



Borough of Douglas

Town Hall,

Douglas,

13th November, 2019

At a MEETING of the COUNCIL of the BOROUGH OF DOUGLAS, duly convened and holden at 2.30 p.m. on WEDNESDAY, the 13th day of NOVEMBER, 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

Mr A.J. Bentley

Mrs H. Callow

Miss D.A.M. Pitts

Mrs R. Chatel

Mr F. Horning

Mr I.J.G. Clague, MBE

Mr R.H. McNicholl

Mr D.W. Christian, MBE, J.P.

Mr J.E. Skinner

Mrs C.E. Malarkey

Mrs E.C. Quirk

Mrs C.L. Wells

Ms J. Thommeny

Apologies for absence were submitted by Mr Councillor S.R. Pitts and Councillor Ms K. Angela.

The Chief Executive, Director of Environment and Regeneration, Director of Finance and the Assistant Chief Officer (Housing and Property) were in attendance.

1. Resignation as Councillor of Mr C.L.H. Cain

The Chief Executive reported having received the written resignation as Councillor of Mr C.L.H. Cain effective from the date of the meeting and as Section 17 of the Local Elections Act 1986 provides that where a vacancy occurs within six months of the date of when a Member would normally have retired an election to fill the vacancy need not be held.

2. Minutes – 9th October, 2019

The minutes of the monthly Council meeting held on Wednesday, 9th October, 2019, were approved and signed.

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

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

In parts of the United Kingdom Independent Members of Local Authority Committees such as those we have here on the Council's Standards, Housing and Pensions Committees some Authorities provide indemnities from public funds for personal liability arising from actions or decisions taken by them in the course of their official duties. Does Douglas Borough Council provide such indemnities for the Independent Members who under the terms of the Council's Constitution are required to be Committee Members?

Reply by the Leader of the Council:

The Council's Independent Members do not have protection against personal liability arising from actions or decisions by them. However, their participation in the decision-making process is as part of a collective body rather than as an individual, and as long as proper processes are followed, the question of personal liability should not arise.

Supplementary Question:

Will the Leader take action as a matter of urgency to direct that investigation and enquiries into the provision of such liability be carried out immediately and if obtainable be implemented preferable as soon as possible be if not at least by the commencement of the next Council in 2020?

Reply:

Yes, I will task the Chief Executive to look into it and to report to the Executive Committee by December.

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

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

Parliamentary privilege is a legal immunity enjoyed by members of certain legislatures based on the Westminster system in which legislators are granted protection against civil or criminal liability for actions done or statements made in the course of their legislative duties. Douglas Borough Council is not such a legislative body so members do not and can not enjoy parliamentary privilege, so what protection therefore is available to and in place for members of the Council?

Reply by the Leader of the Council:

Douglas Borough Council is a local authority and not a legislative body. Members do not enjoy any form of privilege but do have responsibility for their own actions and words. The best protection for Members against any form of liability is to be careful in what they say and do, and to follow the Code of Conduct, Standing Orders, and other guidance set out in the Council's Constitution.

Supplementary Question:

Will the Leader take action as a matter of urgency to direct that investigation and enquiries into the provision of such liability be carried out immediately and if obtainable be implemented preferable as soon as possible be if not at least by the commencement of the next Council in 2020?

Reply:

Yes, I will task the Chief Executive to look into it and to report to the Executive Committee by December.

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

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

The Equality Act 2017 came into effect on the 1st January 2019 with the protected characteristics of disability and age as well as the extension of equal pay rights to cover work of equal value coming into operation on 1st January 2020. Given that Local Authority General Elections are due to take place in April 2020 what provisions are there in place to ensure that all polling station premises to be used for the elections will have proper access for those people who are partially disabled as well the disabled and wheelchair users?

Reply by the Leader of the Council:

Even before the implementation of the Equality Act, as a matter of best practice, the officers of the Council involved in elections used their best endeavours to facilitate inclusive access to polling stations and that will continue. The difficulties lie in finding suitable premises, with good access and in appropriate locations. All are inspected before the day of the election, and access issues identified in that exercise can be addressed by installing temporary ramps and lighting, etc.

6. Executive Committee – 25th October, 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 report of meeting held on Friday, 25th October, 2019, be received by the Council.”

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

7. Pensions Committee – 23rd October, 2019

Motion moved by Mr Councillor F. Horning, seconded by Mr Councillor J.E. Skinner, “That the minutes of proceedings of the Pensions Committee, as contained in report of meeting held on Wednesday, 23rd October, 2019, be received by the Council.”

Question put on Motion; a vote was taken electronically, and there voted **For** the Motion, Councillors: Miss N.A. Byron, Mrs H. Callow, Mrs R. Chatel, Mr I.J.G. Clague, Mr D.W. Christian, Mrs C.E. Malarkey, Mrs C.L. Wells, Mr A.J. Bentley, Miss D.A.M. Pitts, Mr F. Horning, Mr J.E. Skinner, Mrs E.C. Quirk, Ms J. Thommeny, the Mayor – **14**

Against, Mr Councillor R.H. McNicholl – **1**

Motion carried.

8. Housing Committee – 16th October, 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, 16th October, 2019, be received by the Council.”

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

9. Regeneration and Community Committee – 15th October, 2019

Motion moved by Councillor Miss D.A.M. Pitts, seconded by Councillor Mrs R. Chatel, “That the minutes of proceedings of the Regeneration and Community Committee, as contained in report of meeting held on Tuesday, 15th October, 2019, be received by the Council.”

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

10. Joint Environmental Services Committee and Regeneration and Community Committee – 24th October, 2019

Motion moved by Mr Councillor R.H. McNicholl, seconded by Councillor Mrs R. Chatel, “That the minutes of proceedings of the joint Environmental Services Committee and Regeneration and Community Committee, as contained in report of joint meeting held on Thursday, 24th October, 2019, be received by the Council.”

During discussion Mr Councillor R.H. McNicholl agreed, subject to consent of the Council, to withdraw Clause A4 and refer back to the joint Committee for further consideration.

A vote on consent to withdraw Clause A4 was taken electronically, and there voted **For** the Motion, Councillors: Mrs R. Chatel, Mr I.J.G. Clague, Mr D.W. Christian, Mrs C.E. Malarkey, Mrs C.L. Wells, Miss D.A.M. Pitts, Mr F. Horning, Mr R.H. McNicholl, Mr J.E. Skinner, Mrs E.C. Quirk, Ms J. Thommeny, the Mayor – **12**

Against, Councillors: Miss N.A. Byron, Mrs H. Callow, Mr A.J. Bentley – **3**

Motion carried.

Councillor Miss D.A.M. Pitts was not in attendance for the following vote.

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

11. Environmental Services Committee – 14th October, 2019

Motion moved by Mr Councillor F. Horning, seconded by Mr Councillor A.J. Bentley, “That the minutes of proceedings of the Environmental Services Committee, as contained in report of meeting held on Monday, 14th October, 2019, be received by the Council.”

Question put on Motion; a vote was taken electronically, and there voted **For** the Motion, Councillors: Miss N.A. Byron, Mr D.W. Christian, Mrs C.E. Malarkey, Mrs C.L. Wells, Mr A.J. Bentley, Miss D.A.M. Pitts, Mr F. Horning, Mr J.E. Skinner, Mrs E.C. Quirk, Ms J. Thommeny, the Mayor – **11**

Against, Councillors: Mrs H. Callow, Mrs R. Chatel, Mr I.J.G. Clague, Mr R.H. McNicholl – **4**

Motion carried.

12. Adjournment and Resumption of meeting

The meeting adjourned at 4.40pm and resumed at 5.00pm with the same Members and officers present.

IN PRIVATE

13. Standards Committee – 10th October, 28th October and 5th November, 2019

Motion moved by Councillor Mrs C.E. Malarkey, seconded by Councillor Miss N.A. Byron, “That the minutes of proceedings of the Standards Committee as contained in private reports of meetings held on Thursday, 10th October, Monday, 28th October and Thursday, 5th November, 2019, be received by the Council, subject to a correction of the minutes of meeting held on Thursday, 5th November which should read that Mr Councillor J.E. Skinner voted against resolution (i) of Clause A4 of the meeting held on Thursday, 5th November, 2019.”

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

14. Standing Order 39 – Question – Mr A.J. Bentley

Mr Councillor A.J. Bentley submitted a question to the Chair of the Housing Committee who replied accordingly.

Mr Councillor A.J. Bentley submitted a supplementary question to the Chair of the Housing Committee who replied accordingly.

15. Standing Order 39 – Question – Mr A.J. Bentley

Mr Councillor A.J. Bentley submitted a question to the Chair of the Housing Committee who replied accordingly.

Mr Councillor A.J. Bentley submitted a supplementary question to the Chair of the Housing Committee who replied accordingly.

16. Standing Order 39 – Question – Mr A.J. Bentley

Mr Councillor A.J. Bentley submitted a question to the Chair of the Housing Committee who replied accordingly.

17. Standing Order 39 – Question – Mr A.J. Bentley

Mr Councillor A.J. Bentley submitted a question to the Chair of the Housing Committee who replied accordingly.

18. Executive Committee – 25th October, 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, 25th October, 2019, be received by the Council.”

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

19. Eastern District Civic Amenity Site Joint Committee – 15th October, 2019

Motion moved by Mr Councillor R.H. McNicholl, seconded by Mr Councillor F. Horning, “That the minutes of proceedings of the Eastern District Civic Amenity Site Joint Committee, as contained in private report of meeting held on Tuesday, 15th October, 2019, be received by the Council.”

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

20. Housing Committee – 16th October, 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 private report of meeting held on Wednesday, 16th October, 2019, be received by the Council.”

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

21. **Regeneration and Community Committee – 15th October, 2019**

Motion moved by Councillor Miss D.A.M. Pitts, seconded by Councillor Mrs R. Chatel, “That the minutes of proceedings of the Regeneration and Community Committee, as contained in private report of meeting held on Tuesday, 15th October, 2019, be received by the Council.”

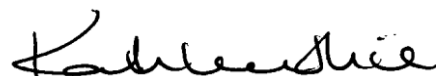
Question put on Motion, a vote was taken electronically, and the Motion was carried unanimously.

22. **Environmental Services Committee – 16th October, 2019**

Motion moved by Mr Councillor F. Horning, seconded by Mr Councillor A.J. Bentley, “That the minutes of proceedings of the Environmental Services Committee, as contained in private report of meeting held on Monday, 16th October, 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 6.06pm



Town Clerk & Chief Executive