

Document Pack

BELFAST CITY COUNCIL

SUMMONS TO ATTEND THE MONTHLY MEETING OF THE COUNCIL

**TO: THE RIGHT HONOURABLE THE LORD MAYOR
AND COUNCILLORS OF BELFAST CITY COUNCIL**

Notice is hereby given that the monthly meeting of the City Council will be held in the Council Chamber, City Hall, Belfast on Monday, 2nd September, 2013 at 6.00 pm, for the transaction of the following business:

1. Reading of Scriptures
2. Chief Executive to submit Summons convening the Meeting
3. Apologies
4. To take as read and confirm the Minutes of the Special Meeting of the Council of 1st July (Pages 3 - 4)
5. To take as read and confirm the Minutes of the Monthly Meeting of the Council of 1st July (Pages 5 - 12)
6. To receive official announcements and memorials, if any.
7. To receive and adopt the minutes of the proceedings of the Committees as follows:
 - a) Strategic Policy and Resources Committee of 9th August (Pages 13 - 16)
 - b) Strategic Policy and Resources Committee of 23rd August (Pages 17 - 100)
 - c) Voluntary Transition Committee of 9th August (Pages 101 - 102)
 - d) Parks and Leisure Committee of 8th August (Pages 103 - 122)
 - e) Development Committee of 20th August (Pages 123 - 178)
 - f) Health and Environmental Services Committee of 7th August (Pages 179 - 230)
 - g) To pass a Resolution Making the Belfast City Council Traffic Regulation (North Belfast) Order (Northern Ireland) 2013

To pass a resolution in relation to the Council's Alleygating Scheme to make an Order in Belfast entitled the Belfast City Council Traffic Regulation (North Belfast) Order (Northern Ireland) 2013, to be effective from 2nd September, 2013, which will prohibit the use by vehicles and pedestrians of those streets in North Belfast as set out within the minutes of the meeting of the Health and Environmental Committee of 7th August, 2013.

- h) To pass a Resolution Amending the Belfast City Council Traffic Regulation (West Belfast) Order (Northern Ireland) 2013

To pass a resolution in relation to the Council's Alleygating Scheme to amend the Belfast City Council Traffic Regulation (West Belfast) Order (Northern Ireland) 2013, to be effective from 2nd September, 2013, which will prohibit the use by vehicles and pedestrians of those streets in West Belfast as set out within the minutes of the meeting of the Health and Environmental Committee of 7th August, 2013.

- i) Licensing Committee of 26th June (Pages 231 - 262)
- j) Licensing Committee of 21st August (Pages 263 - 294)
- k) Town Planning Committee of 1st August (Pages 295 - 300)
- l) Town Planning Committee of 15th August (Pages 301 - 306)

8. Notices of Motion

- a) Birth of HRH Prince George Alexander Louis of Cambridge (Pages 307 - 308)
- b) Pay Day Loans (Pages 309 - 310)
- c) Support for Democratic, Peaceful Principles and Lord Mayor's Civic Duties (Pages 311 - 312)
- d) Civic Leadership (Pages 313 - 314)

The Members of Belfast City Council are hereby summoned to attend.

PETER McNANEY

Chief Executive

Council

SPECIAL MEETING OF BELFAST CITY COUNCIL

Held in the City Hall on Monday, 1st July, 2013
at the hour of 10.45 o'clock a.m., pursuant to Notice.

Members present: The Right Honourable the Lord Mayor
(Councillor Ó Muilleoir) (Chairman);
the Deputy Lord Mayor (Alderman Stalford);
the High Sheriff (Councillor Kingston);
Aldermen M. Campbell, Ekin, McCoubrey,
R. Patterson, Robinson and Rodgers;
Councillors Attwood, Austin, M. E. Campbell,
Convery, Garrett, Hargey, Hartley, Hendron,
Jones, Kelly, McKee, Maskey, A. Newton,
Ó Donnghaile, Reynolds, Spence, Thompson
and Webb.

Summons

The Chief Executive submitted the summons convening the meeting.

Apologies

Apologies for inability to attend were reported from Aldermen Browne, Humphrey, R. Newton, Smyth and Stoker and Councillors Curran, Hanna, McCarthy, McNamee, Mullan and L. Patterson.

Battle of the Somme Anniversary

Moved by the Right Honourable the Lord Mayor (Councillor Ó Muilleoir),
Seconded by the Deputy Lord Mayor Alderman Stalford and

Resolved - That we, the Lord Mayor and Citizens of the City of Belfast, on the 97th Anniversary of the Battle of the Somme, desire again to record our feelings of gratitude to the brave men of the 36th (Ulster) Division, the 16th (Irish) Division and other forces who, by their glorious conduct in that battle, made an imperishable name for themselves and their people and whose heroism will never be forgotten.

The Council stood in silence for one minute as a mark of respect to all those who had lost their lives in the Battle of the Somme.

Lord Mayor
Chairman

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Council

MONTHLY MEETING OF BELFAST CITY COUNCIL

Held in the City Hall on Monday, 1st July, 2013
at the hour of 6.00 o'clock p.m., pursuant to Notice.

Members present: The Right Honourable the Lord Mayor
(Councillor Ó Muilleoir) (Chairman);
the Deputy Lord Mayor (Alderman Stalford);
the High Sheriff (Councillor Kingston);
Aldermen M. Campbell, Ekin, McCoubrey,
R. Patterson, Robinson, Rodgers and Smyth;
Councillors Attwood, Austin, M. E. Campbell, Convery,
Cunningham Curran, Garrett, Groves, Hanna, Hargey,
Hartley, Hendron, Hussey, Jones, Keenan, Kelly, Kyle,
Lavery, Mac Giolla Mhín, Mallon, Maskey, McCabe,
McKee, McVeigh, A. Newton, Ó Donnghaile, O'Neill,
L. Patterson, Reynolds, Spence, Thompson and Webb.

Reading of Scriptures

In accordance with Standing Order 9, the Lord Mayor read a passage from the Scriptures.

Summons

The Chief Executive submitted the summons convening the meeting.

Apologies

Apologies were reported on behalf of Aldermen Browne, Humphrey, R. Newton and Stoker and Councillors Corr, Haire, McCarthy, McNamee and Mullan.

Minutes

Moved by the Right Honourable the Lord Mayor,
Seconded by Councillor Ó Donnghaile and

Resolved – That the minutes of the proceedings of the annual meeting of the Council of 3rd June, subject to their variation to reflect that Councillor M.E. Campbell had declared an interest in respect of the Development Committee minutes of 21st May, under the heading “European Social Fund - Match Funding Requests”, be taken as read and signed as correct.

Change of Membership

The Chief Executive reported that notification had been received from the Ulster Unionist Party indicating that it wished Alderman Browne to replace Alderman Stoker on

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the Licensing Committee and Alderman Stoker to replace Alderman Browne on the Health and Environmental Services Committee.

In addition, it was reported that the Social Democratic and Labour Party had indicated that it wished Councillor Kelly to replace Councillor Mullan on the Board of Visit Belfast.

The Council approved the aforementioned changes.

**Strategic Policy and Resources Committee and
the Belfast Voluntary Transition Committee**

Moved by Alderman Robinson,
Seconded by Councillor Maskey,

That the minutes of the proceedings of the Strategic Policy and Resources Committee of 7th and 21st June and the Belfast Voluntary Transition Committee of 7th June be approved and adopted.

Amendment

Creation of Statutory Transition Committees

Moved by Councillor McVeigh,
Seconded by Councillor Attwood,

That the decision of the Strategic Policy and Resources Committee of 21st June under the heading "Creation of Statutory Transition Committees" be amended to provide that consideration of the appointment of Members from the Council to the STC be deferred until such time as the Local Government (STC) Regulations (Northern Ireland) 2013, and any attendant guidance, are provided to the Council and the political parties have an opportunity to consider them; and until such time as Lisburn City Council and Castlereagh Borough Council have provided details of their nominations to the STC.

On a recorded vote, twenty-four Members voted for the amendment and sixteen against and it was declared carried.

For 24

The Lord Mayor (Councillor Ó Muilleoir); Aldermen Ekin; Councillors Attwood, Austin, M.E. Campbell, Convery, Cunningham, Curran, Garrett, Groves, Hargey, Hartley, Hendron, Jones, Keenan, Kelly, Lavery, Maskey, McCabe, Mac Giolla Mhín, McVeigh, Ó Donnghaile, O' Neill and Webb.

Against 16

The Deputy Lord Mayor (Alderman Stalford); The High Sheriff (Councillor Kingston), Alderman M. Campbell, McCoubrey, R. Patterson, Robinson, Rodgers and Smyth; Councillors Hussey, Kyle, McKee, A. Newton, L. Patterson, Reynolds, Spence and Thompson.

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Amendment

Flag Flying Policy - Armed Forces Day

Moved by Councillor Reynolds,
Seconded by Councillor Spence,

That the decision of the Strategic Policy and Resources Committee of 21st June, under the heading "Flag Flying Policy - Armed Forces Flag" be rejected and accordingly the Council agrees that the Armed Forces Day flag be added to the list of the other flags which are flown on specific occasions at the City Hall and that this be for a period of six days.

On a vote of show of hands, twenty-one Members voted for the amendment and twenty against and it was declared carried.

Amendment

Local Investment Fund - Update

Moved by Alderman Ekin,
Seconded by Councillor Curran and

Resolved - That the decision of the Strategic Policy and Resources Committee of 21st June under the heading "Local Investment Fund - Update" be amended to provide that a sum of £15,000 from the South Belfast Area Working Group's Intervention Fund be allocated to the Lisburn Road Business Association for the purposes of undertaking promotional and development activities.

Further Amendment

West Belfast Area Based Working Group

Councillor Attwood advised the Council that the West Belfast Area Based Working Group, at its meeting on 19th June, had approved two additional feasibility studies viz., Springfield Charitable Association and for a proposed community hub at Donegal Celtic Football Club. These two additional projects, whilst outside the Local Investment Fund feasibility governance arrangements, would complete the list of feasibility studies for that area. Accordingly, he requested that Council amend the minute of the meeting of the Strategic Policy and Resources Committee of 21st June under the heading "Local Investment Fund - Update" to reflect that decision.

The Council agreed to the amendment of the minute as outlined.

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Amendment

**Association of Municipal Authorities
of Ireland Annual Conference**

Moved by Councillor Reynolds,
Seconded by Councillor Spence,

That the decision of the Strategic Policy and Resources Committee of 21st June under the heading "Association of Municipal Authorities of Ireland Annual Conference" be amended to provide that the Council agrees not to be represented at the conference.

On a vote of show of hands, sixteen Members voted for the amendment and twenty-five against and it was declared lost.

Adoption of Minutes

Subject to the foregoing amendments, the proceedings of the Strategic Policy and Resources Committee of 7th and 21st June and the Belfast Voluntary Transition Committee of 7th June were approved and adopted.

Parks and Leisure Committee

Moved by Councillor McKee,
Seconded by Alderman Rodgers,

That the minutes of the proceedings of the Parks and Leisure Committee of 13th June be approved and adopted.

Amendment

Request for the Use of the Ballysillan Playing Fields

Moved by Councillor McCabe,
Seconded by Councillor Maskey,

That the decision of the Parks and Leisure Committee of 13th June, under the heading "Request for the Use of the Ballysillan Playing Fields" be rejected due to the lack of information provided by the organisers.

On a vote by show of hands, twenty Members voted for the amendment and twenty-one against and it was declared lost.

Amendment

Acquisition of Land at Black's Road

Moved by Councillor Garrett,
Seconded by Alderman Ekin and

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Resolved - that the decision of the Parks and Leisure Committee of 13th June be rejected and the Council agrees to acquire the land at Black's Road for the purposes of developing a park in accordance with the terms as set out in the report.

Amendment

Dunville and Woodvale Parks - Update

Moved by Councillor Keenan,
Seconded by Councillor Thompson and

Resolved - That the decision of the Parks and Leisure Committee of 13th June under the heading "Dunville and Woodvale Parks - Update" be amended to provide that the events scheduled to coincide with the reopening of both parks by both management bodies be supported fully by the Council independently of any funding commitments already made.

Adoption of Minutes

Subject to the foregoing amendments, the proceedings of the Parks and Leisure Committee of 13th June were approved and adopted.

Development Committee

Moved by Councillor Hargey,
Seconded by Councillor Maskey,

That the minutes of the proceedings of the Development Committee of 4th and 20th June be approved and adopted.

Amendment

Market at Conway Mill

Moved by Councillor Reynolds,
Seconded by Alderman Robinson,

That the decision of the Development Committee of 4th June under the heading "Market at Conway Mill" be rejected and accordingly the Council agrees not to waive the stall hire charges for traders at the Market at Conway Mill.

On a recorded vote, twenty-one Members voted for the amendment and twenty-one against.

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<u>For 21</u>	<u>Against 21</u>
The Deputy Lord Mayor (Alderman Stalford); The High Sherriff (Councillor Kingston), Alderman M. Campbell, Ekin, McCoubrey, R. Patterson, Robinson, Rodgers and Smyth; Councillors Curran, Hendron, Hussey, Jones, Kyle, McKee, A. Newton, L. Patterson, Reynolds, Spence, Thompson and Webb.	The Lord Mayor (Councillor Ó Muilleoir); Councillors Attwood, Austin, M.E. Campbell, Convery, Cunningham, Garrett, Groves, Hanna, Hargey, Hartley, Keenan, Kelly, Lavery, Mac Giolla Mhín, Mallon, Maskey, McCabe, McVeigh, Ó Donnghaile and O'Neill

There being an equality of votes, the Lord Mayor exercised his second and casting vote against the amendment and it was accordingly declared lost.

Health and Environmental Services Committee

Moved by Councillor Keenan,
Seconded by Councillor Lavery and

Resolved - That the minutes of the proceedings of the Health and Environmental Services Committee of 5th June be approved and adopted.

Licensing Committee

Moved by Alderman Ekin,
Seconded by Councillor O'Neill and

Resolved - That the minutes of the proceedings of the Licensing Committee of 19th June be approved and adopted, subject to the omission of those matters which had been delegated to it by the Council.

Town Planning Committee

Moved by Councillor Hanna,
Seconded by Councillor Lavery,

That the minutes of the proceedings of the Town Planning Committee of 30th May, 6th, 20th and 24th June be approved and adopted, subject to the omission of those matters which had been delegated to it by the Council.

Amendment

**Z/2010/1648 - Approved Site for Dwelling
and Garage Adjacent to 66 King's Road**

Moved by Councillor Hussey,
Seconded by Councillor Jones and

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Resolved - That the decision of the Town Planning Committee of 6th June, under the heading "Z/2010/1648 - Approved Site for Dwelling and Garage Adjacent to 66 King's Road" be amended and accordingly the Council agrees to reject the opinion of the Divisional Planning Manager to approve the application.

Adoption of Minutes

Subject to the foregoing amendment, the minutes of the meeting of the Town Planning Committee of 30th May and 6th, 20th and 24th June, omitting those matters which had been delegated to the Committee, were approved and adopted.

Notice of Motion

'The Disappeared'

Moved by Councillor Attwood,
Seconded by Councillor Mallon and

Resolved - This Council notes that it is over 40 years since the first abduction of what would become known as 'The Disappeared' occurred; and acknowledges that, to date, eight families, five of whom are from the City of Belfast, have been denied the right to bury loved ones because of the actions primarily of republican paramilitaries who abducted, murdered and hid their victims' remains;

This Council commends the dignified perseverance of the families and the work of the Independent Commission for the Location of Victims Remains (ICLVR) and pledges its support to those families in their ongoing quest to locate their loved ones' bodies, bring them home and give them a Christian burial; and calls on those with information to co-operate fully with the ICLVR so that this harrowing chapter of our history can be closed.

This Council requests the Strategic Policy and Resources Committee to consider the hosting of an exhibition on 'The Disappeared' which would be accompanied by a book of condolence."

Lord Mayor
Chairman

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Strategic Policy and Resources Committee

Friday, 9th August, 2013

MEETING OF STRATEGIC POLICY AND RESOURCES COMMITTEE

Members present: Alderman Robinson (Chairman);
Aldermen M. Capbell and R. Newton;
Councillors Attwood, Corr, Haire, Hargey,
Hendron, Lavery, Maskey, Mullan,
McCabe, McCarthy, Mac Giolla Mhín, A. Newton,
Reynolds and Spence.

In attendance: Mr. C. Quigley, Assistant Chief Executive/Town Solicitor;
Mr. R. Cregan, Director of Finance and Resources;
Mr. G. Millar, Director of Property and Projects;
Mr. S. McCrory, Democratic Services Manager; and
Mr. J. Hanna, Senior Democratic Services Officer.

Apologies

Apologies for inability to attend were reported from Alderman Browne and Councillors Jones and McVeigh.

Minutes

The minutes of the meetings of 7th and 21st June were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st July, subject to

- (1) The amendment of the minute under the heading "Creation of Statutory Transition Committee" to provide that consideration of the appointment of Members from the Council to the STC be deferred until such times as the Local Government (STC) Regulations (NI) 2013 and any intended guidance were provided to the Council and the political parties had an opportunity to consider them; and until such time as Lisburn City Council and Castlereagh Borough Council had provided details of their nominations to the STC;
- (2) The rejection of the minute of the meeting of 21st June under the heading "Flag Flying Policy- Armed Forces Flag"; the Council accordingly agreed that Armed Forces Day be added to the list of other flags which were flown on specific occasions at the City Hall and that that be for a period of six days; and

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- (3) The amendment of the minute of 21st June under the heading “Local Investment Fund- Update” to provide that a sum of £15,000 from the South Belfast Area Working Group’s Intervention Fund be allocated to the Lisburn Road Business Association for the purposes of undertaking promotional development activities; and, in accordance with the decision of the West Belfast Area Working Group, at its meeting on 19th of June, to approve two additional feasibility studies for the Springfield Charitable Association and for a proposed community hub at the Donegal Celtic Football Club.

Declarations of Interest

No declarations of interest were reported.

Demonstration of Revised Council Website

(Mrs. D. Colville, ISB and Ms. C. Dixon, External Communications Manager, Corporate Communications, attended in connection with this item)

The Committee was reminded that, at its meeting on 12th June, it had been advised that the Council’s website was undergoing a major upgrading. Accordingly, in order to apprise the Members of the amendments to the website, Miss E. Dixon and Mrs D. Colville were in attendance to provide a presentation to the Committee.

The Committee was advised that the Council’s website attracted an average visitor figure of 132,000 every month. Over one third of those visitors accessed the site using a mobile device. The main aim of the website project was to develop a mobile responsive site to ensure that the Council’s customers could easily access information and services, regardless of whether they were using a personal computer or a mobile device.

The new website would provide a platform to further develop:

- use of social media as a communication, engagement, marketing and service improvement tool;
- the provision of on-line and mobile transactions;
- a new corporate approach to complaints; and
- use of video as a communication tool.

The Council was currently developing a new ICT strategy and use of the website, social media and mobile technology would form a strand of it. A further report

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on the ICT Strategy would be submitted to the Committee in the Autumn. A project team from ISB and Corporate Communications were leading on the delivery of the new mobile responsive website and resources from those two services would work on an intensive content migration exercise before the new site was launched. An on-going program of delivering online and mobile enabled services would continue following the launch of the new website.

The Committee noted the information which had been provided and agreed that a report on a revised ICT Strategy be submitted to the Committee for consideration in the Autumn.

Fraud Investigation

The Director of Finance and Resources provided the Members with an update in relation to an ongoing fraud investigation.

After discussion, during which the Director of Finance and Resources answered a number of questions, the Committee noted the information which had been provided and that a further more detailed report would be provided a special meeting of the Audit Panel which was scheduled to be held on the 12th August.

**Public Inquiry- Provisional Recommendations
of the District Electoral Areas Commissioner**

The Democratic Services Manager informed the Committee that he had been advised earlier in the day that objections had been received in relation to the Provisional Recommendations of the District Electoral Areas Commissioner in relation to the establishment of the new Belfast District Electoral Area. Therefore, a public inquiry would require to be heard.

The Committee noted the information which had been provided and that a further report on the final recommendations would be submitted to the Committee in December.

Chairman

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Strategic Policy and Resources Committee

Friday, 23rd August, 2013

MEETING OF STRATEGIC POLICY AND RESOURCES COMMITTEE

Members present: Alderman Robinson (Chairman);
Aldermen Browne, M. Campbell and R. Newton;
Councillors Corr, Haire, Hargey,
Jones, Lavery, Maskey, Mullan,
McCabe, McCarthy, McVeigh,
Reynolds and Spence.

In attendance: Mr. R. Cregan, Director of Finance and Resources;
Mr. A. Hassard, Director of Parks and Leisure;
Mr. G. Millar, Director of Property and Projects;
Mr. S. McCrory, Democratic Services Manager;
Mr J. Walsh, Legal Services Manager; and
Mr. J. Hanna, Senior Democratic Services Officer.

Apologies

Apologies for inability to attend were reported from Councillors Attwood, Hendron, Mac Giolla Mhín and A. Newton.

Declarations of Interest

The Chairman (Alderman Robinson) declared an interest in respect of item number 7(b) insofar as he was Special Advisor to the First Minister; and Councillor McCarthy declared an interest in relation to item 3(a) in that he was on the board of the World Police and Fire Games.

Investment Programme

Local Investment Fund

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 At its meeting in April 2012, the SP&R Committee agreed to convene Area Working Groups (AWGs) to support effective ‘place-shaping’ and make recommendations on investment decisions for their local area including the Local Investment Fund (LIF).

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- 1.2 The £5million LIF was established to support the delivery of key local regeneration projects in neighbourhoods and as a means for Members to connect with local communities in their area, in preparation for their formal role in community planning under the RPA. SP&R Committee agreed on 23 March 2012 that there was a minimum level of investment through LIF of no less than £15,000 and unlikely to exceed £250,000 to ensure focus on more local investments and the opportunity for a broad spread of investment across the city. North, South, East and West AWGs were allocated £1,127,500 each, with a proportionate amount of £490,000 for the Shankill area.
- 1.3 A Feasibility Fund was established as a ring fenced fund of £500,000 to enable initial feasibility work to be undertaken on proposed projects to bring them to a point where Members could decide if they should be progressed as Capital or Belfast Investment Fund schemes. SP&R at its meeting on 21st September 2012 agreed the governance arrangements for the Feasibility Fund and agreed that because no proposals were being taken forwarded in the 2012/13 financial year under BIF that each Area working Group would be able to *'consider and recommend to the Strategic Policy and Resources Committee, a maximum of five Local Investment Fund proposals per area which should proceed to feasibility study stage'* obviously feasibility studies for these schemes must be proportionate to LIF expenditure levels.

2.0 Area Working Groups –Key Issues

- 2.1 At the most recent round of AWG meetings, officers updated Members on the external meetings they have facilitated on the LIF proposals. In accordance with Council procedures, individual Members declared any conflicts of interest and this was noted in the minutes of the AWG. On the basis of the information presented, the following AWGs have made recommendations for the consideration of the Committee:

SHANKILL AWG

- 2.2 Members are asked to note that the Shankill AWG at its meeting on 3rd July agreed that the High Sheriff, Councillor Brian Kingston, be elected as Chair of the Shankill AWG.
- 2.3 *LIF recommendations* - On the basis of the information presented, the Shankill AWG made the following recommendation for the consideration of the SP&R Committee:

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Proposal	Ref No.	Up to £	AWG Comments
Ballygomartin Presbyterian Church	ShLIF026	£27,680	
St. Mary's Church, Crumlin Road	ShLIF027	£24,320	

Feasibility study recommendations

- 2.4 The Shankill AWG considered the potential for feasibility support and recommends to the SP&R the following as a feasibility project:**

Project	Ref No.	Comments
North Belfast Working Men's Club	-	Feasibility study

- 2.5 Members are asked to note however that as outlined in 1.3 above, SP&R Committee had agreed that each Area Working Groups would be allowed to recommend 'a maximum of five Local Investment Fund proposals per area which should proceed to feasibility study stage'. The proposal by the North Belfast Working Men's Club does not fit with this criterion as it was not proposed as a Local Investment Fund project and Members are therefore asked to consider if they wish to recommend this.**

SOUTH AWG

- 2.6 LIF recommendations - On the basis of the information presented, the South AWG made the following recommendation for the consideration of the SP&R Committee:**

Proposal	Ref No.	Up to £	AWG Comments
Annadale/Haywood Residents Association		£102,959	Subject to match funding being secured within a period of 12 months, and on the understanding that a South AWG study visit be undertaken to the premises prior to the request for funding being considered by SP&R (scheduled to take place 14th August)

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Local Intervention

- 2.7 The South AWG made the following recommendation for the consideration of the SP&R Committee in relation to their Local Intervention money:**

Proposal	£	AWG Comments
Stranmillis Road Business Association	£10,000	That £10,000 be allocated from the South AWG Local Intervention Fund for specific retail development and promotional activities on the understanding that the Association would contribute a sum of 10 per cent in addition to the amount granted by the AWG

Local Investment Fund – Next Steps

- 2.8 Members are asked to note that if the recommendations as above are approved by Committee the full allocation of £5million under the local Investment Fund will be committed in principle to 67 projects across the city. A full list of proposed LIF projects has been circulated. To date 20 projects totalling £1.26m have received funding formal agreements.**
- 2.9 Members are aware that every LIF project that has been approved in principle for funding is subject to a rigorous due-diligence process as previously outlined to Members. This due diligence process looks in detail at a range of issues including governance; security of tenure; proposed approach to procurement; financials; statutory consents; sustainability and accessibility issues. The due-diligence process also ensures that the support is eligible under the Local Government Finance Act 2011 and the Local Government Accounts and Audit Regulations (Northern Ireland) 2006. This information is then scrutinised by a Due-Diligence working group which has been set up to oversee this process. Members are aware that a project proposal will not receive a Letter of Offer or Funding Agreement before all due-diligence information is received and has been signed off by each individual section (Property & Projects, Legal Services, Estates, Urban development Unit and Financial Services) as being satisfactory and meeting all requirements.**
- 2.10 Due-diligence work is continuing on the other projects which have been approved in principle and officers are working closely with groups to ensure that all information is being forwarded to the Council. Reports on the progress of individual projects in each area will be brought to Area**

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Working Groups at their regular meetings. As such, it is recommended that Area Working Groups would be notified at these meetings of those funding agreements that are ready to be issued; at which time arrangements can be made through the Chair for appropriate communications activity. Members should be aware however that there may be circumstances when funding agreements need to be released in advance of scheduled meetings. In these circumstances it is recommended that officers notify the Chairperson of the relevant Area Working Group and subsequently report back at the next available opportunity to the full AWG.

- 2.11 Finally, Members are also asked to note however at this stage that there may be projects which do not satisfactorily meet all the due-diligence requirements and where the Council will be unable to commit money as agreed to the project. In these circumstances, the money that had been allocated to these projects could be considered for reallocation by the Area Working Group. If this situation arises, it is proposed that Area Working Groups would be able to consider both existing alternatives or new proposals and may recommend the reallocation of the money from within their area budget. As per the existing process these recommendations will be subject to approval by the SP&R Committee and must be within the scope of the LIF funding and the original overall allocations to AWGs.

3.0 **Update on Social Investment Fund and BIF Implications**

- 3.1 Members should note that, following a meeting with senior OFMDFM officials, it is understood that decisions on the first round of Social Investment Fund (SIF) schemes will be announced by early autumn. Given the potential linkages between a number of SIF schemes and the Belfast Investment Fund (BIF), Members are asked to now give due consideration to the first phase of BIF. In doing so Members will have the opportunity to consider how this strategic investment will benefit the needs of the city as a whole while complimenting local investment through LIF and SIF.
- 3.2 A further issue concerning BIF is growing frustration in some AWGs due to the fact that some groups are clear on which projects they wish to proceed with while others are not. Officers are being pressurised to move schemes on including spending money on various preliminary studies but cannot do so without SP&R Committee agreement on the projects.
- 3.3 When the AWG system was established in April 2011 it was envisaged that the groups would by this stage have area plans

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and governance issues resolved allowing decisions on BIF expenditure to be more strategic City wide. However, the impact of SIF together with the upcoming pressures of Local Government Reform, the Leisure Transformation Programme on top of the Investment Programme may mean it is unrealistic to expect the issues of area planning and governance to be resolved quickly. If Members accept this scenario it would be helpful if the Committee could ask the AWGs to prioritise some BIF proposals so that the Committee can decide if there are schemes it wishes to move forward.

4 Resource Implications

4.1 Human – Resources are currently allocated to individual projects

4.2 Financial – Proposed allocations as outlined in the report and summary detailed below:

AWG	(A) LIF Allocation	Amount allocated June 12- June 13 (B)	Proposals in this report (C)	(D) Projected Allocation (b) + (c)	Remaining amount (A) – (D)
East	£1,127,500	£1,127,500	-	£1,127,500	£0
South	£1,127,500	£1,024,541	£102,959	£1,127,500	£0
West	£1,127,500	£1,127,500	-	£1,127,500	£0
North	£1,127,500	£1,127,500	-	£1,127,500	£0
Shankill	£490,000	£438,000	£52,000	£490,000	£0
TOTAL	£5,000,000	£4,845,041	£154,959	£5,000,000	£0

5 Equality and Good Relations Considerations

5.1 The overall LIF programme will be screened at regular intervals to ensure that the Council is fulfilling its obligations as part of the Equality Scheme as well as ensuring that it is in line with the Investment Programme's underpinning principles related to good relations and balanced investment.

6 Recommendations

6.1 The Committee is asked to note the contents of this report and:

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- note that Cllr Kingston has been elected Chair for the Shankill Working Group and that Chairs have now been elected for each Area Working Group
- approve in principle the allocation of Local Investment Funding as proposed by the Shankill and South Area Working Groups as set out in paragraphs 2.3 and 2.6 above
- note that the Shankill proposal for feasibility for the North Belfast Working Men's Club does not meet the criteria as previously agreed and the Committee is therefore asked if they wish to agree this feasibility study
- agree the Local Intervention recommendation as proposed by the South AWG for £10,000 for the Stranmillis Road Business Association for retail development and promotional activities on the understanding that the Association would contribute a sum of 10% in addition to the amount granted by the AWG
- note that, if the SP&R Committee agrees with the funding proposals as above, that the full £5million which was set aside for the Local Investment Fund has now been allocated. A full list of the proposed LIF projects has been circulated
- agree that Area Working Groups should be notified at their scheduled meetings of those funding agreements that are ready to be issued; at which time arrangements can be made through the Chair for appropriate communications activity
- agree that in circumstances when there is a need to release a funding agreement in advance of the next scheduled meeting officers should notify the Chair of the relevant AWG and report back at the next available opportunity to the full AWG
- note that there may be instances going forward where projects do not satisfactorily meet all the LIF due-diligence requirements and where the Council will therefore be unable to commit money as agreed. If this arises, it is proposed that the relevant Area Working Group will be able to consider alternatives and may recommend the reallocation of money to other projects. As per the existing process, these recommendations

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will be subject to approval by the SP&R Committee, within the scope of the original allocations to AWGs

- **Note the position on BIF projects and seek to ensure some are prioritised to allow progress.”**

The Committee adopted the recommendations.

Leisure Transformation Programme

The Director of Parks and Leisure submitted for the Committee's consideration the undernoted report:

“1.0 Relevant background information

- 1.1 Under the Investment Programme Implementation Plan, agreed by Strategic Policy and Resources Committee in June 2012, Deloitte MCS Limited was appointed to undertake a project to enable the re-development of the leisure estate. In March, Deloitte presented their recommendations to Committee which included 3 ‘business model’ options going forward:**

- 1. Non-profit distributing organisation e.g. social enterprise as a new organisation**
- 2. Transformed in-house council-run services, supported by external expertise**
- 3. Private sector**

In this context, SP&R agreed the urgent need for fundamental change, with a focus on delivering better health outcomes and improved value for money. Committee also agreed the indicative phasing of capital transformation:

- Phase 1: Investment Programme (Windsor/Olympia; Andersonstown; Girdwood)**
- Phase 2: Reform of Local Government (e.g. Avoniel; Castlereagh; Lagmore/Poleglass/Colin)**
- Phase 3: One Public Estate(e.g. Ballysillan; Ozone; Shankill; Loughside; Whiterock).**

- 1.2 At its meeting in June, SP&R set a £105m capital expenditure affordability limit for the leisure transformation programme. The committee also agreed a capital financing strategy which includes allocating £3.23m of the £6m Belfast Investment Fund annual rates contribution to finance the £38m Olympia and Andersonstown schemes and £2m efficiency savings from the leisure service budgets, deliverable by 1 April 2016.**

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- 1.3 At the June committee, Members also agreed to consider a report in August on the resourcing requirements of the Leisure Transformation Programme. This report outlines the required resources and how they can be financed.

2. Key issues

- 2.1 The transformation programme consists of a number of key areas of work:

- Better Services: delivery of increased health outcomes through improved programming, marketing, etc.
- Better Business: transformed business operating model to deliver improved value for money and a sustainable service
- Better Assets: capital programme of modern, fit-for-purpose facilities across the city.

- 2.2 Over the coming months there are 4 stages:

1. Information gathering – ongoing

This information-gathering phase will include study visits to good practice sites and research on all 3 Deloitte recommended options (as described above) including social enterprise models and in-house transformation processes. This information will provide the necessary baseline information, as well as highlight potential strategic partners with the relevant expertise.

2. Developing the business case – up to November 2013

A detailed analysis of the pros and cons, benefits and costs of each option will be presented to Committee in late 2013. This will outline the potential to deliver against the efficiencies target as set by SP&R. It will also set out the various legal, procurement, governance, asset and human resource implications of each option. The business case will also include the key political ambitions on health outcomes and potentially set out a number of key principles at the outset of the transformation programme.

3. Developing the transformation plan – up to March 2014

Consequent to Committee's decision in late 2013, an intensive period to develop a transformation plan will follow. This will include for SP&R's consideration: business strategy; governance; finances; and performance targets. The

transformation plan will also include the fully scoped capital programme across each area of the city, based on the affordability limits already agreed. The transformation plan will give assurance that the efficiencies targets, agreed as part of the capital financing strategy will be met.

4. Implementation – up to March 2015

The implementation phase will include a concentrated focus on the human resources aspect of the transformation, including staff learning and development, as well as reform of working practices. This period will also include detailed work on developing the necessary business cases for Phase 2 capital projects, as well as detailed scoping of the agreed Phase 3 projects, to ensure balanced investment across the city. Work will also be undertaken on re-shaping the programmes and services to deliver against the agreed health outcomes targets.

- 2.3 A detailed plan for the next 18 months has been developed, covering these 4 stages. A critical pathway overview is attached at Appendix 1.
- 2.4 In order to deliver this, there are a number of key areas of resources that are required to uplift the organisation's capacity to ensure delivery. These resources and costs associated are detailed in appendix 2 and include:
- Expert advice on options available for business operating models and specialist leisure advice on marketing, programming and product development
 - Additional project sponsors to develop Phase 2 and 3 capital projects
 - Human resources advice and support on working arrangements, trade union consultation and negotiations, job evaluations, learning and development
 - Communications and engagement in relation to capital programme delivery and staff engagement
 - Legal advice on business model options, resource implications, contracts and procurement
 - Independent cost control analysis to provide assurance to Members on affordability and deliverability.

It is estimated that the total cost for this resource will be £1.15m. The Director of Finance and Resources has agreed that these costs are non-recurrent in nature and, if agreed, should be funded from reserves. The general reserves currently stand at £13.3m. A £1.15m reduction will still leave reserves at an adequate level.

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- 2.5 Members are also asked to consider a request for delegated authority for the Chief Executive to undertake any procurement processes or recruitment required. This will be within the agreed budget, with no impact upon the rate, and any staff resources put in place will be on a fixed-term/temporary basis. These will be guided by normal recruitment and selection and procurement practice and procedures.
- 2.6 Members recognise the compelling case for holistic and urgent transformation of the Council's leisure services and estate. Given the unprecedented scale of the business transformation, linked to the realisation of the ambitious capital programme of £105m, Members are requested to consider the request for dedicated resources' as set out above.

3.0 Decisions required

Members are asked to:

- 3.1 Consider the contents of the report and agree the leisure transformation programme (LTP) outline plan attached at Appendix 1
- 3.2 Consider and agree the resources plan attached at Appendix 2
Agree to allocate £1.15m from reserves to the Leisure Transformation Programme.
- 3.3 Agree that delegated authority is given to the Chief Executive to put in place appropriate capacity and staff resources to support delivery of LTP."

4.0 Resource Implications

Human: This will be a major physical and service transformation process and the implications for staff will be fully assessed as part of the development of the transformation plan.

Financial: The £1.15m cost for the outlined additional resources required to develop the transformation plan

Assets: To be scoped and presented to Committee for consideration by March 2014.

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5.0 Equality Implications

Provision has been made within resources to screen the Leisure Transformation Programme at relevant intervals in line with the Council's equality obligations."

The Committee adopted the recommendations.

Super Connected Belfast update

The Committee considered the undernoted report:

"1 Relevant Background Information

1.0 Members will recall on 24 May 2013 the Committee was informed of the changes that had been made to our super-Connected Belfast project by the Department of Culture Media & Sport (DCMS). These changes required a revised project plan to be submitted to DCMS for approval.

1.2 Following the submission of the revised plan the Minister for Culture, Communications and Creative Industries, Ed Vaizey MP, wrote to the Council confirming that our proposals have been approved in principle and that funding for the following projects would be made available:

- Up to £9.8m for a voucher scheme
- Up to £1.31m on a wireless concession for the city centre
- Up to £2.35m on wifi in public buildings.

1.3 The Minister also assessed our voucher preparations to be strong and requested that Belfast form one of the first cities to market test the voucher scheme. A copy of the Minister's letter has been circulated

2 Key Issues

2.1 Belfast Voucher Scheme

The voucher scheme provides up to £3,000 to a business to enable them to access ultrafast broadband. Companies can choose from a range of potential telecoms suppliers who deliver broadband services in their area. The aim of the market testing of the voucher scheme is for DCMS to ascertain whether this will generate objections from telecoms suppliers and to demonstrate if demand for a voucher scheme is high

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enough to roll out on a national level. The market testing phase will run from 1 August 2013 to 30 September 2013.

- 2.2 Given the very short timeframe set by DCMS, as well as the need to demonstrate a significant level of demand, in line with our original funding approach, a number of target locations were identified for the market-testing phase. These are:

- Cathedral Quarter
- City East / East Belfast Enterprise
- Ormeau Business Park
- Ortus
- Argyle Business Park
- North City Business Centre
- Harbour Estate.

- 2.3 All SMEs, third sector and public sector organisations based within these locations are eligible to apply for a voucher during the market-testing phase. It is anticipated that the scheme will be rolled out city-wide from November 2013, following a review of the market tests and subject to approval by DCMS. As part of our market testing phase we are taking registrations from outside the target zones to gauge demand and to inform our future roll out plans.

- 2.4 Full details of the voucher scheme can be found on the Council's website at [Voucher scheme](#).

2.5 **Metro Wireless**

Work is well underway to progress a procurement to award an exclusive concession contract for the provision of a public city centre wireless solution.

- 2.6 We are currently specifying a technical design for a mini-pillar that will provide a 24 hour power supply and broadband connectivity to a wireless access point mounted on a street lighting column. This will be passed to Roads Service, NIE and telecoms suppliers to be signed off as an agreed technical solution at the beginning of September.

2.7 **Public Wi-Fi Hotspots**

A number of the organisations who operate buildings to be considered for this programme have signed 'Memorandums of Intent' during the creation of our initial bid. It is our intention to re-engage these organisations with further details of this programme and to ascertain their current positions, requirements, and any constraints before completing a

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specification for the procurement of this strand of the Super-Connected Belfast scheme.

2.8 Demand Stimulation

The Director of Development is currently working on a demand stimulation programme to support the Voucher Scheme. The purposes of the programme are to raise awareness of the infrastructure investment and provide targeted mentoring support to help businesses get online or use the technologies to help them work more efficiently.

3 Equality and Good Relations Considerations

3.1 There are no specific Equality and Good Relations Considerations attached to this report.

4 Recommendations

4.1 Members are asked to:

Note the progress of the Super Connected Belfast Project.”

The Committee noted the information which had been provided.

Woodvale Park

The Director of Parks and Leisure submitted for the Committee’s consideration a report in relation to the incidents which had occurred at the Woodvale Park on 6th August prior to the official opening ceremony.

Noted.

Democratic Services and Governance

Use of the City Hall and the Provision of Hospitality

The Committee considered the undernoted requests for the use of the City Hall and the provision of hospitality:

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	Event/Date - Number of Delegates/Guests	Request	Comments	Recommendation
Mothers' Union	Mothers' Union General Meeting Welcome Reception 20th June, 2014 Approximately 100 attending	The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits	Delegates will be staying in accommodation in Belfast and the conference will take place within the city. This event would contribute to the Council's Key Theme of 'City Leadership – Strong, Fair, Together' and 'Better support for people and communities'.	The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits Approximate Cost £250
Queen's University Belfast, and Civil Engineering Research Association of Ireland	Civil Engineering Research in Ireland 2014 Conference Dinner 28th August, 2014 Approximately 150 attending	The use of the City Hall and the provision of hospitality in the form of a drinks reception	Delegates will be staying in accommodation in Belfast and the conference will take place within the city. This event would contribute to the Council's Key Theme of 'City Leadership – Strong, Fair, Together'.	The use of the City Hall and the provision of hospitality in the form of wine and soft drinks Approximate cost £500
Rotary International in Great Britain and Ireland	Rotary International Conference Reception 10th April, 2015 Approximately 500 attending	The use of the City Hall and the provision of hospitality in the form of a drinks reception	Delegates will be staying in accommodation in Belfast and the conference will take place within the city. This event would contribute to the Council's Key Theme of 'City Leadership – Strong, Fair, Together'.	The use of the City Hall and the provision of hospitality in the form of wine and soft drinks Approximate cost £500
Ballinacarrick Masonic Lodge No. 670	75th Anniversary Ball 26th April, 2014 Approximately 150 attending	The use of the City Hall and the provision of hospitality in the form of a drinks reception	This event will celebrate the 75th Anniversary of the formation of the Ballinacarrick Masonic Lodge No. 670 and to acknowledge its contribution to the general life and well-being of the city. This event would contribute to the Council's Key Themes of 'City Leadership, Strong, Fair and	The use of the City Hall and the provision of hospitality in the form of wine and soft drinks Approximate cost £500

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			Together' and 'Better support for people and communities'.	
Deafblind NI	<p>Launch of Deafblind NI</p> <p>19th September, 2013</p> <p>Approximately 100 attending</p>	The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits	<p>This event will launch the Deafblind NI Charity which will provide care and assistance to residents of the City and further afield who feel marginalised by their disability. It will aim to highlight the services provided for those who suffer from the dual sensory loss ranging from a peer support group to a network of home 'befrienders'.</p> <p>This event would contribute to the Council's Key Theme of 'City Leadership – Strong, Fair, Together' and 'Better support for people and communities'.</p>	<p>The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits</p> <p>Approximate Cost £250</p>
World Police and Fire Games	<p>Medal Presentation to Medical Volunteers</p> <p>25th September, 2013</p> <p>Approximately 500 attending</p>	The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits	<p>This event will provide an opportunity to recognise the medical help and support provided by the three volunteer medical organisations, St. John Ambulance, Order of Malta and British Red Cross during the World Police and Fire Games.</p> <p>This event would contribute to the Council's Key Themes of 'City leadership, strong, fair and together' and 'Better support for people and communities'.</p>	<p>The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits</p> <p>Approximate cost £1,250</p>
NOW	<p>Graduation Ceremony</p> <p>13th November, 2013</p> <p>Approximately 250 attending</p>	The use of the City Hall	This event will highlight the work of NOW an organisation which provides training and employment services for people with learning difficulties. It will aim to demonstrate that Belfast is a city that supports people with all levels of	The use of the City Hall

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			<p>learning difficulties and will provide the much needed support for integration into all areas of public life.</p> <p>This event would contribute to the Council's Key Theme of 'City Leadership – Strong, Fair, Together', 'Better support for people and communities' and 'Better opportunities for success across the city'.</p>	
National Society for the Prevention of Cruelty to Children	<p>Volunteer Recognition Event</p> <p>14th November, 2013</p> <p>Approximately 150 attending</p>	The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits	<p>This event seeks to recognise the work of the volunteers who have played an important role in providing support to those most in need. The event will highlight the need to encourage all citizens to take personal responsibility for preventing cruelty to children.</p> <p>This event would contribute to the Council's Key Themes of 'City leadership, strong, fair and together', 'Better support for people and communities', and 'Better services – listening and delivering'.</p>	<p>The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits</p> <p>Approximate cost £375</p>
Duke of Edinburgh's Award	<p>Silver Award Presentation</p> <p>8th November, 2013</p> <p>Approximately 500 attending</p>	The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits	<p>These awards aim to recognise the development of citizenship amongst young people and to acknowledge the newly found skills and talents which will enable them to develop and mature as individuals.</p> <p>This event meets the Council's key themes of 'Better support for people and communities' and 'Better opportunities for success across the city' and in addition would</p>	<p>The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits</p> <p>Approximate cost £1,250</p>

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			contribute to the Council's thematic area of Children and Young People.	
Barnardo's Northern Ireland Tuar Ceatha	<p>"Celebrating Diversity in Belfast"</p> <p>20th November, 2013</p> <p>Approximately 100 attending</p>	The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits	<p>This event will aim to showcase the work of the Tuar Ceatha service which is provided to families from the black, minority ethnic, refugee family and asylum seeking communities. The awards ceremony will seek to celebrate the diversity and contribution of not only the staff but all their service users.</p> <p>This event would contribute to the Council's Key Themes of 'City leadership, strong, fair and together' and 'Better support for people and communities'.</p>	<p>The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits</p> <p>Approximate cost £250</p>
Suicide Awareness and Support Group	<p>Celebration of Life Event</p> <p>10th September, 2013</p> <p>Approximately 400 attending</p>	The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits	<p>This event will highlight Suicide Awareness and Prevention Day and will provide an opportunity for families to obtain support and promote awareness around health and suicide related issues.</p> <p>This event would contribute to the Council's key themes of 'Better Support for People and Communities' and 'Better services – listening and delivering'.</p>	<p>The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits</p> <p>Approximate cost £1,000</p>
MT4UTH (Musical Theatre 4 Youth)	<p>Carols in the City</p> <p>15th December, 2013</p> <p>Approximately 600 attending</p>	The use of the City Hall and the provision of hospitality in the form of tea/coffee and biscuits	<p>This event will aim to bring together choirs and musical organisations from all areas of Belfast and will incorporate contributors from socially deprived communities in the City.</p> <p>This event would contribute to the Council's Key Theme of 'City Leadership –</p>	<p>The use of the City Hall and the provision of hospitality in the form of tea/coffee and biscuits</p> <p>Approximate cost £1,500</p>

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			Strong, Fair, Together', 'Better support for people and communities' and 'Better opportunities for success across the city'.	
Northern Ireland Chest, Heart and Stroke	Belfast City Marathon Coffee Morning 24th April, 2014 Approximately 300 attending	Use of the City Hall	This event will highlight the work of the Northern Ireland Chest, Heart and Stroke Association. The event will aim to raise awareness of the help and support available to people living with respiratory conditions. This event would contribute to the Council's Key Theme of 'City Leadership – Strong, Fair, Together' and 'Better support for people and communities'.	Use of the City Hall

The Committee adopted the recommendations.

Severance Arrangements for Councillors

The Committee was reminded that, at its meeting on 19th April, 2013, it had approved a response to a consultation document issued by the Department of the Environment in relation to severance arrangements for councillors.

The Democratic Services Manager reported that legalisation introducing a one-off severance scheme for councillors had now been made and had come into operation on 1st August. The legislation, entitled the Local Government (Severance Payments to Councillors) Regulations (Northern Ireland) 2013, set out the details of the severance arrangements for Councillors and a copy was circulated for the information of the Members.

In order to meet the eligibility requirements of the severance scheme, a serving Councillor must have a minimum of twelve years service, excluding any periods when the councillor was also an MLA, MP and MEP, with service being counted on a cumulative basis. The first application period had commenced on 1st August and would close on 31st December, 2013, the second period would run from 1st January, 2014 until the closing date for nomination as a candidate in the next local government elections. Councillors who applied during the first application period must resign by 31st December, 2013 and those who applied during the second application period must resign by 31st March, 2015.

The Democratic Services Manager explained that there would be a graduated payment system of two bands. There would be an annual rate of £1,000 for any service

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during the period from 30th May, 1973 to 21st May, 1988, and £600 per year for service thereafter. Periods when the councillor was also an MLA, MP or MEP would be discounted when calculating the award. The value of a payment to an individual councillor was limited to a maximum of £35,000. Councillors would receive a severance payment on, or shortly thereafter, the date of their resignation. It would be the responsibility of individual councils to make the payments and the cost would be refunded by the Department of the Environment. An application for a severance payment from a councillor who goes forward for nomination for the 2014 election would be invalidated. The payments were designed to recognise the service of Councillors who had decided to retire from local government. Councillors who had received a severance payment were disqualified from standing as, or being, a Councillor.

The Committee noted the information which had been provided.

**National Association of Councillors-
Annual General Meeting**

The Committee was advised that the National Association of Councillors (Northern Ireland Region) was holding its Annual General Meeting on Friday, 4th October, 2013 at the Clandeboye Lodge Hotel, Bangor. The meeting, at which new office bearers will be elected by the membership, was being addressed by Mark H. Durkan, the Minister for the Department of the Environment. It was intended that the Minister, in his address, would advise Members of the progress of Local Government Reorganisation and the next steps. The total cost per delegate attending would be approximately £56 and it was recommended that the Committee authorise the attendance at the Annual General Meeting of the Chairman, the Deputy Chairman, the Council's representatives on the National Association of Councillors (Northern Ireland Region), and a representative of each of the Parties on the Council not represented by the aforementioned Members.

The Committee adopted the recommendations.

**Local Authorities Members' Association-
Autumn Seminar**

The Democratic Services Manager reported that advance notification had been received in respect of the Local Authorities Members' Association (LAMA) Autumn Seminar in Ennistymon, County Clare which was taking place on 11th and 12th of October. The theme of the seminar was 'Local Authorities as Drivers of Economic Development'. The keynote speakers were still being finalised and details were not available at this stage. The event information had not been received by the Council at the time of the production of the report.

In accordance with Council policy, it was recommended that the Committee authorise the attendance at the Annual General Meeting of the Chairman, the Deputy Chairman, the Council's representatives on the National Association of Councillors (Northern Ireland Region), the Democratic Services Manager (or their nominees) and a representative of each of the Parties on the Council not represented by the aforementioned Members.

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Moved by Councillor Reynolds,
Seconded by Councillor Spence,

That the Committee agrees to defer consideration of attendance at the event to enable information in relation to the seminar programme to be received.

On a vote by show of hands six Members voted for the proposal and nine against and it was declared lost.

Accordingly, the Committee adopted the recommendation in relation to attendance at the Seminar.

Freedom of the City for Van Morrison

The Committee agreed to recommend to the Council to confer on Van Morrison the Freedom of the City.

**Live Streaming and Archiving of Council
Proceedings on the internet**

The Committee considered a report which provided details of the viewing figures for the live streaming and archiving of Council proceedings on the internet for the period from 3rd September, 2012 till 1st July 2013.

Noted.

**Unauthorised Disclosure of Personal
Information relating to Members**

The Legal Services Manager provided the Members with an update in relation to the unauthorised disclosure of personal information relating to Members which had occurred on 21st February, 2012. He indicated that the Information Commissioner's Office had concluded its investigation and no further action would be taken against the Council. He undertook to submit a detailed report at a future meeting of the Committee.

Noted.

Finance/Value-for-Money

Minutes of the meeting of the Audit Panel

The Committee adopted the minutes of the meeting of the Audit Panel held on 12th August.

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Minutes of Meeting of the Budget and Transformation Panel

The Committee noted the minutes of the meeting of the Budget and Transformation Panel of 15th August.

Rate Setting 2014/15

The Director of Finance and Resources submitted for the Committee's consideration the undernoted report:

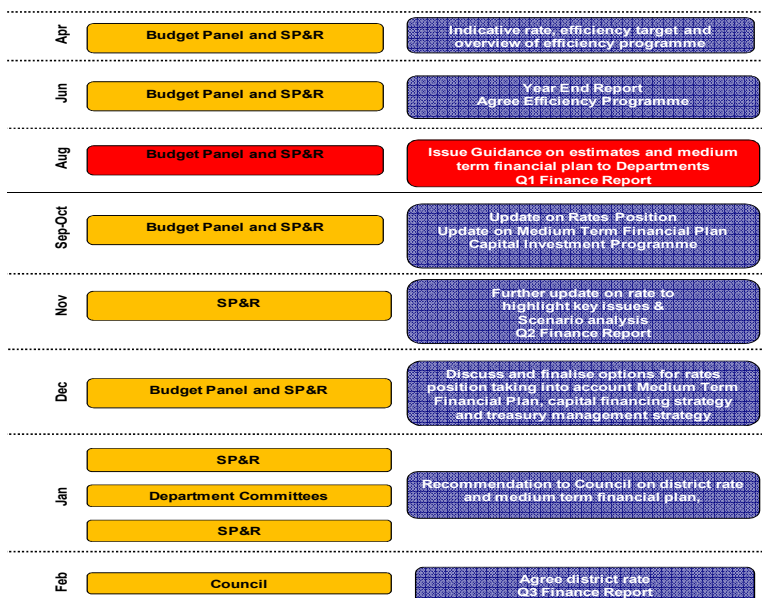
"1 Relevant Background Information

- 1.1 This report provides an overview of the rate setting process for 2014/15 and the proposed high level guidance which will be issued to departments for the preparation of the 2014/15 departmental revenue estimates.**

2 Key Issues

- 2.1 Table 1 below provides a summary of the rate setting process and the reporting / decision stages for the Strategic Policy and Resources Committee.**

Agreed rate setting process for 2014/15



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2.2 Investment Programme Commitment

The investment programme commits the council to keeping any annual rate increase to the rate of inflation or below for the period up to 2014/15.

- 2.3** The current forecast rate for the Consumer Price Index (CPI) for 2014/15 is 2.4% and therefore in order to meet the investment programme target, the increase in the District Rate for 2014/15 cannot exceed 2.4%.

2.4 External Pressures on Departmental Budgets

Superannuation: The NI Local Government Superannuation Pension Scheme (NILGOS) have indicated that the Employer Contribution Rate is likely to increase 20% to 21% for 2014/15. This will result in an uncontrollable cost increase for the council of £611k, representing a 0.47% increase in the District Rate.

- 2.5 *Employee Pay Rise:*** In 2013/14 Local Government Employees received a pay increase of 1% which was the first pay rise in 4 years. The Chancellor of the Exchequer has decided to extend pay restraint into 2015-16 with a continued cap on public sector pay rises of 1%. A 1% pay rise in 2014/15 would equate to an uncontrollable cost for the council of £871k, representing a 0.67% increase in the District Rate for 2014/15. As in 2013/14, the pay rise element of the 2014/15 revenue estimates would be retained as a corporate budget and only transferred to departments budgets if a pay settlement is agreed.

- 2.6 *Employee Increments:*** Staff who have not reached the final point of their salary scale, will be due an increment in 2014/15. The increments will mean an uncontrollable cost increase of £358k or a 0.28% increase in the District Rate for 2014/15.

- 2.7 *Energy Costs:*** Energy costs are forecast to increase by 5% in 2014/15, with fuel costs for the Council's fleet estimated to increase by 4% in the same period. This will mean an increase in energy and fuel costs of £531k in 2014/15, representing an increase of 0.41% on the District Rate. Work will continue on the energy stream of the council's efficiency programme focusing on the management and procurement of energy for council assets, to reduce the impact of these cost increases.

- 2.8 *Income Risk:*** Income from electricity generation at the North Foreshore is estimated to reduce by a further £300k during 2014/15, with a further £100k loss of income in other areas arising from the current economic environment. The reduction in income would total £400k and would represent a 0.31% increase on the district rate. Further work will be undertaken to

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test the income assumptions at service level as part of the estimates setting process

- 2.9 The total uncontrollable cost increase is forecast to be £2.77m and is detailed in Table One below.
- 2.10 This does not include potential growth proposals or the general inflationary impact on supplies and services. It is proposed that departments are requested to absorb the inflationary impact on supplies and services and that business cases will be required for any growth proposals.

**Table 1
Uncontrollable Departmental Cost Increases 2014/15
(Excluding CPI Increase)**

Description	Estimated Cost Increase	Impact on District Rate
Superannuation	£611k	0.47%
Pay Rise	£871k	0.67%
Pay Increments	£358k	0.28%
Energy & Fuel	£531k	0.41%
Income Risk	£400k	0.31%
Total Uncontrollable Costs (Excluding CPI Increase)	£2,771k	2.13%

2.11 Efficiency Programme

The Council is committed to delivering £2m of efficiency savings for 2014/15 and these will support the delivery of a rates increase below the rate of inflation. A detailed report on the programme will be brought to the committee in September.

- 2.12 *Rate Base of the City*: The council receives 74% of its income from the District Rate and the sustainability of the rate base is therefore critical to the council's financial position and future spending plans. An analysis of the 2012/13 rates outturn has been undertaken. A detailed report on the potential impact of the rates performance for 2012/13 on the forecast rates position for 2014/15 will be brought to the committee in September.

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2.13 Capital Expenditure Plans

Capital Programme: This is used to pay for enhancements to existing council assets or for the provision of new assets owned by the council. The capital programmed is financed through an annual budget and at the Strategic Policy and Resources Committee on 21 June 2013, it was agreed to increase this budget from 2014/15 to £13.37m through the transfer of £3.23m from the £6m annual Belfast Investment Fund budget. This transfer would finance the Olympia and Andersonstown Leisure Schemes without the requirement to increase the District Rate.

2.14 *Belfast Investment Fund:* This is used to finance investment package schemes for non council assets. The annual contribution to the Belfast Investment Fund for 2014/15 will be £2.77m and this will ensure that £20m of funding is available by 2015 in line with the Investment Programme commitment. There is therefore no requirement to increase the current level of contribution to the Belfast Investment Fund during 2014/15.

2.15 Local Investment Fund: This is used to fund neighbourhood capital projects for non-council assets. The £5m fund has been fully financed and there is therefore no requirement to make additional contributions through the District Rate during 2014/15.

2.16 Reserves

The council's current general reserves position is £13.3m and is therefore within the minimum reserve level of £10.1m agreed by the Strategic Policy and Resources Committee. A separate report to the committee will request an allocation of £1.15m from reserves to finance the non-recurrent cost elements of the Leisure Transformation Programme. If this is agreed reserves will still be at an acceptable level and therefore there will be no requirement to increase the reserves through the District Rate in 2014/15.

3 Equality and Good Relations Implications

There are no equality and good relations implications associated with this report.

4 Recommendations

Members are requested to:

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- 1. Note the contents of the report and that further updates on the development of the estimates, capital expenditure plans and the rate base position, will be provided to Members in line with the timetable provided at paragraph 2.1.**
- 2. Agree that departments are requested to absorb the inflationary impact on supplies and services and that business cases will be required for any growth proposals.**
- 3. Agree to consider reports on the efficiency programme and the rate base at the September meeting of the committee.”**

During the discussion in the matter, the Director of Finance and Resources reported that, subsequent to the report having been issued, he had received further information that the recalculated payment by the Council of the employers' contribution to the Local Government Pension Fund would increase the uncontrolled departmental costs for 2014/15 by an estimated £900,000.

After discussion, the Committee adopted the recommendations.

Requests for Funding - Common Purpose Belfast

The Committee was advised that a request for financial assistance in the sum of £6,000 had been received from Common Purpose Belfast in connection with its 2013 Navigator Programme. The money would be used to offer three part-funded places on its Programme for emerging leaders from non-profit organisations in Belfast. Last year, the Council had funded participants from Positive Futures, Cancer Focus NI and Mindwise. The programme was designed to draw together local leaders, merging leaders and senior managers from all walks of life who could potentially play a role in shaping the future of Belfast. The Council had supported Common Purpose Belfast since its inception in 1996.

The Director of Finance and Resources reported that the application could be considered in the context of Section 37 of the Local Government Finance Act (Northern Ireland) 2011, which provided the Council with discretionary powers to consider exceptional requests for financial assistance. He indicated that the application met the criteria for the funding in that regard.

Accordingly, it was

Resolved - that expenditure in the sum of £6,000 be approved for the aforementioned event under Section 37 of the Local Government Finance Act (Northern Ireland) 2011, it being the opinion of the Committee that the expenditure would be in the interest of, and would bring direct benefit to the District, and the inhabitants of the District, with the Committee being satisfied that the benefits so accruing would be commensurate with the payment to be made.

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Request for Funding- Circuit of Ireland Rally 2014/16

The Committee considered the undernoted report:

“1. Relevant Background Information

- 1.1 The Development Committee considered a request for funding of the above event at its meeting on 20 June 2013. The request was for funding of up to £25,000 per annum for the next three years (total £75,000).
- 1.2 The Development Committee was advised that there was no funding earmarked for this event in either the City Events Unit budget or the Specified Reserve for Special Events.
- 1.3 The Development Committee was requested to decline the funding for the event based on the fact that the City Events budget for the period, nor the Specified Reserve for Special Events, has any finance earmarked for such a project. The Development Committee decided to support the event and request that the matter be referred to the Strategic Policy and Resources Committee to consider increasing the Development Department’s finances for events.

2. Key Issues

- 2.1 As part of the rate setting process, cash limits for standing committees are approved, based on the detailed financial estimates prepared by departments.
- 2.2 Proposals for growth in departmental budgets are considered as part of the rate setting process, within the context of the Council’s overall financial position and affordability and impact on the District Rate.
- 2.3 Where the in-year budget monitoring process indicates a forecast under spend position, then the Strategic Policy and Resources Committee may consider approving the release of some of these resources to fund non-recurring initiatives, projects or to meet external funding requests.
- 2.4 In previous years this approach has been used to approve non-recurring funding for the NI Hospice, Area Intervention Pilots, Boxing Strategy, and Advice Centres. In November 2012, the Strategic Policy and Resources Committee also approved the allocation of an additional £1.96m of finance to the Specified Reserve for Special Events (such as Giro d’ Italia, and Tall Ships) to supplement the Development Department’s annual events budget and to align resources to

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ensure that the burden on ratepayers is minimised for future years.

- 2.5 In considering requests for additional resources, the Strategic Policy and Resources Committee must assess the affordability of such requests and be assured that these are of a non-recurring nature.
- 2.6 The Circuit of Ireland proposal is for recurrent funding of an event for a three year period and has not been earmarked in either the annual events budget, or specified events reserve for the Development Department. For these reasons it was recommended to the Development Committee that the funding request should be declined.
- 2.7 Given these factors and that the Quarter 1 departmental position of the Council is forecasting an under spend which is within 0.4% of the annual budget, it is recommended that the Committee decline the funding request and refer the matter back to the Development Committee for further consideration in the context its own budget or their revenue estimate business growth proposals for 2014/15.

3. Resource Implications

Financial

The request for funding of the event is up to £25,000 per annum for the period 2014-16 requiring a total commitment of £75,000. Funding for the event has not been earmarked in either the Development Department's events budget or the Specified Reserve for events.

4. Equality and Good Relations Implications

- 4.1 There are no equality or good relations implications associated with this report.

5. Recommendations

- 5.1 That the Committee decline the allocation of additional funding to the Development Department to fund this event and that the matter be referred back to the Development Committee.

6. Decision Tracking

The Director of Development will advise the Development Committee of the decision of the Strategic Policy and Resources Committee."

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After a lengthy discussion, the Committee agreed that the Council provide funding for the event but that, in the first instance, the matter be referred back to the Development Committee to allow it to examine its budgets to identify whether or not the necessary funding could be made available from that Committee. It was agreed also that a report be submitted to a future meeting of the Committee to identify how major and special events could be funded in the future.

Financial Reporting- Quarter 1 2013/14

The Committee considered the undernoted report:

“1.0 Relevant Background Information

1.1 The Strategic Policy and Resources Committee agreed on 18 June 2010 that:

- The Council would produce financial reporting packs for the Strategic Policy and Resources Committee and each Standing Committee on a quarterly basis
- The Budget and Transformation Panel would also receive monthly financial updates if there were any significant issues to report.

1.2 The reporting pack contains a summary dashboard of the financial indicators and an executive summary explaining the financial performance, a copy of which has been circulated. It also provides a more detailed explanation of each of the relevant indicators covering outturn for the quarter, payment of creditors, recovery of debt and procurement compliance.

2.0 Key Issues

2.1 Current and Forecast financial Position 2013/14

The financial position for Quarter 1 is a net departmental under-spend of £364k (1.2%). The forecast year end departmental position is an under-spend of £471k (0.4%).

2.2 The financial reporting pack contains more detail on the quarter 1 and forecast positions. It should be emphasised that it is very early in the financial year and therefore it is difficult to make an accurate forecast of the year end financial position. It should also be noted that the forecast position of an under spend of £471k, represents only 0.4% of the Council's annual budget. For this reason and that the Council has already committed in year allocation amounts of £250k for the NI Hospice and £120k for the Royal Scottish Pipe Band Championships, it is recommended at this stage no further in year reallocations are made.

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2.3 Capital Financing

The capital financing budget is £10.14m. This budget is forecast to break even and will be used to finance the capital programme and feasibility work to support the Investment Programme.

2.4 Rate Income

The initial forecast by LPS is that BCC would have a favourable outturn of £1.m. BCC officers will be working closely with LPS to ensure that the in year forecast takes account of issues such as outstanding appeals, vacancy inspections and the impact on businesses going into administration. Given that this is a quarter 1 forecast by LPS and that this validation work will have to be undertaken by the Council, it is recommended that no decision regarding the allocation of the resources arising from the forecast positive settlement by LPS be taken at this stage. A detailed report on rating issues will be brought to the Committee in September.

2.5 Investment Programme

Committed expenditure approved by the Strategic Policy and Resources Committee for the 3 year Capital Programme stands at £35.590m, leaving £39.410m of schemes within the 3 year programme at the uncommitted or emerging project stage.

2.6 Committed expenditure on LIF projects currently stands at £4.6m, leaving a balance of £400k in the local investment fund.

2.7 The amount of levered external funding for the Investment Programme which has been agreed in principal is £65.073m, with £19.053m of these funds confirmed through letters of offer.

2.8 Actual capital expenditure for the period was £2.057m, while non-recurring expenditure was £0.52m.

2.9 Other Financial Indicators

The Quarter 1 average for debt under 90 days old is 50.4% which is below the target of 60% however the overall debt reduced from £4.2m to £3.7m during the quarter.

2.10 The average number of creditors paid within 28 days for quarter 1 was 80.0%, which exceeded the target of 75%

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3.0 Resource Implications

- 3.1** The financial position for Quarter 1 is a net departmental under-spend of £364k (1.2%). The forecast year end departmental position is an under-spend of £471k (0.4%).

4.0 Equality and Good Relations Implications

There are no equality and good relations implications associated with the report.

5.0 Recommendations

Members are asked to:-

- Note the quarter 1 financial report.
- Agree that no reallocations are considered for quarter 1.

7.0 Key to Abbreviations

LPS: Land and Property Service”

The Committee adopted the recommendations.

Publication of Employee Travel Costs

The Committee noted the contents of a report which provided costs for employee travel for the financial year 2012/13 and agreed that, in line with previous years, the figures would be published on the Council's website.

Human Resources

(Mrs. J. Minne, Head of Human Resources, attended in connection with these items.)

Standing Order 55 - Employment of Relatives

It was reported that, in accordance with Standing Order 55 and the authority delegated to him, the Director of Finance and Resources had authorised the appointment of individuals who were related to existing officers of the Council.

Noted.

Consultation Document on Sharing Parental Rights, Extending Flexibility at Work

The Committee considered the undernoted report:

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“1.0 Relevant Background Information

- 1.1 The Department for Employment and Learning has launched a public consultation exercise to seek views on whether it is appropriate (and if so to what extent) to implement in N Ireland a programme corresponding to one that is being taken forward in Great Britain by the Department of Business, Innovation and Skills, setting out a framework of new rights for working parents.
- 1.2 The Council has been asked by the Minister for Employment and Learning to respond to a number of questions as part of its consultation exercise on this. The consultation document and draft response to the consultation questions is attached at Appendix A.

2.0 Key Issues

- 2.1 In February 2013, the UK government introduced into Parliament the Children and Families Bill which included provisions that will make fundamental changes to the statutory leave entitlements, both paid and unpaid, that are available to working parents in Great Britain. The Minister for Employment and Learning has secured the agreement of the Executive to seek the views of local stakeholders on the merits of these proposals; the extent (if any) to which they should be implemented in N Ireland and whether or not alternative options may be appropriate.
- 2.2 The proposed new arrangements are designed to provide working parents with greater flexibility in determining how best to share the statutory pay and leave provisions associated with the birth or adoption of a child and sets out proposals to allow partners of either the mother or the primary adopter to become more involved in ante natal care or in the stages leading up to an adoption, where that is what both people want.
- 2.3 The second aspect of the consultation is a proposal to significantly broaden the existing right to request flexible working.
- 2.4 Appendix A provides a response to each of the questions contained in the consultation document. These proposals support much of what the Council is trying to achieve in terms of:

- ☐ the promotion of diversity and equal opportunities

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- ☐ being a best practice employer of choice
- ☐ attracting and retaining talent
- ☐ work-life balance, health and wellbeing and employee satisfaction.

The overall proposed response from BCC to the proposals outlined in the consultation is therefore a positive one that welcomes suggested measures to facilitate the proper consideration and facilitation of requests for flexible working in a way that meets both council needs and employee needs.

The proposals to allow more sharing of parental rights are also welcomed in our proposed response, but some of the potential practical issues that employers may face around implementation and administration of the proposed provisions are highlighted with suggestions on how they might be dealt with. Essentially these are:

- ☐ the preference for shared leave plans to be agreed in advance where possible
- ☐ the need for sufficient notice periods, where feasible, for employers to accommodate any changes in leave plans
- ☐ the need for an effective administration link between relevant employers to ensure accuracy of employee declarations and prevent misuse.

3.0 Resource Implications

- 3.1** The estimated resource implications of the proposals outlined are included in the consultation document.

4.0 Equality and Good Relations Implications

- 4.1** The Department of Employment and Learning has conducted an equality screening exercise and the consultation document contains a summary of the outcome of that work.

5.0 Recommendations

- 5.1** Strategic Policy and Resources Committee is asked to approve the draft response to the consultation on Sharing Parental Rights and Extending Flexibility at Work, attached at Appendix A.

Annex A: Question and Answer Booklet

Your details

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Your name: Jill Minne

If you are responding on behalf of an organisation

Name of the organisation: Belfast City Council

Your position within the organisation: Head of Human Resources

Part I: Shared parental proposals – general

Having read the information contained within this paper and the associated documentation, please provide us with your opinions on the following questions.

Q1. What are the arguments supporting the introduction/extension of the shared parental proposals to Northern Ireland?

The proposals to share parental leave look likely to support much of what Belfast City Council is trying to achieve organisationally in terms of:

- ☐ the promotion of diversity and equal opportunities
- ☐ being a best practice employer of choice
- ☐ attracting and retaining talent
- ☐ work-life balance, health and wellbeing and employee satisfaction.

Many services will welcome the early return of some workers from maternity leave.

Q2. What are the arguments against this course of action?

- Potential disruption to services if an employee shares leave in an intermittent pattern (eg 1 week in, 1 week off);
- Additional administrative burden to line management and the Council's Payroll function in particular
- Knock-on effect on employees who are providing cover or are backfilling posts
- 6 weeks notice of changes to leave plans may not be sufficient where there are cover/backfilling arrangements in place – and there is lack of certainty about how long an employee will be on leave
- The proposed system is dependent upon an employee and his/her partner co-ordinating the administration of their leave through self-certification – there is however no proposed checking/assurance mechanism in place to ensure there is no abuse of the system.

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Q3. *What alternative approaches should be considered?*

- A requirement for a fixed pattern of leave to be agreed at an early stage
- The need to provide both of the relevant employers with greater notice when the agreed pattern of shared leave needs to change
- An administrative link between the relevant employers to ensure accuracy of employee declarations and avoid unnecessary costs being incurred by both organisations

Part II: Administration of shared parental rights

Q1. *Please provide any evidence on any administrative difficulties that the different notice periods for paternity leave and pay currently cause employers.*

- ☐ There is potential difficulty around the ability to track the number of weeks taken to ensure the combined total does not exceed the statutory limit. If the two claimants are employed by two different employers it could be problematic ensuring that together the maximum leave entitlement is not exceeded

Q2. *Do you agree with the proposal to align the notice period for paternity leave and pay at the end of the 15th week before the expected week of child birth (or within 7 days of being matched with a child for adopters)?*

YES ☒ NO ☐

Please explain.

☐ No objection to this proposal

Q3. *Do you think that a woman should have 4 or 6 weeks from birth to revoke her notice to end maternity leave and opt into the shared parental system where the notice has been given prior to birth?*

4 weeks ☐

6 weeks ☒

Please explain.

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- ☐ As much notice as possible is better for the employing organisation, given the potential disruption and impact on service delivery/cover arrangements. It is accepted however that exceptional circumstances will arise and will need to be dealt with on an individual basis.

Q4. Do you agree on the level of information to be provided by an employee as part of the notification process?

If not, please explain why and what information you would like to be required.

- ☐ An administrative link between the relevant employers would be helpful to seek to ensure the system is not vulnerable to misuse. The introduction of any new provisions might present an opportunity to review and strengthen assurance mechanisms

Q5. Do you agree with the proposal to allow parents to notify their employer of their intentions as they require them?

Please explain.

- This section essentially requires employees to provide 8 weeks notice of any changes to their plans, which seems appropriate for an organisation like BCC. It could however be insufficient time for some employers to put cover in place.
- It might also result in delays to the processing of payment
- This section envisages a scenario where one employer can facilitate a particular arrangement but the other cannot, and maps out how this impacts on both people and their employers (withdrawing applications; submitting new applications etc); this emphasises the need for an assurance/ communication channel between the relevant employers to seek to ensure clarity in the process of applications for shared leave.

Q6. To allow employers to know their employees' definite leave plans at least 6 weeks before any leave starts, it is proposed to set the negotiation period at 2 weeks. Do you agree? Please explain.

- This seems sufficient for straight-forward cases. However, where the requested pattern cannot be facilitated, there may be a need for further dialogue to reach an agreement, which may take longer than 2 weeks. It may be helpful for this

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section to include guidance that the negotiation period may be extended by mutual agreement.

Q7. Do you think that the cut-off point for parents taking shared parental leave should be: 52 weeks from start of maternity leave or 52 weeks from birth?

Please explain.

- 52 weeks from birth would give maximum flexibility to parents without having a significant impact on the Council as a large employer. This may not however be the view of smaller employers.

Q8. Is 10 KIT days per parent for shared parental leave the right number?

Please explain.

- 10 KITs is sufficient for BCC. Smaller employers may have a different view of this.

Q9. Which 'right to return to the same job' option (1 or 2) would you prefer be applied to shared parental leave?

Option 1 *Right to return to the same job for employees continuous block of leave of 26 weeks or less or*

Option 2 *Right to return to the same for employees returning from aggregated leave of up to 26 weeks even if the leave is not taken as a single block.*

Please explain.

- BCC could almost certainly facilitate option 2, even if the scheme established option 1 as a minimum standard.

Q10. In cases of fostering to adopt where the child is matched and placed with the prospective adoptive parents on the same day, how can realistic notification be given to employers of the need to take adoption leave and pay?

- The principles which apply in the case of premature birth/maternity leave & pay could be applied in this scenario. That is, the employee notifies the employer as soon as reasonably practicable. Where there is a good

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reason, late notification can be accepted for several weeks after premature birth and we should be able to facilitate the same for short-notice adoption and fostering placements given the likely (low) volume of such cases.

Part III: Right to request flexible working

Q1. *Should the right to request flexible working be extended to all employees with an appropriate length of service, extended more narrowly to selected groups, or remain unchanged? Please explain.*

- BCC already extends the right to request flexible working to all employees.
- Regardless of length of service, grade etc, decisions regarding requests for flexible working are looked at on an individual basis based on all the circumstances of the case, i.e., the nature of the job in question, the nature of the request made and the needs of the business, with a view to reaching mutual agreement

Q2. *Is it appropriate to move towards a model imposing a duty on employers to deal with requests reasonably, supported by a Code of Practice and guidance rather than, as at present, requiring a statutory series of steps to deal with requests? How might this work?*

- A code of practice and guidance would be a welcome addition to the statutory provisions. It could place an emphasis on the need to be reasonable in considering these requests, as opposed to simply satisfying a statutory exercise. This would help organisations to communicate to managers the need to give detailed consideration to every request and to be creative in reaching a mutually acceptable solution with the employee.
- It would also be helpful if the guidance placed an emphasis on the need for the employee also to be flexible and to work collaboratively with his or her manager to agree a solution.

Part IV: General

Q1. *Having read the impact assessment, please detail any potential impacts that you believe require further consideration.*

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- **Para 4.15** - It might be helpful to consider additional entitlement to time off for ante-natal appointments for partners in circumstances where complications in pregnancy are identified in the ante-natal period.

Q2. *Are particular impacts likely to be experienced by small employers and, if so, what steps can be taken to minimise them?*

Q3. *Please provide any other comments that might aid the consultation process as a whole.*

- It is noted that any decision on the attendance of others at ante natal appointments should rest with the mother. (para 3.14) . Perhaps this principle be applied across all key areas of the provision to avoid instances where mothers' or key adopters' wishes, regarding the involvement of fathers or partners, change?"

The Committee approved the draft response.

The Committee agreed that items 5(c) Retirement of Town Solicitor and Assistant Chief Executive and 5(d) Local Government Reform – Appointment of Chief Executive Posts be considered at the end of the meeting.

Asset Management

Illuminate Project – “Light it up Gold” Campaign

The Committee was reminded that the governance arrangements for the Illuminate Project, which it had approved in February, 2013, limited access to the new ILLUMINATE LED lighting facilities to:

- (a) the charities nominated by our civic office-bearers;
- (b) events organised or supported by the council; and
- (c) an agreed schedule of additional days.

Any request which did not fall into those categories required the approval of the Committee.

The Director of Property and Projects reported that a request had been received recently from the 'Light it up Gold' campaign for the use of the new LED lighting system at City Hall on Saturday 7th September, 2013 to highlight issues around children's cancer by illuminating the building in a gold colour. The group was comprised of parents of children affected by a variety of cancers and was part of a wider campaign with a presence in North America and Europe. At the time of submitting the report, the group had indicated that commitments to have public buildings lit up in gold had already

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been received from a number of well-known international landmarks, including the Niagara Falls, The Prudential Tower in Boston and the CN Tower in Toronto.

In terms of more local participation, commitments had also been given by a number of prominent locations in the city of Dublin, including for example the Mansion House, Dublin Conference Centre, St. Patrick's Cathedral, Greystones Harbour, The G Hotel and Eyre Square Fountain.

The facilities available at the City Hall allowed lighting scenes to be created quite easily and without involving additional cost or significant work. The Director pointed out the request was for a single occurrence only and that the date would not be added to the existing schedule of additional days.

The Committee approved the use of the LED lighting system at City Hall for the purposes of marking the 'Light it up Gold' campaign on 7th September, 2013 only.

**Purchase of Land at Hannahstown Hill/
Upper Springfield Road**

The Director of Property and Projects reported that an opportunity to acquire approximately 30 acres of land in the west of Belfast extending between Hannahstown Hill and the Upper Springfield Road had arisen. The land directly adjoined an existing smaller Council landholding of approximately 6 acres which was accessible from Hannahstown Hill.

The Committee granted approval to enter into negotiations to acquire the aforementioned lands.

Gasworks Site – Northern Fringe

The Committee was reminded that the Council has agreed previously a Masterplan for the Gasworks Northern Fringe which outlined proposals for progressing development on a site by site basis. Within the context of the Masterplan, the Council had agreed specifically to work with Inislyn Ltd - developer of the Radisson Blu hotel and the Lighthouse Building - in respect of developing two areas known as sites C and D of the Northern Fringe.

Subsequent detailed discussions with Inislyn had been based on an extension to the existing hotel, the development of a multi-storey car park and a further office site.

The Committee granted approval to progress negotiations with Inislyn Lt based on the Heads of Terms which had been outlined by the Director of Property and Projects and to enter thereafter into an Agreement for a lease in respect of Sites C and D of the Gasworks North Fringe.

Disposal of Land at McClure Street

The Committee considered the undernoted report:

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“1 Relevant Background Information

- 1.1 Following previous Committee decisions to market for sale, free of restrictions, lands at McClure Street the Strategic Policy & Resources Committee at its meeting of 19th August 2011 approved appointment of an estate agent to progress a disposal at an asking price in the region of £450,000 with a further report to be brought back for approval of terms of any proposed disposal.
- 1.2 The site was marketed (for sale board, advertised in local papers, targeted mail shot of brochure) from October 2011. Despite an extensive campaign only one bid was eventually received in March 2012 from Apex Housing Association at a figure substantially below the guide price quoted.
- 1.3 In addition to the depressed state of the property market the development opportunities for this site remain very limited. Despite having previously received lucrative bids to purchase in the past these offers were predicated on receipt of planning for general housing. Notwithstanding these offers Planning Service advice was that these plans would not be granted permission. A further planning assessment for the site confirmed current planning policy would preclude such general housing development.
- 1.4 In keeping with dBMAP and current planning policy guidelines the Apex proposal is to develop social housing units that addresses a requirement for any development to pass an exceptions planning test for this designated open space and to deliver “substantial community benefits”
- 1.5 With the failure to secure any other interest in the site officers met with representatives from Apex in an attempt to find a way forward that would secure an enhanced disposal price in the absence of any competitive bidding process. This resulted in agreement to request Land & Property Services to undertake a valuation based on the Council’s planning assessment for the site.
- 1.6 Land & Property Services have provided a valuation of £240,000 reflecting social housing development and on this basis Apex have agreed to progress the purchase of this site, subject to Committee approval and planning.

2 Key Issues

- 2.1 Despite exhaustive efforts made to attract bids for this site the only bid secured was from Apex Housing Association at

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£150,000 for the development of 16 social housing units. A combination of current planning designation (open space) which requires any development proposals to deliver “substantial community benefits” and the continuing effects of the economic down turn which has hit the property market in Northern Ireland particularly hard has impacted on the market value of this site.

- 2.2 Current dBMAP designation as “open space” and development constraints of PPS8 very much restrict the development potential of the site and hence the pool of potential bidders. Having been marketed for over a year officers initiated a meeting with Apex representatives to discuss a way forward that would secure the best price for the site and deliver another social housing project on former Council owned land. Apex agreed to the proposal that Land & Property Services would provide a valuation of the site as the basis on which to progress a purchase.**
- 2.3 In addition to the negative property market and planning factors, the narrow linear shape of the site presents its own development challenge. Over and above these recognised limitations Apex also claimed development potential was further eroded with development abnormalities totalling £267,000, proximity to a railway cutting and the presence of twin NI Water mains in McClure Street. On this basis Apex estimated only 16 social housing units could be developed on the site.**
- 2.4 In order to address the issues raised in maximising a return from this disposal further planning advice was sought to counter the claims made by Apex and to provide a scheme proposal that would achieve full potential from development of the site with 22 social housing units. This planning advice was provided to Land & Property Services and formed the basis of reaching their assessment of £240,000.**
- 2.5 Apex have now agreed to make an offer to purchase on the basis of the assessment provided by Land & Property Services but still have reservations in respect of the housing density they can secure at planning. To this end they have sought to subsequently reduce the premium agreed for any housing units for which they fail to achieve planning consent. The Council will retain the right to approve the scheme that Apex submits to Planning Service in the first instance in order to ensure Apex seeks to maximise the number of units on the site and hence the full premium secured.**

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- 2.6 The land is currently a long narrow wedge of informal open space that is poorly used and attracts fly tipping with ongoing maintenance issues. Should this disposal proceed Council retain and manage a further area of open space on McClure Street (directly opposite the site being sold) together with McClure Street playground as Council community facilities retained in the vicinity.

3 Resource Implications

3.1 Financial

Capital receipts can be utilised in furtherance of the Belfast Investment Fund, capital projects and other corporate priorities.

Ongoing annual costs associated with the maintenance of this open space will cease upon completion of the sale.

3.2 Human Resources

Staff resources in Estates Management Unit and Legal Services required to conclude the disposal.

3.3 Asset and Other Implications

Disposal and development of this land with resultant redeployment of the capital receipts towards other Council priorities should represent a better use of resources.

Subject to planning it is likely that the Apex proposals for the site will provide between 16-22 social housing units.

Provision of additional social housing to address a need identified by NIHE with associated regenerative benefits for the general area.

4 Equality and Good Relations Implications

- 4.1 There are no equality implications at this stage.

5 Recommendations

- 5.1 Members are requested to approve the disposal of this land as set out above and subject to terms agreed by the Estates Manager and Legal Services."

The Committee adopted the recommendation.

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Public Path Creation Agreement at Ligoniel

The Committee was advised that the Parks and Leisure Committee, at its meeting on 13th June, had agreed to enter into a 10 year Public Path Creation Agreement with Northern Ireland Water (NIW) to utilise an existing path located on NIW land at Ligoniel.

On completion of the Agreement the Council would become responsible for the maintenance of the path. New access provision at either end of the path (either stiles and/or way marking) was being externally funded by the Belfast Hills Partnership Trust. That would provide access to the NIW land from Ligoniel Park through to the Crumlin Road, approximately 1 kilometre above the Horseshoe Bend.

The Committee authorised the Public Path Creation Agreement for the lands as outlined.

**North Foreshore Disposal: Plot 2
Cleantech Renewable Energy**

The Director of Property and Projects submitted for the Committee's consideration the undernoted report:

"1 Relevant Background Information

- 1.1 Members will be aware that the Council has previously agreed that the development of the North Foreshore should comprise an Environmental Resource Park to create an innovative "Cleantech Environmental Technology Business Cluster" for Belfast which would encourage investment and job creation. The development of a renewable energy hub within the park will also demonstrate the Council's leadership in building the City's resilience and promoting renewable energy in an era of growing energy insecurity, increasing energy cost and fuel poverty.**
- 1.2 The development of the North Foreshore Environmental Resource Park is included in the Council's Investment Programme 2012 – 2015. Members will be aware that the Council has submitted a £8 million European Regional Development Fund Application to develop the infrastructure for this environmental resource park. Invest NI and DETI are currently assessing the application, and the Council expects a decision at the end of 2013.**
- 1.3 The Council has already commenced the regeneration of the North Foreshore with the completion of a waste transfer station, substation, and a landfill gas electricity generation power plant. The electricity substation currently generates**

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3mw of renewable electricity which is exported to the local grid network and is sufficient to power up to 3,500 homes. The substation does, however have sufficient spare export capacity of 7 mw to the local grid network, which provides the opportunity to encourage the further development of renewable energy facilities to create a sustainable energy hub at the North Foreshore

- 1.4 Within the area reserved for the environmental business park, the SP&R Committee, on 25 January 2013, approved the release of a Marketing Prospectus for the disposal of a 3 acre site for a Cleantech Biogas renewable energy facility

2 Key Issues

- 2.1 The Council publicly advertised the Cleantech Renewable Energy development opportunity in the local paper, Council website and in the EU Journal in March 2013. The closing date for development bids for the site was 30 May 2013. Developers were required to provide a detailed submission setting out details of their financial bid for the site, development proposals, proposed programme, funding sources, project team and experience.

- 2.2 An Evaluation Panel was established comprising of representatives from Estates, Legal Services and Corporate Services, to undertake the assessment of any Development Submissions received prior to the closing date. The Evaluation Panel used the following assessment criteria outlined in the Marketing Prospectus:

- I. Financial offer for the heat and power easement fees.
- II. Company background, financial viability of the project and the financial capability of the operator to fund, deliver, operate and possibly expand the facility.
- III. Experience of the Developer and project Development Team to deliver and operate similar cleantech biogas renewable energy facilities.
- IV. Quality of the design proposal to contribute to enhancing the image of the “Cleantech Environmental Technology Business Sector” and the socio economic benefits.
- V. Delivery of the project within a reasonable timescale.

- 2.3 The Evaluation Panel are of the view that a submission received from the company Tamar Energy Ltd meets the

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criteria as set out in the Development Brief in terms of funding and delivering a commercially robust cleantech biogas renewable energy project.

- 2.4 Tamar Energy Ltd are proposing to develop an Anaerobic Digester facility that would process commercial organic food waste to produce biogas to power up to 3 Mw of renewable electricity and heat. This could be sufficient to power up to 3,500 homes. It will also contribute towards the 40% renewable energy target established by the NI Executive. Anaerobic Digestion (AD) is a cleantech technology that is a modern and clean facility that processes organic waste in the absence of oxygen, producing a biogas that can be used to generate electricity and heat. The AD operation takes place in an enclosed building under slight negative pressure and sealed containers to contain the odour. Tamar Energy Ltd has indicated that they will invest £12 million from private equity investors, to develop the AD Facility.
- 2.5 Tamar Energy Ltd is proposing to create a number of permanent full time jobs, and have indicated they are committed to make every effort to recruit locally for the positions. There will also be additional construction jobs created by the project.
- 2.6 The NI Executive is promoting the development of AD facilities to generate renewable energy to reduce our dependence on imported fossil fuels and to improve our security of energy supply. The Executive has imposed targets that 40% of our energy production is to come from renewable sources by 2020. Currently, NI is producing c12% of its energy from renewable sources. It is worth highlighting that in 2009 the Council's landfill gas electricity generation power plant at the North Foreshore was producing 5mw which accounted for 1% of the 12% renewable target established by the Executive for 2012.
- 2.7 In addition, the NI Executive has also established targets to divert waste away from landfill and has established a recycling target of 60% by 2020. The Tamar Energy Ltd AD proposal will help to divert organic food waste away from landfill and contribute towards the 60% recycling target.

3 Resource Implications

3.1 Financial

The Council will receive a financial return for the site based on a ground rental (reviewable every 5 years) and a further return based on the amount of electricity generated from the facility

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and on the amount of any heat exported from the facility. The return from electricity and heat is based on an agreed (unconditional) price per mw hour. The total return will be dependent upon the amount of electricity and heat generated but setting aside any potential return from the export of heat (which is less certain given that there are currently no end users on this site), the estimated return to the Council is circa £154,000 per annum.

In order to enable development and comply with planning and NIEA requirements and for the protection of human health, the site will however require capping works (including an active gas abstraction system) to be undertaken. The cost of the capping work for this 3 acre site is approximately £735,000, which will require to be met from the Capital Programme. A further report is being brought to the Strategic Policy & Resources Committee in September in relation to the Capital Programme and it will include further details on this. It is worth noting however that in the absence of development the Council may still have to provide a basic capping system.

Taking into account the proposed financial return from the site, the payback period for this capital outlay is approximately 4.8 years. This represents a very good return on investment particularly given that a 25 year lease is proposed with the rent reviewable on a regular basis. In addition, the development of this facility should act as an important anchor tenant and encourage other developers in the cleantech and renewable sectors to locate at the North Foreshore.

The proposed investment by Tamar Energy Ltd is £12 million. In addition to job creation for the City, this facility will also add to the City's rate base.

3.2 Assets

The development of this site represents an important regeneration opportunity for Belfast and has the potential to create significant economic, social and environmental benefits.

The development of this facility is important in firmly positioning the North Foreshore Environmental Resource Park and acting as an anchor tenant to encourage further development from this renewable energy and cleantech sector.

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3.3 Human Resources

Staff resource, primarily from Property & Projects and Legal Services.

4 Equality and Good Relations Considerations

4.1 None at this time

5 Recommendations

- 5.1 It is recommended that Members give approval to grant Tamar Energy Ltd preferred developer status and to enter into negotiations to complete a Site Options Agreement and Agreement to Lease for the disposal (by way of lease) of a site at the North Foreshore, as detailed above, and subject to detailed terms to be agreed by the Estates Manager and Legal Services, and also subject to the further report to be brought to SP&R Committee in September on the Capital Programme.”**

The Committee adopted the recommendation and agreed that the North Foreshore Working Group receive a presentation from the preferred developer in relation to the proposals for the site.

Good Relations and Equality

(Mr. David Robinson, Senior Good Relation Officer, attended in connection with these items.)

Minutes of Meeting of Good Relations Partnership

The Committee approved and adopted the minutes of the meeting of the Good Relations Partnership of 12th August.

**Together: Building a United Community
and other Strategic Government Programmes**

(The Chairman, Alderman Robinson, left the Chair whilst this item was under discussion.)

The Deputy Chairman, Councillor Maskey, in the Chair.

The Committee considered the undernoted report:

“ Relevant Background Information

The Committee will be aware that the First and Deputy First Ministers jointly launched the *Together: Building a United Community* strategy at the end of May. The Executive Summary of that document was circulated at the meeting of

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the Good Relations Partnership on 10 June and a more detailed report was considered at the Partnership's meeting on 12 August (see minutes of that meeting for full report).

The strategy represents a key building block in the implementation of the *Programme for Government 2011-2015* and provides the framework for action in tackling sectarianism, racism and other forms of intolerance while seeking to address division, hate and separation.

It reflects the Executive's commitment to improving community relations and places responsibilities on all government departments, requiring them to work together to ensure that the required outcomes are delivered on the ground.

The new strategy will have major implications for all public bodies in NI and, in particular, for local government since councils will have a key role in its delivery.

Priority Areas

The strategy identifies four key priority areas: children and young people; our shared community; our safe community; and our cultural expression.

Implementation

The strategy envisages a Panel made up of NI Ministers, plus senior representatives from a range of statutory agencies and community partners, supported by broadly based thematic sub-groups who will develop action plans with associated aims, targets, milestones and resources etc.

Key Issues - Implications for future work and opportunities for strategic alignment

Implementation of Together Building a United Community

The Good Relations Partnership welcomed this overarching strategy as a significant step forward by the NI Executive in tackling our community divisions and acknowledged the importance of a central coherent strategic approach, led at the most senior political level, to be delivered through effective and established structures at local level.

The strategy underlines the cross-cutting nature of the work required, stressing the need for joint working and inter-agency collaboration and has implications for the Council as a whole.

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The programmes to be delivered, of particular interest to the Council, include:

- developing summer schools/camps for young people with a focus on sport
- ensuring that our approach to youth intervention becomes a year round programme
- developing cross-community programmes focusing on reconciliation through sport
- encouraging the use of the arts as a means of improving good relations
- continuing our work round interfaces, aiming to remove barriers and support local communities, through training and employment where possible
- building closer links between community safety and good relations.

The Council will not only be responsible for direct delivery of programmes on the ground but also for supporting local community and voluntary groups, through various Council Departments and a range of funding streams.

The Council is already actively supporting many of the types of initiatives outlined in the document and has ensured that equality and good relations are key principles underpinning our Investment Programme.

Preparing for community planning and links to other strategies

A number of proposals in the *Together: Building a United Community* strategy and its focus on local delivery and improving local outcomes mean that it has great synergy with opportunities presented by local government reform and in particular by the introduction of community planning powers. As Members will be aware, community planning will be a new power given to Councils which will provide a statutory basis for joint working between agencies towards common goals. The strategy also has significant commonality with the Investment Programme and its core principles of good relations and equality, balanced investment and partnership and integration.

In this respect *Together: Building a United Community* is one of a number of regional strategies/programmes, including the *Delivering Social Change Framework* and the *Social Investment Fund*, which provide ideal opportunities for closer working between the Council, government departments and communities in order to deliver improved quality of life across Belfast. There is a real opportunity to reinforce and

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consolidate strategic programmes currently being driven by Members at a local level such as the implementation of the Investment Programme and leisure transformation.

The six signature projects identified by OFM/DFM under the *Delivering Social Change Framework* are intended to tackle matters such as improving skills, support for families and pathways to employment for young people and echo many of the objectives set by Members as part of the Investment Programme. Members have already highlighted the need to link projects within the *Social Investment Fund* and those within the Investment Programme in order to reinforce and maximise the benefit of both programmes for communities across the city.

As the NI Executive moves towards the development of a new *Programme for Government*, it will become even more important to align strategies and plans at both central and local government levels. It will also be important to demonstrate both the importance of Belfast to delivering regional goals and the practical determination of Belfast City Council to play a key role in delivering these strategies at a local level.

Engagement with OFM/DFM

Given the number of potential linkages between Council's plans and developments at a regional level, appropriate engagement at a political and officer level is crucial to ensure that key priorities are delivered and benefits for local communities maximised. At this formative stage, it is particularly important that the Council should be closely involved in the planning and preparation of any detailed programmes and action plans arising from the *Together: Building a United Community* strategy.

It is therefore recommended that the Committee writes to OFM/DFM to request a meeting between the First Minister, the Deputy First Minister, the Chairman of the Strategic Policy & Resources Committee and the Party Group Leaders within Council in order to discuss how the Council and OFM/DFM can work together on programmes aimed at improving good relations and addressing social/economic problems. In particular the discussion should focus on:

- how the Council can assist the NI Executive and the government departments deliver, in a more integrated way, the priorities set out within *Together: Building a United Community*;

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- how we can contribute to the *Delivering Social Change Framework*;
- how we can take a more joined up approach to delivering *Social Investment Fund* projects;
- the key strategic investment priorities for the city, in the context of community planning and the development of an economic strategy for Belfast.

It is also recommended that Council officers engage with OFM/DFM officials in order to support this political engagement and that the Chief Executive seeks a meeting to take forward work on options for the delivery of these strategic programmes at a local level.

Resource Implications

None at this stage.

Equality and Good Relations Implications

Expected to be positive. The *Together: Building a United Community* Strategy has been equality screened by OFM/DFM and since its intent is clearly intended to be positive it has been screened out.

Recommendations/Decision required

It is recommended that the Chairman of the Committee writes to OFM/DFM to request a meeting between the Ministers, the Chairman of the Strategic Policy & Resources Committee and the Party Group Leaders to explore opportunities for more joined up working.

It is also recommended that meetings are held at officer level between OFM/DFM and Council in order to prepare options and recommendations for consideration by Members.”

The Committee adopted the recommendations, subject to the letter to the Office of the First Minister and Deputy First Minister being signed by the Deputy Chairman.

The Chairman, Alderman Robinson, in the Chair.

Cross-Cutting Issues

Framework for Student Housing in the City

(Mrs. S. Wylie, Director of Health and Environmental Services, attended in connection with this item.)

The Committee considered the undernoted report:

“1 Relevant Background Information

The Belfast Learning City context

- 1.1 The draft Belfast City Masterplan Review highlights development of the Learning City as a key theme, aimed at harnessing the value of the higher education institutions across the city to maximise their impact on the economy, vibrancy and diversity of the city and the region.**
- 1.2 Higher Education Institutions (HEIs) are anchor institutions and contribute significantly to the economic, social and environmental prosperity of the city, as well as providing a knowledge hub in the city.**
- 1.3 Research has shown that students studying and living within cities make a significant contribution to local and regional economies. Belfast currently has 5 Higher Education Institutions across the city and by 2018 will have 2 major University campuses close to the city centre. There is also a growing international student market which presents a significant opportunity for Belfast in terms of international marketing, tourism and knowledge research.**
- 1.4 Attracting students to study and live in the city not only requires excellent education providers, high quality campuses and a wide choice of quality courses, but also the right city infrastructure including IT connections, transport and housing. Student housing of whatever nature needs to be attractive, high quality, safe, secure, accessible and affordable. It needs to be well planned and appropriately managed to ensure that there is positive integration with existing communities.**
- 1.5 The ‘*Belfast: A Learning City - Strategic Study of the Holyland and wider university area*’ report was presented to the Council on 2nd April 2012 and outlined a number of recommendations in relation to student housing, to make Belfast a learning city and destination of choice for students. Two of the recommendations were:
 - a) Development of a coherent city wide strategy for student housing promoting choice and fit-for purpose accommodation; and**
 - b) Identifying locations, innovative arrangements and measures to attract alternative funding for housing students in the city.****

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2 Key Issues

2.1 The Council has been leading a joint Inter agency team on the development of a student housing strategy involving DOE Planning, DSD, NIHE and SIB, DEL, DRD and the main HEIs. Specific areas of work have included:

- Assessing the demand and market for student accommodation in the city;**
- Investigating Financial Models for purpose built accommodation; Considering suitable locations and factors to support student housing;**
- Defining the ‘Learning City’ concept so it can be effectively marketed.**

2.2 Belfast is different to most other large university cities in that the proportion of available managed purpose built student accommodation (PBSA) is considerably lower than elsewhere in the UK. Local students also tend to live with others from their home towns and stay in their student accommodation during weekdays only. Also, whilst there are lower numbers of international students, the HEIs are keen to attract new students and grow their existing base and there is a DEL target to increase the numbers over the next few years. This means Belfast needs a fairly unique solution.

2.3 A ‘Discussion document’ has now been produced (provided in Appendix 1) which presents proposals to address student housing requirements in the city, in the context of:

- Developing Belfast as a Learning City;**
- Current market and demand information for student accommodation;**
- The current policy context**
- Case studies of other large university cities.**
- Proposed planning criteria for Purpose Built Student accommodation (PBSA).**

2.4 The planning criteria proposed in the document could form the basis for a future revised planning policy for PBSA (HMO Subject Plan, Policy HMO7) after 2015, following transfer of planning powers under Local Government Reform. The draft criteria are:

- i. Proximity: the development is within 15 minutes walking distance of a university/college campus or on a high frequency public transport route.***

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- ii. Design: the nature and scale of the development is appropriate to its context, the design and layout of the development is of high quality and all units are self-contained (i.e. having a bathroom, w.c. and kitchen available for use by the occupants).*
- iii. Management: an appropriate Management Plan is in place to minimise potential negative impacts from occupants and the development on surrounding properties and neighbourhoods and to create a positive and safe living environment for students.*
- iv. Impact: the proposed development, when considered with existing and approved student accommodation development, would not result in an unacceptable impact upon surrounding residential amenity.*
- v. Need: the development meets an identified need for the type of accommodation proposed.*

2.5 The Planning Service has also confirmed that, once the Council has endorsed its support for these criteria, they will consider them as material in their planning considerations.

2.6 The document also advocates a number of other relevant policy-legislative and potentially financial interventions including improved HMO regulation, and an accreditation scheme for student accommodation together with actions to facilitate a wider range of provision of managed purpose built student accommodation within Belfast. These are:

- Working with DSD on their ongoing regeneration work, particularly in areas around the HEIs;
- Further work on developing a revised planning policy for PBSA and improved pre-application discussion guidance/processes for planning applications (DoE), and to progress with legislative proposals following the fundamental review of HMO regulation in Northern Ireland (DSD);
- Further work on understanding financial viability and, if necessary, exploring options for facilitating private sector or partnership delivery of PBSA schemes (BCC together with SIB, DSD, DFP).

2.7 The next steps are to:

- Undertake a managed consultation / engagement process, including structured interviews with key stakeholders and groups representing residents, students and landlords during September 2013. The document will also be published on the Council website for anyone to make comment. On completion of the consultation exercise the responses will be considered in

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development of the student housing strategy going forward and a final report will be produced;

- Continue to work with key partners, including SIB, to explore the feasibility of options for facilitation of purpose built student accommodation;
- Develop a Business Case in conjunction with SIB to be submitted to DFP to assess whether there is scope for public sector financial support for delivering the strategy.

3 Resource Implications

- 3.1 Costs associated with the document/strategy have been allowed for within the revenue estimates.

4 Equality and Good Relations Implications

- 4.1 The Good Relations and Diversity Officer has been consulted and has advised that equality screening of the Discussion Document is not required at this stage. Following the outcome of the stakeholder consultation, future strategy proposals will be equality screened in line with corporate equality policy as they progress in more detail.

5 Recommendations

- 5.1 The Committee is requested to:
- Agree to issue the Student Housing Discussion document (appendix 1) as a consultative draft and commence an engagement exercise with key stakeholders;
 - Support the proposed planning criteria for PBSA schemes in consideration of future PBSA proposals; and
 - Agree that that work should continue with key partners, including SIB, to explore the feasibility of options for facilitation of purpose built student accommodation, including the development of a Business Case.

6 Key to Abbreviations

PBSA – Purpose Built Student Accommodation

SIB – Strategic Investment Board

DSD – Department of Social Development

HEI – Higher Education Institution

DEL- Department for Employment and Learning

DFP – department of Finance and Personnel

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8 **Documents Attached**

Appendix I – Draft discussion document on student housing and purpose built student accommodation

Appendix 1

**DISCUSSION DOCUMENT ON STUDENT HOUSING AND PURPOSE
BUILT STUDENT ACCOMMODATION**

FOREWORD

I am pleased to present this discussion document on student housing and purpose built student accommodation on behalf of Belfast City Council and its partners on the Student Housing Joint Team¹. It follows on from the March 2012 report on *'Belfast: A Learning City - Holyland and Wider University Area Strategic Study – Independent Consultant's Report'*².

Research has shown that students studying and living within cities make a significant contribution to local and regional economies. Belfast currently has 5 Higher Education Institutions across the city and by 2018 will have 2 major University campuses close to the city centre. There is also a growing international student market which presents a significant opportunity for Belfast.

The recently published consultation draft of the Belfast City Masterplan Review highlights development of the Learning City as a key theme aimed at harnessing the value of the higher education institutions across the city to maximise their impact on the economy, vibrancy and diversity of the city and region.

¹ *Belfast City Council, Department for Social Development, Department of the Environment, Northern Ireland Housing Executive, Strategic Investment Board.*

² *In March 2012, Belfast City Council and its partners published the 'Belfast: A Learning City – Holyland and Wider University Area Strategic Study – Independent Consultant's Report' which outlines a range of recommendations to make Belfast a destination of choice for students and to restore the functional integrity of the Holyland. This report highlighted the need for Belfast to promote itself as a 'Learning City' to maximise the economic and regenerative benefits that this can bring to the city. This discussion document takes the aspect of student housing a stage further. The work in the Wider University Area is being considered separately.*

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Attracting students to study and live in the city not only requires excellent education providers, high quality campuses and a wide choice of quality courses but also the right city infrastructure including IT connections, transport and housing. Student housing of whatever nature needs to be attractive, high quality, safe, secure, accessible and affordable. In addition, learning from experiences of areas such as the Holyland, student housing provision needs to be planned and appropriately managed to ensure that there is a more positive integration with any existing communities.

The Holyland and Wider University Area Strategic Study report highlighted that Belfast is different to most other large university cities in that the proportion of available managed purpose built student accommodation (PBSA) is considerably lower than elsewhere in the UK. Local students also tend to live with others from their home towns and stay in their student accommodation during weekdays only. There are also lower numbers of international students, however, there is a target set to increase this figure over the next few years. This means we need a fairly unique solution.

This document seeks to advocate a vision and direction for student housing and PBSA in Belfast and is a key stage in developing a strategy for student housing in Belfast.

The document has been jointly prepared in partnership with the relevant government departments and agencies together with input from Higher Education Institutions. We welcome your views and comments on the proposals it contains to help inform the future of student housing provision in the city.

As chairman of the Strategic Policy and Resources Committee I wish to thank all the partners and stakeholders who have assisted in this work to date and to thank you in advance for any contribution you wish to make in response.

Alderman Gavin Robinson
(Chair of Strategic Policy and Resources Committee)
September 2013

CONTEXT FOR DISCUSSION DOCUMENT

1. This Discussion Document on student housing and purpose built student accommodation (PBSA) has been prepared in the context of:
 - the outstanding opportunity to enhance Belfast's role as a Learning City.

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- the expressed desire of the city's higher educational institutions to increase international student numbers who traditionally prefer PBSA.
 - the need to facilitate the development of PBSA in Belfast which has a lower level of PBSA than most other major university cities in the UK.
 - the proposed development of the University of Ulster campus in Belfast's Northside area and the development of the Belfast Metropolitan College's Campus in the Titanic Quarter.
 - the recommendations of the Strategic Study of the Holyland and the Wider University Area which noted the need to make Belfast a destination of choice for students through the provision of student housing and to assist in restoring the functional integrity of the Holyland.
 - the need to address issues of potential concentration of ad hoc student housing within local neighbourhoods whilst acknowledging the important role of the private rented sector in the provision of high quality student accommodation.
 - the fact that responsibilities for the student housing sector are fragmented and disjointed with no single organisation having responsibility for student housing and the development of policy or strategy.
2. The Document has been prepared by Belfast City Council on behalf of the Student Housing Joint Team which was led by Belfast City Council and comprised DoE Planning, Department for Social Development, Strategic Investment Board and the Northern Ireland Housing Executive.
3. To date, the work of the Joint Team (supported by a wider working group incorporating the Department for Employment and Learning, Queen's University Belfast and the University of Ulster) has focused on assessing the market and demand for PBSA, investigating financial models and developing a range of planning criteria that could be considered as requirements for PBSA. It is proposed that the latter will provide a basis for development of future planning policy for PBSA following the transfer of local planning powers to the City Council in 2015. In the interim, Belfast City Council and other Joint Team members will, following stakeholder consultation, utilise the criteria as they engage with the statutory planning process.

THE BELFAST LEARNING CITY CONCEPT

4. The publication '*Belfast: The Masterplan*' produced by the City Council is currently under review and in May 2013 a

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‘Consultation on Emerging Findings’ was published, identifying the Learning City as one of its key themes. Under this theme, Belfast’s higher education institutions are recognised as important city assets which have a considerable impact upon the city and regional economy. The strategic objectives, identified in the emerging findings, are to harness the economic power of the institutions to ensure that Belfast maximises the benefits from having a number of top learning establishments close to the city centre.

5. Higher education is critical to the overall prosperity and growth of the Northern Ireland economy as the sector³:
 - generates over £1bn annually in local economic activity;
 - generates over 6,500 jobs directly and levers the same number again in the labour market;
 - contributes significantly to the skills base, through highly qualified graduates, a factor which plays a crucial role in attracting inward investment;
 - has supported £100m’s of new investment and 1,000’s of high value new jobs through knowledge transfer and innovative initiatives, including the highly successful NI Science Park; and
 - attracts research funding from external sources which doubles the public investment in research activity in the two universities.
6. With five higher educational campuses in the city there is a prospect of being able to pilot innovative arrangements for city centre living and the development of services, facilities, amenities, cultural infrastructure and creative enterprises that will strengthen the city centre. The city centre has traditionally been viewed as a shared, safe space and the creation of safe spaces which support student life and the integration of students in the city and community will be an important feature of a Belfast as a Learning City.

STUDENT POPULATION

7. In 2011/12 the student population in Greater Belfast was 43,385 with approximately half of all students living at home. Most of the remainder lived in the private rented accommodation (much of which is HMO accommodation) and just fewer than 4,000 live in managed accommodation.

³ **Source: Report to Department for Employment and Learning Committee, Queen’s University of Belfast, March 2011.**

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The provision of PBSA in Belfast is approximately 50% the average rate of provision in the UK.

8. There are uncertainties in trying to make student population projections due to a range of factors including changing demographics, the impact of tuition fees, competition from other universities, the growing global market for international students and the associated increased demand from international students for university places across the UK.
9. The following table provides a breakdown of higher education student numbers by institution in Belfast for 2010/11 and updated figures for 2011/12. Queen's University, with 22,895 students, has the highest number of students in Belfast followed by University of Ulster (Belfast and Jordanstown campuses) with 15,029 students.

	Total Higher Education		Total Post Graduate		Total Undergraduate*	
	2010/11	2011/12	2010/11	2011/12	2010/11	2011/12
QUB	22,706	22,985	5,497	5,120	17,209	17,865
St Mary's	879	1,020	20	145	859	875
Stranmillis	1,163	1,340	132	145	1,031	1,195
UU: Belfast & J'Town	15,771	15,029	1,340	3,201	12,660	11,828
BMC	4,033	3,011	-	-	4,033	3,011
Total	44,552	43,385	6,989	8,611	35,792	34,774

** Includes full and part-time undergraduates*

10. Full-time undergraduates form a core market for student accommodation and their numbers by institution were as follows:

Year	QUB	Ulster (Jordanstown & Belfast)	Belfast Met	St Marys	Stranmillis
2010/11	13,354	8,830	1,842	849	831
2011/12	13,765	8,864	1,491	865	890

11. Belfast is aiming to increase its international profile and appeal and Queen's University, University of Ulster and Belfast Metropolitan College are aiming to increase their international student numbers. Belfast Metropolitan does not provide student accommodation but the predicted increase in full time courses will cater for international students who would need accommodation in the city.

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12. The international student profile for the Belfast's higher education institutes for 2011/12 was as follows:

	Undergraduate	Postgraduate	Total
QUB	905	1,600	2,505
St Mary's	30	5	35
Stranmillis	40	10	50
UU (Belfast & J'Town)	1,465	863	2,328
BMC	11	0	11
Total	2,451	2,478	4,929

13. The traditional markets for PBSA are international students and first year students. However, there has been a reported increase in the number of returning students applying for university managed/provided accommodation which indicates a potential increase in demand.
14. There are just fewer than 4,000 managed bed spaces in Greater Belfast for a total student population, in 2011/12, of 43,385. The majority are provided by Queen's University which owns and manages 2,243 bed spaces in and around the university area. It also markets and promotes a further 173 bed spaces at other managed halls and a further 269 bed spaces elsewhere. The University of Ulster provides 878 bed spaces at the Jordanstown campus. The Jordanstown campus accounts for 92% of non-UK domicile students at the University of Ulster. Stranmillis College provides 465 bed spaces at its campus.

University/College	Address	No. Bed Spaces 2012/2013
Queen's University (owned and managed accommodation)	Elms Village, 78 Malone Road	1,633
	Willow Walk (new)	257
	Mount Charles	157
	Grant House, 64 Malone Rd	50
	76 Malone Rd	14
	College Gardens	45
	Guthrie House Fitzwilliam	87
	Sub-total	2,243

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Queen's University (marketed and promoted accommodation)*	Church of Ireland and Methodist Chaplaincies	49
	Derryvolgie Hall	88
	Union Theological College	26
	Edgehill Theological	10
	Subtotal	2,416
University of Ulster - Jordanstown Campus	Jordanstown Campus	708
	Jordanstown Head-Lease Scheme	170
	Subtotal	878
Stranmillis College	Stanmillis University College Campus	465
	Subtotal	465
Total		3,759
Total (exc Jordanstown)		2,881

** Queen's University market and promote a further 269 bed spaces in addition to those noted in the table.*

15. There is over-demand for accommodation for Queen's University owned/managed accommodation, with applications for Queen's University accommodation also made by students attending other educational institutions. The ability for QUB to accommodate non-Queen's students has declined over the past 3 years due to increasing demand from Queen's students. Occupancy levels are high for University of Ulster (90-100%) and Queen's University owned/managed accommodation (100%). Stranmillis has also reported high occupancy levels in 2012.
16. The Strategic Study of the Holyland and Wider University Area notes that Belfast differs from many other university cities in that there has been a preference among first year students for privately rented accommodation instead of university accommodation. In a May 2010 IPSOS Mori and Students Union survey of students living in the Holyland

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(based on 213 face-to-face interviews), 46% of students surveyed were first year students.

17. The reasons for the preference for private rented accommodation may be affordability, proximity to social activities and nightlife and being close to other students. Students like to live with other students they already know who are attending different education institutions but also because they like the freedom they get from living off campus.
18. Queen's University has a projected demand of an additional 900 bed spaces of student accommodation by 2015. The University of Ulster has no plans to increase student numbers in the Belfast area before 2015. By 2018, it expects over 15,000 students and staff will be at the new Belfast campus development.
19. In relation to the demand and market for student accommodation it is considered that:
 - there is unlikely to be any decline in student numbers and the increase is likely to be incremental;
 - there is limited availability of PBSA in Belfast;
 - there is a need for PBSA as evidenced by the Strategic Study report and reports of increasing year-on-year demand for accommodation at QUB managed facilities;
 - the key market groups for PBSA are international students and first year undergraduates;
 - the key 'selling points' of PBSA relate to security and safety, the ease of paying and the clarity of costs for the accommodation and related services; and
 - there remains an important role for privately rented / HMO accommodation in response to the preference of first year and returning students.

POLICY CONTEXT

20. The provision of housing for students is consistent with the priorities identified in the Northern Ireland Executive's Programme for Government, the strategic guidelines contained in the Regional Development Strategy 2035, the DSD Regeneration Policy Statement for Belfast City Centre and the Belfast City Council Masterplan.
21. There is no specific Use Class within the Planning (Use Classes) Order (NI) 2003 for student housing. As such, housing which may be occupied by students, but which is not HMO accommodation, is subject to normal residential planning policy considerations. In relation to the regulation of HMOs, the Department for Social Development and the

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Northern Ireland Housing Executive have undertaken a fundamental review of HMO regulation and it is proposed that legislative proposals will be brought forward in due course.

22. Proposals for HMOs in the Belfast City Council area are assessed against the policies of the HMO Subject Plan which provides an area-based planning policy for HMOs. It identifies 22 HMO Policy Areas, within which permission will only be granted for HMOs where the number of HMOs will not as a result exceed 30% of all dwelling units. Only 2 of the 22 areas identified were under 30% HMOs at the time of subject plan's publication. In addition, 18 HMO Development Nodes were identified where planning permission for HMOs will be granted. Outside HMO Policy Areas and Development Nodes HMO development will only be granted where it would not exceed 10% of dwellings on the road or street.
23. The HMO Subject Plan also contains a specific PBSA policy, namely Policy HMO 7 '*Large Scale Purpose Built Student Accommodation*'. Proposals comprising 50 units or 200 occupants or more will be granted planning permission subject to compliance when assessed against 5 criteria contained within the policy, namely:
 - Development of any complex consists of a minimum of 50 units or a minimum of 200 occupants. This *will not preclude proposals for smaller incremental extensions or consolidations of existing halls of residence and phased development of larger schemes*;
 - All units are self-contained (i.e. having a bathroom, w.c. and kitchen available for use by the *occupiers*);
 - The location is not within a primarily residential area;
 - Provision is made for management of all accommodation. This may require an Article 40 agreement *with Planning Service*;
 - Landscaping and amenity space is provided in accordance with a landscaping plan indicating all *landscaping proposals for the scheme and, where relevant, making provision for future maintenance*.
24. Article 40 of the Planning (Northern Ireland) Order 1991 also permits the Department to enter in legal agreements with any person who has an estate in land for the purpose of facilitating, regulating and restricting the development or use of land. The possible use of such an agreement is noted in relation to Policy HMO 7.

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CASE STUDIES

25. University cities have developed a range of PBSA planning policies to address the matter of purpose-built student accommodation. The policies address a range of issues including strategic context, need, funding, location, management, design quality, impact and planning controls. The two key objectives of policies tend to be firstly, to maximise the benefits of PBSA (e.g. supporting a city's knowledge economy) and secondly, avoid or minimise adverse effects (e.g. adverse effects on existing communities).
26. The following strategic observations can be made about the context for and approaches to the provision of PBSA in the university cities namely:
- (i) the range of significant potential benefits provided by quality PBSA in the right locations including supporting economic regeneration or the regeneration of sites;
 - (ii) the range of potential disbenefits of student accommodation including adverse impact on residential areas, loss of family housing and cost of street based services;
 - (iii) the value of a criteria-based approach to assessing PBSA proposals which provides flexibility and is appropriate to the particular circumstances of the university city;
 - (iv) the importance of proximity in relation to university campuses as a planning policy criterion for PBSA; and
 - (v) the value of a strategic approach which is grounded in evidence (e.g. supply and demand/need figures) and capable of facilitating delivery of quality PBSA in the right locations.

CRITERIA FOR ASSESSING PROPOSALS FOR NEW PURPOSE BUILT STUDENT ACCOMMODATION

27. The Strategic Study for the Holyland and Wider University Area noted the key role that planning will have in shaping the future development of the city in terms of accommodating students and maximising the benefits of the Learning City concept. One of the recommended actions from the Strategic Study was the development of a new criteria based policy for assessing applications for the provision of managed student housing.

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28. Policy HMO 7 Large Scale Purpose Built Student Accommodation is the only current planning policy which explicitly relates to the provision of purpose built student accommodation.

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29. It is considered that a new criteria based planning policy for assessing applications for the provision of managed student housing could be based upon the following:

Planning permission for purpose built student accommodation will only be granted where the following criteria are met:

- Proximity: the development is within 15 minutes walking distance of a university/college campus or on a high frequency public transport route.
- Design: the nature and scale of the development is appropriate to its context, the design and layout of the development is of high quality and all units are self-contained (i.e. having a bathroom, w.c. and kitchen available for use by the occupants).
- Management: an appropriate Management Plan is in place to minimise potential negative impacts from occupants and the development on surrounding properties and neighbourhoods and to create a positive and safe living environment for students.
- Impact: the proposed development, when considered with existing and approved student accommodation development, would not result in an unacceptable impact upon surrounding residential amenity.
- Need: the development meets an identified need for the type of accommodation proposed.

30. The following explanatory text would be provided with the 5 criteria:

- Proximity: this criterion seeks to promote sustainable means of travel and minimise car use. *Applications should be accompanied by information on the suitability of the location of the proposal.* The fifteen minutes (or 1,200m) walking time could rise with the availability of good quality pedestrian and cycle routes. If reliant on public transport, the PBSA must be on a high frequency public transport route.
- Design: this criterion seeks to promote quality in design. Applications should be accompanied by a *Design Statement containing site appraisal and concept design and a statement explaining the relationship of the proposal to the surrounding context. Proposals should not result in unacceptable damage to local character, environmental quality or residential amenity.*

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- **Management:** this criterion seeks to promote well managed PBSA proposals whilst reducing the risk of *adverse impacts upon residential amenity. Applications should be accompanied by a Management Plan addressing, inter alia, general management operations, site and landscape maintenance, servicing, security features, CCTV, lighting, intercoms, soundproofing, noise control and tenant behaviour as well as providing a travel plan for staff and students.*
- **Impact:** this criterion seeks to promote and capture the positive impacts of PBSA and student populations whilst *reducing the risk of adverse impacts upon residential amenity. Applications should be accompanied by information on existing and approved student accommodation and the impact of the proposal upon demographics and local facilities/ service provision in an area. Information on the (social, economic and environmental) benefits of proposals, as well as any mitigation measures, should also be provided.*
- **Need:** this criterion seeks to ensure student housing needs are met. Applications should be *accompanied by evidence, as appropriate, of the specific need that is being addressed, why this need is currently unmet, the type of existing accommodation the potential student occupiers are likely to be drawn from and any recorded increase in student numbers. Evidence such as university support, waiting lists and bank funding may be helpful in demonstrating need.*

The explanatory text is subsidiary to and should not distort the meaning of the policy. Planning applications for PBSA should be accompanied by appropriate information which satisfies the 5 planning criteria. Other non-residential uses in PBSA schemes, e.g. retail, gyms and restaurants, will be considered against prevailing regional planning policy.

DELIVERY AND MANAGEMENT OF PBSA

31. The identification of planning criteria for PBSA provides a planning tool to inform the preparation of proposals, assess planning applications and regulate land use in the public interest. However, planning criteria in themselves will not ensure the delivery of quality PBSA which depends on a number of factors including:
 - (i) the need/demand for PBSA;
 - (ii) the availability of suitable locations/sites for PBSA;
 - (iii) the viability of individual schemes including the availability of funding;

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- (iv) planning and technical approvals for the particular PBSA scheme; and
 - (v) student management and property maintenance arrangements.
32. It is considered that a significant constraint, with respect to the provision of PBSA, is financial viability due, inter alia, to the absence of a developed private PBSA market and the rents offered by the private rented sector. Research has been undertaken to assess potential forecasted investment returns for various funding models. Indications are that significant public sector investment or support may be required perhaps in the form of occupancy guarantees and financial assistance. Discussions are ongoing in relation to if and how this could be made possible.
33. There are a number of current planning applications for PBSA, other speculative PBSA proposals are being considered by private developers and a wide range of existing planning approvals for residential accommodation within the city could be utilised for student accommodation.
34. In addition the DSD has invited developer responses to the '*Northside Development Brief*' which identifies 10 potential development sites. The DSD booklet notes that developers may seek to incorporate an element of '*student living*' within proposals for the Press/Library Quarter in Northside, highlights the need to ensure that a balanced and mixed-community is not prejudiced and states that any proposal should be supported by a recognised managing agent or landlord with a successful track record of managing student living within a city centre environment.

NEXT STEPS

35. As already noted, no single organisation has the responsibility for the delivery of PBSA. In light of the need for and benefits of PBSA, it is considered that each Department has a role to play in securing the delivery of high quality PBSA. The next steps to be taken forward by the relevant agencies of the Student Housing Joint Team include:
- Progress with ongoing regeneration work (including Northside Developer Brief and Shaftesbury Square Development Framework);
 - Further work on developing a revised planning policy for PBSA and improved pre-application discussion guidance processes for planning applications;

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- Progress with legislative proposals following the fundamental review of HMO regulation in Northern Ireland;
 - Further work on understanding financial viability and exploring options for facilitating and, if necessary, assessing the private sector or partnership delivery of PBSA schemes;
 - Belfast City Council to consult on this document and consider adopting the proposed criteria for PBSA proposals so that they can be treated as material to planning considerations.
36. Belfast City Council and its partners on the Student Housing Joint Team are committed to promoting equality and good relations and to improving the quality of life for everyone in the city. Actions taken forward will be equality screened as these are progressed and outcomes are identified.

YOUR VIEWS

37. The Joint Team would welcome your views on the Discussion Document and in particular your responses to the following questions:

1. Do you agree that the city should promote the value of students to Belfast and grow its potential as a destination of choice for students to study and live?

Specify reasons:

2. Having regard to question 1, do you agree that the current range and choice of available student accommodation within the city could be improved to allow Belfast to realise its potential as a Learning City?

Specify reasons:

3. Do you agree that there is a need and demand for more managed PBSA within the City?

Specify reasons:

4. Do you agree that the five proposed planning criteria for PBSA are appropriate?

Specify reasons:

5. Noting the next steps, what more do you think the public and private sectors should do to provide better managed

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accommodation for students and to promote Belfast as a destination of choice for students?

Specify reasons:"

The Committee adopted the recommendations.

Consultation response – Community Asset Transfer Policy Framework

The Committee was advised that the Department for Social Development was undertaking a consultation exercise in relation to proposals for its Community Asset Transfer Policy Framework. The Director of Property and Projects explained that Community Asset Transfer was a change in management and/or ownership of land or buildings, from public bodies to communities. The Framework established 'ground rules' to govern individual transfers and sought to address the barriers which existed in terms of regulation and guidance, finance, skills and awareness, through a series of proposals.

A copy of the Council's draft response is set out hereunder:

Community Asset Transfer (CAT) Policy Framework

Your Details

1. Are you responding on behalf of:

- Individual
- Organisation Please Specify

Belfast City Council

2. Email Address

Purchased@BelfastCity.gov.uk

Equality Monitoring - Organisation

The following questions are for equality monitoring purposes. The responses which you give to these questions are completely confidential. You are not required to answer these questions if you choose not to. However, any information, which you do provide would be much appreciated.

6. Which community does your organisation primarily serve?

Cross Community

7. Which gender does your organisation primarily serve?

Both

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8. Which of the following age bands does your organisation primarily serve

All of the above

9. No individual will be identified from the analysis of responses, however under the Freedom Of Information Act 2000 individual responses may be disclosed.
Please tick here if you wish your response to be held confidential.

The following questions relate to Section 6 of the consultation document. Please refer to this section for further information.

10. Do you consider that the proposed ground rules are an effective means of achieving a focus on outcomes?

No. Please suggest amendments or alternatives:

While we agree with the outcomes we feel that they are too broad for the purposes of the policy. To allow effective decision making, there needs to be more detail. A type of financial and social benefit model may help to clarify what the outcomes are and also support decision making. There should also be some acknowledgement of need and demand in an area, although we appreciate that this is better covered in detail in the decision section.

11. Do you consider that the proposed ground rules are an effective means of ensuring sustainability?

No. Please suggest amendments or alternatives:

We agree that capacity and sustainability are key issues and probably the most important of those identified in the consultation document. BCC currently have approximately 40 leases in place (some short term others long term e.g 99 years) for community, sports and other 3rd sector groups. A few of these have had to be surrendered by groups in recent years e.g. at Finlay Park, Whiterock etc, and several are struggling both in terms of financial security and delivering the expected outcomes. BCC may be able to make the lessons learnt from these examples available to supplement your planned case studies.

Although there is much evidence about the benefits of community asset transfer, there also a need to look at the processes, training, skills and financial requirements which need to be in place to ensure successful asset transfer and to ensure that they do not become liabilities. The consultation document mentions these areas but only at a very high level. Most community groups will be receptive to the idea of community asset transfer however there is a myriad of reasons why community asset transfer can fail – a

lack of capacity in community and voluntary groups to actually manage assets as well as the ongoing sustainability issues of groups. Many community & voluntary organisations in Belfast simply would not have the capacity or financial arrangements in place at the moment to successfully manage an asset transfer – some organisations cannot even pay their rent.

Generally, in relation to community assets such as community centres, the asset itself has a limited ability to generate sustainable income. Core to sustainability is that the services or activities, that are either based in the asset or which hire the asset, have the ability to pay for the use. The sustainability of the asset users usually depends heavily on grant aid and an ever decreasing public purse. This will affect the financial and business modelling required to prove the investment readiness of the organisation. This is particularly relevant to assets which are multi-user and/or multi-function. Organisations which are using a building for a single service use (e.g. childcare provision, youth club, women's centre) will pose a significant risk if they fail to secure tenders to provide local services within clearly defined neighbourhoods/areas.

With increasing cuts in public spending, future funding for buildings is likely to increasingly rely on Banks (mortgages) which is very different situation to today. Generally, there is likely to be less money in future.

From our experience it is often the case that the community do not want to actually have responsibility for the day to day work of running an asset. They usually underestimate what is required to keep an asset open. Their main interest is controlling the overall use of the asset (programming).

Therefore we feel that in many cases a staged approach to asset transfer is appropriate. That is, from a first stage of taking over the programming of activities, to leasing the asset, and finally owning. The consultation document seems focused on owning. The approach taken should depend on the level of risk, which will be effected by, among other factors, the value of the asset and the capability and sustainability of the community groups.

We note the reference to the need for business plans and agree that this is important. Our experience is that many groups do not have the experience or skill to produce a realistic longer term business plan. Where they do have experience, it is usually in producing a plan to secure short-term funding rather than a plan to sustain an asset over the longer term. Often, even the most basic aspects (insurance, bookings, accounting, etc) have not been considered or fully understood and so they completely underestimate the ongoing running costs. The plan should also show how the

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group hopes to move short-term funding (grants) to longer term funding (true sustainability). Therefore we feel that there needs to be clear guidance as to what has to be covered in a business plan.

The consultation policy should also consider the longer term monitoring of assets that have been transferred and arrangements to deal with situations where the new owners are not delivering what was promised in the business plan. Again, using a staged approach with leasing before owning would be one way of ensuring that the community group was able to deliver on their promises. There should also be guidance on the development of suitable exit-strategies.

The consultation document also needs to set expectations among community groups. As presented, we feel that it is far too biased towards raising expectations that assets are going to be readily available and that any transfer will automatically create the benefits outlined. The reality is that we may need to decline requests; the groups proposed plan may not be realistic; leasing or programming might be better options; and owning an asset does not automatically guarantee the hoped for community benefits.

To put the above paragraph into context, it should be noted that BCC very rarely decline a request but we often have to work closely with groups before they are ready to take over an asset.

We would also be keen to see the results from case studies mentioned in the consultation document and are happy to share our "Discussion paper on Community Asset transfer. [Docs# 126120v 3: 16 May 2012]."

12. Do you consider that the proposed ground rules are an effective means of ensuring accountability?

No. Please suggest amendments or alternatives:

As highlighted in our response to Q11, thought needs to be given to how assets can be monitored after transfer to ensure they deliver on the promises that were used to secure the transfer. In particular, what happens when things go wrong? In extreme cases, what processes/procedures can be put in place for taking back assets?

Additionally, the short timeframe for implementation of this policy could present problems in embedding the proposals in upcoming asset transfers.

13. Do you consider that the proposed ground rules are an effective means of governing decision making?

No. Please suggest amendments or alternatives:

In terms of the key stages to consider, our team liked the decision making process as outlined as it covers many of the

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key issues. However, we need to see the “more robust methodologies” before we can make specific comment.

A key aspect of decision making, which we don't feel is sufficiently addressed in the consultation document, is need assessment. Via a range of funding sources (EU, BRO,IFI, Atlantic Philanthropies, Big Lottery) the community sector in Belfast has developed a considerable level of asset acquisition. Many neighbourhoods within Belfast have an extensive physical infrastructure balanced by collaborative working arrangements, local and usually informal agreements about the function of community buildings and ensuring where possible the services do not compete for limited resources.

Need assessment requires understanding the community needs in the area around the asset and also the mapping of other assets and service provision that are already in place in that area. This should consider assets beyond just public sector assets. In particular, we need to avoid duplication. To map this provision effectively may require improved dialogue between different agencies to ascertain what each already has in place.

Critical to the success of community asset transfer is an understanding of the spatial area the asset is required to cover. Most community organisations tend to operate at a neighbourhood level with clearly defined boundaries, which are usually agreed with neighbouring communities- these tend to be informal understandings although some formal boundaries have been defined for funding delivery and regeneration purposes e.g. Neighbourhood Renewal Areas. If an asset is based within a specific neighbourhood yet is required to service more than one neighbourhood there will be a need to explore opportunities for collaboration. Alternatively an asset based within a neighbourhood may have an unintended consequence of excluding people from neighbouring communities. Voluntary organisations and organisations with a wider spatial remit e.g. arts co-operatives, may be in a more advantageous position to benefit from assets which allow them to span neighbourhoods or delivery city-wide services.

The benefits of CTA focus on social, economic and environmental regeneration. How will the community be involved in defining key regeneration priorities for their neighbourhoods? Who will set the outcomes and outputs for such regeneration activity and who will be responsible for acquiring and the effective utilisation of inputs? Regeneration is a long-term process who will define the timeframe for the outcomes?

A potential risk in relation to the implementation of CTA is the culture of the community sector and its dependency on

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grant-aid. To move from grant-aid to income generation will pose significant risk to community organisations particularly those who own, lease or manage existing community facilities. Business planning has been primarily about proving to a funder that an organisation has the capacity to provide a service, manage a centre for which it is seeking full-cost recovery. This is a different set of skills to running a service and providing a building which requires you to have; business acumen, a business model and marketing plan which focus on hard targets.

There is also a significant risk that a transferred asset may fall under the influence or control of a particular group/portion of the community in an area, and that they may not be inclusive. In some areas it is not difficult to imagine that an asset might come under the influence of paramilitary organisations. More generally, there are equality issues associated with transfers and there is a need to have Expressions of Interest advertised as opposed to dealing with one group.

Other factors that need to be considered when coming to a decision include:

Recognising the future potential of open land, which includes keeping it as an open space for the public.

Current funding streams e.g. Belfast City Council is investing in local neighbourhood provision via the Investment Programme, Local Investment Fund and Belfast Investment Fund. These projects are third sector driven and will provide organisations with funding to expand, renovate, or equip their asset and enhance their level of service provision.

Striking the right balance between the social as well as economic benefits accrued through the use of the asset. Financial and social returns on the investment are critical to the success of the business model. The greater the emphasis on the social the more risk there is to the financial and thus sustainability of the asset and organisation.

The question below relates to Section 7 of the consultation document. Please refer to this section for further information.

14. Do you consider that these proposals will be effective in raising the profile and understanding of Community Asset Transfer as a tool for investment and regeneration?

No. Please suggest amendments or alternatives:

As per our response to Q11, it also raises expectations among community groups. As presented, we feel that it is far too biased towards raising expectations that assets are going to be readily available and that any transfer will automatically create the benefits outlined. The reality is that owning an asset does not automatically guarantee the hoped

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for community benefits nor does it guarantee investment and regeneration. The document should highlight the risks and common mistakes as well as the benefits.

The policy has the potential to raise the profile and understanding of CAT and to support aspects of regeneration for example the transformation of leisure services within Belfast but it is unclear from this document how they will be a tool for investment in the Northern Ireland.

The question below relates to Section 8 of the consultation document. Please refer to this section for further information.

15. Do you consider that these proposals will be effective in 'Mainstreaming' Community Asset Transfer as an option for public sector asset management and addressing current operational barriers?

No. Please suggest amendments or alternatives:

We feel that the document is primarily written for the civil service rather than the wider public sector (see its references to departments) and that the focus is on disposing of empty/surplus buildings and saving money. In general we felt that 'Mainstreaming' is perhaps the wrong word as this is not an activity that is needed on a day to day basis; we don't have an inexhaustible supply of assets to hand over. It would help set the context if an indication was given of the number of potentially transferable buildings that are immediately available.

More detailed discussion between local and central government is required on the following:

- 1) Ways in which assets may be nominated and listed including agreed exclusions from the assets lists.
- 2) In the context of forthcoming local government reform in NI the application and monitoring of a consistent approach to Community Asset Transfer across all councils.
- 3) What is the proposed definition of an Asset of Community Value? Will this extend to cultural, recreational and sporting interests as it currently does in the Localism Act 2011?
- 4) Will there be guidelines for what is classed as disposable. It is likely that any guidance or final policy will need to be modified for Council use.

BCC have been working on an internal policy for asset transfer driven by community need. This is to become more strategic in our review of assets and to identify opportunities for transfer where there is a clear need in the community. However, it is also worth noting that requests to transfer assets also come directly from the community. There appears to be nothing in the policy on how we should deal with these requests. Regarding the list of available assets,

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we feel that it should be our choice as to what we declare on the list.

An enabling environment is not just about ensuring that the legislation is in place to permit the transfer of assets it is about creating the right conditions for the community sector to maximise the benefits of transfer. Creating a supportive environment, ensuring resources are available and that stakeholders are involved in the decision making process is also critical. All communities, which wish to take advantage of CTA, must have a long-term strategy in place that clearly identifies the resources and support required to minimise risk and maximise benefits from the transfer.

However, we can and do work with community groups to support them and to create an enabling environment. Therefore the biggest overall barrier is still legislation (being able to sell for under market price, open competition, and being open to challenge) and there is not enough time to pass legislation before this policy comes into effect. Previous regional level discussions connected to RPA/LGR have highlighted the need for new legislation to allow for disposal of assets at below market value but there has been no progress.

It is also worth noting that, in our experience, Central Government departments are increasingly reiterating that they don't have the remit /legislative basis for community based activities /regeneration and won't therefore lease assets to 3rd sector groups. Instead they look to the Council to take on the asset from them in the first instance (as they see council having the remit for community development and regeneration) and then for Council to lease to the community groups e.g Lanyon tunnels; Walkway /Finvoy Street; land at Shore Road etc. Therefore, unless there is enabling legislation for these departments, the Community Asset Transfer Policy will have will have minimal impact.

The question below relates to Section 9 of the consultation document. Please refer to this section for further information.

16. Do you consider that these proposals will be effective in creating and maintaining the necessary skills within public sector and third sector organisations to support implementation of Community Asset Transfer and the long term sustainable management and development of assets?
No. Please suggest amendments or alternatives:

The activities will help especially the publication of the case studies. However the work also needs to be supplemented with necessary training and support. While the policy may launch later this year, there needs to be more time to develop

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Community Abilities. Many of the skills cannot be learnt quickly as they are more dependent on experience. To supplement the case studies we would also appreciate information as to what percentage of transfers become truly sustainable compared to how many still need public / grant support. In our experience, most Community activities don't make money. Of those case studies that are sustainable, information about the methods used to raise money would be useful. We may be able to provide some of our own examples as case studies.

The question below relates to Section 10 of the consultation document. Please refer to this section for further information.

17. Do you consider that these proposals will be effective in providing investment to support the implementation of Community Asset Transfer?
- Yes
 - Don't Know
 - No. Please suggest amendments or alternatives:

Most of the suggestions in the consultation document are about re-directing grants and funding streams rather than attracting new investment. Though we do note that it can be easier for a group to leverage funding where it owns the asset. It may be that the Policy approach is expected to generate private investment through schemes such as sponsorship or possible through social enterprises. If this is the case, the policy should make this more obvious. Whatever the case, the role of the private sector should be included in the policy.

The question below relates to Section 11 of the consultation document. Please refer to this section for further information.

18. The Community Right to Buy or Right to Bid exists elsewhere in the UK as part of the enabling environment for Community Asset Transfer. We are interested in exploring opinion on whether an equivalent community right could support asset transfer in Northern Ireland. If you would like to comment on this please do so below:

We would be interested to see if the case studies show that the Community Right to Buy or Right to Bid approach is successful during an economic downturn. We are concerned that it further depress the property market and could be another barrier to investment (especially foreign) as it creates another delay and frustration. We expect that there are already enough assets in public ownership to satisfy community demand.

19. Any other comments?

UK learning points

There are clear learning points from the UK public sector with regards to CAT and community empowerment. However, the omission from this document of the many examples available within Northern Ireland of successful community asset transfer by local government and others was disappointing. The community sector in England, in particular, is notably different both in terms of council's powers, integration of the public sector, the state of the economy, etc; and also in terms of the ability and capacity of community groups. CAT in the UK is also significantly influenced by the current austerity measures and the need to make significant cuts rather to directly produce community benefits. Big Lottery funding arrangements also make a significant difference.

Impact of LGR

The policy needs to recognise the potential impact of RPA/LGR. For example, is their consistency across boundaries (and between departments and councils) for how they deal with transfers, will it cause problems when they merge? As a Council we also need to consider how this aligns with community planning, which is still in an early stage. It also needs to take into consideration other strategies including 'Together: Building a United Community'

Student accommodation

BCC would be interested to explore potential for the framework to be utilised to address community issues identified in the Holylands and Wider University Area Strategic Study report in relation to the provision of more purpose built student accommodation within the City. To do so would involve the transfer of a surplus site or building for development as purpose built student accommodation. The proposed asset transfer framework would require the accommodation provider to fall into one of the 3rd sector organisation groups as described in the framework.

This type of transfer could potentially be suitable for local religious denominations/organisations if they decided to expand their existing student accommodation provision; or for an accommodation provider to form itself as a 'social enterprise' However, most specialist student accommodation providers that are active in the UK student accommodation market would typically be private sector companies backed by international investors so would be unlikely to be able to avail of the proposed framework.'

Policy guidance

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<p>There needs to be more detail and guidance on how community asset transfer will actually be implemented. The policy proposals are very high level and generic. There is also no mention of the role of local authorities in the consultation or in its implementation – local authorities need to be involved in this from the outset. The policy should indicate how prescriptive the upcoming guidance will be. In particular, will we have to comply?</p> <p><u>Resources</u></p> <p>We are concerned that no additional financial resources from central government appear to have been identified to support this framework or the necessary initiatives to inform how Community Asset Transfer implemented.</p> <p><u>Overall approach</u></p> <p>We are concerned that the policy may underestimate the readiness of the sector to take over assets. Community Asset Transfer should be viewed as a long-term process involving four distinct phases;</p>	<ol style="list-style-type: none"> I. Asset mapping: analysis of the current situation regarding the community's portfolio of assets, ownership, typology of assets, their functions, condition, business model and sustainability. Does the neighbourhood require a new asset or more effective use and resourcing of existing assets? II. Pre-transfer: preparing organisations for asset-transfer. Is the organisation investment ready? Identifying relevant assets, stakeholder engagement, capacity building, financial/business modelling, market analysis, supply and demand, sustainability, succession planning, legal identity, facilities management, legal requirements e.g. health and safety, accessibility, strategic/business planning, feasibility studies, economic appraisal, risk assessment, will the asset create collaboration or competition. III. Transferring the assets; agreeing terms of transfer, service level agreements etc., extensive legal advice and input. IV. Post asset transfer: depends on business model and funding agreements. Many community organisations have been entirely dependent on grant aid. It may take an income generation/grant aid package initially to ensure the sustainability of the asset and its use. Ongoing support and technical assistance will be required.
<p><u>Legislation</u></p> <p>Finally, we would like to reiterate that the biggest overall barrier is still legislation (being able to sell for under market price, open competition, and being open to challenge) and there is not enough time to pass legislation before this policy comes into effect.</p>	

The Committee approved the draft response.

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Human Resources (continued)

(With the exception of the Director of Finance and Resources, the Director of Property and Projects and the Democratic Services Officer, all other members of staff left the meeting whilst these items were under consideration.)

Retirement of Town Solicitor and Assistant Chief Executive

The Committee was reminded that, at its meeting on 21st June, it had been advised of the intention of the Town Solicitor and Assistant Chief Executive to retire from the Council's service before the end of this calendar year. The Town Solicitor and Assistant Chief Executive had now confirmed that he would retire with effect from 31st October 2013. At that meeting, authority had also been delegated to the Chief Executive to examine temporary measures to cover the role of Town Solicitor and Assistant Chief Executive which essentially had two main functions – the provision of the legal function for Belfast City Council and some external bodies (that is, the Town Solicitor element of the role) and the day to day management of the Chief Executive's Department (that is, the Assistant Chief Executive element). Accordingly, the Director of Finance and Resources submitted a report in this regard.

The report indicated that the Director of Health and Environmental Services would assume responsibility for the function of the Good Relations Unit and the Legal Services Manager would undertake additional duties associated with the role of Town Solicitor. With regard to the duties of the Assistant Chief Executive, it was proposed that an appropriate officer from the Chief Executive's Department be designated from the relevant tier of management to act as Assistant Chief Executive. That would be by means of expressions of interest and, if necessary, through a merit based selection process. In addition, whilst not related to the Assistant Chief Executive's retirement, a small proportion of the savings effected would be used to make appropriate honorarium payments to lead officers of functions within the Chief Executive's Department who were required to undertake enhanced roles/additional higher level duties. Accordingly, the Director recommended that the Committee agree to the interim measures as outlined.

After a lengthy discussion, it was

Moved by Councillor Hargey,
Seconded by Councillor Jones,

That the Committee agrees to approve the proposed interim arrangements to cover the role of the Town Solicitor and Assistant Chief Executive.

Amendment

Moved by Alderman Browne,
Seconded by Councillor McCarthy,

That the Committee agrees that the matter of honorarium payments to appropriate members of staff as outlined be dealt with under the delegated authority of the Chief Executive and the Committee considers

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only that portion of the report related to the day to day management of the Chief Executive's Department, that is, the Assistant Chief Executive element.

On a vote by show hands three Members voted for the amendment and thirteen against and it was declared lost.

The original proposal standing in the name of Councillor Hargey and seconded by Councillor Jones was thereupon put to the meeting when thirteen Members voted for and three against and it was accordingly declared carried.

**Local Government Reform - Filling of
Chief Executive Posts in New Councils**

The Committee agreed to defer consideration of report in relation to the filling of Chief Executive posts in the new Councils to enable the political parties to consider the matter.

Chairman

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Belfast Voluntary Transition Committee

Friday, 9th August, 2013

MEETING OF BELFAST VOLUNTARY TRANSITION COMMITTEE

Members present: Alderman Robinson (Chairman);
Alderman M. Campbell and R. Newton;
Councillors Attwood, Corr, Haire,
Hargey, Hendron, Lavery, Maskey, Mullin,
McCabe, McCarthy, Mac Giolla Mhín,
A. Newton, Reynolds and Spence.

In attendance: Mr. C. Quigley, Assistant Chief Executive\ Town Solicitor;
Mr. R. Cregan, Director of Finance and Resources;
Mr. G. Millar, Director of Property and Projects;
Mr. S. McCrory, Democratic Services Manager and
Mr. J. Hanna, Senior Democratic Services Officer.

Apologies

Apologies for inability to attend were reported from Alderman Browne and Councillors Jones and McVeigh.

Minutes

The minutes of the meeting of 7th June were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st July.

Declarations of Interest

No declarations of interest were reported.

Reform of Local Government

Creation of Belfast Statutory Transition Committee

The Committee agreed to defer consideration of a report in relation to the creation of the Belfast Statutory Transition Committee to enable the Minister for the Environment to consider the nominees to the Statutory Committee by Lisburn City and Castlereagh Borough Councils.

Chairman

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Parks and Leisure Committee

Thursday, 8th August, 2013

MEETING OF PARKS AND LEISURE COMMITTEE

Members present: Councillor McKee (Chairman);
Aldermen Robinson and Rodgers;
Councillors Convery, Corr, Cunningham,
Haire, Hanna, Hartley, Hendron, Hussey,
Kyle, Mac Giolla Mhin, McCabe, McNamee,
Mallon, Mullan, Ó Donnghaile,
and Thompson.

In attendance: Mr. A. Hassard, Director of Parks and Leisure;
Mrs. R. Crozier, Assistant Director of Parks
and Leisure; and
Mr. B. Flynn, Democratic Services Officer.

Apology

An apology was reported on behalf of Alderman Humphrey.

Minutes

The minutes of the meeting of 13th June were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st July, subject to the following:

- the rejection of the decision of the Committee under the heading “Land at Black’s Road”, to provide that the Council agreed to acquire land at Black’s Road for the purposes of developing a park in accordance with the terms as set out within the report; and
- the amendment of the decision under the heading “Dunville and Woodvale Parks – Update” to provide that the events scheduled to coincide with the reopening of both parks by the management bodies be supported fully by the Council independently of any funding commitments which had already been made.

Declarations of Interest

No declarations of interest were reported.

Support for Sport

(Ms. C. Moraghan, Sports Development Officer, attended in connection with this item.)

Development Grants

The Committee noted a schedule of Support for Sport applications which related to development and hospitality grants and which had been approved by the Director in

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accordance with the authority delegated to him, information on which was published on the Council's Modern.gov website.

Independent Applications - Proposed Changes to Scheme

The Committee was reminded that, at its meeting on 13th June, the Director had undertaken to submit a report which would clarify a range of matters associated with the management of applications under the Support for Sport scheme. In particular, he undertook to outline the steps which could be taken to address concerns which had been expressed regarding the submission of applications on behalf of groups by independent third parties.

The Director reminded the Committee that the Council's Good Relations Partnership, at its meeting on 5th November, 2012, had amended its own forms to address the issue of third party applications. Accordingly, the Director recommended that the following wording, similar to that which had been adopted by the Good Relations Partnership, be inserted within the scheme's forms to prevent third parties from submitting applications on behalf of groups:

"We require all applications to be completed in their entirety by group(s)/organisation(s) applying for funding, not using third party consultants/advice services. This is to ensure that the group(s)/organisation(s) are fully conversant with the information being detailed on the application(s) being made, which is required by the Council. The Council has a dedicated Sports Development Team, which will assist group(s)/organisation(s) in the development and completion of applications being made, to ensure that every opportunity to access the funding stream is afforded."

In addition, the Director recommended that the forms be amended to include the following declaration by the applicant:

***"I confirm that this application form has been filled in by
(and not on behalf of) the group"***

☐

Furthermore, the Director indicated that the Department would contact the person listed on the application form and compare signatures with other documents submitted. Should it be discovered that the application had been completed independently, it would be rejected. However, that would not preclude an organisation from submitting an application at a later date with, if necessary, prior support and assistance from the Department.

After discussion, the Committee agreed to amend the forms as recommended and endorsed the undertaking of the further checks as outlined. It was noted that a report in respect of the future management of the Support for Sport fund would be submitted in due course.

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Financial Reporting – Quarter 1

(Mrs. J. Wilson, Business Manager, attended in connection with this item.)

The Committee considered the undernoted report:

“2 Key Issues

The Current performance in quarter one for the Department shows a 5% variance against the year to date budget i.e. an over spend of £255k. There are a number of key reasons for the over spend within the department as follows:

Utility costs are currently over budget by £90k and are a concern for the department. Gas, Water and Combined Heat and Power (CHP) costs are all overspent within the department with CHP being an ongoing issue within Leisure. The connection to the water mains in the Zoo cost £22k in the first quarter which was not budgeted for however the borehole supply has now been restored so will not be a cost going forward.

Vehicle costs within Parks and Cemeteries are overspent by £183k against budget in Quarter 1 due to the timing of the procurement of fuel management systems and new machinery. However this issue should be resolved by quarter 2 and further expenditure managed within profiled budgets. Fuel budgets also remain under pressure due to increased costs and £40k over budget has been charged in the first quarter.

Compensation claims are £88k over budget in Parks and Cemetery Services i.e. 50% of the budget is spent in the first quarter. Again the timing of compensation claims is largely unpredictable but there is a high probability that this budget will be overspent by year end. The department continues to work with Legal Services to improve the reporting of incidents and ensuring these are managed effectively.

Income for the department overall is down 5% or £131k on budget. Leisure Centres are on budget despite losing £33k of income with the Avoniel pool closure. Promotional activities around summer campaigns have been running from April and the summer schemes have all been well received.

Income from fees and charges at the Zoo is down 23% or £124k against budget. This is largely due to the loss of income due to the closures associated with the snow over Easter. However the figures for May and June are up on the same time last year and the outdoor campaign ‘passport to the world’ is

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well underway. Also the good weather has helped increase visitor numbers and on the basis of performance forecasts it is expected that this shortfall will be covered. Income at the shop is also down £36k but this is offset by a reduction on expenditure on supplies by £23k in the same period. This will continue to be tightly managed and a trading account is in place for the shop and regular stock takes are in place.

Income in relation to the Franchise agreement at the Castle and Malone House will continue to underperform as a new contract is now in place from June which reflects a reduced annual rate from that budgeted.

Income from Grants is also outstanding by £57k and officers are working with funding bodies to ensure all monies are claimed in a timely manner. Income from fees and charges in Parks is up by 6% or £44k which is mainly from the crematorium (£27K) and pitch hire.

The Department will continue to monitor the variance between actual and budgeted expenditure/income during quarter two of the year.

3 Resource Implications

There is a year to date over spend of £255k (5%) and a forecast over spend of approximately £165k by year end.

The Director and the Business Manager outlined the principal aspects of the report and answered a range of Members' questions in relation thereto.

The Committee noted the information which had been provided.

New Crematorium Feasibility Study – Update

The Committee was reminded that, at its meeting on 18th February, it had considered six options which had been identified by Cogent Consulting for the establishment of a new crematorium. Those options had included a range of both public and private initiatives and it had been agreed that the Council would, in conjunction with Newtownabbey Borough Council, examine further the feasibility of developing a crematorium on a site which had been identified at Doagh Road.

The Director reported that the consultants were now undertaking the next stage of their work which would consider the range of financial and operational models which had been identified within the feasibility study. As part of that research, the consultants had arranged a number of study visits to crematoria in England, which would be attended by Members of both Councils. He added that the proposed visits were due to be undertaken during September and that, on completion of that exercise, a final report would be submitted to the Committee during the autumn.

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In response to a Member's question, the Director indicated that the report, when submitted, would include consideration of the Council's options for future burial provision and how those might influence decisions around future cremations.

The Committee noted the information which had been provided and agreed:

- to authorise the attendance on the study visits by a representative of each of the political parties; and
- to the holding of a special meeting to consider the consultant's final report on the feasibility study.

Facility Management Agreements - Update

The Director reminded the Committee that a review of the Council's Facility Management Agreements had been ongoing since April, 2011. At its meeting on 15th November, 2012, it had endorsed a draft Parks and Leisure Playing Pitches Agreements' Policy and had authorised officers to progress the matter on the understanding that update reports would be submitted for the Committee's consideration in due course.

The Director reported that it was anticipated that consultations with Members, partners and stakeholders would be undertaken during August and September. In addition, further engagement sessions would be undertaken with the community, sporting and voluntary sectors with a view to presenting the revised policy for consideration by the Committee at its meeting in October.

The Committee noted the information which had been provided.

Alexandra Park - Management Arrangements

The Committee considered the undernoted report:

“1 Background Information

- 1.1 Under the Peace III Programme, Groundwork NI was awarded funding to deliver the Reconciling Communities through Regeneration programme. In consultation with the Council and the local community, Alexandra Park was chosen as a specific project with a budget allocation of £50,000 towards physical regeneration work. Parks and Leisure Committee formally endorsed the project in June 2009.**
- 1.2 Following this, a Steering Group was formally established to improve usage and develop regeneration proposals for the park. The proposals were developed with representatives from the Council, the Department of Justice, the Office of the First Minister and Deputy First Minister and the Police Service**

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of Northern Ireland and subsequently approved by the Parks and Leisure Committee at its meeting in November 2010.

- 1.3 The Steering Group's action plan included a consultation process to gauge opinions and install an access point in the interface barrier running through Alexandra Park. In April 2011, Committee authorised the installation of a gate in the wall to be opened during the summer period for a pilot period, which was subsequently extended in January 2012.
- 1.4 Committee will recall at its meeting on 11th August 2011, further approval was granted for a funding agreement between Groundwork NI and the Council for the continued involvement of Groundwork NI in Alexandra Park up to December 2012. Groundwork NI continued to work with the Alexandra Park Steering group ensuring the delivery of a programme of activities which meets the Council and departmental aims with regards to good relations, anti-social behaviour and shared space.

2 Key Issues

- 2.1 Throughout the project, it has been acknowledged that the Steering Group, supported by the Parks and Leisure Committee, has developed a new vision for the park. This has attracted positive media coverage and, importantly, positive feedback from park users and local residents.

The 12-month agreement between Groundwork NI and the Council finished at the end of March 2013. Since then, the group have continued to meet chaired by Ciaran Shannon on an interim basis. The group continue to monitor the implementation of the development plan, based on the consultation exercise in 2010.

In facilitating the Alexandra Park development plan, parks management made arrangements to open the pedestrian gate on Alexandra Park Avenue. Following reports from local representatives of incidents of anti-social behaviour in the park, the gate was closed again in order to facilitate dialogue and find a mutually agreeable way forward.

In subsequent consultation with local elected representatives, a compromise position was agreed in which the gate would be opened at the same times as the gate in the interface barrier. Parks management would continue to review this arrangement with the Police Service NI, and allocate additional warden resource as deemed necessary. This arrangement has been in place throughout July and there has been no unusual spike in anti-social behaviour reports.

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In the context of feedback from Members, as well as the conclusion of the agreement with Groundwork NI, it is suggested that it is now timely to undertake an independent review and examine the next steps for the Steering Group. Whilst acknowledging the important and positive work undertaken by local communities in the regeneration of the park to date, there is also a need to regularise the arrangements within the Council's business planning processes. This is particularly important in the context of the management pilots at Woodvale and Dunville Parks as well as wider area/community planning developments.

The terms of reference for the independent review are proposed as:

1. To independently review with relevant stakeholders the successes and areas of improvement for the Alexandra Park regeneration process
2. To scope a management structure, business planning and management approach, which balances community ownership and public accountability, based on good practice elsewhere
3. To make recommendations going forward (partnership principles; resourcing; terms of reference; etc.) for consideration by Parks and Leisure Committee.

The stakeholders for the review would include:

- Local elected representatives
- Existing steering group members
- Groundwork NI
- Parks and Leisure officers

To supplement the review officers will assess the options for the pedestrian gate in Alexandra Park Avenue including the current location. In addition the conditions of the fence adjacent to the Orange Hall will be reviewed and repairs carried out as necessary. The recommendations from the review would be brought forward to Committee in October for its consideration.

3 Resource Implications

Financial

Up to £3,000 for an independent facilitator to support the review process. Provision has been made for this within existing budgets.

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4 Recommendations

The Committee is requested to agree the terms of reference for the review and to agree to the pedestrian gate at Alexandra Park Avenue remaining open in line with the arrangements for the opening of the gate in the interface barrier until the review is completed.”

The Committee adopted the recommendations.

Barnett Demesne Mountain Bike Trails

The Committee considered the undernoted report:

“1 Relevant Background Information

The project has been delivered in partnership with Outdoor Recreation Northern Ireland (ORNI). A legal licence agreement has been entered into between BCC and ORNI with ORNI responsible for a number of tasks, the most prominent being the marketing, promotion, events management and ensuring that all data required is returned to the funders.

All of the new mountain bike trails in Northern Ireland are marketed as a NI package by ORNI and the trail at Barnett Demesne is part of this. This maximises the promotion of the Barnett Demesne trails and incorporates BCC’s product within the ORNI’s brand ‘Mountain Bike NI’ and associated marketing platforms, thus increasing the awareness levels and in turn visitor numbers. To further enhance this potential we are keen to enter into 3 further agreements with ORNI, namely Volunteer Mountain Bike Trail Ranger Programme for NI, Annual Mountain Biking Permit and the Application Process for Mountain Biking Events. This will allow us to follow best practice and it replicates what is being done with the other trails in NI.

The cost to BCC will be approximately £2,400 per year to run the Volunteer Programme plus £800 per annum payable to ORNI. This covers ORNI’s costs for recruiting and maintaining the volunteers, communicating information to volunteers, assisting BCC in setting up a programme of trail maintenance days, publicising any material connected with the programme, securing external funding or sponsorship for the programme and organising ‘Volunteer Reward Scheme’ for participants.

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Annual Mountain Biking Permit

Organisations wishing to lead mountain biking coaching or guiding on either a commercial or non commercial basis must apply for a permit. This will entitle the holder to deliver coaching or guiding on the trail and or jumps and promote their services via the designated trail page on the official website. This allows BCC to monitor the quality of coaching being delivered and it will ensure that trail conduct is delivered to new users. Whilst it is appreciated that this is not all encompassing it is existing best practice and history has shown that over time permit holders come to know each other and it becomes self-policing. The cost for an annual permit will be in line with other trail centres and set at £80. It is envisaged that this income will offset the cost of the volunteer ranger scheme.

Mountain Biking Events

In order to satisfy the funders requirements ORNI have assumed responsibility for organising all events on the trails and jumps park as they have the responsibility to oversee outcomes. In order to monitor this, an application process has been established to allow the trail to be managed in a responsible and effective way. The application incorporates our legal requirement with ORNI and our 24 point plan for events taking place in BCC parks.

An event application is required when:

- the event is organised by a commercial organiser
- a large event is planned, i.e. more than 20 applicants
- the trail is to be closed to members of the public
- the event is to be held at night

Any events deemed to be sensitive in nature will be brought before Committee for approval. The charges are in line with other trail centres in NI. It is envisaged that this income will be used to help maintain the trails. Officers will liaise with Legal Services to draft appropriate documentation.

Recommendation

It is recommended that Committee grant approval for the agreements to be entered into. Officers will liaise with Legal Services to draft appropriate documentation.”

The Committee adopted the recommendation.

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Village Open Space - Land Acquisition

The Committee considered the undernoted report:

“1. Relevant Background Information

The purpose of this report is to inform Members of a request by the NI Housing Executive and Fold Housing Association, that the Council consider accepting the transfer of a portion of land and its associated management and public liability in the Village Area of South Belfast.

The Housing Executive has completed a comprehensive review of the Village area of South Belfast and the project is now entering its final phase which includes 27 new dwellings. A planning application is scheduled to be submitted in the coming weeks and an element of the proposal will be for an area of public open space. This is a requirement by Planning Service owing to the lack of open space in the general area.

The development will be delivered by Fold Housing Association who is the strategic housing provider in the area. The open space will be overlooked by dwellings on all sides and will be functional and usable by all in the wider local community and not exclusively Fold HA tenants. The proposal is to integrate the existing play area and pitch at Moltke Street into the new area of open space. The road junction at Moltke Street/Nubia Street and Kitchener Drive will be removed. This will further benefit users of the open space by diverting traffic away from it. The Housing Executive is taking forward this aspect of the proposal with Road Service.

The costs of providing the open space as required by Planning Service, based on a grassed area with paths throughout, surrounded by dwarf walls and railings, has been estimated at £225k. The Housing Executive and Fold Housing Association have asked that the Council undertake the maintenance and public liability of the open space. This would involve the transfer of the land to the Council.

2 Key Issues

In considering its position on this matter the Committee may wish to reflect on the following points:

The Council owns and maintains the existing play area and pitch which will be integrated into the new area and open space. The additional maintenance of the grassed area is considered to be relatively minor;

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The Council has in the past looked favourably on requests from organisations to take on the maintenance and public liability responsibilities;

As highlighted in previous reports, the cumulative impact of the additional maintenance and public liability responsibilities could potentially place an increased burden on the Council at a time when budgets are constrained;

This particular request comes from a housing body, whose primary duty may not relate to the management of open space, however, as members will be aware the provision of open, recreational and leisure space is often a planning requirement and planning may be withheld unless provision is made; Members should be mindful that this may set a precedent for similar housing developments and may result in future requests;

3 Resource Implications

Financial

The financial cost of the ongoing revenue maintenance is not known at this time. However, it is anticipated that as the facility is mainly grassed, the maintenance should be relatively minor.

Human Resources

This will increase the workload of staff in the area.

4 Recommendations

The Committee is asked to accede to the request to accept the transfer of land and its associated maintenance and public liability in the Village Area of South Belfast, subject to approval at Strategic Policy and Resources Committee.”

The Committee adopted the recommendation.

Belfast Boxing Ring – Sculptures in Parks

The Committee was reminded that, at its meeting on 15th November, 2012, it had received a presentation from representatives of the Belfast Boxing Ring regarding its proposals to erect three statues in Council parks to acknowledge the contribution which boxing had made to the City. It was reported that the Strategic Policy and Resources Committee, at its meeting on 21st June, had agreed to support the proposals to erect statues, as a Stage 1 Emerging Project within the Capital Programme, at the following sites:

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- the Cathedral Gardens – statue to John ‘Rinty’ Monaghan;
- the Dunville Park – statue to John Caldwell; and
- the Woodvale Park – statue to the Shankill boxing fraternity.

The Director reported that work was ongoing on the preparation of a strategic outline case in order to progress the project to the next stage and that a report in this regard would be considered by the Strategic Policy and Resources Committee in due course.

Noted.

Expression of Interest – Coffee Shop at Cherryvale

The Assistant Director reported that the Department had received an enquiry relating to the feasibility of opening of a temporary coffee shop within the grounds of the Cherryvale Playing Fields. She indicated that the proposal received had been for the opening of a temporary outlet and, if deemed successful, might lead to a more permanent structure being established, perhaps within the existing cricket pavilion. She outlined the advantages which such a facility might provide to enhance user experience within the playing fields. However, she cautioned that there existed a number of issues in terms of Council policy, management arrangements, planning, technical and legal matters, which would require further clarification prior to permission being granted.

The Assistant Director outlined the Committee’s options and suggested that, should it be minded to explore the proposal further, it might be prudent to consider extending the provision of such outlets to additional parks across the City. She explained that the Council could opt to undertake a procurement exercise to run such facilities, or it could seek expressions of interest through public advertisement. Accordingly, she indicated that the Committee might wish to adopt one of the following options:

- 1) refuse the request at the Cherryvale Playing Fields;
- 2) accede to the request at the Cherryvale Playing Fields and seek expressions of interest from other potential providers through public advertisement; or
- 3) agree to establish pilot projects at four sites by way of an expression of interest exercise.

She added that, should the Committee endorse the third option, a review of the pilot project would be undertaken after a one year period. Thereafter, a report in respect of the success of the project, together with a range of options to extend its scope, if appropriate, would be submitted for the Committee’s consideration in due course.

The Committee adopted option three as set out.

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**Relocation of Temporary Changing Facilities from
Cliftonville Playing Fields to Marrowbone**

The Committee considered the undernoted report:

“1 Relevant Background Information

The Committee is asked to note that a project to deliver a 3rd generation synthetic turf soccer pitch at Marrowbone Millennium Park is progressing and is scheduled to be complete in early 2014. The funding for this comprises capital expenditure from Belfast City Council plus funding from both the Department for Culture Arts and Leisure / Sport NI and the Department for Social Development.

The facility will be a council asset upon completion and will provide a much needed resource for the local community and the various soccer clubs from the area. In addition, the facility will be able to meet a range of other needs including increases in participation in physical activity and sport across a range of groupings and will help to support diversionary intervention programmes in tackling anti social behaviour in the area.

Normally, 3rd generation facilities are accompanied and supported by ancillary structures such as changing pavilions, however, there is insufficient funding available at this time. Discussions with the Ardoyne Youth Providers Forum have indicated that there is a proposal to attract funding to support the development of a community building which would incorporate changing facilities. At this time the proposal is at an embryonic stage and is likely to take considerable time to realise.

There is an opportunity to provide an interim measure which would help to realise the full potential of the new facility and at the same time reinforce confidence in the local community through further investment.

Members may be aware that a temporary changing pavilion has been situated in Cliftonville Playing Fields for the past several years. As part of the ongoing redevelopment of this site, which will include a preschool building, a primary school building and a 3rd generation synthetic turf pitch, the existing temporary changing pavilion is to be removed. There is an opportunity to relocate this pavilion to the provide support to the proposed new pitch at Marrowbone.

This is an interim measure in advance of a more permanent future solution. The relocation of the pavilion will require

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planning approval and installation will cost an estimated £50,000 to take account of its removal, storage, transportation to the site and installation at a future date, subject to the necessary statutory approvals being in place.

2 Key Issues

The key issue for the Committee is to consider whether it wishes to consent to the relocating of the existing pavilion from Cliftonville Playing Fields to the Marrowbone Millennium Park to support the provision of the new 3G synthetic pitch.

The Committee is asked to note that should permission be granted, the facility when removed from its current location, possibly in September 2013, it will be stored until planning approval has been received.

If Committee does not consent to the relocation of the pavilion to Marrowbone Park, the pavilion will still need to be stored or disposed of.

3 Resource Implications

Financial

The preliminary estimated cost of the installation and associated removal, transportation, planning application and installation is £50,000 subject to review pending ground surveys. The cost of moving the pavilion to storage is estimated to be £2,500 and storage itself in the region of £100 per month. The original cost of the temporary unit was £40,000.

Human Resources

There are no additional human resource implications at this time.

Asset and Other Implications

The decision to relocate the changing pavilion will enhance the proposed pitch at the Marrowbone Millennium Park.

4 Recommendations

The Committee is asked to consider the report and to agree to the relocating of the changing pavilion to Marrowbone Millennium Park and to meet the associated costs."

The Committee adopted the recommendation.

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Green Flag Awards - Update

The Assistant Director reminded the Committee that the Green Flag Awards, which were overseen by TidyNI, sought to acknowledge excellence in the management of sites and recognise the steps which had been undertaken by local authorities to enhance community involvement in site development. In 2009, the Cavehill Country Park had become the first Council property to receive a Green Flag Award and, subsequently, nine further sites had been awarded accreditation under the scheme.

The Committee was informed that, after the latest assessment round, all of the previously accredited sites had retained their Green Flag Award. In addition, two further Council sites, viz., the Grove Playing Fields and the Lagan Meadows, had received accreditation under the scheme. It was pointed out that the Council now held twelve of the twenty Green Flag Awards within Northern Ireland and that the Knocknagoney Linear Park, together with the Dunville and Woodvale Parks, would be considered for accreditation in 2014.

The Committee noted the information which had been provided and agreed that letters be forwarded to staff congratulating them on their achievements.

Events in Parks 2010 to 2013 – Update

The Committee considered the undernoted report:

“1 Relevant Background Information

At its meeting in June 2013 the Committee requested information on the number and location of events which had been held in Council parks over the past five years.

2 Key Issues

Over the course of the past five years a large number of events have been held in parks and open spaces across the city. This includes a number of large-scale, well attended cultural events that have since become an established part of the annual calendar of events in Belfast. Park events are related to the Council’s objectives in regards to the environment and creating vibrant neighbourhoods across the city. They are also beneficial for local communities as they attract visitors and boost the neighbourhood’s economy.

To provide a better understanding of the type of events that are held in our parks, the department developed an events database in late 2009. The information in this paper provides a summary of the events recorded in this database in the period January 2010 (when the database was introduced) to the end of June 2013.

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It should be noted that this type of data collection is still in its first phase and work is ongoing to ensure that the data captured across the city is accurate, timely and useful for planning purposes. Officers are still developing the formats for this information to be presented to Members.

During the period January 2010 – June 2013 a total of 327 events were recorded as being held in our parks and open spaces. The following summarises this data:

Breakdown by year:	
2010	13
2011	137
2012	122
2013	55 (to date)
	327

Of these 327 events, nearly half (161) were facilitated by external organisations and a significant number (114) were events held by external organisations who receive funding from Belfast City Council. Events hosted by the Council only account for 16%. The locations for these events are spread across the city:

Breakdown by Parks Service operational area:		
North	70	(21% of total events in parks)
East	87	(27%)
South/West	144	(44%)
Multiple areas	26	(8%)

Most popular sites:	
Ormeau Park	62 (19% of total events)
Sir Thomas and Lady Dixon Park	30 (9%)
Botanic Gardens	25 (8%)
Falls Park	19 (6%)
Barnett Demesne	15 (5%)
Victoria Park	12 (4%)
Bridges Urban Sports Park	12 (4%)
Cave Hill Country Park	9 (3%)
Alexandra Park	8 (2%)
Waterworks	8 (2%)

There is a wide range of events held, that fit well across the Council's strategic objectives, particularly related to addressing health inequalities and creating attractive, vibrant neighbourhoods:

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Most popular types of events:	
Fun Day	29
Cross Country	23
Sports Tournament/Activity	22
Fun Run	18
Cycling	17
General Event	17
Nature-Themed Event	17
Watch this Space	16
Sponsored Walk	15
Picnic/BBQ	13
Others (cultural events; conservation; orienteering; community; fairs; rambling; photography; etc.)	140

These events are organised by a range of charities, community groups, schools and sports clubs. The Department will continue to develop the events database to ensure that the full range of events that are held in our parks and open spaces are recorded and to help us develop events across the city.

Next steps

Commercial events located in our parks and open spaces, such as Tennents Vital, Polo in the City and Funderland, are not captured on this database. In the past, commercial operators have tended to opt for locations in the south of the city, mostly Boucher Road Playing Fields and Botanic Gardens.

In order to strengthen and diversify the range of events, as well as build a commercial market for alternative locations, it is proposed that the Council proactively establishes a number of strategic arts partnerships, to deliver high-quality, large-scale (5,000+), family-orientated cultural events. This would allow the Council to showcase a range of its open spaces to attract commercial operators to parks and open spaces across the city. A proposal on this will be brought to Committee later in the autumn, in order that it is in place for the budget planning cycle for 2014/15.

4 Recommendations

The Committee is asked to note this report."

The Committee noted the information which had been provided.

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Parks Events - Small Grants Scheme

The Committee was reminded that, at its meeting on 15th November, 2012, it had delegated authority to the Director to award grants under the above-mentioned scheme. It was reported that eight applications had been submitted for consideration within the latest tranche, five of which had met the pre-agreed criteria.

Accordingly, the Committee noted the following grants which had been authorised by the Director under the scheme:

Donegall Pass Events Committee	10 August	Rev. Robert Bradford Memorial Park	Summer Fun	£2,945
St Andrew's Community Action Group	31 August	Michelle Baird Playground	Forthriver Community Fun Day	£1,450
An Driochead	25 August	Botanic Gardens	Feile an Droichead	£3,000
HERE NI	25 August	Ormeau Park	Summer LGBT	£3,000
Star Neighbourhood Centre	8 August	North Queen Street Playground	New Lodge Festival	£3,000

**Shankill and Ballysillan Leisure Centres –
Wet Room Repairs**

The Committee considered the undernoted report:

“1. Background Information

Previous corporate funding was allocated for upgrade works within leisure services. To date, the changing rooms within Andersonstown, Shankill (dry side) and Avoniel Leisure Centres have been upgraded although the latter was as a result of a general refurbishment following an enforced pool closure. Presently, as part of the corporate programme, plans are underway for the provision of a new playing surface which will be laid in the Indoor Tennis Centre although this does not form part of the present report.

Facilities Management colleagues have identified an appropriate contractor to undertake the upgrade works in both Shankill and Ballysillan Leisure Centre wet changing rooms and have requested a closure of those areas at the following times:

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**Shankill – September and October 2013
Ballysillan – November and December 2013**

2 Key issues / events

Given the facilities available within both centres it will, unfortunately, not be possible to maintain access to the swimming pools whilst the changing rooms are being upgraded. Therefore the respective swimming pools will be required to close during the refurbishments.

Ballysillan operates with one set of changing rooms covering both wet and dry functions and management will therefore source temporary changing units to accommodate fitness suite, main hall, squash and coached activity users. Due to the proposed location of temporary changing rooms at Ballysillan (outside the rear of the facility, south facing) it would not be possible to maintain swimming pool access as customers would still be required to enter the pool using the current changing rooms which would not be accessible.

The timing of the repairs has been organised to minimise the potential disruption to both facilities and to ensure that the centres are fully functional during January 2014 which traditionally represents the busiest month for leisure facilities. Consideration has been given to closing one changing room at a time in order to maintain a reduced service although the schedule of contractor works has made this not possible to achieve.

It is proposed that, where permitting, Ballysillan will provide access to the displaced schools / groups / clubs of Shankill during the period of upgrade and this process will be reversed upon works commencing at Ballysillan during November.

3 Resource Implications

Financial

Projected income losses will be estimated at £10,000 for Shankill and £12,000 for Ballysillan.

Human Resources

Appropriate staff will be afforded the option of using the reduction in service as an opportunity to avail of annual leave. Alternatively additional training will be offered and deep cleaning around the wet side of the centre can be undertaken. No additional overtime is anticipated during this

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time and staff may, upon request, be temporarily located within other leisure facilities.

Asset and Other Implications

Alternative swimming availability at Falls Leisure Centre & Grove Wellbeing Centre remains during these short closures.

4 Recommendations

It is recommended that Members approve the proposed closures to facilitate changing room repairs.”

The Committee adopted the recommendation.

Request for Use of the Waterworks Park

The Director reported that a request had been received from the Ashton Community Trust for the free use of The Waterworks Park for the hosting of the ‘North Belfast Lantern Parade and Magical Evening’ on Wednesday, 30th October, from 6.00 p.m. until 9.30 p.m. He indicated that the family-orientated event would attract approximately 5,000 participants and would be attended by a wide range of community groups from across the City. The event, which would commence with a Lantern Parade from the Crumlin Road Gaol to the Waterworks, would include outdoor performances, stage entertainments and would conclude with a fireworks display in the park.

The Committee was informed that work to enable the hosting of the event would be undertaken between Tuesday, 29th and Thursday, 31st October, during which times it would be necessary to close the park to the public. The organisers had confirmed they had, in order to manage the event in a professional manner, hired a security firm, professional contractors and established a ticketing system to manage the numbers attending. In addition, consultations had been undertaken with local residents and steps would be implemented to minimise disruption caused by the event.

Accordingly, the Director recommended that the Committee grant the free use of the Waterworks Park for the holding of the event as outlined, on the condition that the organisers:

- liaise with the Council to ensure that all health and safety requirements were met to its satisfaction and that event management and risk assessment plans were submitted prior to the event;
- resolve all operational issues to the Council’s satisfaction; and
- enter into an appropriate legal agreement and meet all the statutory requirements, including entertainment licensing.

The Committee adopted the recommendation.

Chairman

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MEETING OF DEVELOPMENT COMMITTEE

Members present: Councillor Hargey (Chairman);
the Deputy Lord Mayor (Alderman Stalford);
the High Sheriff (Councillor Kingston);
Aldermen Ekin, McCoubrey and Stoker;
Councillors Austin, Convery, Garrett,
Hartley, Hussey, Keenan, Kelly, Kyle,
Mac Giolla Mh n, Maskey,   Donnghaile,
Reynolds and Spence.

In attendance: Mr. J. McGrillen, Director of Development;
Ms. S. McCay, Head of Economic Initiatives
and International Development; and
Mr. B. Flynn, Democratic Services Officer.

Apology

An apology was reported on behalf of Councillor Webb.

Declarations of Interest

No declarations of interest were reported.

Minutes

The minutes of the meetings of 4th and 20th June were taken and read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st July.

Mr. J. Watson

The Committee agreed that a letter of condolence be forwarded on its behalf to the family of the late Mr. Joe Watson expressing its deepest sympathy at the news of his untimely passing.

Request to Address the Committee

The Committee agreed to receive, at its meeting on 17th September, a presentation from representatives of Advice NI in relation to debt management issues in Belfast.

Bike Hire Scheme – Special Meeting

The Committee agreed to hold a special meeting on Monday, 23rd September, at 4.30 p.m., at which a presentation would be received from representatives of Dublin City Council in respect of its Public Hire Bike Scheme.

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Departmental Plan

The Committee was reminded that, at its meeting on 4th June, it had agreed to defer consideration of the Departmental Plan for 2013/2014 to enable party briefings to be provided to those parties who so wished to receive them. Accordingly, the Committee reconsidered the contents of the Departmental Plan for 2013/2014 and, after discussion, endorsed its contents, a copy of which was published on the Council's Mod.gov website.

Super Connected Cities – Demand Stimulation Activities

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 Members will be aware that the Council has been awarded £13.7 million by the Department of Culture, Media and Sport (DCMS) as part of its Super-Connected Cities initiative. This is one of the key Investment Programme initiatives that aims to develop Belfast's economic infrastructure, promote growth and attract inward investment for the city.**
- 1.2 A key objective of the Super Connected Cities initiative is to ensure that Belfast-based businesses have access to high speed fibre connections to enable them to do what they did before but more efficiently, and to allow them to explore new ways of doing business. The infrastructure provided under this initiative will also provide opportunities for new business development and will provide non-technical businesses with the opportunity to implement a broadband solution to support business growth and identify new markets.**
- 1.3 Many areas of Belfast have access to broadband with speeds of up to 24 Mbps (megabits per second). By mid-2015 (completion date of the Super Connected Cities initiative), we aim to enable city-wide access to a network providing speeds of at least 80Mbps. Speeds of at least 100 Mbps will also be available for businesses that require it, such as those in creative industries, that send large volumes of data.**
- 1.4 While the funding from DCMS can only be used for infrastructure costs, experience from elsewhere, and feedback from early engagement with local companies, suggests that businesses require support to help them maximise the potential of the infrastructure.**
- 1.5 As part of the Council's Investment Programme, we are committed to pursuing funding from European Regional**

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Development Fund (ERDF) in support of the city's economic development plans. One of the key opportunities identified has been the need for a demand stimulation programme to supplement and support the investment in telecoms infrastructure, helping local businesses to improve their productivity and competitiveness.

- 1.6 An economic appraisal on the ERDF Super Connected Cities demand stimulation activity application is currently under way and is expected to be completed by September 2013. Subject to a positive outcome of the appraisal, a letter of offer is likely to be issued by October 2013.

2 Key Issues

- 2.1 While the original confirmation of funding from DCMS was issued some time ago, a legal challenge to Birmingham's funding bid on the basis of State Aid issues meant that DCMS were forced to review the programme guidelines. The upshot of this is that the majority of the connections are now to be "demand-side" measures (i.e. the business has to make a direct application for support) as opposed to "supply-side" measures (i.e. the Council funds suppliers to provide connectivity at agreed locations across the city, without necessarily scoping out the demand in the area).
- 2.2 In order to test this approach, DCMS asked Belfast, along with three other cities (Manchester, Cardiff and Edinburgh) to become involved in a market testing phase. This meant rolling out a connection voucher scheme on a time-bound basis (1 August - 30 September 2013) with a view to testing the approach and ascertaining whether this would generate any further objections from the supplier base.
- 2.3 Under the terms of the connection voucher scheme, a sum of up to £3,000 can be provided to a business to enable them to access ultrafast broadband. Companies can choose from a range of potential suppliers.
- 2.4 Given the very short timeframe set by DCMS, as well as the need to demonstrate a significant level of demand, in line with our original funding approach, a number of target locations were identified for the market-testing phase. These include:

- Cathedral Quarter
- City East / East Belfast Enterprise
 - Ormeau Business Park
 - Ortus

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- **Argyle Business Park**
- **North City Business Centre**
- **Harbour Estate.**

2.5 All SMEs and third sector organisations based within these locations are eligible to apply for a voucher during the market-testing phase. It is anticipated that the scheme will be rolled out city-wide from November 2013, subject to approval by DCMS.

2.6 In order to complement the infrastructure funding from DCMS, the Council previously agreed to make a funding application to European Regional Development Fund (ERDF) to secure up to 75% of the costs of a demand stimulation programme. This would both raise awareness of the infrastructure investment and provide targeted mentoring support to help businesses get online or use the technologies to help them work more efficiently.

2.7 It is intended that the demand stimulation support will be available to all companies within the Council area, focusing on those availing of connection vouchers. Support will be tailored to meet the demands of the individual businesses. Outputs will include:

- **Number of businesses developing an online presence for the first time**
- **Increase in percentage of sales / business generated through e-commerce, for those companies with an existing online presence**
- **Number of new products / services created by participating businesses.**
- **Level of funding leveraged (public / private? By participating businesses**
- **Number of businesses involved in international networks**
- **Number of companies active in new markets.**

2.8 Outcomes will include:

- **Enhanced profile of Belfast as a digitally connected business destination.**
- **Growth in scale of knowledge economy businesses in Belfast**
- **Improvements in GDP (Gross Domestic Product) levels in the city, from investments in new sectors**
- **Increased employment opportunities within the creative and digital sectors**

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- **Enhanced opportunities to secure foreign investment (FDI) in new growth sectors.**
- 2.9** Given that the market testing phase is already under way and that, subject to DCMS approval, the connection vouchers will be available city-wide from November 2013, it is considered essential that the development activity on the demand stimulation programme is put in place as quickly as possible.
- 2.10** Due to the specialised nature of the support, this work will be subject to public procurement. The funding application identifies the broad programme of work. However, this will now have to be developed into a tender specification and issued through the appropriate channels.
- 2.11** In order to facilitate this process, it is considered that some preliminary work may be required to progress at risk the demand stimulation support work, in advance of the letter of offer being issued by Invest NI.
- 2.12** As a means of minimising the risk to Council of this approach, it is intended that Invest NI will be asked to provide “prior approval” for expenditure of up to £150,000 incurred in advance of issuing the letter of offer. This means that, if the funding application is successful and the grant is awarded, any prior expenditure incurred on this work up to a value of £150,000 will be eligible for match funding from ERDF / Invest NI of up to 75% of the costs incurred.

3. Recommendations

3.1 Members are requested to:

- **Approve expenditure of up to £150,000 on an at-risk basis on a demand stimulation programme to support the roll-out of the Super Connected Belfast programme, in advance of the letter of offer being issued by Invest NI (likely to be October 2013)**
- **Note the proposal to seek prior approval from Invest NI to cover the £150,000 expenditure**
- **Grant delegated authority to the Director and Chair of Committee to approve the most economically advantageous tender for the demand stimulation work, subject to a form of contract being developed by legal services.”**

The Committee adopted the recommendations.

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Conference Subvention Scheme

The Committee considered the undernoted report:

“1 Relevant Background Information

1.1 Conference Subvention

Members will be aware that at the Development Committee Meeting of 10 September 2010 that the Council in conjunction with Northern Ireland Tourism Board (NITB) and Belfast Visitor and Convention Bureau (BVCB) adopted a new Conference Subvention Scheme for Belfast which superseded the previous policy.

1.2 Aligned to priorities in the draft Integrated Strategic Tourism Framework, NITB, BVCB and the Council developed this Conference Subvention Scheme with a total funding budget of £435,000 over three years, with the Council contributing £70,000 per annum and NITB £75,000 per annum.

1.3 At the Committee Meeting of 22 May 2012 Members agreed to extend the Conference Subvention funding period from 31 March 2015, until 31 December 2018. Because of the considerable time-lags between subvention approvals and completion of payments, long lead times, and the trend of later booking of venues.

1.4 Members will be aware that at the Development Committee Meeting of 5 February 2013 it was agreed, in light of the recent disruption which the City had been experiencing, that Belfast Visitor and Convention Bureau were given permission to use up to £30,000 within the sum allocated to it by the Council for the purposes of a subvention fund, to enable specific interventions to be made to secure any pre-arranged conference bookings in 2013 which might be placed at the risk of being cancelled as a result of disturbances.

1.5 The Conference Subvention Scheme was established in 2010 and to date, twenty two applications have been received, resulting in the issue of 14 letters of offer for total funding of £265,000 (£10k of this not subsequently required due to a lost bid) of which £36,788 has been paid. The economic impact of the 14 conferences supported through the subvention scheme to date is estimated at £14.5m, delivering a return on investment of 1:55.

1.6 The objectives of the Conference Subvention Scheme are;

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- To raise the profile of Belfast and Northern Ireland as a leading business and conference destination
- To consolidate existing investment in Belfast and Northern Ireland hotel and conference infrastructure
- To increase the contribution of Business and Conference Tourism to Belfast and Northern Ireland economy
- To change the international perception of Belfast and Northern Ireland
- To encourage inward investment to Belfast and Northern Ireland
- To grow the number of leisure visitors by encouraging conferences to run partner and extender programmes
- To develop a partnership approach to promoting Northern Ireland as a business and conference destination

1.7 The criteria for subvention is summarised below;

- The conference should be based in Belfast and include use of overnight accommodation in the Belfast area.
- The conference should preferably have a minimum of 300 out of state delegates and accompanying partners staying for two nights in the Belfast area. However a conference with a smaller number of out of state delegates staying for multiple nights will be considered if there is evidence that this conference will lead to a larger associated conference coming to Belfast within the next 8 years. The level of subvention being sought against the potential economic benefit will be taken into consideration
- The conference should have an impact on and/or a potential for local businesses and organisations by providing opportunities for developing industry/sector links or to showcase local products, cultural, sporting or intellectual fields.
- The subject areas of the conference should relate to local economic and tourism strategies or specific priority areas for Belfast or Northern Ireland.
- The event, by locating in Belfast should enhance the areas international profile and as such the prestige value of the event will be taken into account i.e. media coverage, speaker profile
- Conferences must demonstrate strict financial project management, cash flows and projected income and expenditure account.

- 1.8 Governance arrangements were agreed by NITB and BCC to ensure transparent and effective delivery of the scheme on behalf of both funders.

2 Key Issues

2.1 Funding

A number of issues have been identified regarding the Conference Subvention Scheme. These include;

- The growth in level of competition from other conference destination cities
- The lack of subvention in other cities, e.g. Manchester has annual subvention budgets of £1m.
- The recent impact of the civil unrest protest on Belfast's appeal as a conference destination.
- The new waterfront extension is due to open in 2016, and the need for Belfast to compete globally for large scale international and national events with a higher economic return.
- The importance of special case applications seeking funding which may include, but are not limited to, conferences which deliver significant strategic benefits for the city such as events with significant media coverage or of international significance within Northern Ireland's key economic sectors

- 2.2 It has been identified that there is a need to have a more flexible funding scheme to ensure the city can compete and secure these types of events.

- 2.3 Within the governance of the current scheme subvention funding awards are capped at a maximum of £25,000 for events delivering an economic impact over £1m. A flexible approach will allow the current scheme to offer a higher funding amount for conferences that deliver more than £1m in economic impact or bring significant strategic benefits to the city.

- 2.4 It is proposed that the current maximum cap of £25,000 subvention is removed. This would allow Belfast to increase its competitiveness as a conference destination.

- 2.5 The removal of the maximum cap would not require any additional financial commitment from BCC or NITB, within current budgets.

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- 2.6 As a joint funding partner of the Conference Subvention Scheme, NITB are also currently considering the removal of the maximum capped award of £25,000.**
- 2.7 The removal of the maximum cap of £25,000 to the current scheme will aim to:**
- Increase Belfast's competitiveness as a conference destination and our ability to compete globally.**
 - Maximise the return on investment from the city's investment in the Belfast Waterfront extension.**
 - Ensure that the scheme has a degree of flexibility to consider applications in extenuating circumstances, as the dedicated conference subvention fund for the city.**

3 Resource Implications

- 3.1 Funding of £70,000 is currently available in the 2012/2013 Tourism Culture and Arts Budget.**

4 Recommendations

- 4.1 It is recommended that Members agree to the removal of the maximum cap of £25,000 to increase Belfast's competitiveness as a conference destination and our ability to compete globally. “**

The Committee adopted the recommendation.

Digital DNA Summit

The Committee was advised that the MBA Association of Ireland, in partnership with the Northern Ireland Chamber of Commerce, Invest NI and the University of Ulster, would host a major Digital Summit, viz., Digital DNA, in Titanic Belfast on 13th September. The Director reported that the event would attract a wide range of renowned speakers, including representatives from Facebook, Google and the New York Stock Exchange. Those in attendance would include locally-based businesses, international companies, business support organisations and key bodies in the software, IT and digital media fields.

The Director reported that an opportunity existed for the Council to sponsor the event by purchasing a delegate package and he outlined the advantages which would be derived, including the securing of a number of delegate places, together with branding and networking opportunities. In addition, the Council's support for, and participation at, the event would promote its role in delivering the Super Connected Cities project to a wider audience.

The Committee agreed to provide sponsorship for the event in the sum of £2,500.

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City Centre Business Information Point

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1** Members will be aware that under the Review of Public Administration, the responsibility for enterprise will transfer to local councils. With this in mind the Economic Development Unit has begun to scope out potential enterprise initiatives to pilot prior to the transfer. Demand from businesses has highlighted a need for greater access to Council’s services and easier access to the programmes and advice that are offered in the city.
- 1.2** One such pilot initiative is to provide a dedicated information resource in the city centre to deal with business start and development enquiries and to link businesses with council services including Building Control and Environmental Health as well as the suite of programmes provided by the Economic Development Unit. The space would also serve as an area to facilitate workshops, outreach development, showcasing venue and meeting space.
- 1.3** As part of our engagement with partner organisations on this issue, a number of organisations have confirmed that they would be supportive of this approach. In addition, one organisation has confirmed that it was also considering this approach and has identified the opportunity to collaborate on a pilot project in this field. This could provide an opportunity for Council to support a model to test a city-centre business information point.

2 Key Issues

- 2.1** Feedback from businesses and start ups in the city has identified that it can be difficult to obtain all the information needed to start up, grow and develop a business in the city. While there are numerous sources of information, there is not one central information point. As clients can have enquiries as wide-ranging as business planning, environmental issues, planning issues, recycling queries, building control matters and information on forming companies, it can be challenging for entrepreneurs to access all the information they require.
- 2.2** The recently commissioned Integrated Economic Strategy has identified a range of key issues facing Belfast post-RPA. Currently businesses in Belfast look to both BCC and Invest

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NI for advice, guidance and support. Post-RPA the great majority by number of businesses will look to the council alone. Forthcoming research suggests that many businesses are unaware of the breadth of services offered by the council or are unclear as to who they need to contact regarding the wide range of challenges that they face on a day-to-day basis in their business. The Council's 2013 business survey (report currently at draft stage) also notes that while businesses continue to be interested in programmes like business planning and sales development there is also significant demand for advice on Building Control issues, Health and Safety and Licensing.

- 2.3 A centrally placed information point could provide an opportunity for proactive outreach to the business community, facilitate engagement with potential start-up entrepreneurs and give council a visible presence with local communities.**
- 2.4 As part of our discussions with enterprise support partners, ORTUS have identified plans to consider the opening of a pop-up business information resource in a city centre location (premises have been identified – unit is currently vacant). ORTUS was established in 1988 to actively promote sustainable social, economic and environmental regeneration by providing property and business development support. They are members of the Enterprise NI Network and deliver a range of business start and development programmes.**
- 2.5 The proposed dedicated business information point would be staffed on a full-time basis and provide pre-start, start up and growth zones allowing clients to obtain information and signposting. The first floor of the premises will also be available as a space to facilitate enterprise outreach sessions including ideas generation, meetings and showcase space for businesses in a prime city centre location.**
- 2.6 The resource could act as a signposting agent to the Council as well as other relevant bodies including: Invest NIRICS, NISP, HMRC, Advice NI, Banking sector, Labour Relations Agency, The Prince's Trust, UCIT/UNLTD, DEL, Universities and Colleges and HSENI**
- 2.7 The business information point could provide an opportunity for those providing business advice services and support to work on a partnership basis providing a comprehensive and effective service for potential entrepreneurs and businesses**

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in the city that is centred around the needs of the business – as opposed to the business having to seek out the support from a range of sources and across a number of locations.

- 2.8 Within the council, there is considerable support from Building Control to look at this proposal on a pilot basis with a view to improving the way in which the council interfaces with existing and would-be businesses and to developing flexible and targeted support services to address business growth issues.**
- 2.9 In order to minimise the risk to the council and to allow us to explore this approach, it is proposed that a partnership is developed with ORTUS to pilot this approach, sharing the financial commitment for the first year of the service. Progress will be reviewed on a regular basis and efforts will be made to bring on additional internal and external partners with a view to providing a comprehensive one stop shop for business information and support, in a city centre location.**

3 Resource Implications

3.1 Financial

The total cost for operating the unit for one year will be around £80,000. ORTUS have committed resources of £41,000 and have asked whether the Council could make a commitment of £39,000 towards staffing, fit-out and overhead costs. These resources can be made available within the council's enterprise support budget.

4 Recommendations

- 4.1 Approve the resourcing of a pilot business information point for one year, up to a value of £39,000 and to note the commitment to maximise the input from and referrals through to other business support agencies in the city and other council departments, in order to enhance the impact of this project."**

A number of Members suggested that, rather than agreeing to accede to the request submitted to provide funding towards the establishment of the information point, the Council might have undertaken its own research to ascertain the market demand for the service within the City. In addition, it was suggested that, in order to achieve best value for the Council, an expressions of interest exercise could have been undertaken. A further Member expressed concern that the amount requested within the report had not been supported with a detailed breakdown of the associated costs.

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Proposal

Moved by Councillor Reynolds,
Seconded by Councillor Hussey,

That the Committee agrees to defer, until its meeting on 17th September, consideration of the report to enable further detailed costs in respect of the request by ORTUS to be submitted for consideration.

On a vote by show of hands eight Members voted for the proposal and ten against and it was declared lost.

Further Proposal

Moved by Councillor Mac Giolla Mhúin,
Seconded by Councillor Maskey,

That the Committee agrees to adopt the recommendation, subject to the circulation to all Members, prior to the meeting of the Council on 2nd September, of a breakdown of the detailed costs in respect of the request by ORTUS.

On a vote by show of hands ten Members voted for the proposal and nine against and it was declared carried.

Belfast Tech Mission 2013

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 At the March 2013 meeting of the Development Committee, Members agreed to support a Council led trade mission for Belfast based digital and tech companies up to a maximum of £20,000, to the west coast of America.**
- 1.2 The Belfast Tech Mission 2013 is aimed at providing an opportunity for up to 20 companies to travel to San Francisco and San Jose to showcase and network with leading companies, investors and venture capitalists from the West Coast of America. The Mission is aimed at Belfast based Digital Media, Software and Hi-Tech IT companies who offer a globally focused product or service and are considering expansion or increasing sales and investment opportunities in the west coast of America.**
- 1.3 The Belfast Tech Mission is designed to showcase the new technologies and products currently being developed by**

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Belfast based companies and to promote Belfast as one of the leading digitally connected cities in Europe and a prime location for international investment.

2 Key Issues

2.1 The Belfast Tech Mission is led by the Council in partnership with Invest Northern Ireland and will take place from the 14 October–18 October 2013.

2.2 Due to the interest and scope of the project, additional funding has been secured from Invest Northern Ireland and the European Regional Development Fund (£40,000) to help support up to 20 Belfast based companies attend and to procure additional event management and business support on the ground in the United States.

2.3 The main aim of the mission is to:

- Increase the number of Belfast technology companies selling and doing business in the US.
- Increase the knowledge of Belfast Tech companies in what it takes to establish and secure VC funding in the US.
- Improving the business networks and partnerships with companies in Belfast and the US.
- Raise the profile of Belfast as an investment location and digitally connected city in the US.

2.4 The Council has been working in partnership with, Northern Ireland Chamber of Commerce, Northern Ireland Science Park and Digital Circle in the recruitment and promotion of the Belfast Tech Mission, and over 45 applications have been received.

2.5 A selection panel made up of key staff from Invest NI, Northern Ireland Science Park and the Northern Ireland Chamber of Commerce has been established to help score and select the applicants, with the selection of the final 20 companies to be completed by the 12 August 2013. Council officers are working closely with Invest Northern Ireland staff based in San Jose to develop and co-ordinate the itinerary which will consist of three key strands – business to business, civic and city and university programme.

2.6 The programme will consist of a series of parallel strands made up of 3 days of showcasing and one to one meetings for the participating businesses and those based on the West Coast, a civic and city programme between the Council and

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the City of San Francisco, Irish Technology Leadership Group (ITLG), City of Berkeley and the City of Portland and a University programme between Queen's, University of Ulster and the University of Berkeley. A draft itinerary is attached and additional details will be added once confirmed.

- 2.7 As requested by the Development Committee in March 2013, this report seeks approval for key Council staff to attend and participate on the mission. Due to the nature and scope of the mission and the additional resources confirmed for the project, it is recommended that the following representatives are in attendance.**

3 Resource Implications

- 3.1 Budget of £20,000 approved at Development Committee in March 2013. Additional financial support from Invest Northern Ireland and the European Regional Development Fund of up to £40,000 has been confirmed to support additional event management and business support on the ground in the United States.**

4 Recommendations

- 4.1 It is recommended that Members:**

- **Approve the attendance of the Lord Mayor, Chair and Deputy Chair of Development Committee (or nominees) and two Council Officers."**

The Committee adopted the recommendations.

Women in Business Awards 2013

The Committee was advised that the third Women in Business Awards ceremony would take place in the Culloden Estate and Spa on 21st November. The Director indicated that an opportunity existed for the Council to sponsor, at a cost of £3,000, the 'Best Small Business' category at the event. He outlined the benefits which the Council would accrue should it agree to sponsor the award, which included significant publicity and the promotion of the Council's role as a supporter of small businesses in the City. He added that the sponsorship package would entitle the Council to avail also of a number of free places at the ceremony and he recommended that the Committee authorise the expenditure as outlined.

The Committee agreed to sponsor the 'Best Small Business' category at the event at a cost of £3,000.

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Accessibility Support

The Committee was reminded that, at its meeting on 4th December, 2012, it had agreed to commence a tendering exercise, to a maximum value of £25,000, to appoint a suitably-qualified organisation to provide City centre accessibility services for the Council during the financial year 2013/2014. It was reported that, subsequently, Shopmobility Belfast had been appointed by the Council to deliver the service.

The Director reported that one of the key components of the procurement exercise had been a condition that tenderers would submit also an evaluation report on the level of support required to enhance accessibility within the City and to establish a framework to collect and monitor information in this regard. The Director outlined the principal findings of the report which had been submitted by Shopmobility Belfast and recommended that, in light of the development of the Belfast City Access Strategy, together with the requirement to address further the full range of accessibility requirements within the City, the Committee would agree, in principle, to allocate a sum of £25,000 to support City centre accessibility services in 2014/2015 and 2015/2016.

The Committee noted the information which had been provided in respect of the procurement exercise for 2013/2014 and agreed, in principle, that a sum of £25,000 be allocated to support City centre accessibility services in 2014/2015 and 2015/2016.

Department Capital Projects – Update

The Committee noted the contents of a report which outlined the progress which had been achieved to date in respect of the various capital programmes for which the Department had assumed responsibility under the Investment Programme.

Renewing the Routes – Update

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 The ongoing Renewing the Routes Programme has delivered local regeneration projects at targeted locations across the arterial routes of Belfast since 2004. The Programme has facilitated the investment of approximately £6.5 million across these key routes and neighbourhoods.**
- 1.2 The purpose of this report is to provide updates and seek approval for a number of proposals linked to the ongoing programme. The updates are in respect of:**
 - Progress of works under our current agreed programme in Ormeau and Newtownards Roads**
 - Progress on the development of the DSD funded local regeneration programme on Lower Ormeau incorporating Cormac Street and Newtownards Road**

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- 1.3 Following on from the programme approved in February 2012, Committee support is sought in relation to the proposed local regeneration action plans for Andersonstown Road and Oldpark Road.
- 1.4 The support of the committee is also sought in relation to the approval of continued partnership working with Belfast Regeneration Office (BRO) and Department for Social

2 Key Issues

2.1 Newtownards Road Update

The commercial improvement programme is the main emphasis of work on the Newtownards Road (from Bridge End to Witham Street). The Newtownards Road scheme is being delivered in two phases, the Council funded programme (£150,000) with over 40 units signed up for cosmetic updates is due for completion in Autumn 2013; and the DSD funded programme (£155,000) covering approximately 30 further businesses carried out in the period up to the end of March 2014. As part of the wider local regeneration activity on the road, a number of vacant sites have been identified and council is working with local stakeholders and statutory partners in developing projects to address the issues presented by the underutilised areas.

2.2 Ormeau Road Update

Work on the commercial improvement programme is underway on Ormeau Road (from Ormeau Embankment to Ravenhill Road Roundabout) with 35 properties participating in the improvement programme. The work to the commercial properties will be supplemented by environmental improvement schemes have been agreed with some of the road's prominent buildings including Ballynafeigh Orange Hall and Ballynafeigh Community Development Association.

2.3 Proposed Regeneration Action Plans for 2014/15 Programme

Since approval in February 2012, work has continued on the development of plans for the agreed target areas. Extensive scoping and engagement work with relevant statutory and community contacts, including elected representatives for the area was carried out as part of the plan development process. This activity has informed the development and prioritisation of the local regeneration work summarised in the regeneration action plans included with this report for

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endorsement by committee. The proposed plans also identify a longer list of additional projects that could form the basis for further work should increased resources become available (through external sources currently being actively pursued with potential project partners) or modifications are required for existing plans.

2.4 The key common themes emerging from the scoping work with local Councillors and stakeholders were identified as:

- *Environmental improvements* - major issues facing the routes are dereliction or under used property and often poor general environments; requiring action to ensure improvements that can complement other developments;
- *Heritage* – the roads contain elements of historical or cultural significance that offer the opportunity to develop these local assets through architectural lighting, interpretive signage and heritage projects;
- *Commercial improvements* – focus areas have been identified along the routes; the areas are hubs of activity with local shops, services and facilities serving the community. The commercial improvements will focus on improving the environment within these areas for residents, businesses and visitors;
- *Environmental works* - Targeted and sustained clean-up and graffiti removal campaigns working with local groups;
- *Collaborative work* - essential in maximising finite budgets, particularly with a joined-up approach to external funding opportunities with statutory agencies. The underlying objective is to maximise the impact of the Council's own contribution through internal joint working and external partnership opportunities alongside community safety, parks and leisure, economic development, building control, tourism and the arts and cleansing services.

2.5 Members will note the relevant area and Regeneration Action Plans for the Andersonstown Road (Stewartstown Road) and Oldpark Road are appended for consideration. The additional longer list of projects is also provided for information and as a guide to the potential for further activity should additional resources become available.

2.6 The approved Oldpark node runs from Torrens Avenue to Cliftondene Crescent. However, feedback from our consultations highlighted the potential for collaboration between the council's programme and the proposed BRO Public Realm Environmental Improvement scheme

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scheduled for 2015. Scoping work and consultations have identified units outside the approved node that could be improved under the 2014/15 programme which would not be part of the DSD PREI scheme.

- 2.7 On the basis of the further consultations with BRO the scoping activity was reviewed to explore the potential to take forward both commercial and environmental improvements between Oldpark Ave and Cliftondene Crescent. Whilst this approach would slightly extend the node and require the council to work on up to 5 additional units, it was considered that if approved the package of works could be successfully completed for the expanded node area. The project estimates indicate that the additional work would be accommodated within the current budget of £150,000 and if included would ensure that the whole route from Crumlin Road would benefit from environmental improvements on completion of the council and BRO initiatives.

2.8 Ongoing collaboration with DSD: Update on Cromac Street/Lower Ormeau Road and Newtownards Road

Construction work is due to commence in the autumn for the DSD funded units on the Newtownards Rd (Bridge End to Albertbridge Road). The initial condition survey for the Newtownards Rd is complete and proposed designs have been agreed. Consultation with shop owners will be undertaken over the next few months. The Council team will continue to work with owners/tenants to agree final designs for the properties.

- 2.9 The design team is currently being commissioned for the Cromac Street/Lower Ormeau Road programme (from Cromac Street to Stranmillis Embankment). The traders have responded positively to the proposed commercial improvement programme and it is anticipated works will commence in early 2014.

2.10 Joint working with DSD

On 21st May 2013, the committee supported a proposal for partnership working with DSD's Belfast Regeneration Office (BRO) for Newtownards Road and Lower Ormeau incorporating Cromac Street on the basis of a funding offer from BRO of an additional £310,000. The Department for Social Development has recently approached the Council to explore the potential of partnership activity at Woodstock Road.

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- 2.11** The request from BRO is that the Council assist with the development of a commercial improvement programme covering properties on Woodstock Road (Beersbridge Road up to Loopland). Members will be aware that the council recently completed a partnership project with the DSD for the Woodstock Link, which is a section of Node 1.
- 2.12** The Department has requested initial development proposals outlining works and associated costs for additional regeneration works beyond the scope of the council's current Renewing the Routes programme. The Department has confirmed that all costs associated with the commercial improvement programme will be covered by their BRO budgets. Approval is therefore sought from Committee for staff assistance in the development and delivery of the potential complementary commercial regeneration projects.

3 Resource Implications

- 3.1** There are no additional resource implications arising from the proposed assistance to the joint working projects with DSD in the development and implementation of an environmental/commercial improvement projects for Woodstock Road.
- 3.2** The Department has confirmed that all capital costs associated with the commercial improvement programme will be covered by BRO's budgets and permission is being sought from Committee for staff assistance in the development and delivery of the commercial regeneration projects.

4 Recommendations

- 4.1** Committee is requested to:
- To note the ongoing work in relation to the current programme on Ormeau Road (Ormeau Embankment to Ravenhill Road roundabout) and Newtownards road (Bridge End to Witham Street);
 - Endorse the proposed Renewing the Routes Regeneration Action Plans for the 2013/14 programme on Andersonstown Road (Hillhead Crescent to Suffolk Road) and Oldpark Road (extended area from Oldpark Ave to Cliftondene Crescent).
 - To note the progress with the DSD funded local regeneration programme on Lower Ormeau Road incorporating Cromac Street and on Newtownards Road

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- **To approve staff assistance in the development and delivery of a DSD funded environmental/commercial regeneration improvement programme for Woodstock Road as detailed in paragraph 2.11”**

The Committee adopted the recommendations.

Lagan Canal Improvements – Request for Support

The Committee was reminded that the Council, in conjunction with Castlereagh Borough Council and Lisburn City Council, had, in 2007, established the Lagan Rural Partnership in order to secure funding from the Northern Ireland Rural Development Programme to redevelop the Lagan Canal. The Director informed the Committee that a further application for assistance under the programme, which had been led by Castlereagh Borough Council, had been successful. He reported that the finance secured would enable enhancement work to be carried out to allow for the installation of bike docks at the Malone House, the Clement Wilson Park and the Sir Thomas and Lady Dixon Park. Accordingly, he reported that Castlereagh Borough Council had requested a contribution of £9,475 from the Council towards the cost of the installation of interpretative panels and bike docks at those sites within the Council boundary.

The Committee acceded to the request.

International Marketing Framework

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 Members will be aware that one of the key commitments in the Council’s Investment Programme 2012- 2015 is that the Council will work with city partners to promote Belfast proactively on the international stage to attract trade and investment, increase visitor and student numbers and build the networks necessary to support growth.**
- 1.2 Within Belfast, the Council is one of many city stakeholders with established connections across the world for a range of purposes. All of the city’s key stakeholders engage internationally to market their product and develop supportive relationships. There is considerable scope to co-ordinate the international promotional efforts within Belfast between stakeholders so that the city is presented positively, consistently and effectively. In order to win new investment, attract talent and visitors, push forward our indigenous businesses and connect our communities to the world, Belfast must present a united proposition that enables all stakeholders to fulfill their own goals - in short, city**

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stakeholders must speak to the world as one city, with one voice.

- 1.3 Over the last year work has been undertaken to develop a draft International relations framework that seeks to shape how city stakeholders can work together in a stronger and purposeful way to maximize the economic impact for Belfast as a whole. Following extensive research and analysis, stakeholder engagement and feedback from Committee and political parties, this report sets out the process adopted, the proposed market segments and the key geographical locations considered appropriate for Belfast. Further consultation with stakeholders is required to refine the targets and joint projects within the detail of the Action Plan which will follow formal adoption of the Framework by Council.

2 Key Issues

- 2.1 During the last year significant consultation with over 20 key stakeholders has been undertaken to establish the international relationships that city stakeholders are already engaged in, to generate a common understanding of what Belfast has to offer and to identify opportunities to build on existing relationships. Based on this consultation, a draft international relations framework to position Belfast as a strong, attractive and competitive destination of choice for those who trade, invest, visit and study. This was initially considered by Committee in May 2013 and subsequently was discussed through party briefings. The appended Framework is now the proposed revised version following the political parties' feedback.
- 2.2 The feedback from Committee and party briefings highlighted
- the need for a prioritised and focused approach;
 - the inclusion of UK and Ireland links;
 - a short-term action plan for the period 2013-2014; and
 - an assessment of the potential to reignite Friends of Belfast
- 2.2 In summary, the proposed aims of the International Relations Framework are as follows:
- To maximise economic return of development for Belfast.
 - To increase the economic benefits of marketing Belfast internationally.

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2.3 The following objectives are proposed to help increase the economic benefits of developing a city-wide approach to proactively market Belfast internationally:

- Deliver increased economic return to Belfast through collaborative international promotion.
- Develop meaningful international partnerships and civic relationships to support Belfast's growth.
- Promote the attractiveness of the city for business, education and tourism.
- Create the optimum mechanisms for international promotion of Belfast.

2.4 The framework sets out:

- targets for each of the three primary market segments – trade and investment, tourism, education & learning; and
- key actions for each of the geographical target areas - China, Europe, India, North America.

2.4 An outline action plan is appended for the period 2013 – 2015, which builds on the baseline work already undertaken. It furthermore identifies the suggested role of Council as a co-ordinating partner and presents proposed priority actions for Council at this stage. Joint Projects emanating from other stakeholders have yet to be added to this plan which will occur during the next phase of consultation.

2.5 Proposed outcomes and annual targets for BCC are outlined in the Framework, focusing on Business & Leisure Tourism, Education, Learning & Talent and Trade & investment. This includes longer term outcomes and annual targets which will be achieved most effectively by Council working with key stakeholders in the delivery of the Framework. As the regional driver, Belfast has a key role to play in helping to deliver a number of regional targets; however, it is important to recognise the targets and longer term outcomes need to be agreed with city stakeholders as they can only be achieved in partnership.

2.6 To help deliver on the targets for this year with respect to the current International Relations Framework, the following results have been achieved to date:

General: Development of the Framework and relationships

- Held stakeholder workshop with Lord Mayor
- Carried out stakeholder analysis

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- Produced first International Belfast newsletter
- Joined NI Connections Diaspora
- Produced a shared International calendar with stakeholders
- Connection made to promote Belfast through HMS Duncan
- Developed Belfast civic welcome programme format

China

- Facilitated and supported Chinese New Year including
 - Lantern display at City Hall
 - Economic Conference
 - Fashion Show
 - Chinese Cultural day at Ulster Hall
- Produced China briefing
- Held stakeholder workshop
- Reviewed Sister City relationship with Hefei

India

- Secured and hosted Global India Business Meeting
- Developed GIBM programme and secured 300 delegates, 20 investment leads and 50 local companies connected to Indian opportunities
- Delivered 40 plus India in Belfast week events
- Delivered GIBM and India Week communications plan
- Undertook study visit to India
- Produced India country briefing
- Held 2 India stakeholder workshops
- Hosted Mumbai VIP on renewable energies

USA

- Undertook mission to Nashville, South by South West and Austin
- Reviewed Friends of Belfast network
- Produced country briefing
- Exploring September cultural/tourism visit to NYC
- Planning October trade mission to California
- Consulted with stakeholders

Europe

- Ongoing lobby to maximise EU funds for Belfast 2014-2020
- Leading on NI European Regional Forum in Europe

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- Re-established cooperation links with Dublin, Liverpool, Glasgow and Edinburgh

2.7 Sister Cities

Reviewing and fully utilising the civic and sister city relationships that already exist has formed part of the development of the Framework. Members will be aware that BCC has a sister city relationship with Nashville, USA and Hefei in China. Sister cities relationships provide a formal civic link between Belfast and that city. In order to make it meaningful there needs to be actions attached to each relationship to deliver results for Belfast. At this point, it is considered valuable to continue developing the sister city link with Nashville given its importance in the creative industries and especially the music sector.

- 2.8** Hefei in China has always been a more difficult sister city link to develop and achieve tangible results. Strenuous efforts have been made to deliver trade and investment from this relationship and specific programmes of work have been put in place, however, securing a meaningful result in the short term remains a challenge. The Local Chinese Chamber of Commerce are still committed to Hefei and one of their members has recently been appointed by Hefei City Government as a special envoy to promote the relationship. This means that it may be difficult to withdraw fully from the relationship without causing offence. Our latest analysis would indicate that it would be more fruitful to develop a new relationship with Shenyang in China, which is the region visited last year by OFM/DFM, QUB, UU, Belfast Met, Invest NI and Bombardier. Exploratory work is underway to assess the full value of a formal link with Shenyang.

2.9 N. Irish Connections (NIC) Belfast Connections:

Council is now a member of the newly established N. Irish Connections body, which is a company set up under the auspices of Invest NI to link to Diaspora throughout the world. The work programme encompasses the creation of an active database of persons from NI, and persons with an interest in NI; the hosting of in market events to bring the Diaspora together to ask for their help in attracting investment and opportunities for NI and the establishment of the Diaspora network as an international marketing tool.

- 2.10** As a member of this network, Belfast has access to the named contacts and can be part of events and communications for specific promotional purposes.

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Members asked that consideration be given to the reconvening of the Friends of Belfast network, which existed from the late 90s as a social capital network of business people, academics, political and community representatives with an interest in supporting the regeneration of Belfast. Whilst some of the original Friends of Belfast network members are still in contact with Council there is a need to refresh and relaunch a meaningful network aligned with our current objectives and priorities in the Investment Programme. It is considered that this can best be achieved by developing a 'Belfast Connections' subset within the NIC network. This will avoid duplication and confusion and ensure that Belfast has a specific identity of its own which links to NIC contacts with a particular interest in Belfast. Such a Belfast Connections network can be sustained with minimal cost if we are part of the wider NIC network albeit separate resources would be required for specific Belfast Connections events and marketing activity.

2.11 City Marketing

It is clear from the research, which has been undertaken, that each of the organisations involved in the marketing of the city tend to do this independently of each other. The marketing of the city has developed organically rather than through an integrated marketing strategy. Each organisation focuses on their own perception and experience of Belfast using their own narratives, communication channels, target audience and brands.

2.12 The development of the International Relations Framework demonstrates there is a high level of commonality in terms of the geographical locations where stakeholders are actively promoting the city and it is evident that there is the potential for more effective promotion and greater benefit if the city had a collective narrative and a brand which is understood and owned by all the city's stakeholders.

2.13 There is strong evidence that cities with a clear narrative, strong brand and a coherent city marketing strategy are successful in attracting investment, visitors and global talent. Such cities include New York, Berlin, Barcelona and closer to home, Manchester, Edinburgh and Dublin.

2.14 There is an urgent need for the city to develop an Integrated City Marketing strategy, which includes:

- The development of a city narrative, which is agreed by all stakeholders.

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- A refreshment of the City Brand ensuring it reflects the city's ambitions, its values and narrative, which is collectively owned by the city's stakeholders.
- Agreed target audiences, product development priorities, marketing materials and communication channels, including a strong digital, on-line presence.
- Agree the optimum structures for co-ordinated marketing of the city.

2.15 The necessary resources or expertise to develop a city marketing strategy is not available in-house. It is, therefore, proposed that the Council engage the services of a City Marketing specialist to support the development of such a strategy. It is recommended that a stakeholder steering group is set up to oversee the development and implementation of the strategy under the chairmanship of the Council's Chief Executive.

3 Resource Implications

3.1 Members have agreed a budget of £80,000, in the current financial year, for international relations, as well as a £150,000 budget specifically for the Global India Business Meeting.

3.2 Currently international relations work is being undertaken by staff within the European Unit. .

3.3 The cost of developing an International Marketing strategy should not exceed £50K and will be met from the existing City Development budget.

4 Equality and Good Relations Considerations

4.1 There are unlikely to be any Equality and Good Relations issues attached to this report, although the International Relations Framework is currently undergoing equality screening.

5 Recommendations

5.1 It is recommended that Members:

- i. approve the International Relations Framework for Belfast and the associated action plan;

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- ii. agree to continued engagement with key city stakeholders and the approach to Belfast's sister city relationships with Nashville and Hefei;
- iii. Agree to the employment of a City Marketing specialist to support the development of a City Marketing strategy to include the elements set out in Paragraph 2.14 of this report;
- iv. Agree to the setting up of a stakeholder steering group chaired by the Council's Chief Executive.

The Committee adopted the recommendations and approved the contents of the Framework, a copy of which was made available on the Council's Mod.gov website.

International Relationship with China

The Committee considered the undernoted report:

"1 Relevant Background Information

- 1.1 The purpose of this report is to provide an update on international marketing opportunities that have been identified there. Key future actions are outlined for consideration and approval.
- 1.2 The implementation of our Investment Programme and commitment to develop an International Relations Framework provided the impetus to explore international marketing opportunities in China. This included a review of our Sister City relationship with the city of Hefei which BCC signed a Sister Cities Agreement with in 2005.
- 1.3 This agreement committed our two cities to a number of actions in relation to business development and investment, education and training. BCC's outward visits to Hefei provided local companies with opportunities to link up with counterparts there and a cultural delegation also participated in Chinese New Year celebrations.
- 1.4 Visits from Hefei to Belfast included student delegations and visits from officials who have been interested in learning about infrastructural developments such as Titanic Quarter and North Foreshore, the Waterfront, our cultural tourism offer and care for the elderly. The last visit from Hefei officials took place in September 2012.
- 1.5 However, our relationship with Hefei has not yielded anticipated results. Research and exploration of international marketing opportunities in China have identified other more

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beneficial activity for our city to engage in. Findings to date are detailed in the following section.

2 Key Issues

- 2.1 Over the past 8 months relationships have been developed with a number of key stakeholders who have provided advice and guidance on international marketing activity and who have helped identify potential opportunities for our city. Stakeholders have advised that China is a very political country and that ‘Guanxi’ must develop to build relationships and this can only be done over time. There are no quick wins in China and a 5 year strategic plan has been recommended with a reasonable budget. Branding and communication also need to be considered with Belfast as the economic driver of the region. A plan of proposed actions has been developed with stakeholders.**
- 2.2 Stakeholders have also highlighted the importance of understanding culture, language and customs. Support for cultural learning has been offered by the University of Ulster’s Confucius Institute. The Institute can provide workshops for staff and Councillors as well as an opportunity for one or two people to take part in a study visit to Shanghai or Beijing. A Shanghai based company headed by Stephen McCartney (originally from Northern Ireland) has also offered a week long placement with his company to support cultural learning as well as the opportunity to develop contacts. Both organisations offer financial support to cover costs.**
- 2.3 Support is also welcome for local activity promoting Chinese culture such as Chinese New Year. We have worked closely with the Chinese Welfare Association (CWA) and Chinese Chamber of Commerce to help co-ordinate a very successful Chinese New Year in 2013. Support and guidance has already been given to help with plans for 2014 and the CWA will present outline ideas to BCC for the 2014 Chinese New Year Celebrations by the end of September.**
- 2.4 The Northern Ireland Tourist Board (NITB) has shared recent reports concerning the unprecedented growth of outbound travel from China and the potential for our city and region to attract Chinese visitors. It is recommended that this should be a focus of our international marketing activity for the 2014 Chinese New Year programme.**
- 2.5 In relation to Hefei, it has been recommended that we retain our Sister City relationship. An invitation has been received**

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for 1 – 3 representatives to attend a Sister Cities Seminar from 28 October to 2 November. All expenses in Hefei will be covered including seminar attendance, hotel, meals, local transportation and a tour of the city. Flight costs need to be paid by ourselves. In 2014 our link with Hefei can be maintained by providing relevant contacts for local artists who have been invited to hold an exhibition in the city's art museum. However, the extent of our involvement with this city needs to be balanced to reflect other opportunities that are opening up for Belfast and the level of resources required.

- 2.6 Opportunities have been identified to strengthen and consolidate the relationship between Belfast and the city of Shenyang. Both Queens University Belfast (QUB) and Bombardier have long established relationships with this city at political business and education sector levels. Negotiations are currently underway for QUB to establish a medical campus there.**
- 2.7 Last month Councillor Reynolds had the opportunity to visit the Foreign Affairs Office and Mofcome in Shenyang. A number of similarities between our cities were identified. Shenyang is expanding its public sector work in areas of tourism, finance, care for the elderly and education, and the city is open to technical co-operation with potential UK companies. A number of actions were proposed:**
- The Lord Mayor of Shenyang could visit Belfast during his UK visit in September/October and is interested in meeting relevant Belfast businesses.**
 - Companies from Belfast are invited to participate in an IPR conference in Shenyang to be held on 25 and 26 September.**
 - Co-operation and joint project working between creative design companies is welcome.**
- 2.8 The China Britain Business Council (CBBC) helped to facilitate meetings in Shenyang for Councillor Reynolds. CBBC provides an excellent service to organisations wishing to build relationships and do business in China and have requested that BCC joins as a member. The cost of joining is normally £3,100; however CBBC has offered access to their services for 15 months for the same fee with the opportunity to agree specific objectives and deliverables with them.**
- 2.9 A productive relationship has also been built with Stephen McCartney, Chief Executive of SIP Engineering based in Shanghai who is keen to work with us to promote business**

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and other opportunities between Belfast and China. Stephen has committed to bring together a group of business associates in Shanghai who are originally from NI and who are keen to lend support. He has offered to provide links to relevant contacts in Shanghai and to help with a financial contribution for this. We have made links for Stephen with the newly formed NI Connections.

- 2.10 The International China Investment Forum (ICIF) is also interested in carrying out a site visit to Belfast to assess the potential for our city to host a future meeting of the Forum. ICIF's objective is to assist Chinese companies to invest abroad, to create business and trade opportunities for host countries.
- 2.11 It has also been recommended that BCC plays a part in welcoming and receiving visitors from China to help profile our city. Staff from QUB recently accompanied a delegation of students from the university of Jilin (one of China's top ten universities) to visit the Lord Mayor. Feedback has been extremely positive and students will return to their city as ambassadors for Belfast which will help to promote our city as a place to live, work and study.
- 2.12 The Northern Ireland Chamber of Commerce is also interested in working with us on export related activities, and opportunities for joint working are now being explored for the Chinese market.

3 Resource Implications

- 3.1 Funding to support actions will come from the agreed international budget.

4 Recommendations

- 4.1 It is recommended that Members approve the following key actions:
- To focus resources on Shenyang by hosting the Mayor of Shenyang in September/October and working with stakeholders to establish relevant meetings and exploring opportunities for co-operation between creative design companies in Belfast and Shenyang.
 - To liaise with Invest NI, Northern Ireland Chamber of Commerce, Institute of Directors and Confederation of British Industry to inform their clients of the opportunity to participate in the Shenyang IPR conference in September which can be facilitated by the CBBC.

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- To access support from CBBC via Invest NI (who are members) in the first instance and to review membership at a later stage depending on the level of support needed.
- To maintain our Sister City relationship with Hefei and consider invitation for representatives to attend the Sister Cities seminar in Hefei 28 October to 2 November 2013. In 2014 our link can be maintained by providing contacts for local artists to exhibit their work in Hefei museum of art.
- To support visits to Belfast for visiting teachers, professors, students and businessmen etc offering a tour and tea at City Hall and the chance to meet with the Lord Mayor.
- To work with Tourism Ireland, Northern Ireland Tourist Board and Titanic Belfast to focus on tourism as our international dimension for Chinese New Year 2014.
- To engage Councillors and staff in workshops on culture, etiquette etc and explore potential to participate in study visit offered by the Confucius Institute.
- To develop and agree a budget and resources to take work forward over the short, medium and long term.
- To bring together a second meeting of the China stakeholder group.
- To explore the opportunity to host the International China Investment Forum in Belfast.
- To explore opportunities for joint working with Northern Ireland Chamber of Commerce on export related activities."

The Committee adopted the recommendations.

HMS Duncan – Affiliation to Belfast

The Committee was reminded that, at its meeting on 19th September, 2008, the Strategic Policy and Resources Committee had agreed to accept an invitation for the Council and the City to become formally associated with the HMS Duncan, one of the Royal Navy's Type 45 Destroyers. It was reported that work on the ship had now been completed and the Council had received an invitation to attend the formal handover ceremony, which would take place in Portsmouth on 26th September. The Director outlined the promotional and marketing activities which would be undertaken to promote Belfast at the event and, given the significance of the City's maritime heritage, he recommended that the Committee agree to authorise the attendance at the event of the Lord Mayor, the Chairman of the Strategic Policy and Resources Committee, together with the Director (or their nominees).

Moved by Councillor Maskey,
Seconded by Councillor Ó Donnghaile,

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That the Council agrees not to be represented at the handover event for HMS Duncan.

On a vote by show of hands seven Members voted for the proposal and twelve against and it was accordingly declared lost.

Accordingly, the Committee agreed to adopt the recommendation of the Director.

Belfast in Rio

The Director informed the Committee that Rock in Rio was one of the world's largest music festivals and would take place in Rio de Janeiro in September. He indicated that an opportunity existed for Belfast's music industry to be promoted at the event through a new partnership which had been established between Visit Britain and the organisers. He reported that a key element of that agreement had been the creation of 'Rock Street', which would showcase bands and promote music from throughout the United Kingdom.

The Committee was advised that Belfast and Northern Ireland would be represented at 'Rock Street' and, accordingly, a number of locally themed events had been proposed. These would include performances by Belfast bands and the promotion of Belfast Music Week. The Northern Ireland Bureau, which acted as the lead partners on the initiative, had confirmed financial support of up to £6,000 towards the event, whilst Tourism Ireland had agreed to sponsor a competition, with a first prize of a return trip to Belfast Music Week. The Director reported that the Council had been requested to make a contribution of £2,000 to assist in promotion and branding.

The Committee agreed to contribute £2,000 towards the event for the purposes outlined.

Sister City Initiative - Nashville

The Committee considered the undernoted report:

"2 Key Issues

- 2.1 The programme of civic meetings included Mayor Dean of Nashville, Music City Council, Metro Council, Warren Center for the Humanities, Curb Centre for Art, Enterprise and Public Policy, Nashville Convention Bureau and meetings with the Director of Economic and Community Development and Sister Cities.**

Outputs from the visit are as follows:

- Following an invitation from the Council Elected Members, a delegation of up to 15 industry professionals, elected officials and community members have confirmed attendance at Belfast Music Week (13–17 November**

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2013). There is further potential for Mayor Dean to attend with the confirmed Metro Council Members. Members will be aware that Belfast Music Week, which included over 250 events in 70 venues, had an economic impact of over £2.08 million for the city and is a celebration of local bands and venues, featuring live music performances, workshops, seminars and networking events.

The delegation will include the following who will deliver industry programmes:

1. Randy Goodman, Co-Chair (with Mayor Dean) of the Music City Council and former Global President of RCA Records with key US industry representatives from the Music City Council including Ken Levitan, founder and president of Vector Management (Kings of Leon and Emmylou Harris). The Music City Music Council is an association of business leaders charged by Mayor Karl Dean with developing strategies toward heightening the awareness and development of Nashville as a global music city and is a partnership between the Nashville Mayor's Office, the Nashville Area Chamber of Commerce and the Nashville Convention & Visitors Bureau. This includes the development of creative enterprises, publishing, artist development, technology, media and cultural tourism.
2. Key representatives from Google and YouTube to present Google for Creators, an initiative to empower cultural industries to better create, expose and promote their art, build bigger audiences and monetize content.
3. Nashville Industry businesses who support creative and cultural industries both in traditional and technology infrastructure. Further outputs include:
 - Queen's confirmed a plan to host a festival of creativity of the Creative Arts and Collaborative Humanities in relation to linkages between the two universities. This includes cultural tourism products developed in partnership with Belfast City Council, including the new Belfast Soundwalks project linked to Literary Belfast, Dept of English, Sonic Arts Research Centre, through the Institute of Collaborative Humanities.
 - New Creative Industry linkages with the Nashville International Film Festival who will include a Belfast premiere in their 2014 programme.

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3 Resource Implications

- 3.1 A cost of no more than £5,000 for a Civic Itinerary for the delegation and reception at Belfast City Hall to be found within the Tourism, Culture and Arts 2013/14 budget.**

4 Recommendations

It is recommended that Members:

- **Receive a presentation from the Co-Chair of the Nashville Music Council**
- **Approve Officers putting together a Civic Itinerary for the delegation and to host a reception at Belfast City Hall at a cost of no more than £5,000**
- **Approve including key partners such as the US Consulate, DETI, DCAL, Invest NI, Arts Council NI, Creative and Cultural Skills, Visit Belfast, NITB and Tourism Ireland to ensure a joined up approach in relation to positioning Belfast as a Creative and Cultural City.**

The Committee adopted the recommendations.

Giro d'Italia 2014

The Committee was reminded that Belfast would host the opening stages of the Giro d'Italia in May, 2014. It was pointed out that the international launch of the event would take place in Milan on 7th October. The Director reported that an invitation to attend the ceremony had been extended by the Mayor of Milan to the Lord Mayor.

The Committee agreed that it be represented at the event by the Right Honourable the Lord Mayor (or his nominee) and that one officer would be authorised to attend also.

Belfast Community Investment Programme – Update

(Mrs. C. Taggart, Community Services Manager, and Mr. C. Campbell, Principal Solicitor, attended in connection with this item.)

The Committee considered the undernoted report:

“1 Relevant Background Information

1.1 This paper is to seek Members' approval for:

- **A revised governance structure for the Belfast Community Investment Programme (BCIP)**

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- The approach to be taken in the provision for Community Services grant aid for the period 2014 to 2015.
- 1.2 The *'Building Better Communities - Belfast Community Investment Programme'* (BCIP) began in 2012 as a joint project between the council and DSD to create a single £5.4 million community development fund for Belfast. Under the original plan BCIP would have opened for applications in October 2013 and make awards for the period 2014 to 2015.
- 1.2 At Development Committee on 25 March 2013 Members approved a draft BCIP programme as a basis for public consultation and asked officers to prepare:
- A draft equality impact assessment on the proposal (EQIA);
 - A report considering the approach to budget allocation; and
 - Finalised materials for the public consultation to begin in May 2013.
- 1.4 Following this meeting (and reflecting concerns raised by a number of community organisations regarding the BCIP timeline) it was agreed there was not sufficient time to deliver the project by 2014. As a result DSD recommended to their Minister in June that DSD withdraw as a joint partner in the project. This was based on the argument that, by moving BCIP's start date to 2015 the project had become a transfer under RLG and was thus the sole responsibility of council.
- 1.5 A paper explaining the situation was presented to Development Committee on 23 April. A subsequent options paper in June provided Members with alternative timelines for the implementation of BCIP. Members approved April 2015 as a revised timeframe for delivering BCIP, while noting that resourcing for the option was still a matter of discussion between council and DSD.
- 1.6 It was also brought to Members' attention that all of council's existing grant schemes for community development are scheduled to end in March 2014 and were due to be superseded in 2014 by BCIP. However, with BCIP's start date being deferred, interim arrangements now have to be established for the financial year 2014 to 2015.
- 1.7 At June 2013 Committee, Members agreed to receive a further paper in August once officers had discussed the issues with Legal Services.

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2 Key Issues

2.1 The key issues considered below are:

- The revised governance arrangements for the BCIP project
- Implications for 2014/15 grant awards

2.2 Revised governance arrangements

As BCIP is no longer a joint DSD/Council initiative the project's governance structure will need to be reconstituted as a council-only project. A new project board will be established comprising appropriate Council officers.

2.3 As Members will note that, given its fairly unique position in being one of the earliest transfers under LGR, and the fact that it includes a significant re-design of a function, the BCIP project presents a microcosm of the much larger project around the transfer of functions. It is suggested that this learning will continue to prove invaluable to other parts of council over the coming weeks and months. Consequently it is proposed that the council's Programme Managers for LGR and for the Development Department are both given reference status on the board. In addition it is proposed an observer from DSD's Reform of Local Government Business Continuity Unit also be invited.

2.4 The original project steering group included a representative from the community and voluntary sector, Avila Kilmurray from CFNI. Unfortunately due to other pressing time commitments Dr Kilmurray resigned from this role. Feedback from the sector was that a single representative was not adequate and far from best practice. Consequently, it is proposed that consideration be given within the new project governance structure to establish a "reference panel" made up of representatives from the community and voluntary sector. No such structure currently exists within Belfast and Members may wish to consider if there may be merit in its development for other aspects of council's work (e.g. community planning, area working groups etc). It is proposed that an options paper be brought to a future Committee meeting.

2.5 Political reporting structure: As a result of the revised timeframe of April 2015, BCIP will be implemented across the new Belfast local district area which will then include the transferring areas of Lisburn and Castlereagh. BCIP is a

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design and transfer of function and there are specific implications for the areas of Castlereagh and Lisburn councils merging into Belfast. Consequently, it is likely that once established, the BCIP project board will need to seek political approval from the Statutory Transition Committee (STC) rather than Development Committee.

- 2.6** As the STC has not yet been established the Strategic Policy and Resources Committee will oversee the strategic business of the Reform of Local Government, (RLA) and given the time-critical nature of decision-making around BCIP, it is recommended that, as an interim arrangement, approval is sought from this Committee with the expectation that decision-making around the project moves to the STC later in the year once its processes are fully established.
- 2.7** Development Committee will continue to receive update reports on the project.
- 2.8** Implications for existing grant funding 2014/2015
- Given that BCIP will not now be introduced until April 2015 both Council and DSD will need to consider the management of its existing community development grant schemes. These are all scheduled to end in March 2014 and, without BCIP in place, an interim measure will have to be established to bridge funding for the community and voluntary sector for 2014 to 2015. DSD will need to establish its own solution for community development funding under both Neighbourhood Renewal and its Community Investment Fund.
- 2.9** Informally, DSD officers have suggested that BRO and VCU are likely to extend their current contracts for Neighbourhood Renewal and the Community Investment Fund over the same period. It will be important for council and DSD to continue to co-ordinate the communications around these extensions. the council will be emphasising that the 2014/15 arrangements are in preparation for BCIP for 2015. We will be encouraging DSD to do likewise.
- 2.10** Within council, meetings have taken place with Legal Services to discuss the options available and, in particular, the viability of extending our own grant schemes for a further twelve months. (These funding streams include the Capacity Building Grant programme, the Revenue grant for community facilities, the City's Advice Services funding to the 5 local consortia and our Small grants funding.

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- 2.11** From discussions regarding the rolling forward of the existing large grant programmes, Legal Services have advised that in order to mitigate the possibility of any challenge to Council on the grounds of openness and transparency a limited open call is run for the Revenue grant only given this has not been open for a number of years.
- 2.12** In consideration of this advice the proposal is to:
- Roll forward the current funding arrangements with regard to Advice, Capacity and Revenue for 2014/15. Any extension will be subject to normal monitoring requirements and the submission of appropriate work programmes.
 - Ongoing management of the Small grants programme (which includes project and summer scheme grants) in its current form through open advertisement.
 - Invite applications to a restricted open call limited to potential new revenue grant applicants. This additional Revenue fund would open in the autumn and allow new organisations to apply for some revenue support. It is proposed that the scheme be of a total value of £50,000.
 - Offer a small one year development fund to support capacity issues in the sector. The proposed one-year development fund would allow organisations to receive capacity support arranged by community services officers and aligned to our BCIP Sector Support programme. It is proposed the fund be of the value of £50,000
- 2.13** This option will allow both the council and the sector to primarily focus its time and resources preparing for the introduction of BCIP. If members support the proposed option, a report will be presented to the Statutory Transition Committee recommending that £100,000 is allocated from the £2m fund set aside by the Strategic Policy and Resources Committee to resource the implementation of Local Government Reform.
- 2.14** All of the grant programmes will continue to comply with the four council wide grant eligibility criteria and the additional core community development eligibility criterion for our Community Services Grant programme. These were reviewed and agreed at committee in October 2012 following a series of party briefings.

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3 Resource Implications

- 3.1 Financial mitigations may need to be implemented to ensure there is a low risk of council being challenged if Members agree to roll over the majority of grants in 2014/15. It is anticipated this will be in the region of £100,000 pending uptake, the cost of which will be met from the fund set aside to resource Local Government Reform.**

4 Equality and Good Relations Implications

- 4.1 Equality and good relations implications, in relation to this policy, are still under consideration. Further updates will be sent to the Equality and Diversity Officer in due course.**

5 Recommendations

5.1 Members are asked to:

- **Agree to the proposed revised project governance**
- **Agree to the proposed approach to the Community Service grant programme in 2014/15.**

A prolonged discussion ensued, during which a Member made the point that the steering group which would be established as part of the revised governance arrangements would contain no political representatives. It was suggested that input from Elected Members would be essential to ensure that any proposals forthcoming had been subjected to prior political scrutiny.

Accordingly, it was

Moved by Alderman Stoker,
Seconded by Councillor Convery and

Resolved - That the Committee agrees to adopt the recommendations contained within the report, subject to the inclusion of one Member from each of the Political Parties on the Council on the steering group which would be established as part of the overall revised governance arrangements.

Bursary Scheme – Update

The Committee was reminded that, at its meeting on 7th May, it had agreed that the Prince's Trust be authorised to administer the Council's Bursary Scheme during its second year on the basis that a sum of £30,000 be made available initially and that the remaining sum of £20,000 be withheld pending a request to that organisation to review its estimated administrative costs of £9,484, which would be met from within the fund. The Director reported that officers had since met with the Trust to discuss in detail the costs for the administration of the fund.

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The Director outlined the principal aspects of a report which outlined the work which the Prince's Trust had undertaken, together with the projects and programmes which it would deliver on behalf of the Council through the Bursary Scheme in 2013/2014. He reported that the Trust remained confident that it would meet its 2013/2014 target by delivering support to 200 young people. However, the Trust reemphasised had that, whilst it had identified a sum of £3,962 from within its own resources to assist in the administrative costs associated with the delivery of the Scheme, it would be necessary to address the remaining funding shortfall of £9,484 from within the fund. The Director indicated that that figure represented an overhead cost of approximately 19% of expenditure, which was in adherence with standard governmental guidelines.

After further discussion, the Committee noted the information which had been provided and agreed that a sum of £9,484 be utilised from within the fund by the Prince's Trust for administrative costs.

Lord Mayor's Belfast Day

The Committee noted the contents of a report which provided an overview of the initial plans which had been formulated for the hosting of the second annual Lord Mayor's Belfast Day, which, it was agreed, would take place in the City Hall and its grounds on Sunday, 29th September.

Culture and Arts Flagship Fund

The Committee noted the contents of report which provided an update on Culture and Arts Flagship Fund which would be opened to applicants from 3rd September until 29th November, recommendations in respect of which would be submitted to the Committee in February, 2014. In addition, the Committee endorsed an associated terms of reference and draft funding criteria to oversee the administration of the Fund, copies of which were made available on the Council's Mod.gov website.

Teenage Kicks Mural

The Committee was reminded that a mural at Bridge End which had depicted the opening line of The Undertones' 1978 debut single Teenage Kicks, viz., "Teenage Dreams, so hard to beat", had been removed in June by the Department of Social Development (DSD). The removal of that mural had been the subject of widespread criticism and the DSD had indicated that it would consider replacing the mural, together with providing an additional mural on the opposite side of the bridge.

The Director reported that officers from the Department had, in conjunction with local community groups and representatives from a range of agencies, developed a proposal to bring together teenagers from the Short Strand and Newtownards Road areas to design alternative community artwork at the site of the former mural. It was anticipated that a small project would be established also to enable local young people to learn about Belfast's musical heritage and to attend professional workshops which would provide an overview of the music industry. In addition, young people from the

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area would be afforded free access to a number of events throughout Belfast Music Week in November.

The Committee agreed to contribute a sum of £2,000 towards the project as outlined.

Belfast City Marathon - Update

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 BCM has operated for over three decades and 2014 will see the 33rd staging of the biggest mass participation event in the city. In 2013 just over 18,000 marathon and relay runners took part in the event. Since 2007 the event has been managed by a limited independent not-for-profit company set up by the Council. The company is overseen by a board with representation from Council (two Councillors), Sport NI, and Athletics NI and with input from the Council’s City Events Unit and Corporate Communications section. Currently the Council funds the Belfast City Marathon to the sum of £42,000 per annum.**

2 Key Issues

- 2.1 There are two BCM full-time and one fixed-term contract staff who oversee the planning and delivery of the race. There has also been a significant level of input from the Council’s City Events Unit since the creation of the limited company.**
- 2.2 The skill set and knowledge of BCM staff involved has developed extensively since the creation of the company. In fact the level of experience has reached a point where it is evident that there is no longer a requirement for Council direct input to the planning and delivery of the event.**
- 2.3 Therefore, it is suggested that the Council’s input from the City Events Unit and Corporate Communications would cease come September 2013, while annual funding would continue as normal. This would allow BCM to plan towards 2014 and beyond.**
- 2.4 The rationale for such a move is threefold: the delivery and planning structures of BCM are such that direct input from Council is no longer required – Officers have discussed this with the Chair and Manager of BCM. BCM now have in place experienced and knowledgeable staff to deliver the event and the freeing up of Council staff will allow them to work on**

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significant event related projects such as the Giro d'Italia 2014, Tall Ships 2015, the annual events programme and bidding for future international events.

- 2.5 In addition BCM company intend, in the near future, to develop a strategy document that will see the development of the marathon alongside amendments to its delivery structures and the development of a series of new initiatives.

3 Resource Implications

3.1 Financial

Currently the Council fund BCM to the sum of £42,000. Members are asked to note that this sum of finance is essential to the operation and delivery of the event and without this the company and event could not function.

4 Recommendations

- 4.1 Members are requested to approve the withdrawal of Council personnel from the delivery of BCM. This will free staff to work on significant event related projects, such as the Giro d'Italia 2014, Tall Ships 2015, the Council's annual events programme and bidding for future international events."

The Committee adopted the recommendation.

External Market Applications

(Ms. N. Largey, Solicitor, attended in connection with this item.)

The Committee was advised that the Council had received two applications from external organisations to hold variety markets in the City, the details of which are set out hereunder:

1.1 Folktown CIC.

Folktown CIC, is registered as a 'social enterprise' not-for-profit organisation who wish to encourage and facilitate the revitalisation and regeneration of Folktown in Bank Square, Belfast City Centre.

- 1.2 It wishes to hold 42 weekly markets per year in Bank Square. These will take place every Thursday, from 5 March to 17 December 2015, opening hours will be from 12pm to 8pm. There will be a minimum of 25 stalls up to 31 stalls each week.

1.3 Fine and Dandy

Fine and Dandy is a new company and recently operated a small market of 18 traders on Sunday 30 June 2013 in The Crescent Arts Centre, University Road, Belfast. Permission for this small market was granted under 'Delegated Authority' by the Director as there were less than 20 stalls, thus classed as 'deminimus'.

- 1.4 Due to its success, Fine and Dandy has requested permission to hold some additional markets. Two will be in July and August and will be under the 20 stalls limit and so can be granted under Delegated Authority. However, demand for extra stalls has been made for markets that will run from September to December 2013. These will have between 25 and 30 stalls, which is over the 'deminimis' level and requires Council approval.

2 Key Issues

2.1 Folktown - Bank Square

The Regeneration of the Bank Square area by the Department of Social Development (DSD) should be finished by November 2014. The market will have a mixture of crafts and food and in year 1 they plan to have between 25 and 31 stalls in attendance. Folktown CIC hopes to start their markets on Thursday 5 March 2015 and operate the 42 markets weekly taking them to 17 December 2015 and then operate approximately at least 42 markets each year thereafter.

- 2.2 Discussions have taken place between Folktown CIC, DSD, Department of Regional Development (DRD) Roads Service and BCC Officers on the regeneration of Bank Square and ideas such as underground electrical power points have been planned as part of the refurbishment. These power points will assist in feeding electric not only to any planned market but also other forms of entertainment. Folktown have received verbal and written support for this market from retailers, restaurants and churches in the immediate vicinity.
- 2.3 As part of assistance in a start up of this market, the DSD have agreed to make a £8400 contribution in kind; offering free rental of Bank Square (in light of the CIC's not-for-profit status). There is also an estimated contribution of £10k (which DSD might be asked to contribute for the promotion

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of community related activities, including the markets in the Square), although this has not been secured at this point. Folktown CIC is not a registered charity but is registered with the CIC Regulator and is a not-for-profit organisation.

2.4 Folktown aim to charge a fee of £30 per stall per market but in year 1 as an incentive to get traders involved they aim to charge traders £20 per stall. Year 1 is estimated to bring in income for Folktown CIC between £21,000 and £26,040, depending on final number of traders attending each week.

2.5 Folktown have made three requests:

- A. To have a market licence**
- B. To have their licence application and stall fee waived and**
- C. To receive financial support to set up their market, including first year administration and running costs.**

These costs include.

- 1. Public and Employee liability Insurance,**
- 2. Sundries such as telephone, internet, stationery and postage**
- 3. Market management and event team wages**
- 4. Waste collection**
- 5. Portable toilet facilities and cleaning of same,**
- 6. Street Cleansing**
- 7. Electricity costs**
- 8. 2 x Security personnel**
- 9. Office rent**
- 10. Electricity and heating of office**
- 11. Accountant and legal fees**

2.6 Capital outlay costs include:

- 1. Purchase of 35 Market stalls**
- 2. Purchase of Waste bins**
- 3. Business plan, research and consultancy fees**
- 4. Design and architect fees**
- 5. Purchase of a computer and printer,**

2.7 Recommended responses to Folktown CIC Application

2.8 A. To have a Market licence:

Granting a licence is proposed as acceptable due to the following:

- The potential of developing and regeneration of the area**
- It has support of local retailers**
- Their aim is to work with local producers and suppliers**

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- They aim to provide, (in year 2 and in partnership with the traders) workshops and educational events for the general public, in healthy cooking and eating
- They will seek to reduce anti-social behaviour
- It provides job and work opportunities
- They provided an acceptable business plan and other relevant paperwork as required in markets policy
- No other request to operate a market in this area

2.9 B. To have Licence and stall fees waived:

Folktown Community Interest Company has, as part of their application, requested that they have any payable fees waived on charitable grounds. Within the charitable application from Council can make concessions and waive fees on a case by case basis. However Folktown CIC are not registered as a charitable organisation but are registered as a not-for-profit social enterprise organisation. Therefore it is recommended that the licence and stall fees are not waived as it is not a charitable organisation.

2.10 C. Funding Support:

Folktown CIC has asked BCC for financial support of £70,078 to cover start up costs and year 1 running costs for this new business venture. the Council does not currently operate any grant scheme that could be applied to this request and there is no policy for dealing with these situations. Approving the funding could lead to further requests of support from other CIC's and Social Enterprises across the city. Therefore it is recommended that Council does not accede to this request.

2.11 Recommended responses to Fine and Dandy Application:

2.12 Fine and Dandy Market

Fine and Dandy held their first market on 30 June 2013 in The Crescent Arts Centre, where 18 stall holders attended. Such was the success that they have requested to operate this Sunday market once per month from July to December 2013. These markets will be held on the last Sunday of each month except December where a date has to be finalised.

2.13 The markets in June and July were under 20 traders (as will August market) and classed as 'deminimis'. Permission to hold these was granted under 'delegated authority' by the Director of Development. They have used this market to

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allow some art/craft students to trade to help promote their new goods.

2.14 Fine and Dandy have paid the £100 multiple market application fee and the £6 per stall fee for the small market in June. Due to demand from some craft traders, Fine and Dandy wish to increase the size of their market to over 20 (between 25 and 30) from September until December 2013. As this is above the 20 stall limit, permission is required from Committee.

2.15 Fine and Dandy have supplied the relevant details such as insurance and any food traders' food safety registration details. Therefore it is recommended that Council agrees to the granting of a licence to Fine and Dandy until December 2013.

3 Recommendations

3.1 Members are asked to approve on the following:

- 1. To grant a market licence to Fine & Dandy Market up to December 2013**
- 2. To grant a market licence to Folktown CIC**
- 3. To not accede to the request of Folktown CIC to waive all of the application and stall fees"**

The Director outlined the principal aspects of the report and answered a range of Members' questions in relation thereto. A Member suggested that, whilst there existed no provision within the departmental budget to meet the request for financial support which had been submitted by Folktown, the Council should endeavour to continue to support the work of that organisation and, as a gesture to encourage the growth of the Bank Square market, consider agreeing to waive the stall hire charges for traders thereat.

A Member reminded the Committee that, at its meeting on 4th June, it had agreed to waive the stall hire charges for the traders at the market which had been established at the Conway Mill. It was pointed out that that decision had set a precedent which had placed the Council in an unenviable position, given that a further request to waive stall hire charges had been submitted by the organisers of the Folktown market. He pointed out that the applicant, in this case, was not a registered charity and, therefore, not entitled to have the stall hire charges waived. Since the Council was duty bound to protect its income streams, he added that it would be prudent to adhere to its agreed Markets Policy and to not accede to the request to waive the stall hire charges.

The Council's Solicitor provided an overview of the Markets Policy and pointed out that, whilst the Council could exercise its discretion in the waiving of stall hire fees for registered charities, or ad hoc markets which were held solely for charitable

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purposes, there existed a level of ambiguity regarding the charitable status of ‘not-for-profit’ or ‘community interest companies’, which would require further consideration. She suggested, therefore, that it might be prudent for the Committee to defer for a month consideration of the request by Folktown to waive the stall hire charges to enable clarification to be obtained regarding that particular applicant and in respect of ‘community interest companies’ generally.

After further discussion, the Committee agreed to the following:

- to grant a market licence to Fine and Dandy until the end of December, 2013;
- to grant a market licence to Folktown, but to not accede to its request for financial assistance in the sum of £70,078; and
- that officers from the Department would continue to provide guidance and assistance to Folktown in respect of the establishment of its market in Bank Square.

In respect of the request by the Folktown to waive all or part of the stall hire fees at the Bank Square market, the Committee agreed to defer, until its meeting on 17th September, consideration of that matter to enable further clarification to be provided on the Council’s Markets Policy.

St. George’s Market – Strategic Review

The Committee noted the contents of a report which provided an overview of the progress which had been achieved to date regarding the strategic review of St. George’s Market. In addition, it was agreed, as part of the ongoing consultation process, that briefings would be provided to those parties who so wished to receive them.

Consultation Responses

The Committee endorsed the undernoted responses to consultation exercises as outlined:

**Department for Social Development –
Business Improvement District Regulations**

1. Introduction

- 1.1 The Council welcome the opportunity to respond to the Department for Social Development’s (DSD) consultation on Business Improvement Districts (BIDs).**
- 1.2 The Council recognise that BIDs have been a positive mechanism for the promotion and regeneration of town centres and other business areas. The Council has active experience of supporting businesses across the City, most recently in the “Backin’ Belfast” initiative in early 2013, but**

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also through our support for Trader's Groups and from our physical regeneration programme "Renewing the Routes". the Council welcome the introduction of BIDs as a further way to enhance the partnership between the public and private sector; and will support any business area that comes forward to lead and develop BID proposals.

- 1.3 However, the Department will be aware that a significant period of Local Government Reform is currently underway. Elections to Shadow Councils will be held in May 2014, with new Councils taking legal form on 1st April, 2015. It is unclear at present as to how the Shadow Council will be administered and how decisions will be taken. The existing Council will, at that stage, be winding down, and it is questionable if the outgoing or Shadow Council will be best placed to deal with any BID proposals during that time.
- 1.4 Evidence from England and Scotland suggests a 12-18 month timeframe to fully develop a BID. If a business body starts their development work now, then the electoral procedures could take place within, or towards the end of, the Shadow BID period. This will be an extremely demanding period for Local Authorities – in particularly our democratic, financial, and legal services. DSD may therefore wish to stipulate in the Regulations that the commencement of electoral procedures will not occur prior to the 1 April 2015, at which point the Shadow Councils will take legal form.
- 1.5 If this stipulation is not made, then the Council would welcome further guidance and legal assurance around the process for Shadow Councils to respond to BID proposals, and administer relevant procedures.
2. Is there an adequate level of prescription in the Regulations to ensure effective governance while still allowing for local flexibility in putting together a BID process?
 - 2.1 As part of the previous consultation in Feb 2011, the Council suggested that ratings information should be provided by DFP. The Council welcome the fact that DSD have incorporated this suggestion at Regulation 2, and are content that this approach is a sensible way to initiate the development of BID proposals. the Council is also content at the concept of a BID proposer drawn from the business community, which is outlined at Regulation 3.
 - 2.2 The Council are also content with subsequent processes, outlined at Regulation 5, which require a business and financial plan, and evidence of appropriate stakeholder

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consultation, before any commitment to an electoral ballot is made.

- 2.3 The Council note that many BIDs in the UK and Ireland, as part of their Governance procedures, have included formal Boards, both in Shadow form during the development stage and as part of ongoing best management practice. Many of these Boards include appropriate local stakeholders, which could be business and community leaders, and Members of the Local Authority. While we are not suggesting that membership details of any Board should be prescribed, the Department may wish to consider if the creation of a BID Board, which is distinct from the executive and management function, should be included within the Regulations.
- 2.4 As part of good governance we also suggest that the executive of the BID produce an annual report to their Boards, reporting progress against the business and financial plan set out in the original BID proposals. This report should be made available to local stakeholders and the wider public (this duty could be discharged by placing a copy of the report on the BID's website).
- 2.5 The concept of a formal Board carries further importance should the Council's suggestion that the levy receipts are passed directly to the BID (see para 4.4 and 4.5 below) be adopted.
3. In Regulation 10 and Schedule 2, are the timescales, e.g. for issuing ballot papers, appeals, vetoes etc, set at the correct level? If not please be specific about which ones you think should be changed.
- 3.1 Under Regulation 6 the Council has a duty to appoint a Ballot Holder, for the purposes of running the initial Ballot, or any renewal ballots, alternation ballots, or re-ballots. Save for the concerns raised at para 1.3 and 1.4 above, the Council is content with this obligation, and the mechanisms and timescales to challenge a ballot covered in Regulation 10, and of administering the ballot covered at schedule 2.
4. In Schedule 4, is it sufficient to provide the power for councils to enforce the payment of unpaid levies and leave the specifics of how to go about it up to the Councils? If not, please provide further information.
- 4.1 The Council have significant concerns over the proposed financial regulations, covered at s15, s16 and schedule 4, which places the duty for the collection, enforcement and

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administration of the BID levy onto the Council. While we note the ability to devolve these matters to a billing body, Regulation 16 clearly states that the legal duty rests with the Council.

- 4.2 In NI the collection of business rates is undertaken by the Land & Property Services Agency (LPS). Local councils have no previous role in this field and it does not appear appropriate to engage them in this work. It is our proposal that the business levy should be collected by LPS. To do otherwise will mean different billing, collection and enforcement systems causing both duplication and confusion. The preferred and most cost effective approach is therefore collection and enforcement by LPS.
- 4.3 Our concerns are further reinforced by the fact that, following consultation on the primary legislation, DSD issued a memorandum dated 25 June 2012, stating that, on this matter, they had received a number of concerns relating to billing, collecting and enforcing the BID levy. In the memo (para 10) they stated they had discussed this issue with DFP and had agreed that LPS would be responsible for the administration of the BID levy. This has not been reflected in the Regulations, and no reference to LPS has been made.
- 4.4 In addition we see no value in Local Authority management of the BID Revenue Account, which appears to create an unnecessary administrative tier. Involving Local Authorities in the administration of accounts may also suggest that Councils are imposing an additional tax on business. This could undermine the intention of the Department, as outlined in the introduction to the consultation, that the levy is best viewed as a collective investment by businesses for specific additional services.
- 4.5 In addition to transferring the billing, collection and enforcement of the Levy to LPS, the Council would also propose that the Levy is passed directly to the BID rather than coming through Council accounts. Appropriate financial controls are best achieved through the Governance of a BID Board, as recommended at para 2.3 above, and by requiring the BIDs to produce an annual report, recommended at para 2.4 above.
5. Is more clarity required on any of the processes?
- 5.1 As highlighted in these responses, further clarity is required in relation to:

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- The possibility of local authorities administering electoral procedures from May 2013 to March 2014, when Shadow Councils are in force and a significant period of local government reform is underway (para 1.3 and 1.4)
- Should the duties to collect, enforce and administer the Levy remain with Local Authorities, over which the Council has registered significant concern at para 4.1 and 4.2, then further guidance on the practical management of these responsibilities will be required.
- Further clarification would be useful on the obligations on businesses that start trading in the BID area after it has been established. It is assumed that these businesses will be legally liable for the Levy, even though they did not have an opportunity to vote on the proposals, but it may be sensible to make specific reference to this.

6. Any other comments?

- 6.1** While our intention will be to fully support the development of BID proposals, Council welcome the powers of veto outlined at Regulation 13, and view these as a sensible measure that can help focus minds and secure stronger agreement.
- 6.2** In terms of the BID conflicting with Planning Orders listed at Regulation 13, it is important to recognise that the Council also have a number of statutory and non-statutory improvement plans for areas. This can include area plans, corporate plans or other strategic initiatives. Regulation 5(4) recognises the potential for conflict or an overlap between the BID and existing plans published by the Council. However, there is no power to resolve these potential conflicts, save through a more loosely defined power to veto BID proposals due to lack of consultation with the Council (Reg 13(3e)). The Council suggest that the more specific conflicts mentioned at Regulation 5(4) are also included in the power of veto.
- 6.3** DSD are no doubt aware that the Planning (NI) Order 1991, which is referenced at Regulation 13(2), will be superseded by the Planning Act (NI) 2011, and elements of the Planning Act (NI) 2013. While the final BID legislation must be consistent with current legislation at the time of enactment, it may be appropriate to reference these changes, including the proposed Council powers of area and community planning. The role of Council will increase in volume as a result of the proposed transfer of planning and regeneration functions.”

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Airports Commission - London Hub Airport

The Council understand that a number of plans have been submitted which explore the development of a new airport capacity in London. The Council wishes to comment in relation to the longer term proposals as these are considered to offer the greatest potential to resolve the long standing issues around the guaranteed connectivity for the Belfast and the wider region.

The Northern Ireland Context

In a geographical context, the city of Belfast occupies an isolated and peripheral location from the rest of the UK and the wider European region. With no options for direct surface travel between Belfast and cities/ markets in Great Britain, Belfast city and the wider region are more heavily reliant on the two regional airports (George Best Belfast City Airport and Belfast International Airport) for connectivity to within the UK, Europe and other International destinations.

Air travel remains the most common means of entry into Northern Ireland, with almost three quarters (74%) of overnight visitors and a third (34%) of day trippers arriving by plane (PWC, 2011). Belfast also differs from other regional cities, across Great Britain, in that largest neighbouring airport at Dublin is operated within a separate tax regime with different operating targets linked to the development of its own national economy.

Whilst the proximity of Dublin can offer access to a broader long haul market this provides a greater direct competitive advantage to businesses operating in the airports own local economy.

The development of a new UK hub airport could offer longer term benefits to Belfast by way of convenient and integrated access to Northern Ireland with smoother transfer through a common UK gateway, the development of stable inter-connection services and potentially quicker transfer arrangements.

The current capacity constraints at the main London hubs have resulted in increasing pressure on fixed landing slot allocations and competition between regional and long-haul services. This competition and the longer term uncertainty in relation to the availability of sufficient access to support regional access from Belfast to a full range of long haul connections could limit the potential for future economic growth.

The Council would welcome the introduction of short and medium term measures to maximise capacity as an interim to the adoption of a longer term solution that would provide the potential for growth

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that meets the needs for the expansion of secure regional connectivity alongside the increased capacity for long haul routes. This balanced approach to the development of future capacity is critical for Belfast and local region to be able to compete and secure the potential for recovery and longer term growth.

Economic Growth

The continued enhancement and refinement of Belfast's potential for connectivity must be linked to the future economic opportunities arising from the changing global conditions such as the growth of new and emerging markets. A significant element of the future growth potential for the local economy has been linked to the emerging economies, many of which are only accessible through long haul flight connections.

To maximise accessibility and reduce the adverse impacts of our peripheral location any primary UK hub needs to have the capacity to offer guaranteed preferential regional connection from Northern Ireland to service these long haul destinations. The Council along with other agencies continue to address the need for the enhanced economic competitiveness and the capacity to respond to the challenges of the changing world economy.

In September 2011, Frontier Economics published a report on 'Connecting for growth: the role of Britain's hub airport in economic recovery'. As the UK's current hub airport, Heathrow connects Britain to the global economy and is recognised as playing a vital role in the economic success of the country as a whole. The report highlights that successful hub airports play a special role in an economy by underpinning a country's connectivity to long haul destinations around the world.

UK trade with the rest of the world has increased significantly over the last 10 years. Trade with Emerging Market Countries has been a major contributor to the increase. The 'Connecting for growth' report notes that UK businesses have the opportunity to grow their revenues by trading with businesses in these countries. However, the regional markets are not always well connected to these destinations and this lack of connectivity makes it more difficult for the UK as a whole to do future business with Emerging Market Countries.

While Heathrow could serve far more destinations, it is constrained by a limit on air transport movements per year. It is estimated that the value of UK trade could be increased by approximately £1.2 billion a year, if there were capacity to accommodate viable Emerging Market routes. With no available connections available through London, other European hubs have become more

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attractive. The report notes that there are 21 Emerging Market destinations with daily flights from other European hubs that are not served from London.

Passengers flying to and from hubs, as destinations in their own right, also benefit from better connectivity as many routes would not be viable without the transfer traffic generated through the long haul routes. Consequently passengers can not only benefit from a wider range of routes but also lower fares.

Tourism in many ways exemplifies the challenges and opportunities faced by the broader economy as Belfast and the wider region seeks to achieve a degree of rebalancing both in terms of the general competitiveness and the unique local circumstances. The importance of tourism to the city is highlighted in the Integrated Strategic Framework for Belfast Tourism 2010-2014. Developed in partnership with the Northern Ireland Tourist Board and in consultation with local stakeholders, the Framework recognises that improved access to the city is essential if it is to attract more international visitors and if Belfast is to realise its local Gateway potential. The Council regard the framework as crucial to the city's development as a globally competitive sustainable tourism destination.

Reliable and frequent air connections are vital to the development of the tourism sector and to attract broader investment into Belfast and the regional economy. The total value of direct tourism spend in Belfast by GB and overseas visitors was £418 million in 2012, representing an increase of 3% from 2011. At December 2012, it was estimated that tourism and leisure industries accounted for 54,270 employee jobs in Northern Ireland. In 2012, the total number of GB and overseas visitors staying at least one night in NI was estimated at 1.55 million.

In Belfast's the tourism growth targets is set at a 40% increase in overnight visitors over the next 5 years. The ability to achieve this level of growth will be dependent on the enhancement of air connections and integrated access, alongside continued activity to support the development of local tourism infrastructure. The Council is committed to developing tourism exemplified by the contribution to the £97 million development of Titanic Belfast, a world class visitor attraction. This facility alone attracted 807,340 between April 2012 and March 2013. In total, 471,702 visitors to Titanic Belfast came from outside Northern Ireland highlighting the dependence on international accessibility.

Northern Ireland's tourism GDP is approximately 4.9% whereas ROI is 6%. The regional routes and the ability to secure integrated long-haul connections are critical to the continued development of the

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tourism sector and the achievement of growth targets over the medium to long term. Tourism is forecast to be the 4th fastest growth area in the UK over the next 10 years. NI tourism demand in terms of revenue, is forecast to increase by 2.8% per annum, in real terms over the next 10 years (Deloitte 2010). To meet and exceed these longer term targets Belfast and NI needs to secure additional international links through both direct short haul connections and integrated service via a long haul London hub airport with the capacity to offer guaranteed regional accessibility.”

Chairman

Health and Environmental Services Committee

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MEETING OF HEALTH AND ENVIRONMENTAL SERVICES COMMITTEE

Members present: Councillor Corr (Chairman);
the High Sheriff (Councillor Kingston); and
Councillors Austin, M. E. Campbell, Curran,
Hartley, Hussey, Keenan, Kelly, Kyle, McCarthy,
McKee, McNamee, O'Neill, L. Patterson and
Thompson.

In attendance: Mrs. S. Wylie, Director of Health and
Environmental Services;
Mr. S. Skimin, Head of Cleansing Services;
Mrs. S. Toland, Head of Environmental Health;
Mr. I. Harper, Building Control Manager;
Mr. M. McAttackney, Departmental Business and
Resource Manager; and
Mr. H. Downey, Democratic Services Officer.

Apologies

Apologies for inability to attend were reported from Alderman M. Campbell and Councillors Garrett and Jones.

Minutes

The minutes of the meeting of 5th June were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st July.

Declarations of Interest

Councillor Keenan declared an interest in relation to item 5(b), viz., "Proposal for Resource Centre at the Springvale Site" in so far as he was on the board of an organisation which was seeking also to acquire the land within the Springvale site.

Woodvale Park – Lord Mayor

The Committee agreed that a letter be forwarded to the Lord Mayor, Councillor Ó Muilleoir, extending its best wishes following the incident arising from his recent attendance at the opening of the Woodvale Park.

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Directorate

Membership of Action Renewables Association

The Committee was reminded that the Council had, for some time, been working to improve its energy efficiency, with particular emphasis being placed on developing renewable energy sources. It was, therefore, important for the Council to keep abreast of the latest changes in technology, policies and government funding. The Director of Health and Environmental Services reported that the Action Renewables organisation had, in 2006, been established in order to promote the uptake of renewable energy across Northern Ireland. She explained that the organisation operated a separate network, namely, the Action Renewables Association, which organised information seminars and workshops on a range of renewable energy-related topics and provided web-based newsletters on all matters relating to energy and climate change. A daily fee of approximately £75 per delegate was charged by the Association for attendance at events. In addition, it offered relevant guidance to other organisations and had provided the Council with beneficial advice on legislative issues and the acquisition of funding.

She informed the Members that the Council had been invited to join the Action Renewables Association at a cost of £1,000 per annum. In turn, Members and officers could attend information sessions, seminars and workshops free of charge and the Council would, through the Association's newsletter, obtain regular updates on renewable energy and government consultations. It would be provided also with an opportunity to collaborate with other organisations and be offered access to renewable expertise and a reduced rate for consultancy services.

The Committee granted approval for the Council to become a member of the Action Renewables Association.

Fuel and Food Poverty Pilot Projects

The Committee considered the undernoted report:

“1 Relevant Background Information

1.1 The purpose of this report is to:-

- (i) update Members on two different projects currently being progressed by council officers in conjunction with different partners, both of which are in the context of taking steps to alleviate poverty in the city – one relating to fuel poverty, one relating to food poverty; and to**
- (ii) seek agreement for a financial contribution to be made to these projects.**

1.2 In late May, officers from the Public Health Agency (PHA), the Council, the Belfast Health Trust and the Belfast Health Development Unit (BH DU) met in order to discuss the possibility of developing an holistic approach to looking at issues of poverty in the city and how the different

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organisations could work collectively (with their budgets) in order to try to implement a number of proposals which could make a tangible difference in parts of the city as soon as possible.

- 1.3 The PHA has indicated that they would like to partner with us to pilot (in 4 parts of the city) a fuel project using an existing contract but working in a more practical way, using the research they have previously commissioned, to help households experiencing fuel poverty in a number of communities across the Belfast area.
- 1.4 In July, Council officers were approached by the Belfast Food Network to become a partner (along with a number of other organisations) in the second phase of bidding process for a funded project which has the aim of encouraging action on food poverty, supporting the growth of sustainable and local food chains and promoting healthy eating. The Network is supporting the development of 'exemplar Sustainable Food Cities' across the UK and has secured funding through the Esmée Fairbairn Foundation to develop this. Their request is that the Council become an active partner in this, and make a contribution of £15K per year for a period of 3 years.

2 **Key Issues**

2.1 **Fuel Poverty Pilot**

Our partners in the PHA are keen to pilot a project to help tackle fuel poverty, using existing contracts they have in place, in order to make a difference (as soon as possible) in the autumn-winter period 2013-14. Working with the National Energy Action (NEA) and the Community Foundation NI (CFNI) using research already commissioned, the aim is to work in the following 4 areas of the city;-

- ☐ Ardoyne / New Lodge (North)
- ☐ Cregagh (East)
- ☐ Donegall Pass (South)
- ☐ Upper Springfield and Whiterock (West)

- 2.2 The project is still under development but would be based on a model the PHA has previously used in rural communities and will involve working with community representatives from each of the four pilot areas. It is anticipated that the project will involve a number of strands including, but not limited to the following;-

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- ☐ Energy awareness and information sessions with communities
- ☐ Guidance and support to establish bulk-buying oil clubs
- ☐ Debt management and household budgeting advice
- ☐ Facilitating set-up or connection to Credit Union or similar organisations

2.3 Using Council resources to 'shadow' the work of these partners and work with them throughout the winter ahead, it would anticipated that the learning from these pilots could then be embedded within the Council, where a resource could be based in the medium to longer term and then directed to apply the same model in different parts of the city, as need would dictate.

2.4 *Food Poverty Pilot (partnership request)*

The issue of food poverty is a challenging one which affects many communities in Belfast, evidenced by the opening of food banks recently in city. The Council, through its Growing Communities strategy is encouraging individuals and communities to grow their own food as the proven benefits are not only through reducing food costs, improved nutrition and encouraging employment but also in terms of community cohesion and physical and mental health and wellbeing.

2.5 The Belfast Food Network is a collaboration of local groups involved in promoting activities in the following areas;-

- ☐ Food poverty and access to healthy food
- ☐ Community food projects
- ☐ Tackling food waste
- ☐ Cooking knowledge & skills
- ☐ Public sector food procurement
- ☐ Sustainable diets
- ☐ Sustainable short supply chains

2.6 The network is leading the city's bid for Belfast to become one of the UK 6 successful 'Sustainable Food Cities'. The competition is in two stages. The first stage of the bid process is complete. This stage was supported and funded by Belfast Food Standards Agency, the Public Health Agency, Belfast Healthy Cities, and the Chartered Institute for Environmental Health, the Institute for Public Health and the Soil Association. The total contribution from these agencies to date is £12,000, over a 4 month period to support the writing of the bid.

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- 2.7 The Belfast Food Network has passed the first stage competition and is now one of 13 cities shortlisted to the final. In order to secure the best possible chance of success in the final bid process the Belfast Food Network is now approaching relevant bodies to endorse the bid and support it financially.
- 2.8 The agencies above who have supported the bid to date have indicated that they will be financially supportive of the project over the three year period if the bid is successful. In each of the other bids the relevant city councils are supporting partners in the bid. The Belfast Food Network would like Belfast City Council to consider supporting the bid and become a principal partner in the project. The network would request an annual contribution of £15,000 for three years 2014 -2015 until 2016-2017. The deadline for the bid is the end of September 2013. This contribution will only be necessary if the bid is successful and would amount to approximately 10% of the overall project costs.
- 2.9 All of these issues align with Council objectives and work streams. It is the intention of the network if successful in the bid to work closely with Belfast City Council and it is likely that the work would enhance existing projects ongoing across a number of the Council's departments.

3 Resource Implications.

3.1 Financial

Fuel Poverty – approximately £20K was allocated in the 2013 - 14 departmental Revenue Estimates for this work, so this should cover the Council contribution to the project proposed.

Food Poverty – agreement to the request from the Belfast Food Network would be on the basis that the Council would make an annual contribution of £15,000 for a period of 3 years from 2014/15 to 2016/17.

3.2 Asset and Other Implications

Working in partnership with the Belfast Food Network will align with the Council's commitments outlined in the Growing Communities Strategy and will positively enhance and add value to the Council's Community gardens and urban spaces for growing.

4 Equality

- 4.1 The projects outlined in this report are both aimed at alleviating poverty and social isolation and should have

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positive outcomes in terms of equality and good relations considerations.

5 Recommendation

5.1 It is recommended that Committee:

- 1. note the update on the two projects; and**
- 2. agree to becoming an active partner in the Belfast Food Network project and to financially supporting the project through a contribution of £15,000 per year for 3 years”**

After discussion, the Committee adopted the recommendation and noted that it would receive further reports on the projects in advance of their implementation.

Environmental Health

Belfast Healthy Cities

The Committee agreed to receive at a future meeting a presentation from the Chief Executive of Belfast Healthy Cities on the work of that organisation.

**Making/Amendment of Traffic
Regulation Orders (Northern Ireland) 2013**

The Committee was advised that the Council, as part of its ongoing alleygating scheme, was required, under Section 69 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, to make a number of Traffic Regulation Orders. The purpose of the Orders was to prohibit the use, except in certain circumstances, by pedestrians and vehicles of specified streets where alleygates would be erected.

The Head of Environmental Health outlined the process associated with the making of an Order, which included the advertisement by the Council of a Notice of Intention advising to that effect. She reminded the Committee that, at its meeting on 20th May, it had agreed that the Council pass a resolution to make Road Traffic Orders in East and West Belfast. The resolution had, on 3rd June, been passed by the Council, which had brought the Orders into immediate effect. She reported that Notices of Intention had been published in relation to the making of an Order for the requisite streets in North Belfast and for the amendment of the existing Order for West Belfast, to include two streets associated with an intervention project in the Divis area, which had been approved by the West Belfast Area Working Group. No objections had been received in respect of either Notice. She confirmed that, should the Committee agree to proceed with the making and amendment of the Orders, the Council would, at its meeting on 2nd September, pass a resolution bringing them into effect. The installation of alleygates in North Belfast would commence towards the end of the year and an Order for South Belfast would be made over the course of the next few months.

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The Committee agreed that the Council pass a resolution to make a Traffic Regulation Order in respect of North Belfast and to amend the existing Order for West Belfast, with the relevant streets being set out hereunder:

**“Belfast City Council Traffic Regulation (North Belfast) Order
(Northern Ireland) 2013”**

- To the rear of 323-427 Oldpark Road and 1-28 Torrens Gardens and to the side of 323, 363 and 371 Oldpark Road
- To the rear of 277-291 Antrim Road, 2-30 Baltic Avenue, 3-41 Pacific Avenue and 26-36 Atlantic Avenue and to the side of 3 and 41 Pacific Avenue and 2 and 30 Baltic Avenue
- To the rear of 2-42 Lothair Avenue, 2-40 Pacific Avenue and 38-48 Atlantic Avenue and to the side of 2 Lothair Avenue and 40 Pacific Avenue
- To the rear of 46-78 Glencairn Way and to the side of 58 and 68 Glencairn Way
- To the rear of 25-51 Avoca Street
- To the rear of 1-31 Thorndale Avenue and 33-43 Thorndale Avenue
- To the rear of 9-15 Kinnaird Terrace
- To the rear of 2-14 Kinnaird Street, 1-19 St James’s Street and 92-102 Antrim Road
- To the rear of 1-87 Stratford Gardens and 2-88 Eskdale Gardens
- To the rear of 1-85 Eskdale Gardens and 2-86 Northwick Drive
- To the rear of 49-57 Thorndale Avenue and 1-7 Kinnaird Terrace
- To the rear of 52-122 Mountcollyer Avenue and to the side of 122 Mountcollyer Avenue
- To the rear of 47-105 Mountcollyer Avenue
- To the rear of 70-102 Gainsborough Drive and to the side of 102 Gainsborough Drive

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- To the rear of 53-101 Gainsborough Drive and 58-108 Alexandra Park Avenue
- To the rear of 2-36 Bootle Street, 1-35 Eccles Street and 94a-102 Tennent Street and to the side of 2 Bootle Street and 1 Eccles Street
- To the rear of 65-69 Cliftonville Road, 1-15 Easton Crescent and 2-32 Orient Gardens and to the side of 1 Easton Gardens and 2 Orient Gardens
- To the rear of 34-44 Orient Gardens and 16-24 Easton Crescent and to the side of 24 Easton Crescent
- To the rear of 113-117 Cliftonville Road and 2a-10 Linden Gardens and to the side of 2a and 2 Linden Gardens
- To the rear of 1-37 Clifton Drive and 23-27 Harcourt Drive and to the side of 1 and 37 Clifton Drive
- To the rear of 2-40 Clifton Drive, 1-41 Clifton Crescent, 78-92 Cliftonville Road and 9-21 Harcourt Drive and to the side of 2 and 40 Clifton Drive and 1 and 41 Clifton Crescent
- To the rear of 27-45 Cranbrook Court, 55-105 Cranbrook Gardens and 4-88 Estoril Park
- To the side of 37 and 39 Cranbrook Court
- To the rear of 73-119 Farrington Gardens and 48-98 Cranbrook Gardens and to the side of 58 and 60 Cranbrook Gardens
- To the rear of 2-102 Hesketh Park
- To the rear of 246-274 Hillman Street and to the rear of 218-230 Hillman Street and 213-217 Upper Meadow Street
- To the rear of 1-51 Brompton Park, 6-22 Kerrera Street and 1-6 Kerrera Court
- To the rear of 37-47 Ivan Street

Amendment to Belfast City Council Traffic Regulation (West Belfast) Order (Northern Ireland) 2013

- To the rear of 52-68 Cullingtree Road and 4-11 Quadrant Place (This road is situated in West Belfast but has been included in this notice at the request of the Department for Regional Development)"

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**Environmental Noise Directive – George Best
Belfast City Airport Draft Noise Action Plan**

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 The aim of the European Commission Environmental Noise Directive (END) is to avoid, prevent or reduce on a prioritised basis the harmful effects, including annoyance from noise from industry, road, rail and air traffic.**
- 1.2 The Directive requires competent authorities to undertake periodic strategic noise mapping in order to identify population exposure to noise and then to produce action plans to reduce noise levels where necessary, and to preserve environmental noise quality where it is good. This is achieved through the formal designation of Noise Management Areas.**
- 1.3 In Northern Ireland, competent authorities are the Department for Regional Development (roads), Translink (bus and rail services), George Best Belfast City Airport (GBBCA) and Belfast International Airport (airports) and the Department of the Environment (industrial sources).**
- 1.4 Each competent authority is responsible for producing successive 5-year action plans for submission to the Department of Environment (DoENI) for consideration, this process having commenced in 2008. The Department is required to ensure that the noise action plans have been developed in line with relevant technical guidance.**
- 1.5 To date, draft 2nd round industry, roads and railway draft noise action plans have been published for public consultation. These plans were considered by Committee on the 5th June 2013 and the responses agreed by Members have been forwarded to each of the competent authorities.**
- 1.6 On 21st June 2013, GBBCA published its draft Noise Action Plan 2013-2018 for public consultation. This plan has been considered by officers and a suggested response has been prepared for Members to consider.**
- 1.7 The council's proposed draft response is attached to this report.**

2 Key Issues

- 2.1** The draft Noise Action Plan 2013-2018 has identified that, within the Belfast agglomeration, approximately 51,955 people are subject to noise levels from air traffic in excess of 50dB LAeq 16-hour. DoENI guidance requires that Candidate Noise Management Areas (CNMAs) be considered to protect the top 1% of the population affected by the highest levels of airport noise. The draft Noise Action Plan has identified the location of this top 1% of the population. A breakdown of population and dwelling exposure to aircraft noise has been forwarded to the Committee.
- 2.2** The draft Noise Action Plan contains details of the measures that GBBCA has taken already to satisfy the requirements of END. A copy of these measures, in the form of a work programme, has been circulated to the Committee. The Plan also provides information on the measures that the airport intends to introduce over the term of the proposed Noise Action Plan to manage noise from its operations. The measures have been circulated to Members.
- 2.3** END does not establish noise limits for the declaration of Noise Management Areas and, in the absence of this, GBBCA has applied limit values contained within relevant regulations and policy frameworks that apply to airport operations. In particular, GBBCA has cited the requirement within the Aviation Policy Framework *“to offer acoustic insulation to noise sensitive buildings, exposed to levels of noise of 63 dB or greater LAeq 16-hour. Where acoustic insulation cannot provide an appropriate or cost effective solution, alternative mitigation measures should be offered”*.
- 2.4** As the top 1% of the population affected by the highest levels of aircraft noise falls below this threshold, GBBCA is proposing that it is not appropriate to designate these locations as Noise Management Areas (NMAs).
- 2.5** The top 1% of the population (520 persons are situated within the 60-62 dB LAeq 16-hour contours). It is recognised that exposure to these levels can lead to the onset of significant annoyance and result in adverse health impacts.
- 2.6** If Members agree, the Council’s response will suggest that, in line with the DoE Guidance, GBBCA should reconsider whether it should declare NMA’s for the 1% of population most exposed within these bands. There is a range of noise management actions which are possible, which do not require acoustic insulation.

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- 2.7 It is also recognised that the onset of noise annoyance or nuisance can also occur within lower contour bands. END therefore does not prevent competent authorities from considering the impact of noise beyond the top 1% of the population affected. If members agree, the Council response will suggest that the airport consider any reasonable actions that could be taken to minimise noise impacts in lower noise contour bands.
- 2.8 In making this recommendation, the Council recognises that GBBCA has to consider the economic costs of any proposed actions and balance them against the health improvements that could be achieved.
- 3 Resource Implications.
- 3.1 None.
- 4 Equality and Good Relations Implications.
- 4.1 None.
- 5 Recommendation.
- 5.1 Members are requested to note the content of the report and to endorse the draft consultation response attached to the report.

COUNCIL RESPONSE

George Best Belfast City Airport (GBBCA) – Environmental Noise Directive, Draft Noise Action Plan 2013 – 2018 (June 2013)

Belfast City Council has reviewed the ‘George Best Belfast City Airport Environmental Noise Directive – Draft Noise Action Plan 2013 - 2018’ publication and would submit the following comments by way of response.

The council welcomes the publication of the second round of aircraft noise mapping for the city and notes that the mapping has been completed on the basis of identification of locations where aircraft noise is greater than 50 dB LAeq 16-hour, and on the subsequent identification of the 1% of the population that are affected by the highest aircraft noise levels. Accordingly, GBBCA has identified that, within the Belfast agglomeration, approximately 51,910 people are subject to noise levels from air traffic in excess of 50 dB

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L_{Aeq} 16-hour. GBBCA has subsequently researched where the worst 1% of this group (approximately 520 persons or 250 dwellings) is located and has indicated that the designation of these areas as Noise Management Areas is not appropriate.

We acknowledge that the Environmental Noise Directive does not establish noise limit levels and that in arriving at this decision GBBCA has therefore considered limit values provided in the relevant regulatory and policy framework that exists in relation to airport operations. In particular, the council notes that the Aviation Policy Framework contains a requirement “to offer acoustic insulation to noise sensitive buildings, exposed to levels of noise of 63 dB L_{Aeq} 16-hour or more. Where acoustic insulation cannot provide an appropriate or cost effective solution, alternative mitigation measures should be offered.”

The council notes also that the top 1% of the population most affected by aircraft noise is situated within a 60-62 dB L_{Aeq} 16-hour noise contour. Exposure to noise levels of this magnitude can lead to the onset of significant annoyance and they can cause adverse health impacts. The council would therefore request that GBBCA gives consideration to the declaration of Noise Management Areas for the 1% of the population most exposed within these contour areas.

It is recognised that the onset of annoyance or nuisance can also occur within lower noise contour bands (54-59 dB L_{Aeq} 16-hour). The Environmental Noise Directive does not preclude competent authorities from considering the impact of noise beyond the top 1% of the population affected and, on this basis, the council recommends that GBBCA should consider actions that could be taken to reduce exposure to aircraft noise in these lower level contour bands.

In making this recommendation, the Council recognises that GBBCA has to consider the economic costs of any proposed actions and balance them against the health improvements that could be achieved. In addition, the council notes the ‘Action Planning Programme of Work’ outlined in Table 9 and the noise reduction measures already in force and projects in preparation as detailed in section 8.2.5.3 of the Draft Noise Action Plan 2013-2018.

Should you have any queries regarding these comments, in the first instance please contact Stephen Leonard, Environmental Health Manager, Environmental Protection Unit on 028 9032 0202 ext 3312.”

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After discussion, the Committee approved the foregoing response, subject to its amendment to reflect that:

- (i) the George Best Belfast City Airport be recommended to declare Noise Management Areas for homes which are exposed to noise levels within the 60-62 Db LAeq 16-hour noise contour; and
- (ii) the Council agrees that a bias towards flights over Belfast Lough should be maintained but recommends that the target figure should be significantly above the 50% level as indicated within the Draft Noise Action Plan.

Building Control

**Ruinous and Dilapidated Buildings - Submission of
Funding Application to the Department of the Environment**

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 As the Committee is aware, over the past number of years, due to the economic downturn the problem of derelict, dilapidated and ruinous properties has increased dramatically including abandoned building sites. These properties and sites have led to an increase in anti-social behaviour, fly tipping, impact on adjoining properties, pests and increased dangers to those living or around the buildings associated with the deteriorating nature of the properties.**
- 1.2 The Building Control Service, under the Belfast Improvement Act 1878 and Public Health Amendment Act 1907, has taken action on such properties to ensure that any dangers to those around the properties are removed. The Service has also used the additional powers contained within the Pollution Control (Northern Ireland) Order 1978 to serve notices on the owners of dilapidated and ruinous properties or sites within Belfast which are deemed seriously detrimental to the amenity of the neighbourhood to tackle the increasing problem.**
- 1.3 To assist this project the Service undertook a survey of the city to identify and evaluate all the ruinous and dilapidated properties. Approximately 4,000 streets were surveyed and information was collected on the properties which fell into the agreed criteria for the project. A total of 1500 properties (including sites and abandoned building works) were identified as potentially being in a ruinous or dilapidated condition and**

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we highlighted 250 properties that the Service believes are appropriate for action.

- 1.4 By using our own enforcement powers and through the £500K funding supplied in December 2012 by the then Minister for the Environment, Alex Attwood MLA, work has taken place on nearly 150 buildings leaving 100 buildings in the current matrix to be processed. The work under the Minister's Scheme was a combination of demolition, hoarding and cosmetic works and the results were reported to Committee in May 2013. The remainder of the buildings were dealt with through our ongoing legislative provisions
- 1.5 A letter was also sent by the Committee to Minister Attwood MLA asking for changes in the legislation to enable councils to work more effectively in dealing with dereliction and he asked his officers to work with the Council in determining what needs to be done.
- 1.6 On 11th July Minister Attwood announced additional funding sourced through the June Monitoring round that went to the remaining councils (Belfast excluded) who were not in receipt of the first tranche of funding to carry out works in their area. He also highlighted the possibility of further money from future monitoring rounds and asked that those Councils wishing to access this funding make submissions to him by 23 August. Projects would have to have a defined and definite need and any money released would have to be spent by the councils by 31 March 2014.

2 Key Issues

- 2.1 The Service has an ongoing strategy to deal with dereliction in the city and it continues with that work throughout the year. The additionality to the project made possible through the Minister's funding has been very important and there is now an opportunity to make a further bid.
- 2.2 The Council needs to ensure it puts in a strong bid as there will be stiff competition and the Committee is asked to decide which of the areas outlined below it thinks best placed to have the maximum impact for the city. Three (costed) options for the Council's bid, including photographs, have been circulated to the Committee. Whilst the three bids differ in their locations/areas and rationale, it is evident that each of the projects will be significant in addressing blight in their respective areas. It must be noted that whatever option is chosen for the bid, the Service will also continue to take enforcement action in local neighbourhoods under the current

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legislation and within the allowances made in the Revenue Estimates.

2.3 Option A - North East Quarter

The North East Quarter project would encompass cosmetic work on some 13 buildings in a tightly defined commercial area in the north of the city centre. The advantages of a project in this area would be beneficial to the existing retail and tourism sector and also to the regeneration of businesses within the area. We have had preliminary discussions with groups such as the Cathedral Quarter Steering Group. and the Forum for Alternative Belfast who may be able to partner with the Council in getting 'meanwhile uses' for the buildings thus giving them a working life. This could move the project from merely addressing dereliction to one of active regeneration. Initial discussions have taken place with the Department of Social Development who have indicated that they could potentially provide additional funding to carry out work in and around this area as part of their 'Restore/Revitalisation' project.

2.4 Option B - Neighbourhoods based on SIF

We have allocated any potential funding across the most dilapidated buildings in the four SIF areas using the remaining 100 buildings that were prioritised from the initial matrix scores. This project would have a beneficial effect on the direct residents of these areas who live adjacent or opposite to derelict buildings and thus have a high social scoring factor. It could also look at buildings and areas where the most prominent detrimental effect was Anti Social Behaviour in addition to appearance. It is worth highlighting that in allocating the money it does not evenly spread across the four SIF areas due to the state of dilapidations being disproportionately different across the city.

2.5 Option C - Arterial routes

By applying any funding across the arterial routes it can directly affect the general appearance of the city due to the traffic (pedestrian and vehicular) on these routes and also benefit people within the area who live, work, shop or socialise in and around the routes. It also has the benefit of a synergistic approach with the Renewing the Routes programme. This project addressing the unoccupied buildings would provide a comprehensive cover to addressing dilapidations.

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- 2.6 The Head of Building Control has prepared a more comprehensive report on all three options in the Appendices and will give members a brief presentation on the advantages and disadvantages of each scheme. Members will have the opportunity to ask questions of the officers prior to making a decision

3 Resource Implications

3.1 Financial

The Service has £60,000 of its own budget remaining to spend this year on carrying out work in default in addition to any possible funding allocated by the Department of the Environment.

3.2 Human Resources

The majority of the work will be covered by existing Building Control staff. For the previous project the Service employed specialist staff such as a Quantity Surveyor to deal with the Costs and Project administration in addition to a Health & Safety consultant to deal with sites under demolition.

3.3 Asset and Other Implications

None

4 Recommendation

4.1 The Committee is requested to:

1. note the work of the Building Control Service to date, and
2. based on the criteria, decide which of the three options it wishes to submit to the Department of the Environment on 23 August for possible funding.

5 Equality and Good Relations Considerations

- 5.1 The projects have been sent to the Good Relations Officer for consideration and there are no relevant equality or good relations implications”

Following a lengthy discussion, it was

Moved by Councillor Curran,
Seconded by Councillor McNamee,

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That the Committee agrees that a bid be submitted to the Department of the Environment for funding of £500,000, with £450,000 of that sum to be used to undertake work as set out within Option A and the remaining £50,000, together with the existing funds within the Building Control Service's budget, to be utilised to undertake work as outlined within Option B.

Amendment

Moved by the High Sheriff Councillor Kingston,
Seconded by Councillor McKee,

That the Committee agrees that a bid be submitted to the Department of the Environment for funding of £500,000 and that it be used only to undertake work as set out within Option C.

On a vote by show of hands five Members voted for the amendment and ten against and it was accordingly declared lost.

The original proposal was thereupon put to the meeting when eleven Members voted for and none against and it was accordingly declared carried.

Pavement Café Bill

The Committee considered the undernoted report and agreed that the attached comments be forwarded to the Northern Ireland Assembly's Social Development Committee as the Council's response to the consultation document:

"1 Relevant Background Information

- 1.1 Pavement cafés have become increasingly commonplace in Northern Ireland, however no legislation currently exists to regulate this activity. The Council has voiced concern for several years that the development of a café culture in the city is curtailed by requirements of the Roads (NI) Order, as well as other legislative barriers. Roads Service has not tended to pursue action against pavement cafés provided they do not restrict the free flow of pedestrians or vehicles or compromise public safety. Legislation is already in place in other jurisdictions under which cafés owners, etc. may apply to their local councils for permission to place tables and chairs on the pavement outside their premises, often with various conditions attached.**
- 1.2 The Department for Social Development (DSD) has carried out an appraisal of the impact of pavement cafés in Northern Ireland which included interviews with town centre managers and a survey of businesses. The appraisal noted that developing a café culture can have a positive effect on urban**

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environments, help promote town and city centres, make a difference in terms of attracting visitors and tourists and contribute to the general well-being of communities.

- 1.3** Following a recommendation by the Development Committee in 2006, a deputation from the Council met with both the Department for Regional Development (DRD) and DSD Ministers to seek ways to address the issue.
- 1.4** A Bill, incorporating a statutory licensing scheme for the regulation of pavement cafés to be administered by district councils, was recently approved by the NI Executive and introduced into the Assembly in June 2013. The scheme is intended to facilitate the controlled expansion of suitable premises such as cafés, restaurants and pubs in support of the creation of a vibrant daytime and evening economy and for the general well-being of communities.
- 1.5** The Bill has been published on the Assembly's website and a link to this and the associated Explanatory and Financial Memorandum is below.
<http://www.niassembly.gov.uk/Assembly-Business/Legislation/Primary-Legislation-Current-Bills/Licensing-of-Pavement-Cafes-Bill/>
- 1.6** In summary, the Bill allows district councils to:
- authorise a person carrying on a business involving the supply of food or drink (from premises), to place tables, chairs, etc. in a public area;
 - require the applicant to fix a notice to the premises and submit a plan of the proposed pavement café area;
 - impose conditions on the licence;
 - vary, suspend or revoke the licence;
 - charge a reasonable fee; and
 - take enforcement action including removing the facilities in certain circumstances.
- 1.7** The Bill places a duty on councils, when dealing with new applications, to consult DRD Roads Service. Councils must also consult with the PSNI if an applicant holds a licence to sell alcohol. Other safeguards have been included in the Bill to ensure that there are strict controls on alcohol

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consumption at relevant pavement cafés. Rights of appeal to a Magistrate's Court against any decision of the council regarding pavement café licensing decisions are included and the following offences will be created:

- operating a pavement café without a valid licence;
- making a statement, known to be false, in connection with an application; and
- obstructing an authorised officer in the execution of his/her duties.

- 1.8 Each offence attracts a level 3 fine (up to £1,000) on summary conviction.

2 Key Issues

- 2.1 The Bill has now progressed to Assembly Committee Stage and the Social Development Committee has now called for evidence from key stakeholders and other interested parties to comment on the detail of the Bill and propose amendments. Written submissions must be returned by Friday, 13th September.

- 2.2 Subject to the successful passage of the Bill it will come into operation on a date appointed in an Order made by the Department; early indications suggest that this may be summer 2014. Prior to that, the Department intends to prepare guidance for councils in relation to the scheme implementation.

- 2.3 The Council has already responded to a previous consultation and has been working with the Department for Social Development Social Policy Unit on this matter.

- 2.4 The draft Council response of comments on the Bill is attached.

- 2.5 In summary, the comments made in the draft response are that Belfast City Council is generally very supportive of the introduction of legislation which enables and regulates Pavement Cafés. However, the following points are made:

Private v Public Land

- 1 The Bill does not appear to cover significant areas of land which are private for the purposes of the Bill such as Belfast Harbour Estate and Lanyon Place. In the City centre there are other examples, including Ten Square and Victoria's bar, which would not be regulated under the current proposals as

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they own the land upon which they have placed pavement café furniture.

The definition of a public area to which the Bill will apply may result in the Council licensing some, but not all, premises on the same stretch of road where tables and chairs are placed on the footway depending if the portion of land is private or public.

For some premises this will result in no control on design, layout, operating times or control over alcohol consumption in the pavement café area; this is particularly important where there have been problems with disorder. This is likely to lead to confusion and claims of unfairness for those affected.

Fees

- 2 There is a concern that although the Bill allows the Council to charge fees for a Licence application the actual cost of administering the scheme will far exceed what the Council will be comfortable with charging already struggling businesses in the City. .

Apart from the application fee prospective applicants will need to invest in a reasonable standard of street furniture, produce a site drawing / plan, extend their public liability insurance and consider that the grant of a pavement cafe licence may also impact on the business rate liability of the associated property.

Mobility/Accessibility Issues

- 3 Any guidance documents issued by the Department will need to have regard to the mobility difficulties of the disabled and the visually impaired and aim to balance this with the needs of local business and economic activities as well as the vibrancy of our town centres. It is therefore vitally important that local councils are involved in drafting any guidance that the Department produces to ensure the successful implementation of the legislation.

Refusal/Control

- 4 There is concern that the grounds of refusal do not cover enough eventualities and as such weaken the option for Councils to bring about effective control. This may well be intentional and based on the 'light touch' approach favoured by central government but may prove problematic in the

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longer term. Belfast City Council is in favour of an approach which favours approval and limits burdens on businesses. However there may well be a small number of traders who will not provide high quality, safe and appropriate facilities and the Council would like to be able to control these effectively.

At present there is no ground to refuse where the activity will cause environmental problems or detract from the amenities of the adjacent retailers/occupiers. For example, if there are smells from food/alcohol/smoke close to residential property or problems with noise from customers who cause nuisance or annoyance. Members will be well aware of the number of incidents of nuisance and disturbance arising from smoking shelters after the introduction of the smoking legislation.

There is no ground to refuse if the tables and chairs, etc. are not suitable for their use i.e. being of a stable and robust design and suitable for the intensity of use that they will receive on the city's streets.

There is no ground to refuse the overall design, if the design is an eyesore and not appropriate for the area, particularly if the area is of significant or conservational importance or in keeping with the design of the streetscape. The Council is mindful of Streets Ahead project in Belfast and the design of the pavement café must compliment this scheme.

We are supportive of the flexibility to enable pavement cafes to be provided in areas not simply adjacent to the main premises. However we would request that the Department considers how controls on limits could be placed on inappropriate competition from businesses which, for example, apply for a licence in areas adjacent to other establishments and that the guidance considers how competing applications for the same area should be dealt with.

Enforcement

- 5 The Enforcement Concordat articulates the Principles of Good Enforcement that help businesses to comply with regulations, and help enforcers to achieve higher levels of voluntary compliance.

This Bill does not appear to comply; there are no enforcement sanctions apart from revocation and suspension for breach of licence conditions. A Fixed Penalty scheme would have been a sensible introduction and

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proportionate for minor breaches of licence conditions such as contained within the Street Trading Act. This provides a less burdensome approach for councils and business.

The Bill as drafted does not appear to provide any facility to deal with an imminent threat, or ongoing incidents, of disorder in relation to pavement cafes where alcohol may be consumed. Provision for this should be considered given that the process of suspension or revocation will be lengthy.

3 Resource Implications

3.1 Financial

Whilst there is no central government budget allocated to this function the proposed Bill will allow the Council to recover costs for processing a Pavement Café Licence application such as those for administration and licence compliance. In preparing proposals for administering the proposed Bill a charging policy will be developed for agreement by Members on the scope of licence fee to be set.

3.2 Human Resources

There are potential staffing resources implications in undertaking this function but these are difficult to quantify at present until the full scoping exercise has been completed.

3.3 Asset and Other Implications

These, if any, will be identified through the scoping exercise.

4 Equality Implications

The implementation of the Act will be subject to an equality impact assessment to identify any equality issues that are to be addressed. The comments will also be brought to the attention of the Licensing Committee.

5 Recommendations

The Committee is asked to consider the attached response and agree it subject to any amendments arising from your discussion.

Document Attached

Draft submission for consideration by the Social Development Committee

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COUNCIL RESPONSE

Having considered the Pavement Café Bill, Belfast City Council would wish to submit the following comments and recommendations for consideration in respect of the Bill.

The Council has voiced concern for several years that the development of a café culture in the City is curtailed by requirements of the Roads (NI) Order, as well as other legislative barriers.

Roads Service has taken a very sensible approach in Belfast and have not tended to pursue action against pavement cafés provided they do not restrict the free flow of pedestrians or vehicles or compromise public safety.

The Council believe that developing a café culture can have a positive effect on urban environments, help promote town and city centres, make a difference in terms of attracting visitors and tourists and contribute to the general well-being of communities.

The Council is generally very supportive of the introduction of legislation which enables and regulates pavement cafés and wishes to make constructive comments to help shape the Bill and offers its officer's expertise, to work with the Department in producing any guidance documents or associated publications.

General Comment

The Council is in favour of an approach which favours approval and limits burdens on businesses. However there may well be a small number of traders who will not provide high quality, safe and appropriate facilities and the Council would like to be able to control these effectively

When the Department is considering the commencement date for the Bill consideration should be given to a transitional period of implementation to allow councils an opportunity to consider applications from already established pavement cafés. Otherwise Councils may need to deal with a large number of applications within a short time period which will place a significant administrative and resource burden on both Members and Officers.

Reference is made in the Bill to the making of provisions by Regulation. It is recommended that the Department consider introducing some form of Regulations to help ensure

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consistency of approach and to provide clear guidance to councils on the intent of the legislation.

Committee are advised that a similar provision exists under the Local Government (Miscellaneous Provisions) (NI) Order 1985 which enables councils to issue an entertainments licence subject to such terms, conditions and restrictions as it may determine but in doing so must have regard to the model terms, conditions and restrictions published by the Department. Such model terms were drawn up by a working group which included council officers and have been an invaluable assistance in the administration of entertainments licences. Belfast City Council would be keen to participate in any working group that the Department considers setting up to undertake such a task.

It is also recommended that any guidance documents issued by the Department have regard to the mobility difficulties of the disabled and the visually impaired and aim to balance this with the needs of local business and economic activities as well as the vibrancy of our town centres.

In introducing the Pavement Cafés Bill the Department should be mindful to avoid the potential for licensed areas to simply become smoking shelters or areas for ‘mass vertical drinking’.

Specific Comments

1 Private v Public Land

In the Bill, Section (1) para (2) states - *In this Act “a public area” means a place in the open air to which the public has access, without payment, as of right and which is not in a market.*

On initial reading of the definition of ‘a public area’ in the Bill, it appears to be very broad and as such it may be argued that this cuts down on red tape and is to be welcomed if this minimises any burden on business. However, from an operational point of view the Council would like raise the following points.

The inclusion in the definition of the wording “without payment, as of right” seems a very narrow and restrictive definition. It is presumed that introducing the wording “as of right” is related to the ownership of the land in question, with the intention of this Bill being that councils will not be able to licence pavement cafes placed in land that is privately owned.

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Therefore, in the context of Belfast, significant areas of land will not be regulated such as Belfast Harbour Estate and Lanyon Place. In the City centre there are other examples, including Ten Square and Victoria's bar, which would not be regulated by this legislation as they own the land upon which they have placed pavement café furniture.

The definition of a public area to which the Bill will apply may result in the Council licensing some, but not all, premises on the same stretch of road where tables and chairs are placed on the footway depending if the portion of land is private or public.

For some premises this will result in no control on design, layout, operating times or control over alcohol consumption in the pavement café area; this is particularly important where there have been problems with disorder. This will lead to confusion and claims of unfairness for those affected. Conversely, premises with a Pavement Café Licence can allow patrons to consume alcohol without them breaching the Alcohol Bye-Laws whereas the premises that cannot be licensed because of the land issue will not be exempt from complying with the Alcohol Bye-Laws.

It is worth noting that in the Street Trading Act (N.I.) 2001, on which the Bill is modelled, there is a different definition of a public place. It is suggested that this definition should be considered as it would have deal with all of the above problems. An extract of the Street Trading Act is provided for clarity:

(3) In this Act "street" includes-

(a) any road or footpath within the meaning of Article 2(2) of the Road Traffic (Northern Ireland) Order 1995 (NI 18);

(b) any public place within the meaning of subsection (4); and

(c) any part of a street.

(4) In subsection (3) "public place" means a place in the open air within 10 metres of a road or footpath-

(a) to which the public has access without payment, but

(b) which is not within enclosed premises or the curtilage of a dwelling."

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A final point relates to a 'market' being exempt from needing a licence. Clarification is sought that a market must be actually taking place for the exemption to apply and that land which may host a market is not generally exempted.

The Committee may wish to consider if the above issues, if not addressed, would support the objectives of the Bill. There is concern that if the licensing scheme does not regulate all pavement cafes then this will not support the creation of a vibrant daytime and evening economy for the general well-being of communities.

2 Location of Pavement Café Furniture

It is the Council's reading of the Bill that an area licensed as a pavement cafe does not need to adjoin the applicant premises. We believe this a sensible approach to allow councils a degree of flexibility as there may be premises that cannot place their furniture directly outside the frontage of their property.

However, we are concerned that this broad flexibility may also be exploited and cause future problems. We would request that the Department considers how controls on limits could be placed on inappropriate competition from businesses which, for example, apply for a licence in areas adjacent to other establishments and that the guidance considers how competing applications for the same area should be dealt with.

For example, a pub could apply for a pavement café licence some distance away from its premises – possibly the whole of a town square – thus gaining an economic advantage over competing pub premises. It is doubtful whether this is the intent of the legislators but is a matter that should be addressed so that councils' are not left with an unnecessary problem.

3 Fees

There is a concern that, although the Bill allows the Council to charge fees for a Licence application, the actual cost of administering the scheme will far exceed what the Council will be comfortable with charging already struggling businesses in the City.

Apart from the application fee prospective applicants will need to invest in a reasonable standard of street furniture,

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produce a site drawing / plan, extend their public liability insurance and consider that the grant of a pavement café licence may also impact on the business rate liability of the associated property.

4 Temporary Furniture

Section (1) para (4) states - *For the purposes of this Act, furniture placed on a public area by or on behalf of a person is “temporary” if that person can remove, or cause to be removed, all of it in 20 minutes.*

The Council accepts that if no time limit was placed here then furniture could effectively become permanent. However, if the applicant/licensee has a disability which restricts their ability to remove their furniture in the time permitted this may be seen as discriminatory. It should be for a Council to determine what constitutes temporary furniture when considering the circumstances of each application otherwise our power of discretion is being fettered.

5 Publication of Representation Period by Councils

Section (10) para (4) states - *Where a council receives an application made in accordance with this Act, it must, by such means as it thinks appropriate*

(a) make the application available to be viewed by the public until the end of the period allowed for representations; and

(b) publicise the fact that representations relating to the application may be made in writing to the council until the end of that period.

Clarification is sought that the requirement to ‘publicise’ will be met by councils publishing a list of pavement café applications via such means as on their website. If the intent is otherwise and if, for example, a newspaper publication is required this is expensive and will add unnecessarily to the cost of obtaining a Pavement Café Licence.

6 Refusal/Control

The Council is concerned that the grounds of refusal do not cover enough eventualities and as such weaken the option for Councils to bring about effective control. This may well be intentional and based on the ‘light touch’ approach favoured by central government but may prove problematic in the longer term. Belfast City Council is in favour of an

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approach which favours approval and limits burdens on businesses. However there may well be a small number of traders who will not provide high quality, safe and appropriate facilities and the Council would like to be able to control these effectively.

Section 4 (2) (b) of the Bill refers to interference to persons or vehicles in the vicinity – there is no consideration for interference or inconvenience to adjacent premises in the vicinity.

At present there is no ground to refuse where the activity will cause environmental problems or detract from the amenities of the adjacent retailers/occupiers. For example, if there are smells from food/alcohol/smoke close to residential property or problems with noise from customers which cause nuisance or annoyance. The Council is mindful of the significant number of complaints regarding nuisance and disturbance arising from smoking shelters after the introduction of the smoking legislation.

There is no ground to refuse if the tables and chairs, etc. are not suitable for their use i.e. being of a stable and robust design and suitable for the intensity of use that they will receive on the city's streets.

There is no ground to refuse the overall design if the design is an eyesore and not appropriate for the area or in keeping with the design of the streetscape, particularly if the area is of significant conservational importance. The Council is mindful of the success of the Streets Ahead project in Belfast and the design of the pavement café must compliment this scheme.

7 Enforcement

The Enforcement Concordat articulates the Principles of Good Enforcement that help businesses to comply with regulations and help enforcers to achieve higher levels of voluntary compliance.

One of the key Principles is Proportionality: ensuring that enforcement action is proportionate to the risks involved.

This Bill does not appear to comply in that there are no enforcement sanctions apart from revocation and suspension for breach of licence conditions. A Fixed Penalty scheme would have been a sensible introduction and

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proportionate for minor breaches of licence conditions such as contained within the Street Trading Act.

Other recently introduced legislation includes provision for fixed penalty notices offering the person committing the offence the opportunity to discharge any liability to conviction for that offence by payment of a fixed penalty. This provides a less burdensome approach for councils and business.

In addition, other new legislation has enabled district council's to use receipts from these penalties to assist with the costs of administering the function.

Suspending and Revoking a licence is not a function which is normally delegated to officers. Such a decision in Belfast is taken by the Licensing Committee which has delegated authority from the Council to make the final decision as to whether a licence is suspended or revoked. Should officers consider it necessary to bring a licensee before Committee to consider licence suspension or revocation it is estimated that this will take at least 6 to 8 weeks. It is suggested this process may take even longer for other Councils in N. Ireland.

It is recommended that consideration is given to the introduction of fixed penalties as a cost effective means of enforcing this piece of legislation and to include additional offences for non-compliance with licence conditions.

The Bill as drafted does not appear to provide any facility to deal with an imminent threat, or ongoing incidents, of disorder in relation to pavement cafes where alcohol may be consumed. Provision for this should be considered given that the process of suspension or revocation will be lengthy.

8 Alcohol

The Pavement Café licence can permit a person to consume alcohol legally in an area prohibited under the Alcohol Bye-Laws and that is welcomed.

The Bill makes a number of amendments to the Licensing Order regarding Liquor Licensing and consumption, it does not appear to allow for an extension to the area where alcohol can be sold – only consumed – the Council questions the *raison d'être* for this exclusion as many restaurants/cafes will want to operate a service to their

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customers in encouraging tourism, etc. through table service and paying the bill at the table.

Alcohol can only be consumed outside a public house, hotel, guest house which has restaurant, a restaurant, or a refreshment room in public transport premises. The Council queries why conference centres, higher educational institutions and places of public entertainment were excluded – this exclusion would cause problems for these premises if they wanted tables and chairs outside.

We reiterate our comments made in section one of this submission where premises with a Pavement Café Licence can allow patrons to consume alcohol in a street without them breaching the Alcohol Bye-Laws whilst the premises that do not need to be licensed because of the land issue will be encouraging their patrons to breach the Alcohol Bye-Laws.

9 Duration of licence

If the Licence is open ended there is potential that it may become a tradable commodity if the licence is granted to a company. In addition, the Bill states that a licence cannot be transferred from one person to another person. It is not clear what the intent of this prohibition is but it would seem that the legislation gives scope to circumvent this in that a company can continue to exist even if the directors change through a sale; whilst it is still the same company in effect the licence has been transferred.

10 Amendments to other legislation

This Bill amends the Street Trading Act (N.I.) 2001 in that, where a pavement café licence is in force, any trading carried out in the area covered by the licence, is exempt if

- (i) the trading is done in the course of a business involving the supply of food or drink to members of the public, or of a section of the public, which is carried on by the licence holder at the premises specified in the licence; and
- (ii) the trading does not involve a contravention of the conditions of the licence.”.

We understand the intention of the Licensing of Pavement Cafes Bill is to provide district councils with the power to licence occupiers of suitable premises to place tables and chairs on the pavement to facilitate their customers.

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There is a concern that this could be a mechanism to allow pavement cafes to set up 'off the premises' barbecues, rotisseries, ice cream machines, drinks/food vending machines, coffee machines and other equipment for the sale of food and drink. The exemption may allow a café/bar to obtain a pavement café licence to effectively become a street trader.

It is our view that businesses eligible to operate an outdoor café should be required to provide food/drinks prepared inside the main premises. If a trader wishes to sell from barbecues, ice cream machines and drinks/food vending machines or alcohol from a temporary bar they should still require a street trading licence with all of the appropriate considerations and checks.

We understand that in other jurisdictions where they have the licensing of tables and chairs there is still a requirement to obtain a street trading licence."

Waste Management

**Tender for the Treatment and
Disposal of Street Sweepings**

The Head of Waste Management informed the Committee that street sweepings were treated and disposed of currently through an arc21 contract. The process involved the dewatering of approximately 4,000 tonnes of waste per annum at the contractor's premises and the subsequent disposal of the remaining material through landfill. He reported that the Waste Management Service had identified an opportunity to treat street sweepings in such a way as to make a contribution to the City's recycling rate. An independent assessment which had been undertaken of the Council's 'Towards Zero Waste' Action Plan had identified that the recycling of street sweepings, which was a readily identifiable and separate waste stream, could contribute up to 2.5% to the City's annual recycling rate, for which a target of 50% had been established for 2015. Such a move would enhance the Council's reputation in terms of implementing the Department of the Environment's guidance to move the treatment of materials up the waste hierarchy and reducing the volume of waste being disposed of through landfill.

He explained that the current arc21 contract for the treatment of street sweepings was due to end in March, 2014 and that the future nature and scope of that arrangement was under consideration currently. In the meantime, it was proposed that a tendering exercise for the recycling of the Council's street sweepings be undertaken, until such times as the arc21 position was resolved. He pointed out that, based upon historical tonnages and estimated gate fees, the annual cost to the Council of providing the service would be in the region of £320,000. As the contract would include a different treatment option to that utilised presently, there would an estimated annual increase of

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approximately £132,000, provision for which had been made within the Council's Waste Fund.

The Committee granted approval for the commencement of a tendering exercise as outlined, and delegated authority to the Director of Health and Environmental Services, in accordance with the Council's Scheme of Delegation, to award the contract on the basis of the most economically advantageous tender received. The Committee granted approval also for officers to work with arc21 on a collective street sweepings contract which the Council might buy into or which could act as a contingency measure should the need arise.

**Tender for the Provision of a Mobile
Patrolling Service for Public Conveniences**

The Committee was advised that the Council was committed to providing high quality public conveniences across the City. The Head of Waste Management reported that, since 2002, the Council had provided under contract a mobile patrolling service in response to concerns which had been raised by the public and the Council's cleaning staff regarding anti-social behaviour and other issues. Two teams of two operatives were deployed on a seven-day basis and visited each of the thirteen facilities in accordance with an agreed schedule or as directed by Council staff.

He explained that the contract for the provision of the aforementioned service was due to expire on 31st December, 2013. He reminded the Committee that, at its meeting on 6th February, it had agreed a Public Convenience Strategy for the City, with a view to enhancing toilet provision. The Waste Management Service was in the process of developing an implementation plan, based upon the recommendations arising from that strategy, which could have an impact upon the operation of the current contract. It was, therefore, proposed that that contract be awarded initially for one year, with the option to renew on a three-monthly basis thereafter, up to a maximum of twelve months, subject to satisfactory performance. The annual cost of providing the service would be approximately £60,000, which would be met from the Waste Management Service's budget.

The Committee granted approval for the commencement of a tendering exercise for the provision of a mobile patrolling service and delegated authority to the Director of Health and Environmental Services, in line with the Council's Scheme of Delegation, to award the contract on the basis of the most economically advantageous tender received.

**Proposal to Establish a Zero Waste
Community Grant Scheme**

The Committee was reminded that one of the actions contained within the 'Towards Zero Waste' Action Plan 2012/2015 and the Waste Management Behavioural Change Plan had been the development of a Community Waste Action Fund. The Head of Waste Management reported that the aim of the initiative, which would be known as the Zero Waste Community Grant Scheme and which would operate along similar lines as those being delivered in a number of councils in Great Britain, would seek to promote

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waste prevention, divert waste from landfill and provide self-help to residents to encourage them to recycle more materials by providing them with the necessary resources. It was envisaged that it would, amongst other things, increase the Council's recycling rate by around 0.5% per annum and, in turn, reduce the amount of waste being disposed of through landfill.

He explained that the Scheme was due to be launched in the autumn and that the Waste Management Service was proposing that funding of £50,000 be allocated to it in the current year and a further £100,000 in 2014/2015. The initiative would be promoted equally across all areas of the City through existing Council services, facilities and publications. He pointed out that, given the current timeframe, the Waste Management Service would undertake the administration of the funding call for the current year and that it was proposed that the Scheme would, in 2014/2015, be overseen by the Development Department's Central Grants Unit. He provided an overview of the guidance notes and assessment process relating to the Scheme and confirmed that they would be incorporated into the Central Grants Unit's procedures and that panels comprising of suitably experienced officers would in due course be appointed as part of the evaluation process.

During discussion, a Member stressed the need to ensure that community groups seeking funding through the Zero Waste Community Grant Scheme were fully aware of the Council's objectives in terms of increasing the City's recycling rate and indicated clearly how their activities would bring about behaviour and attitude changes within their areas.

In response, the Director of Health and Environmental Services confirmed that the Waste Management Service would be working with each community organisation, in advance of them submitting their application, to identify any issues which could affect the delivery of their project.

After further discussion, the Committee approved the Zero Waste Community Grant Scheme and associated expenditure.

**Update on Proposal for a Resource
Centre at the Springvale Site**

(Councillor Keenan left the room whilst this matter was under consideration.)

The Committee considered the undernoted report:

"1 Relevant Background Information

- 1.1 To achieve our recycling targets requires not just the infrastructure to allow householders to recycle but a greater level of behaviour change to shift public attitudes away from using the old Civic Amenity (CA) sites to 'dump' waste to a stronger desire to recycle at the Council's new Household Recycling Centres.**

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- 1.2 To date, four HRCs have been developed – Palmerston Road, Ormeau, Blackstaff Way and Alexandra Park Avenue. Every year these sites contribute around one third of the total recyclable tonnage collected by the Council (i.e. approx 38,000 tonnes).
- 1.3 The Service identified the benefits of developing a fifth HRC between the north and west of the city and as far back as 2005. A site within the former Mackie's site at Springvale was identified.
- 1.4 The Council informed the owners of the site, the Department for Social Development (DSD), of its interest in this land for use as a HRC and the DSD and Belfast Regeneration Office (BRO) incorporated these proposals into a subsequent master planning exercise for the area '*Springvale Master Plan Options Report*' of 2 June 2008.
- 1.5 The project was also included as a project within the Council's draft Investment Programme 2012-15. The project reflects the investment principles by proposing to develop a cross-community project in partnership with the local community, while seeking to reduce service costs and encourage sustainable living.
- 1.6 At the Sept 2010 Committee meeting, Members agreed that an economic appraisal should be conducted on the feasibility of developing a HRC within the Springvale site. Subsequently, in Dec 2011, BDO consultants were commissioned to conduct an economic appraisal to determine the most appropriate option for the development of additional recycling facilities in Belfast to assist in meeting the Council's recycling targets.
- 1.7 During the course of the appraisal, it became evident from stakeholder feedback, market developments and a clearer focus on the Investment Programme and, in particular the proposed Innovation Centre at Forth River, that the original proposal for a HRC should be reconsidered to improve its compatibility with other proposals. As a result, the terms of reference for the appraisal were amended to reflect evolution within the waste management sector and proposals for a more innovative Resources/ECO Centre were considered for this site.
- 1.8 At this facility (which would have more innovative design features), wastes would be closely managed and '*streamed*' in order to maintain the quality of the material which will deliver:
 - reduced disposal costs,

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- improved segregation of materials for both sale and for re-manufacture and
- the opportunity to engage with partners to develop social enterprises through re-use ventures.

1.9 This proposal could also directly support other waste-related research, such as the Interreg IVB RENEW project, and help the Council to contribute to the development of new companies at other locations across the city, for example the proposed Questor Innovation Centre.

1.10 The economic appraisal on the Household Resources/ECO Centre has now been completed and this report outlines the key findings and recommendations.

2 Key Issues

2.1 BDO consultants carried out an economic appraisal on the development of an HRC at Springvale. In the latter stages of the appraisal it became evident that the original concept would need to be amended to take on board stakeholder feedback and this was an opportunity to reflect the evolution of such facilities across the UK and Ireland. Furthermore, the proposal to develop an HRC at the site had to take cognisance of the Council's priorities within the Investment Programme and, in particular, proposals for an Innovation Centre on the adjacent Forth River site.

2.2 The consultants were issued with revised terms of reference in June 2012 which were based around the concept of an innovative and largely covered Household Resources/ECO Centre. This facility would focus on improving substantially how materials were '*streamed*' to reduce costs, maintain their inherent value and better provide opportunities for local employment. The economic appraisal was completed and submitted to the Service in July 2013. The Executive Summary of the economic appraisal has been circulated to the Committee and a full copy of the report can be provided through the Members library.

2.3 The key conclusions from the economic appraisal are:

- The project has clear fit with the waste strategies of the EU, Northern Ireland Executive and Belfast City Council and has the potential to contribute to their long term goals;

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- There is a defined need for the project and for Council intervention based upon the:
 - ~ The spatial gap in provision in North West Belfast impacting the capability and propensity of households in that area to recycle
 - ~ The need to meet future landfill and recycling targets
 - ~ The financial cost of landfilling waste and potential impact of EU fines resulting from failure to meet landfill targets;
- The proposal is accepted by the landowners (DSD) in principle assuming it does not impact the future usability or flexibility of the remainder of the site;
- The Council desktop research and community consultation process both identified the Springvale site as being the only neutral site in the surrounding area that is of a suitable size.
- The project could act as a catalyst investment in the vacant Springvale site (if there are no other reasonable proposals).
- The project is however considered to carry a significant risk due to:
 - ~ Draft BMAP (Belfast Metropolitan Area Plan 2015) indicates that the site is zoned for light or general industrial use. As a result any planning application for a Household Resources/ECO Centre would need to clearly identify overriding reasons as to why such a facility should be approved on this site.
 - ~ Invest NI, who currently control the existing access point to the site, have concerns that the development would reduce the availability of economic development land in the area, particularly at the Forth River site (where the Innovation Centre is planned).
 - ~ The site presents evidence of contamination. Costs involved in dealing with the contamination issues would only be available after further intrusive ground works analysis.

2.4 Going forward, the economic appraisal makes the following recommendations for consideration:

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1. Option 4 should be taken forward. This option is for the development of a Household Resources/ECO Centre and associated re-use facility on the Springvale site, located at the front of the site and accessed from the existing road infrastructure. Whilst it is marginally more costly than the other options, it represents the most feasible option in engineering terms and the lowest risk of the 'Do Something' options.
2. The success of the project depends upon the facility displacing current waste disposal behaviours in the area. Therefore the existing facilities at Agnes Street and Springfield Avenue should cease to operate as CA sites. However, the Council may wish to provide alternative recycling points/bring banks at these sites.

Given the aforementioned contamination issues, the Council should seek to clarify the precise extent of works required, the cost and the responsibility for decontamination.

3. The project aims to service the North West Belfast community; therefore their support is fundamental to the project's success. Consequently it is recommended that throughout the development process, the Council should seek to engage with the local community to:

- ~ Ensure they are kept informed of the process
- ~ Ensure they have the opportunity to input into the development of the project and
- ~ Raise awareness of recycling issues and address any misconceptions associated with Household Resources/ECO Centre.

4. Option 4 depends upon gaining access from the Invest NI constructed roundabout. Whilst DSD has indicated that they have maintained a right of way, the Council should seek further clarity from DSD on the issue.
5. Option 4 depends upon securing acceptance for the project from Invest NI. Discussions should be held with Invest NI at the earliest opportunity (Note: this has happened and Invest NI is not supportive).
6. As the wider development of the Springvale site progresses, the Council should seek to lobby relevant

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stakeholders to allow greater access from Workman Avenue. This would facilitate wider cross community usage.

7. The Springvale site is located in a highly deprived area. Therefore, given the Council's aim to regenerate economically and socially deprived areas of the City, it is recommended that social clauses are considered in the construction of the project. The clauses may consider providing on the job training opportunities for the unemployed in the community, job creation for the local community and suitable green space or tree buffer zones to protect the local school from any perceived negative noise, odour or visual impacts.
8. Once further site knowledge has been established (e.g. ground investigations, decontamination requirements clarified, and more detailed designs developed), the Council should seek to engage with Planning Service and Road Service as soon as possible to understand any fundamental issues which may affect the project's progress.

2.5 In terms of the Capital Programme, the stage that this proposal is at is Stage 1 (agreed via the Strategic Policy and Resources Committee). Given the outcome of the economic appraisal the next stage would be for the Department to seek SP&R Committee approval to move the project to Stage 2 under the Capital Programme, subject to the Council's Gate Review and due diligence processes.

2.6 However, given the fact that the Council is awaiting the outcome of the Economic Appraisal and the ERDF Application for funding of the Innovation Centre, it is considered that SP&R should be aware of the outcome of that bid before making a decision on the recycling centre. At that stage the issue of compatibility can be more fully considered.

3 Resource Implications

3.1 Financial

The total capital costs associated with this project are estimated at £4.3 million which includes a figure of £0.5 million for optimism bias.

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3.2 Human Resources

It is envisaged that there would be no significant Human Resource issues arising from the preferred option. The staff from the CA sites would transfer to the new facility and the Service has sufficient establishment and flexibility to meet the needs of the proposal.

4 Equality and Good Relations Considerations

4.1 The Springvale site is located on an interface between two communities and has been used by youths as an area for anti-social behaviour. The development of a Household Recovery/ECO Centre at the site provides potential to create a shared space that both communities would value.

4.2 The Service will work with Good Relations to ensure that the local communities have input to the project and are kept informed of its progress throughout all stages of its development.

5 Recommendation

5.1 The Committee is requested to note the update report.”

After discussion, the Committee adopted the recommendation.

**Amendment to the Policy on the Provision of
Wheeled Bins for Residual Household Waste**

The Committee considered the undernoted report:

“1 Relevant Background Information

1.1 Members will be aware that the Council has a number of legislative targets to meet in terms of recycling and landfill diversion, namely:

- ☐ 50% recycling by 2020 (EU Waste Framework Directive) and
- ☐ To reduce by 2020 the quantity of Biodegradable Municipal Waste (BMW) landfilled to 35% of that produced in 1995

1.2 With these targets in mind, the Committee endorsed the ‘Towards Zero Waste’ Action Plan on 16th April, 2012. This Action Plan outlines how the Council intends to achieve the

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targets and sets out a Council commitment to meet 50% recycling by 2015, five years ahead of the legislative deadline.

- 1.3 One of many actions detailed in the Plan was to change the size of many householders' bins, starting with exchanging the 140 litre capacity blue bins of around 18,000 residents involved in the early stages of the blue bin roll-out. For these residents, the smaller blue bin has been exchanged for the standard 240 litre one as, with more space, they can recycle more. This swap scheme was completed in November 2012. This will be an additional benefit for householders when the arc21 newly procured Materials Recovery Facility (MRF) contract is awarded in the autumn, as it is expected that more materials will be able to be accepted in the blue bins.
- 1.4 Additionally, as a further incentive to encourage recycling, the Service is now preparing for the second stage of this re-sizing task which, as per the Plan, involves adopting a 180 litre bin as the standard size for residual waste. It is planned that this second stage, to reduce (i.e. 'slim') the size of the residual black bin from 240 litres to 180 litres capacity will be introduced in January 2014, following the introduction of the new inner city recycling collection service.
- 1.5 Research has demonstrated that restricting the household bin space available for residual waste generally results in a compensatory increase in recycling rates. This was one of the outcomes of moving to an alternate weekly collection scheme when Belfast introduced the three bin system in 2005/06. Reducing the size of these bins means that householders are more likely to use their recycling/composting schemes.
- 1.6 Indeed, a recommendation from the recent report '*Boosting Recycling – Economic Appraisal for the Kerbside Collection of Dry Recyclables and Food Waste in Belfast*', by Deloitte & Eunomia Consulting, states that '*Whilst not forming part of the preferred option for the Council's inner city contract at present, the introduction of a 180 litre wheeled bin for residual waste closer to the target date would thus be recommended in order to further boost the recycling rate.*'
- 1.7 As per 1.2 above, the commitment to change the size of householders' bins was included in the '*Towards Zero Waste*' Action Plan. This reduction in bin size capacity is an increasing trend across the UK with approximately 50 councils now supplying 180 litre, or smaller, residual waste bins as standard. By adopting this approach, the Council will be one of the first councils in Northern Ireland to introduce such a

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scheme and will demonstrate its continued leadership and commitment to recycling.

- 1.8 Over the past decade, the emphasis has been on encouraging the public to recycle more and to divert waste from landfill. Continuing this shift in attitude and behaviour, which has resulted in the City's recycling rate growing from 4% in 2004/05 to 34% in 2012/13, will lead to a better Belfast, environmentally, financially and socially. For example, in 2004/05, each household disposed of 828 kg per annum on average of kerbside residual waste (i.e. in black bins); in 2012/13, this reduced to 546 kg, as residents use other recycling and composting schemes.
- 1.9 Based upon the current residual waste levels per household and the kerbside waste composition data from DoE, around 70% of kerbside-collected waste could be recycled or composted if households segregated all their waste. This would mean that, should all householders use their recycling and composting schemes fully, the average household would only require 62 litres per fortnight for residual waste.
- 1.10 This shows that a 180 litre residual waste bin should be more than sufficient for householders in most cases, and any special cases (such as larger families) will be considered in the normal manner under the current policy outlined in the following section.

2 Key Issues

- 2.1 The provision of a 240 litre residual waste bin is a legacy of when all waste was put into just one black bin before kerbside recycling collection schemes were introduced. Since these schemes have arrived there should now be less of a reliance upon the residual waste bin, once all areas have a food waste collection service.
- 2.2 As explained above, a 180 litre black bin for residual waste per household should be more than adequate in most cases. It is proposed then that as existing black bins need replaced and individual requests are made, 180 litre bins will be allocated.
- 2.3 Any special circumstances could be considered in the normal manner under the present bin provision policy which states that additional residual capacity will be provided in the following instances:
 - i) Households with 6 or more people permanently residing in the house will be offered a 360 litre landfill bin.

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Requests must be made in writing stating the ages of the people in the household. Households receiving a 360 litre bin will be reviewed periodically to determine if a requirement for the extra capacity still remains. The 360 litre bin, or the 240 litre bin where the householder is downgrading again, will be provided free of charge.

- (ii) Residents with a medical complaint generating additional quantities of waste (e.g. incontinence pads) will be offered an additional 240 litre bin free of charge. A request for additional capacity must be made in writing and as assessment will be carried out by a recycling advisor. Households receiving an additional bin will be reviewed periodically to determine if a requirement for the extra capacity remains.

2.4 It is intended that these two cases for additional residual bin capacity will be retained. Due to revised operational practices which have seen the Council no longer selling 360 litre residual bins following health & safety advice as, if overladen, these present manual handling issues and can result in damage to the lifting mechanism on refuse collection vehicles, and the need to incorporate the 180 litre bins into the present policy, the policy will be revised to incorporate the revisions within the recommendations of this report.

2.5 In order to permit the inner-city recycling collection scheme to be completed later this year, and to ensure that every household in Belfast is starting from the same base, it is proposed that the amended policy in the “*slim*” residual waste bin is not introduced until January 2014. This will be introduced only as bins need replaced.

3 Resource Implications

3.1 Finance

There are no financial considerations as this is a policy amendment, and the cost of the 180 litre residual waste bin is broadly in line with that of the 240 litre bin. It should be noted that the proposal would be phased in on a natural wastage/bin replacement basis.

3.2 Human Resources

There are no Human Resource issues associated with this report.

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4 Equality and Good Relations Implications

- 4.1** The revised policy was presented to the Equality Consultative Forum in April and no major issues were recorded beyond mitigation measures which included monitoring and review.

5 Recommendations

- 5.1** The Committee is requested to approve the following policy changes to the provision of wheeled bins for household waste:
- (i) to change the size of the standard residual waste bin from the current 240 litre to 180 litre capacity from January 2014. The replacement price, where applicable, will be the same as that of the 240 litre bins (i.e. £15), which is a discounted price to householders; and
 - (ii) the amendments required to the existing policy on wheeled bin provision (i) to substitute 180 litre bin for 240 litre bin and to delete reference to the provision of a 360 litre bin for residual waste."

The Committee adopted the recommendations and noted that a copy of the revised policy was available on the Modern.gov website.

Update on Landfill Issues

The Committee considered the undernoted report:

"1 Relevant Background Information

- 1.1** In April 2012, the Committee agreed to the Department tendering for a contract to have all its black bin waste sorted and treated, to minimise the amount of material sent to landfill and to increase the recycling rate. This contract, which was won by NWP, was put in place as it was clear that the Council would not be able to meet the considerably reduced NILAS target for Belfast set for 2013:

Allowance for 2012	= 70,573
Allowance for 2013 (step change year)	= 48,123

2 Key Issues

2.1 NILAS

The NILAS scheme was put in place by the DoE to ensure that Northern Ireland would meet the EU Landfill Directive Targets. The scheme allows sharing of Council allowances as it is primarily focussed on Northern Ireland compliance.

The Committee had been made aware for some time that the Council would not, without the planned infrastructure (i.e. the arc21 procured treatment facilities), meet the NILAS target set for 2013. However, the NWP contract was put in place to minimise the exceedence levels (and increase recycling). There is also an arc21 protocol which allows sharing of allowances across the 11 councils.

2.2 The Waste Management Service had estimated that there would not be a significant overshoot of the NILAS targets, given the relative success of the NWP contract. However, our figures are submitted to the DoE at the end of the financial year and these are reviewed by their technical experts before they produce final approved figures. They have now come back with altered figures which mean that we need to access around 986 tonnes of allowances from the other ten arc21 councils. This will be facilitated by arc21. There are therefore no financial consequences for BCC. In terms of the DoE's re-working of our figures, the following were presented as the main factors:-

- DoE interpretation of the legislation that a percentage of BCC black bin waste which was in the process of being treated by our contractor, but where no landfill had yet taken place, should be counted within the 2012/2013 figures
- DoE's requirement that all collection and landfill figures need to balance. This has meant them adjusting the NILAS figure to take account of "missing tonnage" which we had put down to moisture loss and other factors during treatment and transport
- A tightening in DoE's recording requirements meant that they adjusted the figures to take account of a percentage of contamination in wood waste from our recycling centres that we sent for treatment and which would then be landfilled elsewhere.

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2.3 Contract with NWP

NWP are the current contractor approved to treat our black bin waste. Until recently they had been able to accommodate treatment of all of our black bin waste. However, Members may be aware of a recent cessation notice issued against a Londonderry/Derry based firm, City Industrial Waste, by the DoE. This has had an impact on NWP as it was using the CIW licence at Lisahally port for storage and export of waste. This means that NWP no longer has the capacity to treat and transport all our waste and refuse derived fuel produced from treatment. Therefore the contract has had to be altered (within procurement guidelines) with only around 40% of the black bin waste being treated, whilst licences are applied for and approved, which could take around 6 months. This contract, which Members agreed to extend at their March meeting, should still ensure that the Council meets its NILAS targets for 2013/2014, however its recycling target of 45% will be more challenging.

- 2.4** Therefore, the other recycling initiatives outlined in the accompanying reports are critical to achieving the Committee's aspirations for a city recycling rate of 50% by 2015, as is the successful rollout of the inner city recycling service which was launched at the end of July. A full report on recycling initiatives and progress will be brought to a future meeting.

3 Resource Implications

3.1 Finance

Allowances have been made within the Department's Revenue Estimates and the Waste Fund for the treatment of black bin waste.

4 Equality Implications

- 4.1** None.

5 Recommendation

- 5.1** The Committee is asked to note the report and that further reports on progress towards targets will be presented at half yearly intervals."

After discussion, the Committee adopted the recommendation and agreed that a letter be forwarded to the Environment Minister, Mr. M. H. Durkan, MLA, requesting that he meet with a cross-party deputation from the Committee regarding the need for that Department to expedite applications from waste companies for the grant of the requisite licences for the future treatment of the Council's residual waste from black bins.

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Cleansing Services

Update on Civic Pride Programme

The Committee was reminded that, at its meeting on 6th February, it had agreed, in principle, to allocate funding of £41,000 per annum from within the Council's anti-litter campaign budget towards a three-year Civic Pride Programme, subject to appropriate funding being obtained from the Public Health Agency and other organisations. The Programme, which would be comprised of a number of elements, would seek to improve health and wellbeing by enhancing the environment and social conditions of communities.

The Head of Cleansing Services reported that correspondence had been received recently from Tidy NI, which was managing the Civic Pride Programme, advising that the Public Health Agency had been unable to provide funding for the initiative. A revised project proposal had been submitted to the Department of the Environment, which had committed in total £390,000 to the initiative, seeking its approval and Tidy NI had requested councils to re-affirm their funding commitment to the Programme. Accordingly, he recommended that the Committee:

- (i) affirm its support for the revised Civic Pride Programme and that, given the delay in implementing the initiative within the current year, that it delegate authority to the Director of Health and Environmental Services to determine an appropriate level of funding, up to a maximum of £20,000, for that period, with the exact amount to be determined by circumstances and the timing of the project and on funding from other sources making the Programme viable;
- (ii) agree that that portion of the funding of £41,000, which had been allocated initially to Year 1 of the Programme and which had not been utilised, be redirected to the anti-litter campaign; and
- (iii) agree that the Civic Pride Programme for Years 2 and 3 be included within the Health and Environmental Services Department's Departmental Plan and associated budgets.

The Committee adopted the recommendations.

Update on Measures to Address Illegal Fly-Posting

The Committee was reminded that, at its meeting on 6th June, 2012, it had considered the feasibility of allowing some Council-owned properties to be used as managed poster sites, with a view to addressing the issue of illegal fly-posting across the City. The Committee had, at that time, agreed not to proceed with the proposal in order to allow for new enforcement powers and controls, which were being introduced under the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, to take effect and that the situation be reviewed in one year's time.

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The Head of Cleansing Services reported that the aforementioned Act, which had come into effect on 1st April, 2012, provided councils with specific powers to tackle fly-posting, including the ability to:

- issue Fixed Penalty Notices of £80 to anyone caught in the act of fly-posting;
- serve a Two-Day Notice on a person who was responsible for fly-posting, with a default power to remove posters and recover the costs associated with their removal; and
- use planning legislation to prosecute the benefactors of fly-posting for fly-posting offences.

He reported that, in anticipation of those powers, officers from the Building Control Service had, in conjunction with those from the Cleansing Services and Legal Services Sections, undertaken research on how measures to prevent or reduce fly-posting could best be included as a condition within all Entertainments Licences. As a result, the Legal Services Section had determined that the Licensing Committee could lawfully attach to a Licence a standard condition relating to fly-posting, provided that it was consistent with the provisions of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011. Four conditions had, subsequently, been approved by the Licensing Committee for inclusion on Entertainments Licences being granted, renewed or transferred. A letter had been forwarded to around 500 licensees and promoters of events advising them of the changes to the Entertainments Licensing conditions and the action which could be taken to deal with fly-posting offences. Licence holders had been reminded to that effect also in the lead up to Freshers' Week and St. Patrick's Day and the main perpetrators of fly-posting had been advised on many occasions of the new legislation and the robust enforcement action which would be taken to deal with offenders.

He informed the Members that the aforementioned actions had resulted in a significant reduction in incidences of fly-posting across the City and, in particular, within the City centre, where the practice had been most prevalent. The number of posters in that area had fallen from around 1,000 in the year preceding the introduction of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 to less than 200 in 2012/2013. Officers were, therefore, satisfied that the current approach to addressing fly-posting was very effective and that no additional measures were required.

After discussion, the Committee noted the information which had been provided and agreed that the Council's Corporate Communications Section issue a press release highlighting the success of the initiative in tackling fly-posting. The Committee agreed also that discussions take place with the Director of Development to examine the possibility of providing managed poster sites for licensees and promoters and with the Head of Corporate Communications on the feasibility of including on the Council's website information on small non-commercial events.

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Street Cleanliness Index

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 The figures presented in this report cover the first quarter of the financial year i.e. the period from April 2013 to June 2013. Monitoring figures were measured by Cleansing Services Quality Officers. Enforcement, and Education and Awareness information was supplied by the Customer Support Service, and the Community Awareness Section within Cleansing Services, who were responsible for these functions over the period concerned.
- 1.2 The monthly monitoring programme consists of a random 5% sample of streets throughout the city being inspected and graded. From the grading, a Street Cleanliness Index is calculated and plotted for the various areas of the city, and the city as a whole.
- 1.3 The index range is from 1 to 100; with a Cleanliness Index of 67 being regarded as an acceptable standard by Tidy NI. The results show the trends on a month to month basis. To alleviate the influence of spurious results on the overall index, the results are averaged over the last 4 surveys. Spurious results may occur for reasons such as adverse weather conditions, seasonal problems etc.

2 Key Issues

- 2.1 The overall city wide cleanliness index for this quarter is 73. This is a decrease compared to the score for the previous quarter's cleanliness index of 74 (down 1). The index for the same period in the previous year was 74. However, 73 still meets the target set and is considered an extremely good level of cleanliness.
- 2.2 The breakdown by individual area is as follows:
- 2.3 **North**

The North Cleanliness Indices for January April 2013 to June 2013 were 73, 72 and 74 respectively. This represents a decrease for May (down 1), an increase for April (up 2) and June (up 1), by comparison to those figures for the same period in the previous financial year viz. 71, 73 and 73 respectively.

The area is however maintaining a good level of cleanliness

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2.4 South

The South Cleanliness Indices for April 2013 to June 2013 were 73, 76 and 77 respectively. This represents a decrease for all three months with April (down 6), May (down 3) and June (down 2) by comparison to those figures for the same period in the previous financial year viz. 79, 79 and 79 respectively. The area is maintaining good to very good level of cleanliness.

2.5 East

The East Cleanliness Indices for April 2013 to June 2013 were 76, 73 and 75 respectively. This represents a decrease for April (down 1) and May (down 1), and a similar score for June (75), by comparison to those figures for the same period in the previous financial year viz. 77, 74 and 75 respectively.

The area is maintaining a good to very good level of cleanliness.

2.6 West

The West Cleanliness Indices for April 2013 to June 2013 were 72, 72 and 71 respectively. This represents a decrease for all three months with April (down 1), May (down 1) and June (down 1), by comparison to those figures for the same period in the previous financial year viz. 73, 73 and 72 respectively.

The area is maintaining a good level of cleanliness

2.7 Central

The Central Cleanliness Indices for April 2013 to June 2013 were 72, 74 and 71 respectively. This represents an increase for April (up 2), and a similar score for May (74) and June (71), by comparison to those figures for the same period in the previous financial year viz. 70, 74 and 71 respectively.

The area is maintaining a good level of cleanliness

2.8 Complaints / Enquiries

There were 994 enquiries regarding street cleansing during the quarter (by comparison to 1108 last quarter).

2.9 There were 6 Corporate Complaints (6 Stage One, no Stage Two and no Stage Three) during the quarter – three of which related to street cleansing.

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2.10 Enforcement

There were 447 Fixed Penalty Notices issued under the Litter (NI) Order 1994, and 73 summonses issued. In addition 270 Article 20 Notices were issued requesting information.

2.11 Community and Education Projects

During the last quarter the Community Awareness Team continued to promote the anti litter campaign 'Litter makes a pig of you', and developed strategies to target the dog fouling message.

2.12 The Team facilitated 26 community cleanups involving 586 volunteers, visited 27 schools engaging 760 pupils in the anti-litter message, and attended 9 events promoting the anti litter message amongst 760 citizens.

2.13 Dog Fouling

The overall instances of dog fouling observed by Cleansing Services Quality Officers during the quarter were 219. There is a focus placed on dealing with dog fouling hotspots as a result of complaints and information from staff out on the ground. Cleansing Services and the Dog Warden Service continue to work together to address hot spots when identified.

2.14 Dog Warden Information

During the quarter the following was noted;

1. A total of 40 fixed penalty notices were issued for dog fouling (56 last quarter)
2. A total of 304 dogs were seized for straying (171 last quarter)
3. A total of 151 fixed penalty notices were issued for straying (157 last quarter)

2.15 The Dog Warden Service met its quarterly target for fouling fixed penalties and has exceeded its quarterly target for the number of fixed penalties issued in regard to stray dogs.

3 Resource Implications

3.1 Financial

There are no financial implications in this report.

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3.2 Human Resources

There are no human resources implications in this report.

3.3 Asset and Other Implications

There are no assets or other implications in this report.

4 Equality and Good Relations Implications

4.1 There are no relevant equality and good relations implications.

5 Recommendations

5.1 Members are asked to note the content of this report.”

The Committee adopted the recommendation.

Chairman

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Licensing Committee

Wednesday, 26th June, 2013

SPECIAL MEETING OF LICENSING COMMITTEE

Members present: Alderman Ekin (Chairman);
the Deputy Lord Mayor Alderman Stalford;
Aldermen McCoubrey, R. Patterson, Rodgers,
and Stoker;
Councillors Attwood, M.E. Campbell, Cunningham,
Groves, Hussey, Jones, Keenan, Lavery, Mallon,
Ó Donnghaile, Reynolds and Spence.

In attendance: Mr. T. Martin, Head of Building Control;
Mr. J. Walsh, Legal Services Manager;
Ms. N. Largey, Solicitor; and
Mr. H. Downey, Democratic Services Officer.

Apology

An apology for inability to attend was reported from Councillor O'Neill.

Declarations of Interest

No declarations of interest were reported.

THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF THE POWERS DELEGATED TO IT BY THE COUNCIL AT ITS MEETING ON 1st MAY, 2007 IN ACCORDANCE WITH STANDING ORDER 46

Application for the Grant of an Amusement Permit – JPC Gaming, 159-161 Donegall Pass

The Committee was advised that an application had been received for the grant of an Amusement Permit in respect of the above-mentioned premises. The Head of Building Control provided an overview of the application and reported that, earlier that day, he had been made aware of a Court Judgement which had been made in April, 2013, requiring the defendant, JPC Leisure Limited, trading as the Empire Bingo Club, to pay a specified sum to the operator of another bingo club.

He explained that it had since been determined that Mr. J. Conway, who was a director of JPC Leisure Limited, was a director also of JPC Gaming, which had applied for the grant of the Amusement Permit for the premises in Donegall Pass. He pointed out that, under the provisions of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, the Committee, in considering the fitness of a person to hold an Amusement Permit, must have regard to, amongst other things, the financial standing of the applicant. He suggested that the Committee might wish to obtain from Mr. Conway, who was in attendance, clarification on the circumstances surrounding the

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Court Judgement. Accordingly, Mr. J. Conway and Mr. M. Dilworth, were admitted to the meeting.

Mr. Conway informed the Members that he was a director of thirteen companies, two of which were JPC Leisure Limited and JPC Gaming. He explained that the Court Judgement had related to a dispute which had arisen in 2011 as a result of a link-up with another bingo club. His legal representatives were in the process of making the required payment and the matter should be concluded within a matter of days. In terms of JPC Gaming, he stressed that that was a separate entity from JPC Leisure Limited and pointed out that the financial and character references which had been submitted with his application should confirm his fitness to hold an Amusement Permit.

The Chairman thanked Mr. Conway and Mr. Dilworth for being in attendance and they retired from the meeting.

After discussion, the Committee agreed to defer consideration of the application for the grant of the Amusement Permit until the outcome of the Court Judgement against JPC Leisure Limited had been determined.

**Application for the Grant of an Amusement Permit –
Little Vegas, 183 Stranmillis Road**

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 Members are reminded that, at your meeting on 21st November, 2012, you agreed that a special meeting be held to consider an application for the grant of an Amusement Permit under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.**

Premises and Location	Ref. No.	Applicant
Little Vegas 163 Stranmillis Road Belfast, BT9 5AJ	WK/2012/1654	Little Vegas (N.I.) Ltd

- 1.2 Subsequently, at your special meeting on 7th May 2013, the Director of Health and Environmental Services provided an overview of the application and the nature of the objections which had been received and explained that information had, in the week prior to your meeting, emerged in relation to the applicant’s financial standing.**
- 1.3 The Council’s Solicitor reported that the Building Control Service had written to the applicant seeking clarification on the matter. The ensuing response, which had been received on the morning of your meeting, only addressed partially the issues which had been raised and additional information**

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needed to be requested by the Service. She explained that, under the provisions of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, a district council, in considering the fitness of a person to hold an Amusement Permit, must have regard not only to their character and reputation but also to their financial standing.

- 1.4 In view of the fact that the Committee was not in possession of the full details regarding the applicant's financial standing, she recommended that the Committee defer consideration of the application until such times as Council officers were satisfied that all outstanding issues had been addressed.
- 1.5 The Committee accordingly agreed to defer consideration of the application.
- 1.6 The application is for a total of 30 gaming machines of which all 30 machines are to pay out a maximum all cash prize of £25.00. In the case of premises that have machines with a maximum cash prize of £25.00 admission is restricted to persons aged 18.
- 1.7 The proposed opening hours of the premises, as specified on the application, are:
 - Monday to Saturday: 10.00 am to midnight
 - Sunday: 12.00 pm to midnight
- 1.8 The proposed amusement arcade is to be located in the end unit of a block of three storey terraced buildings on the main Stranmillis Road at its junction with Sandymount Street. The area of the premises intended to be licensed to provide amusement by means of gaming machines is the ground and first floor. The property was formerly occupied by an estate agent's on the ground floor and a solicitor's office on the first floor. Mention is made in the applicant's submissions that the estate agent's office has been vacant from the beginning of 2013.
- 1.9 A location map has been forwarded to Members.

2 Key Issues

- 2.1 Members are reminded that the Licensing Committee is responsible for determining all applications relating to the grant of Amusement Permits.

Submissions from the general public

- 2.2 As a result of the public notices of application the Service received a total of 22 objections to the application.**
- 2.3 A summary of the objections received is as follows:**
- **8 representations were received within the 28 day statutory period.**
 - **A further 15 representations were received outside the 28 day statutory period prior to your meeting of 21st November 2012.**
 - **Of the 23 letters of objections 22 were signed but one did not include an objector's address and another was anonymous.**
- 2.4 The nature of the objections are broadly similar and can be summarised as follows:**
- **There are concerns about the impact an arcade will have upon the established character of the Stranmillis Village area**
 - **There are concerns about the suitability of an arcade in close proximity to such a large residential area**
 - **The arcade may deter future traders from moving into the area or displace existing businesses**
 - **An arcade would not contribute to the amenity of the area for local residents and is not a suitable business to open where families and students shop**
 - **An arcade would actively encourage young people in the area to gamble**
 - **The premise would exacerbate anti-social behaviour in the area**
 - **Road safety/parking/traffic concerns**
 - **There may be increased noise issues**
- 2.5 At the meeting on 21st November 2012, the Committee agreed, in view of the nature of the objections which had been received, to exercise its discretion and consider all of the objections relating to the application.**

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- 2.6 Additionally, as a result of the applicant circulating an email to a local Residents Association on 5th April 2013 informing them of the proposed arcade the Service received a further objection to the application from the Chairman of the Association, via email, on 9th April 2013. This objection is similar to the concerns raised in other representations.
- 2.7 Where objections have been received outside the 28 day period you have discretion, but not a duty, to hear those objections. Members are reminded that the Council is not prohibited from taking all relevant representations into account, whether they have been communicated by objectors or others, early or late, or in any other way.
- 2.8 When deciding if you wish to consider any objections received outside the 28 day period, facts that you may wish to take into account could include the relevance of the objections, the proximity of the objectors to the premises, how far outside the 28 day period the objections were received, or any other matters that appear important in the circumstances at hand.
- 2.9 The objector has been advised that he may only be invited to appear before you if you decide to exercise your discretion to take the objection into consideration. We have also informed him that as the concerns that have been raised are similar in nature to the other objections which the Committee will be considering that he may wish to coordinate with the other objectors and ask that they represent his concerns at the meeting.
- 2.10 Copies of the objections received have been circulated to the Committee, along with a list of the names and addresses of all the objectors. A delegation representing the objectors from the area will be in attendance to appear before and be heard by the Committee.

Applicant

- 2.11 The applicant has been informed of the objections and has been provided with copies of all written representations including the details of the latest objection in the event that you decide to take it into consideration. The applicant will be in attendance to appear before and be heard by the Committee.
- 2.12 The applicant has provided a supporting statement prepared by Urban and Rural Planning Associates which also includes a proposed front elevation of the premises. In the

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submission the planning consultant states that the amusement arcade is a very modest proposal that is entirely consistent with planning policies and the nature of the area. It is also stated that it will be discrete and well operated and, as such, it will be a good neighbour to the other uses in the immediate area.

2.13 In a supplementary submission, the applicant's consultant has categorised the objections received as concerns about the image of the area, 'undesirable' patrons and impact on business. In response to this, the following points have been made:

- the subject premises is orientated towards the busy commercial frontage of the Stranmillis Road and given the low volume of visitors and the quality control proposed by the applicant the proposal will have no impact on residential properties;
- the applicant has arranged to meet with the Old Stranmillis Residents group to address any fears which they may have; and
- they have received support from local businesses that see the proposal as enhancing the area.

2.14 The applicant also believes that their proposal meets the objectives of the Council as outlined in the Amusement Permit policy.

2.15 A copy of these submissions has been circulated to the Committee.

2.16 Following your decision of 7th May to defer consideration of the application investigation into the financial standing of all persons associated with the company, Little Vegas N.I. Limited, has been undertaken.

2.17 This included seeking up to date returns and any documentation relating to a change of directors and/or company secretary from 21st August 2012 to present and further information from the financial referees.

2.18 On 10th June 2013, we received correspondence from the applicant's solicitor, Shean, Dickson Merrick:

- confirming that Mr Timothy Kerr resigned from his role as Company Secretary in April and was working in Kenya and will now have no involvement with the business going forward, and

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- seeking clarification as to why the Council were requesting information regarding his financial status.
- 2.19 A copy of this correspondence has been forwarded to Members.
- 2.20 On 10th June 2013, the Service also received correspondence from the applicants' accountant, M.B. McGrady & Co., regarding the financial references for the applicant, Mrs Kerr. The correspondence confirmed the following:
- That Mrs Kerr had been a qualified accountant for the last 12 years and held a financial post with the NIE. She left this position in order to raise her children and it was her intention to return to full time work in September, 2013 to manage this project.
 - Mrs Kerr has two residential investment properties which are fully let and the returns were also up to date with HMRC.
 - Little Vegas (NI) Limited was incorporated in August 2012 specifically for this project and has remained inactive ever since, pending the outcome of this application, with the first set of accounts due in August likely to be a dormant return.
 - Mr Timothy Kerr's resignation was registered on 10th May, 2013.
 - The original reference from the bank related to a joint personal account of Mrs Grace Kerr and Mr Timothy Kerr and the bank would not have been privy to any additional information above their current references, as this would not be a requirement of their relationship with Mrs Grace Kerr.
- 2.21 A copy of this correspondence has been made available to the Committee.
- 2.22 This additional information does not fully address all the matters relating to the financial standing of those persons associated with the company that have been raised with the applicant.
- 2.23 However, in order to expedite consideration of the application this report has been prepared on the basis that all outstanding information required will be provided for your

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consideration by the close of business on 24th June. Should this information not be provided to our satisfaction by then, we will ask that the Committee further defers consideration of the application.

PSNI Representations

2.24 The PSNI has also objected to the application on the following grounds:

- concerns raised by local community representatives in relation to the possibility of local youths/students frequenting the establishment and becoming addicted to gambling and an increase in nuisance and anti social behaviour (ASB) in the area.
- Whilst the PSNI has no evidence to support a case that there would definitely be an increase in ASB, it considers that there is a likelihood of an increase in complaints of ASB as a result of the premises, under the relevant categories as follows:
 - Begging / vagrancy
 - Noise
 - Rowdy or inconsiderate behaviour
 - Environmental damage / littering
 - Street Drinking

2.25 The Police Service has also stated that as the premises is in a residential area persons congregating inside and outside may cause distress to some long term residents and discourage persons to remain on the streets.

2.26 The PSNI has requested that, should Members be of a mind to grant the application, they would welcome consideration of the following:

- The premise close no later than 8.00 pm on any given evening.
- That a permit be granted for a probationary period of six months in order that the premise can be monitored.
- That no person under 21 years of age is permitted on the premise

2.27 Members should note that the Order does not give the Council the power to decide the length of a permit and therefore a probationary period cannot be imposed. There is no requirement under the Order which would compel the applicant to consent to any of the other conditions and

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acceptance of any or all of them would have to be on a voluntary basis.

2.28 A copy of the PSNI correspondence has been forwarded to the Committee.

2.29 In addition to the representations received from the PSNI, we asked further questions and its response to those questions are as follows:

- the applicants have no criminal convictions
- the Police Service is not in possession of complaints regarding the applicants but are aware of current complaints by residents regarding the intended usage of the premise for an amusement arcade
- the Police Service has not been called to any incidents in the vicinity of 163 Stranmillis Road from October 2012 (time of application)
- Police are not aware of any applications being made by the applicants for premises elsewhere
- Police have no objection to the applicants being granted an amusement permit
- In relation to the suitability of the location of the premises for an amusement arcade the police refer to their original objections outlined at paragraph 2.22

2.30 An officer from the PSNI will be in attendance at the Committee meeting.

Health, Safety, Welfare and Technical Requirements

2.31 The applicant has confirmed that a Building Regulations application will be made for any alterations required to the premises. Members should note that, if you are minded to grant the application, it must be upon condition that all works required to comply with both Building Regulations and Amusement Permit technical requirements are completed to the satisfaction of the Service.

Planning matters

2.32 An application was made to the Planning Service on 29th November 2010 for a change of use to the ground and first floor offices to an amusement arcade. The application was granted approval on 15th February 2012.

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2.33 In arriving at that decision, the Department took into account all relevant planning matters including:

- Planning policies;
- The development plan;
- Relevant material factors; and
- Representations submitted from all interested parties.

2.34 As part of the planning consultation process Officers of the Environmental Protection Unit (EPU) commented on the planning application and recommended that the following conditions be attached to the planning approval:

- 1. Gaming machines and slot machines to be used in the proposed arcade must be of a specification that includes a volume control setting as proposed by the agent**
- 2. Doors and windows of the proposed arcade must be kept closed while in operation to prevent noise breakout, unless it can be demonstrated by way of an acoustic Verification Report that there is no negative noise impact on nearby premises with windows or a door open while the arcade is in operation**
- 3. A Management Plan should be produced by the operator of the proposed arcade to monitor the behaviour of patrons gathering outside the premises for the purpose of smoking in order to reduce potential noise disturbance to neighbouring premises.**

2.35 However, the Planning Service determined that those conditions would be more appropriately attached as 'informatives'. Such informatives are for information only and therefore enforcement action cannot be taken should the applicant not manage noise levels to the satisfaction of the adjoining apartment and neighbouring uses.

2.36 A copy of the EPU correspondence to the Divisional Planning Manager about the application has been circulated to Members.

2.37 The Committee has also been provided with a copy of the planning approval.

2.38 Members will be aware that in an important Court of Appeal decision in June 1999 it was confirmed that the Council, in determining applications for amusement permits, may take

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into account planning considerations but should be slow to differ from the views of the Planning Authority.

- 2.39 The Court also confirmed that the Council can take into account matters such as location, structure, character and impact on neighbours and the surrounding area.

Amusement Permit Policy

- 2.40 Members will recall that the draft Amusement Permit Policy, considered at your meeting on 17th April 2013, was ratified at Council on 1st May 2013.

- 2.41 The main aim of the Policy is to introduce greater clarity, transparency and consistency to the decision making process. It outlines those matters which may be taken into account in determining any application and indicates that each application must be assessed on its own merits.

- 2.42 The key Policy objectives are to:-

1. Promote the retail vibrancy and regeneration of Belfast;
2. Enhance the tourism and cultural appeal of Belfast by protecting its image and built heritage;
3. Support and safeguard residential communities in Belfast;
4. Protect children and vulnerable persons from being harmed or exploited by gambling;
5. Respect the need to prevent gambling from being a source of crime and disorder.

- 2.43 The Policy consists of two components which are considered below:

1. Legal requirements under the 1985 Order

- 2.44 Members must have regard to the legal requirements under the 1985 Order relating to:

(a) The character, reputation and financial standing of the applicant:

- 2.45 References and additional supporting information for those associated with the application have been forwarded to Members.

(b) The nature of the premises and activity proposed:

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- 2.46 To ensure that the nature of the premises proposed is suitable for this location Members may consider how the premises are illuminated, the form of advertising and window display, and how notices are displayed on the premises. Whilst the appearance of amusement arcades is considered a Planning matter, Members may still wish to be satisfied that the façade integrates with adjacent frontages.
- 2.47 Based on the applicant's submission in support of this permit application, it is clear that the proposed façade, in terms of the level of fenestration, will remain largely the same as that already existing. The use of opaque vinyl film to screen the interior of the premises is proposed on all windows. If deciding to grant an amusement permit for these premises, Members may wish to note the following:
- The over 18 signage is shown on the main shop window only. Members may wish to consider requiring the applicant to also display this on the entrance door
 - The applicant's drawing shows the application of opaque vinyl film on the main window in order to help screen views of the interior. Members may wish to have the applicant's drawing clarify that this opaque material will also apply to the windows on the door.
 - So as not to actively encourage gambling, the proposed erection of the projecting 'Little Vegas' sign on the side gable of the premises is not considered appropriate under the permit Policy. Members may wish to consider seeking its removal.

(c) Opinions of the Police:

- 2.48 The Police Service comments have been sought and are included in paragraph 2.22 of the main report.

(d) Submissions from the general public:

- 2.49 The comments from the general public are included in paragraphs 2.2 to 2.10 of the main report.

2. Assessment criteria for suitability of a location

- 2.50 There are five criteria set out in the Policy which should typically be considered when assessing the suitability of a location for an amusement arcade. These are detailed below as they relate to this application.

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- 2.51 In addition to the above legal requirements and assessment criteria Members may take into account any matter which is deemed relevant. Members may also depart from the Policy where it is appropriate to do so, although it is envisaged that this should only happen in exceptional circumstances.

(a) Impact on the retail and viability of Belfast City

- 2.52 The application site is located outside the Retail Core of Belfast City Centre and, due largely to its corner location; it does not break up an otherwise continuous shopping frontage. The application would therefore comply with this criterion of the Policy.

(b) Cumulative build-up of amusement arcades in a particular location

- 2.53 There are no other amusement arcades on this commercial frontage and in the general area and the application would therefore comply with this criterion of the Policy.

(c) Impact on the image and profile of Belfast

- 2.54 The application site has no neighbouring property which is a tourism asset nor is it located at a Gateway location. The application would therefore comply with this criterion of the Policy.

(d) Proximity to residential use

- 2.55 The Policy states that permits will not be granted in areas that are (i) predominantly residential in character nor will they be granted in (ii) non-residential property that is immediately adjacent to residential property.

(i) - predominantly residential in character

- 2.56 While the Policy identifies areas that are not predominantly residential in character, such as shopping and commercial frontages in the City Centre and the arterial routes that feed into the City Centre, it is not always possible to define what makes an area predominantly residential in character. Sometimes a judgement has to be made in deciding if an area is predominantly residential or not. The location of this application represents an example where such a judgement has to be made.

- 2.57 As outlined above, the Policy states that predominantly residential areas exclude shopping and commercial areas located along Belfast's Arterial Routes. Arterial routes

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typically accommodate a mix of uses including shopping, commercial, social, leisure, community and other uses, including other licensed uses. Outside of the City centre, all other amusement arcades in Belfast are located on arterial routes, with the sole exception of a site on the Boucher Road, which is clearly non-residential.

Stranmillis Road is not recognised as 1 of the 18 arterial routes into the City.

- 2.58 Notwithstanding the above, it has to be acknowledged that the application site comprises one of a mix of uses located on the main commercial road frontage within Stranmillis Village. There is a broad mix of uses here, including cafes, estate agents and retail uses. There is no betting office or public house in this area of mixed uses, a feature which helps distinguish it from other commercial areas found on the 18 arterial routes into Belfast. Indeed, as noted from the applicant's list of properties, the only wholly licensed property in Stranmillis Village is a Winemarket off-licence. While the House bar is located on Stranmillis Road, at the corner of Landseer Street, it does not lie within the Stranmillis Village area as identified by the applicant.
- 2.59 In order to assist Members in establishing whether the area is predominantly residential or not it is perhaps useful to recognise Stranmillis Village as constituting the area in question. According to the applicant, Stranmillis village is an "urban village" that stretches from Chlorine Gardens to Ridgeway Street. Based on this interpretation there are approximately 14 residential streets located in this area, in addition to the above commercial uses and a church.
- 2.60 Within the context of the above information and in response to the first part of this criterion, Members must decide whether Stranmillis Village is predominantly residential in character and whether this proposed use is acceptable for this area.
- (ii) - non-residential property that is immediately adjacent to residential property
- 2.61 The nearest residential properties to the proposed amusement arcade are:
- No.161a Stranmillis Road (upstairs apartment next door);
 - No.1 Sandymount Street (approx 5m away to the rear and separated by an alleyway); and

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- No.165 Stranmillis Road (10m away on the opposite side of Sandymount Street).

2.62 Because the proposed amusement arcade will provide gaming machines on two levels, the first floor will be immediately adjacent to No.161a Stranmillis Road. This is a 4 bed apartment which would appear to be occupied and is available for re-let from September 2013. Under the permit Policy, the use of the first floor as an amusement arcade is 'immediately adjacent' to residential property and therefore does not comply with this criterion in the Policy.

Conclusion on criterion (d) - Proximity to residential use

2.65 While it is open to interpretation whether this area is predominantly residential in character it is clear that the first floor of the proposed premises is immediately adjacent to residential use and therefore this part of the application does not comply with this criterion in the Policy. However, Members are reminded that they can depart from the Policy where it is appropriate to do so.

(e) Proximity to schools, youth centres and residential institutions for vulnerable people

There are no schools, youth centres or residential institutions within 200m of the application site. The application would therefore comply with this criterion of the Policy.

Members are advised that Dr Tony Quinn, Chartered Planning Consultant, who developed the Amusement Permit Policy is available should you require further guidance on any planning matters pertaining to the Policy.

3 Resource Implications

3.1 Financial

None.

3.2 Human Resources

None.

3.3 Asset and Other Implications

None.

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4 Equality and Good Relations Considerations

4.1 There are no equality or good relations issues.

5 Recommendations

5.1 As a further objection was received outside the 28 day statutory period, Members are firstly required to determine if you wish to exercise your discretion and take it into consideration along with the other objections which have been received.

5.2 The current policy, dictated by the governing Order is that the Committee, in considering the application, shall have regard to:

- a. The fitness of the applicant to hold a Permit having regard to his character, reputation and financial standing,**
- b. The fitness of any other person by whom the business to be carried on under the Permit would be managed, or for whose benefit that business would be carried on,**
- c. Representation, if any, from the sub-divisional commander of the Police Service of Northern Ireland in whose sub-division the premises are situated, and**
- d. Representation, if any, as a result of the public notices of advertisement.**

5.3 In addition the Committee may also decide upon the suitability of the location for the proposed amusement arcade having regard to the five criteria set out in the Amusement Permit Policy, as ratified at Council on 1st May 2013, and discussed in paragraphs 2.50 to 2.64.

5.4 You are then required to make a decision based on the following options set out under the Order.

You must refuse the application unless satisfied that:

- a) The applicant is a fit person to hold an Amusement Permit; and**
- b) The applicant will not allow the business proposed to be carried on under the Amusement Permit to be managed by, or carried on for the benefit of, a person**

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other than the applicant who would himself be refused the grant of an Amusement Permit.

5.5 Thereafter:-

- 1. You may refuse the application after hearing any representations from third parties, or**
- 2. You may grant the application, subject to the mandatory condition that the premises are not to be used for an unlawful purpose or as a resort of persons of known bad character, and**

In the case of premises, that have machines with the maximum cash prize of £25.00 where admission is restricted to persons aged 18 or over that:

- no persons under 18 are admitted to the premises; and**
 - at any entrance to, and inside any such premises there are prominently displayed notices indicating that access to the premises is prohibited to persons aged under 18, and in addition**
- 3. You may also grant the application subject to discretionary conditions outlined in the Order relating to the illumination of the premises, advertising of, and window displays on the premises and the display of information notices.**

5.6 Should you be of a mind to refuse the application or grant the Permit subject to any discretionary conditions you are required to advise the applicant of your intention to do so.

5.7 In this case, you must afford the applicant the opportunity to make representations at a specified Licensing Committee meeting on the matter before making a final determination of the application.

5.8 If, subsequent to hearing the applicant, you refuse the application or decide to grant the application subject to discretionary conditions the applicant may appeal that decision to the County Court.”

The Committee was advised that Mrs. E. Craig, representing the objectors to the application, was in attendance and she was admitted to the meeting.

Mrs. Craig informed the Members that she was the Chairperson of the Stranmillis Residents' Association which had been formed some years earlier to

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promote the interests of residents in that area. She explained that the proposed arcade would be located within the centre of Stranmillis village, which was primarily residential in nature, and close to prominent buildings and attractions, including the Botanic Gardens, the Lyric Theatre, the Queen's University of Belfast, Riddell Hall and Stranmillis College, which drew students and tourists to the area. There were also several schools nearby, as was St. Bartholomew's Church Hall, which was used extensively by young people and which facilitated a mother and toddler group. In addition, there were many long-established businesses in the vicinity, including beauty salons, hairdressers and restaurants.

She made the point that a one-way traffic system which operated in three nearby streets required vehicles to travel along Sandymount Street in order to gain access to the Stranmillis Road. That would mean that their occupants would be passing along the side of the arcade where persons using the premises would be likely to be loitering. There was the potential also for increased levels of noise, anti-social behaviour and crime. In conclusion, Mrs. Craig stated that the amusement arcade would not be in keeping with the character of the Stranmillis area and would make no contribution other than to displace residents and existing businesses. Accordingly, she requested that the Committee refuse the application.

The Chairman thanked Mrs. Craig for her contribution and she retired from the meeting.

Mrs. G. Kerr and Mr. D. Ward, Directors of Little Vegas (NI) Limited, together with Mr. M. Maguire, Urban and Rural Planning Associates, were admitted to the meeting and advised of the points which had been raised on behalf of the objectors.

Mrs. Kerr informed the Committee that she would use the experience which she had gained as an accountant to manage the arcade's finances, whilst Mr. Ward would oversee all operational matters. She explained that, prior to submitting the application for the grant of the Amusement Permit, she had sought guidance from friends who operated gaming centres, which would be used to ensure that Little Vegas would be operated in a responsible manner and in accordance with the relevant guidelines.

Mr. Ward reported that he had considerable experience of operating gaming centres and that he held currently Amusement Permits for two premises in Counties Armagh and Down, both of which had been renewed each year without difficulty. He pointed out that, in 2009, he had obtained a recognised accreditation for promoting responsible gaming and assured the Members that his centres were operated to the highest standards.

Mr. Maguire informed the Committee that the Stranmillis Village area was of mixed use insofar as it was comprised of commercial premises, large institutional buildings and residential properties, many of whom were occupied by students. It could not, therefore, be deemed to be primarily residential in character. He explained that the gaming centre would face onto the commercial frontage of the busy Stranmillis Road and made the point that, whilst that was not considered to be an arterial route, where arcades were permitted, it had similar characteristics to one.

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He drew the Members' attention to an application for the grant of an Amusement Permit for a premises in Church Lane, to which the Council had objected, on the grounds that it would be more suited to a retail outlet. That objection had been upheld by the court and the premises now housed a bookmakers' shop, which was similar in nature to a gaming centre. He made the point that each application should be judged on its merits and that the applicants were of the view that their proposal would enhance the Stranmillis area and that it complied fully with the Council's policy for granting Amusement Permits. In practical terms, Mr. Maguire confirmed that noise from machines would be monitored and that measures would be in place to prevent noise breakout from the premises. In addition, a strict age policy would be enforced.

In response to a question from a Member, Mrs. Kerr advised that her husband, Mr. Tim Kerr, had, on 19th April, resigned as Company Secretary from Little Vegas (NI) Limited and that he no longer had a financial interest in that company. In response to a further question, she reported that her husband was the lessee of the premises to which the application related. Should the application be refused by the Committee, he would be forced to surrender the lease and the property would become vacant. Finally, Mrs. Kerr confirmed that, on 5th April, an email had been forwarded to the Stranmillis Residents' Association, with a view to discussing the Association's concerns around the amusement arcade but no response had been received.

The members of the deputation were thanked by the Chairman and they left the meeting.

The Committee was advised that Dr. A. Quinn, representing Braniff Associates, who had assisted the Council in the formulation of its Amusement Permit Policy, was in attendance in order to review the application for Little Vegas in the context of the policy and he was welcomed by the Chairman.

Dr. Quinn provided an overview of the policy and explained that the Committee, in considering an application for an amusement arcade, could, in addition to assessing an applicant's character, reputation and financial standing, take into account its potential impact upon the retail vibrancy and vitality of the City and on its image and profile. It could take into account also the number of arcades already operating at a particular location and its proximity to residential properties, schools, youth centres and residential institutions for vulnerable people.

He reported that there were three locations which were regarded as being suitable generally for amusement arcades, namely, within parts of the City centre, on one of the eighteen arterial routes and in areas which were not predominantly residential in character. He pointed out that, whilst the proposed arcade would be situated both away from the City centre and an arterial route, it would be a matter for the Committee to decide if the Stranmillis area could be deemed to be primarily residential. In order to assist the Members, he advised that a survey which had been undertaken on the Stranmillis Road, between Chlorine Gardens and Ridgeway Street, had revealed that 400 of the 440 properties were residential in nature, which equated to approximately 90%. In relation to the premises itself, he explained that gaming machines would be placed on both the ground and first floors, with those on the first floor being adjacent to a four bedroom apartment which was being offered for rent. As such, it did not comply with the requirements of the Amusement Permit Policy, which

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stipulated that a Permit would not be granted for a non-residential property which was immediately adjacent to a residential one.

The Council's Solicitor advised the Committee that it should, in determining the application, consider any potential involvement of the original applicant, Mr. Tim Kerr, in the business, given the uncertainty surrounding his financial standing and the fact that he was the lessee of the premises.

After discussion, the Committee agreed, in its capacity as Licensing Authority, that it was minded to refuse to grant an Amusement Permit for Little Vegas, 183 Stranmillis Road, on the grounds that:

- (i) the arcade would be situated in an area which was predominantly residential in character and its presence there would have a detrimental impact upon the amenity of that area, including residential amenity;
- (ii) the arcade would not be in keeping with existing businesses in the area; and
- (iii) in view of the uncertainty surrounding the financial standing of the original applicant, Mr. Tim Kerr, it was not satisfied that he would not be associated with the business, particularly, given his relationship with Mrs. Grace Kerr, one of the directors of Little Vegas (NI) Limited, and her admission that Mr. Tim Kerr was the current leasee of the premises from which the arcade would operate.

The Committee agreed also, in accordance with the provisions set within the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, to afford the applicants and/or their representative(s) the opportunity to make representations to the Committee at its next monthly meeting, which was scheduled to take place on Wednesday, 21st August.

**Application for the Grant of a Seven-day Annual
Outdoor Entertainments Licence – Ardoyne Fleadh,
Holy Cross Boys' School, Brookfield Street**

Prior to the matter being considered, the Legal Services Manager reported that he had been advised by Councillor Reynolds, who was not present, that he would be attending the meeting as an objector to the application. Following the presentation of his objections, Councillor Reynolds would withdraw from the meeting until such times as the application had been determined by the Committee.

He reported further that the Deputy Lord Mayor, Alderman Stalford, who had objected also, had informed him that he was now of an open mind regarding the outcome of the application, albeit that he was aware of the concerns of local residents, and that he now wished to withdraw his objection. The Principal Solicitor had advised the Deputy Lord Mayor that, in his view, there was nothing to prevent him from taking

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part in discussions around the application although it would be a matter for him to decide whether or not to exercise his voting rights.

The Committee considered the undernoted report:

“1.0 Relevant Background Information

1.1 An application has been received from the Ardoyne Fleadh Project for the grant of a Seven-Day Annual Outdoor Entertainments Licence, based on the Council’s standard conditions to provide outdoor musical entertainment.

1.2	<i>Premises and Location</i>	<i>No</i>	<i>Applicant</i>
	Holy Cross Boys’ Primary School Brookfield Street Belfast	201300710	Ardoyne Fleadh Project c/o Ardoyne Community Centre 40 Herbert Street Belfast

1.3 The standard days and hours for outdoor Entertainments Licences are:

- **Monday to Sunday: 11.30 a.m. to 11.00 p.m.**

1.4 The location has previously been used to hold outdoor events such as local community events and festivals.

1.5 Members are advised that a Fourteen-day Occasional Outdoor Entertainments Licence was previously in force at the venue which expired in 2007.

2.0 Key Issues

Representations

2.1 Members will recall that, at the Licensing Committee meeting on 19th June, you agreed that a special meeting be held to consider representation from the objectors, the applicants and/or their representatives.

2.2 At that meeting, you also agreed, in view of the nature of the objections which had been received, to exercise discretion and consider those representations which had been received outside the 28-day statutory period.

2.3 The objections received may be summarised as follows:

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1. disrespect for residents living in the vicinity and noise generated from deliberately playing music at excessive levels
 2. laser lights at night resulting in nuisance and lack of sleep
 3. resident's being subject to offensive behaviour from people attending the event
 4. litter being thrown from passing cars and mess left behind as a result of the event
 5. crowd control issue
 6. the sectarian and offensive content of the event and from those attending it.
- 2.4 Copies of the letters of objection received have been forwarded to the Committee.
- 2.5 In addition to the representations that were received outside the 28-day statutory period that were considered at your meeting, the Service has received 2 further objections to the application. These objections are similar to the concerns raised in other representations.
- 2.6 Where objections have been received outside the 28 day period you have discretion, but not a duty, to hear those objections. Members are reminded that the Council is not prohibited from taking all relevant representations into account, whether they have been communicated by objectors or others, early or late, or in any other way.
- 2.7 When deciding if you wish to consider any objections received outside the 28 day period, facts that you may wish to take into account could include the relevance of the objections, the proximity of the objectors to the premises, how far outside the 28 day period the objections were received, or any other matters that appear important in the circumstances at hand.
- 2.8 The objectors have been advised that they may only be invited to appear before you if you decide to exercise your discretion to take the objections into consideration. We have also informed them that as the concerns that have been raised are similar in nature to the other objections which the Committee will be considering that they may wish to coordinate with the other objectors and ask that they represent their concerns at the meeting.

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- 2.9 A delegation representing the objectors from the area will be in attendance to appear before and be heard by the Committee.
- 2.10 Members may be aware that events have previously taken place at the venue. Following complaints and problems with last year's event, Officers of the Service have engaged proactively with the organisers of the festival in order to ensure an application for an Entertainments Licence has been made for the planned event this year.
- 2.11 This year the organisers propose to hold a two day event within the playground of the Holy Cross Primary School on Saturday 24th and Sunday 25th August from 8.00 p.m. to 12.00 a.m.
- 2.12 The Ardoyne Fleadh Project is now in its 22nd year and plays host to a number of local acts of music, drama, comedy and family entertainment. This year's event highlights include performances from Connor Scott of the BBC Show The Voice, Doghouse and The Very Specials.
- 2.13 The organisers have confirmed that the primary purpose of the licence is to provide a facility for the school and the local Community Centre to hold outdoor events and provide entertainment in a controlled, managed and safe environment.
- 2.14 The site build will commence on Friday 23rd August with the take down being undertaken on Monday 26th August.
- 2.15 A copy of the running order for the Fleadh has been forwarded to Members. Members will note that the organisers are seeking to provide entertainment beyond the normal outdoor finishing time of 11.00 p.m. and operate until 12.00 a.m. on both nights of the event.
- 2.16 The organisers have provided a draft Event Management Plan for the event but further details are needed for Council Officers to ensure that the safety and technical requirements of the event are complied with.
- 2.17 Representatives of the Ardoyne Fleadh Project will be available should you wish to seek further information on these proposals.

PSNI

- 2.18 The PSNI has been consulted in relation to the application and the request to operate the event to 12.00 a.m. on each night. They have also confirmed that the organisers of the Fleadh

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have been in contact with them about it. However, their response is outstanding at the time of writing this report.

- 2.19 A representative of the police will be available at your meeting to answer any queries Members may have.

NIFRS

The Northern Ireland Fire and Rescue Service have been consulted regarding the application and proposed event and have, in principle, no objection to the application. However, as with other outdoor licences, they will be invited to a pre-event meeting and provided with all relevant documentation in advance of any proposed concert to provide advice and recommendations on any technical requirements that need to be met.

Health, Safety and Welfare Issues

- 2.21 Officers of the Building Control Service have engaged with the organisers of the Ardoyne Fleadh Project to outline the appropriate measures that must be put in place with regard to health, safety and welfare management at this year's event.

Noise issues

- 2.22 An initial consultation has taken place with the Environmental Protection Unit (EPU) in relation to the application and the proposals for this year's Ardoyne Fleadh Project.
- 2.23 The Unit is supportive of all events aimed at improving the attractiveness and diversity of the City and are committed to working with licensees to ensure these events are successful and achieve a balance between the rights of residents, the event, the promotion of the city and the wider benefits to the local economy.
- 2.24 Members will be aware that last year the Council received a total of 110 complaints following the event however the event finished before Officers could respond to the complaints. This year it is proposed that the event will occur over two consecutive days. Council Officers are conscious of the need to balance the noise levels within the venue and levels of noise experienced at nearby locations.
- 2.25 At the time of writing this report, an acoustic consultant has only just been appointed. A meeting to discuss noise issues and the formulation of a noise management plan will be organised in due course with the organisers to determine what levels will achieve this.

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- 2.26 Members should also recognise that noise generated by outdoor concerts is likely to lead to some level of disturbance for local residents. Even if guideline levels are met there is no guarantee that complaints will not be received. Conversely, if a recommended level is exceeded this may not necessarily lead to complaints as people may be prepared to tolerate the event because it will only last for very limited period of time.
- 2.27 Apart from the acoustic report it is therefore important that all reasonable steps are taken to raise awareness about an event in advance of it taking place and also to have a robust mechanism in place to deal with complaints should they arise. These measures also form a vital part of the noise management plan which will be agreed with EPU and the Building Control Service and are being developed for this event.
- 2.28 It is, therefore, suggested that if Members are minded to grant this application that you consider attaching a special condition as for other outdoor licences as follows:
- the Licensee is required, at least one month in advance of any event, to submit a suitable noise assessment and noise management plan to demonstrate evidence of early consultation with local residents and have in place a robust system of dealing with any complaints. The noise assessment must be completed by a suitably qualified and experienced noise control consultant and demonstrate that noise from the event will not cause unreasonable disturbance to nearby residential properties. The plan shall be agreed to the satisfaction of the Council and failure to comply with the requirements set down in it shall be considered to be a breach of the licence conditions.
- 2.29 An officer from the Environmental Protection Unit will be available at your meeting to advise on any concerns regarding the proposed event and any potential noise impact it may have on nearby residents.

3.0 Resource Implications

Financial

3.1 None.

Human Resources

3.2 None.

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3.3 Asset and Other Implications

None

4.0 Equality and Good Relations Considerations

4.1 There are no equality or good relations issues.

5.0 Recommendations

5.1 Taking into account the information presented and representations made in respect of the application you are required to make a decision to either:

1. approve the application for the grant of the 7-day Annual outdoor licence, or
2. approve the application for the grant with special conditions, or
3. refuse the application for the grant of the 7-day Annual outdoor licence.

5.2 If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the Records Court. In the case that you refuse to grant a licence, and the applicant subsequently decides to appeal, entertainment may not be provided until any such appeal is determined.

5.3 Should you be of a mind to approve the application you are then required to determine, subject to all technical requirements being met:

1. if the proposed events on the 24th and 25th August 2013 should be permitted to take place beyond the standard hours of licence and, if so;
2. an appropriate finishing time for each night of the event.

5.4 To assist Members, should you be of a mind to grant the Entertainments Licence and permit the event to take place, the following are possible conditions to consider attaching to the licence for the venue which can be applied for all events:

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- **maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals.**
- **the licensee may, three months in advance of a proposed event, apply for additional hours to provide entertainment beyond 11.00 p. m. Such applications will be considered by the Licensing Committee and any previous noise issues will be taken into account.**
- **should an application to provide entertainment beyond 11.00 p. m. be granted and the Council then receive a significant number of complaints regarding noise or the complaint is of such significant impact, authority is granted to the Director of Health and Environmental Services, in consultation with the Legal Services Manager, to reduce the finishing time for any subsequent nights of the event, in which case the promoter will be required to make contingency arrangements.”**

The Head of Building Control reviewed the application and reported that two objections had, on 3rd June, been received from anonymous sources. The objections, which had raised similar issues as those in previous representations, had been received outside the twenty-eight day statutory period. He reminded the Committee that, at its meeting on 19th June, it had agreed to exercise its discretion and consider a number of objections which had been received outside that timeframe. Accordingly, the Committee agreed to exercise its discretion and to consider also the most recent submissions.

The Committee was advised that the objectors to the application were in attendance and Councillor Reynolds and Ms. B. Phillips were admitted to the meeting.

Councillor Reynolds informed the Members that he was objecting to the application, both as an Elected Member for the Oldpark District Electoral Area, which included the Ardoyne area, and as a local resident. He explained that, whilst he was not objecting to the children and family orientated events which were organised as part of the Fleadh, he was opposed to the large scale outdoor events which were held within the grounds of the Holy Cross Boys' School. He made the point that the school was situated within a highly residential area and outlined the problems which had been faced by communities in previous years over the course of the Fleadh. Those had included excessive noise nuisance, which had resulted in considerable sleep loss for residents, many of whom were required to attend work on the following day. He highlighted also the inappropriate content of songs which had been played by one particular band, which would again be performing at this year's event, which had caused significant offence to families within the surrounding area who were connected in some way to the Armed Forces. That, in turn, had had a detrimental impact upon community relations in the area.

He reported that, in addition to the aforementioned difficulties faced by residents in relation to the Ardoyne Fleadh, the local electricity supply had been damaged by outside elements, in an attempt to disrupt the event. That had impacted upon a

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significant number of homes in that part of the City and on other facilities such as care homes.

Councillor Reynolds made the point that the organisers had, for several years, operated with impunity without an Outdoor Entertainments Licence and that they had failed consistently to engage with Elected Representatives within his community. The letter which had been circulated to local residents by the Fleadh's Event Manager had offered no assurances regarding the content and overall management of this year's event. Accordingly, he requested that the Committee refuse the application.

Ms. Phillips explained that she lived close to the Holy Cross Boys' School and highlighted the problems which had been encountered by local residents over the duration of the Ardoyne Fleadh. Those had included attacks on homes, vehicles being stolen, including one from nearby Twaddell Avenue, and excessive noise, especially on the Sunday night of the event, when offensive songs had been played.

The Chairman thanked Councillor Reynolds and Ms. Phillips for their contribution and they retired from the meeting.

The Committee was advised that Sergeant C. McDowell and Constable G. Black, representing the Police Service of Northern Ireland, were in attendance and they were admitted to the meeting.

Sergeant McDowell informed the Committee that he and Constable Black were employed in that part of North Belfast which included the Ardoyne area. He reported that he had, since 2002, been involved in policing the Ardoyne Fleadh, which attracted significant numbers of tourists to the area and created a much-needed feel good factor for local residents. From a policing perspective, the event did not generate increased crime levels or interface difficulties and no additional measures were required to be put in place on the Sunday night, which was regarded by objectors as being the more contentious of the two nights in terms of noise and content. He pointed out that, during the previous year's event, damage had been caused to a nearby electricity sub-station which, in his view, was a deliberate attempt by others from outside the area to disrupt the Fleadh.

He explained that a number of concerns had been raised in 2012, primarily, in relation to noise levels and the inappropriate content of some songs which had been played, which were regarded as being Republican in nature. He had been working with the Fleadh's organising committee, the Council and Elected Members from the area to address those issues in time for this year's Fleadh and two teams of three to four officers would be deployed by the Police Service to oversee the event. In addition, registered stewards would be present at the various events and off-licences in the area had been advised of their duties regarding the responsible sale of alcohol.

In response to a question from a Member regarding the theft during the Fleadh of a vehicle from Twaddell Avenue, Sergeant McDowell advised that he was not aware of such an incident. In addition, he confirmed that he had, following the 2012 Fleadh, met with Councillor Reynolds to discuss the incident at the sub-station and that the content of some of the songs which had been played had been raised during that meeting. However, no further meetings had taken place. In relation to an issue which had been highlighted by several Members regarding correspondence which he had compiled and which had been circulated to the Committee, he affirmed his assertion

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that the Fleadh created a feel good factor for the residents of Ardoyne, who, on the night of 11th July each year, had to endure bonfires in two adjacent communities, as well as Loyal Order parades on the following day. However, he accepted that he had not given sufficient regard to the views of the nearby Loyalist/Unionist community and its concerns regarding noise, anti-social behaviour and the content of songs being played at the Fleadh, which had the potential to escalate tensions in that area.

The Chairman thanked Sergeant McDowell and Constable Black for being in attendance and they left the meeting.

It was reported that Mr. E. Copeland and Mr. P. McCusker, representing the organisers of the Ardoyne Fleadh, were in attendance and they were admitted to the meeting.

Mr. Copeland informed the Members that the Ardoyne Fleadh, which had been established in 1992, was a key element in the development of the community infrastructure in the Ardoyne area. In addition to the holding of two outdoor concerts, many other diverse events were organised which sought to cater for all age groups. Those had included good relations debates, which had drawn participants from all of the local Political Parties. He reviewed the programme of events for 2013, which would run for four days in August, and pointed out that it would promote positive inter-generational engagement through the medium of sports, arts and culture.

In response to a question from a Member regarding the offensive lyrics contained within some songs being performed at the outdoor concerts, which the Police Service's representative at the meeting had confirmed could lead to increased tensions in the area, Mr. Copeland stated that those songs had been performed since 1992 and that they remained popular with patrons attending concerts. As far as he was aware, they had not impacted upon the neighbouring Loyalist/Unionist communities. In terms of engagement with those communities, he confirmed that, following the issues which had arisen some years previously around the Holy Cross School, a successful good relations event had been held in Ardoyne, which had been attended by Elected Representatives from local communities. He added that the organisers of the Fleadh were willing to meet with any community in order to allay concerns around this year's event.

In response to further questions, he confirmed that the Fleadh had, in earlier years, held an Entertainments Licence. However, it had been unlicensed recently due to delays in obtaining funding, which had meant that the organisers had been unable to submit the licensing application to the Council within the required timescale. In relation to the outdoor concerts, Mr. Copeland advised that no laser lights would be used and that no alcohol would be available for sale. A security firm had been hired to address issues such as anti-social behaviour and the organising committee would be working closely with the Council to ensure that noise levels on both nights were kept within the appropriate limits.

Mr. Copeland and Mr. McCusker were thanked by the Chairman and they retired from the meeting.

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During a lengthy discussion, the Legal Services Manager pointed out that, whilst the Entertainments Licensing legislation made provision for matters relating to the overall management of an event, including noise nuisance, it could not, however, restrict the content of an event, including any songs which could be played. Any such attempt could create difficulties in terms of the right to freedom of expression as set out within Article 10 of the Human Rights Act 1998.

After further discussion, it was

Moved by Councillor Lavery,
Seconded by Councillor Mallon,

That the Committee agrees, in its capacity as Licensing Authority, to grant a Seven-day Annual Outdoor Entertainments Licence in respect of the Ardoyne Fleadh, Holy Cross Boys' Primary School, Brookfield Street, with entertainment being permitted till midnight on the nights of Saturday, 24th and Sunday, 25th August.

Amendment

Moved by Councillor Hussey,
Seconded by Alderman McCoubrey,

That the Committee agrees, in its capacity as Licensing Authority, to refuse to grant a Seven-day Outdoor Entertainments Licence in respect of the Ardoyne Fleadh, Holy Cross Boys' Primary School, Brookfield Street, on the grounds that:

- (i) the organisers have held illegal events consistently since 2007;
- (ii) no attempt has been made by the organisers to consult with local residents who have objected to the Fleadh and who are affected by it;
- (iii) noise levels from the event have in previous years been unacceptable; and
- (iv) the content of the musical event is inappropriate for the area and will significantly heighten community tensions.

Request for Recorded Vote

Moved by Councillor Hussey,
Seconded by Councillor Spence,

That the decision on the matter be determined by means of a Recorded Vote.

On a vote by show of hands seven Members voted for the proposal and nine against and it was accordingly declared lost.

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The Committee then proceeded to vote by show of hands on the amendment, with seven Members voting for and ten against and it was accordingly declared lost.

The original proposal was thereupon put to the meeting with ten Members voting for and seven against and it was accordingly declared carried.

Chairman

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Licensing Committee

Wednesday, 21st August, 2013

MEETING OF LICENSING COMMITTEE

Members present: Alderman Ekin (Chairman);
the Deputy Lord Mayor Alderman Stalford;
Aldermen Browne and Rodgers;
Councillors M. E. Campbell, Cunningham,
Groves, Hussey, Jones, Keenan, Lavery,
Ó Donnghaile, O'Neill and Spence.

In attendance: Mrs. S. Wylie, Director of Health and
Environmental Services;
Mr. T. Martin, Head of Building Control;
Ms. N. Largey, Solicitor; and
Mr. H. Downey, Democratic Services Officer.

Minutes

The minutes of the meetings of 19th June were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st July, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

No declarations of interest were reported.

Non-Delegated Matters

Institute of Licensing National Training Event

The Committee was advised that the Institute of Licensing was the professional body for licensing practitioners in local government, the Police Service, the private sector and the legal profession. The Director of Health and Environmental Services explained that the Institute, which operated in England, Wales and Northern Ireland and to a lesser extent in Scotland, had been established to provide education and training and to exchange information on licensing matters. The Council's Regulatory Services Manager served as a director and trustee of the Institute and as chairman of its Northern Ireland Branch.

She reported that, each year, the organisation hosted a National Training Event which was attended by licensed practitioners from across the United Kingdom. This year's event would take place from 20th till 22nd November in Birmingham and would consider topics such as member training, licensing fees, and street trading reform. The cost per delegate of attending the event would be in the region of £800.

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The Committee agreed that it be represented at the Institute of Licensing National Training Event by the Chairman, the Deputy Chairman, the Director of Health and Environmental Services and the Head of Building Control (or their nominees).

Update on Licensed Premises in Administration

The Committee considered a quarterly report providing information on licensed premises within the City which had entered administration or been placed in liquidation. The Director of Health and Environmental Services informed the Members that, in such cases, the Building Control Service would be working closely with administrators and their legal representatives to ensure that their legal obligations under the Local Government Miscellaneous Provisions (Northern Ireland) Order 1985 were being fully complied with and that any failure to do so would result in appropriate legal action being undertaken.

The Committee noted the information which had been provided.

**Update on the Inclusion of Additional
Measures to Address Fly-Posting**

The Committee was reminded that, at its meetings on 15th August and 21st November, 2012, it had considered reports outlining the issues surrounding fly-posting and the difficulties which the Council had, over the years, encountered in its efforts to address the issue. The reports had been submitted in response to the Committee's request to explore the feasibility of imposing on an Entertainments Licence conditions to limit the effect of fly-posting.

The Director of Health and Environmental Services reported that officers from the Building Control Service had, in conjunction with those from the Cleansing Services and Legal Services Sections, undertaken research on how measures to prevent or reduce fly-posting could best be included as a condition on Entertainments Licences. After consideration and having reviewed the relevant legislation, including the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 and the Local Government Miscellaneous Provisions (Northern Ireland) Order 1985, the Legal Services Section had determined that the Licensing Committee could lawfully attach to a Licence a standard condition relating to fly-posting, provided that it was consistent with the provisions of the aforementioned Act. As a result, the Licensing Committee, at its meeting on 15th February, 2012, had approved four standard conditions for inclusion in future on Entertainments Licences being granted, renewed or transferred. In addition, a protocol had been agreed between the Building Control Service and the Cleansing Services Section to ensure that a consistent approach was adopted on all issues relating to fly-posting.

She informed the Members that, as part of the process, the Building Control Service had amended the Council's Rules of Management for places of entertainment and had written to all licensees and promoters of events advising them of the changes to the Entertainments Licensing conditions and the aforementioned Rules and of the action

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which could be taken to deal with fly-posting offences. Council officers had undertaken also visits to premises which had used the practice consistently as a means of advertising and had been particularly proactive in the lead up to Freshers' Week and St. Patrick's Day, which had, in the past, created difficulties

The Director pointed out that the aforementioned actions had resulted in a significant reduction in incidences of fly-posting across the City and, in particular, within the City centre, where the practice had been most prevalent. The number of fly-postings in that area had, according to information supplied by the Belfast City Centre Management, fallen from around 1,000 in the year preceding the introduction of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 to less than 200 in 2012/2013.

The Committee noted the information which had been provided and agreed, in view of the success of the initiative to date, that no additional measures would be required at present.

Pavement Café Bill

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 Pavement cafés have become increasingly commonplace in Northern Ireland; however no legislation currently exists to regulate this activity. The Council has voiced concern for several years that the development of a café culture in the city is curtailed by requirements of the Roads (NI) Order, as well as other legislative barriers. Roads Service has not tended to pursue action against pavement cafés provided they do not restrict the free flow of pedestrians or vehicles or compromise public safety. Legislation is already in place in other jurisdictions under which cafés owners, etc. may apply to their local councils for permission to place tables and chairs on the pavement outside their premises, often with various conditions attached.**
- 1.2 The Department for Social Development (DSD) has carried out an appraisal of the impact of pavement cafés in Northern Ireland which included interviews with town centre managers and a survey of businesses. The appraisal noted that developing a café culture can have a positive effect on urban environments, help promote town and city centres, make a difference in terms of attracting visitors and tourists and contribute to the general well-being of communities.**
- 1.3 Following a recommendation by the Development Committee in 2006, a deputation from the Council met with both the Department for Regional Development (DRD) and DSD Ministers to seek ways to address the issue.**

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- 1.4** A Bill, incorporating a statutory licensing scheme for the regulation of pavement cafés to be administered by district councils, was recently approved by the NI Executive and introduced into the Assembly in June 2013. The scheme is intended to facilitate the controlled expansion of suitable premises such as cafés, restaurants and pubs in support of the creation of a vibrant daytime and evening economy and for the general well-being of communities.
- 1.5** The Bill has been published on the Assembly's website and a link to this and the associated Explanatory and Financial Memorandum is below.
<http://www.niassembly.gov.uk/Assembly-Business/Legislation/Primary-Legislation-Current-Bills/Licensing-of-Pavement-Cafes-Bill/>
- 1.6** In summary, the Bill allows district councils to:
- authorise a person carrying on a business involving the supply of food or drink (from premises), to place tables, chairs, etc. in a public area;
 - require the applicant to fix a notice to the premises and submit a plan of the proposed pavement café area;
 - impose conditions on the licence;
 - vary, suspend or revoke the licence;
 - charge a reasonable fee; and
 - take enforcement action including removing the facilities in certain circumstances.
- 1.7** The Bill places a duty on councils, when dealing with new applications, to consult DRD Roads Service. Councils must also consult with the PSNI if an applicant holds a licence to sell alcohol. Other safeguards have been included in the Bill to ensure that there are strict controls on alcohol consumption at relevant pavement cafés. Rights of appeal to a Magistrate's Court against any decision of the council regarding pavement café licensing decisions are included and the following offences will be created:
- operating a pavement café without a valid licence;
 - making a statement, known to be false, in connection with an application; and

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- obstructing an authorised officer in the execution of his/her duties.

Each offence attracts a level 3 fine (up to £1,000) on summary conviction.

2 Key Issues

- 2.1** The Bill has now progressed to Assembly Committee Stage and the Social Development Committee has now called for evidence from key stakeholders and other interested parties to comment on the detail of the Bill and propose amendments. Written submissions must be returned by Friday 13th September.
- 2.2** Subject to the successful passage of the Bill it will come into operation on a date appointed in an Order made by the Department; early indications suggest that this may be summer 2014. Prior to that, the Department intends to prepare guidance for councils in relation to the scheme implementation.
- 2.3** The Council has already responded to a previous consultation and has been working with the Department for Social Development Social Policy Unit on this matter.
- 2.4** The draft Council response of comments on the Bill is attached. The Health and Environmental Services Committee considered the response at their meeting of 7th August 2013 and they were very supportive of the response. In summary, the comments made in the draft response are that Belfast City Council is generally very supportive of the introduction of legislation which enables and regulates Pavement Cafés. However, the following points are made:

Private v Public Land

- 1** The Council would welcome clarification as to the intention of the Bill as regards privately owned land. The Bill does not appear to cover significant areas of land which are private for the purposes of the Bill.. In the City centre there are examples, including Ten Square and Victoria's bar, which would not be regulated under the current proposals as they own the land upon which they have placed pavement café furniture.

The definition of a public area to which the Bill will apply may result in the Council licensing some, but not all, premises on

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the same stretch of road where tables and chairs are placed on the footway depending if the portion of land is private or public.

For some premises this will result in no control on design, layout, operating times or control over alcohol consumption in the pavement café area; this is particularly important where there have been problems with disorder. This is likely to lead to confusion and claims of unfairness for those affected.

Fees

- 2 There is a concern that although the Bill allows the Council to charge fees for a Licence application the actual cost of administering the scheme will far exceed what the Council will be comfortable with charging already struggling businesses in the City. .

Apart from the application fee prospective applicants will need to invest in a reasonable standard of street furniture, produce a site drawing / plan, extend their public liability insurance and consider that the grant of a pavement cafe licence may also impact on the business rate liability of the associated property.

Mobility/Accessibility Issues

- 3 Any guidance documents issued by the Department will need to have regard to the mobility difficulties of the disabled and the visually impaired and aim to balance this with the needs of local business and economic activities as well as the vibrancy of our town centres. It is therefore vitally important that local councils are involved in drafting any guidance that the Department produces to ensure the successful implementation of the legislation.

Refusal/Control

- 4 There is concern that the grounds of refusal do not cover enough eventualities and as such weaken the option for Councils to bring about effective control. This may well be intentional and based on the 'light touch' approach favoured by central government but may prove problematic in the longer term. Belfast City Council is in favour of an approach which favours approval and limits burdens on businesses. However there may well be a small number of traders who will not provide high quality, safe and appropriate facilities

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and the Council would like to be able to control these effectively.

At present there is no ground to refuse where the activity will cause environmental problems or detract from the amenities of the adjacent retailers/occupiers. For example, if there are smells from food/alcohol/smoke close to residential property or problems with noise from customers who cause nuisance or annoyance. Members will be well aware of the number of incidents of nuisance and disturbance arising from smoking shelters after the introduction of the smoking legislation.

There is no ground to refuse if the tables and chairs, etc. are not suitable for their use i.e. being of a stable and robust design and suitable for the intensity of use that they will receive on the city's streets.

There is no ground to refuse the overall design, if the design is an eyesore and not appropriate for the area, particularly if the area is of significant or conservational importance or in keeping with the design of the streetscape. The Council is mindful of Streets Ahead project in Belfast and the design of the pavement café must compliment this scheme.

We are supportive of the flexibility to enable pavement cafes to be provided in areas not simply adjacent to the main premises. However we would request that the Department considers how controls on limits could be placed on inappropriate competition from businesses which, for example, apply for a licence in areas adjacent to other establishments and that the guidance considers how competing applications for the same area should be dealt with.

Enforcement

- 5 The Enforcement Concordat articulates the Principles of Good Enforcement that help businesses to comply with regulations, and help enforcers to achieve higher levels of voluntary compliance.

This Bill does not appear to comply; there are no enforcement sanctions apart from revocation and suspension for breach of licence conditions. A Fixed Penalty scheme would have been a sensible introduction and proportionate for minor breaches of licence conditions such as contained within the Street Trading Act. This provides a less burdensome approach for councils and business.

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The Bill as drafted does not appear to provide any facility to deal with an imminent threat, or ongoing incidents, of disorder in relation to pavement cafes where alcohol may be consumed. Provision for this should be considered given that the process of suspension or revocation will be lengthy.

3 Resource Implications

Financial

- 3.1 Whilst there is no central government budget allocated to this function the proposed Bill will allow the Council to recover costs for processing a Pavement Café Licence application such as those for administration and licence compliance. In preparing proposals for administering the proposed Bill a charging policy will be developed for agreement by Members on the scope of licence fee to be set.

Human Resources

- 3.2 There are potential staffing resources implications in undertaking this function but these are difficult to quantify at present until the full scoping exercise has been completed.

Asset and Other Implications

- 3.3 These, if any, will be identified through the scoping exercise.

4 Equality Implications

- 4.1 The implementation of the Act will be subject to an equality impact assessment to identify any equality issues that are to be addressed.

5 Recommendation

- 5.1 The Committee is asked to consider the attached response and agree it subject to any amendments arising from your discussion.

COUNCIL RESPONSE

**Pavement Café Bill Submission for Consideration
by the Social Development Committee**

Having considered the Pavement Café Bill, Belfast City Council would wish to submit the following comments and recommendations for consideration in respect of the Bill.

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The Council has voiced concern for several years that the development of a café culture in the City is curtailed by requirements of the Roads (NI) Order, as well as other legislative barriers.

Roads Service has taken a very sensible approach in Belfast and have not tended to pursue action against pavement cafés provided they do not restrict the free flow of pedestrians or vehicles or compromise public safety.

The Council believe that developing a café culture can have a positive effect on urban environments, help promote town and city centres, make a difference in terms of attracting visitors and tourists and contribute to the general well-being of communities.

The Council is generally very supportive of the introduction of legislation which enables and regulates pavement cafés and wishes to make constructive comments to help shape the Bill and offers its officer's expertise, to work with the Department in producing any guidance documents or associated publications.

General comment

Belfast City Council is in favour of an approach which favours approval and limits burdens on businesses. However there may well be a small number of traders who will not provide high quality, safe and appropriate facilities and the Council would like to be able to control these effectively

When the Department is considering the commencement date for the Bill consideration should be given to a transitional period of implementation to allow councils an opportunity to consider applications from already established pavement cafés. Otherwise Councils may need to deal with a large number of applications within a short time period which will place a significant administrative and resource burden on both Members and Officers.

Reference is made in the Bill to the making of provisions by Regulation. It is recommended that the Department consider introducing some form of Regulations to help ensure consistency of approach and to provide clear guidance to councils on the intent of the legislation.

Committee are advised that a similar provision exists under the Local Government (Miscellaneous Provisions) (NI) Order 1985 which enables councils to issue an entertainments licence subject to such terms, conditions and restrictions as it may determine but in doing so must have regard to the model terms, conditions and restrictions published by the Department. Such model terms were

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drawn up by a working group which included council officers and have been an invaluable assistance in the administration of entertainments licences. Belfast City Council would be keen to participate in any working group that the Department considers setting up to undertake such a task.

It is also recommended that any guidance documents issued by the Department have regard to the mobility difficulties of the disabled and the visually impaired and aim to balance this with the needs of local business and economic activities as well as the vibrancy of our town centres.

In introducing the Pavement Cafés Bill the Department should be mindful to avoid the potential for licensed areas to simply become smoking shelters or areas for ‘mass vertical drinking’.

Specific Comments

1. Private v Public Land

In the Bill, Section (1) para (2) states - *In this Act “a public area” means a place in the open air to which the public has access, without payment, as of right and which is not in a market.*

On initial reading of the definition of ‘a public area’ in the Bill, it appears to be very broad and as such it may be argued that this cuts down on red tape and is to be welcomed if this minimises any burden on business. However, from an operational point of view the Council would like raise the following points.

The Council would welcome clarification as to the intention of the Bill as regards privately owned land. Initial discussions with Department officials would appear to suggest that the Bill will not apply to any privately owned land. However, the definition of a public area within the legislation is a place in the open air “to which the public has access, without payment, as of right”.

The Department will be aware that there are significant areas of land, particularly within the Belfast City Council area, which are privately owned for example, Belfast Harbour Estate and Lanyon Place. These are however areas over which the public do have access. The Council would welcome clarification as to whether such areas are intended to be excluded from the requirement to have a pavement cafe licence.

Furthermore, within Belfast city centre there are some bars which own the land upon which they have placed pavement cafe furniture, for example Ten Square and Victoria’s bar. It would

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appear under the proposed definition of a public area that these premises would not be required to apply for a licence.

This may result in the Council licensing some, but not all, premises on the same stretch of road where tables and chairs are placed on the footway depending if the portion of land is private or public, which will mean two distinct enforcement authorities. If a pavement cafe licence is issued, the enforcing authority will be a council. However, if the premises do not require a pavement cafe licence then the enforcing authority will be the PSNI. This will be in effective two different licensing authorities and regimes regulating the same activity.

For some premises this will result in no control on design, layout or operating times in the pavement café area; this is particularly important where there have been problems with disorder. This will lead to confusion and claims of unfairness for those affected. Conversely, premises with a Pavement Café Licence can allow patrons to consume alcohol without them breaching the Alcohol Bye-Laws whereas the premises that cannot be licensed because of the land issue will not be exempt from complying with the Alcohol Bye-Laws.

It is worth noting that in the Street Trading Act (N.I.) 2001, on which the Bill is modelled, there is a different definition of a public place. It is suggested that this definition should be considered as a more appropriate definition to adopt as it would deal with all of the above problems. An extract of the Street Trading Act is provided for clarity:

(3) In this Act "street" includes-

- a) any road or footpath within the meaning of Article 2(2) of the Road Traffic (Northern Ireland) Order 1995 (NI 18);***
- b) any public place within the meaning of subsection (4); and***
- c) any part of a street.***

(4) In subsection (3) "public place" means a place in the open air within 10 metres of a road or footpath-

- a) to which the public has access without payment, but***
- b) which is not within enclosed premises or the curtilage of a dwelling."***

A final point relates to a 'market' being exempt from needing a licence. Clarification is sought that a market must be actually taking place for the exemption to apply and that land which may host a market is not generally exempted.

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The Committee may wish to consider if the above issues, if not addressed, would support the objectives of the Bill. There is concern that if the licensing scheme does not regulate all pavement cafes then this will not support the creation of a vibrant daytime and evening economy for the general well-being of communities.

2. Location of Pavement Café Furniture

It is the Council's reading of the Bill that an area licensed as a pavement cafe does not need to adjoin the applicant premises. We believe this a sensible approach to allow councils a degree of flexibility as there may be premises that cannot place their furniture directly outside the frontage of their property.

However, we are concerned that this broad flexibility may also be exploited and cause future problems. We would request that the Department considers how controls on limits could be placed on inappropriate competition from businesses which, for example, apply for a licence in areas adjacent to other establishments. It is also essential that guidance is provided on how competing applications for the same area should be dealt with.

For example, a pub could apply for a pavement café licence some distance away from its premises – possibly the whole of a town square – thus gaining an economic advantage over competing pub premises. It is doubtful whether this is the intent of the legislators but is a matter that should be addressed, together with guidance on completing applications, so as to provide clarity for councils and applicants alike.

3. Fees

There is a concern that although the Bill allows the Council to charge fees for a Licence application the actual cost of administering the scheme will far exceed what the Council will be comfortable with charging already struggling businesses in the City.

Apart from the application fee prospective applicants will need to invest in a reasonable standard of street furniture, produce a site drawing / plan, extend their public liability insurance and consider that the grant of a pavement cafe licence may also impact on the business rate liability of the associated property.

4. Temporary Furniture

Section (1) para (4) states - *For the purposes of this Act, furniture placed on a public area by or on behalf of a person is "temporary"*

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if that person can remove, or cause to be removed, all of it in 20 minutes.

The Council accepts that if no time limit was placed here then furniture could effectively become permanent. However, if the applicant/licensee has a disability which restricts their ability to remove their furniture in the time permitted this may be seen as discriminatory. It should be for a Council to determine what constitutes temporary furniture when considering the circumstances of each application otherwise our power of discretion is being fettered.

5. Publication of Representation Period by Councils

Section (10) para (4) states - *Where a council receives an application made in accordance with this Act, it must, by such means as it thinks appropriate*

- (a) make the application available to be viewed by the public until the end of the period allowed for representations; and*
- (b) publicise the fact that representations relating to the application may be made in writing to the council until the end of that period.*

Clarification is sought that the requirement to 'publicise' will be met by councils publishing a list of pavement café applications via such means as on their website. If the intent is otherwise and if, for example, a newspaper publication is required this is expensive and will add unnecessarily to the cost of obtaining a Pavement Café Licence.

6. Refusal/Control

The Council is concerned that the grounds of refusal do not cover enough eventualities and as such weaken the option for Councils to bring about effective control. This may well be intentional and based on the 'light touch' approach favoured by central government but may prove problematic in the longer term. Belfast City Council is in favour of an approach which favours approval and limits burdens on businesses. However there may well be a small number of traders who will not provide high quality, safe and appropriate facilities and the Council would like to be able to control these effectively.

Section 4 (2) (b) of the Bill refers to interference to persons or vehicles in the vicinity – there is no consideration for interference or inconvenience to adjacent premises in the vicinity.

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At present there is no ground to refuse where the activity will cause environmental problems or detract from the amenities of the adjacent retailers/occupiers. For example, if there are smells from food/alcohol/smoke close to residential property or problems with noise from customers who cause nuisance or annoyance. The Council is mindful of the significant number of complaints regarding nuisance and disturbance arising from smoking shelters after the introduction of the smoking legislation.

There is no ground to refuse if the tables and chairs, etc. are not suitable for their use i.e. being of a stable and robust design and suitable for the intensity of use that they will receive on the city's streets.

There is no ground to refuse the overall design if the design is an eyesore and not appropriate for the area or in keeping with the design of the streetscape, particularly if the area is of significant conservational importance. The Council is mindful of the success of the Streets Ahead project in Belfast and the design of the pavement café must compliment this scheme.

7. Enforcement

The Enforcement Concordat articulates the Principles of Good Enforcement that help businesses to comply with regulations and help enforcers to achieve higher levels of voluntary compliance.

One of the key Principles is Proportionality: ensuring that enforcement action is proportionate to the risks involved.

This Bill does not appear to comply in that there are no enforcement sanctions apart from revocation and suspension for breach of licence conditions. Experience has demonstrated in the Belfast City Council area that being able to prosecute for breach of licence conditions is an extremely effective enforcement tool. The Council would therefore request that the Department includes the power to prosecute for breach of conditions. This would introduce a graduated enforcement approach which would be in line with the principles set out in the Enforcement Concordat.

The ability to prosecute for breach of a licence condition would also be helpful in the context of the potential revocation or suspension of a licence as it would provide clear evidence to demonstrate whether a condition of licence has been complied with. It is respectfully suggested that a court hearing as opposed to a council hearing is a far more appropriate way of determining whether a licence condition has been breached.

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A Fixed Penalty scheme would have been a sensible introduction and proportionate for minor breaches of licence conditions such as contained within the Street Trading Act.

Other recently introduced legislation includes provision for fixed penalty notices offering the person committing the offence the opportunity to discharge any liability to conviction for that offence by payment of a fixed penalty. This provides a less burdensome approach for councils and business.

In addition, other new legislation has enabled district council's to use receipts from these penalties to assist with the costs of administering the function.

Suspending and Revoking a licence is not a function which is normally delegated to officers. Such a decision in Belfast is taken by the Licensing Committee which has delegated authority from the Council to make the final decision as to whether a licence is suspended or revoked. Should officers consider it necessary to bring a licensee before Committee to consider licence suspension or revocation it is estimated that this will take at least 6 to 8 weeks. It is suggested this process may take even longer for other Councils in Northern Ireland.

It is recommended that consideration is given to the introduction of fixed penalties as a cost effective means of enforcing this piece of legislation.

The Bill as drafted does not appear to provide any facility to deal with an imminent threat, or ongoing incidents, of disorder in relation to pavement cafes where alcohol may be consumed. Provision for this should be considered given that the process of suspension or revocation will be lengthy.

8. Alcohol

The Pavement Café licence can permit a person to consume alcohol legally in an area prohibited under the Alcohol Bye-Laws and that is welcomed.

Alcohol can only be consumed outside a public house, hotel, guest house which has restaurant, a restaurant, or a refreshment room in public transport premises. The Council queries why conference centres, higher educational institutions and places of public entertainment were excluded – this exclusion would cause problems for these premises if they wanted tables and chairs outside.

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We reiterate our comments made in section one of this submission where premises with a Pavement Café Licence can allow patrons to consume alcohol in a street without them breaching the Alcohol Bye-Laws whilst the premises that do not need to be licensed because of the land issue will be encouraging their patrons to breach the Alcohol Bye-Laws.

9. Duration of licence

If the Licence is open ended there is potential that it may become a tradable commodity if the licence is granted to a company. In addition, the Bill states that a licence cannot be transferred from one person to another person. It is not clear what the intent of this prohibition is but it would seem that the legislation gives scope to circumvent this in that a company can continue to exist even if the directors change through a sale; whilst it is still the same company in effect the licence has been transferred. It is presumed that a pavement cafe licence is not intended to be solely a personal licence and that a natural person or a legal entity can apply for a licence. However, this should be clarified in the Bill and the possibility for circumvention removed.

10. Amendments to other legislation

This Bill amends the Street Trading Act (N.I.) 2001 in that, where a pavement café licence is in force, any trading carried out in the area covered by the licence, is exempt if

- (i) the trading is done in the course of a business involving the supply of food or drink to members of the public, or of a section of the public, which is carried on by the licence holder at the premises specified in the licence; and
- (ii) the trading does not involve a contravention of the conditions of the licence.”.

We understand the intention of the Licensing of Pavement Cafes Bill is to provide district councils with the power to licence occupiers of suitable premises to place tables and chairs on the pavement to facilitate their customers.

There is a concern that this could be a mechanism to allow pavement cafes to set up ‘off the premises’ barbecues, rotisseries, ice cream machines, drinks/food vending machines, coffee machines and other equipment for the sale of food and drink. The exemption may allow a café/bar to obtain a pavement café licence to effectively become a street trader.

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It is our view that businesses eligible to operate an outdoor café should be required to provide food/drinks prepared inside the main premises. If a trader wishes to sell from barbecues, ice cream machines and drinks/food vending machines or alcohol from a temporary bar they should still require a street trading licence with all of the appropriate considerations and checks.

We understand that in other jurisdictions where they have the licensing of tables and chairs there is still a requirement to obtain a street trading licence.”

During discussion, a Member pointed out that the proposed Pavement Café Bill applied solely to publicly-owned land and suggested that the reference to privately-owned land should be removed from the Council’s response.

Accordingly, it was

Moved by Councillor Hussey,
Seconded by the Deputy Lord Mayor Alderman Stalford,

That the Committee agrees to approve the response, subject to the removal of Point 1, under the heading ‘Specific Comments, relating to Private/Public Land.

On a vote by show of hands three Members voted for the proposal and nine against and it was declared lost.

Accordingly, the Committee agreed that the foregoing response be submitted in full to the Department for Social Development.

**THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF
THE POWERS DELEGATED TO IT BY THE COUNCIL AT ITS MEETING ON
1st MAY, 2007 IN ACCORDANCE WITH STANDING ORDER 46**

Licences Issued under Delegated Authority

The Committee noted a list of licensing applications which had been granted under the delegated authority of the Director of Health and Environmental Services.

**Application for the Renewal of a Seven-day Annual
Entertainments Licence – Voodoo, 9-11 Fountain Street**

The Head of Building Control informed the Members that an application had been received for the renewal of a Seven-day Annual Entertainments Licence in respect of the above-mentioned premises, based upon the Council’s standard conditions to provide music, singing, dancing or any other entertainment of a like kind.

He reminded the Committee that, at its meeting on 15th February, 2012, it had, in considering an application for the transfer and variation of the Entertainments Licence, been advised that the Council’s Legal Services Section was in the process of

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initiating legal proceedings against the applicant in relation to an inspection of the premises on 4th November, 2011 by an officer from the Building Control Service. That inspection had found that an emergency exit door had been locked, a means of escape had been blocked and the premises' log book had not been maintained. Having been informed that the applicant had engaged fully with the Building Control Service to address those breaches and had put in place appropriate management procedures to prevent a recurrence, the Committee had granted the transfer and variation of the Licence.

The Head of Building Control reported that the applicant had, on 4th September, 2012, been convicted at the Belfast Magistrates Court of the aforementioned offences. He explained that, under the terms of the Local Government Miscellaneous Provisions (Northern Ireland) Order 1985, the Committee, in considering any application for the grant, renewal or transfer of an Entertainments Licence, must have regard to any convictions of the applicant relating to an offence under the Order which had occurred within a five-year period immediately preceding the date on which the application had been made. He pointed out that, since the Committee meeting on 15th February, 2012, officers had undertaken five inspections of the premises whilst entertainment was taking place, four of which had been found to be satisfactory. A number of minor issues which had been identified during the remaining inspection had been addressed as a matter of urgency. He added that no written representation had been received in relation to the application and that the Police Service of Northern Ireland had offered no objection.

Accordingly, it was

Resolved – That the Committee, in its capacity as Licensing Authority, agrees to grant a renewal of a Seven-day Annual Entertainments Licence in respect of Voodoo, 9-11 Fountain Street.

**Application for the Grant of an Amusement Permit –
Little Vegas, 163 Stranmillis Road**

The Committee was reminded that, at its meeting on 26th June, it had agreed that it was minded to refuse an application for the grant of an Amusement Permit in respect of the above-mentioned premises, on the grounds that:

- (i) the arcade would be situated in an area which was predominantly residential in character and its presence there would have a detrimental impact upon the amenity of that area, including residential amenity;
- (ii) the arcade would not be in keeping with existing businesses in the area; and
- (iii) in view of the uncertainty surrounding the financial standing of the original applicant, Mr. Tim Kerr, it was not satisfied that he would not be associated with the business, particularly, given his relationship with Mrs. Grace Kerr, one of the directors of Little Vegas (NI) Limited, and her admission that Mr. Tim Kerr was the current leasee of the premises from which the arcade would operate.

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The Head of Building Control reviewed the background to the application and highlighted the correspondence which had been received subsequently from Mrs. G. Kerr, one of the applicants, in response to the three grounds on which Committee's decision had been based. He reported that Dr. T. Quinn, representing Braniff Associates, who had assisted the Council in the formulation of its Amusement Permit Policy, was in attendance in order to address the issues which had been raised by the applicant and he was welcomed by the Chairman.

Dr. Quinn reported that, in relation to point (i), Mrs. Kerr had contended that the Stranmillis area was commercial rather than residential in character and pointed to the fact that local businesses had confirmed that around 75% of the people who they served came from outside that area. The fact that it was surrounded by commercial attractions, which were not just for the benefit of local people and that the premises faced onto the busy Stranmillis Road rather than adjacent residential streets, had made it difficult for her to understand how the Committee could use residential amenity as a basis for refusing the Permit. The applicant had made the point also that the Council had not specified exactly how the amenity of the area would be harmed and had stressed that the gaming centre would be operated to such a professional extent that residents would be largely unaware of its existence. In fact, it would contribute to the amenity of the area, given the number of vacant ground floor commercial properties on the Stranmillis Road which were currently available to let. In addition, she had stated that the high number of houses in multiple occupation within the Stranmillis area demonstrated that the majority of properties in that area were occupied by a transient population. Mrs Kerr had concluded by stating that planning permission had been granted for the property in which the arcade would be situated and that the Council had, within its Policy, been advised that, in determining an application, it should be slow to differ from the views of the Planning Service.

In addressing the aforementioned issues, Dr. Quinn informed the Committee that commercial properties with a roadside location would always be likely to capture a significant element of passing trade, over and above that which could be secured from surrounding streets and that trade would never be exclusively local. In relation to Mrs. Kerr's assertion that the majority of residential properties were inhabited by a transient population, he stressed that neither licensing nor planning policy differentiated between one resident and another. He added that the residential amenity of the occupants of a first floor, four bedroom flat, which would be situated immediately adjacent to the gaming centre, would be affected also.

Dr. Quinn explained that Mrs. Kerr had opposed also the Committee's view that the arcade would not be in keeping with existing businesses in the Stranmillis area. She had stated that there were currently over thirty businesses in operation there, including licensed restaurants, take-aways, estate agents and a taxi company, and that eight similar businesses had ceased trading recently. She had made the point that new businesses, such as a gaming centre, were needed to restore vibrancy to the area. To that end, sixteen letters from local businesses had been forwarded by the applicant in support of her application.

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In response to those issues, he informed the Committee that the vacancy rate for commercial premises on the Stranmillis Road corresponded with the average figure for Northern Ireland as a whole and that it was questionable how an arcade could add vibrancy to the area, given that research had demonstrated that only approximately 5% of the population played gaming machines and that restrictions were placed on shop front design to prevent the promotion of gambling.

The Committee was informed that Mrs. G Kerr, representing Little Vegas (NI) Limited, together with Ms. M. McKay, her legal representative and Mr. M. Maguire, Urban and Rural Planning Associates, were in attendance and they were admitted to the meeting.

Mr. Maguire reiterated the points which had been raised by Mrs. Kerr within her previous correspondence in terms of the commercial nature of the Stranmillis area, the number of commercial attractions and its similarity to the City's arterial routes. He referred to the provision within the Council's Amusement Permit Policy which stated that each application would be assessed on its own merits and that there may be circumstances in which the Council would depart from the Policy where it was deemed appropriate to do so. He referred also to the fact that the Policy stipulated that an Amusement Permit would not be granted for a non-residential property which was immediately adjacent to a residential one and confirmed that the applicant, whilst stating that there would be no impact on amenity, would be agreeable to the Permit now being granted only for the ground floor of the premises. He drew the Committee's attention to the fact that sixteen local businesses had voiced their support for the gaming centre and advised that a business forum would be established to ensure that the centre was managed in accordance with the undertakings which had been provided previously and that the Council could, if it so wished, be represented thereon.

Ms. McKay explained that Mr. Kerr had supplied materials to the building trade and that his business had failed only as a result of the current economic recession. He was now operating a business outside Northern Ireland. She stressed that he was not in any way involved in the operation of Little Vegas (NI) Limited or connected to the lease of the property.

The members of the deputation were thanked by the Chairman and they left the meeting.

The Council's Solicitor advised the Committee that the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 placed an onus on the Committee, in considering an application for an Amusement Permit, to satisfy itself on all issues surrounding the fitness, including the character, reputation and financial standing, of an applicant or anyone associated with the business. The Committee should, therefore, only grant the Permit if it was satisfied that Mr. Tim Kerr had removed himself totally from Little Vegas (NI) Limited and would derive no benefit from it.

During discussion, a Member highlighted the unique character of the Stranmillis area and pointed out that it could not be described as being anything other than residential in nature. He stressed that it was important, therefore, to preserve that character and to maintain the amenity of the area, including residential amenity. Several

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Members referred to the fact that Mr. Kerr had removed himself legitimately from the business and that assurances had been provided that he no longer retained an interest in it. It was pointed out that the business was being operated by Little Vegas (NI) Limited and that its directors and employees would be its sole beneficiaries.

After discussion, it was

Moved by Councillor Lavery,
Seconded by Councillor Hussey,

That the Committee, in its capacity as Licensing Authority, agrees to grant an Amusement Permit in respect of the ground floor of Little Vegas, 163 Stranmillis Road, subject to the following conditions being attached to the Permit:

- (i) the premises are not to be used for unlawful purposes or as a resort of persons of known bad character;
- (ii) no persons under eighteen years may be admitted to the premises; and
- (iii) the prominent display, at any entrance to and inside the premises, of notices indicating that access is prohibited to persons aged under eighteen.

On a vote by show of hands ten Members voted for the proposal and four against and it was accordingly declared carried.

**Application for the Renewal, Transfer and Variation
of a Seven-day Annual Entertainments Licence –
Botanic Inn, 23-27 Malone Road**

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 An application was received on 14th May from Horatio Taverns Limited for the renewal, transfer and variation of a Seven-day Annual Entertainments Licence for the Botanic Inn based on the Council’s standard conditions to provide music, singing, dancing or any other entertainment of a like kind.**

<u>Premises and Location</u>	<u>Ref. No</u>	<u>Applicant</u>
Botanic Inn 23-27 Malone Road	WK/2013/00402	Mr Stephen Magorrian Horatio Taverns Ltd

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- 1.2 The Committee is reminded that, at the meeting on 15th May 2013, it deferred an application received from Botanic Inns Limited to extend the hours during which entertainment may be provided, due to Botanic Inns Limited going into administration on 9th May 2013. On Monday 13th May, Horatio Taverns Limited purchased the Botanic Inn. The Director of Horatio Tavern is Mr Stephen Magorrian who was previously the Director of Botanic Inns Limited. The staff and management of the Botanic Inn remain unchanged.
- 1.3 The Committee is reminded also that, at the meeting on 20th June, 2012, it refused to grant a previous application to extend the hours during which entertainment may be provided on a Monday to Saturday until 1.30 a.m. at the Botanic Inn.
- 1.4 Following this decision, the licensee requested a joint meeting with the PSNI and Building Control, which took place on 17th January 2013, to discuss their agreed post entertainment procedures.
- 1.5 These procedures allow the bar to remain open to 1.30 a.m. to help facilitate gradual patron dispersal from the premises although entertainment must still cease promptly at 1.00 a.m.
- 1.6 Other key requirements of the procedure are that the DJ or management must inform patrons 15 minutes before the permitted entertainment finishing time that entertainment will finish at the applicable time and they have 30 minutes to finish their beverages. Background music is then permitted to be played during the 30 minutes drinking up time.
- 1.7 House lights must also be illuminated and no disco lights are to be operated.
- 1.8 At the meeting, the manager of the Botanic Inn explained that, at closing time, the full occupancy of the bar exited onto the Malone Road at the same time as other premises causing traffic problems as patrons then spill out onto the road. Mr Webb confirmed that the post entertainment procedures did not work very well as most of the patrons leave as soon as the lights are turned on.
- 1.9 A copy of the Post Entertainment Procedure has been forwarded to the Committee.
- 1.10 At the meeting, Inspector Murphy from the Police advised that he would not have objections against an application to

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extend the hours during which entertainment may be provided until 1.30 a.m.

1.11 The Manager was advised that, if the Botanic Inn wished to provide entertainment beyond 1.00 a.m., it was open to him to submit another variation application for consideration by the Licensing Committee.

1.12 The days and hours during which the premises are currently licensed to provide entertainment are:-

- Monday to Saturday: 11.30 a.m. to 1.00 a.m. the following morning
- Sunday: 12.30 p.m. to 12.00 midnight

1.13 The areas currently licensed to provide entertainment are the:-

- Ground floor, with a maximum capacity of 550 persons
- First Floor, with a maximum capacity of 500 persons

1.14 The nature of the variation applied for is to amend the current hours to permit entertainment to be provided as follows:-

- Monday to Saturday: 11.30 a.m. to 2.00 a.m. the following morning
- Sunday: 12.30 p.m. to 2.00 a.m. the following morning

1.15 Currently the premises operate as a public bar and nightclub with entertainment being provided on the ground floor on Wednesday to Sunday in the form of DJs and live bands. Entertainment is provided on the first floor on Wednesday to Saturday in the form of a DJ.

2 Key Issues

Reasons for the variation

2.1 The licensee has stated that the variation to extend the permitted hours is required for the following reasons:

1. To bring them into line with all other nightclubs which operate within Belfast, as all have 2.00 a m licences as a minimum;

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2. To enable them to ensure an orderly and controlled exit of the premises at the end of the night and prevent crowding of exits;
 3. To allow them to compete with other nightclubs whose promotional teams currently canvas their customers at the front doors on the basis that they 'close early'.
- 2.2 Since this Entertainments Licence was granted, it has been subject to many objections and complaints which have resulted in numerous Committee meetings and special meetings. Additionally, decisions of the Council were appealed by the applicants and heard at Belfast Recorders Court.

Representations

- 2.3 A letter of objection was received from the Lower Malone Residents Association on 3rd June 2013. The nature of the objection relates to:
- unreasonable noise, nuisance and general disturbance caused by patrons leaving licensed premises late in the evening/early in the morning
 - it being a residential area and residents have the right to a night's sleep, particularly during the working week. Being kept awake until after 2 a.m. every night would cause unreasonable hardship and an infringement of basic human rights.
- 2.4 Under the terms of the Local Government (Miscellaneous Provisions) (NI) Order 1985, the Committee, when considering an application, must have regard to any representation which is received inside the 28 day statutory period. A copy of the letter of objection has been forwarded to the Committee.
- 2.5 To date, the Service has not received any written representation outside the 28 day statutory period.
- 2.6 The objector and/or their representatives have been invited to attend your meeting so that you may hear their representations relating to the application.

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PSNI

- 2.7 The Police Service of Northern Ireland has been consulted with regard to the application and has confirmed that they receive ongoing complaints regarding noise and anti social behaviour from the Lower Malone Residents' Association regarding the premises.
- 2.8 Data collated by a police analyst has been supplied which shows that 63 incidents were associated with the Botanic Inn in the most recent time period examined, i.e. from 1 October 2012 until 24th March, 2013. This analysis ranks the Botanic Inn as the second highest scoring bar in Belfast on their matrix. There are also other incidents that occurred in the surrounding streets that may have links to this bar but these cannot be quantified.
- 2.9 The PSNI has asked that the Committee should also consider that late night patron dispersal from any licensed premises will have an impact on noise and reported anti-social behaviour in any given area. The peak times for reports to police regarding rowdy, nuisance or inconsiderate behaviour is between 10.00 p m and 4.00 a m from Wednesdays to Sundays inclusive in this area.
- 2.10 An officer of the PSNI has been invited to attend your meeting and a copy of their response letter has been forwarded to Members.

Community Safety

- 2.11 The Community Safety Unit agreed to work directly with residents and licensees to address any problems that may arise. Community Safety has confirmed that they have had no recent contact from the Lower Malone Residents Association.

Health, safety and welfare inspections

- 2.12 Within the past 12 months Officers of the Building Control Service have carried out 2 during performance inspections of the premises. On each occasion, the inspections revealed that the conditions of licence were being adhered to and that the management of the premises was satisfactory.

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Licensee

- 2.13 The applicant and/or his representative will be available to discuss any matters relating to the licence should they arise during your meeting.

3 Resource Implications

3.1 Human Resources

None.

3.2 Financial

None.

3.3 Asset and Other Implications

None.

4 Equality Implications

- 4.1 There are no relevant equality or good relations issues.

5 Recommendations

- 5.1 Taking into account the information presented and representations received you are required firstly consider the application for the transfer of the licence from Botanic Inns Ltd. to Horatio Taverns Ltd. and to:-

- Approve the application for the transfer of the licence, or
- Refuse the application for the transfer of the licence.

- 5.2 Thereafter, if you agree that the transfer application is approved, you are required to consider the application for the renewal and variation of the licence and to:-

- Approve the application for the renewal and the variation to extend the hours during which entertainment may be provided, or
- Approve the applications with special conditions; in addition to the standard conditions, or
- Refuse the application for the variation of the licence, or
- Refuse the applications for renewal and variation of the licence.

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- 5.3 If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. Should you refuse to vary the licence as requested, and the applicant decides to appeal, the licence will continue with its present conditions until the Appeal is determined."**

The Committee was advised that Mr. C. Doyle and Mrs. S. Roberts, representing the Lower Malone Residents' Association, were in attendance in order to outline their objections to the application and they were admitted to the meeting.

Mrs. Roberts informed the Committee that the Lower Malone Road Residents' Association had been established in 1990 in order to preserve the residential amenity of that area. She explained that the locality in which the Botanic Inn was situated was predominantly residential in nature and outlined the difficulties which had been faced by residents over the years arising from licensed premises in that area. Those had included excessive consumption of alcohol, increased noise from patrons leaving premises after closing time and associated anti-social behaviour and vandalism, all of which had contributed to a loss of sleep for residents, particularly during the working week. She made the point that, should the Committee agree to extend entertainment within the Botanic Inn till 2.00 a.m., it would serve only to exacerbate those problems, which were being faced by residents on an almost nightly basis.

Mr. Doyle reiterated the points which had been made by Mrs. Roberts and provided details of acts of vandalism which had occurred after closing time, one of which had involved a refuse bin shattering a window of a car outside a resident's home.

In response to a question from a Member, Mrs. Roberts explained that the Residents' Association had attended meetings with, amongst others, representatives of licensed premises in the immediate area, including the Botanic Inn. However, the Association had felt that little progress had been achieved in terms of addressing issues of concern and, as a result, it had, within the past eighteen months or so, withdrawn from those meetings.

The Chairman thanked the representatives of the Lower Malone Residents' Association for being in attendance and they retired from the meeting.

Mr. S. Magorrian, the applicant, together with Mr. G. Webb, General Manager of the Botanic Inn, were then admitted to the meeting and advised of the objections to the application.

Mr. Magorrian informed the Committee that the Botanic Inn was the only nightclub in Belfast which was not permitted to provide entertainment till 2.00 a.m. He explained that around ninety staff had once been employed within the premises, however, due to a loss of trade caused by the current recession and by the fact that patrons were forced to move to other premises in search of late night entertainment, the numbers had fallen to less than seventy and would be likely to fall further should the

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application to vary the Licence be refused. He suggested that one way in which that could be addressed would be for the Committee to grant the variation only for the nightclub on the first floor of the premises, which it was envisaged would operate till 2.00 a.m. on three nights only. The ground floor of the premises would continue to operate in accordance with the current Licence.

In terms of the issues which had been raised by the Lower Malone Residents' Association, he pointed out that there were several licensed premises in the Lower Malone area and, as such, it would be inappropriate to attribute those problems solely to the Botanic Inn. He outlined the measures which had been put in place both inside and outside the premises to ensure that such incidents did not occur. For example, no glasses or bottles were allowed to be removed from the premises, patrons were advised of the need to disperse without delay and he had made his telephone number available to residents and had urged them to contact him at any time should issues arise. He added that he had employed a person to clean the street immediately outside the premises, which included the removal of litter, much of which originated from a hot food bar located with the grounds of an adjacent hotel. He pointed out that, should the nightclub be permitted to provide entertainment till 2.00 a.m. as he had suggested, it would make the dispersal of patrons more manageable, as they would be leaving the ground and first floors at different times.

In response to a question from a Member, Mr. Magorrian stated that monthly meetings had been established some four years previously as a condition on the Entertainments Licence. Those had been attended by representatives of the Botanic Inn, the Lower Malone Residents' Association, the Police Service of Northern Ireland and the Council, which had facilitated the discussions. However, they had lasted only for approximately six months, as none of the issues which had been raised had related directly to the Botanic Inn. He confirmed that he would be agreeable to a condition being attached to the Entertainments Licence requiring meetings to take place in future should issues arise in relation to the premises.

Mr Magorrian and Mr. Webb were thanked by the Chairman and they retired from the meeting.

The Head of Building Control addressed a number of the points which had been raised earlier in the meeting. He explained that not all nightclubs in Belfast were licensed to provide entertainment till 2.00 a.m. or later, as has been stated by Mr. Magorrian, and that those which held such Licences were all located within the City Centre area. In fact, the Committee had, in 2012, refused to vary an Entertainments Licence for a premises on the nearby Lisburn Road, which would enable it to operate till 2.00 a.m., on the grounds that it was located close to residential premises, could cause unreasonable disturbance for residents and that no other premises on that road were permitted to provide entertainment until 2.00 a.m.

In relation to Mr. Magorrian's suggestion that the variation be granted only for the nightclub, he pointed out that the Entertainments Licensing legislation made no distinction between a public house and a nightclub and that no Entertainments Licences had ever been varied by the Committee on that basis. Finally, he confirmed that the forum which had been established to address issues around licensed premises on that

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part of the Malone Road had, on the recommendation of the Building Control Service, ceased to meet at the end of 2011, as all of the issues being raised by residents were outside the remit of the Entertainments Licensing legislation.

During discussion, a Member pointed out that the Committee had, in the past, agreed that entertainment should be permitted till 2.00 a.m. or later only within the City Centre as part of the Council's initiative to encourage people to reside in that area. He stressed that, should variations be granted for premises beyond the City Centre, it would create a precedent and lead to further difficulties for established residential areas, such as that on the Malone Road, which already suffered as a result of their proximity to several licensed premises. A further Member made the point that patrons now left home at a later time and that it was important to ensure that their demands for late night entertainment were met. The point was made also that the Botanic Inn had, for many years, been a landmark establishment in the City and that the Committee should take that into account when determining the application.

After further discussion, it was

Moved by Councillor Ó Donnghaile,
Seconded by Councillor Keenan,

That the Committee, in its capacity as Licensing Authority, agrees to grant a variation of an Entertainments Licence in respect of the Botanic Inn, with entertainment being permitted to take place till 2.00 a.m. on three nights per week within the first floor nightclub only and subject to meetings taking place as and when required between residents, the licensee and relevant agencies, including the Council.

On a vote by show of hands nine Members voted for the proposal and four against and it was accordingly declared carried.

Designating Resolutions for New Street Trading Sites

The Committee was reminded that, at its meeting on 21st November, 2012, it had granted approval to initiate the statutory process for designating four new street trading sites within the City. The Committee, at its meeting on 23rd January, had approved a similar process for the variation of a number of designated sites at Donegall Quay, beside the Lagan Lookout building, to allow for three additional sites to sell commodities such as hot and cold food and beverages, confectionery, tourist gifts and other services.

The Head of Building Control reported that the Street Trading Act (Northern Ireland) 2001 required the Council to ensure that each application was fairly and objectively assessed and that all relevant factors were taken into account. In doing so, it was required to consult with the Department for Regional Development's Roads Service and the Police Service of Northern Ireland. In addition, the Council could consult with other persons which it considered to be appropriate, including the Planning Service, the Belfast City Centre Management, relevant Council departments, nearby Street Trading Licence holders, local residents and business and commercial premises.

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He explained that comments had been invited in relation to the proposed designation of the four new sites and the variation of those in Donegall Quay and responses had been received from a range of interested parties and individuals.

The Committee then proceeded to consider the following locations:

179-181 Antrim Road

(Commodities to be determined but excluding the sale of hot food.)

The Committee, having considered the comments which had been received, agreed to designate the site at 179-181 Antrim Road.

Springfield Road/Springfield Avenue Junction

(Commodities to be determined but excluding the sale of hot food.)

The Committee, having taking into account the comments which had been received, agreed to designate the site at the Springfield Road/Springfield Avenue Junction.

Ormeau Road/St. John's Avenue

(Commodities to be determined but excluding the sale of hot food.)

The Committee, having taking into account the comments which had been received, agreed not to designate the site at Ormeau Road/St. John's Avenue, on the basis of objections from local residents that the presence of a street trading stall at that location would diminish the character of the area, increase traffic congestion and restrict pedestrian access to nearby shops.

Sliabh Dubh View

(Commodities to be determined but excluding the sale of hot food)

The Committee, having taking into consideration the comments which had been received, agreed to designate the site at Sliabh Dubh View, on the condition that no permanent structure be placed on the site and that the stall be removed when not in use.

Donegall Quay, beside the Lagan Lookout Building

(Commodities to be sold to include hot and cold food and beverages, confectionery, tourist gifts and other services.)

The Committee, having taking into account the comments which had been received, agreed to designate three additional sites at Donegall Quay, beside the Lagan Lookout building.

The Committee noted that the Designating Resolutions for the aforementioned sites would come into effect on 31st October, 2013.

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Competing Applications for a Stationary Street Trading Licence – Apollo Road

The Committee was advised that competing applications had been received from two persons wishing to trade from a vacant designated site in Apollo Road. The Head of Building Control provided a brief overview of the applications, one of which had been submitted by Mr. Istvan Emodi who had, since January, 2013, been trading from a designated site in Dargan Crescent. Mr. Emodi was now seeking to vary his Street Trading Licence which would result in him vacating his current site and moving on a permanent basis to the available site on Apollo Road, from which he was proposing to sell hot food and non-alcoholic beverages from Monday till Friday between the hours of 6.00 a.m. and 5.00 p.m. He pointed out that, whilst there had been no issues or infringements regarding Mr. Emodi's current site, he had, however, received from the Council a formal caution for trading illegally on 29th August, 2012 from the site on Apollo Road.

The Head of Building Control reported that the second applicant, namely, Mr. Robert Anderson, had, since August, 2012, been trading from a designated site in Falcon Road. He confirmed that Mr. Anderson was seeking also to vary his Licence which would permit him to leave Falcon Road and trade permanently from Apollo Road, where he wished to sell hot food and non-alcoholic beverages from Monday till Friday between the hours of 7.00 a.m. and 4.00 p.m. He confirmed that Mr. Anderson had received from Council officers two verbal warnings relating to inspections which had been undertaken on 2nd March and 27th April, 2013, which had revealed that he had not removed his trailer from the site once he had ceased trading and had failed to remove bins containing rubbish.

He informed the Members that it was normal practice for applicants competing for a Street Trading Licence to be invited to brief the Committee on how their business would be operated, the design of their stall and how the commodities which they proposed to sell would add to the immediate area. He reported that both applicants had attended the Committee meeting on 19th June for that purpose, however, due to the length of time taken to deal with the preceding items on the agenda, Mr. Anderson had had to leave in order to fulfil other commitments. As a result, the Committee had deferred consideration of the applications until this meeting.

It was reported that, whilst both applicants had been invited in writing to attend the Committee meeting in August, neither were present. Mr. Emodi had been unable to attend due to ill health, however, his wife was present in order to address the Committee on his behalf. Mr. Anderson, on the other hand, had not indicated that he would be unable to attend the meeting. As time had progressed, he had been telephoned on a number of occasions by Council officers to draw the meeting to his attention but they had been unable to speak to him.

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After discussion, it was

Moved by Councillor O'Neill,
Seconded by the Deputy Lord Mayor Alderman Stalford, and

Resolved – That the Committee, pursuant to Section 4(1) of the Street Trading Act (Northern Ireland) 2001, agrees that it is minded to grant to Mr. I. Emodi a Stationary Street Trading Licence to sell hot food and non-alcoholic beverages from Monday till Friday between the hours of 6.00 a.m. and 5.00 p.m. in Apollo Road at a pitch designated previously by the Council for the sale of those commodities, subject to:

- (i) the applicant providing all necessary documentation; and
- (ii) the receipt of the appropriate licensing fees.

As a consequence of that decision, the Committee, agreed also that it was minded to refuse the application which had been submitted by Mr. R. Anderson, on the grounds that, despite being aware that his application would be considered by the Committee on 21st August, he had failed to attend the meeting or to provide an explanation for his non-attendance and that Mr. Emodi had, in arranging for a representative to be in attendance, demonstrated more interest in acquiring the site.

The Head of Building Control informed the Members that Mr. Anderson would be advised that, as required under Section 12 (2)(b) of the Street Trading Act (Northern Ireland) 2001, he would be permitted to make written representation to the Council within twenty-one days of receiving notification of the Committee's decision.

Chairman

Town Planning Committee

Thursday, 1st August, 2013

MEETING OF TOWN PLANNING COMMITTEE

Members present: Councillor C. Hanna (Chairman);
Aldermen M. Campbell, McCoubrey and Rodgers;
Councillors Cunningham, Curran, Haire, Mullan, O'Neill,
L. Patterson and Webb.

In attendance: Mrs. P. Scarborough, Democratic Services Section; and
Mr. P. Fitzsimons) Divisional
Ms. K. Mills) Planning Office.
Ms. C. Revelle)

Apologies

Apologies for inability to attend were reported from Councillors M. E. Campbell, Garrett, Hendron, Lavery, McCarthy and A. Newton.

Minutes

The minutes of the meetings of 30th May, 6th, 20th and 24th June were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st July, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

No declarations were reported.

Routine Correspondence

It was reported that correspondence had been received from various statutory bodies, agencies and other organisations in respect of the undernoted:

Notification from the Roads Service of:

- the provision of an accessible blue badge parking bay at 79 Strandburn Drive;
- the removal of an accessible blue badge parking bay at 18 Cavendish Square;

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- the proposal to amend the On-Street Parking Order (Northern Ireland) 2000 – Academy Street, Exchange Street and Talbot Street;
- a Draft Order and related map in relation to the Galwally Avenue, Belfast (Abandonment) Order (Northern Ireland) 2013;
- a Draft Order and related map in relation to the Shore Road, Belfast (Abandonment) Order (Northern Ireland) 2013; and
- the proposal to amend the existing urban clearway restrictions on the Upper Lisburn Road, Lisburn Road, Malone Road and Stranmillis Road on an experimental basis.

Notification from the Northern Ireland Housing Executive of the making of a Vesting Order for an area of land situated at Torrens Drive.

Notification from Taylor Patterson, Chartered Surveyors, in relation to pre-planning application consultations for mobile phone base station upgrades in various locations within the Council area.

Notification from RenewableUK of a free seminar and wind farm visit to be held on 12th September in the Crighshane Wind Farm, Co. Tyrone.

Copies of the correspondence in relation to the above-mentioned matters were made available at the meeting for the information of the Members.

The Committee noted the information which had been provided.

Planning Application Z/2010/1648/F
Change of house type and garage to scheme
which had been approved previously
Site adjacent to 66 Kings Road

It was reported that correspondence had been received from the Area Planning Office in relation to the above-mentioned matter which had indicated that, having considered all the relevant factors, the Planning Service remained of the opinion that the application, in respect of the proposed change of house type and garage to a scheme which had been approved previously under application Z/2077/1256/F, was acceptable and that a decision to approve would be issued within the near future.

Noted.

Listing of Buildings of Special Architectural
or Historical Interest

The Belfast Education and Library Board,
40-62 Academy Street

The Committee was advised that correspondence had been received from the Northern Ireland Environment Agency indicating that, under Article 42(1) of the Planning

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(Northern Ireland) Order 1991, the Department of the Environment was required to consult the Council prior to the inclusion of any building on the statutory list of buildings of special architectural or historical interest. In addition, the correspondence had indicated that the Environment Agency would welcome the Council's views in relation to its proposals to list the above-mentioned property.

After discussion, the Committee agreed to support the listing of the above-mentioned property as outlined and agreed further that a letter be issued to the Agency indicating the Committee's unanimous support for the proposal.

Requests for Deputations

The Committee was advised that no requests for deputations had been received.

Deferred Items Still Under Consideration

A list of deferred items, which were still under consideration by the Planning Office, was noted by the Committee.

New Applications

The Committee noted a list of new planning applications which had been received by the Planning Service from 11th June until 22nd July.

Appeal Decisions Notified

The Committee noted the outcome of planning appeals in respect of the undernoted applications:

- the installation of lightbox advertising hoarding 70 metres west of Connswater River; and
- a single storey extension to the rear of a dwelling at 197 Stockmans Lane.

**Streamlined Planning Applications –
Decisions Issued**

The Committee noted a list of streamlined planning applications which had been issued by the Planning Service between 10th and 25th January.

**Schedule of Planning Applications –
Application Withdrawn**

At the request of the Planning Service, the undernoted application was withdrawn from the schedule:

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<u>Site and Applicant</u>	<u>Proposal</u>	<u>Divisional Planning Manager's Opinion</u>
14 Ballygomartin Road, Mr. J. Braniff	Change of use of ground floor from class D1: community and cultural uses, to premises for the sale of hot food for consumption off the premises, with the provision of a new shop front.	Approval

**THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE
OF THE POWERS DELEGATED TO IT BY THE COUNCIL**

Reconsidered Items

The Committee considered further the undernoted planning applications and adopted the recommendations of the Divisional Planning Manager thereon:

<u>Site and Applicant</u>	<u>Proposal</u>	<u>Divisional Planning Manager's Opinion</u>
1 to 3 Ravenhill Road, The Patton Group	A mixed use development forming the headquarters for a charitable organisation incorporating a café, offices, conference/exhibition space and training rooms.	Approval
Union Street Bar, 12 to 14 Union Street, Anthology Northern Ireland Limited	The creation of a first floor projecting balcony incorporating canvas awnings (on the Union Street elevation) to be used as a smoking area.	Refusal
41 Sydenham Avenue, Mr. D. Murray	A proposed single storey front extension to dwelling.	Approval
6 Shrewsbury Gardens, Mr. E. Laverty	A two-storey extension to the rear of the dwelling.	Approval
7 Glenmillan Park, Mr. and Mrs. C. Davidson	Demolition of the existing rear conservatory. Single storey extension to the rear and widening of existing driveway.	Approval

Consultation Process

Arising from the deliberation of the reconsidered items which had been presented by the Planning Service, the Committee noted the assurance which had been provided that the process in operation currently would continue, viz., applications on the Schedule might be deferred by a Member to enable an office meeting to be held to afford an opportunity for applicants and/or objectors to discuss the proposals in depth,

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and thereafter, re-submitted to the Committee with either a similar or changed opinion. At that stage the Committee had the opportunity to either agree with the opinion, or to vote against it. In such circumstances, the decision of the Committee in relation to the application in question would be subject to ratification by the full Council meeting. In the event of significant material changes being made as a result of the aforementioned discussions, the applicant would be required to submit a new application which would be dealt with in accordance with the Planning Service process in operation currently.

Schedule of Planning Applications

The Committee considered the schedule of planning applications which had been submitted by the Divisional Planning Manager in respect of the Council area and agreed to adopt the recommendations contained therein with the exception of those referred to below:

<u>Site and Applicant</u>	<u>Proposal</u>	<u>Divisional Planning Manager's Opinion</u>
20 Knockburn Park, Mr. M. McCurry	Demolition of existing double garage and the erection of a detached dwelling, together with alterations to the existing road access. [Deferred at the request of Councillor Jones to enable an office meeting to take place.]	Refusal
61 Circular Road, Mr. S. Mallon	Two-storey extension to side of dwelling, new front porch and alterations to vehicle entrance. [Deferred at the request of Alderman Rodgers and Councillor Haire to enable an office meeting to take place.]	Approval
444 Ormeau Road, McGinn Architects	Proposed change of use from retail outlet to the preparation and sale of freshly baked Italian pizzas for consumption off the premises. [Deferred at the request of Councillor Lavery to enable an office meeting to take place.]	Refusal
93 Knockbreda Park, Mr. and Mrs. Crimmins	Two-storey side and rear extension to dwelling. [Deferred at the request of Councillor Curran to enable an office meeting to take place.]	Refusal

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Land to the rear of 38 Bristow Park, Mrs. P. Gordon	New build private dwelling. [Deferred at the request of Councillor Mullan to enable an office meeting to take place.]	Refusal
Arc Café, Orangefield Presbyterian Church, 464 Castlereagh Road, Café Ministry	Shop sign (fascia). [Deferred at the request of Alderman Rodgers and Councillor Haire to enable an office meeting to take place.]	Refusal

Chairman

Town Planning Committee

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MEETING OF TOWN PLANNING COMMITTEE

Members present: Aldermen M. Campbell, McCoubrey and Rodgers;
Councillors Austin, M. E. Campbell, Garrett, Haire,
Lavery, McCarthy, Mullan, O'Neill and L. Patterson.

In attendance: Mrs. P. Scarborough, Democratic Services Section; and
Ms. K. Mills) Divisional
Ms. C. Reville) Planning Office.

Apologies

Apologies for inability to attend were reported from the Chairman, Councillor Hanna, Aldermen R. Patterson and Smyth and Councillors Cunningham, Curran, Hendron, A. Newton and Webb.

(The Deputy Chairman, Alderman M. Campbell, in the Chair.)

Declarations of Interest

No declarations were reported.

Major Planning Application under Article 31 – 7 Airport Road

(Mrs. S. Wylie, Director of Health and Environmental Services, attended in connection with this item.)

The Director of Health and Environmental Services reminded the Committee that Bombardier Aerospace had submitted a planning application for the proposed construction and operation of a combined heat and power generating station for the treatment of refuse derived fuel by gasification at the above-mentioned location. The site in question, which was located within an established industrial area in the Belfast Harbour Estate and accessed from Airport Road, was currently undeveloped scrub land bounded by a fence.

On 26th March, the Department of the Environment had written to the Council advising that Article 31 of the Planning (Northern Ireland) Order 1991 had been applied to the application, designating it as one of major importance as it had considered the development, if permitted, would be of significance to the whole or substantial part of Northern Ireland and it would affect an entire neighbourhood. That notification had sought the Council's views on the application and had stated that, before the application was determined, the Department would either cause a public inquiry to be held before

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the Planning Appeals Commission, or would alternatively issue to the applicant a Notice of Opinion as to how it considered the application should be decided.

The Director concluded by informing the Committee that a technical environmental health response had already been provided to the Planning Service, however, that organisation had now sought a fuller Council response as it had determined that the application would be dealt with under Article 31.

The Committee was reminded that, at its meeting on 18th April, it had agreed to invite the applicants of the aforementioned planning application to a future meeting to outline the plans in greater detail. Accordingly, the Chairman welcomed to the meeting Mr. R. McFadden, Vice President of Operations Wing Manufacturing and Assembly, Mr. C. McBurney, Director of Plant Engineering, Ms. C. Eastwood, Environmental Manager, and Ms. M. Ryan, Public Relations Advisor, in relation to the application.

Mr. McFadden provided an outline of Bombardier Aerospace Belfast's organisation and purpose. He summarised the organisation's investment in facilities, technologies, processes and products and explained that the demands on energy requirements and associated costs were continuing to rise. Mr. McFadden described the proposed alternative energy project and outlined the key benefits for Bombardier and to the community.

A range of questions were put by the Members to Mr. McFadden and the other representatives from Bombardier in relation to access to and from the proposed plant, the destination and sustainability of the waste product, the possibility of providing cheaper energy to local schools and/or community groups and the relationship between Bombardier and the consortium of local waste companies which would design, construct, own and operate the energy from waste facility.

The Chairman thanked the representatives from Bombardier for their presentation and they then left the meeting.

After discussion, the Members noted the information which had been provided and noted also that a draft response to the Planning Service would be prepared for the Committee's consideration at a future meeting.

Routine Correspondence

It was reported that correspondence had been received from various statutory bodies, agencies and other organisations in respect of the undernoted:

Notification from the Roads Service of:

- the proposed Abandonment at Portmill Hill;
- a Draft Order, location map and Statutory Notice of Intention in relation to the Abandonment of Public Rights of Way, The Shore Road, Belfast (Abandonment) Order (Northern Ireland) 2013;
- the intention to amend existing On-Street Electric Vehicles Order; and

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- a Draft Order, location map and Statutory Notice of Intention in relation to the Abandonment of Public Rights of Way, The Galwally Avenue, Belfast (Abandonment) Order (Northern Ireland) 2013.

Notification from Taylor Patterson, Chartered Surveyors in relation to pre-planning application consultations for mobile phone base stations' upgrades in various locations within the Council area.

Copies of the letters, maps and orders relating to the above-mentioned matters were made available at the meeting for the information of the Members.

The Committee noted the information which had been provided.

Planning Event
23rd August, 2013, Craigavon Civic Centre

The Committee was advised that notification had been received regarding a Department of the Environment, Planning Policy Division event which would be held in the Craigavon Civic Centre on Friday, 23rd August. It was pointed out that the event would explore the transfer of planning functions to local government and provide an overview of the key programme of work which was being implemented by the Department of the Environment, together with a draft service delivery paper as to how planning could be delivered in the new councils. Attendance at the event would be free of charge and it was recommended that any Member who so wished be authorised to attend.

The Committee adopted the recommendation.

Major Planning Application under Article 31 –
Lands at 88 to 104 Andersonstown Road
Redevelopment of Casement Park

It was reported that correspondence had been received from the Department of the Environment's Strategic Planning Division seeking the Council's views in respect of the proposed redevelopment of Casement Park to provide a 38,000 seated capacity Gaelic Athletic Association stadium. It was reported that the Department of the Environment had applied Article 31 of the Planning (Northern Ireland) Order 1991 to the above-mentioned planning application, designating it as one of major importance, since it considered the development would, if permitted, be of significance to the whole, or a substantial part of Northern Ireland and affect an entire neighbourhood.

The Committee was advised further that, before the application could be determined, the Department would either cause a public local inquiry to be held before the Planning Appeals Commission or issue the applicant with a Notice of Opinion indicating how it considered the application should be decided. Accordingly, the views of the Committee had been sought in relation to these proposals.

The Committee noted the proposals and noted further that a draft response, for the Committee's consideration, would be submitted to a future meeting.

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Roads Service Response

The Committee was advised that correspondence, a copy of which had been circulated previously, had been received from the Deputy Divisional Roads Manager, Mr. R. Spiers, in relation to those questions which had been raised by individual Members at its meeting on 30th May.

A Member expressed concern at the delay in the receipt of the response from the Roads Service and stated that it did not address fully, or satisfactorily, the various issues which had been raised by the Committee. A number of Members raised again the question of egress from the rear entrance of the City Hall and the uncertainty as to which lane of traffic should have the right of way.

The Committee noted the information which had been provided and agreed that a letter be issued to the Roads Service seeking clarification on the right of way by vehicles exiting the rear of the City Hall.

Request for Deputation

**Deputation from the Sans Souci Residents' Association
in relation to the Lennoxvale application**

The Committee was reminded that, at its meeting on 7th February, it had received a deputation from residents of the Lennoxvale/Sans Souci Park area of Lower Malone in relation to their concerns regarding proposals which had been submitted by The Queen's University of Belfast to demolish two detached properties, which were owned by the University, and to replace them with three residential blocks for students which would accommodate two hundred and forty undergraduates.

The Committee was informed that a further request had been received from the Sans Souci Residents' Association requesting another opportunity to address the Members regarding revised plans which The Queen's University had submitted in relation to the Lennoxvale proposal. It was pointed out that the Planning Service had confirmed that amended plans had been received in June in respect of a reduced scheme. However, the revised scheme had been unacceptable and The Queen's University was considering currently the Planning Service's comments. The application remained under consideration and the Planning Service was unable to indicate when it would be presented to Committee.

The Committee noted the information which had been provided and agreed to receive the representatives from the Sans Souci Residents' Association at a future meeting and that the Association be advised that the Planning Service was not in a position to indicate when the application would be brought back to Committee at this stage.

New Planning Applications

The Committee noted a list of new planning applications which had been received by the Planning Service from 23rd July until 8th August.

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Deferred Items Still Under Consideration

A list of deferred items, which were still under consideration by the Belfast Planning Office, was noted by the Committee.

**Streamlined Planning Applications –
Decisions Issued**

The Committee noted a list of streamlined planning applications which had been issued by the Planning Service between 26th July and 9th August.

**THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE
OF THE POWERS DELEGATED TO IT BY THE COUNCIL**

Schedule of Planning Applications

The Committee considered the schedule of planning applications which had been submitted by the Divisional Planning Manager in respect of the Council area and agreed to adopt the recommendations contained therein with the exception of that referred to below:

<u>Site and Applicant</u>	<u>Proposal</u>	<u>Divisional Planning Manager's Opinion</u>
14 Ballygomartin Road, Mr. J. Braniff	Change of use of ground floor from class D1: community and cultural uses to premises for the sale of hot food for consumption off the building, with provision of new shop front. [Deferred at the request of Councillor Lavery to enable an office meeting to take place.]	Refusal

Chairman

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“On behalf of the Citizens of the City of Belfast, this Council extends our warmest congratulations to Their Royal Highnesses The Duke and The Duchess of Cambridge, William and Catherine, on the birth of their first child, a Royal Prince and our future King.”

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“This Council supports the Archbishop of Canterbury, Dr. Justin Welby, and others in their criticism of the activities of companies offering the type of credit facilities commonly known as ‘Pay Day Loans’;

- welcomes the decision by the Enterprise, Trade and Investment Committee of the Northern Ireland Assembly to investigate the impact of pay day lending in Northern Ireland and if such activities can be regulated;
- considers that the rapid growth of pay day loan companies is a consequence of the prolonged economic and financial crisis which has impacted so severely on the low-paid, a greater percentage of whom live in Northern Ireland (and in Belfast in particular) than in any other UK region; and
- urges the Financial Conduct Authority (FCA) to review its regulation of pay day companies, in order to eliminate irresponsible lending and to severely limit the interest rate which such companies are allowed to charge which, in some cases, has been as high as 4,000% per annum.

The Council requests the Council officers, in consultation with relevant interest groups such as Citizens Advice, Advice NI, NI Consumer Council, DETI Consumer Affairs Branch, Irish League of Credit Unions and Ulster Federation of Credit Unions, to bring to the appropriate Council Committee information as to how the Council can take initiatives to:

- improve access to affordable credit to the citizens of Belfast;
- promote financial awareness about the risks attached to pay day loans; and
- encourage the further development of Credit Unions as an excellent example of community-based organisations which promote saving and offer access to affordable credit.”

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“This Council reaffirms its total and absolute commitment to exclusively democratic and peaceful means of resolving political issues.

We oppose any use or threat of force for political purposes and reiterate our support for the exercise of the democratic right to peaceful protest.

We condemn the attack on the Lord Mayor and the PSNI and the treatment of Council staff during the incident at Woodvale Park and extend to them all the support of this Council for their work on behalf of the citizens of this great city.

We affirm the right of the Lord Mayor to attend events and carry out civic duties in any parts of the city when and where he or she is invited.”

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“This Council reaffirms its commitment to providing progressive civic leadership in the political, social, economic and investment development of Belfast and thereby the whole of Northern Ireland.”

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