



## Borough of Douglas

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Town Hall,

Douglas,

8<sup>th</sup> August, 2012

At a MEETING of the COUNCIL of the BOROUGH OF DOUGLAS, duly convened and holden at 2.30 p.m. on WEDNESDAY, the 8th day of AUGUST, 2012, in the COUNCIL CHAMBER, within the TOWN HALL, at which Meeting the following Members were present, that is to say: -

The Mayor

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

Councillor

Mrs. S.D.A. Hackman

Mr. C.C. Thomas

Mr. S.R. Pitts

Mrs. R. Chatel

Mr. J. Joughin

Mr. E.A. Joyce

Mrs. C.E. Malarkey

Mr. C.L.H. Cain

Mr. G.J. Faragher

Miss. D.A.M. Pitts

Mr. W.M. Malarkey

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

Mr. J.E. Skinner

Ms. K. Angela

Mr. S.C. Cain

Mr. A.V. Quirk

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

Apologies for absence were submitted on behalf of Mr. Councillor D.W. Christian, J.P.

1. **Minutes – 11<sup>th</sup> July 2012**

Minutes of the monthly meeting held Wednesday, 11<sup>th</sup> July, 2012, were approved and signed.

2. **Executive Committee – 27<sup>th</sup> July 2012 – Clause B21**

Resolved unanimously, “That the minutes of proceedings of the Executive Committee, as contained in Clause B21 of report of meeting held Friday, 27<sup>th</sup> July, 2012, be received, approved and adopted by the Council.”

As a consequence of the Motion being carried Standing Order 39 is amended to read;

**“Questions – Written**

*A member of the Council may submit a question in writing to the Chief Executive by noon on the last working day of the week preceding the date fixed for holding any ordinary meeting of the Council asking the Mayor or the Chairman of any Committee or a Lead Member for any portfolio any question on any matter in relation to which the Council has powers or duties, or which affects the Borough.*

*In the absence of the Mayor or a Chairman or Lead member, a question may be directed to the Deputy Mayor, or a Vice-Chairman or Deputy Lead Member for the Portfolio the remit which include the subject matter of the question. A question may be in a number of parts, but the total of all words included in the question shall not exceed 200.*

*The Chief Executive, in consultation with the person to whom the question has been directed, may deem that the question is of a nature such that the matter should be presented to the Council in private. However, by a simple majority of members present, the Council may allow the matter to be presented in public.*

*One hour before the scheduled commencement of the Council meeting at which questions are to be presented, the Chief Executive shall distribute a copy of each question and the answer thereto, on the desks of each member together with copies for the press and public, save when the matter is considered private the questions and answers will be in sealed envelopes marked "Private and Confidential" and copies only given to press and public if Council subsequently decides that the matter be made public. All answers shall be written, and the minutes of the Council shall record details of each question and answer, provided that only those matters presented in public shall be printed on the public minutes. There shall be no discussion on a question, but a person to whom the question or supplementary question, as described hereunder, has been put can:*

*(i) decline to give an answer;*

*(ii) give such answer as is thought appropriate;*

*(iii) where the desired information is contained in a publication of the Council, make a reference to that publication;*

*(iv) where the reply to the question cannot conveniently be given at the time of Council, undertake to provide a written answer to be circulated to members of the Council in due course;*

*(v) indicate that a written private and confidential answer will be given to circulate to all members in due course.*

*A Member who has submitted a written question may submit a further written question as a supplementary to the Mayor at least fifteen minutes before the scheduled start of the meeting. A supplementary question must be directed to the person who answered the original question, and must arise directly from the answer given to the original question. The Mayor will consult with the person to whom the question has been directed, informing him of the nature of the question, and then decide if the supplementary question is to be presented in the public or private. If the supplementary question and/or answer is deemed to be private, it will be considered at the commencement of private business, provided that if the Council at that time decide by a simple majority that the matter should be public, copies of the questions and answers will be forwarded to the press by the Chief Executive as soon as is convenient after the Council meeting. At the appropriate time, the Mayor will call upon the person who is to put the supplementary question, and for the reply to be given. The answer may be in one of the forms set out above, except that it will be given verbally and not written. Only one supplementary question may be asked. But it may be in a number of parts, but the total of words in the question shall not exceed 25.”*

3. **Executive Committee – 27<sup>th</sup> July 2012 – Clauses A1 to B20 Inclusive**

Motion moved by Mr Councillor R.H. McNicholl, seconded by Mr Councillor S.R. Pitts, “That the minutes of proceedings of the Executive Committee, as contained in Clause A1 to B20 inclusive of report of meeting held on Friday, 27<sup>th</sup> July, 2012, be received, approved and adopted by the Council.”

Amendment moved by Mr Councillor S.R. Pitts, seconded by Mr Councillor G.J. Faragher, “That, in relation to Clause B20, resolution (ii), a biomass heating system not be supported for the for the Phase 10 of Pulrose Development (Upper).”

Question put on Amendment. On division being challenged the vote was taken electronically and there voted **For** the Amendment: Mr Councillor C.C. Thomas, Councillor Mrs S.D.A. Hackman, Messrs Councillors S.R. Pitts, J. Joughin, E.A. Joyce, C.L.H. Cain, G.J. Faragher, Councillor Miss D.A.M. Pitts, Councillor Ms K. Angela, The Mayor – **10**

There voted **Against** the Amendment: Councillor Mesdames R. Chatel, C.E. Malarkey, Messrs Councillors W.M. Malarkey, R.H. McNicholl, J.E. Skinner, S.C. Cain, A.V. Quirk - **7**

Amendment carried.

Question put on substantive Motion. Carried unanimously.

#### 4. **Pensions Committee – 25<sup>th</sup> July, 2012**

Resolved unanimously, “That the minutes of proceedings of the Pensions Committee, as contained in report of meeting held Wednesday, 25<sup>th</sup> July, 2012, be received, approved and adopted by the Council.”

Mr Councillor C.C. Thomas rose to a point of order to question if Standing Orders had been complied with when organising a special meeting of the Pensions Committee to approve the accounts. The Member referred to Standing Orders 92 and 93. The Mayor referred to Standing Order 90 which confirms a meeting can be convened at any time if authorised by the Chair and organised by the Chief Executive.

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

#### 5. **Pensions Committee – 30<sup>th</sup> July, 2012**

Resolved unanimously, “That the minutes of proceedings of the Pensions Committee, as contained in report of special meeting held on Monday, 30<sup>th</sup> July, 2012, be received, approved and adopted by the Council.”

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

#### 6. **Housing and Property Advisory Committee – 18<sup>th</sup> July, 2012 – Clauses A1 to C5 inclusive**

Motion moved by Mr Councillor J.E. Skinner, seconded by Councillor Mrs C.E. Malarkey, “That the minutes of proceedings of the Housing and Property Advisory Committee, as contained in Clauses A1 to C5 report of meeting held on Wednesday, 18<sup>th</sup> July, 2012, be received, approved and adopted by the Council.”

Clause C6 was withdrawn for further consideration by the Advisory Committee.

Amendment moved by Councillor Mrs C.E. Malarkey, seconded by Mr Councillor G.J. Faragher, “That Clause B3, paragraph 3, be referred back to Committee for further consideration.”

Question put on Amendment. Carried unanimously.

Question put on substantive Motion. On division being challenged a vote was taken electronically and there voted **For** the Motion: Councillor Mrs S.D.A. Hackman, Messrs Councillors S.R. Pitts, J. Joughin, Councillor Mrs R. Chatel, Mr Councillor E.A. Joyce, Councillor Mrs C.E. Malarkey, Mr Councillor C.L.H. Cain, Councillor Miss D.A.M. Pitts, Messrs Councillors W.M. Malarkey, R.H. McNicholl, J.E. Skinner, Councillor Ms K. Angela, Messrs Councillors S.C. Cain, A.V. Quirk, the Mayor - **15**

There voted **Against** the Motion: Messrs Councillors C.C. Thomas, G.J. Faragher - **2**

Motion Carried.

#### 7. **Attendance**

Councillor Mrs S.D.A. Hackman left the meeting at 3.45pm during consideration of the following item.

#### 8. **Regeneration and Community Advisory Committee – 17<sup>th</sup> July 2012**

Motion moved by Mr Councillor S.R. Pitts, seconded by Mr Councillor G.J. Faragher, “That the minutes of proceedings of the Regeneration and Community Advisory Committee, as contained in report of meeting held Tuesday, 17<sup>th</sup> July, 2012, be received, approved and adopted by the Council.”

Amendment moved by Mr Councillor W.M. Malarkey, seconded by Councillor Mrs C.E. Malarkey, “That Clause A2 be referred back to Committee for further consideration.”

Question put on Amendment. On division being challenged the vote was taken electronically and there voted **For** the Amendment: Mr Councillor E.A. Joyce, Councillor Mrs C.E. Malarkey, Messrs Councillors W.M. Malarkey, A.V. Quirk, S.C. Cain, the Mayor – **6**

There voted **Against** the Amendment: Mr Councillor C.C. Thomas, Councillor Mrs S.D.A. Hackman, Mr Councillor S.R. Pitts, Councillor Mrs R. Chatel, Mr Councillor J. Joughin, Messrs Councillors C.L.H. Cain, G.J. Faragher, Councillor Miss D.A.M. Pitts, Messrs Councillors R.H. McNicholl, J.E. Skinner, Councillor Ms K. Angela – **11**

Amendment fell.

Question put on original Motion. On division being challenged a vote was taken electronically and there voted **For** the Motion: Messrs Councillors C.C. Thomas, S.R. Pitts, Councillor Mrs R. Chatel, Messrs Councillors J. Joughin, E.A. Joyce, C.L.H. Cain, G.J. Faragher, Councillor Miss D.A.M. Pitts, Messrs Councillors R.H. McNicholl, J.E. Skinner, S.C. Cain, A.V. Quirk, Councillor Ms K Angela, the Mayor – **14**

There voted **Against** the Motion: Councillor Mrs C.E. Malarkey, Mr Councillor W.M. Malarkey - **2**

Motion Carried.

9. **Environmental Services Advisory Committee – 16<sup>th</sup> July 2012**

Resolved unanimously, “That the minutes of proceedings of the Environmental Services Committee, as contained in report of meeting held on Monday, 16<sup>th</sup> July, 2012, be received, approved and adopted by the Council.”

10. **Notice of Motion**

Mr. Councillor C.C. Thomas moved the following Motion, notice of which had been given:-

*“That the Council investigate all options for financing the Council’s rate-borne and other borrowings including the opportunities for the issuance of bonds, and report back to the Council at its November 2012 meeting.”*

The Motion was seconded by Mr Councillor J. Joughin.

11. **Notice of Motion**

Mr Councillor C.C. Thomas moved the following Motion, notice of which had been given.

*“That the Council investigates increasing its allocation of resource to planning to contribute to joined-up regeneration of Douglas and reports back to Council at its November meeting, especially in the light of the Council’s submission to Lower Douglas Master Plan consultation that i) it is dissatisfied that the Douglas Plan has not been updated since 1998 and that ii) it would support the development of a high quality undercover bus interchange and facilities as part of the Lower Douglas Master Plan.”*

The Motion was seconded by Mr Councillor J.E. Skinner.

Under the provisions of Standing Order 30, both Motions were referred to the Executive Committee for consideration to report back to the Council by 8<sup>th</sup> November 2012.

**IN PRIVATE**

12. **Adjournment and Resumption**

The meeting adjourned at 4.15pm and resumed in private at 4.35pm with the following Members present: Mr Councillor C.C. Thomas, Councillor Mrs S.D.A. Hackman, Mr Councillor S.R. Pitts, Councillor Mrs R. Chatel, Messrs Councillors J. Joughin, E.A. Joyce, Councillor Mrs C.E. Malarkey, Messrs Councillors C.L.H. Cain, G.J. Faragher, Councillor Miss D.A.M. Pitts, Messrs Councillors W.M. Malarkey, R.H. McNicholl, J.E. Skinner, Councillor Ms K. Angela, Mr Councillor S.C. Cain, Mr Councillor A.V. Quirk.

13. **Question – Mr Councillor C.C. Thomas**

Two written questions addressed by Mr Councillor C.C. Thomas to the Leader of the Council, having been circulated together with the Leader of the Council’s replies were noted.

14. **Executive Committee – 4<sup>th</sup> July 2012**

Motion moved by Mr Councillor S.R. Pitts, seconded by Mr Councillor R.H. McNicholl, “That the minutes of proceedings of the Executive Committee as contained in private report of special meeting held on Wednesday, 4<sup>th</sup> July, 2012, be received, approved and adopted by the Council.

Question put. On division being challenged the vote was taken electronically and there voted **For** the Motion: Councillor Mrs S.D.A. Hackman, Mr Councillor S.R. Pitts, Councillor Mrs R. Chatel, Mr Councillor E.A. Joyce, Councillor Mrs C.E. Malarkey, Mr Councillor C.L.H. Cain, Councillor Miss D.A.M. Pitts, Messrs Councillors W.M. Malarkey, R.H. McNicholl, J.E. Skinner, S.C. Cain, the Mayor – **12**

There voted **Against** the Motion: Messrs Councillors C.C. Thomas, J. Joughin, G.J. Faragher, Councillor Miss K Angela, Mr Councillor A.V. Quirk – **5**

Motion carried.

15. **Attendance**

Mr Councillor J.E. Skinner left the meeting at 5.15pm.

**16. Executive Committee – 27<sup>th</sup> July 2012**

Motion moved by Mr Councillor R.H. McNicholl, seconded by Mr Councillor S.R. Pitts, “That the minutes of proceedings of the Executive Committee, as contained in private report of meeting held on Friday, 27<sup>th</sup> July, 2012, be received, approved and adopted by the Council.”

Amendment moved by Mr Councillor S.R. Pitts, seconded by Mr Councillor G.J. Faragher, “That Clause D2, resolution (iii) be deleted.”

Question put on Amendment. On division being challenged there voted **For** the Motion: Mr Councillor C.C. Thomas, Councillor Mrs S.D.A. Hackman, Messrs Councillors S.R. Pitts, J. Joughin, Councillor Mrs C.E. Malarkey, Mr Councillor G.J. Faragher, Councillor Miss D.A.M. Pitts, Councillor Ms K. Angela, Mr Councillor A.V. Quirk – **9**

There voted **Against** the Motion: Councillor Mrs R. Chatel, Mr Councillor E.A. Joyce, Messrs Councillors C.L.H. Cain, W.M. Malarkey, R.H. McNicholl, S.C. Cain, the Mayor – **7**

Amendment carried.

Question put on substantive Motion as amended. Carried unanimously.

**17. Pensions Committee – 25<sup>th</sup> July 2012**

Resolved unanimously, “That the minutes of proceedings of the Pensions Committee, as contained in private report of meeting held on Wednesday, 25<sup>th</sup> July, 2012, be received, approved and adopted by the Council.”

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

**18. Housing and Property Advisory Committee – 18<sup>th</sup> July 2012 – Clause A1**

Resolved unanimously, “That the minutes of proceedings of the Housing and Property Advisory Committee, as contained in Clause A1 of private report of meeting held on Wednesday, 18<sup>th</sup> July, 2012, be received, approved and adopted by the Council.”

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

**19. Housing and Property Advisory Committee – 18<sup>th</sup> July 2012 – Clause C2**

Motion moved and seconded, “That the minutes of proceedings of the Housing and Property Advisory Committee, as contained in Clause C2 of private report of meeting held on Wednesday, 18<sup>th</sup> July 2012, be received, approved and adopted by the Council.”

Amendment moved by Mr Councillor S.R. Pitts, seconded by Mr Councillor C.C. Thomas, “That Clause C2, resolution (ii) be amended to read ‘*approval is given to invite expressions of interest from any individual or organisation for the future use of the Market Hall.*’”

Further Amendment moved by Mr Councillor W.M. Malarkey, seconded by Mr Councillor S.R. Pitts, “That Clause C2, resolution (ii) be referred back to the Committee for further consideration and a copy of the survey be circulated to all Members of the Council.”

Question put on further Amendment. Carried unanimously.

On that Motion being carried, the Mayor ruled that the first Amendment fell.

Question put on substantive Motion as amended. Carried unanimously.

**20. Environmental Services Advisory Committee – 16<sup>th</sup> July 2012**

Resolved unanimously, “That the minutes of proceedings of the Environmental Services Advisory Committee, as contained in private report of meeting held on Monday, 16<sup>th</sup> July, 2012, be received, approved and adopted by the Council.”

The Council rose at 5.57pm.

Town Clerk & Chief Executive