



Borough of Douglas

Town Hall,

Douglas,

12th June, 2019

At a MEETING of the COUNCIL of the BOROUGH OF DOUGLAS, duly convened and holden at 2.30 p.m. on WEDNESDAY, the 12th day of JUNE, 2019, in the COUNCIL CHAMBER, within the TOWN HALL, at which Meeting the following Members were present, that is to say: -

The Mayor

MR COUNCILLOR JONATHAN JOUGHIN, JP

Councillors

Miss N.A. Byron

Mrs H. Callow

Mr S.R. Pitts

Mrs R. Chatel

Mr I.J.G. Clague, MBE

Mr D.W. Christian, MBE, JP

Mrs C.E. Malarkey

Mrs C.L. Wells

Mr A.J. Bentley

Mr C.L.H. Cain

Miss D.A.M. Pitts

Mr F. Horning

Mr R.H. McNicholl

Mr J.E. Skinner

Mrs E.C. Quirk

Ms J. Thommeny

Apologies for absence were submitted by Councillor Ms K. Angela and the Assistant Chief Officer (Housing and Property) who was away on Council business.

The Town Clerk and Chief Executive, Director of Environment and Regeneration and Director of Finance were in attendance.

1. **Minutes – 8th May, 2019**

The minutes of the annual Council meeting held on Wednesday, 8th May, 2019, were approved and signed.

2. **Standing Order 39 – Question – Mr J.E. Skinner**

Mr Councillor J.E. Skinner asked the Leader of the Council:

In respect of the Bottleneck Car Park:-

Are there any Penalty Clauses within the terms of the Licence issued to the Operator of the Entertainment in the Bottleneck Car Park during the TT period which cover the said entertainment not going ahead?

Is there any financial penalty payable by the Licence Holder for the Bottleneck Car Park should the proposed TT entertainment not go ahead?

With the Bottleneck Car Park Licence Holder for this years TT having failed to provide entertainment on the site does the Council have the Right to revoke the Licence and seek tenders for future use during future TT periods within the Licence period?

Has the Licence holder given any assurance or indication as to whether there will be entertainment on the Bottleneck Car Park during the 2020 TT period and beyond?

Reply by the Leader of the Council:

The arrangement for the Bottleneck Car Park is a five year agreement facilitated through annual licences. The Council sought annual licences to assist it should there be a requirement to not issue a licence during the five year period (due to Promenade Regeneration works, for example). Therefore, there are no penalty clauses written into the licence.

The operator signed the licence for the 2019 TT in February 2019 and therefore has a contractual obligation to meet in terms of payment for use of the facility. A report is going to the Environmental Services Committee meeting on 17th June 2019 on this matter.

In meetings with the licence holder, there are currently full intentions to resume the event for the 2020 TT. Officers will meet with the licence holder after this year's TT to continue discussions. If the licence holder chooses not to sign a licence for use of the car park in 2020 and/or seeks to surrender its agreement with the Council, the Council can seek alternative uses of the site.

3. **Standing Order 39 – Question – Mr J.E. Skinner**

Mr Councillor J.E. Skinner asked the Chair of the Regeneration and Community Committee:

Did the Department of Infrastructure seek permission from the Council prior to laying heavy duty plastic covering over the grassed area on Queens Promenade to provide free parking for motorcycles during the TT period and if not has there been any discussion with Department since its installation?

Reply by the Chair of the Regeneration and Community Committee:

The Department of Infrastructure did seek permission from the Council, albeit late in the day, following a specific request from the emergency services. Therefore permission was given with an undertaking by the Department that it has to fully reinstate the gardens, at their full cost, after TT.

4. **Standing Order 39 – Question – Mr J.E. Skinner**

Mr Councillor J.E. Skinner asked the Chair of the Regeneration and Community Committee:

Could the Chairman confirm whether or not the Marine Gardens (sunken gardens) on Douglas Promenade will be "planted up" this summer and if not why?

Reply by the Chair of the Regeneration and Community Committee:

I can confirm that the Marine Gardens will be planted up this summer and as with previous years, this will be planted immediately after TT and once the funfair has been removed from the promenade. Summer planting has been completed on North Quay, Victoria Street, the Sea Terminal area, all troughs, pyramid planters and hanging baskets within the town, and within Nobles Park, apart from the troughs and hanging baskets which will go in immediately after TT.

5. **Standing Order 39 – Question – Mr J.E. Skinner**

Mr Councillor J.E. Skinner asked the Leader of the Council:

The Council has recently introduced fees for parking on a Sunday in car parks to help meet the costs of the fees payable to the Department of Infrastructure for the running of its car parks. Has there been any discussion between The Council and the Department of Infrastructure either at political or officer level prior to the Department looking for or designating areas of lower Douglas for "free parking"?

Reply by the Leader of the Council:

The Council became aware of the Department's intention for free short stay promenade walkway parking just before Christmas 2018 to combat concerns and complaints by businesses and residents on the promenade during the promenade highway improvement works.

The free short stay parking was introduced during January 2019, however, the level of provision has been far greater than the number of spaces removed from the highway to date. Officers initially expressed concern with the Chief Executive of the Department in early February as to the impact an over provision of free short stay parking was likely to have on the short stay town centre car parks and were given assurances that any over-provision of parking spaces would be temporary.

However, a report to the Executive Committee in May 2019, the minutes of which are on this Council agenda, highlighted the impact the continued over provision of free short stay parking spaces was having on both usage and income on the town's short stay car parks. This report also included concerns regarding the temporary parking at Strathallan with free shuttle bus and the proposed free short stay parking at the Castle Mona.

The resolution of Committee was that a letter seeking a rebate on the licence fee, to the value of the losses incurred, should be sent to the Department, and a request that the over provision be ceased. A letter was sent to the Department on 29th May 2019, it has been acknowledged and we await their fuller reply.

6. Standing Order 39 – Question – Mr J.E. Skinner

Mr Councillor J.E. Skinner asked the Leader of the Council:

Pursuant to a question in another place with regard to who is responsible for disabled parking enforcement (a) during usual business hours and (b) outside those hours it was confirmed that, the Department of Infrastructure had offered training and formal appointment in parking control to the Island's local authorities. Have the Douglas Borough Wardens taken up this training and have they received any formal appointment in respect of parking control?

Reply by the Leader of the Council:

The Borough Wardens are responsible for enforcing the Off Street Car Park Places Order and this includes for infringements related to disabled parking. The Council is not currently responsible for enforcing any on street parking infringements, which is the responsibility of the Department of Infrastructure. I am aware of the question posed in another place and of the occasional discussion under the localisation agenda on whether on street car parking should be enforced by Local Authorities. To date, no firm proposals have been received. I'm sure officers would be happy to discuss any firm proposals although this Council should be cautious of accepting the cost of undertaking enforcement when the revenues generated benefit Treasury.

7. Executive Committee – 24th May, 2019 – Clause A6, Sub-Clause B2

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 A6, Sub-Clause B2 of report of meeting held on Friday, 24th May, 2019, be received by the Council."

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

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

8. Executive Committee – 24th May, 2019 – Clauses A1 to A5, A6 (with the exception of Sub-Clause B2) and A7 to A15

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 A5, A6 with the exception of Sub-Clause B2 and A7 to A15 inclusive of report of meeting held on Friday, 24th May, 2019, be received by the Council."

Question put on Motion; a vote was taken electronically, and there voted **For** the Motion; Councillors: Mrs H. Callow, Mr S.R. Pitts, Mrs R. Chatel, Mr I.J.G. Clague, Mr D.W. Christian, Mr F. Horning, Miss D.A.M. Pitts, Mrs E.C. Quirk – **8**

Against: Councillors: Ms N.A. Byron, Mrs C.E. Malarkey, Mrs C.L. Wells, Mr A.J. Bentley, Mr C.L.H. Cain, Mr R.H. McNicholl, Mr J.E. Skinner, Ms J. Thommeny, the Mayor – **9**

Motion fell.

9. Pensions Committee – 22nd May, 2019

Motion moved by Mr Councillor F. Horning, seconded by Councillor Mrs C.E. Malarkey, "That the minutes of proceedings of the Pensions Committee, as contained in report of meeting held on Wednesday, 22nd May, 2019, be received by the Council."

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

10. Housing Committee – 15th May, 2019

Motion moved by Councillor Mrs C.L. Wells, seconded by Councillor Mrs C.E. Malarkey, “That the minutes of proceedings of the Housing Committee, as contained in report of meeting held on Wednesday, 15th May, 2019, be received by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

11. Regeneration and Community Committee – 14th May, 2019 – Clause B9

Motion moved by Mr Councillor S.R. Pitts, seconded by Councillor Miss D.A.M. Pitts, “That the minutes of proceedings of the Regeneration and Community Committee, as contained in Clause B9 of report of meeting held on Tuesday, 14th May, 2019, be received by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

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

12. Regeneration and Community Committee – 14th May, 2019 – Clauses A1 to A8 and B10

Motion moved by Mr Councillor S.R. Pitts, seconded by Councillor Miss D.A.M. Pitts, “That the minutes of proceedings of the Regeneration and Community Committee, as contained in Clauses A1 to A8 inclusive and B10 of report of meeting held on Tuesday, 14th May, 2019, be received by the Council.”

During discussion Mr Councillor S.R. Pitts agreed, with consent of the Mayor, to refer Clause B10 back to the Regeneration and Community Committee for further consideration.

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

13. Environmental Services Committee – 13th May, 2019

Motion moved by Mr Councillor R.H. McNicholl, seconded by Mr Councillor F. Horning, “That the minutes of proceedings of the Environmental Services Committee, as contained in report of meeting held on Monday, 13th May, 2019, be received by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

14. Environmental Services Committee – 15th May, 2019

Motion moved by Mr Councillor R.H. McNicholl, seconded by Mr Councillor F. Horning, “That the minutes of proceedings of the Environmental Services Committee, as contained in report of meeting held on Wednesday, 15th May, 2019, be received by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

15. Adjournment and Resumption and Attendance

The meeting adjourned at 4.00pm and resumed at 4.20pm with the following Members present: Councillors: Miss N.A. Byron, Mr S.R. Pitts, Mrs R. Chatel, Mr I.J.G. Clague, Mr D.W. Christian, Mrs C.E. Malarkey, Mr A.J. Bentley, Mr C.L.H. Cain, Miss D.A.M. Pitts, Mr F. Horning, Mr R.H. McNicholl, Mr Councillor J.E. Skinner, Councillor Ms K. Angela, Mrs E.C. Quirk, Ms J. Thommeny, the Mayor.

Councillor Mrs H. Callow and Councillor Mrs C.L. Wells submitted their apologies for the remainder of the meeting.

The same officers were in attendance.

IN PRIVATE

16. Executive Committee – 24th May, 2019

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, 24th May, 2019, be received by the Council.”

During discussion Mr Councillor D.W. Christian agreed, subject to consent of the Council to withdraw Clause A4 and defer the item to a special Council meeting.

A vote to withdraw Clause A4 was taken electronically, and the Motion was carried unanimously.

Further Motion moved by Mr Councillor J.E. Skinner, seconded by Councillor Mrs C.E. Malarkey, “That Clause A4 be deferred to a special Council meeting and a copy of the report be circulated beforehand.”

During discussion of the item Councillor Mrs R. Chatel gave her apologies and left for the remainder of the meeting.

Question put on amended Motion, a vote was taken electronically, and the Motion was carried unanimously.

Mr Councillor D.W. Christian gave his apologies and left for the remainder of the meeting.

17. Pensions Committee – 22nd May, 2019

Motion moved by Mr Councillor F. Horning, seconded by Councillor Mrs C.E. Malarkey, “That the minutes of proceedings of the Pensions Committee, as contained in private report of meeting held on Wednesday, 22nd May, 2019, be received by the Council.”

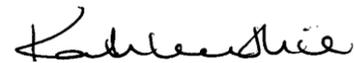
Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

18. Regeneration and Community Committee – 14th May, 2019

Motion moved by Mr Councillor S.R. Pitts, seconded by Councillor Miss D.A.M. Pitts, “That the minutes of proceedings of the Regeneration and Community Committee, as contained in private report of meeting held on Tuesday, 14th May, 2019, be received by the Council.”

Question put on Motion; a vote was taken electronically, and the Motion was carried unanimously.

The Council rose at 6.25pm.



Town Clerk & Chief Executive