noted."

A12. Planning Applications – Creation of Road and Pathway at Noble's Park; and Erection of Fence (Retrospective) at 24 Willaston Crescent, Douglas

The Committee considered a written report by the Dilapidation Enforcement Officer seeking approval of responses, from the Council to the Planning Committee, in relation to the following planning applications:

Creation of road and pathway for vehicle and pedestrian access at Noble's Park, Douglas (PA20/01394/B): this application, made by the Department for Enterprise, involved Council-owned land within Noble's Park. There had been several proposals put forward since the original

scheme had first been considered by the Regeneration and Community Committee in November 2018, and this latest application was considered to be a much-improved scheme, particularly the changes that had been made to address the concerns of the residents in the area.

Erection of fence (retrospective) at 24 Willaston Crescent, Douglas (PA20/01486/B): this application was for retrospective works carried out by the tenant at a Council-owned property. The work had been carried out without prior consent from the Council, and did not comply with permitted development (the fence exceeding 1-metre in height from the pavement). The tenant would, however, be advised of mitigation measures that could be implemented in order for the fence to comply with permitted development and thus remove the need for planning approval.

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

(ii) That the Planning Authority be advised as follows -

- (a) That the Council supported the application for the creation of a road and pathway at Noble’s Park, Douglas (PA20/01394/B); and
- (b) That the Council objected to the application for the erection of a fence (retrospective) at 24 Willaston Crescent, Douglas (PA20/01486/B).”

A13. Urgent Business Procedure – Agreement to Lift Car Park Tariffs during the Circuit-break Lockdown (January 2021)

The Committee considered a written report by the Assistant Chief Officer (Regeneration) on the use of the Council’s Urgent Business Procedure under Standing Order 125.

The Leader of the Council and the Chair of the Environmental Services Committee had considered and approved a recommendation that the Shaw’s Brow Car Park (with the exception of the contract parking spaces) and the Bottleneck Car Park be free to park in from midnight on Wednesday 6th January 2021 until the end of the circuit-break lockdown.

As during the 2020 lockdown period, when the Council did not levy tariffs at its public car parks, the purpose of the initiative was to support key workers who were being deployed to operations in the centre of Douglas, to prevent the need for car park users to interact with or touch the pay-stations or other hardware, and to support those essential retailers who were able to remain open.

It was noted that the Isle of Man Government had decided not to make its two car parks (Chester Street and Drumgold Street) free of charge for the period, on the basis that Chester Street had disc zone parking on some levels.

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

(ii) That the resolution made by the Leader of the Council and the Chair of the Environmental Services Committee under the Urgent Business Procedure be noted and endorsed, in respect suspending tariffs for the Shaw’s Brow Car Park (with the exclusion of contract parking spaces) and the Bottleneck Car Park from midnight on Wednesday 6th January 2021 until the end of the circuit-break lockdown.”

A14. Isle of Man Municipal Association

No documents had been received from the Isle of Man Municipal Association, however, prior notification had been given that the monthly meeting scheduled for Thursday 28th January 2021 was to be cancelled because of the restrictions imposed during the circuit-break lockdown period. At present, it was intended for the meeting planned for Thursday 25th February 2021 to proceed as scheduled.

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

A15. 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.”

PART C –

Matters subject to Council approval

C16. Incidental Changes to the Revised Constitution

The Committee considered a written report by the Assistant Town Clerk seeking approval of a number of incidental changes to the revised Constitution.

Members were reminded that the Council, at its meeting on 14th October 2020, had approved changes to its Constitution - to take effect from 1st May 2021 - to take account of the reduction in the number of Members. One such change was to end the appointment of the Standards Committee as a permanent Committee of the Council, and to have it appointed to on an *ad hoc* basis as and when the need arose.

Although the revised procedure had been approved, the Standards Committee had felt that early consultation with the Chair was essential in any case where a complaint was received about a Member. The Committee's approval of the revised procedure for dealing with complaints against Members was therefore conditional upon the position of Chair of the Standards Committee being permanent, with the Membership of the Committee being appointed by the Council as required.

Because of the possibility of the Member appointed as Chair of the Standards Committee being themselves the subject of (or being closely connected to) a complaint, it was proposed that provision be made for the Mayor and the Leader, in consultation, to appoint an alternative Member to act as Chair in such circumstances.

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

- (ii) That the changes to Article 8 of the Constitution, and to Standing Orders 77 and 81 (as set out in the appendices to the written report) be approved accordingly."

The Committee rose at 4.35pm.