



Borough of Douglas

Town Hall,

Douglas,

13th March, 2013

At a MEETING of the COUNCIL of the BOROUGH OF DOUGLAS, duly convened and holden at 2.30pm on WEDNESDAY, the 13th day of MARCH, 2013, 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

Mrs R. Chatel

Mr J. Joughin

Mr D.W. Christian, J.P.

Mr E.A. Joyce

Mrs C.E. Malarkey

Mr C.L.H. Cain

Mr G.J. Faragher

Mr W.M. Malarkey

Mr R.H. McNicholl

Mr J.E. Skinner

Ms K. Angela

Mr S.C. Cain

Mr A.V. Quirk

The Chief Executive, Borough Treasurer and the Borough Engineer and Surveyor were in attendance.

Apologies for absence were submitted on behalf of Mr Councillor S.R. Pitts and Councillor Miss D.A.M. Pitts.

1. **Minutes – 13th February 2013**

Minutes of the monthly meeting held Wednesday, 13th February, 2013, were approved and signed.

2. **Standing Order No. 39 Question – Mr Councillor C.C. Thomas**

The following question addressed by Mr Councillor C.C. Thomas to the Leader of the Council and the Leader's reply, were noted:

Question:

Does Douglas Council have evidence that 'Four Plus One' is the most efficient and effective way of organising waste collection and recycling, especially in the light of new facts about i) government's waste management strategy ii) statistics about waste delivery to the Energy for Waste Plant by local authorities and their contractors, and iii) Council's experience of working together with both Braddan Commissioners and Department of Infrastructure for waste collection and recycling?

Reply

The Council's support for a "four plus one" model relates to the reform of local Government in the Island and not specifically to waste collection and recycling although that is one of the major local authority services. No specific evidence has been produced or sought in relation to the suitability of the model for that service. I am unaware of any new facts about the Government's waste management strategy, the statistics for waste delivered to the Energy from Waste Plant have no bearing, and nor does the Council's experience of working with Braddan Parish Commissioners and the Department of Infrastructure.

3. **Standing Order No. 39 Question – Mr Councillor C.C. Thomas**

The following question addressed by Mr Councillor C.C. Thomas to the Leader of the Council and the Leader's reply, were noted:

Question:

Why the title of each Council Agenda item which is considered in private cannot be included in the public agenda and minutes?

Reply:

The publication of the titles of private agenda items could only lead to speculation and ill-informed opinions being formed. When business is conducted in private Members of the Council are provided with all the necessary information.

4. **Standing Order No. 39 Question – Mr Councillor C.C. Thomas**

The following question is addressed by Mr Councillor C.C. Thomas to the Leader of the Council and the Leader's reply, were noted:

Question:

How, and to what extent, is Douglas Council involved with decisions about the use of town centre regeneration funds arising from i) Government's Town & Village Centre Regeneration Scheme ii) Council revenue, reserves and borrowing?

Reply:

The Council is represented on the Regeneration Committee by myself and the Chairman of the Regeneration and Community Advisory Committee, and the relevant Chief Officers are also involved. Decisions relating to funding from the Government's Town and Village Regeneration Scheme are made in the knowledge that Treasury approval is required for any major financial commitment; funding from the Council's revenue, reserves and borrowing relate to those items that are properly the responsibility of the local authority, such as street lighting and in those cases, the Council's normal procedures for expenditure apply, including the requirement for approval by the Council.

5. **Standing Order No. 39 Question – Mr Councillor C.C. Thomas**

The following question by Mr Councillor C.C. Thomas to the Leader of the Council and the Leader's reply, were noted:

Question

In the light of the inclusion of capital receipts for Pulrose Manor, Bridge Road Flats and Upper Douglas Properties in Council Estimates for Year ending March 2014, will the Leader make a statement on Council policy for the disposal of ratepayers' land and properties including commenting on i) which assets are being considered for disposal and why they have been chosen and ii) the use of receipts from sales and any legal or other constraints to such use?

Reply

Each case of disposal of property is dealt with on its own merits. There is no overall Council policy in that regard. As a case is made for disposal or acquisition of any property, it is considered and a decision made. For that reason there is no list of properties under consideration for disposal. Receipts from property sales are retained in the Council's capital reserves and applied to other capital schemes when appropriate. All property transactions require Government approval under the Local Government Acts.

6. Standing Order No. 39 – Mr Councillor C.C. Thomas

The following question by Mr Councillor C.C. Thomas to the Lead Member of the Regeneration and Community Advisory Committee and the Lead Member's reply, were noted;

Question

In respect of the Noble's Park bowling-green kiosk, toilets and club house, has a new lease been agreed and signed with Noble's Park bowling club, and if not, why not?

Reply

Any new lease would be negotiated through the Housing and Property Advisory Committee. However the Regeneration and Community Advisory Committee is due to consider tenders for certain remedial works to the building. Any work will be carried out in liaison with the Club and if any changes are then required to the lease they will be referred to the Housing and Property Advisory Committee.

7. Standing Order No. 39 – Mr Councillor C.C. Thomas

The following question by Mr Councillor C.C. Thomas to the Lead Member of the Regeneration and Community Advisory Committee and the Lead Member's reply, were noted;

Question

In respect of the Noble's Park 5 Year Development Plan, how are user groups and the general public being engaged in the annual review?

Reply

Existing user groups such as Manx Sports and Recreation, sports clubs, event organisers, and leaseholders on the various buildings in the Park are regularly consulted on an informal basis. In addition any member of the public can give their views at any time. The Noble's Park 5-Year Development Plan is currently being reviewed alongside the latest management plan for the Park which will form part of the Council's Green Flag Award submission.

8. Standing Order No. 39 – Mr Councillor C.C. Thomas

The following question by Mr Councillor C.C. Thomas to the Leader of the Council and the Leader's reply, were noted:

Question

For what purpose(s) does the Council use CCTV?

Reply

The Council's CCTV system falls within the jurisdiction of the Executive Committee. A Briefing Note has recently been circulated to Members setting out its purposes and the code of practice for its use.

9. Standing Order No. 39 – Mr Councillor C.C. Thomas

Mr Councillor C.C. Thomas put the following supplementary question to the Leader of the Council:

Question

Will full questions and answers be published, and if not:

- a) Why not? And
- b) On what basis can member's questions be changed without agreement of the Member?

Answer

The Executive Committee and the Council agreed to the clarification that Members were entitled to one question on each topic, to eliminate the situation where a Member can ask multiple questions on the same subject.

The resolution did, however, go on to say that "the Chief Executive would ensure Standing Order 39 be more rigidly applied with the support of the Leader of the Council and Committee Chairs and its operation monitored.

When questions are received in the form submitted by the Member, the first element will be treated as a question and the remainder will be treated as out of order.

10. Executive Committee – 1st March 2013 – Clause B17

Under the provisions of the Local Government Act 1985, Messrs Councillors J. Joughin, E.A. Joyce, Councillor Mrs C.E. Malarkey and Mr Councillor W.M. Malarkey declared an interest in this item and retired whilst it was considered.

Resolved unanimously, “That the minutes of proceedings of the Executive Committee, as contained in Clause B17 report of meeting held Friday, 1st March, 2013, be received, approved and adopted by the Council.”

11. Executive Committee – 1st March 2013 – Clauses A1 to B16 and B18 inclusive

Motion moved by Mr Councillor D.W. Christian, seconded by Mr Councillor R.H. McNicholl, “That the minutes of proceedings of the Executive Committee, as contained in Clauses A1 to B16 and B18 inclusive of report of meeting held on Friday, 1st March, 2013, be received, approved and adopted by the Council.”

Question put on Motion. On division being challenged a vote was taken electronically and there voted **For** the Motion: Councillors Mesdames S.D.A. Hackman, R. Chatel, Messrs Councillors J. Joughin, D.W. Christian, E.A. Joyce, Councillor Mrs C.E. Malarkey, Messrs Councillors C.L.H. Cain, G.J. Faragher, W.M. Malarkey, R.H. McNicholl, J.E. Skinner, S.C. Cain, A.V. Quirk, the Mayor - **14**

Against: Mr Councillor C.C. Thomas, Councillor Ms K. Angela - **2**

12. Pensions Committee – 27th February 2013

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.

Resolved unanimously, “That the minutes of proceedings of the Pensions Committee, as contained in report of meeting held Wednesday, 27th February, 2013, be received, approved and adopted by the Council subject to an amendment to show Mr Chris Moore of BlackRock in attendance at the meeting.”

13. Eastern Civic Amenity Site Joint Committee – 11th February 2013

Resolved unanimously, “That under Standing Order 24 the minutes of proceedings of the Eastern Civic Amenity Site Joint Committee, as contained in report of meeting held Monday, 11th February, 2013, be withdrawn and reconsidered at the April meeting of the Council following the Joint Committee’s approval of the minutes.”

14. Housing and Property Advisory Committee – 20th February 2013

Resolved unanimously, “That the minutes of proceedings of the Housing and Property Committee, as contained in report of meeting held Wednesday, 20th February, 2013, be received, approved and adopted by the Council subject to an amendment to show Mr Councillor D.W. Christian in attendance as an observer at the meeting.”

15. Regeneration and Community Advisory Committee – 19th February 2013

Motion moved by Mr Councillor G.J. Faragher, seconded by Councillor Mrs R. Chatel, “That the minutes of proceedings of the Regeneration and Community Advisory Committee, as contained in report of meeting held on Tuesday, 19th February, 2013, be received, approved and adopted by the Council.”

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

Against: Mr Councillor C.C. Thomas – **1**

16. Environmental Services Advisory Committee – 18th February, 2013 – Clauses A3 and A6

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.

Resolved unanimously, “That the minutes of proceedings of the Environmental Services Advisory Committee, as contained in Clauses A3 and A6 of report of meeting held on Monday, 18th February, 2013, be received, approved and adopted by the Council.”

17. Environmental Services Advisory Committee – 18th February 2013 – Clauses A1, A2, A4, A5 and A7 to B10 inclusive

Resolved unanimously, “That the minutes of proceedings of the Environmental Services Committee, as contained in Clauses A1, A2, A4, A5 and A7 to B10 inclusive of report of meeting held on Monday, 18th February, 2013, be received, approved and adopted by the Council.”

18. Notice of Motion

Mr Councillor W.M. Malarkey moved the following Motion, notice of which had been given.

“In light of the announcement by the Department of Infrastructure that the development of the Lord Street old bus station site is no longer going ahead with Askett Hawk, that Douglas Town Council should open immediate discussions with the Department of Infrastructure and the Department of Community, Culture and Leisure to investigate the possibility of a joint venture on this site to incorporate a Library, Bus Station and Car Park with the possibility of including leisure facilities, and that the development of Cambrian Place project be put on hold until the outcome of such talks are known.”

The Motion was seconded by Mr Councillor A.V. Quirk.

Under the provisions of Standing Order 30, the Motion was referred to the Executive Committee for consideration and report back to the Council.

IN PRIVATE

19. Adjournment and resumption

The meeting adjourned at 4.26pm and resumed in private at 4.47pm with the same Members present.

20. Executive Committee – 1st March 2013

Motion moved by Mr Councillor D.W. Christian, seconded by Mr Councillor R.H. McNicholl “That the minutes of proceedings of the Executive Committee as contained in private report of meeting held on Friday, 1st March, 2013, be received, approved and adopted by the Council.”

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

Against: Mr Councillor C.C. Thomas – **1**

21. Executive Committee – 7th March 2013 – Clause A1

Motion moved by Mr Councillor D.W. Christian, seconded by Mr Councillor R.H. McNicholl, “That the minutes of proceedings of the Executive Committee, as contained in Clause A1 of report of meeting held on Thursday, 7th March, 2013, be received, approved and adopted by the Council.”

Question put on Motion. On division being challenged a vote was taken electronically and the Motion was carried unanimously.

22. Executive Committee – 7th March 2013 – Clause B1

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

Motion moved by Mr Councillor D.W. Christian, seconded by Councillor Mrs C.E. Malarkey, “That the minutes of proceedings of the Executive Committee, as contained in Clause B1 of private report of meeting held on Thursday, 7th March, 2013, be received, approved and adopted by the Council.”

23. Standing Order No. 9 – Duration of Meeting

At 6.25pm the Mayor drew attention to the provisions of Standing Order 9 and directed that a vote be taken as to whether or not the meeting would adjourn at 6.30pm and resume the following day at 10.00am.

Resolved unanimously, “That the Council session continue until consideration of all outstanding business on the Agenda is completed.”

24. Adjournment and resumption

The meeting adjourned at 6.50pm and resumed at 6.58pm with the same Members present. Mr Councillor R.H. McNicholl remained retired from the meeting under the provisions of the Local Government Act 1985.

25. Executive Committee – 7th March 2013 – Clause B1

Question put on Motion. On division being challenged a vote was taken electronically and the Motion was carried unanimously.

26. Housing and Property Advisory Committee – 20th February 2013

Motion moved by Councillor Mrs C.E. Malarkey, seconded by Mr Councillor J.E. Skinner, “That the minutes of proceedings of the Housing and Property Advisory Committee, as contained in private report of meeting held on Wednesday, 20th February, 2013, be received, approved and adopted by the Council.”

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

27. Regeneration and Community Advisory Committee – 19th February 2013 – Clause A1

Under the provisions of the Local Government Act 1985, Mr Councillor G.J. Faragher declared an interest in this item and retired whilst it was considered.

Resolved unanimously, “That the minutes of proceedings of the Regeneration and Community Advisory Committee, as contained in Clause A1 of private report of meeting held on Tuesday, 19th February, 2013, be received, approved and adopted by the Council.”

28. Regeneration and Community Advisory Committee – 19th February 2013 – Clause A2

Resolved unanimously, “That the minutes of proceedings of the Regeneration and Community Advisory Committee, as contained in private report of meeting held on Tuesday, 19th February 2013, be received, approved and adopted by the Council.”

The Council rose at 7.25pm.

Town Clerk & Chief Executive