



Borough of Douglas

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

Town Hall

Douglas

9th July 2010

Dear Sir or Madam,

You are hereby summoned to attend a MEETING OF THE COUNCIL to be held on WEDNESDAY, the 14th day of JULY, 2010, 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) The Commercial Lettings Committee;
 - (vi) Any other Joint Committee;
 - (vii) 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 Annual Council Meeting held on Wednesday, 9th June.

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 Thursday, 10th June, 2010.

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

Apologies: Mr Councillor S R Pitts and Mr Councillor C L H Cain.

In Attendance: Chief Executive, Borough Engineer and Surveyor, Borough Treasurer.

REPORT

1. **Apologies for Absence**

Apologies for absence were submitted on behalf of Mr Councillor S R Pitts and Mr Councillor C L H Cain.

*2. **Declarations of Interest**

No declarations of interest were submitted.

3. **Minutes**

Minutes of meeting held on Friday 28th May 2010 were approved and signed, subject to an amendment to Clause 11, the appointment of an interview panel for the post of Waste Management Officer (Kerbside), to read that the contract period was up to the end of October 2011 (and not November 2011).

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

Clause 22 – Shaw’s Brow Car Park (14th May 2010): the Chief Executive offered her apologies that the Mayoress and Deputy Mayoress had not as yet been issued with a parking permit and confirmed that the matter was being dealt with as a matter of urgency.

Resolved, “That with the agreement of the Committee, the parking permits to be issued to the Mayoress and the Deputy Mayoress be for Level 1 of Shaw’s Brow Car Park, rather than Levels 3 and 4.”

Numbering of minutes: Members queried the numbering of the clauses in the minutes when items were taken out of order from the agenda. The Chief Executive explained that the number of the clause contained in the minutes should correspond to the number of the report as contained in the agenda. It was suggested that members of the public, not being familiar with this system, might assume that the numbering was just incorrect.

Resolved, “That in future, the numbering of the clauses contained in the minutes follow a numerical sequence, even if agenda items had been taken out of order.”

*5. **Eastern Civic Amenity Site – Operation**

The Committee considered a referral from the Public Works Committee meeting held on Wednesday 19th May 2010 in relation to the administration of the Eastern Civic Amenity Site.

The Council had successfully operated the site in a cost-effective manner since August 2008 and, by effective control and management, the waste emanating from the site had significantly reduced. It was noted, however, that the Eastern Civic Amenity Site was the only site on the Island which was operated on a limited-term contract. The Western and Southern sites were operated by local authority direct labour and the Northern site was operated by Government direct labour. The Public Works Committee had discussed possible changes to the operation / expansion of the site and resolved to seek this Committee’s consideration as to how the site should be run on an equitable or proportional representative basis with the other contributing authorities.

Members commented that they would have expected recommendations to be put before the Committee for consideration and it was agreed to refer the matter to the Chief Officers’ Management Team, with a

request that proposals / recommendations be drawn up for submission to the Committee, taking account of Members' comments as follows:-

- The site should be operated on a committee system (rather than by a board);
- Consideration should be given to the proportion of contributions made by the other authorities; and
- Consideration should be given to proposals for the introduction of charges in line with the other civic amenity sites on the Island.

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

(ii) That the Chief Officers' Management Team be requested to consider the operation and administration of the Eastern Civic Amenity Site and to draw up proposals and recommendations accordingly, taking account of Members' comments as set out above; and

(iii) That a report be submitted by the Borough Engineer & Surveyor to the Committee for consideration at its meeting to be held on 30th July 2010."

***6. Smoking in Children's Playgrounds**

The Committee considered a referral from the Leisure Services Committee meeting held on Thursday 20th May 2010, in relation to a proposal to ban smoking in children's playgrounds.

The Leisure Services Committee had considered and approved a suggestion that a no-smoking policy be introduced in Council-owned children's playgrounds and also resolved that a new bye-law be created to enforce the ban. The Committee had also agreed, until the bye-law had become effective, that 'polite notices' be erected asking people not to smoke. It had also been resolved to seek agreement from this Committee, once the bye-law was effective, for the details of fines and Fixed Penalty Notices issued through the Enforcement Section, to be published.

The Chief Executive reminded Members that details of the Fixed Penalty Notices issued were included in the monthly Members' Bulletin, however, this was an internal document and was not made available to the public. It was therefore suggested that a six-monthly report, detailing all Fixed Penalty Notices issued, should be submitted to this Committee.

Resolved, "That particulars of the referral be noted on the minutes and that the Assistant Town Clerk be requested to prepare a report for submission to the Committee in July 2010 setting out details of all Fixed Penalty Notices issued since they were first introduced."

***7. Coronation Terrace Properties – Replacement of Fire Escapes**

The Committee considered a written report by the Planned Maintenance Officer in relation to a referral from the Public Health and Housing Committee meeting held on Monday 24th May 2010, at which it was resolved to seek approval for the revision of the Capital Programme to enable works to replace fire escapes at the rear of properties on Coronation Terrace to be carried out during the current financial year.

It was noted that the works had been scheduled into the Capital Programme for the 2012 / 2013 financial year. However, a report submitted to the Public Health and Housing Committee had recommended the urgent replacement of the fourteen steel fire escapes due to their corroded condition.

The project had an estimated capital budget of £100,000 and the Capital Housing Planned Maintenance Programme was able to financially accommodate this project within the current financial year. Tenders had been sought, with four being received, and the Public Health and Housing Committee had accepted the lowest, subject to satisfactory arithmetical and financial checks being undertaken. The Committee had also resolved to petition the Department of Infrastructure for borrowing powers for the amount required to defray the cost of the works.

Resolved, "That particulars of the referral be noted on the minutes and that approval be given for the project to replace fire escapes at the rear of properties on Coronation Terrace, with a total capital cost of £62,876.31, to be included in the current financial year's Capital Housing Planned Maintenance Programme."

***8. Twinning sub-Committee**

The Committee had been circulated with the minutes of the meeting of the Twinning sub-Committee held on Tuesday 1st June 2010.

The Committee also considered a written report by the Assistant Chief Executive in relation to a resolution of the Twinning sub-Committee to seek approval for funding in respect of attendance at an "It's A Knockout" competition to be held in Ballymoney over the weekend of the 18th, 19th and 20th June 2010.

It was noted that the Ballymoney Twinning Association had extended an invitation to the Mayor of Douglas for a team of four sporting individuals, together with four representatives from the Council's

Twinning sub-Committee, to attend the event. There had been a delay in replying as the original invitation had been sent prior to the selection of a Mayor for the 2010 / 2011 municipal year and, at the time, the Council's annual Civic Sunday Service was scheduled to take place on 20th June 2010. A further request for a response had been received on 19th May 2010 and the matter was subsequently considered by the Twinning sub-Committee at its meeting on 1st June 2010.

Since that meeting, four independent sporting individuals had been identified by the Twinning sub-Committee to represent Douglas, and, although there had previously been exchanges of a sporting nature between Douglas and Ballymoney, it was deemed essential that issues such as compliance with Standing Orders, Financial Regulations, and whether the Council should be funding independent members of the public to attend this event, should be fully considered and appropriately sanctioned by this Committee.

Resolved, "(i) That particulars of the minutes of the Twinning sub-Committee be noted;

(ii) That, arising from the minutes of the Twinning sub-Committee meeting on 1st June 2010, approval be given for the payment of an invoice in the sum of £55 in respect of the engraving of a Ballymoney table-tennis trophy;

(iii) That authority be given for the following Members of the Council and the following sporting individuals to attend the "It's A Knockout" event in Ballymoney:

Mr Councillor D J Ashford; Mr Councillor R I Kissack;

Miss Sarah-Jayne Sleddon; Ms Delta Williams;

Mr Harry Brereton; Mr Luke Carine;

(iv) That Mr James Lee Cowley be nominated as a reserve in the event that any of the aforementioned sporting individuals were unable to attend;

(v) That approval be not granted for Councillor Mrs S D A Hackman to attend the event, as she had attended a previous, recent, event in Ballymoney; and

(vi) That approval be given for a sum of up to a maximum of £1,000 to be expended from the Twinning sub-Committee budget in respect of attendance at the event."

***9. 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."

***10. Agenda Review**

The Committee undertook a full review of its agenda.

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

The Committee rose at 3.25pm.

POLICY AND RESOURCES COMMITTEE

POLICY AND RESOURCES COMMITTEE – Minutes of Meeting held on Friday, 25th June, 2010.

Members present: Mr Councillor D W Christian (Chairman), the Mayor, Mr Councillor D J Ashford, Councillor Mrs D M Kinrade.

Apologies: Mr Councillor S R Pitts, Councillor Mrs G G S Corkish, Councillor Mrs E C Quirk and Mr Councillor C L H Cain. .

In Attendance: Chief Executive, Borough Engineer & Surveyor, Assistant Borough Treasurer (Financial Services), Assistant Town Clerk.

REPORT

1. **Apologies for Absence**

Apologies for absence were submitted on behalf of Mr Councillor S R Pitts, Councillor Mrs G G S Corkish, Councillor Mrs E C Quirk and Mr Councillor C L H Cain.

*2. **Declarations of Interest**

No declarations of interest were submitted.

3. **Minutes**

Minutes of meeting held on Thursday 10th June 2010 were approved and signed.

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

No matters arising from the previous minutes 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 take-up for the year; the percentage of net rent collected; gross rent arrears; the number of tenants owing over £500; and sundry debtors over three months old.

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

*6. **Use of Payment Cards**

The Committee considered a written report by the Borough Treasurer in relation to a previous request that payments should be made by credit card in certain circumstances.

The Borough Treasurer advised that the current approach for officers incurring expenses in the course of their work was for the officer to make the payment and afterwards submit an expenses form to the Borough Treasurer's Department with supporting documentation to obtain reimbursement. Whilst this method was reasonable for small purchases, it was unfair to expect officers to purchase certain operational goods with a high value using their personal funds or credit cards. It was noted, however, that better value-for-money prices could be achieved by purchasing goods via the Internet, this particularly being the case in respect of travel and accommodation.

This problem could be overcome by issuing payment cards for use by certain officers. The card would be paid for from the Council's bank account each month by Direct Debit, but would need to be below the signing limit of the officer making the payment. Additionally, the card would need to be kept securely and would not be for any personal use. The number of Officers permitted to use them would be tightly limited, and during the initial period use would be closely monitored to identify benefits and difficulties.

It was suggested that one card be issued for each operational centre, at the Town Hall, the Ballacottier Service Centre and the Henry Bloom Noble Library. The cards would be kept on the premises and under the control of a nominated officer. Use would be conditional upon rules fixed by the Borough Treasurer and would be monitored, with limits being applied both to the overall amount of use in any month and to each transaction and it was therefore recommended that the setting and monitoring of these limits be delegated to the Borough Treasurer.

It was intended that the cards would be closely monitored by Chief Officers and be used primarily for ICT, the Garage and for travel and accommodation, with the Human Resources Team taking on a central role for the booking of travel and accommodation for Members and officers.

Resolved, "That particulars of the report be noted on the minutes and that approval be given to the use of one payment card per site for the Town Hall, Ballacottier Service Centre and the Henry Bloom Noble Library building, subject to limits being applied to the total credit limit and to the amount per transaction, the setting of these limits to be delegated to the Borough Treasurer."

7. Petition Process Review

The Committee considered a written report by the Borough Treasurer detailing progress made on the review of the petition process and to seek approval for changes to practice and Standing Orders in order to advance towards the objective of more rapid progress of capital projects.

The exercise had been carried out by a group of officers focussing, according to their mandate, on the submission of borrowing petitions. It had, however, highlighted the need to examine other aspects of the capital projects process, particularly the technical aspects prior to approval of submission of the petition.

Resolved, "That the report be noted on the minutes and that the following recommendations of the Borough Treasurer be approved:

1. That the Committee approve a policy whereby officers approve the entry of organisations onto the select list provided they meet the following criteria:
 - a. A reference from at least one customer confirming that the organisation has completed work for them to a satisfactory standard;
 - b. Confirmation by the Planning Supervisor that the organisation's health and safety policy and procedures meet the standards expected of a Principle Contractor;
 - c. A reference received from their bank confirming that they do not have concerns about the organisation's ability to undertake a contract of the value in question;
 - d. At least one reference from a trade supplier confirming that they adhere to their credit terms and not containing any negative comments;
 - e. Evidence provided of adequate public liability and employer liability insurance cover.
2. That a working party consisting of officers of the Borough Engineer & Surveyor's Department and the Assistant Town Clerk be created to review the pre-tender process with a view to streamlining it.
3. That Committee recommend to Council that:

- (a) The values quoted in Standing Orders be updated in line with the following table:

Number	Current	Proposed
134(1)	£50,000 & £30,000	£70,000 & £40,000
134(2)	£10,000-£50,000 & £10,000-£30,000	£15,000-£70,000 & £15,000- £40,000
134(3)	£2,500-£10,000	£3,500-£15,000
141(a)	£10,000	£15,000
141(b)	£10,000	£15,000
144	£10,000	£15,000
147	£10,000	£15,000
151(b)	£20,000	£30,000
151(d)	£2,500 & £2,500-£10,000	£3,500 & £3,500-£15,000
153(d)	£10,000	£15,000
154(a)	£10,000	£15,000

- (b) Standing Order 144, entitled Opening Tenders, be changed to the following words:

"Tenders in respect of contracts estimated to exceed £15,000 in amount or value shall be opened all at the same time by the Town Clerk or her nominee in the presence of the Chairman of the Service Committee, or in his absence by the Vice-Chairman, or in the absence of both Chairman and Vice-Chairman by another member of the Service Committee. Tenders or quotations in respect of lesser amounts may be opened by the Chief Officer inviting them or an Assistant Chief Officer of that department."
- (c) Standing Order 95A, entitled Petition Applications via Policy and Resources Committee be changed:
 - a. To a title of "*Capital Procedures and Petition Applications*";
 - b. With the following wording: "*The Council delegates authority to approve Capital Procedures Stage Reports and to petition the Department of Infrastructure for financial approval to borrowing to its Standing Committees. Approval of Housing projects expected to cost in excess of £1,000,000 and other projects expected to cost*

in excess of £250,000 may only be given by the Policy and Resources Committee. Other projects of lower value may be approved by any of the Standing Committees.”

2. The last two paragraphs of the Procedure Note for Receipt and Opening of Tenders and Applications for Inclusions on Select Lists (which are attached to Standing Orders) be replaced with the following three paragraphs:

- a. *“All valid select list applications to be opened and details recorded in the Tender Book. Responsible Officer to proceed with evaluation of select list applicants in accordance with criteria approved by Council and notify successful and unsuccessful applicants. When the Tender Report is prepared it is to include a list of applicants and an explanation of why any were not invited to tender.”*
- b. *“All valid tenders to be opened and details recorded in the Tender Book. Responsible Officer to proceed with tender evaluation and preparation of a report on tender applications for consideration at a meeting of the appropriate Committee. That report to include all the information that will be required for the preparation of a petition to the Department of Infrastructure for borrowing powers.”*
“On approval by the Committee of the acceptance of a tender the Responsible Officer to notify the successful and unsuccessful tenderers and the Town Clerk’s Department to submit a petition for borrowing powers to the Department of Infrastructure.”

***8. Pension Fund Annual Report and Accounts for the Year Ended 31st March 2010**

The Committee considered a written report by the Assistant Borough Treasurer (Financial Services) seeking approval of the Superannuation Scheme Annual Report and Accounts.

The Borough Treasurer explained that best practice would require the report and accounts to be approved by the Pensions Committee, but that the Council’s structure currently showed it to be the responsibility of the Policy and Resources Committee. It was intended to change it to the Pensions Committee with effect from 2011 but in order to expedite approval for this year, the only Member of the Pensions Committee who was not a Member of the Policy and Resources Committee, Mr Councillor R I Kissack, had been consulted. He had made several comments and these were circulated together with the Borough Treasurer’s comments and recommendations that no action be taken on those relating to the actuarial statement and percentage of accrued liabilities being out of date, as those were the relevant elements at the time covered by the report. However it was recommended that the suggestion to include the levels of Employers’ contributions be accepted and the report amended accordingly, and that the suggestion of graphical presentation of the demographic profile of Scheme members be taken up in next year’s report.

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

(ii) That the changes required in order to comply with best practice in the Council’s approval of the Annual Report and Accounts also be noted and take effect from 2011;

(iii) That the Report be amended by the inclusion of the following words at the foot of Page 15, below the Actuarial Statement:

‘During the year ending 31st March 2010, contributions made into the Scheme by employers have been at 23% of pensionable pay (2009: 23%). Details of the last full Actuarial Report can be found on the Council’s website.’

(iv) That the comments of Mr Councillor R I Kissack be noted and the consequent supplementary recommendations by the Borough Treasurer in respect of the 2009 / 2010 report be approved;

(v) That subject to adjustment as in (iii) above, the Annual Report and Accounts for the Isle of Man Local Government Superannuation Scheme be approved for submission to the external auditor; and

(vi) That the Borough Treasurer be authorised to update the notes to the Financial Statements, in order to reflect the actual value of the AVC assets, once this information had been received from Aviva, the AVC provider.”

***9. Revenue Out-Turn**

The Borough Treasurer’s Report on 2009 / 2010 Revenue Out-turn was withdrawn following his advice that some figures needed adjustment, to be resubmitted in final form at the next meeting.

***10. Allotments sub-Committee – Charges of Allotments**

The Committee considered the minutes of the Allotments Sub-Committee of the Leisure Services Committee, from its meeting on Friday 28th May 2010, with reference to the need for approval from this Committee of the fees for inclusion in the Schedule of Fees and Charges.

The charges proposed were £30 per quarter, payable by direct debit, or £100 per year payable at the start of the financial year.

Resolved, "That the minutes of the Allotments Sub-Committee be noted and that the Schedule of Fees and Charges be amended by the inclusion of the fees as proposed."

***11. Douglas Golf Course sub-Committee**

The Committee considered the minutes of the Douglas Golf Course Sub-Committee meeting held on Thursday 17th June 2010.

Resolved, "That the minutes of the Golf Course Sub-Committee meeting of 17th June, 2010, be noted and approved."

***12. Community Events sub-Committee**

The Committee considered the minutes of the Community Events Sub-Committee meeting held on Monday 14th June 2010.

Resolved, "That the minutes of the Community Events Sub-Committee meeting of 14th June, 2010, be noted and approved."

Further resolved, "That at all future public events promoted by the Council, collections on behalf of the Mayor's Charity Appeal Fund be permitted."

***13. Douglas Promenade Repainting Works**

The Borough Engineer and Surveyor submitted a written report in relation to the carrying out of repainting work on Douglas Promenade in accordance with a previous decision of the Committee. It was desirable to carry out the work as rapidly as possible to improve appearance of railings, etc., for the summer season and for the Britain in Bloom Competition, so a proposed procedure was put forward to progress the project as rapidly as possible in compliance with Standing Orders.

The proposed procedure set out the acceptance of applications for inclusion on Select Lists, and the subsequent acceptance of tenders within estimate, by two Chairmen, with a further report to the Committee on 30th July 2010 on the actions taken.

Resolved, "That the report be noted on the minutes and that the proposed procedure be approved, with a further report to Committee on 30th July 2010 on the outcome."

***14. 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."

***15. Agenda Review**

The Committee undertook a full review of its agenda.

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

The Committee rose at 3.00pm.

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

LEISURE SERVICES COMMITTEE

LEISURE SERVICES COMMITTEE – Minutes of Meeting held on Thursday, 17th June, 2010.
Members present: Mr. Councillor S.R. Pitts (Chairman) (from 12.02pm), Councillor Mrs R. Chatel, Mr. Councillor R.I. Kissack, Councillor Mesdames C.E. Malarkey, E.C. Quirk, Messrs Councillors J.R. Mitchell, S.C. Cain

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

REPORT

1. **Chair of Meeting**

In the absence of the Chairman, the Vice-Chairman, Mr Councillor R I Kissack, was unanimously elected to take the Chair.

2. **Minutes**

The minutes of the meeting held on Thursday 20th May, 2010 were approved and signed..

*3. **Matters Arising – Animal Waste Receptacles**

Members queried whether the animal waste receptacles are still being trialled and the Vice-Chairman advised that they are being used on about half the horses.

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

*4. **Matters Arising – Noble’s Park – Water Feature**

The Committee raised the point that, in their opinion, Noble’s Park is not as attractive to visitors as the Mooragh Park in Ramsey, and stated that they would definitely wish to see the proposed water park installed to attract more people. Subject to budget approval, the water park is due to be put in in the 2011/2012 financial year and the Committee requested that preliminary work commence now.

Resolved, “That particulars of the discussion be noted on the minutes and the Assistant Borough Engineer start working now on the concept of installing a water park in Noble’s Park so that, subject to final budget approval, work can commence as soon as possible in the 2011/2012 financial year.”

Further resolved, “That Officers look into the possibility of providing other entertainment for children and teenagers in Noble’s Park.”

5. **Minutes**

The minutes of the special meeting held on Friday, 28th May, 2010 were approved and signed, subject to an amendment to show that Mr Councillor S C Cain was present and not Mr Councillor J R Mitchell.

*6. **Matters Arising – Location of Willaston Playground**

The Assistant Borough Engineer advised that, having spoken with a representative from the successful tenderer, Wicksteed Ltd, confirmation has been received that the Committee’s requested amendments can be included within the budget figure for the schemes.

Prior to the meeting, Members had met at the Willaston playground to look at the possibility of relocating it. A Member for the area, however, advised that local residents do not want it to be moved. The main problem with the playground being where it is is that the area gets very damp. The Assistant Borough Engineer advised that this could be mitigated by the creation of new fencing and pathways and by moving the entrance. The Superintendent of Public Parks and Gardens also confirmed that trees in the vicinity could be pruned to allow more natural light through. The Assistant Borough Engineer confirmed that undertaking this work would cost no more than the estimated cost of relocating the whole play area.

Members stipulated that the aerial runway be situated just outside the main play area as a safety precaution and that this also be the case with the Balloughton play area. In answer to question, the Assistant Borough Engineer advised that the surfacing underneath the aerial runway would be rubber matting through which the grass would grow. For clarification, he also confirmed that tarmac would only be used to create pathways around the new play equipment with wet pour to be used underneath and in the immediate vicinity of the equipment.

In answer to question, the Superintendent of Public Parks and Gardens advised that information signs are being drawn up for display in all children’s playgrounds. These would include a statement that the Council’s liability does not extend to cases where equipment is used inappropriately.

Resolved, "That particulars of the report be noted on the minutes and it be agreed that the Willaston playground remain in its current location but that work be undertaken to mitigate the current damp problems and increase the amount of natural light."

Further resolved, "That the aerial runways at both the Willaston and Ballaughton playgrounds be located just outside the main play area, with a plan to be brought to the next meeting showing the exact layout of the proposed play equipment at the Willaston playground."

***7. Isle of Man Bay Festival – Two Chairmen Procedure**

The Borough Engineer and Surveyor and Assistant Chief Executive joined the meeting and provided a report on a two chairman procedure in relation to three funfair rides from the TT funfair being set up in Noble's Park as part of the Isle of Man Bay Festival. Although it is Council policy not to allow the TT funfair to use Noble's Park due to a number of operational issues in previous years, it was recognised that there is significant community interest in the rides being there. The Council Leader and Chairman of the Leisure Services Committee therefore agreed to the siting of the three rides subject to the Festival organisers entering into an amendment to the legal agreement for the Festival, providing a £2,500 deposit against additional reinstatement and covering all associated legal costs.

Resolved, "That particulars of the report and the two chairman procedure in respect of granting permission for the siting of three mechanical rides at Noble's Park for the 2010 Isle of Man Bay Festival be noted on the minutes."

***8. Allotments Sub-Committee Minutes**

The minutes of the Allotments Sub-Committee meeting held on Friday, 28th May, 2010 were noted and approved.

***9. Matters Arising from Allotments Sub-Committee Minutes**

The Assistant Borough Treasurer (Financial Services) advised that rates will be payable on the new allotments and it will also have to be investigated whether VAT would be payable. Either way, he suggested that these amounts would be included in the fee previously agreed and the Committee concurred with this view.

A Member queried whether more allotments could be created on the field to the left of the Lawn Cemetery drive. The Superintendent of Public Parks and Gardens advised that the land is not yet in Council ownership and he is not sure whether there are any covenants or agreements as to its use; confirming that it has been intended for informal leisure use.

The Committee requested that Officers investigate whether there is any additional land in the Council's ownership that would be suitable for allotments in the future. The Assistant Borough Engineer also suggested that landshare agreements could be looked into. This is where people with large gardens allow others to use parts of it to grow produce. This scheme is in place in the United Kingdom and has proven popular.

Resolved, "That particulars of the discussion be noted on the minutes and Officers investigate whether the Council owns any more land that could be used for allotments."

Further resolved, "That any rates and VAT applicable to the rental of allotments be included within the fee previously agreed."

10. Attendance and Chair of Meeting

Mr Councillor S R Pitts joined the meeting at 12.02pm during consideration of the following item and took the Chair for the remainder of the meeting.

***11. Noble's Park BMX Track**

The Committee considered a report from the Senior Engineering Manager and the Superintendent of Public Parks and Gardens regarding funding requirements and possible sponsorship for the BMX track in Noble's Park.

Members requested an update on progress with redeveloping the track. The Assistant Borough Engineer advised that the Ramsey BMX Club has offered to do the surfacing works, subject to an appropriate formal agreement being in place. There had been some health and safety concerns in relation to them carrying out the work but the Assistant Borough Engineer is now hopeful that these can be overcome. He is meeting members of the Club with the Corporate Health and Safety Liaison Officer on Saturday and invited Members to attend as well.

The Assistant Borough Engineer advised that the contractor, Stephen Christian, should have completed all profiling works within the next four to five days, at which point the track could be used. However, it will still need scalping and the Assistant Borough Engineer advised that the Department of Infrastructure has offered to provide road scalplings without charge.

With regard to ongoing maintenance, the Assistant Borough Engineer advised that the Ramsey BMX Club has a legal agreement with Ramsey Town Commissioners to undertake regular work. It may be that the Council could enter into a similar agreement.

To sum up, the Assistant Borough Engineer advised that once the final material has been supplied and the labour found to do the work, the BMX track should be complete. A Member suggested that Officers should aim for an official opening of the redeveloped track at the Fun Day on Saturday, 24th July, 2010.

Resolved, "That particulars of the verbal progress update be noted on the minutes but that the report regarding funding requirements and possible sponsorship be deferred until after the meeting with the Ramsey BMX Club."

12. Adjournment and Resumption

The meeting adjourned at 12.15pm and resumed at 12.20pm with the same Members present.

***13. Use of Noble's Park in 2011**

The Committee considered a joint report from the Assistant Chief Executive and the Assistant Borough Engineer recommending that Members consider inviting expressions of interest for recreational and/or event use of areas of Noble's Park for the 2011 summer season. The report notes that there may be the potential for generating additional revenue.

Resolved, "That particulars of the report be noted on the minutes and approval given for advertisements to be placed in the local press inviting expressions of interest for recreational and/or event use of areas of Noble's Park for the 2011 summer season."

14. Attendance

Mr Councillor J R Mitchell left the meeting at 12.26pm during consideration of the following item.

15. Tenders Received for the Finch Hill Pipes and Pathways Scheme

The Committee considered a report from the Property Maintenance Officer regarding tenders received for replacing a lead drinking water pipe, laying duct work for any potential future lighting scheme and resurfacing the pathway on completion of the ground works. Four tenders were received.

The budget for the scheme was £44,000, including a now removed lighting scheme, so all tenders have come in under budget. The total budget for the scheme is now £23,000 and the Assistant Borough Treasurer (Financial Services) advised that petition approval is not required for this amount, but the Department of Infrastructure needs to be informed that the project is being funded through a loan.

Resolved, "That particulars of the report be noted on the minutes and the tender from Southwards Ltd, being the lowest, be accepted."

Further resolved, "That the Department of Infrastructure be informed that the project is being funded through a loan of £23,000."

16. Tenders Received for Parks Department Equipment

The Committee considered a report from the Transport and Plant Manager regarding tenders received for replacement Parks Department equipment. A number of tenders were received for each piece of equipment with some also quoting a trade in price for the existing machinery. The cost of purchasing the new equipment will be met from the Vehicle and Plant Renewals fund.

Tractor

Resolved, "That the tender from JDW Engineering Ltd for a New Holland T4030 Tractor c/w Loader, being the lowest for a suitable machine and with a good trade in price be accepted."

Fairways Mower

Resolved, "That the tender from JD Faulkner Ltd for a John Deere 7500 precision cut fairways mower, being the lowest for a suitable machine and with a good trade in price be accepted."

Utility Vehicle

Resolved, "That the tender from JD Faulkner Ltd for a John Deere Gator 6x4 utility vehicle, being the lowest for a suitable machine and with a good trade in price be accepted."

Flail Reach Mower

Resolved, "That the tender from JDW Engineering Ltd for a McConnell PA50 flail reach mower, being the lowest for a suitable machine and with a good trade in price be accepted."

2 Ride On Mowers

Resolved, "That the tender from Sadler Agricultural Suppliers Ltd for two Grass Hopper 21D rider on mowers, being the lowest for a suitable machine, be accepted."

***17. Items for Future Consideration by the Committee**

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."

***18. Summerhill Glen Decorative Lighting**

During discussion of items for future consideration, Members asked about progress with the new lights for Summerhill Glen. The Assistant Borough Engineer advised that there is currently a delay as Treasury has indicated that it will not permit the Council to petition for the cost of in-house staff installing the lights. Members instructed that the work be put out to tender using the existing applicable select list.

Resolved, "That particulars of the discussion be noted on the minutes and it be agreed that tenders be sought for the work to install new lighting in Summerhill Glen."

***19. Agenda Review**

The Committee undertook a review of the agenda to determine those items to be made public and those to remain private.

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

***20. Thank you to Committee Administrator**

In light of the Committee Administrator's resignation, Members stated that they would be sorry to see her go and thanked her for her hard work.

The Committee rose at 12.48pm

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, 21st June, 2010. Members Present: Councillor Mrs. S.D.A. Hackman, Mr Councillor D.J. Ashford, Councillors Mesdames C.E. Malarkey, E.H. Callow, Councillor Mrs. D.M. Kinrade (Vice-Chairman)

Apologies: Mr Councillor C.L.H. Cain (Chairman), Mr Councillor T.M. Gelling,

In Attendance: Assistant Town Clerk, Acting Assistant Borough Surveyor, Assistant Borough Treasurer (Income Services), Committee Administrator

Declarations of Interest: Councillor Mrs D.M. Kinrade declared that she is a tenant in sheltered housing.

REPORT

*1. **Chair of the Meeting**

In the absence of the Chairman, the Vice-Chairman, Councillor Mrs D.M. Kinrade was unanimously elected to take the Chair.

*2. **Minutes – 21st May, 2010**

The minutes of the regular meeting held Monday, 21st May, 2010 were approved and signed as a correct record of the meeting.

*3. **Sprinkler Systems in Council Housing Properties**

The Committee considered a report submitted by the Housing Manager regarding a policy to install sprinkler systems in Council housing properties. In January 2010, the Council had agreed to support the principle of installation of sprinkler systems in Council housing properties and to seek the DLGE support for the additional cost of implementation of this policy. The report advised that correspondence has been received from the Department of Social Care, which now has responsibility for public sector housing following the reorganisation and renaming of Government Departments.

The Department will not support the Council's policy for the installation of sprinkler systems except where there is a requirement under building regulations for these to be installed. Currently there are no regulations which require sprinklers to be installed in houses and bungalows. The same building regulations apply to both public sector and private sector dwellings. The Department does not wish to have public sector housing built to a different standard than the private sector. As the Department will not support implementation of this policy, if the Council wishes to implement it, the full cost would be a rate-borne expense, rather than funded through the Housing Deficiency Agreement. Members agreed that it would be unacceptable to put this additional cost on the rates.

Members continued to express their support for what is seen as an important scheme which would be more cost-effective to implement when houses are being built than as a later addition. They further expressed their strong disappointment that the Department is refusing to fund the scheme. Members opined that the Department has put funding considerations before safety considerations in coming to the decision on this matter.

Resolved, "That particulars of the report and discussion be noted on the minutes and approval given for a strongly worded letter to be sent to the Minister for Social Care expressing the Committee's disappointment at his Department's refusal to fund installation of sprinkler systems in public sector housing except where required by Building Regulations."

*4. **Matters Arising – Minute 6 – Proposed Kitchen Framework Agreement**

The Committee considered a report submitted by the Housing Manager regarding requests for permission to alter and adapt the existing kitchens which have been received from two tenants who have recently relocated into Edmund Chadwick Grove apartments. The apartments are newly built and still under the contractor's warranty.

Resolved, "That particulars of the request be noted on the minutes and refused. As a matter of policy it was further agreed that no permission will be given for tenant adaptations on newly built or newly refurbished properties for a period of twelve months or the period of the contractor's warranty ('the defect period'), whichever is longer."

***5. Capital Housing Schemes**

The Committee considered a schedule setting out the monthly updated position on the capital housing schemes 2010/2011.

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

***6. Items for Future Consideration**

The Committee considered the report on items for future consideration.

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

The Committee rose at 12:15pm.

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

PUBLIC WORKS COMMITTEE

PUBLIC WORKS COMMITTEE – Minutes of meeting held on Wednesday, 16th June, 2010. Members Present: Mr Councillor D.J. Ashford (Chairman), The Mayor, Mr. Councillor R.I. Kissack, Councillor Mrs E.C. Quirk, Mr Councillor G.J. Faragher, Mr Councillor T.M. Gelling, Councillor Mrs D.M. Kinrade

Apologies: Councillor Mrs. G.G.S. Corkish

In Attendance: Assistant Town Clerk, Assistant Borough Engineer, Assistant Chief Officer (Corporate and Development), Senior Accountancy Officer, Committee Administrator.

REPORT

*1. Minutes – 19th May, 2010

Minutes of the meeting held on Wednesday, 19th May, 2010 were approved and signed as a correct record. The Committee noted that Clause 6(ii) had been withdrawn at Council by the Chairman.

*2. Matters Arising – Minute 6 – Lifebuoys on Douglas Promenade

A Member reported that he had noticed that pieces of rope were sticking out of the lifebuoys on two recent occasions. There was some discussion of the specifications for checking the lifebuoys. Members were advised that on each inspection of the lifebuoys there is a checklist completed which is then filed in the Town Hall. The Committee agreed that the number of lifebuoys on the Promenade would not be reduced until and unless a further report was brought forward on the matter.

3. Town Centre Regeneration

The Committee considered a report and received a presentation by the Assistant Chief Officer (Corporate and Development) updating Members on the progress of the Town Centre Regeneration plans. The Assistant Chief Officer (Corporate and Development) advised that this presentation was the first of a number of planned presentations and that the plans were still at a draft stage and evolving daily. As an example he stated that changes had been made to the presentation in order to include information received shortly before the meeting. The presentation included details of the themes the team has concluded make up the identity of Douglas, the palette of colours which are proposed for use in the town centre, and details of possible paving and lighting improvements.

Members were reminded that a team of four individual companies had been appointed to develop five strategies for the Regeneration. The team had looked around the whole of the Isle of Man as well as Douglas and talked to people as part of the process of developing the strategies. Members of the public have been able to view the work done so far at the Douglas Development Office. Comments received so far have been positive. An exhibition is planned to take place in the Strand Shopping Centre at the end of June or early July and a presentation is planned for the whole of the Council on the same day as the next regular Council meeting in July.

In response to questions about timing, the Assistant Chief Officer (Corporate and Development) stated that the team is starting to look at priorities and phasing. Sketch plans of an overall scheme and details of the 1st phase will be completed by 1st September so that the Regeneration Committee can make a bid to Treasury for funding from the Regeneration fund.

Members discussed the extent to which local materials were to be used in any paving improvements. Reservations were expressed about the use of brick or similar paving stones, as the brick can settle and slightly different levels can develop over time allowing detritus to collect into the small gaps. The Assistant Chief Officer (Corporate and Development) was of the view that these can potential problems should be minimised by careful installation.

Resolved, “That the particulars of the presentation and discussion be noted on the minutes. It was agreed that local paving materials should be used in preference to imported materials. It was also agreed that the lighting improvements should be progressed as a three-year programme of works independent of the remaining Regeneration works.”

4. Adjournment and Resumption

The meeting adjourned at 11:30am and resumed at 11:45am with the following Members present: Mr Councillor D.J. Ashford (Chairman), Mr. Councillor R.I. Kissack, Councillor Mrs E.C. Quirk, Mr Councillor G.J. Faragher, Mr Councillor T.M. Gelling,

The Mayor and Councillor Mrs D.M. Kinrade gave their apologies for the remainder of the meeting.

***5. Planning Application 10/00637/B – Villa Marina Gardens, Douglas**

The Committee considered planning application 10/00637/B seeking approval for the erection and operation of a temporary ice skating rink in the Villa Marina Gardens, Douglas. The temporary period covered by the application is for the seven week period from the 19th July, 2010, which covers the duration of the schools summer holiday.

Resolved, “That the particulars of the application be noted on the minutes and no objection be raised.”

***6. Nuisance Abatement Notice – 9 Derby Road, Douglas**

The Committee considered a report submitted by the Building Control Manager regarding the unsightly condition of the front garden of 9 Derby Road. The front garden has been used to store waste materials whilst some refurbishment works were on-going to the property. The owner has not replied to letters nor has any improvement been made to the garden.

Resolved, “That the particulars of the report be noted on the minutes and approval given for service of a Notice under Section 14 of the Local Government (Miscellaneous Provisions) Act 1984 requiring the owner to take such steps as are necessary to abate the nuisance arising from the site.”

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

The Committee noted the schedule of dilapidated, ruinous, neglected or dangerous properties submitted by the Building Control Manager and voiced concerns about other specific properties.

***8. Lighting-up Times for Decorative Lighting**

The Committee considered a report submitted by the Electrical Services Manager regarding a request from the Community Events sub-Committee to consider switching on the Christmas decorative lighting earlier in the year so as to encourage late night shopping for a longer period before Christmas. The increased costs of the longer lighting-up period could be offset by bringing forward the switch-off date for the summer decorative lighting programme, which is currently the 18th October. The report detailed that the street decorative lighting could be energized separately to the Christmas trees and the Town Hall which could then be lit as in previous years at a Christmas lights switch-on ceremony, closer to Christmas. There was also consideration of the date of the Christmas lights switch-on ceremony which has traditionally been on the fourth Thursday before Christmas.

Resolved, “That particulars of the report be noted on the minutes and approval given for these actions:-

- i. The summer decorative lighting to be switched off at the end of September;
- ii. The Christmas street decorative lighting in the Town Centre shopping area to be switched on as of the 1st November; and
- iii. The Christmas lights switch-on ceremony (for the Town Hall and Christmas trees) be held on the last Thursday in November, which in 2010 will be the 25th November.”

***9. Items for Future Consideration**

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

The Committee rose at 12.10pm