



Borough of Douglas

**COUNCILLOR MRS CAROL ELIZABETH MALARKEY, J.P.
MAYOR**

Town Hall,

Douglas,

6th June, 2013

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL to be held on WEDNESDAY, the 12th day of JUNE, 2013, at 2.30 o'clock in the afternoon, in the COUNCIL CHAMBER within the TOWN HALL, DOUGLAS for the transaction of the hereinafter mentioned business.

I am,

Yours faithfully

Town Clerk & Chief Executive

Order of Agenda

I - Election of a person to preside (if the Mayor is absent).

II - Any statutory business.

III - Approval as a correct record of the minutes of the last regular and any intermediate Meetings of the Council.

IV - Questions of which Notice has been given by Members of the Council, pursuant to Standing Order No. 39.

V - Consideration of the minutes of proceedings of the Council in Committee.

VI - Consideration of the minutes of proceedings of Committees of the Council in the following order:

- (i) The Executive Committee;
- (ii) The Pensions Committee;
- (iii) The Standards Committee;
- (iv) The Eastern 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, 8th May 2013.

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

EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE – Minutes of Meeting held on Friday, 24th May, 2013.

Members Present: Mr Councillor D.W. Christian (Chair), the Mayor, Messrs Councillors S.R. Pitts (from 2.30pm), D.J. Ashford, R.H. McNicholl.

Apologies: Mr Councillor E.A. Joyce.

In Attendance: Chief Executive, Borough Treasurer, Borough Engineer & Surveyor, Assistant Chief Officer (Corporate & Development) (from 2.00pm to 2.35pm), Assistant Town Clerk (from 2.45pm to 3.15pm), Assistant Borough Engineer (from 3.15pm to 3.50pm).

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. Appointment of Vice Chair

Resolved, "That it be unanimously agreed that Mr Councillor S.R. Pitts be appointed as Vice-Chair of the Committee for the ensuing municipal year."

A3. Declarations of Interest

No declarations of interest were submitted.

A4. Minutes

The minutes of the Executive Committee meeting held on Wednesday 27th March and the Special Joint Executive Committee and Regeneration & Community Advisory Committee meeting held on Wednesday 27th March 2013 were approved and signed.

A5. Borough Warden Service – Proposed Legislation

The Committee considered a written report by the Assistant Chief Officer (Corporate & Development) (ACO(C&D)) setting out an update on improvements to environmental legislation and on the performance of the Borough Warden Service during the first part of 2013.

It was recalled that, at its meeting on 3rd January 2013, the Committee had requested that a proposed revision to Section 14 of the Local Government (Miscellaneous Provisions) Act 1984 be prepared, together with the preparation of an Isle of Man version of the Clean Neighbourhoods and Environment Act, which could be used as a basis for discussion with the Department of Infrastructure (DOI) regarding improvements to current legislation.

A specialist in environmental legislation, Mallard Consulting, had accordingly been engaged and, following discussions with an officer working group, it had been concluded that, rather than amending Section 14 of the Local Government (Miscellaneous Provisions) Act 1984, all of the new powers required would be better contained within a Manx version of the Clean Neighbourhoods and Environment Act. With input from officers, a draft had now been prepared and Members noted the issues dealt with in each section as follows:

- Part 1 - Amenity Improvement Notices: these would replace the current Section 14 and Section 24 Notices relating to unsightly land and property;
- Part 2 – Litter and Waste Issues: including an amendment to the Litter Act 1972 to empower local authorities to issue fixed penalty notices, and give improved powers to deal with fly posting and unauthorised leafleting;
- Part 3 - dealing specifically with shopping trolleys;

- Part 4 - updating general provisions: including the service of notices, the power to serve notice by email, the powers of entry and fixed penalty notices.

During the course of the proposed legislation being drafted, it had become known that the Government's Department of Environment, Food and Agriculture (DEFA) had also been tasked with reviewing legislation in relation to unsightly and empty property. Liaison with DEFA officers had resulted in the establishment of an officer working group to investigate and make recommendations in relation to the need for new legislation, and the ACO(C&D) had been invited to represent local authorities on the group, the first meeting of which was due to take place on 31st May 2013.

The ACO(C&D) reported that, during the first few months of 2013, the Borough Wardens had been tasked with identifying and monitoring cigarette litter 'hot-spots' in the Town Centre. Twelve such hot-spots had been identified and surveyed on a regular basis, and the next stage would be to review the Wardens' detailed observations and to put measures in place to further improve the situation.

Members were also advised that the Assistant Waste Services Manager now had direct access to the Wardens' job system. This enabled all matters relating to litter, dog fouling and incorrect waste disposal (which required attention by the Cleansing or Refuse Sections) to be sent directly to the Assistant Waste Services Manager, who then accordingly recorded his team's response. This ensured that the Wardens could be kept up-to-date with their reports regarding areas of concern, and vice-versa.

The new Wardens (i.e., the former Car Park Inspectors) had now each been allocated their own patrol areas, these being a Town Centre 'beat' together with two Wards. A meeting was being planned to introduce the Wardens to their corresponding Police Ward Managers in order to improve communication and liaison.

The ACO(C&D) advised that, as per the Committee's previous request, a list of all the licensed premises visited and being dealt with by the Wardens was being kept, in order to determine if intervention by them was achieving positive results. It was noted that, mostly, where there had been intervention, no further problems were being observed, however, the area around the Woodbourne Hotel was still being monitored almost daily. There was also on-going liaison between the Warden, Waste Services and the Harbours Division to assess the scale of any problems with licensed premises on North Quay prior to any engaging with the licensees.

The ACO(C&D) reported that Wardens had dealt with 516 cases during the period from 1st January to 13th May 2013, which showed a marked increase in activity compared to the same period last year. Finally it was noted that the Wardens were now wearing new, smarter, branded uniforms.

The Chair expressed concern that, even with the equipment the Council now used, cigarette ends and weed growth were still evident on the pavements, particularly in the area of Prospect Hill down to Victoria Street.

Discussion also took place in relation to the regeneration works which were progressing into the Town Centre. It was agreed that the style of litter-bin which had been installed in the first phase should not be continued with in future phases. The Chair confirmed that Upper Nelson Street had been used as the trial area for the regeneration scheme and that items such as litter bins and lighting were being assessed for suitability.

It was suggested that Upper Nelson Street would benefit from some flower tubs to give it colour and vibrancy. Additionally, as the paving blocks at the top end (at the junction abutting onto Church Street) continually looked dirty due to car tyre marks and leaked car oil, it was suggested that cleaning and sealing might not be sufficient and that the blocks might, instead, require replacing.

Resolved, "(i) That particulars of the report and the work presently being undertaken be noted on the minutes, and that the continued improvements be supported by the Committee."

A6. Minutes and Referrals of the Environmental Services Advisory Committee

It was noted that the meeting of the Environmental Services Advisory Committee, scheduled for Monday 13th May 2013, had been cancelled.

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

A7. 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 14th May 2013, including the below items specifically referred to the Executive Committee:

Clause B9 – Noble's Park Dog Walking Footpath (Lighting): following complaints from users that the lighting levels were unsatisfactory, the Advisory Committee had considered possible options to improve the lighting. Members had agreed that the works were necessary on health and safety grounds and approval was therefore sought for funding in the sum of £6,200 to install four LED lanterns and columns.

Clause B10 – Noble’s Park Bowling Green Kiosk (Refurbishment Works): the Advisory Committee had noted the schedule of works that were proposed to be carried out as part of the refurbishment. Members had also been advised that all four tenders received had been above the budget allocation figure, and approval was therefore sought to increase the sum approved for this project.

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

(ii) That approval be given for funding in the sum of £6,200, from the Risk Management and Special Projects Fund, for the installation of four LED lanterns and columns on the dog walking footpath in Noble’s Park; and

(iii) That approval be given for increased funding of £28,857.37, giving a total sum of £51,857.37, from General Revenue Reserves, for the refurbishment of the Noble’s Park Bowling Green Kiosk.”

A8. 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 15th May 2013, including the below item specifically referred to the Executive Committee:

Clause B9 – Pinewood Complex at Lower Pulrose: the Advisory Committee had considered a request for slight boundary alterations from the owner of the Complex, in order to create a one-metre wide maintenance access strip along the boundary between the Pinewood building and Council properties on Elm Avenue. A further request had also been made for a small piece of land to be provided by the Council (behind the shops at the end of Elm Avenue) for the creation of a screened bin store.

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

(ii) That approval be given for the conveyance of a one-metre wide strip of land from the Council to Haven Properties Ltd, between the side elevation of the Pinewood Complex and the Council’s properties in Elm Avenue, subject to no cost falling on the Council;

(iii) That the Town Clerk and Chief Executive be authorised to submit a petition to the Department of Infrastructure in accordance with Section 25 of the Local Government Act 1985 in respect of (ii) above; and

(iv) That approval be given for the creation of a screened bin store, subject to Haven Properties Ltd entering into a suitable fixed-term lease agreement and to no cost falling on the Council.”

A9. Members’ Attendance Allowance Payments 2012 / 2013

The Committee considered a written report by the Assistant Town Clerk in relation to Members’ Attendance Allowance payments for the financial year ended 31st March 2013.

The Council was required by Schedule 2 of the Local Government Act 1985 to publish a report detailing the number of meetings of the Council and its Committees, and the total sums paid to Members. It was also obliged to send a copy of the report to the Department of Infrastructure with a certificate by the Council’s auditors.

The schedule, setting out Members’ attendances at meetings and allowances paid, contained reference to the number of ‘sessions’ each Member had attended. It was noted that this could not replace the requirement for the number of meetings to be reported under the Act, but it was provided as additional information.

Resolved, “(i) That particulars of the report and the schedule setting out Members’ attendances at meetings and allowances paid during the year ended 31st March 2013 be noted on the minutes;

(ii) That approval be given for the submission of the schedule to the Council’s auditors with the annual accounts, and thence to the Department of Infrastructure; and

(iii) That the report be made available to the public through the Council’s website, as well as through the Town Hall Reception, and circulated with the public Council Agenda for the June 2013 meeting.”

A10. Cambrian Place – Notice of Motion

The Committee considered a written report by the Assistant Town Clerk in relation to a Notice of Motion submitted by Mr Councillor W.M. Malarkey, and referred under Standing Order 30 to the Executive Committee by Council on 13th March 2013:

‘In light of the announcement by the Department of Infrastructure that the development of the Lord Street old bus station site is no longer going ahead with Askett Hawk, that Douglas Town Council should open immediate discussions with the Department of Infrastructure and the Department of Community Culture and Leisure to investigate the possibility of a joint venture on this site to incorporate a Library, Bus Station and Car Park with the possibility of including leisure facilities, and

that the development of Cambrian Place project be put on hold until the outcome of such talks are known.'

Members were reminded that the Council is currently committed to the development of a car park, library and office facilities on the site of the former Cambrian Place Car Park on Lord Street - this Motion therefore sought to suspend the Council's agreed and committed scheme, in favour of negotiating a scheme with the Isle of Man Government to take place on the former bus station site.

Discussions were, however, in progress with the Council's contracted developer for Cambrian Place and the Department of Infrastructure in order to secure the Department's approval to progress the scheme. The situation was, therefore, that the Council was not in a position to 'shelve' the project as it still has a commitment to this scheme, and it would be inappropriate to open negotiations regarding any alternatives at this juncture.

It was noted that a number of other development sites were also in that area, including the adjacent 'Middlemarch' site and the former bus station site. This latter site had been for some years committed to a Government scheme with Askett Hawk, but that had now ended and the Department of Infrastructure was expected to seek an alternative use. The Middlemarch site, which was privately owned, had recently been taken into Government ownership, but leased back to the owners with a provision to buy back within five years at the purchase price.

The Chief Executive reported on a procedural issue relating to a reference within the Regeneration and Community Advisory Committee's minutes seeking a future report on the proposed scheme, in particular, in relation to the library element of the development. It was noted that, as this matter was within the remit of the Executive Committee, any update on the Cambrian Place scheme would be reported to all Members by means of this Committee, and the item would therefore be removed from the Regeneration and Community Advisory Committee's future reports.

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

(ii) That the Council continue to work towards the scheme that it had already approved for Cambrian Place and is committed to, but that, should that scheme fail by reason of any condition being un-met or for any other reason, then the Council consider entering into discussion with the Department of Infrastructure as the Motion proposed."

A11. Consultation Document – Proposal to Establish a Public Services Commission

The Committee considered a written report by the Assistant Town Clerk in relation to a consultation document issued by the Isle of Man Civil Service Commission on the proposed establishment of a Public Services Commission.

The Government was proposing, under its agenda for change, to rationalise the employment of certain of its employees and had suggested that a new Public Services Commission should succeed the Civil Service Commission. This would have a broader remit to employ civil servants and other categories of employee throughout Government, including Whitley Council staff.

There were, however, exclusions from the proposed arrangements for groups of employees whose terms and conditions were not linked to the Civil Service or Whitley Council (such as Independent Regulatory Bodies and Statutory Boards), and employment groups such as health professionals, teachers, and fire and police officers (where it was stated that their terms and conditions should be linked to those applying in the United Kingdom).

Members expressed concern that local authority employees would also be excluded from the arrangements. As the Whitley Council for the Isle of Man Public Service (Manual Workers) would cease to operate, there would be no direct link to local authorities' terms and conditions to replace the current arrangements, in which the Council participated with a seat on the Whitley Council. Members were also not in favour at the suggestion in the consultation document that local authorities could determine pay and conditions for manual and craft workers by negotiation with employee representatives, because of the potential amount of officer time this could take.

In the expectation of the Whitley Council being terminated, which would leave a void for local authority employees, it was essential to maintain some mechanism for determining their terms and conditions. It was agreed that representations should be made to Government that local authority staff, currently employed on Whitley Council terms and conditions, should simply be transferred at the same time to equivalent terms and conditions as proposed in the Public Services Commission.

Members also discussed a question in the consultation relating to the terms and conditions of new starter staff. It was felt that some flexibility should be introduced (by making the working week any five days from seven) to enable weekend working without incurring overtime costs.

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

(ii) That the Council express its general support for the principles of modernising and streamlining Government; and

(iii) That the Council submit the following responses to the specific questions in the consultation document:

- The Council considers that all Government employees should fall within the remit of the proposed Public Services Commission (including those proposed to be excluded by reason of analogy to United Kingdom terms and conditions), in order that the Commission could have oversight of all employment matters within the Government, and that there should be representation from local authorities on the Commission;
- The Council considers that the terms and conditions of local authority employees, currently governed by the Whitley Council, should also be within the remit of the Commission;
- The Council supports the establishment of a single Joint Negotiating Committee for employees of Government;
- That should the Whitley Council cease to operate, the Council would support, pending an alternative being negotiated, the adoption of a Public Services Commission terms and conditions for its manual and craft workers; and
- The Council prefers not to comment in relation to the terms and conditions of civil service staff, in which it has had no previous involvement.”

A12. Annual Internal Audit Review

The Committee considered a written report by the Assistant Chief Officer (Finance) summarising the work carried out by Internal Audit (KPMG) during the 2012 / 2013 financial year.

The remit of the Internal Audit function covered potentially all areas of work carried out by the Council, and included a review that the Council's Standing Orders and Financial Regulations were being complied with. It was noted that the report was a requirement under the Internal Audit contract and was also a legal obligation under the Audit Act 2006.

The Internal Audit Report was specially prepared for the Executive Committee and gave an overall assessment of internal control; a rating against each review; a review of the significant areas that KPMG wanted bringing to the Committee's attention; and noted the work planned for the following year. Of the thirty-eight areas audited, twenty-eight (74%) were rated green ('no improvements needed'); nine (24%) were rated amber ('some improvements needed'); with one being rated as red. These ratings showed a clear trend of system control improvement.

Members considered in detail the findings and recommendations in relation to the 'amber' and 'red' areas as set out in the schedule appended to the written report. It was noted that these were as at the point of audit (conducted between May 2012 and February 2013), and progress made by officers so far against the action plans in KPMG's report was also noted.

The findings and recommendations were of an operational management rather than policy nature, and it was therefore the responsibility of managers to ensure that adequate systems of control were in place and that the Internal Audit recommendations were implemented. It was noted that the report had already been presented to the Chief Officers' Management Team and the Extended Chief Officers' Management Team, both of which would continue to monitor progress against implementation of agreed recommendations.

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

(ii) That in relation to Section 5f (Housing Repairs and Maintenance), the Borough Engineer & Surveyor be requested to check, and confirm to Members of the Committee, that job cards were being completed by both in-house staff and contractors, and that contractors would not be paid for work if a job card had not been completed accordingly; and

(iii) That all other management responses be accepted, and that Chief Officers continue to monitor progress against implementation of agreed recommendations.”

A13. Proposal to Create a Waste Transfer Station at the Operational Service Centre, Ballacottier

The Committee considered a written report by the Assistant Borough Engineer on a proposal to create a waste transfer station at the Operational Service Centre.

Members were advised that the Council currently processed and baled material at a compound on the Snugborough Trading Estate, this land being owned by Braddan Parish Commissioners and leased to the Council. The site was limited spatially and was situated within the T.T. race course and, of the materials currently collected through kerbside, only plastic bottles and metal cans were processed on site. Glass bottles were stockpiled on a neighbouring site prior to transportation for crushing for use as an aggregate, and paper was currently handled at the Energy from Waste plant prior to onward shipping to the United Kingdom. The limited size, and accessibility at varying periods throughout the year, prevented any expansion of the service to benefit from economies of scale and, because of its layout, handling and sorting processes on site were relatively inefficient.

Members were reminded that the Council had received planning approval for the creation of a bulking-up / waste transfer station at the Operational Service Centre in October 2012, with the waste licence being officially obtained in March 2013. Additionally, the Council had won the contract (up to October 2015) to service the Government's all-Island Bring Bank Service, and part of this agreement included processing plastic bottles and cans at the current waste transfer station at Snugborough.

The proposal, therefore, was not only to relocate the operation, but to provide an enhanced facility that would benefit from economies of scale, operate at optimum efficiency, and (the main advantage) reduce the operating costs of storing, handling and bulking-up collected paper.

In order to prepare the relocated site for commencement of operations, some remedial works would be required, including the construction of separation walls, fencing, installation of recycling bays, line marking, alterations to the existing roller-shutter door, and service heating pipework and lighting. Some new specialist plant and equipment would also be required to be purchased.

Discussion took place with regard to the kerbside collection scheme. It was suggested that a further campaign was needed to continue educating the public. It was noted that a previous campaign aimed at school children had been successful and that, perhaps a similar campaign at that level would be useful to encourage parents to recycle.

A Member suggested that one reason why people were not recycling was because recycling boxes had to be taken through homes to the front of the house for collection. Another Member suggested that a better use of the Council's vehicles would be to advertise recycling, rather than the facilities it had available for hire.

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

(ii) That approval be given to the following recommendations (over two years):

In the current 2013 / 2014 financial year, carry out site preparations and procure the following equipment (at a total cost of £175,000, to be financed from General Revenue Reserves and the Vehicle and Plant Renewals Fund):

- Relocation of bulking-up operations from Snugborough to the Council's Operational Service Centre (at an associated cost of up to £25,000)
- Acquisition of a new semi-automatic bailer, complete with bottle perforator (in the sum of £75,000, including delivery and installation)
- Acquisition of a 15-metre, 50-tonne weighbridge (in the sum of £30,000, installed)
- Acquisition of a new JCB 'Teletruk', complete with bale clamp, clamping bucket, forks, and loading shovel (in the sum of £45,000, excluding delivery);

In the 2014 / 2015 financial year, further expenditure for the following items of plant (totalling £70,000, to be included in next year's budget):

- Purchase of a new 'Eddy current separator', complete with additional conveyors (in the sum of £35,000, installed, but excluding delivery)
- Acquisition of a second JCB 'Teletruk' (in the sum of £35,000, excluding delivery); and

(iii) That comparative figures for the last three years, in respect of recyclates collected through the kerbside collection service, be circulated to Members of the Committee for information."

A14. Purchase of Commercial Vehicle (Tipper / Crane)

The Committee considered a written report by the Transport & Plant Manager seeking approval for the purchase of a 7500kg tipper and crane for operations within the Parks Department.

Members were advised that vehicle GMN 734X was a tipper currently operating within the Parks Department. It was eight years old, had covered 68,339 miles, and, although it had recently passed its annual roadworthiness examination, it had numerous oil and coolant leaks from the engine, the exhaust emitted a lot of smoke, and there was serious corrosion on the body.

The vehicle was allocated to the team of arborists to undertake skilled arboriculture work, which included responding to emergency call-outs; maintenance of the Council's tree stock; working in hazardous conditions; and undertaking tree inspections.

Five tenders had been received for the supply of a new vehicle, and the Head of Parks and his team of arborists had been fully consulted with regard to the need for the vehicle and its specification, and were accordingly content to proceed with the purchase of the recommended vehicle.

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

(ii) That approval be given for the procurement of an Isuzu N75.190 tipper complete with crane, from B&C Transport Limited at a cost of £52,865 plus VAT, to be funded from the Vehicle Renewals Fund."

A15. Monthly Financial Review - March (Year End) 2012 / 2013

The Committee considered a written report by the Borough Treasurer setting out the final position for 2012 / 2013 in relation to progress made compared to key performance indicators in respect of rates collected; the increase in direct debit take-up for the year; the percentage of net rent collected; gross rent arrears; the number of tenants owing over £500; and sundry debtors over three months old.

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

A16. Monthly Financial Review - April 2013

The Committee considered a written report by the Borough Treasurer setting out details of progress made compared to key performance indicators in relation to the percentage of rates collected; the increase in the number of non-cash / non-cheque payments; and the percentage of sundry debtors collected within three months.

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

A17. 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 B –

Matters subject to Council approval

B18. The Manx Co-Operative Society – “The Emporium”, 10 – 18 Duke Street, Douglas

The Committee considered a written report by the Assistant Town Clerk in relation to a request received from the Advocates acting on behalf of the Manx Co-Operative Society seeking to have covenants applying to part of the company's property lifted.

Members noted that, when the Council sold the property fronting Lord Street in 1937, a restrictive covenant was attached, the purpose of which was to protect against the danger of this then high-profile property on a major new roadway from being used for purposes that were, at the time, considered inappropriate.

In 2002, the Manx Co-Operative Society applied for the lifting of the covenant and the former Policy and Resources Committee had initially agreed, however, that minute was withdrawn at the Council meeting and, when reconsidered, the decision was made to refuse the application and this was approved by the Council on 9th October 2002.

The Manx Co-Operative Society did not pursue the matter. However, as the current tenant of the property was now looking to vacate, the Manx Co-Operative Society (as owner of the building) felt that the existence of the covenant might deter potential new tenants.

Members were advised that planning laws now governed such matters and provided a mechanism to ensure that any future use of the building would be appropriate. It was noted that the Drugs and Alcohol Unit of the Isle of Man Constabulary had been consulted and had no objection to the lifting of the covenant, as current licensing laws provided adequate protection for the public, and that the Douglas Development Partnership had also indicated support for the lifting of the covenant, as it would remove an unnecessary restraint and help promote the full use of the building.

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

(ii) That the request be approved, subject to the Manx Co-Operative Society bearing the cost of preparation of legal documentation."

The Committee rose at 4.05pm.

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

PENSIONS COMMITTEE

PENSIONS COMMITTEE – Minutes of Meeting held on Thursday, 23rd May, 2013.

Members Present: Mr Councillor C.L.H. Cain (Chairman), the Mayor, Messrs Councillors J. Joughin, R.H. McNicholl, A.V. Quirk. Mr A. Thomas (Independent Member).

Apologies: Mr Councillor C.C. Thomas.

In Attendance: Borough Treasurer, Assistant Chief Officer (Finance), Democratic Services Officer, Mr Mark Freeman – Hymans Robertson (Items A1 to A9), Mr David Chatel – BlackRock (Item A6 only), Mr Chris Moore – BlackRock (Item A6 only), Mr Chris Bell – Capital International (Item A8 only).

REPORT

PART A –

Matters within the scope of the Committee's delegated authority

A1. Minutes – 26th March, 2013

The minutes from the meeting held Tuesday, 26th March, 2013 were approved and signed.

A2. Election of Vice-Chairman 2013/2014

Mr Councillor J. Joughin was unanimously elected to serve as Vice-Chairman of the Committee for the 2013/2014 municipal year.

A3. Training Presentation – Strategy, Pensions Liability and Risks

Mr Mark Freeman, of Hymans Robertson, gave a training presentation on strategy, pension liabilities and risks. Members were provided with a printed copy of the presentation. Mr Freeman advised that this training should be seen as a starting point for discussion of the Committee's priorities and beliefs which should be considered during the forthcoming actuarial valuation.

The presentation focused on risks, and how the Committee's beliefs and priorities should shape and inform the strategy for dealing with those risks.

The training document was set out with the headings (a) pension scheme risks, (b) prioritising what is important, (c) our investment beliefs, (d) a clean sheet of paper, how these beliefs could be translated into an investment strategy, and (e) a suggested plan of action.

Under the first heading, *pension scheme risks*, three key areas of risk for the pension scheme were grouped as liabilities, assets and covenant risk. Covenant risk was described as the security of the main employers. There was no specific discussion of this aspect.

Mr Freeman explained that key liabilities for the scheme are inflation, interest rates and longevity. Each of the liabilities poses particular risks which were identified and explained. Inflation is a liability because benefits increase with inflation and higher than expected inflation will lead to higher liabilities for the scheme. Interest rates are a liability for the scheme because the net present value of the scheme's cash flow is calculated by discounting back using gilt yields, which are linked to interest rates. When interest rates are lower than expected, there will be higher liabilities for the scheme. As interest rates move, the value of the liabilities changes. The third key liability is longevity of the members in the scheme. Increasing life expectancy increases the length of time for which benefits will need to be paid, which increases the value of the liabilities of the scheme. The scheme may experience other risks, but those are the three key ones.

Against those liabilities, assets are invested in equities, bonds, and property. Each of these should be seen as an asset class, each with its own characteristics and risks. Assets also include those invested with the absolute return manager as that will include all of the characteristics and risks of the other three key asset classes plus the risks and rewards associated with the manager's view of the world.

There was discussion of who makes the decision as to the type of assets which are held by the fund. It was explained that the Committee chooses the mix of asset classes and sets the central benchmark and control range for each asset class having received advice and recommendations from Hymans Robertson. The fund manager then invests in accordance with the mandates set by the Committee.

The presentation continued with the categorisation of risk into unintended risk, intended risk and unavoidable risk. Unintended risk is that which cannot be changed or controlled. As an example, the risk associated with inflation is that the value of liabilities rises as inflation rises. Mr Freeman pointed out that whilst unintended risk cannot be controlled, it is possible to control the impact of that risk. The second category is the intended risk, which can be controlled or changed, and this should be the focus of the Committee. The Committee can and should decide on the appointment of manager(s) and the

instructions (such as benchmarks) given to the manager(s). Finally, there was discussion of unavoidable risk (such as longevity) which cannot be controlled or influenced by the Committee.

The presentation included illustrations of the need to balance contributions and investment risk in order to meet the funding shortfall. Charts were discussed illustrating that index-linked gilts and pension scheme benefits had similar cash flows, and thus gilts were a scheme's lowest risk asset class. Also included were two example graphs, one illustrating the typical payment of benefits over a seventy year period and another illustrating liability and gilts cash flows over the same seventy year period.

There was discussion of the characteristics of different sorts of assets relative to liabilities. Growth assets, which carry greater risk include private equity, equities, property, hedge funds and commodities; whilst 'matching assets' such as conventional bonds and index-linked bonds and cash have less risk. Every three years the assets are measured against the liabilities in the actuarial valuation exercise. It is for the Committee to determine the appropriate level of risk in order to manage the funding level volatility whilst seeking sufficient long term returns, and this decision should not be delegated to investment managers. Risks will be controlled by setting the benchmark and reviewing the split between the asset classes. Asset allocation has the biggest effect on returns, so the Committee should concentrate on reviewing the split between the key asset classes. The scheme actuary and the investment consultant will assist the Committee in determining the asset split and the level of risk.

Mr Freeman's presentation moved on to the second heading of *prioritising what is important* to examine the differing goals of growth assets and matching assets. The majority of investment returns is derived from the split between the key asset classes, but structure (i.e. the active or passive management, split between UK and overseas equities, etc) and manager performance are still important secondary issues.

He then explained the difference between active and passive management of assets. An active manager will have both a benchmark and a target for investment returns. The benchmark is the index return, and the target is the expected outperformance of the manager due to active management. For passive management of assets the expected return will be equal to the benchmark with no additional manager outperformance. Because of the efficiency of the FTSE All-Share Index it is difficult for an active manager to consistently add value in UK equities. Mr Freeman advised that it was appropriate to review each asset class to consider whether active or passive management was appropriate.

Investment managers acting on behalf of the Pension Scheme are not only controlled by the benchmarks and targets set by the Committee, but also by the regulations which limits the amounts which may be invested in in-house pooled funds and restricts the choice of Fund Manager to those registered with the Isle of Man Financial Supervision Commission.

Under the heading *investment beliefs* the Pensions Committee was reminded that investment decisions should be based on the Committee's fundamental beliefs which will require further discussion and debate. Examples were given of possible belief statements, and the Committee was encouraged to reflect on these for further discussion at a future meeting.

Under the heading *Clean sheet of paper* examples were given of how the example beliefs could be translated into an investment strategy. The Committee was advised to consider what changes could be made and how these would be implemented. Further reports will be needed so that these matters can be fully discussed at a future meeting.

The presentation concluded with the final heading of plan of action which was set out as follows. First, carry out the actuarial valuation and review the growth / matching split of assets. Second, discuss and agree the Committee's core investment beliefs. Third, decide how these translate into an investment structure. Fourth, determine what roles BlackRock and Capital would have in the structure; and finally, decide how any other roles could be implemented.

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

A4. **Hyman Robertson's Annual Review of Investment Managers**

The Committee considered the report submitted by Hyman Robertson reviewing the performance of BlackRock over periods to 31st March, 2013 compared to benchmark indices and relative to their peers. It was noted that future reports will also include performance of Capital International relative to a peer group of other absolute return managers but it was excluded from this review due to the short period since their appointment.

Mr Freeman advised that BlackRock's outperformance target is almost the same as the level of fees, which effectively is setting the manager an objective of achieving index returns only. The Committee should consider whether decisions on asset allocations should be taken away from BlackRock. The Committee would be assisted in a review by the actuary and investment consultant, which would require further discussions. It is likely to need several meetings to fully consider and decide on the matters.

The Borough Treasurer advised that the Committee should question BlackRock about their overall strategy and the intentions of the new asset allocations manager, Mr Phillip Brides, before making any fundamental changes. No immediate decision is needed, but the matter should be kept under review.

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

A5. Capital Market Services

The Committee considered a report submitted by Mark Freeman of Hymans Robertson updating on the quarter one capital market service.

The report detailed the asset class outlook from December 2012 to March 2013.

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

A6. Investment Manager's Presentation by BlackRock

Mr David Chatel and Mr Chris Moore of BlackRock joined the meeting at 12.42pm to present the BlackRock report on investment manager performance for quarter one of 2013. The report set out a portfolio summary as of 31st March, 2013, together with more detailed information on each of the different sectors of equities, property, and fixed income.

The Fund underperformed the benchmark by 0.1% during quarter one and by 0.4% over the last 12 months. The fund underperformed the benchmark by 0.7% and 0.3% over three year and five year periods respectively. Mr Moore reported that the asset allocation role has been taken on by Phillip Brides since the departure of Colin Graham in February. Members will have the opportunity to meet Mr Brides at a future meeting of the Committee. It is expected that Mr Brides will bring better investment performance to the account, which has previously been poor.

The Borough Treasurer asked if in the future performance could be reviewed against the target as well as against the benchmark. Mr Moore advised that this is possible and agreed that it will be incorporated into future reporting.

Mr Moore explained the current position of the Fund, highlighting that they were overweight equities and underweight bonds. The main source of underperformance is UK and overseas equities. The UK equity portfolio in particular hasn't performed well and that is being closely reviewed. Mr Moore suggested that, given the restrictions on pooled fund investments within the regulations, a decision on where active management could add most value in the future should form part of BlackRock's review.

There was discussion of the property portfolio including a review of the top ten investments and the top ten tenants by rents. For both of these, the information was as of 31st March, 2013. It was also noted that the property in the portfolio has a rate of voids of 8.5% as compared to average market voids of 12%, which was positive.

The Committee also considered the separate quarterly report detailing exactly what transactions had been made, the net income and expenses and the income received. There was some discussion as to whether or not this detailed information should be provided in hard copy as is currently the case. The Borough Treasurer advised that as a matter of best practice, all of the information contained in the report should be circulated to all of the Committee. Not all Members wish to have the information electronically, although it was agreed that the detailed report can be circulated to Members via email.

Resolved, "That the particulars of the discussion and BlackRock quarterly report be noted on the minutes."

A7. Adjournment and Resumption

Mr Chris Moore and Mr David Chatel were thanked for their attendance and left the meeting at 1.47pm.

The meeting adjourned at 1.50pm and resumed at 2.20pm with the same Members present, the same Officers in attendance and Mr Chris Bell of Capital International and Mr Mark Freeman of Hymans Robertson in attendance.

A8. Capital International Investment Review

Mr Chris Bell of Capital International joined the meeting to present the first quarter investment review.

The Committee considered a report and presentation by Mr Bell on the investment review for quarter one.

Mr Bell began by providing an insight of key economic and market themes. This was followed by details of the current asset allocation. Mr Bell finished by discussing economic and market thoughts.

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

Mr Bell was thanked for his attendance and left the meeting at 2.53pm. The Mayor and Mr Councillor R.H. McNicholl left the meeting at the same time.

A9. Hyman Robertson's Review of Investment Managers' Performance for First Quarter of 2013

The Committee considered the report submitted by Hymans Robertson reviewing the performance of BlackRock and Capital International in the first quarter of 2013.

For BlackRock, all of the underlying asset classes delivered positive absolute returns over the quarter; however on a benchmark relative basis, the results were mixed. The UK equity sub-portfolio delivered an absolute return of 10.7% over the quarter, outperforming the FTSE All-Share Index by 0.3%. Over the one and three year periods the fund has underperformed the benchmark. Over the five-year period the fund is broadly in line with its benchmark. The overseas equity sub-portfolio underperformed the MSCI AC World ex-UK Index by 1.4% over the quarter. Over the longer term periods the fund continues to underperform, lagging its benchmark by 0.9% p.a. over the five year period to 31st March, 2013. The managers' returns had been updated by Mr Moore at the meeting, so the information in the report was incorrect. The impact of this was to reduce the UK equity return over the last quarter to under the benchmark. The fixed income sub-portfolio performed in line with its benchmark over the quarter. Over the one year period the fund has outperformed by 0.8%. The BlackRock UK Property Fund continued to outperform its benchmark over the quarter. The property funds overweight position in London West End offices and its holdings in healthcare, leisure and a joint venture added to returns over the quarter. Performance was held back by the performance of retail, office and industrial holdings outside of London. Over the one year period the fund has outperformed the IPD All Balanced Property Fund Index by 2.5%.

Capital delivered an absolute return of 6.8% over the quarter, outperforming its target of 3-month LIBOR +3%. Performance was driven by the equity and bond holdings. Performance was hurt by the fund's exposure to commodities, as gold and agriculture struggled over the quarter.

Resolved, "That particulars of the written report be noted on the minutes; and it also be noted that the managers' returns were updated by BlackRock at the meeting. The impact of this was to reduce the UK equity return over the last quarter to under the benchmark."

Mr Freeman was thanked for his attendance and left the meeting at 3.35pm.

A10. Statement of Investment Principles (SIP) and Governance Statement including Adherence to Best Practice (Governance Statement) May 2013

The Committee considered a report setting out the updated SIP and Governance Statement. The Local Government Superannuation Scheme 2012 Regulations makes it mandatory for the Administering Authority to publish a Governance Statement which must contain reference to delegation of any part of pension fund functions to Committees. This statement is based on the way the Committee works and the policies set by the Committee. The report detailed the matters which the Regulations require to be included in the Governance Statement. The changes to the current published documents were outlined in the report.

Resolved, "That the report and updates to the SIP and Governance Statement be approved and published on the Douglas Council website and that the Department of Infrastructure be notified of the approval and publication; and that the Committee be notified of future updates to the Governance Statement by way of a Briefing Note except when a change of policy is required."

A11. Mortality Analysis for the 2013 Valuation

The Committee considered a report regarding the response received from Hymans Robertson following the Committee's decision not to become members of Club Vita. Club Vita provides longevity analysis for pension schemes. Their analysis is based on data from approximately one hundred and sixty pension schemes, including approximately forty-five local government schemes. The Club members provide data confidentially to the Club in relation to residence, ages, employment, salary, and pension. This information is used to provide mortality analysis to be used in setting mortality assumptions in actuarial valuations.

As the Committee declined to use the Club, Hymans has considered three options for generating mortality assumptions that will satisfy their professional obligations. First, a bespoke mortality investigation to set the assumptions could be carried out. Hymans estimates that a typical bespoke mortality investigation in the private sector costs in the region of £20,000 - £30,000. Second, Hymans could set the mortality assumptions by mapping members to the Club data bank. It is estimated that this bespoke mortality assumption setting, referencing the bigger dataset will cost £10,000. Capita would not need to extract further data as this can be done from the standard valuation extract. The third option was to base mortality assumptions on general trends in mortality which would initially be updated from 2010 in line with general mortality trends. There would be no attempt to refresh the assumptions for experience for membership changes within the fund or to reflect the specific characteristics of the Isle of Man Scheme. Given this, there may be more inaccuracies in the approach and the actuary may consequently introduce margins for prudence into the mortality assumptions.

The Borough Treasurer advised that if the best information available isn't used, there is a concern that contributions may be too low or too high.

Hymans is keen to support the Committee in moving towards the best practice by offering the best information available to them. As a gesture of goodwill, they have offered to meet 50% of the initial, extra administration fee that will be incurred if the Committee reconsider the approach to the 'free' offering.

Resolved, "That particulars of the report be noted on the minutes and approval be given to the free membership of Club Vita and the associated administration cost for Capita of £2,750 and that the offer from Hymans of £1,375 (50%) be accepted."

Further resolved, "That it be noted that the Committee does not approve a bespoke mortality investigation; nor does it approve mortality assumptions by mapping to the Hymans Robertson Club Vita databank."

A12. 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 items for future report be noted on the minutes."

PART B –

Matters requiring Council approval

There were no matters requiring Council approval.

The Committee rose at 3.45pm.

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

EASTERN CIVIC AMENITY SITE JOINT COMMITTEE

EASTERN CIVIC AMENITY SITE JOINT COMMITTEE – Minutes of Meeting held on Monday, 20th May, 2013.

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 Braddan Parish Commissioners – Mr C. Slinn (Member), Mr J.C. Whiteway (Clerk). For Lonan Parish Commissioners – Mr N. Dobson (Member). For Santon Parish Commissioners - Mr N. Kelly (Member).

Apologies: Laxey Village Commissioners – Mr A. Moore (Member).

In Attendance: Secretary - Mr P.E. Cowin. Contractor's Representatives – Mr A. Crook (from 4.20pm), Mr P. Macken (from 4.20pm). Department of Infrastructure Representatives – Mr J. Wrigley, Mr J. Quayle.

REPORT

PART A –

Matters within the Scope of the Committee's Delegated Authority

A1. Chair

On the nomination of Mr Dobson, seconded by Mr Kelly, Mr Councillor W.M. Malarkey was unanimously elected Chair of the Joint Committee for the forthcoming year.

A2. Vice-Chair

On the nomination of Mr Councillor Malarkey, seconded by Mr Kelly, Mr Dobson was unanimously elected Vice-Chair of the Joint Committee for the forthcoming year.

A3. Mrs J. Kelly

The Committee noted that Mr Crellin had replaced Mrs J. Kelly as Onchan Commissioners' representative and expressed its appreciation of Mrs Kelly's service as Member and Vice Chair of the Joint Committee.

A4. Minutes – 18th March, 2013

The minutes of meeting held on Monday 18th March, 2013, were approved for signature as a correct record.

A5. Matters Arising From the Minutes

No matters were identified as arising from the minutes that were not listed on the agenda.

A6. Vehicle Number Plate Recognition System

Mr Clague advised that following receipt of a letter from a ratepayer expressing objection to the proposal to introduce an automatic vehicle licence plate recognition system (APNR) at the site he had carried out some research and both the Data Protection Supervisor and the Council's legal adviser had advised that the use of such a system was outside the powers of local authorities, and contrary to Section 2 of the Criminal Justice Act 1996.

Mr Wrigley advised that the system at the Northern Civic Amenity Site was operated by his Department to which that Section did not apply, and that the intention was to extend that system to include the Eastern Site. It could therefore be interpreted that the Department would be operating the system. He was proceeding with arrangements for installation in accordance with his undertaking that the Department would do so.

Members of the Joint Committee expressed concern that the use of the system might be unlawful and agreed that the issue needed further research and legal advice. Mr Wrigley's view was that it was not unlawful and he stated that he would seek confirmation from the Attorney General's Chambers; Mr Clague's view was that the implementation of the system would require a change in legislation.

There was considerable discussion over the merits of the system and the management information it could provide with general agreement that it would be desirable if it could be installed lawfully. Mr Slinn stated that Braddan Commissioners would prefer to extend its use to enable identification of users resident outside the Eastern District.

It was agreed: that Mr Wrigley obtain further legal advice from the Attorney General's Chambers and the Government's Surveillance Officer on the legitimacy of the system; that in the meantime he proceed with arrangements for installation but that the system be not made live until such time as the Committee can be satisfied that its use is fully compliant with the law.

It was further agreed: that the respondent be advised that implementation will not take place until authoritative confirmation is received that the system can lawfully be used.

3.50pm: Mr Dobson left the meeting.

A7. Acceptance of Waste from other Areas/Opening Hours

Members discussed the perception that waste was being brought to the Site from other areas, particularly on Bank Holidays, evenings, and other times when the Eastern Site was open but other area Sites were closed. It was generally agreed that the opening hours, and the rules and conditions of use, of all sites should be the same across all Sites.

The Chairman referred to a resolution of Tynwald, made on 18th January, 2006, endorsing the principle that all local authorities contribute to a regional Civic Amenity Site and that all residents have equal access to any Civic Amenity Site on the Island. Discussion followed on the status of that resolution, as it had not been enshrined in legislation, and although it was a clear expression of Tynwald's expectations, there was no clarity about whether it could be enforced.

Mr Wrigley concurred that ideally all sites on the Island should operate to the same regime of opening hours and acceptance of waste, but stated that because each Site was controlled locally his Department had no power to impose it. He suggested that tonnage per household served was roughly the same across all four Sites and undertook to provide statistics on it.

He also undertook to arrange a meeting of one representative and one Officer for each of the Sites at which the issues of commonality and consistent standards could be discussed.

It was agreed: that the Joint Committee supports the introduction of consistent standards across all Civic Amenity Sites and that the Chairman represent the Committee at the proposed meeting.

4.20pm; Mr S.A. Crook and Mr P. Macken, representing the Council as contractor for the operation of the Site, joined the meeting.

A8. Operational Statistics

Operational statistics for the year to April 2013 had been circulated and Mr Macken provided further information in response to Members' questions. He stated that there had been an unexplained increase in the number of television sets being brought to the Site but these were removed at the cost of the Department of Infrastructure and would be monitored for the next few months. Timber was still being separated from the main waste stream, and overall the tonnage being disposed of through the Energy from Waste Plant was reducing as material was being separated.

The statistics were noted on the minutes.

A9. Operational Issues

Mr Macken raised a number of operational matters as follows:

Training of Staff: Mr Macken felt that although the services given to the public on the Site was good, it could be improved still further by additional training for staff, particularly in advising members of the public.

Contractor's Staff: The Chairman queried the use of contractors' staff and Mr Clague explained that these supplemented the regular staff on the Site when needed, particularly to lunch breaks and similar periods when staff was short. He agreed that when different staff came onto the Site it might be most effective to use them within the operational area while a regular staff member manned the gate.

Height Restriction: Mr Macken stated that the height barrier installed in accordance with the Committee's decision had caused some dissatisfaction. The Committee accepted that in practice the height barrier should simply stop vehicles so that they could be inspected for commercial waste, and be moved to allow them into the Site once they are established to be carrying purely domestic waste. It was agreed that rather than an outright ban on vehicles over 2.2m in height, they should be permitted into the Site at times when it would otherwise be quiet so that each could be checked to prevent commercial waste being dumped. It was further agreed that Sunday and Wednesday afternoons would be appropriate for the purpose, that the rules and signage be amended accordingly, and that a media statement be issued.

Charities: Mr Macken advised that charities were continuing to use the Site, depositing 6.39 tonnes within the last month. The costs of disposal would be recharged to the charities in accordance with the Committee's instructions. The Secretary advised that he had been approached by Mr D. Gawne, Chairman of Circa, which represents a number of charities, seeking a meeting to discuss the matter. The view was expressed that because the larger charities had headquarters in Douglas, waste from all parts

of the Island was going through that route to the Eastern site. Mr Quayle suggested that it would be fair to apportion costs of waste disposal by charities across all the Island Sites so that the Eastern site did not carry an unfair burden.

Cleaning of Site: Mr Macken advised that thorough cleaning of the Site was being undertaken as bins and skips were being moved.

Health and Safety Issues: Two issues had arisen on site; one was an operative sustaining a cut from broken glass, which had been properly recorded and dealt with, and the other was a case of a user knowingly trying to dispose of asbestos, which had been reported to the Health and Safety at Work Inspectorate. A specialist contractor had been required to remove the waste and the costs would be recharged to the individual responsible. Mr Quayle advised that the Department of Infrastructure would accept and dispose of small domestic quantities of asbestos.

A10. Date and Time of Next Meeting

It was agreed by those Members present that the date and time of the next meeting should be 3.30pm on Monday 2nd September, 2013, at the Strathallan Suite.

The meeting ended at 4.50pm.

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, 15th May, 2013.

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

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

REPORT

PART A –

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

A1. Minutes 20th March, 2013

The minutes of the meeting held Wednesday, 20th March, 2013 were approved and signed.

A2. Minutes 26th April, 2013

The minutes of the special meeting held Friday, 26th April, 2013 were approved and signed.

A3. Vice-Chairman 2013/2014

Mr Councillor J.E. Skinner was unanimously elected to serve as Vice-Chairman for the 2013/2014 municipal year.

A4. Matters for Future Consideration

The Committee considered the report on matters for future consideration and asked for reports to be brought back for consideration by the Committee. Members noted that the report on expressions of interest to operate Douglas Market will be coming forward for consideration at the June meeting. Members expressed disquiet that no plans were in place to have a new operator or traders in place for the TT fortnight.

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

PART B -

Matters requiring approval by the Executive Committee

B5. Pinewood Complex at Lower Pulrose

The Committee considered a report on a request for slight boundary alterations from the owner of the Pinewood Complex in Lower Pulrose. The alterations would involve the boundary between the Pinewood Building and Council properties on Elm Avenue.

When the new properties on Elm Avenue were built in 2006, the contractor built the rear boundary fence as close as possible to the Pinewood complex without disturbing the Pinewood's foundations as agreed with the then owner. This left a small, steeply angled space between the walls of the Pinewood complex and the Elm Avenue fence line. This space belongs to the Council and is now overgrown, full of litter and unsightly. The new owner of the Pinewood complex, Haven Properties Ltd, has requested a one-metre wide maintenance access strip along the boundary between the Pinewood complex and the properties on Elm Avenue. This will involve the removal of an existing fence line and the construction of a new retaining wall and fence leaving an access gap of one metre on the Pinewood side of the line.

Haven Properties have also requested the Council provide a small piece of land behind the shops at the end of Elm Avenue for a bin store to be accessed jointly from the Pinewood complex car park and from Elm Avenue for emptying. Bins from the side of the Pinewood complex would be moved to this bin store which would improve access to the Pinewood car park and improve the look of the area. The screened bin store would be adjacent to the turning head in Elm Avenue. The report recommended approval of the request, with conditions to restrict usage, and that no cost fall on the Council.

The Assistant Chief Officer (Housing and Property) advised that a letter has been received from the operators of the public house at the Pinewood complex, Heron and Brearley, seeking permission to use a small grassed area at the front for outside seating. This request did not form part of the report. Members agreed that whilst they were minded to approve this request, further details were needed.

Plans and photos of the area were viewed by the Committee and considered carefully.

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

- (i) approval is given to the request for creation of a one-metre wide maintenance strip of land between the side elevation of the Pinewood complex, Lower Pulrose and the Council's properties in Elm Avenue, including a retaining wall and fencing, at no cost to the Council; and
- (ii) approval is given to conveyance of the strip of land described in (i) to Haven Properties Ltd, at no cost to the Council, and that the Town Clerk and Chief Executive be authorised to submit a petition to the Department of Infrastructure in accordance of section 25 of the Local Government Act 1985; and
- (iii) approval is given to the request for creation of a screened bin store adjacent to the turning head in Elm Avenue, subject to Haven Homes Ltd entering into a suitable fixed-term lease agreement, and that the bin store is designated for domestic use only, and subject to no cost falling on the Council; and
- (iv) approval in principle is only given to creation of a seating area at the front of the Pinewood public house, and that a further detailed report on the proposals to be brought back to the Committee for consideration."

PART C –

Matters requiring Council Approval

C6. Upper Pulrose Outer Ring Refurbishments and Alterations Combined Phase 2/3

The Committee considered a report on tenders received for the kitchen and bathroom refurbishments and alterations to thirty properties located on the Outer Ring of Upper Pulrose.

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

- (i) the acceptance of the tender received from McArd Contractors Limited for the kitchen, bathroom refurbishments and alterations to thirty properties on the Outer Ring of Upper Pulrose; and
- (ii) the Town Clerk and Chief Executive be authorised to submit a borrowing petition to the Department of Social Care in the amount of £472,517.52, being the amount required to defray the cost of the combined Phase 2/3 refurbishment works; and
- (iii) that the Department of Social Care be advised that an assessment of the Council's housing reserve fund has been undertaken to establish if sufficient monies are available to fund the proposed scheme via that source."

The meeting ended at 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, 14th May, 2013.

Members Present: Mr Councillor S.R. Pitts (Lead Member), the Mayor (from 10.45am), Councillor Mrs R. Chatel, Mr Councillor G.J. Faragher, Councillor Miss D.A.M. Pitts, Mr Councillor W.M. Malarkey (from 10.45am).

Apologies: the Mayor and Mr Councillor W.M. Malarkey submitted apologies for lateness.

In Attendance: Assistant Town Clerk, Assistant Chief Executive, Assistant Chief Officer (Finance), Assistant Borough Engineer, Head of Parks, Assistant Democratic Services Officer.

REPORT

PART A –

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

A1. Minutes – 19th March 2013

Minutes of meeting held on Tuesday, 19th March, 2013, were approved and signed.

A2. Douglas Bowling Club – Villa Marina

The Committee considered a report submitted by the Assistant Chief Executive on the 125th anniversary of the Douglas Bowling Club.

Members noted the Douglas Bowling Club use the Villa Marina Bowling Green facilities in the grounds of the Villa Marina. In light of the 125th anniversary the Club intend to promote the anniversary through various media channels.

The Club will hold two Open Competitions which are open to all Island bowlers, these events are historic and have continued purely by habit.

The current trophies for the two events require revamping and the Club has asked Douglas Borough Council to donate two trophies. The Club Secretary has suggested publicity through presentations by Council representatives and sponsors.

The report recommended a value of £200 be allocated for the purpose of Douglas Bowling Club commemorative trophies in view of the Club's special anniversary, community initiatives being undertaken and the long-standing links the Council had to the Villa Marina and the Club.

Members requested the trophies be funded from the Community Events budget as opposed to the Parks budget suggested in the report.

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

- (i) two trophies or shields, to a maximum value of £200, be donated to Douglas Bowling Club as part of the Club's 125th anniversary celebrations, both as a community initiative and in recognition of the Council's long-standing links with Douglas Bowling Club and the Villa Marina;
- (ii) the Community Events Budget be the funding source for the trophies."

A3. Attendance

Her Worship the Mayor and Mr Councillor W.M. Malarkey joined the meeting at 10.45am.

A4. Allotments

The Council's Allotment representatives joined the meeting at 10.45am to discuss the Johnny Watterson allotments.

Mr Pilkington and Mr Gerrard confirmed there were no issues with the current or recently established allotment plots.

The Lead Member asked the Allotment Representatives to encourage allottees to enter the Douglas in Bloom competition, it was agreed a Douglas in Bloom poster would be displayed on the site notice board.

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

Mr Gerrard and Mr Pilkington were thanked for their attendance and left the meeting.

A5. Island of Culture 2014

The Committee considered a report submitted by the Assistant Chief Executive, following a request from the Isle of Man Arts Council, on the Council's involvement with the Island of Culture 2014.

The Chairman of the Isle of Man Arts Council has written to the Council informing that the Island of Culture will be celebrated throughout the Island through various activities and partnerships.

An initial response was sent to the Isle of Man Arts Council outlining the Council's current cultural involvement.

The report suggested a number of areas that the Council could participate including the re-launch of the Douglas Carnival for 2014, promotional tramways events, World War I centenary based events, library competitions for children and floral display design competitions.

Members were enthusiastic about the re-launch of the Douglas Carnival and suggested that the Community Events Champion and Assistant Democratic Services Officer liaise with interested parties to discuss preliminary arrangements for the event. It was suggested that Douglas Development Partnership become involved in the organisation of the Carnival.

Members discussed the creation of a joint Carnival Committee, it was agreed that initially the Chairman would make a statement at the next press briefing and a press release would be issued and displayed on the Council's website. If this did not generate interest an advert would be placed in the local paper.

Members agreed the Carnival should be scheduled for approximately one week after the Peel Carnival giving participants the opportunity to participate in both events.

A Member informed that a sponsor would be required for the event to obtain worthwhile prizes for participants. It was felt this would increase the number of participants involved. Members suggested that a sponsor could be sought during the initial planning stages through the joint Committee.

Members also agreed to incorporate the Council Fun Day into the Carnival events on the Promenade.

The report confirmed no budget was allocated at present.

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

- (i) The following initiatives be considered for the Island of Culture 2014
 - Tramways promotional events;
 - World War I centenary-based events;
 - Literary competition for children;
 - Floral display design competition.
- (ii) The Douglas Carnival be re-launched for the 2014 Island of Culture;
- (iii) The Douglas Council Fun Day be incorporated into the Carnival events on the Promenade;
- (iv) A further report on the initiatives ascertaining implications, timescales and budgets be considered by the Committee."

A6. Items For Future Consideration

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

A Member queried why a report was required for a donation increase to the Town Band as opposed to the Committee having a discussion and making a decision. It was confirmed a report was required to determine funding of the increased donation so that an informed decision could be reached.

Members were updated on the Groves Road changing rooms, the BMX track update and Living Promenade.

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

A7. Joint meeting of Executive Committee and Regeneration and Community Advisory Committee

The Committee noted the minutes of the joint meeting of the Executive Committee and the Regeneration and Community Advisory Committee in relation to the Summerland disaster memorial and memorial service.

In answer to question the Head of Parks confirmed the memorial had been ordered and was scheduled to be delivered in June. The names and ages of all those that lost their lives had been received and would be cross checked with the Coroner's Report of the disaster.

Members requested lighting be installed at the memorial.

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

- (i) The joint minutes of the Executive Committee and Regeneration and Community Advisory Committee in relation to the Summerland Disaster Memorial and Memorial Service be noted on the minutes;
- (ii) Officers organise the installation of lights at the memorial."

A8. Invitation to Members of Ballymoney Twinning Committee for Civic Sunday Service

The Committee considered a request to invite Members of Ballymoney Twinning Committee to the Civic Sunday service on Sunday, 9th June, 2013.

The Lead Member advised that four Members of the Twinning Committee have advised they would like to attend the service.

The cost to the Council would include accommodation for up to two nights and the Mayor would entertain the guests for one evening, costs for entertainment would be funded from the Mayor's budget. A Member contacted two local hotels prior to the meeting each provided a cost of £90 per night per room.

A Member requested alternate local hotels be contacted to provide a quote for the two nights' accommodation. It was agreed that the Assistant Democratic Services Officer would liaise with the Mayor and Lead Member regarding the hotel choice.

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

- (i) Four Members of the Ballymoney Twinning Committee be invited to the Civic Sunday service on 9th June;
- (ii) The Council provide two nights' accommodation at a maximum cost of £400;
- (iii) The Assistant Democratic Services Officer request quotes from local hotels and liaise with the Mayor and Lead Member with regards to accommodation."

PART B –

Matters requiring Executive Committee Approval

B9. Noble's Park Dog Walking Footpath Lighting

The Committee considered a report submitted by the Electrical Services Manager to consider the installation of lighting on the dog walking footpath at Noble's Park. The report was prepared as a result of comments received from users that the lighting levels were unsatisfactory.

Two options were considered, the first option was to install four light columns with 32 watt LED lanterns with associated cables, trenching and electricity supply. The Manx Electricity Authority supply would be secured from Upper Duke's Road as this area of Noble's Park has no electricity supply. The cost for option one was £6,200 including civil works.

The second option was using solar powered installations, the report recommended that this type of lighting not be used due to relatively high costs and the installations only guarantee sufficient lighting for up to 70% of required operational hours.

Sufficient funding for the project could not be identified within the existing revenue budget for Noble's Park. It was therefore recommended that the item be referred to the Executive Committee for funding approval from revenue reserves.

The Assistant Chief Officer (Finance) reminded Committee that Policy & Resources Committee had resolved that a statement was required from Committees confirming why the project required urgent funding from revenue reserves and an assessment of risk to the Council if the project did not proceed before the following February. Members agreed the urgent work was required on health and safety grounds. Members also stated that the public are requested to use this specific area for dog walking purposes and therefore sufficient lighting should be provided.

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

- (i) Four LED lanterns and columns be installed and commissioned to light the dog walking footpath in Noble's Park;
- (ii) The item be referred to the Executive Committee for funding of £6,200 to be approved from revenue reserves on the basis of health and safety grounds within the dog walking area of the Park."

B10. Noble's Park Bowling Green Kiosk – Refurbishment Works

The Committee considered a report submitted by the Assistant Property Manager (Assets) to obtain approval to appoint a principal contractor to undertake the part refurbishment works to the Noble's Park Bowling Green Kiosk consisting of the clubhouse, kiosk and public toilets.

Members noted the project consisted of the part refurbishment of external and internal areas of the property including;

- Replacement of the pitched and flat roof coverings;
- Two options for replacing or repairing existing windows and doors, either with PVCu replacements or repairing and decorating;
- Re-wiring the building to make the clubhouse and kiosk one building and;
- Re-paint internally within the clubhouse, public toilets and kiosk (known collectively as Noble's Park Bowling Green Pavilion).

Work is proposed to commence after the 23rd September 2013 at the conclusion of the summer bowls season. This later start date will avoid interference with the summer activities within the Bowling Green Number One and Tot Lot area.

Tenders were received on Friday, 19th April, 2013; two options were included for the window and door works section. The first option to completely replace all windows and doors with PVCu and the second option to repair and decorate the windows and doors to the clubhouse section of the building that overlooks bowling green number 1 and the remaining doors and windows be replaced with PVCu, The contractors were requested to provide a tender sum for each option, four tenders were received from the following;

- Southwards Limited
- McArd Contractors Limited
- NK Construction
- Norman Cowin Limited.

Members noted that all submissions were above the £23,000 budget allocation.

Members agreed to progress option 1 replacing all windows, it was felt the small additional amount would save the Council money in the future.

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

- (i) The tender submitted by Norman Cowin Limited, to undertake option one, to renew all of the windows and doors in the building with PVCu replacements, be accepted;
- (ii) Norman Cowin Limited be appointed to act as the principal contractor for the refurbishment works at Noble's Park Bowling Green Kiosk Number 1;
- (iii) The Committee seek approval from the Executive Committee to increase the approved sum for General Revenue Reserve funding for the Noble's Park Bowling Green Kiosk Refurbishment to enable the project to commence in September 2013."

PART C –

Matters requiring Council Approval

There were no matters requiring Council approval.

The meeting ended at 11.35am.

IX – MOTIONS, of which Notice has been given by Members of the Council under Standing Order 26.

MOTIONS

1. Mr Councillor D.J. Ashford to move:

"Where a resolution of Council, or of a Committee if delegated powers exist, cannot be enacted within one month of the resolution being passed, and the relevant Committee has not already been advised of any delays in implementation, then the following procedure must be followed: the responsible officer must report back in written format to the next meeting of the relevant Committee explaining why the delay has occurred, what action is being taken and what timescales are in place to implement the resolution."

Under Standing Order 30, the Motion, upon being moved and seconded and without debate, shall stand referred to the Executive Committee for consideration and report.

2. Mr Councillor D.J. Ashford to move:

"That the Council utilises the powers conferred on it under Section 26 of the Local Government Act 1985 in respect of any property on the dilapidated properties list that has been vacant for eight years or more, or has been first investigated for dilapidation in excess of eight years previously."

Under Standing Order 30, the Motion, upon being moved and seconded and without debate, shall stand referred to the Executive Committee for consideration and report.

X – MISCELLANEOUS BUSINESS, of which Notice has been given, pursuant to Standing Orders.

MISCELLANEOUS

1. The Chief Executive to report that a vacancy has arisen in St. George's Ward as a consequence of Mr Councillor C.C. Thomas ceasing to be a Member of the Council following his election to the House of Keys.
2. The Council to adjourn while the Executive Committee meets to consider the appointment of a Member to the Environmental Services Advisory Committee to fill the vacancy caused by the election of Mr Councillor C.C. Thomas to the House of Keys.
3. The Council to appoint a Member to the Pensions Committee to fill the vacancy caused by Mr Councillor C.C. Thomas being elected to the House of Keys.

If more than one nomination is made and seconded a ballot will take place.