



## Borough of Douglas

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Town Hall,

Douglas,

11<sup>th</sup> July, 2012

At a MEETING of the COUNCIL of the BOROUGH OF DOUGLAS, duly convened and holden at 2.30 p.m. on WEDNESDAY, the 11th day of JULY, 2012, in the COUNCIL CHAMBER, within the TOWN HALL, at which Meeting the following Members were present, that is to say: -

The Mayor

**MR. COUNCILLOR DAVID JOHN ASHFORD, J.P.**

Councillor

Mrs. S.D.A. Hackman

Mr. C.C. Thomas

Mr. S.R. Pitts

Mrs. R. Chatel

Mr. J. Joughin

Mr. D.W. Christian, J.P.

Mr. E.A. Joyce

Mr. C.L.H. Cain

Mr. G.J. Faragher

Miss. D.A.M. Pitts

Mr. R.H. McNicholl, J.P.

Mr. S.C. Cain

Mr. A.V. Quirk

The Borough Engineer and Surveyor (as acting Chief Executive), Borough Treasurer and Assistant Borough Engineer were in attendance.

Apologies for absence were submitted on behalf of Councillor Mrs. C.E. Malarkey, Messrs Councillors W.M. Malarkey, J.E. Skinner and Councillor Ms K. Angela.

1. **Minutes – 13<sup>th</sup> June 2012**

Minutes of the monthly meeting held Wednesday, 13<sup>th</sup> June, 2012, were approved and signed.

2. **Executive Committee – 29<sup>th</sup> June 2012 – Clause A5**

Resolved unanimously, “That the minutes of proceedings of the Executive Committee, as contained in Clause A5 of report of meeting held Friday, 29<sup>th</sup> June, 2012, be received, approved and adopted by the Council.”

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

3. **Executive Committee – 29<sup>th</sup> June 2012 – Clauses A1 to A4, A6 to A13 and B14 to B16 inclusive**

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 Clauses A1 to A4, A6 to A13 and B14 to B16 inclusive of report of meeting held Friday, 29<sup>th</sup> June, 2012, be received, approved and adopted by the Council.”

Question put. On division being challenged the vote was taken electronically and there voted **For** the Motion: Mr Councillor S.R. Pitts, Councillors Mesdames S.D.A. Hackman, 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, S.C. Cain, A.V. Quirk, The Mayor – **13**

There voted **Against** the Motion: Mr Councillor C.C. Thomas – **1**

Motion carried.

As a consequence of the Motion being carried Standing Order 90 is amended to read;

**“Meetings of Committees**

*Committees of the Council, other than the Pensions and Standards Committee, shall meet for the transaction of regular business on the days following the Annual or regular Council Meeting and at the times specified below, except that no Committee meetings shall be held in the months of April or August unless convened on the specific instruction of the Committee at a previous meeting, that Committee meetings shall be convened in September as though a regular Council Meeting were to take place on the second Wednesday, and further, that from time to time a Committee may change the time of a future meeting, but for not more than six occasions in a municipal year without the prior consent of the Council:*

*Executive Committee: third Friday at 2.00pm;*

*Environmental Services Advisory Committee: first Monday at 10.00am;*

*Regeneration and Community Advisory Committee: first Tuesday at 10.30am;*

*Housing and Property Advisory Committee: first Wednesday at 10.30am;*

*Pensions Committee: second Wednesday in February, March, May, July, October and November at 11.00am.*

*Provided that the Chair of any Committee may authorise the Chief Executive in special circumstances to convene a meeting of that Committee at any time, and to alter the particular day or time for the holding of any regular Committee meeting.*

*Committees not listed within this Standing Order shall meet as and when the Chief Executive in consultation with the Chair deems it necessary for the transaction of business.”*

4. **Housing and Property Advisory Committee – 20<sup>th</sup> June 2012**

Motion moved by Mr Councillor S.C. Cain and seconded by Mr Councillor J. Joughin, “That the minutes of proceedings of the Housing and Property Advisory Committee, as contained in report of meeting held Wednesday, 20<sup>th</sup> June, 2012, be received, approved and adopted by the Council.”

Question put. On division being challenged the vote was taken electronically, one Member failed to register a vote therefore a second vote was taken electronically.

There voted **For** the Motion: Messrs Councillors C.C. Thomas, J. Joughin, C.L.H. Cain, A.V. Quirk, S.C. Cain – **5**

There voted **Against** the Motion: Councillor Mrs S.D.A. Hackman, Mr Councillor S.R. Pitts, Councillor Mrs R. Chatel, Messrs Councillors D.W. Christian, E.A. Joyce, G.J. Faragher, Councillor Mrs D.A.M. Pitts, Mr Councillor R.H. McNicholl, the Mayor – **9**

Motion fell.

5. **Regeneration and Community Advisory Committee – 19<sup>th</sup> June 2012**

Resolved unanimously, “That the minutes of proceedings of the Regeneration and Community Advisory Committee, as contained in report of meeting held Tuesday, 19<sup>th</sup> June, 2012, be received, approved, and adopted by the Council.”

6. **Environmental Services Advisory Committee – 18<sup>th</sup> June 2012 - Clause B8**

Resolved unanimously, “That the minutes of proceedings of the Environmental Services Advisory Committee, as contained in Clause B8 of report of meeting held on Monday, 18<sup>th</sup> June, 2012, be received, approved and adopted by the Council.”

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

7. **Environmental Services Advisory Committee – 18<sup>th</sup> June 2012 – Clauses A1 to A6 and B7 inclusive**

Resolved unanimously, “That the minutes of proceedings of the Environmental Services Advisory Committee, as contained in Clauses A1 to A6 and B7 inclusive of report of meeting held on Monday, 18<sup>th</sup> June, 2012, be received, approved and adopted by the Council.”

**IN PRIVATE**

8. **Adjournment and Resumption**

The meeting adjourned at 3.45pm and resumed in private at 4.03pm with the same Members present.

9. **Minutes – 13<sup>th</sup> June 2012**

Minutes of the special private meeting held Wednesday, 13<sup>th</sup> June, 2012, were approved and signed.

10. **Point of Order**

Mr Councillor C.C. Thomas rose to a point of order to question a written question by email the previous Friday which had been submitted to Officers Friday before noon were not circulated and noted at the Council meeting. The Mayor stated that Friday, 6<sup>th</sup> July, 2012 had been a Bank Holiday in the Isle of Man in honour of the Queen’s Jubilee. Public notices had been published in advance advising that the Town Hall would be closed for business on that day. Officers had set up automatic messages replying to any incoming emails to the effect that any electronic correspondence received on the Bank Holiday would not be dealt with until Monday, 9<sup>th</sup> July.

Whilst Mr Councillor C.C. Thomas had strictly complied with Standing Order 39 by submitting the written question prior to noon on the Friday before Council (Friday, 6<sup>th</sup> July) this day was a Bank Holiday. It was clear that every effort had been made to ensure the Councillors and members of the public were aware that the Town Hall was closed on Friday, 6<sup>th</sup> July, 2012 and that e-mails would not be dealt with until Monday, 9<sup>th</sup> July, 2012. In these circumstances the Mayor ruled that the Councillor had not submitted the written question in time for reply at the July meeting and the question and the response would be included in the business of the August Council meeting. In making the ruling the Mayor referred to the provisions of the Council’s Standing Orders and the Interpretation Act 1976.

11. **Executive Committee – 29<sup>th</sup> June 2012**

Motion moved by Mr Councillor D.W. Christian, seconded by Mr Councillor S.R. Pitts, “That the minutes of proceedings of the Executive Committee as contained in private report of meeting held on Friday, 29<sup>th</sup> June, 2012, be received, approved and adopted by the Council subject to a clerical error in Clause D1, resolution (v) which should read Time and Tide.”

Question put. On division being challenged the vote was taken electronically and the motion was carried unanimously.

12. **Housing and Property Advisory Committee – 20<sup>th</sup> June 2012**

Motion moved by Mr Councillor S.C. Cain, seconded by Mr Councillor J. Joughin, “That the minutes of proceedings of the Housing and Property Advisory Committee, as contained in report of meeting held Wednesday, 20<sup>th</sup> June, 2012, be received, approved and adopted by the Council.”

Question put. On division being called the vote was taken electronically and there voted **For** the Motion: Councillor Mrs S.D.A. Hackman, Messrs Councillors S.R. Pitts, C.C. Thomas, Councillor Mrs R. Chatel, Messrs Councillors J. Joughin, D.W. Christian, E.A. Joyce, C.L.H. Cain, Councillor Mrs D.A.M. Pitts, Messrs Councillors R.H. McNicholl, A.V. Quirk, S.C. Cain, the Mayor – **13**

There voted **Against** the Motion: Mr Councillor G.J. Faragher - **1**

Motion carried.

The Council rose at 4.55pm.

Town Clerk & Chief Executive