



Borough of Douglas

**MR. COUNCILLOR RICHARD HENRY McNICHOLL, J.P.
MAYOR**

Town Hall,
Douglas,
3rd February, 2012

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL to be held on WEDNESDAY, the 8th day of FEBRUARY, 2012, 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. 36.
- 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 Policy and Resources Committee;
 - (ii) The Leisure Services Committee;
 - (iii) The Public Health and Housing Committee;
 - (iv) The Public Works Committee;
 - (v) Any other Joint Committee;
 - (vi) Any Select Committee of the Council.
- VII.- Consideration of such communications or petitions and memorials as the Mayor or Town Clerk may desire to lay before Council.
- VIII.- Notices of Motion submitted by Members of the Council in order of their receipt by the Town Clerk.
- IX.- 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. 15(1); under Standing Order No. 15(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.

*Items marked thus in the Minutes of Committees are those in respect of which the Committees have delegated powers, and such matters are therefore reported for information only.

AGENDA

III. – Chief Executive to read minutes of the Council Meeting held on Wednesday, 11th January 2012 and minutes of the Special Council Meeting held on Friday, 27th January 2012.

VI(i). - The proceedings of the POLICY AND RESOURCES COMMITTEE as follows:

POLICY AND RESOURCES COMMITTEE

POLICY AND RESOURCES COMMITTEE – Minutes of Meeting held on Friday, 6th January, 2012.

Members present: Mr Councillor D W Christian (Chairman), the Mayor, Councillor Mrs S D A Hackman, Mr Councillor D J Ashford, Councillor Mrs C E Malarkey, Councillor Mrs E C Quirk, Councillor Mrs D M Kinrade.

In Attendance: Chief Executive, Borough Treasurer, Borough Engineer & Surveyor, Assistant Chief Executive (from 3.00pm to 3.40pm), Assistant Chief Officer (Corporate & Development) (from 3.00pm to 3.25pm), Assistant Town Clerk (from 3.35pm to 3.45pm).

REPORT

1. **Apologies for Absence**

Apologies for absence were submitted on behalf of Mr Councillor S R Pitts.

*2. **Declarations of Interest**

Mr Councillor D J Ashford declared an interest in agenda item 5, Highway Licensing.

3. **Minutes**

Minutes of meeting held on Thursday 15th December 2011 were approved and signed.

*4. **Highway Licensing – ‘A’ Boards / Pavement Cafes**

The Assistant Chief Officer (Corporate & Development) had joined the meeting at 3.00pm.

Under the provisions of the Local Government Act 1985, Mr Councillor D J Ashford declared an interest in this item and retired from the meeting whilst it was discussed.

The Committee considered a written report by the Assistant Chief Officer (Corporate & Development) in relation to costs incurred in respect of processing highway licensing applications.

Members recalled that this report, detailing the administrative costs to the Council in order to determine the charges, had been requested at the meeting held on 14th October 2011. It also set out a schedule of the applications, approvals and licences issued.

Members were advised that, at present, the fees charged for dealing with Highway Licence applications were £240 for pavement cafes and £100 for ‘A’ boards. Calculating the actual cost to the Council of each application was very difficult as it depended upon the complexity of the application, the level of correspondence required, the number of meetings with the applicant and the number of applications being processed at one time. The costs comprised two main elements – staff time and advertisement costs. Generally, pavement cafes were more complex and therefore required more staff time than ‘A’ board applications. They also tended to be submitted individually, rather than in batches, and therefore were unable to share the cost of an advertisement.

The staff time involved for both pavement cafe and ‘A’ board applications, together with the approximate advertisement costs for each, was also noted. Members expressed concern at the amount of staff time required to deal with applications, and on the size and associated cost of advertisements placed in the newspapers. The Assistant Chief Officer (Corporate & Development) accordingly advised on the detailed procedure that was involved in processing applications and, subsequently, Members requested:

- that an approach be made to the Department of Infrastructure seeking a change in legislation, so that the consent of the emergency services and utility companies did not require to be sought in respect of licence renewals;
- that applications for pavement cafes be invited each year by a specific deadline, similar to the approach used by the Council in relation to charitable collection licences, in order for the advertising costs per application to be shared and savings to be made. It was recognised, however,

that the Highways Act did not provide for this and that, consequently, applicants wishing their applications to be considered immediately and individually would not be eligible for such savings, and would have to meet the cost of their own advertisement;

- that, as the subsequent reduction in staff time involved in processing licence renewals should lead to lower costs, the Assistant Chief Officer (Corporate & Development) to calculate a revised charge for pavement cafe licence renewals; and
- that any application not completed as required simply be sent back to the applicant requesting re-submission with the correct / complete information, rather than staff time being taken in following up and seeking the necessary information.

Members were of the view that the above changes to the procedure should reduce staff time involved in applications and advised, therefore, that they would not support the proposed increase in the licence fee for pavement cafes from £240 to £350.

The Assistant Chief Officer (Corporate & Development) advised that pavement cafe applications currently ran until 11th May 2012, this date having been set at the request of the Isle of Man Constabulary to ensure that renewal of the highway licences tied in with the triennial renewal of liquor licences. This, however, created a problem as the expiry date approached, as applicants still had to be charged the full amount for a shorter period. As the maximum term for a licence was three years, it was not possible to issue a licence to run for three years plus the remainder of the period until the expiry date, and it was therefore recommended that the Council revise its procedures so that all licences ran for three calendar years from the date of issue. It was noted that not all pavement cafes were licensed for alcohol anyway.

Discussion took place in relation to the transfer of licences and it was suggested that it was likely that the licence would be in respect of the premises rather than the applicant. The Assistant Chief Officer (Corporate & Development) was requested to clarify the situation and to advise Members accordingly.

Members also requested that the Assistant Chief Officer (Corporate & Development) should review the legislation as relating to the advertising process to clarify whether advertising needed to be in newspapers, or if it could simply be on a website.

The Assistant Chief Officer (Corporate & Development) also advised that, to date, there had been two tranches of 'A' board applications advertised, with forty applications advertised. Although thirty applications had been approved, no licences had been issued as there were no advertisement consents in place. Advertisement consent being in place before a licence was issued was a standard condition agreed by the Committee on 26th June 2009, the insistence having arisen from the former Department of Local Government and the Environment (now the Department of Infrastructure) that licences would not be approved for issue unless appropriate planning or advertisement consents were in place.

Members were informed that several applications for advertisement consent had been submitted by retailers for 'A' boards, but all had been refused to date, partly on the grounds of obstruction to the highway. This was despite the Highways Division having made no objection during the Council's consultation stage, and appearing to result from an internal disagreement within the Department of Infrastructure regarding the treatment of obstructions to the highway. The Assistant Chief Officer (Corporate & Development) advised that he (and the Douglas Development Partnership's Advisory Group) had raised the issue with the Directors of both Planning and Highways in order to resolve the situation and had been advised that the Department was attempting to find a solution.

It was noted that, in the meantime, the Council had fifty-one pending applications, for which fees had been received, and for which it could not issue licences. All applicants had been advised that enforcement action would not be taken on pending applications provided they fell within the physical conditions applied as policy by the Council.

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

(ii) That approval be given for all future highway licences to be issued for a period of three years from the date of issue;

(iii) That the recommendation for the fee for pavement cafes to be increased from the present level of £240 to £350 be not supported, and that the Assistant Chief Officer (Corporate & Development) be requested to report back to the Committee on revised procedures (detailed in (iv), (v) and (vi) below) which would reduce staff costs and advertising costs;

(iv) That the Assistant Chief Officer (Corporate & Development) be requested to make an approach to the Department of Infrastructure seeking a change in legislation, so that the consent of the emergency services and utility companies did not require to be sought in respect of licence renewals for pavement cafes;

(v) That, as the subsequent reduction in staff time involved in processing licence renewals for pavement cafes should lead to lower costs, the Assistant Chief Officer (Corporate & Development) to calculate a revised charge for pavement cafe licence renewals;

(vi) That any application not completed as required simply be sent back to the applicant requesting re-submission with the correct / complete information;

(vii) That approval be given for the fee for 'A' boards to be reduced from £100 to £60, to more closely align with the costs likely to be incurred by the Council in processing the application;

(viii) That the Chief Executive write to the Chief Executive of the Department of Infrastructure (with a copy to the Honourable Minister for the Department) requesting urgent action be taken to ensure that the Department put in place a unified policy in respect of the treatment of 'A' boards; and

(ix) That the Assistant Chief Officer (Corporate & Development) be requested to report further on the fee proposals in respect of pavement cafes for consideration by the Committee at its meeting on 24th February 2012."

The Assistant Chief Officer (Corporate & Development) was thanked for his attendance and left the meeting at 3.25pm.

***5. Noble's Park – T.T. 2012 Events – (Crossan Motorcycles / 'Snoozebox' Temporary Modular Accommodation)**

The Committee considered a joint written report by the Assistant Chief Executive and the Assistant Borough Engineer in relation to a referral from the Leisure Services Committee meeting held on Thursday 22nd December 2011 regarding T.T. 2012 events in Noble's Park.

Members noted that the Leisure Services Committee had considered (and approved) a request by Crossan Motorcycles to site a retail unit in Noble's Park adjacent to the hospitality tent. That Committee had also accepted a second request from Crossan Motorcycles to hire additional land to allow the set-up of a trade village, to include motorcycle companies displaying products, and local arts and crafts and catering businesses.

During discussion of the item, however, Members of the Leisure Services Committee had expressed their disappointment on being advised of the proposed new location for the 'Snoozebox' temporary modular accommodation, this being opposite the Borough Cemetery on Glencrutchery Road, which was not as originally submitted to Council. It was noted that the planning application stated that the revised location was the preferred site in order (i) to minimise any impact on surrounding residential properties (which the units would have had in their original location in the southern playing field of Noble's Park); and (ii) to be as close as possible to the Grandstand and Paddock complex.

The Assistant Chief Executive advised that the planning application, dated 28th November 2011, had been returned to the applicants, Snoozebox Limited, due to an administrative problem, but it was understood that it was to be formally re-submitted during the week commencing 9th January 2012. Although it was felt that there ought to be sufficient space to accommodate both the Crossan Motorcycles trade village and the 'Snoozebox' units and ancillary facilities within the Noble's Park playing fields, it was agreed that a time limit should be placed on 'Snoozebox' to indicate a firm commitment of their intention to occupy space in Noble's Park, so that plans for the area could be finalised.

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

(ii) That the referral from the Leisure Services Committee in respect of the request by Crossan Motorcycles be noted;

(iii) That the updated information in respect of the planning application submitted for the 'Snoozebox' temporary modular accommodation units also be noted;

(iv) That 'Snoozebox' be given until 15th March 2012 to confirm their intention to occupy space in Noble's Park; and

(v) That, subject to confirmation by 'Snoozebox' by that date of their intention to erect modular accommodation in Noble's Park, a non-refundable payment of £5,000 be paid, as part of the overall £20,000 fee and £10,000 refundable deposit, previously agreed by the Committee on 14th October 2011; the balance of the fee and deposit to be paid no later than one month prior to the date of the event."

The Assistant Chief Executive was thanked for her attendance and left the meeting at 3.40pm.

***6. Consultation Document – Proposed Amendment of the Weeds Act 1957**

The Assistant Town Clerk had joined the meeting at 3.35pm.

The Committee considered a written report by the Assistant Town Clerk in relation to a consultation document received from the Department of the Environment, Food and Agriculture on a proposed amendment of the Weeds Act 1957.

The Act presently listed a number of species that must be destroyed by 1st August in each year. These included a number of native species and would result in their elimination from the Island if the Act was fully implemented. The exception was the giant hogweed, which was a non-native species and which was dealt with by the Wildlife Act 1990.

The proposal was simply to remove Clause 1 of the Weeds Act 1957, which was that clause requiring the listed species to be destroyed by August in each year. It was intended that the control of noxious weeds would be maintained, but without the ruthless control envisaged by the Weeds Act in 1957, thus reducing

the prospective damage to the environment that could result if the weeds were eliminated or even dramatically reduced.

It was noted that the proposals would not unduly affect the Council as a local authority, and that the Assistant Head of Parks (Technical) had confirmed that he supported the proposal.

Resolved, "That particulars of the report be noted on the minutes and that the Department of the Environment, Food and Agriculture be advised that the Council had no comment on the proposed Bill, however, it did support the principle of controlling noxious weeds in an effective manner."

The Assistant Town Clerk was thanked for his attendance and left the meeting at 3.45pm.

***7. Community Events sub-Committee**

The Committee considered the minutes of the Community Events sub-Committee meeting held on Monday 12th December 2011 and noted the following:

Previous Minutes: minutes of meeting held on Thursday 13th October 2011 had been approved and signed accordingly.

Christmas Lights Switch On Ceremony 2011: Members had agreed that the event had been a success and that the different format had been well received by the public. Discussion had taken place in relation to the 2012 ceremony and it was agreed that the event should again be held outside the Town Hall, with the suggestion that screens and speakers be introduced for those not able to see the staged area. It had also been agreed that the event should include additional entertainment to enhance the event.

Commemoration of Her Majesty The Queen's Diamond Jubilee: it had previously been agreed that the annual Fun Day be renamed 'Party in the Park' and a royal theme be adopted for the 2012 event. Following discussion regarding sponsorship, the Assistant Town Clerk had been requested to arrange for an advertisement to be placed in local newspapers inviting companies to submit proposals for the sponsorship of the Council's 2012 events. The sub-Committee had also agreed to seek an increase in its budget by £10,000 as a contingency fund for the 'Party in the Park', if sponsorship was unable to be secured for the event.

Review of 2011 Council Events: Members had agreed that the Fun Day had been a success, proven by the numbers in attendance being the highest to date. The Fireworks Display had been another successful event, the use of co-ordinated music to enhance the display being particularly commended. It had been agreed that the use of the barge reduced health and safety issues and that sponsorship money should be used in future to off-set the additional cost of hiring the barge, but that spotlights would not be hired for future fireworks displays as they were unnecessary.

'Best Dressed Business' Competition: Members had agreed that the competition had been well received by businesses in Douglas. Two businesses had been placed in joint first place and therefore increased funding had been required for the additional cash prize. The decision to present framed certificates, together with the additional prize money, had resulted in a budget over-spend of approximately £129. It had also been agreed that a competition should be organised for the 2012 festive period.

Next Meeting: it had been agreed to hold the next meeting on Monday 6th February 2012.

The Chairman reminded Members that, on Armistice Day and on Remembrance Sunday, St Thomas' Church always provided refreshments at the conclusion of the Services. This was an expense incurred by the Church and, on Remembrance Sunday, it did not benefit from the collection as all monies went to The Poppy Appeal. He suggested, therefore, that some recompense be made to the Church in recognition of the provision of refreshments.

Resolved, "(i) That the Community Events sub-Committee minutes be noted;

(ii) That the request for an increase in the sub-Committee's budget for 2012 as a contingency fund for the 'Party in the Park' be included as a Growth Item for consideration at the Special Budget Meeting scheduled for 13th January 2012;

(iii) That the sentence referring to the church tower beacon in clause 5 (Best Dressed Business Competition) be deleted and included instead within Clause 3 (Commemoration of Her Majesty The Queen's Diamond Jubilee);

(iv) That the budget over-spend in respect of the 'Best Dressed Business' Competition also be noted; and

(v) That a payment of £100 be made to St Thomas' Church in recognition of the provision of refreshments on Armistice Day and the Remembrance Sunday Service in 2011."

***8. Noble's Park – Repainting of Play Equipment**

The Committee considered a referral from the Leisure Services Committee meeting held on Thursday 22nd December 2011 seeking additional funding for repainting of play equipment in Noble's Park.

It was noted that the previously-accepted lowest quotation had been withdrawn and that the contractor, who had submitted the second lowest quotation, was now unable to complete the works. Some confusion

surrounded the exact amount of additional funding which would be required if the third lowest quotation was to be accepted and a short adjournment was taken in order to clarify the situation.

Adjournment and Resumption

The Committee adjourned at 4.30pm and resumed at 4.35pm, when the following Members were present: Mr Councillor D W Christian (Chairman), the Mayor, Councillor Mrs S D A Hackman, Mr Councillor D J Ashford, Councillor Mrs C E Malarkey, Councillor Mrs E C Quirk, Councillor Mrs D M Kinrade.

On resumption of the meeting, Members were reminded that this Committee had previously approved a sum at its meeting on 28th October 2011 for the repainting of the play equipment at Noble's Park, therefore, the amount of additional funding required would be the difference between this amount and the amount of the third lowest quotation.

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

(ii) That approval be given for additional funding from the Risk Management and Special Projects Fund to enable the alternative quotation for the repainting of play equipment in Noble's Park to be accepted."

***9. Noble's Park – Skate Park Equipment**

The Committee considered a referral from the Leisure Services Committee meeting held on Thursday 22nd December 2011 seeking approval of expenditure for the procurement of new equipment for the Noble's Park skate park.

Only one quotation had been received for the provision of three ramps, one volcano ramp, one double ramp and one high-wave ramp. It was noted that the cost was below the estimated budget.

The Borough Treasurer reported that a provision had already been built in to the Capital Programme for 2012 / 2013 for the skate park.

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

(ii) That approval be given for expenditure from the Risk Management and Special Projects Fund for the procurement of the new equipment for the Noble's Park skate park; and

(iii) That the provision already built in to the Capital Programme for 2012 / 2013 for the Noble's Park skate park be further discussed at the Special Budget Meeting on 13th January 2012."

***10. Noble's Park – Bowling Green No 1 (Kiosk, Toilets and Clubhouse)**

The Committee considered a referral from the Leisure Services Committee meeting held on Thursday 22nd December 2011 seeking the cost of the demolition of the single-storey brick building on the north-east side of bowling green no. 1 to be included in the Estimates Book for 2012 / 2013.

It was noted that the building, consisting of a kiosk, public toilets and clubhouse, was now towards the end of its expected life-span. The Leisure Services Committee had therefore considered a number of options for the future of the building and agreed to demolish the whole building and re-instate the ground with pavements to match the surrounding area.

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

(ii) That the inclusion of expenditure in the Estimates Book for 2012 / 2013, this being the cost of the demolition of the kiosk, toilets and clubhouse at bowling green no. 1 at Noble's Park, be further considered at the Special Budget Meeting on 13th January 2012."

***11. Centenary Garden – Replacement 'Springers' (Rockers)**

The Committee considered a referral from the Leisure Services Committee meeting held on Thursday 22nd December 2011 seeking approval of expenditure in respect of the replacement of four 'springers' (rockers) in the Centenary Garden.

Two quotations had been received, the lowest of which did not, however, include carriage to the Island and installation.

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

(ii) That approval be given for expenditure from the Risk Management and Special Projects Fund for the replacement of the 'springers' in the Centenary Garden."

***12. 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 Policy and Resources Committee."

*13. **Agenda Review**

The Committee undertook a full review of its agenda.

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

The Committee rose at 5.10pm

POLICY AND RESOURCES COMMITTEE

POLICY AND RESOURCES COMMITTEE – Minutes of Meeting held on Friday, 27th January, 2012.

Members present: Mr Councillor D W Christian (Chairman), the Mayor, Councillor Mrs S D A Hackman, Mr Councillor S R Pitts, Mr Councillor D J Ashford, Councillor Mrs C E Malarkey, Councillor Mrs E C Quirk, Councillor Mrs D M Kinrade.

In Attendance: Borough Treasurer, Assistant Town Clerk, Assistant Borough Engineer, Assistant Chief Officer (Corporate & Development) (from 3.10pm to 3.25pm).

REPORT

1. **Apologies for Absence**

Apologies for absence were submitted on behalf of the Chief Executive and the Borough Engineer & Surveyor.

*2. **Declarations of Interest**

No declarations of interest were submitted.

3. **Minutes**

Minutes of meeting held on Friday 6th January, minutes of special meeting held on Friday 6th January, and minutes of the special budget meeting held on Friday 13th January 2012 were approved and signed.

*4. **Matters Arising from Previous Minutes**

No matters arising were identified.

*5. **Monthly Financial Review**

The Committee considered a written report by the Borough Treasurer setting out details of progress made compared to key performance indicators in relation to 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.

Members noted that, in the Annual Budget Report to the Special Budget Meeting on 13th January 2012, it had been suggested that more stringent criteria be applied to the use of the Risk Management and Special Projects Fund, in order to protect it from being depleted so quickly and to ensure that normal budget scrutiny and prioritisation was being applied to all projects. The Committee had been invited to consider applying criteria to the effect that all bids should clarify the urgency and what risk to the Council the project was addressing. This had not been discussed at the meeting on the 13th January 2012 and, in view of the Fund only being topped up to £75,000, it was important to have criteria in place before any further bids were made against the Fund.

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

(ii) That all future bids made for funds out of the Risk Management and Special Projects Fund would require a statement setting out the reason the project was urgent and an assessment of risk to the Council should the project not proceed before the following February.”

*6. **Consultation Documents – Procedures**

The Committee considered a written report by the Assistant Town Clerk in relation to procedures for dealing with Government consultation documents.

Members recalled that in 2009, the Council had approved the introduction of a mechanism to respond to consultation documents issued by the Government. While the system ensured that consultations were responded to more effectively than in the past, the sheer quantity of documents being issued by various Government Departments (and their diverse subject matter) had meant that the system had not operated entirely as envisaged.

The Government itself had developed the way in which consultations were promoted, with many being by way of email notification rather than formal letter. It was therefore proposed that consultation documents should be circulated to Members of Council by email, saving paper and speeding up transmission, enabling consideration and response in a timely manner.

It was further proposed, in cases where the subject matter was of no relevance to the Council, that the Chief Executive be given authority to respond, expressing the Council’s appreciation of its inclusion in the consultation exercise but offering no further comment. Members of the Council would still be informed of the consultation exercise before the reply was sent and, if any concerns were raised, it could still be the subject of Committee consideration.

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

(ii) That consultation documents received from Government Departments continue to be brought to Members’ attention;

(iii) That, rather than be circulated to Members in paper form, electronic communication be used; and

(iv) That, where the subject matter of any consultation document is not directly relevant to the Council, and no Member raised any issues or concerns in relation to it, the Chief Executive be authorised to respond, acknowledging the inclusion of the Council in the consultation exercise, but offering no comment.”

***7. Consultation Document – Health and Safety at Work**

The Committee considered a written report by the Assistant Town Clerk in relation to a consultation document received from the Department of Infrastructure on a proposal to establish a Health and Safety Consultative Committee.

Members were reminded that there had been a previous consultation on the proposed establishment of a Health and Safety Authority for the Isle of Man. That had not been progressed at the time, however, during the consultation process there had been consensus that a consultative committee would be of benefit, and the Department now proposed to appoint a Consultative Committee to advise it in its overseeing of health and safety matters.

The Terms of Reference of the Committee would be drafted by the Department and would relate to overall policy and legislation, specifically excluding any involvement in individual cases. It was proposed that the Committee would be chaired by a political Member of the Department and comprise of representatives from various sectors, including local authorities, the utility services, the voluntary / charitable sector, commercial, and various other Government Departments.

Two concerns affecting local authorities were drawn to Members’ attention. The first being that it was proposed to have only one member to represent the numerous local authorities on the Island and the second being that each representative was to be expected to provide a communication channel between the Department and the sector represented. In the case of local authorities, the dissemination and collation of views might be impossible as there was no collective organisation in place, except the Isle of Man Municipal Association, of which not all local authorities were members. This same issue might well apply to other sectors, and it was therefore recommended that the Department should not rely on members of the Consultative Committee to provide communication with the whole of the sectors they respectively represented.

The consultation document, in addition to setting out considerable detail in relation to the proposals, also focused on some specific questions, the draft responses to which were also considered by the Committee.

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

(ii) That the Department of Infrastructure be advised that the Council supported the establishment of a Health and Safety Consultative Committee; and

(iii) That the draft responses to the specific questions in the consultation document (as set out in the Appendix to the written report) be approved and submitted accordingly.”

***8. Consultation Document – Electoral Reform Bill 2011**

The Committee considered a written report by the Assistant Town Clerk in relation to a consultation document received from the Deputy Clerk of Tynwald in respect of a Private Member’s Bill introduced by Mr D Callister, MLC.

Members were advised that the Bill contained only two principal proposals – (i) that the Island should be divided into eight constituencies; and (ii) that each constituency should return three Members of the House of Keys and one Member of the Legislative Council. It was not clear to what extent the proposals would affect local authorities, except that, in the case of most authorities outside of Douglas, existing local authority areas were likely to be combined within the larger constituency. In Douglas, which currently had four constituencies electing two Members each to the Keys, there would clearly be some change, either by reducing the number or possibly by adding a bordering area to one of the existing constituencies.

The intention of the Bill was to create equality of representation and also to stagger the elections to the Keys and Legislative Council, so that they would take place in different years. The Bill also envisaged the boundaries being fixed by a Boundaries Committee, once it was approved, which might provide a good opportunity thereafter to review local authority boundaries, so that there was no conflict between the two.

One issue, relating to the qualification of Members of the Legislative Council, was drawn to Members’ attention. This being that it was proposed to exclude sitting Members of the House of Keys from standing for election to the Legislative Council. It was recommended that an alternative proposal be put forward, to the effect that it might be more appropriate for them to be permitted to stand, but then to automatically become disqualified on election to the Legislative Council (in the same way that local authority Members could stand for election to the House of Keys, but lose their local authority seats on election).

It was proposed that the changes would apply from the elections to be held in 2016 and, if they were not implemented by then, the provisions lapsed. In the interim, the Bill made provision for the extension of the terms of office of Members of the Legislative Council due to retire in February 2013 and February 2015 until the August of those years, to bring their dates in line with the terms after implementation of the Bill.

The Bill would not, however, apply to elections before 2016 and elections to the Legislative Council would be by the House of Keys, as at present.

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

(ii) That the Deputy Clerk of Tynwald be advised that the Council had affirmed its support for the introduction of direct public elections for Members of the Legislative Council, but not by the means proposed in the Electoral Reform Bill 2011; and

(iii) That the Select Committee of Tynwald considering the Electoral Reform Bill 2011 be asked to take account of the following comments:

- That the division of the Island into eight constituencies be not supported;

[6 For. 1 Against. Mr Councillor S R Pitts recorded his vote against this recommendation.]

- That the election by each constituency of three Members to the House of Keys and one to the Legislative Council be not supported;

[Recommendation agreed unanimously.]

- That the Boundaries Committee to be established under the Bill should commission an independent review of the constituencies;

[Recommendation agreed unanimously.]

- That the proposed exclusion of Members of the House of Keys from standing for election to the Legislative Council be not supported, but Members should become disqualified as Members of the Keys on their acceptance of office following election to the Legislative Council, with the Keys’ seat accordingly being declared vacant; and

[Recommendation agreed unanimously.]

- That, should the Select Committee require attendance and evidence on behalf of the Council, then the Council Leader, Chief Executive and Assistant Town Clerk would be delegated as representatives.”

[Recommendation agreed unanimously.]

*9. **Bin Weighing Facility**

The Committee considered a referral from the Public Works Committee meeting held on 18th January 2012 in relation to the Council’s bin weighing facility and equipment.

The current system for weighing commercial bins was introduced in 2003, but the company which operated the system had recently advised the Council that they would no longer be able to provide support for this version of the system. The opportunity had been offered to change over to a newer system, which had been introduced by the company in 2005, and which was operated in one of the Council’s refuse vehicles, although the remaining vehicles operated the older system.

Subsequently, however, four different system providers had been invited to submit a tender and to demonstrate their respective facility. Following analysis and evaluation of the options offered by the different suppliers, the system recommended for procurement was a tried-and-tested product from a well-established company, and the Public Works Committee had agreed to the purchase of this bin weighing system, from the AMCS Group.

Members of this Committee suggested, however, rather than the full amount being paid at the outset, that negotiations should take place with the preferred supplier whereby a proportion of the amount be paid initially and the remaining balance be paid after a certain period of time, in order to ensure that the system was meeting the Council’s expectations.

Discussion also took place with regard to commercial bin collections in Douglas and it was suggested that the service provided by the Council should be promoted more vigorously.

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

(ii) That approval be given for the inclusion of this item in the Capital Programme and for funding from the Plant and Renewals Fund;

(iii) That negotiations be opened with the AMCS Group on the basis that a proportion of the amount be paid initially and the remaining balance be paid after a certain period of time, in order to ensure that the bin weighing system was meeting the Council’s expectations; and

(iv) That the Assistant Borough Engineer be requested to prepare a draft letter for consideration by the Public Works Committee, which would be sent to all commercial properties in Douglas, promoting and setting out details of the Council’s commercial bin collection service.”

***10. Noble's park – Installation of 'Grasscrete' Grass Reinforcement Adjacent to the Motorsport Warm-up Area**

The Committee considered a written report by the Assistant Borough Engineer in relation to a request from the Department of Economic Development seeking permission to install a 'grasscrete' grass reinforcement in Noble's Park.

Members were reminded that the Council had previously permitted the Department's Motorsport Division to install two gravel driveways in the grassed area opposite the Hailwood Centre. These roadways had proven useful in allowing motorsport events to take place and to minimise damage caused by large vehicles, and there was now a wish to add the 'grasscrete' reinforcement to obviate damage to the area adjacent to the motorsport warm-up area.

The Department wished to undertake the works as soon as possible in order for the reinforcement measure to be in place for the 2012 T.T. There would be no implication to the normal operation of Noble's Park and, indeed, the installation of the reinforcement would be a benefit in preserving the grassed areas and making the area more easily accessible.

During discussion, it was also suggested that the Department should be asked to install 'power-masters' at the same time as carrying out the reinforcement works.

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

(ii) That the installation of the 'grasscrete' reinforcement be approved, subject to the Parks Department being satisfied with the specification;

(iii) That the permission also be conditional upon no cost in relation to the installation, maintenance or reinstatement falling upon the Council; and

(iii) That the Department of Economic Development also be requested to consider the installation of 'power-masters' at the same time as the putting in the 'grasscrete' reinforcement."

***11. 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 Policy and Resources Committee."

***12. Twinning and Affiliations**

The Chairman reported on a proposed invitation to be extended for a delegation from Ballymoney to attend the Mayoral Ball, scheduled to take place at the end of April 2012. It was proposed that the Worshipful the Mayor and the Mayoress of Ballymoney, together with four members of the Ballymoney Twinning Association be invited to attend the function.

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

(ii) That approval be given for funding from the Twinning and Affiliations Budget in respect of the provision of accommodation and entertainment for the Ballymoney party; and

(iii) That an invitation be extended accordingly as soon as possible."

***13. Planning Application – Unit 1, Spring Valley Industrial Estate (Dixons / Curry's / PC World)**

The Assistant Chief Officer (Corporate & Development) joined the meeting at 3.10pm.

The Committee considered a written report by the Assistant Chief Officer (Corporate & Development) in relation to a planning application for Unit 1 at the Spring Valley Industrial Estate by Isle of Man Development Company Limited and Dixons Retail PLC.

The Assistant Chief Officer (Corporate & Development) advised that the construction of two retail units at Spring Valley Industrial Estate had been approved at appeal and, at the time of the application, it had been expected that Unit 1 would be occupied by 'Halfords' and Unit 2 by 'Pets at Home'. Although Unit 2 was now occupied by Pets at Home, Unit 1 was still unoccupied.

The Department of Infrastructure had originally refused the application and objected to it at appeal on the grounds that it was in contravention of Business Policy 5 of the Isle of Man Strategic Plan. This Committee had then considered an application by Next PLC for a Certificate of Lawful Use to sell home-wares and children's wear from Unit 1, and resolved to object to it on the grounds that it contravened Business Policy 5.

The application related to the proposed introduction of a mezzanine level into the existing unit. The current proposal by Dixons Retail PLC being to sell electrical goods in two formats – 'Curry's' (white goods and general electrical appliances) and 'PC World' (computers and related accessories).

Following the successful appeal of the original application for the two retail units, the consent had been conditional upon nine standard and special conditions, two of which were particularly relevant to this report – Condition 6 relating to maximum retail floor space and Condition 9 relating to the goods to be sold.

It was noted that retail development was usually described in terms of gross and net floor space, net being defined as the sales area and gross being the inclusion of storage, office accommodation and other ancillary uses. The Assistant Chief Officer (Corporate & Development) advised that the gross floor space of Units 1 and 2 was 1,672 square metres, this being the limit imposed by Condition 6. Because of the omission of the word ‘gross’ from the condition of consent, the applicant had taken the opportunity to assume it referred to the net retail floor space, and had calculated that the mezzanine level increased the floor space by 94 square metres. However, if gross figures were applied to the same calculation, the result was an increase in retail floor space of 634 square metres.

The Assistant Chief Officer (Corporate & Development) suggested that the Council’s objection to the Next PLC proposal (that it contravened both Condition 9 and Business Policy 5) would not be sufficiently robust in this instance to pursue an objection in relation to the type of goods to be sold. However, the proposal was contrary to Condition 6, which limited the retail floor space, and to Business Policy 9 of the Strategic Plan, which stated that *‘the Department would support new retail provision in existing retail areas at a scale appropriate to the existing area and which will not have an adverse effect on adjacent retail areas. Major retail developments will require to be supported by a retail impact assessment’*. Consequently, the Dixons Retail PLC application should have been supported by a retail impact assessment and it was recommended that the Committee should object to the application on the grounds that it was not supported by a retail impact assessment.

It was further recommended that the Committee should reserve the right to submit further views on the application, should the applicant provide a retail impact assessment in support of the application.

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

(ii) That the recommendation to object to the application be not supported, but that the Planning Department be informed that it was the Council’s view that a retail impact assessment, as required by Business Policy 9 of the Isle of Man Strategic Plan, was necessary; and

(iii) That the Committee reserve the right to submit further views on the application, should the applicant provide a retail impact assessment in support of the application.”

The Assistant Chief Officer (Corporate & Development) was thanked for his attendance and left the meeting.

***14. Agenda Review**

The Committee undertook a full review of its agenda.

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

The Committee rose at 3.30pm.

VI(ii). – The Proceedings of the LEISURE SERVICES COMMITTEE as follows:

LEISURE SERVICES COMMITTEE

LEISURE SERVICES COMMITTEE – Minutes of Meeting held on Thursday, 19th January, 2012.
Members present: Mr. Councillor S.R. Pitts (Chairman), The Mayor, Mr. Councillor R.I. Kissack, Mrs. C.E. Malarkey, Councillor Mrs. E.C. Quirk, Mr. Councillor S. Cain, Mr. Councillor J.R. Mitchell.

Apologies: There were no apologies submitted.

In Attendance: Assistant Chief Executive, Assistant Chief Officer (Finance), Assistant Borough Engineer, Assistant Democratic Services Officer.

Declarations of Interest: There were no declarations of interest.

REPORT

*1. Minutes – 22nd December, 2011

Minutes of meeting held on Thursday, 22nd December, 2011, were approved and signed.

*2. Matters Arising – Noble’s Park Skatepark

A Member requested the cost to ratepayers resulting from vandalism at the skate park. This information was requested at a Council meeting and the Assistant Chief Officer (Finance) confirmed the question would be researched and the answer would be circulated.

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

*3. Noble’s Park – Residents, Engagement, Information and Marketing

The Committee considered a report by the Assistant Chief Executive considering resident and public communication and engagement in respect of Noble’s Park.

Resolved, “That particulars of the report be noted on the minutes and in line with the Noble’s Park Five Year Plan, a multi-faceted approach in respect of community engagement, information and marketing be supported to include;

- Council website
- Press releases
- Information boards in the park
- Possible formation of a ‘Friends of Noble’s Park’ group
- Partnerships with community/voluntary groups.”

*4. Horse Tram Easter Service

The Committee considered a report by the Assistant Chief Executive detailing the costs to operate an Easter horse tram service with one operational tram.

It was noted an Easter service would include two bank holidays, a Saturday and a Sunday. The cost to cover the four-day Easter period, which would include four permanent staff employed under Whitley Council terms and conditions, including ‘on costs’ would be prohibitive and would be likely to result in a considerable shortfall despite any projected income generated from ticket sales.

An alternative suggestion was to operate one-off special events. Members were reminded the 135th anniversary celebration proved very popular and provided good publicity for the horse trams. The Assistant Chief Executive agreed to provide the Committee with dates to consider operating one-off horse tram events.

Resolved, “That (i) particulars of the report be noted on the minutes and an Easter horse tram service not be operated for 2012.

(ii) One-off horse tram special events/celebrations be held within the 2012 season, where the cost can be accommodated within the 2012/13 horse tram operational budget and resources.”

*5. With Woman Worldwide Fun Day

The Committee considered a report by the Assistant Chief Executive, following a request from With Woman Worldwide, to hold a Fun Day in Noble’s Park on Sunday, 1st July, 2012. This request was considered at a previous meeting of the Committee and Members requested additional information in respect of plans for the event.

It was recommended that as the event was small-scale and as the requestor is a registered charity that no hire fee or deposit be required for the event. It was noted that the legal agreement will cover the requirement to reinstate any damage. A number of Members were conscious that if a deposit is not charged and there is damage to the grass area the cost to reinstate will be borne by the rate payer.

Motion moved and seconded, "That With Woman Worldwide be charged a refundable deposit of £250 for the hire of Noble's Park for a family fun day."

For: 3 Against: 3

The Chairman exercised his casting vote against and the motion fell.

Mr. Councillor S.R. Pitts, Councillor Mrs. E.C. Quirk and Mr. Councillor J.R. Mitchell requested their names be recorded as voting against the resolution.

Resolved, "That (i) particulars of the report be noted on the minutes and "With Woman Worldwide" be granted permission to hire an area of Noble's Park playing fields for their fund raising family fun day.

(ii) No hire fee be charged for the event, with the exception of legal costs and any additional services.

(iii) The requirement for a deposit against reinstatement of the grassed areas be waived on this occasion.

(iv) Authority to accept the hire of Noble's Park for small-scale charity events, not likely to involve damage to grassed areas, continues to be at the discretion of the Head of Parks or delegated senior officer."

***6. Items for Future Report**

The Committee considered a report from the Chief Executive and Assistant Town Clerk regarding reports for future consideration by the Committee.

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

7. Adjournment and Resumption

The Committee adjourned at 11:15am and resumed at 11:45am. Mr. Councillor J.R. Mitchell submitted his apologies for the remainder of the meeting.

***8. Isle of Man Motor Caravan Club**

Mr. Roy Gerrard, Ms. Mary Gerrard and Mr. Graham McFee, Chairman, Secretary and Treasurer of the Isle of Man Motor Caravan Club (IOMMCC) joined the meeting at 11:45am. The Chairman began by introducing the Members and Officers present at the meeting.

Members felt that the operation of a designated area within the campsite zone at Noble's Park for motorhomes (not tents as these would require additional facilities), outside of motorsport periods, would encourage people into the Park and be a benefit for Douglas. It was noted that at a previous Committee meeting Members agreed to adopt the rules followed by Ramsey Commissioners' area in the Mooragh Park. However the IOMMCC informed Members of a small number of differences between the proposed operation of sites rules at Noble's Park and those in operation in Ramsey. Members previously agreed that a motorhome is authorised to park on the site for three out of seven days a week, whilst Mr Gerrard informed the Committee that Ramsey allows 14 consecutive days. Ramsey does not allow the use of awning and wind breakers however Members agreed to the use of them at Noble's Park. Mrs. Gerrard suggested awnings and wind breakers be prohibited from the area as they can pose trip hazards.

There was discussion in respect of the shower and toilets block at the site and the Chairman confirmed this was the responsibility of the Department of Economic Development who maintained and paid for its use in connection with the TT and MGP. The IOMMCC stated that the majority of motorhome users had their own facilities including power. The campsite was commended for having a sewerage waste disposal station as Ramsey does not offer this facility which is likely to attract motorhomes in to the Park.

Resolved, "That particulars of the discussion be noted on the minutes and the rules and regulations relating to the use of Noble's Park campsite for motorhomes be brought back to the Committee for further consideration."

***9. Agenda Review**

The Committee reviewed the Agenda to ensure that all matters had been dealt with and to determine which items should be considered in public and which in private Council.

The Committee rose at 12:37pm.

VI(iii). – The Proceedings of the PUBLIC HEALTH AND HOUSING COMMITTEE as follows:

PUBLIC HEALTH AND HOUSING COMMITTEE

PUBLIC HEALTH AND HOUSING COMMITTEE – Minutes of Meeting held on Monday, 23rd January, 2012. Members Present: Councillor Mrs C.E. Malarkey (Chairman), the Mayor, Councillor Mrs G.G.S. Corkish, Councillor Mrs S.D.A. Hackman, Mr Councillor D.J. Ashford, Councillor Mrs E.H. Callow, Mr Councillor T.M. Gelling, Councillor Mrs. D.M. Kinrade

Apologies: There were no apologies for absence.

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

There were no declarations of interest.

REPORT

*1. Minutes 19th December, 2011

The minutes of the regular meeting held Monday, 19th December, 2011 were approved and signed.

*2. Matters Arising – Minute 3 Draft Revenue Budget – Housing Administration Costs

A Member opined that the costs of housing administration need to be kept under careful review and minimising them should be a priority for the Committee in the coming year. There was general agreement with this statement.

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

*3. Matters Arising – Minute 5 – Housing Emergency Out-of Hours Repair Criteria

A Member reported that criteria (*d*) *Loss of lighting to bathroom or stairway only* was unworkable because these rooms are not wired separately. The Member also opined that there could still be unnecessary call-outs. Tenants were to be advised that if there was an unnecessary emergency call-out, then they could be charged with the cost of the call-out.

The Committee noted that the criteria will be monitored and reviewed and a further report being brought to Committee in twelve months.

A Member reported that over the weekend an emergency call was left unanswered five times before there was a response. The Assistant Chief Officer (Housing and Property) reported that calls are logged and the incident will be fully investigated.

Resolved, “That the discussion is noted on the minutes.”

*4. Matters Arising – Letter to Minister regarding Housing Funding Formula

In response to query, the Assistant Chief Officer (Finance) reported that the letter to the Minister for Social Care regarding the formula for determining the housing maintenance funding has been drafted, but not yet sent. The Committee has two major concerns. First, in the short term, by changing the Housing grant from a percentage of the rents collectable to a set amount there has been a reduction in funding in real terms. Second, the change could act as a disincentive to housing authorities to build new homes as this could lead to an increase in the number properties to be maintained with no corresponding increase in the grant available for maintenance. The Assistant Chief Officer (Finance) read out the draft letter which the Committee agreed accurately set out its concerns.

Resolved, “That the discussion be noted on the minutes and approval be given for the letter as drafted to be sent on behalf of the Council to the Minister for Social Care.”

5. Stage 6 Report Pulrose Redevelopment Phases 9 and 10

The Committee considered a report submitted by the Assistant Chief Officer (Housing and Property) on Phases 9 and 10 of the Pulrose Redevelopment. The Committee fully considered the development and

- i. Resolved, “That particulars of the report and the discussion be noted on the minutes; and approval be given to the Stage 6 report from the Design Team which recommends acceptance of the negotiated tender submitted by Dandara Contracting Limited for the construction of forty housing units at Pulrose Phase 9 (Upper); and

- ii. the Committee authorises the Chief Executive to submit a borrowing petition in the sum of £5,610,545.00 being the amount required to defray the cost of the works. In making this authorisation the Committee noted that the estimated total amount payable will be £10,528,429.00 which includes estimated annual payments over thirty years of £350,947.64. The estimated total interest will therefore be £4,917,884.20; and
- iii. The Department of Infrastructure be advised that an assessment of the Council's housing reserves had been undertaken to establish if sufficient monies were available to fund the proposed scheme via that source; and
- iv. Approval be given to the revised client brief for Phase 10 and it be noted that it is the intention to continue to negotiate the tender for Phase 10 with the successful contractor for Phases 8 and 9, Dandara Contracting Limited. The Committee noted that this procurement process for the Upper Pulrose Redevelopment Project has been previously approved by the Public Health and Housing Committee, the Policy and Resources Committee and Council and therefore no further referrals to suspend Standing Orders are required in this regard; and
- v. Approval be given to the fee proposal from Dandara Commercial Limited in the sum of £60,000 and confirm the Phase 10 Design Team will be Savage Chadwick, architects; Bell Burton, quantity surveyors; Dandara, structural engineers; Safety Net, planning supervisors; and March Consultants, mechanical and electrical; and
- vi. Approval be given to the amendment of the capital programme to include the increased values of £5,610,540."

***6. Items for Future Consideration**

The Committee considered the report on items for future consideration and raised additional matters.

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

***7. Agenda Review**

The Committee reviewed the Agenda to check that all matters had been dealt with and determined that all items should be considered in public Council.

The Committee rose at 11:43am.

VI(iv). – The proceedings of the PUBLIC WORKS COMMITTEE as follows:

PUBLIC WORKS COMMITTEE

PUBLIC WORKS COMMITTEE – Minutes of meeting held on Wednesday, 18th January, 2012.
Members Present: Mr Councillor D.J. Ashford (Chairman), The Mayor, Councillor Mrs. G.G.S. Corkish, Mr. Councillor R.I. Kissack, Mr Councillor G.J. Faragher, Councillor Mrs E.C. Quirk, Mr Councillor T.M. Gelling, Councillor Mrs D.M. Kinrade

Apologies: There were no apologies for absence.

In Attendance: Assistant Borough Engineer, Senior Accountancy Officer, Senior Building Control Officer (for items 1 to 6 only), Democratic Services Officer

There were no declarations of interest.

REPORT

*1. Minutes – 21st December, 2011

Minutes of the meeting held on Wednesday, 21st December, 2011 were approved and signed

*2. Nuisance Abatement Notice – 3 and 5 Tynwald Street, Douglas

The Committee considered a report on numbers 3 and 5 Tynwald Street, Douglas. The masonry on the front elevation of this property is in need of repainting. The Building Control Section is seeking authorisation to serve a Notice as informal approaches to the owner have not yet resulted in a clear plan for the rectification of the problem. Photos of the property were circulated to the Committee during consideration of the report.

Resolved, “That the particulars of the report be noted on the minutes and approval given for the service of a Notice under Section 24 of the Building Control Act 1991 to require the front elevation of the property to be repainted.”

*3. Nuisance Abatement Notice – 37 Castle Street, Douglas

The Committee considered a report on 37 Castle Street, Douglas. The front elevation of this property is unsightly and requires repairs and repainting. The owners have indicated that options for the future redevelopment of the building are still being investigated. The Committee viewed photos of the property during consideration of the report. The Committee agreed to authorise service of a Notice if the plans for redevelopment do not progress in a timely manner.

Resolved, “That the particulars of the report be noted on the minutes and approval given for the service of a Notice under Section 24 of the Building Control Act 1991 to require the work to the property to be done.”

*4. Nuisance Abatement Notice – 22 / 23 North Quay, Douglas

The Committee considered a report on 22 / 23 North Quay, Douglas. The masonry to the front elevation needs to be repainted. Informal attempts to ensure that the appearance of the property is improved have been unsuccessful. The Committee viewed photographs of the property during consideration of the report. The Committee authorised service of a Notice if the owner does not carry out the improvements in a timely manner.

Resolved, “That the particulars of the report be noted on the minutes and approval given for the service of a Notice under Section 24 of the Building Control Act 1991 to require the work to the property to be done.”

*5. Schedule of Dilapidated, Ruinous, Neglected, or Dangerous Properties

The Committee considered the schedule of dilapidated, ruinous, neglected or dangerous properties submitted by the Building Control Manager.

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

*6. Schedule of Properties in Poor Condition

The Committee considered a schedule of properties in poor condition, where the condition is not serious enough to warrant taking legal action. Members discussed the limits to the powers to punish owners and landlords who do not maintain their properties.

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

The Senior Building Control Officer was thanked for her attendance and left the meeting at 10:55am.

7. Bin Weighing Facility

The Committee considered a report submitted by the Transport and Fleet Manager regarding the Council’s bin weighing facility and equipment. The current system for weighing commercial bins was introduced in 2003 in order to accurately record the weight of refuse being collected so that commercial customers could

be charged accordingly. When the system was introduced, this was the first time bin weighing had been done in the Isle of Man, and all of the local authorities on the Island adopted the system currently in use.

The company which operates the system advised the Council some months ago that they would no longer be able to provide support for the earlier version of their system (which was installed in 2003) and the Council was offered the opportunity to change over to the newer version of the bin weighing system at a somewhat reduced cost. The newer version of the bin weighing system was introduced by the company in 2005 and one of the bin wagons purchased since that date has the newer system, but the remaining wagons have the older system. The Assistant Borough Engineer advised that the company had initially provided good support, but the service had deteriorated in more recent years and the with company no longer able to supply spare parts; it was not seen as advisable simply to update systems with the same supplier. Technology has developed considerably since the Council first implemented a bin weighing system. A working group of officers from the Borough Engineer's Department and the ICT section compiled a specification to incorporate all the elements required to provide a modern bin weighing system. Four system providers were invited to submit a tender and to demonstrate their facility to the Council.

The report gave details of the scrutiny and analysis which was undertaken by officers in evaluating the options offered by the different suppliers for a bin weighing solution. The system recommended for procurement offers remote access to both the software and the hardware elements for fault diagnosis and the supplier also provides an extensive team of engineers to be deployed in the event of a fault.

Members raised concerns about possible premature obsolescence of a system and the need for monitoring of supply contracts. The Assistant Borough Engineer reported that the system which is recommended is a tried and tested product from a well-established company. The contract will be monitored and shortcomings brought to the Committee's attention. The proposed systems were extensively analysed by the ICT officer on the working group and then reviewed by the Head of ICT who concurs in the recommendation made to the Committee. The Assistant Borough Engineer also reported that in the event a bin wagon was replaced, most of the hardware, and all of the software associated with the bin weighing system could be transferred to a new vehicle.

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

- i. procurement of a bin weighing system from AMCS Group at a total cost of £85,000; and
- ii. that the matter be referred to the Policy and Resources Committee for funding and inclusion in the capital programme."

***8. Beach Watch Big Weekend**

The Committee considered a request from the Marine Conservation Society to organise a litter pick and beach clean on Douglas Beach in May 2012. The event would be part of a nationwide UK Beachwatch Big Weekend being organised in conjunction with Marks and Spencer. The Committee noted that the beach is regularly cleaned by a contractor appointed by the Council.

Resolved, "That particulars of the request be noted on the minutes and permission be granted to the Marine Conservation Society to carry out a litter pick and beach clean on Douglas Beach, for one day on either the 12th or 13th of May, during daylight hours within suitable tide times. The Committee directed that the Society be informed that there would be no changes to the regular beach cleaning regime in the period before the event and on the day."

Further resolved, "That the Marine Conservation Society be informed that the permission is granted subject to a satisfactory risk assessment and event management plan being submitted the Council in a timely manner prior to the event."

***9. Public Lighting Painting Planned Maintenance**

The Committee considered a report submitted by the Electrical Services Manager regarding the introduction of a planned maintenance programme for public lighting to ensure that all of the public lighting columns in the Borough were painted over the next ten years. Approximately £34,000 per year over each of the next ten years is needed for planned painting maintenance of public lighting. The Senior Accountancy Officer reported that £17,000 has been identified in the 2011/2012 year's budget which could be carried forward into 2012/2013 and utilised for this programme. The Chairman reported that at the special budget meeting of the Policy and Resources Committee, it had been agreed that £17,000 could be carried forward from the current year into the 2012/2013 budget and added to the £17,000 provision already in the electrical services budget for painting maintenance for 2012/2013. In response to query, it was confirmed that other repairs and maintenance projects may have to be deferred in order to fund this painting maintenance programme.

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

- i. approval was given for introduction in 2012/2013 of a ten year phased programme for repainting public lighting columns, pillars and associated decorative features already in situ; and
- ii. approval was given for a review of the funding arrangements during the budget-setting for the 2013/2014 financial year."

***10. Proposed Installation of a Lighting column for the Footpath on the Top Section of Duke's Avenue, Douglas**

The Committee considered a report submitted by the Electrical Services Manager on the installation of a lighting column on the footpath at the top of Duke's Avenue which is a pedestrian thoroughfare between Duke's Road and Glencrutchery Road which also provides access to Noble's Park. The Committee had previously considered a proposed lighting scheme for the top section of Dukes Avenue, but that was rejected and officers were asked to produce a reduced scheme. The lighting installation as requested requires one, 5 metre collapsible lighting column with a 100 watt post-top lantern. The column would be located midway on the footpath and the post-top lantern would provide luminance on the footpath. The proposed installation is a stand-alone unit and not a complete lighting scheme conforming to current British Lighting Standards. The proposed installation would be carried out by the staff from the Electrical Services section. The materials, painting and Manx Electricity Authority work would cost £2,459.00 and would be funded from existing Electrical Services revenue budgets. The electrical and civil engineering works would be funded from existing Electrical Services labour budgets. There was a brief discussion on the need for the light.

Resolved, "That particulars of the report be noted on the minutes and approval given for installation of a single lighting column on the footpath at the top of Duke's Avenue."

For: 4 – Against: 3

Messrs Councillors R.I. Kissack and G.J. Faragher and Councillor Mrs D.M. Kinrade asked that their votes against the proposal be noted.

***11. Attendance at Parkex Exhibition 2012**

The Committee considered a report submitted by the Democratic Services Officer on attendance at the Parkex Exhibition 2012. The matter was considered in June, 2011 when a decision was made in principle to attend the Exhibition, subject to confirmation of the date of the Local Authority Elections. The Parkex Exhibition is to be held in London on the 17th and 18th April, 2012 and Local Authority elections will be held on the 26th April, 2012. There was a lively discussion on the matter during which points were raised including: whether there is any need to attend or whether sufficient information could be obtained from the internet; whether there is any particular parking equipment or street furniture which the Council is intending to purchase and would be able to view at this Exhibition; this is an opportunity to see and find out about new equipment which may not have been envisaged by Members or officers before the Exhibition; whether it is appropriate for elected Members to travel to an exhibition just before elections; the need for elected Members to continue serving throughout their full term of office; and whether it should be Members, officers or both who should attend.

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

- i. The Committee confirmed the earlier decision to attend the Parkex Exhibition at Olympia in London, on 17th and 18th April 2012;
For: 5 – Against: 1 Mr Councillor T.M. Gelling asked that his vote against be recorded; and
- ii. The Chairman (or the Deputy Chairman or another Member of the Committee in the event that the Chairman is unable to attend) travel to the Parkex Exhibition together with one officer from the Borough Engineer's Department;
For: 5 – Against: 1 Mr Councillor T.M. Gelling asked that his vote against be recorded; and
- iii. Approval be given for payment of the appropriate travel expenses.
For: 5 – Against: 1 Mr Councillor T.M. Gelling asked that his vote against be recorded."

***12. Items for Future Consideration**

The Committee noted the report setting out the items for future consideration.

***13. Agenda Review**

The Committee reviewed the Agenda to ensure that all matters had been dealt with and determined that all items should be considered in public Council.

***14. Presentation to Committee**

The Chairman advised the Committee that there would a presentation to the Committee on solar compacting bins on the afternoon of Wednesday, 25th January, 2012.

The Committee rose at 12.00pm.

VIII – Motions, of which Notice has been given by Members of the Council pursuant to Standing Orders:

MOTIONS

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

“That the officers of the Council consider how the portion of the Housing Administration Budget (code SH120) that is ratebourne can be reduced year on year in real terms by a minimum of 10% per year over the next five years, and to report back to the newly constituted Public Health and Housing Committee no later than the September 2012 meeting.”

(Upon being moved and seconded, under Standing Order 27 the Motion will be referred to the Policy and Resources Committee for consideration and report back to the Council by June 2012.)