

# Document Pack

## BELFAST CITY COUNCIL

### **SUMMONS TO ATTEND THE MONTHLY MEETING OF THE COUNCIL**

**TO: THE RIGHT HONOURABLE THE LORD MAYOR,  
ALDERMEN 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 March, 2015, immediately following the conclusion of the Special Meeting scheduled for 6.00 p.m., 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 Monthly Meeting of the Council of 2nd February (Pages 3 - 8)
5. To receive official announcements and memorials, if any.
6. To receive and adopt the minutes of the proceedings of the Committees as follows:
  - a) Strategic Policy and Resources Committee of 13th February (Pages 9 - 24)
  - b) Parks and Leisure Committee of 24th February (Pages 25 - 66)
  - c) Development Committee of 17th February (Pages 67 - 82)
  - d) Licensing Committee of 18th February (Pages 83 - 90)
  - e) Town Planning Committee of 5th February (Pages 91 - 96)
7. Notice of Motion
  - a) Willowfield Parish Community Association (Pages 97 - 98)

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

SUZANNE WYLIE

Chief Executive

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## **Council**

### MONTHLY MEETING OF BELFAST CITY COUNCIL

Held in the City Hall on Monday, 2nd February, 2015  
at the hour of 6.00 o'clock p.m., pursuant to Notice.

Members present: The Right Honourable the Lord Mayor  
(Councillor Mallon) (Chairman);  
the Deputy Lord Mayor (Councillor Hendron);  
the High Sheriff (Councillor McKee);  
Aldermen Browne, M. Campbell, Ekin, Kingston,  
McCoubrey, L. Patterson, R. Patterson, Robinson,  
Rodgers, Stalford, Stoker and Webb;  
Councillors Attwood, Austin, Beattie, M.E. Campbell,  
Carson, Clarke, Convery, Corr, Cunningham, Curran,  
Garrett, Groves, Haire, Hanna, Hargey, Hussey,  
Hutchinson, Jones, Keenan, Kelly, Kennedy, Kyle,  
Mac Giolla Mhín, Magee, McAteer, McCabe, McCarthy,  
McNamee, McVeigh, Mullan, Newton, Ó Donnghaile,  
Reynolds, Spence, Thompson and Verner.

#### **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.

#### **Minutes**

Moved by the Right Honourable the Lord Mayor (Councillor Mallon),  
Seconded by Alderman Stalford and

Resolved – That the minutes of the proceedings of the monthly meeting of the Council of 5th January be taken as read and signed as correct.

#### **Access to the Council's Internet Site**

At the request of Councillor McCarthy and with the permission of the Council, the Chief Executive undertook to provide clarification on the rationale for restricting access to some Biblical passages on the Council's Internet site.

**Meeting of Council,  
2nd February, 2015**

**Disclosure of Family Relationship**

The Chief Executive informed the Council that, in accordance with Section 30 of the Local Government Act (Northern Ireland) 1972, she had been advised by Councillor Spence that his cousin, Mr. Colin Willetts, had been offered an appointment as an Area Cleansing Manager within the Health and Environmental Services Department.

Noted.

**Strategic Policy and Resources Committee**

Moved by Councillor Reynolds,  
Seconded by Alderman R. Patterson,

That the minutes of the proceedings of the Strategic Policy and Resources Committee of 23rd January be approved and adopted.

**Amendment**

**Flood Alleviation in Belfast**

At the request of Alderman Rodgers, the Council agreed that the minute under the heading "Flood Alleviation in Belfast" be amended to provide that the Ministers for Finance and Personnel, Agriculture and Rural Development, Social Development and, if considered necessary, the Ministers for the Environment and Regional Development, be invited to meet with an All-Party delegation from the Council to discuss Members' concerns around flood alleviation, cuts in funding and individual household's protection scheme.

**Adoption of Minutes**

Subject to the foregoing amendment, the minutes of the proceedings of the Strategic Policy and Resources Committee of 23rd January were approved and adopted.

**Parks and Leisure Committee**

Moved by Councillor Newton,  
Seconded by Councillor Reynolds and

Resolved - That the minutes of the proceedings of the Parks and Leisure Committee of 15th January be approved and adopted.

**Meeting of Council,  
2nd February, 2015**

**Development Committee**

Moved by Councillor Hargey,  
Seconded by Councillor Kennedy and

Resolved - That the minutes of the proceedings of the Development Committee of 20th January be approved and adopted.

**Health and Environmental Services Committee**

Moved by Councillor Corr,  
Seconded by the High Sheriff (Councillor McKee) and

Resolved - That the minutes of the proceedings of the Health and Environmental Services Committee of 7th January be approved and adopted.

**Dog Identification Tags**

At the request of Alderman Stoker, the Council agreed that a letter be forwarded to the Minister for Agriculture and Rural Development requesting that, in the interest of safety, consideration be given to removing the statutory requirement for a dog to bear the name and contact details of its owner and making micro chipping the sole source of identification.

**Licensing Committee**

Moved by Alderman Ekin,  
Seconded by Councillor Ó Donnghaile and

Resolved - That the minutes of the proceedings of the Licensing Committee of 21st January, omitting those matters in respect of which the Council had delegated its power to the Committee, be approved and adopted.

**Town Planning Committee**

Moved by Alderman Ekin  
Seconded by Councillor McCarthy and

Resolved - That the minutes of the proceedings of the Town Planning Committee of 8th January, omitting those matters in respect of which the Council had delegated its powers to the Committee, be approved and adopted.

**Meeting of Council,  
2nd February, 2015**

**Notices of Motion**

**Northern Ireland Driving Licences**

In accordance with Notice on the Agenda, Alderman R. Patterson proposed:

“This Council condemns and deplores the decision made recently by the Transport Secretary for the United Kingdom to treat Northern Ireland citizens differently to citizens in England, Scotland and Wales by not approving the displaying of the National Flag on all future Northern Ireland driving licences. It hereby calls upon the Transport Secretary to immediately rescind that decision and recognise that Northern Ireland is an integral part of the United Kingdom and, furthermore, calls for all driving licences issued to every part of the United Kingdom, including Northern Ireland, to have the Union Flag displayed. The citizens of Belfast and Northern Ireland deserve to be treated as equals and in the same way as all other parts of the United Kingdom.”

At the request of the proposer, the Council agreed to amend the Notice of Motion to the effect that it be replaced with the following:

“This Council:

1. expresses concern at the way in which the decision was taken by SDLP Environment Ministers to exclude Northern Ireland from the reforms currently taking effect in relation to the appearance of the Union flag on UK driving licences;
2. believes that such a decision is likely to harm community relations and cause hurt and offence to those citizens who would like to see such changes apply to their own driving licence;
3. calls upon the Minister to reverse his position and allow the changes to be implemented here;
4. believes that if the Minister is unwilling to embrace such change he should, as an absolute minimum, introduce an ‘opt out’ scheme, whereby those who do not want to have the flag appear on their licence can choose not to have it and everyone else can; and
5. recognises that failure to implement such a scheme would be unfair to those citizens who want the Union Flag to appear on their driving licence.”

The Motion, as amended, was seconded by Alderman Kingston.

On a vote by show of hands twenty-seven Members voted for the Motion and twenty-three against and it was accordingly declared carried.

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**Interface Barriers**

In accordance with Notice on the Agenda Councillor Kyle proposed:

“This Council recognises that:

- Belfast as a city is seeing continued economic growth and regeneration but some communities are failing to derive significant benefit and, in fact, are falling further behind;
- interface barriers are recognised as having a negative impact on investment, regeneration and the health of those living in close proximity to them;
- the power/function of regeneration is being devolved to the City Council;
- in many cases, removing the barriers is not a realistic proposition until adequate confidence and a social infrastructure is built between the neighbouring communities; and
- the removal of barriers is a clear commitment from the Northern Ireland Executive in the ‘Together – Building a United Community’ Strategy.

Accordingly, the Council agrees to write to OFMDFM requesting that it provide a progress report on the development of this strategy and that it provide resources to enable the Council to take the lead with other statutory agencies in order to work with local communities to create a process leading to removal of these barriers.”

The Motion was seconded by Alderman Ekin.

The Lord Mayor confirmed that, in accordance with Standing Order 11(e), the Motion would be referred without discussion to the Strategic Policy and Resources Committee.

Lord Mayor  
Chairman

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## Strategic Policy and Resources Committee

Friday, 13th February, 2015

### MEETING OF STRATEGIC POLICY AND RESOURCES COMMITTEE

Members present: Councillor Carson (Deputy Chairman) (in the Chair);  
Aldermen Browne, R. Patterson and Robinson;  
Councillors Attwood, M. E. Campbell, Clarke, Corr,  
Haire, Hargey, Hendron, Jones, Kennedy,  
McCarthy, Mac Giolla Mhín, McVeigh and Mullan

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

### Apologies

Apologies for inability to attend were reported from the Chairman (Councillor Reynolds) and Alderman Campbell.

### Minutes

The minutes of the meeting of 23rd January were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 2nd February, subject to the amendment of the minute under the heading "Flood Alleviation in Belfast" to provide that the Ministers for Finance and Personnel, Agricultural and Rural Development, Social Development and, if considered necessary, the Ministers for the Environment and Regional Development, be invited to meet with an All-Party Delegation from the Council to discuss Members' concerns around flood alleviation, cuts in funding and individual households' protection scheme.

### Declarations of Interest

Councillor Corr declared an interest in respect of Item 2a – Belfast Investment Fund in so far as he was on the Board of the West Belfast Partnership.

### Investment Programme

#### Belfast Investment Fund

The Committee considered the undernoted report:

#### **"1.0 Relevant Background Information**

#### **1.1 Current objectives and criteria**

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- BIF support was designed to support partnership projects across the city which will have a substantial regenerative impact and will bring major benefit to the city
- The objectives of the Belfast Investment Fund are to:
  - create a focal point for the Council to play a leading role in the development of the city
  - create a 'can do' attitude amongst its citizens and create a sense of place and pride in Belfast
  - encourage investment from and engagement of public, private and voluntary sectors, in the achievement of that aim
  - to contribute to the Council's priorities and vision for the city
  - to be eligible to receive funding under the Belfast Investment Fund projects must -
    - be a single project or a programme/cluster of capital investment
    - demonstrate that they have a cumulative iconic or transformational impact
    - have a partnership element and be receiving at least match 50% funding from another source/sources
    - be seeking a Council investment of above £250,000

Designed as a rolling programme of investment and given the level of investment in projects was meant to be over 3 terms of the Council up to 2019/2020.

### 1.2 Current status of fund

- As outlined in the table below current expectations are that there will be £34m in the BIF stream by 16/17

	14/15	15/16	16/17
<b>BIF Opening Balance</b>	19287638	26272138	30442138
<b>Capital Receipts</b>	4214500	1400000	800000
<b>Rates</b>	2770000	2770000	2770000
	26272138	30442138	34012138

### 1.3 Current status of projects

- No funding for any BIF project has been agreed to date by Committee
- 20 emerging projects agreed in principle by Committee – (appendix 1)

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- 3 of these have been progressed to Stage 2 (i.e. development of an OBC) – Lagan Gateway at Stranmillis; redevelopment of St. Comgall's and new pitches at St. Mary's – these projects were prioritised due to their state of readiness and/or match funding sources in place

**2.0 Issues**

- One of the key issues in relation to BIF projects has been the 50% match funding requirement – this has been difficult for projects to secure given the lack of other sources of funding – this will be further impacted by the loss of DSD funding under LGR. The South AWG formally requested in October 14 that the 'SP&R Committee review the match funding requirement for BIF projects which could allow projects that have a certain amount of match funding in place, but not the 50% requirement, to proceed'. This was considered but no recommendations were agreed at this stage.
- There are no proposed projects in the enhanced boundaries of the Council and no city centre proposals
- Many of the proposed projects are limited in scope and their potential outcomes for the city is accordingly reduced.

**2.1 Options for Members to consider**

To actually begin to use BIF Members need to focus on three key issues:

- How can BIF be best linked to the emerging 'Belfast Agenda' and the outcomes and accountability frameworks?
- Given the changing roles and responsibilities of the Council and the enhanced boundaries should BIF be repackaged as a city regeneration fund?
- Should the match funding criteria be reduced to allow a number of projects to progress now? If so to what level?

**2.2 Lagan Gateway**

While awaiting decision on the above there is increasing frustration with regard to the South AWG who have worked

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hard to develop the Lagan Gateway and an increasing risk matched funding may be lost due to BCC decision delay.

The South AWG strategic view to investment in their part of the city identified the Lagan corridor as providing serious potential to moving things forward and produced a Back to the River plan as a context for project spend. This approach has been further endorsed by the Berridge report which also identified the importance of the river and the fact that a number of organisations are developing river associated projects e.g. BHC is now seriously looking at the leisure potential for the river banks from the Harbour Office to the weir; DRD have an economic appraisal on a new footbridge from the Gasworks to Ormeau Park; the private sector with the Council are developing two sites at Maysfield; the council has already completed investments at Mary Peters track, the Mountain Bike trails and the John Luke bridge as well as providing land for the Kayak boathouse. Furthermore the council is about to inherit responsibilities from DSD in respect to river management and further development sites such as Queens Quay as well as sites from Castlereagh B.C such as the Lockkeepers cottage. The discussions around the River Corridor have also inspired local communities to take an interest in river activity and begin exploring ways as to how they might evolve and create facilities to take advantage of new opportunities which is of course in the spirit of BIF to create 'can do' citizens and lift aspirations.

The Lagan Gateway project involves reopening the lock at Stranmillis and replacing the weir thus making the river navigable upstream from the city. This approach ties in with the Lagan Trust proposals to open the Lagan all the way to Lough Neagh and is an important first step in this bigger tourism regeneration scheme. The Lagan towpath is one of the most visited attractions in the Province with over 1m visitors recorded in 2014 and the Gateway scheme provides the potential of further opening up the East Bank of the river from Belvoir Forest to Stranmillis.

Ulster Gardens Villages have pledged £1m to support the gateway scheme but are under pressure to reallocate the money should the council further delay decision making. Currently the scheme has a complete economic appraisal which sets out the benefits and the costs. The current estimate is £4.9m broken down into four phases i.e. the Lock & Bridge at £2.9m; the Footway link to Belvoir Forest via council property at Lagan Lands East at £250k; a visitor centre and car park at £800k and a new weir at £1m.

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In October 2014 SP&R was asked to consider a change in the BIF rules regarding the 50% matched funding which was also imply a more robust prioritisation of projects than the current list. Members agreed to discuss this further.

Given the fact that the UGV £1m funding offer will not remain open indefinitely and that it represents approximately 20% of the cost of the scheme Members are asked to reconsider the BIF funding mechanism and to prioritise along a sliding scale of external commitment allowing the Gateway project to move ahead now while other schemes are reprioritised.

### 2.3 Proposed acquisition of land at Blackmountain

The SP&R Committee at its meeting on 18th June 2014 authorised officers to enter into negotiations to acquire the land at the junction of the Upper Ballygomartin Road and Springmartin Road for the Black Mountain Shared Space Project (BMSS). The BMSS project is an inter community partnership that brings together groups representative of the communities across the Upper Springfield/Moyard/New Barnsley and Springmartin/Highfield. The BMSS project aims to develop a shared space and create a community asset by regenerating the vacant and derelict Black Mountain site which includes the 8.429 acre ex-Finlay factory site and unmanaged open areas which have become contested spaces and the focal point for anti-community behaviour.

A draft economic appraisal for a shared space at the ex-Finlay site was produced in Nov 2013 which recommended the option to create Belfast's first eco village. The master plan will house 40,000 sq ft of community enterprise space that will be used to stimulate employment. The site will be completely shared and that will be exemplified by creating a large shared space community building that will be run and managed by the BMSSP. There will be allotment schemes throughout the development to continue with the promotion of the sustainable facility development. There is a possibility of up to 18 new houses built (based on need) toward the rear of the site and to ensure that the entire space is used and doesn't present opportunities for anti-social behaviour. The scheme will be further embellished with a shared space day care facility and a shared space outdoor education and activity resource centre. The master plan will be developed further in consultation with the key government departments and the local community prior to the submission of any planning application.

The site needs to be purchased to allow the development of the initiatives proposed by BMSS. This has been proposed as

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a potential BIF project by the West AWG however this is subject to final agreement. Officers have negotiated with Colliers who act for the site owners, the First Trust Bank, and agreed subject to Council approval to acquire the freehold interest in the site for £250,000. The Director of Finance has confirmed that funds are available for the acquisition of this site from the Belfast Investment Fund.

In the event that the BMSS fails to go forward the council will retain control of a potentially valuable site with development potential into the future.

**3.0 Resource Implications**

**Financial:** As outlined above.

**Human:** Officer time in working with groups on developing their project proposals

**Assets:** none at present

**4.0 Equality Implications**

As part of the Stage approval process, a screening will be carried out on each project to indicate potential equality and good relations impacts and any mitigating actions needed.

**5.0 Recommendations**

Committee is asked to note the contents of this report and

- **Seek Shadow SP&R approval to advance the Lagan Gateway project at less than 50% match funding subject to new criteria being developed for BIF overall. Also to approve the acquisition of the Finlay Site.”**

The Committee adopted the recommendations and that the Lagan Gateway Project be advanced with phases 1 and 2 to include the lock, the bridge and the footway.

**Democratic Services and Governance**

**Requests for the Use of the City Hall  
and the Provision of Hospitality**

The Committee was advised that the undernoted requests for the use of the City Hall and the provision of hospitality had been received:

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<b>Organisation/ Body</b>	<b>Event/Date - Number of Delegates/Guests</b>	<b>Request</b>	<b>Comments</b>	<b>Recommendation</b>
Queens University Belfast	Belfast Model United Nations Conference Reception  11th November, 2015  Approximately 250 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 meeting 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
Irish Football Association	Irish FA McDonald's Grassroots Football Awards 2015  19th November, 2015  Approximately 150 attending	The use of the City Hall and the provision of hospitality in the form of a drinks reception	This event seeks to recognise and celebrate all those individuals who have significantly contributed to grassroots football in communities across Northern Ireland. The event will particularly recognise the important role that grassroots football plays in bringing people together to play the game irrespective of race, gender, religion and other barriers which exist within society.  The awards will be presented to volunteers, parents, coaches, clubs, caretakers etc who give their time to delivering grassroots football.  This event would contribute to the Council's Key Themes of 'City leadership, strong, fair and together' and 'Better opportunities for success across the city'.	The use of the City Hall and the provision of hospitality in the form of wine and soft drinks  Approximate cost £500
The Scout Association	Queen's Scout Award and Chief Scout's Award Certificate Presentation  8th January, 2016  Approximately 450 attending	The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits	This event aims to recognise the achievements of young people who have successfully demonstrated the determination and persistence required to achieve their personal best in terms of effort, commitment and self-	The use of the City Hall and the provision of hospitality in the form of tea/coffee and biscuits.  Approximate cost £1,125

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			<p>reliance.</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>	
Belfast Central Mission	<p>125th Anniversary Celebration Luncheon</p> <p>24th September, 2015</p> <p>Approximately 100 attending</p>	<p>The use of the City Hall and the provision of hospitality in the form of tea, coffee and biscuits</p>	<p>This event seeks to celebrate the 125th Anniversary of the Belfast Central Mission and to acknowledge its contribution to the general life and well-being of the city.</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>
Northern Ireland Private Greens Bowling League	<p>Centenary Dinner</p> <p>20th October, 2017</p> <p>Approximately 200 attending</p>	<p>The use of the City Hall and the provision of hospitality in the form of a pre-dinner drinks reception</p>	<p>This event seeks to celebrate the 100th Anniversary of the Northern Ireland Private Greens Bowling League and to acknowledge the contribution of its member clubs, more than half of which are situated within the City boundary, to the general life and well-being of the city.</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 red/white wine and soft drinks</p> <p>Approximate cost £500</p>
Potala Buddhist Centre	<p>Public Talk on Meditation and Mindfulness</p> <p>12th May, 2015</p> <p>Approximately 200 attending</p>	<p>The use of the City Hall and the provision of hospitality in the form of Tea, Coffee and Biscuits</p>	<p>This event will provide the opportunity to explain and promote the benefits gained through mindfulness meditation. The event will be open to all members of the public and it is hoped that both Members and Officials of Belfast City Council will attend.</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 £500</p>



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			This event would contribute to the Council's Key Themes of 'City leadership, strong, fair and together' and 'Better opportunities for success across the city'.	
Organisation of Malayalis in Northern Ireland	'Ponnonam 2015' Celebration Event 23rd August, 2015 Approximately 500 attending	The use of the City Hall	<p>Ponnonam 2015 is the celebration of the various cultures within the Indian community for people from the state of Kerala.</p> <p>This programme consists of a series of events which include children's entertainment activities, a special vegetarian lunch and a stage programme showing the talent of the community through song and dance.</p> <p>The aim of the event is to promote cultural diversity and also to forge closer relationships between the Indian community and the citizens of Belfast.</p> <p>This event would contribute to the Council's key themes 'City Leadership - strong, fair, together' and of 'Better support for people and communities'.</p>	The use of the City Hall
MBA Association	Digital DNA – Schools Digital Media Challenge 14th October, 2015 Approximately 350 attending	The use of the City Hall and provision of hospitality in the form of tea/coffee and biscuits	<p>This event will provide the opportunity to inspire young people to have a stronger understanding of consumer and business need before applying technology to provide a delivery solution.</p> <p>This event would contribute to the Council's Key Themes of 'City Leadership, Strong, Fair and Together', 'Better opportunities for success across the city' and 'Better support for people and communities' and in addition would contribute to the Council's thematic area</p>	The use of the City Hall and provision of hospitality in the form of tea/coffee and biscuits  Approximate cost £875

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			of Children and Young People.	
Halo Northern Ireland	Halo NI Presentation Evening  17th November, 2015  Approximately 80 attending	The use of the City Hall	This event will provide the opportunity to bring together companies that are looking for potential investment with investors who are looking for opportunities to provide not only monetary assistance but also provide business acumen and contacts.  This event would contribute to the Council's Key Themes of 'City leadership, strong, fair and together' and 'Better support for people and communities'.	The use of the City Hall

The Committee adopted the recommendations.

**Asset Management**

**Land at Slievegallion Drive**

(Mr. A. Hassard, Director of Parks and Leisure, and Mrs R. Crozier, Assistant Director of Parks and Leisure, attended in connection with this item.)

The Committee considered the undernoted report:

**"1 Relevant Background Information**

- 1.1 The Council currently hold the land at Slievegallion Drive. The land is held on a 10,000 year lease, date 20th Feb 1984, from the Northern Ireland Housing Executive. The lease restricts the use of the site to informal open space and NIHE consent is required for any assignment or sub letting.**
- 1.2 De La Salle College is located adjacent to the Council's land at Slievegallion Drive. The school have approached the Council with a proposal for the redevelopment of that part of the Council's land at Slievegallion Drive, to provide a school/community facility comprising 3G sports pitch and associated changing pavilion.**
- 1.3 The College require a 99 year lease in order to secure funding from the Department of Education for their proposal.**

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- 1.4 The site does not form part of the Pitches Strategy and there is currently no identified funding in the Capital Programme for the development of this land by the Council.**
- 1.5 Parks and Leisure Committee at its meeting on 13th June 2013 agreed to officers progressing discussions with De La Salle College with a view to exploring the most appropriate arrangement for the redevelopment of the informal open space at Slievegallion Drive, with a further report to be brought to the Parks & Leisure Committee in due course.**
- 1.6 A further report was brought to the Parks & Leisure Committee on the 11th December 2014 recommending that:**
  - 1. Officers continue to meet with the College representatives to progress the matter;**
  - 2. Agree in principle to the leasing of the land subject to obtaining the necessary statutory approvals; securing funding and reaching agreement with Council officers re terms and conditions including a community use clause;**
  - 3. Agree to make recommendations to Strategic Policy & Resources that the Council fund the refurbishment of the land outside of the pitch proposal using the land fee; and that the Landscape Planning and Development Unit is tasked to undertake the design element of this work.**
- 1.7 The recommendation was not approved by the Parks & Leisure Committee but was subsequently overturned at the Council meeting on the 5th Jan 2015 to provide that the Council proceed with the recommendations as set out within the report and, in addition, that officers arrange a meeting with residents in order to discuss any concerns which they may have in respect of the development.**
- 1.8 A report was brought to the Strategic Policy & Resources Committee on 23rd Jan 2015 seeking approval to the premium of £129,450 and approval to use part of the receipt to upgrade and landscape the retained land. The Committee deferred a decision and asked that the matter be taken back to Committee following BCC officers undertaking the proposed information session with local residents.**
- 1.9 A public information session has been arranged for 10th February 2015 at Andersonstown Leisure Centre and the**

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Director of Parks & Leisure will provide an update at Committee on the outcome of this.

**2 Key Issues**

**2.1 De La Salle College are seeking funding from the Department of Education's School Enhancement Programme (SEP). The Department of Education have confirmed that there is not enough funding in the SEP to cover all projects and therefore funding will be allocated as and when projects are ready to go forward for procurement. In the case of the pitch and pavilion proposed at Slievegallion Drive, the Department of Education will only confirm the allocation of funding when there is Council approval to the sale of the land and planning approval is in place. De La Salle has recently advised that the planning application process is well advanced. There is, therefore, a risk that DE funding may not be available if Council approval to the land disposal and planning approval is not in place**

**2.2 Council officers have negotiated with the Department of Education and De La Salle College and the following has been agreed in principle and subject to Committee approval:**

- 1. The land shown shaded green on the plan attached at Appendix'1' is to be leased to the Department of Education for 99 years for use as pitches and a pavilion.**
- 2. The premium is agreed at £129,450 in accordance with the Land & Property Services valuation of the land.**
- 3. The Department of Education will be responsible for the construction costs associated with the pitch, pavilion and associated perimeter fence.**
- 4. De La Salle College will be responsible for obtaining planning approval for the proposed development.**
- 5. De La Salle College will facilitate the use of the new facilities by the local community outside of school hours.**

**2.3 While the Department of Education will be responsible for reinstating the Council's retained open space, the Council will fund any additional landscaping to provide higher quality and upgraded open space using part of the premium received from the Department of Education. A preliminary scheme has been prepared as part of the College's proposal at an estimated cost of £110,000.**

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**3 Resource Implications**

**3.1 Finance**

The Department of Education will pay a premium of £129,450 for the site: it is estimated that the upgrading and landscaping of the retained open space will cost £110,000.

**3.2 Assets**

De La Salle College will be responsible for the management, maintenance and insurance of proposed development. The College will provide access to the new facilities for the local community outside of school hours. This integrated approach is in line with the 'One Public Estate' concept and the improved use of publicly owned assets across the wider public sector, voluntary and community sectors.

**3.3 Human Resources**

Staff resource to complete the sale of the land by way of long lease to the Department of Education (subject to Committee approval). Further staff resource required in developing the agreement for the community use of the new facility.

**4 Recommendations**

**4.1 Members are asked to note that BCC officers are undertaking a public information session on 10th February 2015 in relation to the proposed development of the land and the Director of Parks & Leisure will provide an update on the outcome of this at Committee. Members are also asked to note the position outlined above in relation to the Department of Education funding.**

Subject to this update being provided at Committee, Members are asked to note that following the Council's decision of the 5th January 2015 to approve, in principle, to the leasing of the land (as outlined above) a premium of £129,450 has now been provisionally agreed with the Department of Education for the disposal (by way of 99 year lease) of the land, subject to:

- Committee approval.
- An appropriate legal agreement to be drawn up by Legal Services.

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- **Expenditure of part of the receipt from the land disposal on the refurbishment and upgrade of the retained open space at this location.”**

The Committee was advised that a request for a deputation of residents who had concerns in relation to the development had been received and the Committee agreed that they be admitted to the meeting.

Prior to the admission of the deputation, the Director of Parks and Leisure tabled, for the information of the Members, a briefing paper in relation to the consultation responses on the De La Salle proposal and outlined the main aspects contained therein.

It was reported that Mrs. A. Kerrigan, Mr. A. Marron and Mrs. M. Keenan, representing Friends of Glasmullan Open Green, were in attendance and they were admitted to the meeting and welcomed by the Deputy Chairman.

Mrs. Kerrigan proceeded to outline the concerns of a number of local residents in relation to the proposal by De La Salle school. She pointed out that the open space was a community amenity and offered free use for all residents in what was a densely populated area. She stated that the open space was tranquil and peaceful and suggested that the school should consider alternative options for the location of a pitch.

The deputation then answered a number of questions from the Members and retired from the meeting.

After discussion, it was

Moved by Councillor Hendron,

Seconded by Councillor McVeigh,

That the Committee agrees to the leasing of the land as outlined, subject to an appropriate legal agreement to be drawn up by the Legal Services Section and to part of the income received for the land disposal being used for the refurbishment and upgrade of the retained open space at the location.

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

**Good Relations and Equality**

**Support for Summer Madness Event**

The Committee was advised that a request had been received from Summer Madness for financial support for two Good Relations related events scheduled to take place on 17th and 18th March.

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It was reported that the first event, which was being organised by Summer Madness, would take place in the Waterfront Hall on the evening of 17th March. The event would be attended by the Archbishop of Canterbury, the Lord Mayor and a Catholic Church leader. The event proposed to engage young people from interface areas in conversations around reconciliation and would build on previous engagement projects which had been organised by Summer Madness around issues related to the past, flags and parades. The event would culminate in a symbolic act of prayer outside the City Hall.

The second event would engage young leaders from the business, media, education, faith and political sectors in a breakfast meeting to discuss matters relating to peace and reconciliation. The proposals aimed to strengthen relationships across communities and inspire young people to become advocates for change.

The Committee was informed that the proposed budget for both of the events was £9,270. However, Members would be aware that the Good Relations budget had been fully committed in the current financial year. If the Committee was minded to support the events it might wish to divert an amount of up to £9,270 from the current revenue resources of the Health and Environmental Services budget to cover the cost of the hire of the Waterfront Studio, sound and production, catering and facilitation.

The Committee agreed to vire the amount as outlined to support the events on 17th and 18th March, 2015.

**Human Resources**

**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 a number of individuals who were related to existing officers of the Council.

Noted.

Chairman

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## Parks and Leisure Committee

Tuesday, 24th February, 2015

### MEETING OF PARKS AND LEISURE COMMITTEE

Members present: Councillor Newton (Chairman);  
the Deputy Lord Mayor (Councillor Hendron);  
Aldermen Robinson and Rodgers;  
Councillors Attwood, Beattie, Convery,  
Corr, Cunningham, Hanna, Hussey, Kyle,  
Mac Giolla Mhín, McCabe, Mullan,  
Ó Donnghaile and Thompson.

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

#### **Apologies**

Apologies were reported on behalf of Councillors Haire, McNamee and Verner.

#### **Minutes**

The minutes of the meeting of 15th January were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 2nd February.

#### **Declarations of Interest**

No declarations of interest were reported.

#### **Mr. Andrew Hassard**

A Member pointed out that the Director was attending his last meeting of the Committee and paid tribute to him for the work which he had undertaken on behalf of the Council over the past forty years. Representatives of each of the political parties commended the Director on his achievements and expressed their appreciation for the help and advice which he had provided to Members.

The Director thanked the Committee for its kind comments.

#### **Presentation – Harland and Wolff Welders F.C.**

Pursuant to the Committee's decision of 15th January, the Chairman welcomed to the meeting Messrs. J. Davidson, H. Beckinsale, L. McStravick and F. Magee, who were in attendance to outline the plans which had been formulated by the Harland and Wolff Welders F.C. for the re-development of the Blanchflower Playing Fields.

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Mr. Davidson gave an overview of the history of the club and indicated that it wished to apply, at a future date, for promotion to the Irish League Premiership. However, the club's current facilities at Tillysburn were not considered to be of a senior league standard and, accordingly, a move to the Blanchflower Playing Fields was considered to be a longer-term solution. Mr. Davidson proceeded to outline the community benefits which would be delivered to the greater East Belfast area through the development.

Mr. McStravick, who was acting as a client advisor for the club, advised the Committee that the club would be seeking to transform the Blanchflower Playing Fields into a modern sporting facility for the primary use of the football team. He outlined the concept plan and the business case which had been formulated to oversee the proposal, together with providing an indication of the costs and the potential sources of funding which would support the project. He indicated that a steering panel, which consisted of local political, business and community representatives, had been established to co-ordinate 'Phase 1' of the project and to enable the club to meet with the requirements for accessing funding from governmental departments.

The deputation then answered a range of Members' questions in respect of the proposals and retired from the meeting.

The Committee considered the matter and various Members welcomed the club's proposals for the redevelopment of the Blanchflower Playing Fields since it would provide tangible community benefits and significant investment to East Belfast. It was pointed out that, in order to assist the club to secure funding to support the proposals, the Committee might agree, in principle, that it would be minded to support the proposal to re-develop the Blanchflower Playing Fields and, in accordance with Standing Orders, recommend to the Strategic Policy and Resources Committee that it would consider the disposal of the site through a lease agreement.

Accordingly, it was

Resolved – that the Committee agrees that it would be minded to support the proposal, in principle, to enable the Harland and Wolff Welders Football Club to redevelop the Blanchflower Playing Fields, subject to sufficient funding being secured by the club and subject to the approval of a lease agreement by the Council's Strategic Policy and Resources Committee in accordance with Standing Orders.

**Review of Pitches Strategy**

The Committee considered the undernoted report:

**“1 Relevant Background Information**

**Members are reminded that the Council developed a Playing Pitches Strategy for the period 2011-2021 which was agreed in February 2012. The strategy included action plans under 3**

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key objectives: Objective 1 – Capital Investment, Objective 2 – Management and Objective 3 – Sports Development

## **2 Key Issues**

**2.1** The following outlines the progress that has been made in the achievements of the various actions under the 3 objectives and the multiple sub-objectives.

### **2.2 Objective 1 – Capital Investment**

This objective is to deliver and, working in partnership, enable a programme of capital development, enhancement and maintenance investments to address the shortfalls identified and protect existing playing pitches.

It was agreed that the capital investment would include the development of a 3G pitch and associated facilities at 5 sites across the city. These would be hybrid to encourage the shared use of the space and maximise use at the following sites:

- Cherryvale Playing Fields
- Woodvale Playing Fields
- Falls Park
- Ormeau Park
- Cliftonville (GAA pitch only due to site limitations)

It was also agreed that the changing facilities would be provided or upgraded at 5 sites across the city - Ballysillan – new facility, Waterworks (Westland) – new facility, Musgrave Park – new facilities, Victoria Park – upgrade of existing and Dixon Park – upgrade of existing

The design process is well underway with planning applications having been submitted for all of the sites and planning approval has been granted for 9 of the 10 sites. Work has commenced on 3 sites – Dixon, Waterworks and Cliftonville. The tender process is underway in respect of a further 5 sites and work is scheduled to commence on these sites by the end of the summer 2015. Work on the remaining 2 sites will be commenced by the end of 2015 with work being completed by summer 2016, subject to planning.

A key element of this strategy is partnership working and to encourage the various sectors across the city to work together. The Council continues to work with its partners including Sports NI, governing bodies, leagues, clubs and the education sector. As part of this work, Ulster GAA are

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investing £1.1million in the capital investment that is happening at Cherryvale, Woodlands, Cliftonville and Musgrave and a Joint Management Agreement is currently being developed in relation to this investment.

As part of the capital investment £750,000 was allocated to a fund for capital enhancements to school playing pitches to allow greater community use. After an application process 6 schools from across the city received funding, ranging from £73,000 to £150,000 for projects including the upgrade of surfaces and the installation of floodlighting. Work is ongoing and will be completed on all projects by the end of this financial year.

There is also focus on Council-owned provision and an annual maintenance and refurbishment programme has now been put in place. To date drainage work has taken place at 4 sites in both 2013 and 2014. Further work is planned at 5 sites in the coming year.

There has been a continued growth in small sided games at underage level and officers have held discussions with the various governing bodies around provision at this level. To date provision has been through the marking of full sized pitches and the provision of smaller portable goals. The refurbishment programme for 2015 has identified the potential to create a small sided pitch at Wedderburn and where other opportunities are identified these will be taken.

### **2.3 Objective 2 – Management**

This objective is to implement and monitor a range of management options with community and statutory partners, so as to maximise people's participation in team sports activity.

One of the actions under this objective was the review of the existing Facility Management Agreements. This has been progressing with a proposal to move towards Partner Agreements which will bring the management and maintenance in-house and put the focus of clubs onto sports development activities (separate report to be presented to Committee).

Work is ongoing around the development of a monitoring and evaluation framework for all pitches, the first stage of this is the development of a monitoring process for those schools who received funding under the £750k fund. This is currently being finalised and will be sent out to the schools in the

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coming months. We will then look at how we can adapt this framework to allow us to measure usage and participation of our new 3G pitches.

As part of a wider review of fees and charges and the implications of LGR on this, we have commenced the process of looking at the current charging arrangements for our pitches and the options of introducing other pricing models such as off peak or a reduced community rate. Once the options have been fully developed they will be brought to the Members for consideration.

The development of the pitches strategy was based on a baseline assessment of supply and demand that was undertaken in 2009/10. It was agreed that this would be reviewed two years from the implementation of the strategy. From the review, a number of key issues have emerged for Committee's consideration:

- In terms of supply of pitches there have been no significant changes in the number of pitches that are available across the city. However, the ongoing capital investments will impact on this;
- There has been a decrease in adult participation across sporting codes. One of the reasons for this is the growth in other physical activities such as cycling in this period, which are attracting people who would have previously played pitch sports. This has been confirmed anecdotally by sporting codes;
- There has been a dramatic increase in youth teams across sporting codes. This is a very positive outworking of the sporting codes' focus on their respective youth participation strategies, which will in turn sustain demand in the city in the adult leagues. Specifically, youth participation from 2009-2014 has grown as follows:
  - 22 mini soccer teams to 172 small sided games teams
  - 8 mini Gaelic games teams; this has increased to 128 Go Games teams
  - 12 mini rugby teams, this has increased to 31 mini rugby teams;
- An analysis of supply and demand relating to matches does not take into account requirements for pitches for training and informal use. Grass pitches are generally limited to competitive play, due to the restriction on level of usage, leaving synthetic

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surfaces to cope with demand for training sessions. This also displaces individuals who choose not to be part of formal clubs and leagues, potentially discouraging more people from being active; and

- In the short-term, there may be opportunity to temporarily re-designate/re-mark some adult pitches to become available for short-sided games, to accommodate the immediate demand for youth sports.

#### **2.4 Objective 3 – Sports development**

This objective is working in partnership, to develop and deliver a sports development programme to maximise people's participation in team sports activity. This will include under-represented groups, such as females and those with disabilities.

The Department through its Support for Sport programme has supported clubs through large grants to develop Games Development Centres. We also continue to work with the IFA around the development of small sided games through our support for two grassroots soccer development officers who are based in Ballysillan and Avoniel.

The Leisure Development Unit through its programmes such as Active Communities and Try it days work with governing bodies and clubs to encourage underrepresented groups such as females and people with disabilities to get involved in pitch sports. They have also organised a series of events to encourage children and young people to get involved in different sports including London 2012 legacy events and the Lord Mayor's Sport Day 2014.

Work has commenced on the development of sports development plan templates which will be used in relation to the new 3G pitches. These will be rolled out on the completion of the capital works.

Sports Development Officers are actively engaging with a number of the schools who received funding from the £750k fund to look at ways in which we can work with them to further increase community use of their enhanced facilities.

#### **2.5 Next steps**

Officers will continue to progress the work relating to the capital investment element to ensure that this is completed by the summer of 2016. As each of the sites is completed sports

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development plans will be rolled out and usage will be monitored through the framework that is under development.

Given the growth of small sided games at underage level it is proposed that a piece of work be undertaken over the coming months to identify full sized pitches that are currently underused and to explore the potential to established small sided games hubs across the city.

**3 Resource Implications**

**Financial:** There are no financial resources associated with this progress report. £15.1m has already been allocated to investment in playing pitches. **Human Resources:** None

**Asset and Other Implications:** The continued implementation of the strategy will result in changes to the type and number of Council's playing pitches.

**4 Equality and Good Relations Implications**

Members are reminded that the Playing Pitches Strategy was subject to an EQIA and its conclusions were included in the strategy. As part of this process, the Stage 7 monitoring review will shortly be undertaken.

**5 Recommendation**

Committee is asked to approve that a further report is prepared on small-sided games provision in the city and to explore the potential to establish small sided games hubs across the city, for consideration by Committee at a future meeting.”

The Committee adopted the recommendation.

**Partner Agreements - Policy and Processes**

The Committee considered the undernoted report:

**“1. Relevant Background Information**

The Committee is reminded that at its meeting in October 2014 it approved the next steps in relation to the consultation on partner agreements as set out in the report to this Committee in August 2014. That public consultation process commenced on the 4 November 2014 and concluded on the 27 January 2015. The process included:

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- An online consultation and downloadable questionnaire on the policy and process. Approximately 51 unique downloads of this questionnaire occurred with a marked increase in viewings of the relevant website around the time of public meetings and during last two weeks of the consultation and seven formal written responses were submitted.
- Three public meetings advertised in local press and on the Council’s website. Approx 30 club representatives including those from incoming council areas attended these meetings.
- Social media posts on both Facebook and messages on Twitter.
- Presentation and discussion of the policy and process at the council’s equality consultative forum during the public consultation period.

Members will also recall that the October 2014 Committee report on Partner Agreements informed members that recommendations would be brought back to this Committee outlining which grass pitches sites should be publically advertised as part of the implementation of the Partner Agreements process.

**2 Key Issues**

**Consultation findings**

As outlined, an extensive public consultation process was undertaken and this was independently facilitated. The key findings from the consultation process and the Council’s proposed response to them are outlined in the following table:

Key finding	BCC response
<p>The overall consensus is that the Partner Agreements policy and process are generally welcomed and the correct way to proceed. The general response to the proposed policy objectives, proposed benefits, responsibilities and criteria was well received. There were some caveats expressed re the criteria as</p>	<p>Council welcomes the feedback received and based on the consensus are not proposing any changes to the draft policy and process as previously agreed by Committee. There one exception to this is a change to the matrix which will be detailed in a further point.</p>



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<p>outlined in a further point. Only one respondent, who provided a written response, suggested the whole process was completely unnecessary and over complicated.</p>	
<p>General concerns were expressed that existing users may be disadvantaged or possibly edged out by new entrants. Some existing users felt that perhaps they lacked capacity to complete the applications process and may not have the access to funds which new entrants may have.</p>	<p>We acknowledge these concerns and within the application process we have built in support from the Leisure Development Unit for all applicants, which will include existing FMA holders. There is no requirement for applicants to pay for assistance.</p>
<p>A similar concern was expressed that local knowledge of the clubs and local community needs might not be adequately assessed or given weight in a competitive process. This also relates to the issue of usage and what is realistic in terms of widening participation, without disadvantaging current clubs and members.</p>	<p>We acknowledge this issue and to address this point we are suggesting that the scoring matrix be amended to allow us to recognise where maximum usage is being achieved. We will also identify what the actual maximum usage is for each site to assist us in the assessment process.</p>
<p>Some concern was expressed as to how Council will guarantee that the proposed in house system of bookings will be effective flexible and responsive.</p>	<p>We acknowledge these concerns, however we continuously work to ensure that our pitch booking system is fit for purpose. As part of this process we engage with our users to get their feedback to allow us to improve the system to meet their needs.</p>

Members should note that all aspects of the Partner Agreements will be subject to annual monitoring and

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management reporting and that an independent evaluation of all arrangements will be undertaken in year five. It is recommended therefore that based on the findings of the consultation Members should adopt the final policy.

**Selection of sites for inclusion in the process**

Members will be aware that there is limited funding for the implementation of this policy and it is therefore recommended that a phased approach to the inclusion of sites is adopted. This will allow us to monitor the effectiveness of the policy and to make any necessary changes before it is further rolled out. It also provides us with the opportunity to obtain the additional resources required to roll it out. The following phased approach is suggested:

Phase	Sites to be included	Timescales		
		Site Selection	Advertise	Commence
1	Current FMA sites as outlined below	February 2015	April 2015	September 2015
2	Suitable sites that come in under LGR	Autumn 2015	Spring 2016	September 2016
3	Any other suitable Council owned site	Autumn 2017	Spring 2018	September 2018

In order to identify pitches for inclusion in Phase 1, the following criteria have been applied:

- site is not subject to exclusion under the policy;
- site is fit for purpose and has council owned changing facilities on it.

Members will be aware that there is a range of agreements operate across our facilities. Some of these agreements have not yet expired and therefore cannot be considered for inclusion at this point. Excluding these, the following playing fields have been identified for inclusion in Phase 1:

- Tommy Patton Playing Fields
- Dixon Playing Fields
- Ulidia Playing Fields
- Orangefield Playing Fields
- Loughside Playing Fields
- Shore Road Playing Fields
- Woodlands Playing Fields.

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As partner agreements are aimed at grass pitches only, the agreement for the Woodlands site will exclude the 3G pitch. The 3G pitch will come under the Joint Management Agreement as part of the funding agreement for the GAA's £1.1 million investment in the Pitches Strategy.

#### Next Steps

The proposed next stages in the implementation of this policy are:

Timescale	Action
March 2015	Post consultation workshop (for potential applicants)
April 2015	Public advertisement of expression of interest for Partner Agreements (opening applications to new programme). This will include a further information workshop delivered by officers
June 2015	Applications to close and assessment by officers commence
August 2015	Assessed applications report to be presented to Members for approval and award of Partner Agreements
Sept 2015	Following receipt of signed terms and conditions new Partner Agreements in place at relevant sites

### 3 Resource Implications

**Financial:** This policy will be supported through an enhanced Support for Sport Grant aid fund which will be funded through the existing FMA payments for the 6 selected sites which total £88,921 per annum

**Human Resources:** Ongoing officer time from a range of officers across the department will be dedicated to implementation and ongoing management in the medium to long term. Sport development officers have provided and will provide support to potential applicants and partners throughout the process in the form of applicant workshops in March and April 2015 and other information opportunities.

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**Asset and Other Implications:** The new partner agreements will impact on the future management of assets. Legal services will continue to provide advice on this for Committee's consideration.

**4 Equality and Good Relations Considerations**

The policy is being screened in line with the Council's existing equality screening process and the indications are that it will be screened out with mitigating actions. The mitigating actions are around increasing participation amount underrepresented groups including females, people with disabilities and those from an ethnic minority background.

**5 Recommendations**

The Committee is asked to:

- Agree the final policy and the amended scoring matrix, based on the consultation findings; and
- Agree the proposed phased approach to the advertising of sites for inclusion in the process including the selection of the seven sites to be included in phase one."

After discussion, the Committee adopted the recommendations.

**Bereavement Improvement Strategy and Parks Improvement**

The Committee considered the undernoted report:

**"1 Relevant Background Information**

Members will be aware that the Council is the Burial Board for Belfast and that we currently manage and operate nine cemeteries across the city and the region's only crematorium. We will also be taking over the management of Knockbreda Cemetery from 1st April.

To ensure that we deliver a high quality fit for purpose bereavement service the department has established a Bereavement Services Board which is overseeing a Bereavement Improvement Strategy. The strategy has a number of themes:

- Bereavement Services – Administration
- Bereavement Services – Operations and organisational design
- Investment and finance

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- Strategic Crematoria and Cemetery Development

The Board has identified a number of priority actions under these themes and these are outlined in this paper.

## 2 Key Issues

### **Bereavement Services – Administration**

Under this theme the Board are looking at the management of our relationship with key stakeholders including funeral directors, the Health Trust and memorial sculptors. A significant element of this theme is our customers and a key action has been a review and rationalization of our forms. One form that we are currently reviewing is 'Authority for Disposal of Cremated Remains'. This form has been updated in relation to our holding over and environmental policy. A key change to our policy is that we are proposing that we will only hold cremated remains for a maximum of 4 weeks and if they have not been collected at this point they will be scattered within the Garden of Remembrance. It is proposed that we will consult on this change as part of our public consultation on bereavement issues.

Members will be aware that under our Environmental Policy we recycle metals such as those from orthopaedic implants. This is done through the Institute of Cemetery and Crematorium Management (ICCM) and any monies we receive from this will be donated to bereavement related charities. Approximately £7,000 per annum is currently raised by ICCM in relation to this and it is proposed that this be split equally between several charities. It is proposed that a section is added to the form asking families to nominate a bereavement related charity that they would like the money to be donated to. Twice a year officers will collate this information and the two most nominated charities in that period, will be recommended to Members for selection as the charities to receive the donation. It is proposed that the same charity cannot receive the donation more than once in 2 years. If a charity that has previously received money is one of the 2 nominated we would move to the next charity on the list. It is proposed that we will consult on this proposal as part of our public consultation on bereavement issues.

### **Bereavement Services – Operations and organisational design**

The Council has a responsibility is to ensure that its cemeteries, graveyards and burial grounds are safe places in which to work and for the public to visit. Historically, health

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and safety concerns in cemeteries have focused on the risks arising from grave digging. However, in recent years there has been increasing attention on the stability of memorials and the risks these present to cemetery staff and visitors.

Work has been ongoing to identify the risks posed by unsafe memorials and it is estimated that a significant number of memorials in our cemeteries pose a potential health and safety risk. A pilot programme was rolled out in City Cemetery and this found that there was a greater issue with the newer headstones and more of these required fixing. During the pilot these unsafe memorials were fixed by Council; however this does have resource implications for the Council particularly in relation to staff costs. Whilst Belfast City Council has overall responsibility for the safety of its cemeteries, including risks from unstable memorials, it does not own the memorials. The owner of the memorial is the Deed Holder (grave owner of Exclusive Right of Burial) or successor in title, and who is the person responsible for maintaining the memorial so as not to present a hazard. However, the current owner may not be identifiable as some records are extremely old and in many cases have not been updated by current relatives/family members.

#### **Memorial Safety Policy**

To help us address the issue we have developed a Memorial Safety Policy. This policy includes three sections which will help us address both the current issues and puts in place processes to minimise the erection of unsafe memorials in the future. The three sections are:

- Section 1 – the process if you are a grave owner and wish to erect a memorial
- Section 2 – the process if you are a memorial sculptor and wish to work in a Belfast City Council cemetery
- Section 3 – our memorial inspection process and how we will deal with unsafe memorials

#### **Memorial Inspection Process**

A key element of the policy is the Memorial Inspection Process. Officers have undertaken a process to identify the total number of memorials across all our cemeteries and have planned a five year rolling inspection programme, as recommended by the Health and Safety Executive. If a memorial is found to be unsafe in the first instance it will be staked and banded. A letter will then be sent to the owner of the memorial, with 10 days, informing them that their memorial

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is unsafe, that a temporary make safe repair has been made and details of the actions that they are required to undertake to make their memorial safe. If after 6 months from finding a memorial unsafe we have received no response to our attempts to contact the grave owner we will take the necessary steps to permanently make the memorial safe which will involve:

- Removing the memorial from its foundation and partially sinking it into the ground at the head of the grave – action for lawn cemeteries. At least 25% of the memorial will be below ground
- Lay the memorial flat on the grave – action for older cemeteries where there is a surround on the grave
- Removal of the memorial – action for a memorial in a older cemetery where it has found to be structurally unsafe

Members should note that the current practice is that if a staff member through their work finds a memorial that poses a health and safety risk, immediate action is taken to minimise the risk and this will continue.

Work is currently ongoing around assessing the business administration needs of the service and the alignment of business support. As this work progresses an update report will be brought to Committee.

#### Consultation on policy changes

Members will note that we are proposing several policy changes and the next stage in the process is to undertake a period of consultation on these. It is proposed that we will undertake a 12 week period of public consultation during which we will consult on the change in the period for which we hold cremated remains, the proposal for the distribution of money that we receive from recycling metals and the Memorial Safety Policy. As part of the consultation we will meet with representatives of funeral directors and memorial sculptors. A copy of the draft documents will be available on the Council's website, in our cemetery offices and we will advertise it through the Council's communication channels. It is also proposed that we hold four information sessions across the city to inform the public of the proposed changes and to get their views.

**3 Resource Implications**

**Financial**

There are resource implications relating to the implementation of the memorial inspection process and these are currently being worked up and will be dependent on the final process that is chosen.

**Human Resources**

There are resource implications relating to the implementation of the memorial inspection process and these are currently being worked up and will be dependent on the final process that is chosen.

**Asset and Other Implications**

The implementation of the memorial safety inspection programme will have implications for the Council's cemeteries.

**4 Equality and Good Relations Implications**

Actions identified as part of this strategy will be screened in line with the Council's policy.

**5 Recommendations**

Members are asked to:

- i provide comment on the proposal to the change in the period for which we hold cremated remains, the proposal for the distribution of money that we receive from recycling metals and the Memorial Safety Policy; and
- ii subject to any amendment proposed, agree that a public consultation process is undertaken in relation to these."

In respect of the proposals which had been outlined by the Assistant Director, the following amendments were suggested:

- That the proposed revised timescale for the collection of cremated remains, that is, four weeks, might be considered somewhat stringent and, given that the loss of a loved one was a difficult time for families, that the timescale be re-examined with a view to extending that period; and
- That the proposal that families would, at the time of a cremation, nominate a charity to which the Council would make a donation from the income received from the re-cycling of metals from



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cremations, be re-examined with a view to providing a longer period for relatives to nominate a charity.

The Committee adopted the recommendations, subject to the above-mentioned amendments being incorporated within the consultation exercise.

**Anti Social Behaviour – Update**

(Mr. P. Murray, Anti Social Behaviour Co-ordinator, attended in connection with this item).

The Committee considered the undernoted report:

**“1. Relevant Background Information**

**The purpose of this report is to:**

- **Provide an overview of antisocial behaviour (ASB) incidents across parks and leisure facilities and electoral area; and**
- **Update committee on the activities, interventions and future developments of the ASB programme.**
- **Members are reminded that the objectives of the ASB programme are to:**
- **enhance the environment around Parks and Leisure facilities;**
- **develop education initiatives involving creative or supportive interventions to model acceptable behaviour around Parks and Leisure facilities;**
- **define enforcement as a deterrent against infraction of bye-laws or legislation; and**
- **develop sustainable interagency and inter-departmental networks and leading a partnership approach to reducing antisocial behaviour**

**2. Key Issues**

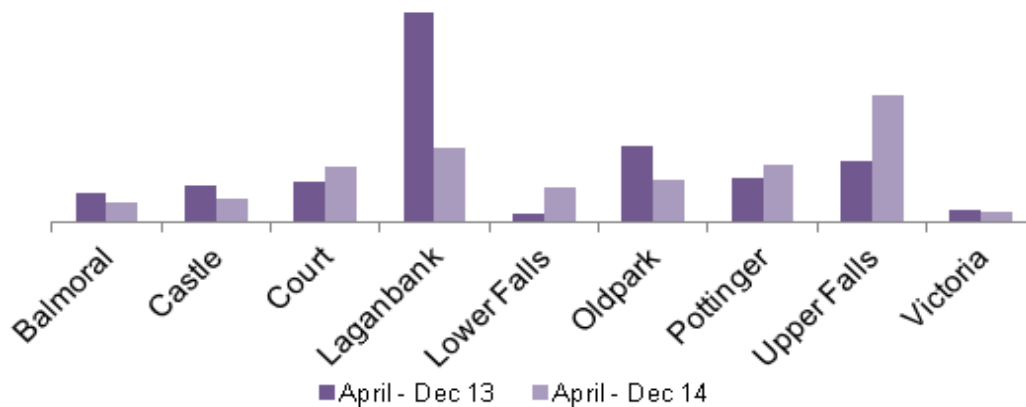
**ASB trends in Parks throughout Electoral areas**

The comparative data outlined in Figure 1 below, illustrates a decreasing trend in the total number of ASB incident reports in parks in the city between April and December 2013 in comparison with April to December 2014. There is however an increase in parks within the four electoral areas of Court, Lower Falls, Pottinger and Upper Falls.

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**Figure 1**

Incidents of ASB in Parks Across Electoral Areas  
April-Dec 2013/2014



The data above is recorded by frontline officers. Spikes in the data are indicative of an increase in ASB. Members should note that in several of the areas that have seen an increase in ASB incidents, parks (Woodvale, Dunville & Orangefield) were closed for redevelopment in 2013, and this can partially explain the increase. Where there are hotspots, there is an increased focus for frontline staff who will record as much detail on ASB incidents as possible. This provides information on what ASB took place, when it happened and where exactly it happened, which allows the department to plan future activities to reduce ASB on Council properties.

#### Successful interventions to reduce ASB

- Engagement activities are being developed to consult with young people in Court, Oldpark, Pottinger and Upper Falls. This work is informing how we can provide services for young people in partnership with local youth providers and reduce ASB specifically in Parks.
- Community Outreach Managers have been collaborating with local youth providers and supporting community and schools groups through innovative engagement and activity programmes. These programmes bring communities into facilities in parks, allotments and community gardens to create a greater sense of ownership.
- Examples of this practice can be found in the outdoor classroom or youth area (YAA) in Falls Park which has proved to be extremely popular with over 200 school children and young people participating in a

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diverse programme of outdoor learning activities designed to support the curriculum. This area has been animated with lots of positive activity and has led to a decrease of ASB in the immediate area around the YAA. It is hoped a similar effect will be experienced throughout the park following the proposed developments in the Falls Park Master Plan.

- There has been significant youth engagement connected to the Waterworks Halloween lantern event and in Alexandra Park supporting the ongoing discussions about the future of the interface barrier. This ongoing annual community participation supports greater ownership of the park areas and contributes to a decrease in ASB.
- Another example of community engagement can be found in the development of regeneration of Knocknagoney. This location was perceived as being neglected and suffering badly from ASB. The Outreach Manager has worked with the local community supporting the construction of a community garden, MUGA and lighting scheme. This park has a diverse programme of activity and is now perceived as a vibrant space and asset to the local community.
- The use of community engagement in City Cemetery has underpinned the development of an art project. The imminent placement of artwork will be driven by community engagement and it is hoped will raise community confidence in tackling long standing issues of ASB.
- Park Wardens continue to ensure parks are clean as they issue fixed penalties in relation to litter and dog fouling offences in parks and on their journeys between parks as part of an ongoing enforcement programme. 35 fixed penalty notices have been issued since April 2014.
- Park Wardens and Community Safety Safer Neighbourhood Officers are engaged in joint patrols to identify where ASB is taking place in Parks after closing time. This work is developing as part of the collaborative Parks and Community Safety action plans based at Woodvale Park, Falls/City Cemetery, Musgrave Park and Orangefield Playing Fields (See below).
- Park Managers, Wardens and Community Safety Officers are working in close partnership with PSNI. This has been evident recently in Orangefield and Cavehill following reports of large groups of youths

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gathering. The outcomes of this work will be shared with the DPCSP.

- As Members are aware there has recently been a significant investment in programmes that improve leisure facilities in parks. Improvements in soccer pitches, additional pavilions, multi use games areas (MUGAS), and playgrounds, as well as community gardens and allotments bring more users into parks and create more legitimate activity. These facilities are further enhanced by consideration of Crime Prevention through Environmental Design principles (CPTED). This process ensures that improved facilities are designed with robust materials to minimise vandalism and damage from ASB.

#### **Current Citywide activity to tackle ASB**

The following citywide developments are currently being implemented:

- Members will be aware of the HES committee paper 'Tackling Antisocial Behaviour Internal review' (January 2015). Four parks have been identified as locations requiring focused collaborative working. These are Falls Park/City Cemetery, Woodvale Park, Musgrave Park and Orangefield Park. Workshops have been initiated with frontline staff. The purpose of the workshops was to develop an inter-departmental operational framework for how Council tackles antisocial behaviour, for presentation to Committee in due course.
- Collaborative Parks and Community Safety action plans are being developed to reduce ASB in the neighbourhoods around the four parks. This will be rolled out and regularly reviewed over the next year. The lessons learned will underpin the eventual expansion of this work throughout parks and neighbourhoods in North, South, East and West Belfast.

#### **Planned Interventions**

Planned interventions will focus on parks with more than 20 incidents in the last quarter. The specific types of ASB are analysed and appropriate, cost effective and realistic interventions are planned in response. The interventions span across all 4 objectives of the ASB programme.

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Interventions will often involve improving the security of boundaries and gates or create specific displacement and diversionary activities. Park Wardens will be directed to specific sites to patrol in high visibility joint operations across the City with Community Safety Safer Neighbourhood Officers. Joint operations may extend to working in partnership with PSNI (dependent upon availability), to enforce street drinking legislation.

3. **Resource Implications**

The development of the programme will be facilitated through the agreed ASB budget 2014-2015 which is approximately £250,000.

4. **Equality Implications**

Much of the ASB programme work spans activities related to reducing interface tensions and bringing young people together to take part in positive programmes and activities. All of the programme work is delivered in line with the council's equality and good relations policies and procedures.

5. **Recommendations**

To note the contents of this report.”

After discussion, the Committee noted the information which had been provided.

**Active Communities**

The Committee considered the following report:

“1. **Relevant Background Information**

- 1.1 Active Communities (AC) is a Sport Northern Ireland (SNI) programme, delivered from April 2010 to March 2015, through 11 council groups/ consortia including BCC.

It is recognised that the AC programme has proved to be a valuable coaching and community resource, which has led to high levels of participation in the city including under-represented groups, whilst providing opportunities for partnership working.

- 1.2 At its last meeting, Committee agreed that it would accept Sport NI's letter of offer for the delivery of the Active Communities programme in 2015/16. It also agreed to support

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Disability Sport NI's management fee of £7,000. It noted that there were 2 options for the continuation of the programme:

Option 1: Continue 'as is' with a reduced management contribution to BCSDN; or

Option 2: Manage all coaches in-house, with the exception of those employed through Disability Sport NI.

Committee requested that officers concluded these discussions with Belfast Community Sports Development Network (BCSDN), to determine whether it was feasible for them to continue to deliver a sub-contract with the reduced management fee, covering the employment of 18 coaches.

## 2. Key Issues

2.1 The Director met with the Board of Directors of BCSDN, to outline the new funding scenario (i.e. £50,000 management fee) and the options available to the Council. The Chairperson of BCSDN, Mr Tom Scott noted the Director's comments and agreed to respond in writing to the Council.

2.2 At the meeting, the Chairperson requested that the Council sought clarification from Sport NI on the potential to allocate any surplus from salaries into management costs; and secondly, to ascertain whether Sport NI would permit income generation through charging for some of the activities.

The Director has spoken to Sport NI and they have confirmed that it is not possible for salaries to be allocated to management costs. It is however possible for BCSDN to apply charges provided these are not excessive and take account of need.

### 2.3 Option 1

Correspondence has now been received from BCSDN. It proposes that BCSDN continues to deliver the sub-contract, by reducing and re-configuring some of its management costs. In the letter, they commit to reducing the overall management fee required from Belfast City Council/Sport NI from £111,104 to £65,000. They have however also indicated that this would be dependent on DSD continuing to fund BCSDN but this has not yet been confirmed by DSD.

BCSDN consider they can partly achieve this by controlling expenditure, utilising a portion of their financial reserves and introducing limited charges for sessions (excluding Neighbourhood Renewal areas and/or vulnerable groups).

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There remains a shortfall of £15,000 and BCSDN has requested that Council considers increasing its offer from £50,000 to £65,000.

- 2.4** The key risks with this approach is the limited resources of voluntary/community organisations to absorb the cost of managing and housing coaches, and BCSDN's ability to control expenditure. The Council would need to provide an additional £15,000 to the allocation already made.

However, this model will provide better value for money than currently and sustains a devolved local approach to sports development, with minimum disruption to programme delivery.

- 2.5** Should the Committee recommend the sub-contracting arrangement with BCSDN, it is recommended that the additional requirements are put in place:

- Quarterly reporting on agreed SMART targets reflecting the KPIs in the letter of offer from Sport NI, to be discussed at performance review meetings
- A demonstrated balance of interventions across the city and reports on an area basis to demonstrate local impact.
- This option will be subject to confirmation by DSD of their portion of funding towards management costs.

- 2.6** Option 2

Alternatively, the Council could opt to bring the delivery of the programme in-house. The revenue budget would need to be directed to additional resource to manage the network of sports coaches – either as part of the Leisure Development Unit or alternatively as a variation to the leisure contract with GLL.

Administrative support would be available within current resources at no additional cost.

- 2.7** There are a number of drawbacks to centralising the Active Communities programme. The Council would need to give 3 months notice to BCSDN, which would require the Council to continue to pay a proportion of the current management fee of approximately £27k+ up until end June 2015. In addition, the existing coaches would transfer to the Council under the Transfer of Undertakings (Protection of Employment) Regulations 2006. If the Council decided at any point in the

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future to terminate the contracts of the coaches (e.g. if Sport NI ceased the funding), the Council would be liable for the redundancy costs of the coaches.

However, this option would standardise the sports development activities programme across all areas of the city, in line with community planning expectations. It would improve value for money, with centralised administration and management costs, as well as increase the use of Council facilities in 'down-time'.

**3. Resource Implications**

**Financial:** £50,000 revenue funding has currently been provided in the departmental estimates. An additional £15,000 would be diverted from other activities.

**Human Resources:** TUPE implications as outlined in Option 2.

**Asset and Other Implications:** None

**4. Equality Implications**

There are no equality and good relations implications at this stage.

**5. Recommendations**

**Committee is asked to consider and agree its preferred option."**

After discussion, it was

Moved by Alderman Rodgers,  
Seconded by Councillor Kyle and

Resolved - that the Committee agrees to adopt Option 1 as set out within the report on the understanding that the Belfast Community Sports Development Network would endeavour to deliver additional programme activities within the east of the City during 2015/2016.

**Shelter for the Homeless – Occupation of Council Land**

The Committee considered the undernoted report:

**"1 Background Information**

**1.1 Members will be aware that a homeless 'pod' was placed at Jubilee Gardens at the junction of High Street and Victoria**



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Street which is part of Belfast City Council's (BCC) parks estate/ land. The pod was present on the site before Christmas for one day, was removed and then reinstated week commencing 19 January 2015.

- 1.2 Following an initial health and safety assessment of the pod, the council identified potential risks and took mitigating action by removing the pod on Monday 26 January. Organisers/ owners of the pod have remained anonymous and have been unwilling to directly meet council officers to discuss the issues and risks. Correspondence and the exchange of information has taken place between BCC and CommonLawni by email and telephone to reiterate health and safety, legal and maintenance concerns and underline the council's position. On Monday 2 February 2015 Common Lawni requested the return of their property via email, which was collected by an independent agent on the 4 February 2015. Despite the difficulties and the discussion between BCC and CommonLawni that a report would be brought to the Parks and Leisure Committee for a decision in February 2015, the pod was reinstated by its organisers/ owners on Wednesday 11 February 2015.
- 1.3 The purpose of this report is to present the issues and risks associated with the placement of the homeless pod on council parks land so that members can make an informed decision on its future.
- 1.4 Members are also reminded of the report to the January Strategic Policy and Resources committee and the February Council meeting when an update was provided of the coordination and support agencies that work to tackle the issue of homelessness in the city and the strategic and regulatory role that the Northern Ireland Housing Executive. The NIHE have been consulted as part of this report and their response is below.

## **2 Key Issues**

### **BCC Issues and concerns**

- 2.1 There are a number of key issues and concerns to note in relation to the homeless pod and its organisers/ owners:
  - An initial health and safety assessment of the pod revealed the following:
    - It was not fixed in position and was placed close to a busy, thoroughfare raising safety concerns for users and passing traffic;

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- It was made of wood which raised concerns about combustible material and the potential of it being set alight.
- A site specific in-depth risk assessment had not been carried out and no public liability insurance has been provided by the organisers/ owners. Information about the construction of the pod has been provided but it is not an in depth risk assessment.
- It was placed on council land without any prior consultation or agreement.
- Ownership is anonymous and representation is through a third party.

Issues raised by Common Lawni

2.2 Throughout regular correspondence with CommonLawni several comments and conditions were put forward to the council, including:

- The good deed to the homelessness being lost in a sea of red tape and bureaucracy presented by the council.
- The council's removal intervention is distracting their 'social experiment'.
- Makes reference to statements including: the Secretary State for Justice indicates that it is not a matter of public policy to require public indemnity insurance and the "Random Act of Kindness", tweeted by Lord Alan Sugar.
- Permits the council to use a disclaimer and suggests as a charitable act the pod could be included under existing policies to further enhance tax exempt status. Also under common law they do not believe that insurance is required and that Good Samaritan laws are applicable (although it is not clear what is meant by this).
- Asks for a license for the pod on a temporary basis (revocable at any time).
- Pushes for the release of a statement of mutual agreement and refuse to meet in person until this is reached.
- Highlights that feedback from volunteers stating that they would feel safer in units located in well illuminated sites, outlining that they have more pods.
- Suggests weekly inspection, cleaning and sanitation would be carried out by [www.foresiccleaningni.co.uk](http://www.foresiccleaningni.co.uk) and annual maintenance in the summer, the intention being to site the pod or pods from November to March each year.

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**BCC Assessment of risks**

- 2.3 In light of the issues and concerns raised above, the council has worked closely with and sought advice from key experts within the council, including legal, insurance, health and safety and property maintenance. The main risks associated with the homeless pod are summarised in four themes below:-

**Table 1: BCC critical risks**

<b>Themes</b>	<b>Risks/ Impacts</b>
<b>Health and Safety</b>	<p>Failure to comply with statutory regulations i.e. H&amp;S</p> <p>The placement of such facilities on council parks/land should be done with due regard in ensuring the safety of all users</p> <p>The use of the pod would need to be managed between potentially competing users.</p>
<b>Legal</b>	<p><i><b>Risk Management</b></i></p> <p>All statutory legal requirements must be met including a risk assessment and risk management controls put in place to reduce exposure to civil litigation.</p> <p><i><b>Public liability insurance</b></i></p> <p>Public liability insurance is required as the council has a liability to all those who use its land by virtue of the Occupiers Liability (NI) Order 1987.</p> <p>Require assurance that any liability arising from its use is something for which the council will have an indemnity as at law the installation on our property renders the council liable for any claims.</p> <p>Failure of the council to secure adequate levels of insurance for the pod. Should Committee be minded to support the retention of the pod on the site, Council would be required to cover any public liability claims.</p> <p><i><b>License</b></i></p> <p>A license cannot be granted by BCC without a robust risk assessment carried out and evidence of liability insurance provided</p>
<b>Financial</b>	<p>In the absence of risk management controls the exposure to civil litigation is increased which may ultimately impact on the councils insurance premiums</p> <p>Should committee be minded to support the retention of the pod on site, Council would be required to put in place its own measures to address the risks identified</p> <p>In the absence of a formal agreement/ indemnity it is likely that the council will have to accept</p>

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	responsibility for any public liability claims associated with the shelter(s), falling within our insurance excess of £150K.
<b>Maintenance/ sustainability</b>	There are potential operational risks for the council to consider regarding on going cleaning, inspection and maintenance and upkeep etc. Should committee be minded to support the retention of the pod on site, Council would be required to put in place its own measures to address these risks.

- 2.4** In order to reduce the issues and mitigate the risks above, the council has and is committed to working and engaging collaboratively with agencies/ charities and key individuals across the city to look at innovative ways to alleviate the problem of homelessness. The council has a duty of care to all in the City by ensuring that initiatives undertaken are properly considered and assessed from the outset. It is vital that there is a collaborative approach and that any individual initiatives are in the wider public interest and work in tandem with the overall approach to alleviate homelessness in the city.
- 2.5** The NIHE, the lead statutory body for tackling Homelessness has stated that the Housing Executive Homelessness Strategy 2012 – 17 has a key objective of removing the need to sleep rough in Northern Ireland. A range of appropriate core services are already in place in Belfast including street outreach support services, access to crisis accommodation, day centre facilities, comprehensive needs assessment and the development of a continuum of services, e.g. harm reduction programmes for addictions, floating support etc. to take the person from crisis accommodation to move on and through to resettlement. While the pod is a well-meaning gesture, NIHE would have concerns that it may have the effect of giving individuals an option to remain on the streets and cease engagement with homeless services and may ultimately prolong homelessness rather than reduce it. NIHE would also share the Council's health and safety concerns.

In Belfast, the Housing Executive is about to embark on an audit of rough sleeping in the city leading to a review of services which will identify any gaps in provision. This will inform the development of a commissioning plan to bring on where necessary additional services or to realign existing services to meet the need.

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**3 Resource Implications**

**Financial**

Subject to the committee decision, the council may have to accept responsibility for any public liability claims associated with the shelter(s), falling within our insurance excess of £150K.

Should committee be minded to support retention of the pod on site, an assessment of the financial impact would need to be undertaken by officers.

**Human Resources**

None determined at this stage – same as above.

**Asset and Other Implications**

None determined at this stage – same as above.

**4 Equality and Good Relations Considerations**

Where necessary all agreed initiatives will be subject to equality screening.

**5 Recommendations**

1. to note the issues, concerns and risks associated with the pod and agree that unless the owners meet the requirements of the Council with immediate effect that the pod is to be removed from the site.
2. Regardless of the decision made by Committee further attempts will be made to engage the owners in discussions regarding the use of this facility with relevant agencies and stakeholders in the city.”

The Committee expressed its concerns at the ongoing situation and suggested that the issues raised by the positioning of the pod within the open space should be addressed on a multi-agency basis. Concern was expressed that the organisation which had placed the pod at the site had remained anonymous and failed to engage meaningfully with the Council to resolve the matter. The point was emphasised that the health, hygiene and, particularly, public safety and risk issues which had arisen as a result of the issue needed to be resolved at the earliest possibility.

After discussion, it was agreed to defer consideration of the report and that the organisation which had placed the homeless pod within the Jubilee Gardens be requested to attend the meeting of the Committee scheduled for 12th March, and that an invitation be extended also to a range of statutory bodies – particularly the Northern Ireland Housing Executive – to discuss the matter with a view to finding a long-term resolution.

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### **Belfast Zoological Gardens – Research Activities**

The Committee noted the contents of a report which outlined the extent of research work which was being undertaken currently at the Belfast Zoo, in conjunction with a range of universities, to explore and enhance the conservation of various species through the exchange of information. The report highlighted also the links which the Zoo had established with the School of Biology at The Queen's University of Belfast and various faculties within the Ulster University.

The Committee commended the Belfast Zoo on its ongoing programme of research and conservation and endorsed a future programme of research.

### **Urban Buzz Project**

The Committee considered the undernoted report:

#### **“1 Relevant Background Information**

**Buglife are developing an Urban Buzz Project which aims to promote insect pollinators in Parks and Open Spaces, transforming mown and unused amenity grass into vibrant areas, colour-rich and buzzing with life. The project will engage communities in discovering wildlife on their doorstep.**

**Insect pollination is essential to food production. “One out of every 3 mouthfuls” is pollinated by insects. In UK this is worth £500m per annum or 13% of UK agricultural revenue.**

**Over half of our bee species have suffered declines over the past 50 years and over 250 UK pollinators are in danger of extinction. Habitat loss is a major driver of pollinator declines and currently in Northern Ireland less than 5% of grasslands are species rich.**

**The project would revitalise areas with more sustainable pollinator friendly perennial planting. The project will involve 10 flagship cities across the UK. Buglife are in the final stages of securing funding for this project and have approached Belfast City Council to become a partner Flagship City.**

#### **2 Key Issues**

**The project will bring £100,000 of spend to increase the number of pollinator-friendly places within the City, enhancing green networks, providing attractive and engaging spaces for people, and involving local communities in their creation. This will include urban meadows, enhanced**

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amenity planting, road verge enhancements, work with local schools and trees for bees.

This would be a 3 year project expected to commence in Autumn 2015. The project will include a part time staff resource who will undertake project work and deliver outreach activities to encourage local communities to engage more with their parks and open spaces. BCC would be agreeing to:

- permission to carry out project work on BCC land. All works would be developed and agreed in advance with the Council.
- maintain any new habitat/enhancements for 5 years
- work with Buglife promoting Urban Buzz in the City.

If successful and Belfast becomes a Flagship City a partnership agreement outlining roles and responsibilities will be developed and brought back to members for approval.

### **3 Resource Implications**

#### **Financial**

There is potentially £100,000 of external funding available for this project.

#### **Human Resources**

None required at present

#### **Asset and Other Implications**

The project will involve the creation of wildflower rich habitats within parks which the Council will be required to maintain for 5 years.

### **4 Equality and Good Relations Implications**

There are no equality and good relations implications in relation to this project.

### **5 Recommendations**

It is recommended that approval is given to become a Flagship City and provide a letter of support to Buglife.”

The Committee adopted the recommendation.

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**Request to Undertake Research within Council Parks**

The Committee was advised that a request had been received from The Queen's University of Belfast seeking permission to undertake research into the distribution of squirrels and pine martens on Council sites across Belfast. The Director explained that the research was part of a programme which sought to establish the following:

- the distribution of pine martens, red and grey squirrels in Northern Ireland and the border counties;
- the number of adult pine martens in Ireland;
- to enable the relevant agencies to meet with their statutory requirements on the status of the pine martens within the EU; and
- to raise awareness of Ireland's protected mammals.

The Committee was informed that the research would be carried out in a number of sites, including the Barnett Demesne, the Clement Wilson Park, the Sir Thomas and Lady Dixon Park, the Ormeau Park, the Cave Hill Country Park, the Cregagh Glen and the Glenbank and Glencairn Parks.

The Committee granted permission for the research to be undertaken as outlined, subject to the drawing-up of an appropriate licence agreement between the Council and The Queen's University of Belfast.

**Land Disposal – Development of a Corporate Policy**

The Committee considered the undernoted report:

**“1. Relevant Background Information**

**The purpose of this report is to inform and advise the Committee regarding a request from the current owner of land adjoining 35 Brookvale Avenue to construct residential accommodation on a piece of land which had been previously leased to a prior owner of the property to enhance his garden. By way of background information, a copy of two reports from February 2009 and August 2010 are appended.**

**In February 2009 the Committee received a report which proposed that requests for land for domestic use from private individuals should not be approved unless the land had been declared as surplus to operational requirements. This was approved. However, the report highlighted 3 such requests which were under consideration, at the time. The report sought consent to progress the 3 requests for disposal. One of the requests related to the acquisition of land to the north west of 35 Brookvale Avenue, which adjoins Waterworks Park. The proposed disposal of the land in respect of 35 Brookvale**



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was presented to the Strategic Policy and Resources in August 2010.

The report to Strategic Policy & Resources outlined the terms of the agreement as follows.

- Area for disposal comprises approximately 429 square metres;
- Use of the land will be restricted to open space and to garden use in particular.
- Disposal price agreed at £12,200.
- Purchasers will erect a boundary fence at their own expense along any of the boundaries which are not currently fenced

In addition, the report stated: *“The owner states it will be used to enlarge the garden surrounding his house. The proposed restriction on use to open space guards against redevelopment of this portion of the site for housing or other commercial purposes and helps retain a buffer between the park and neighbouring buildings”*.

2. Key Issues

The key issue for the Committee to note is that this land was disposed of on the clear understanding that was to be retained as open space and that it was not intended for housing or any other form of commercial development. The change in ownership is irrelevant.

The land concerned was originally created as a buffer area to protect the adjoining house at 35 Brookvale Avenue from anti-social behaviour, the development of a dwelling on this buffer area could result in a future request to the Council to create a further buffer area, thus eroding the space available for public use within the Park.

It is important that the Council maintains a position wherein land disposed off as open space to private individuals should remain so regardless of any change in ownership. To convey consent would set a precedent for all future disposals.

Should the Council have been advised at the time of the disposal that the intention was to construct residential accommodation it is likely that the request would have been declined.

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3. **Resource Implications**

**Financial Implications**

There are no financial implications at this time.

**Human Resource Implications**

There are no additional human resource implications.

4. **Equality Implications**

Equality considerations have not been assessed at this time.

5. **Recommendations**

The Committee is asked to consider the request and, given the previous decision of the Strategic Policy and Resources, is asked not to support the request.”

The Committee adopted the recommendations.

**River Terrace - Update**

The Committee considered the undernoted report:

“1 **Relevant Background Information**

1.1 In December 2013, P&L Committee considered a report on a request from St John Vianney Youth Centre to explore the option of establishing a community garden in River Terrace. At that time, Committee recommended the further investigation of the potential for the development of a community garden in River Terrace with a further report to be brought to Committee in due course. It agreed that part of the £50,000 of capital funds allocated to South Belfast could contribute to the build of a community garden at River Terrace.

1.2 It is also noted that in 2006 a contamination report was carried out on the site which highlighted contaminants are present, in the high risk category. Soil samples were taken from a small section of the site along the railway line, the environmental consultant therefore recommended that additional testing is undertaken which is dispersed evenly across the full extent of the site.

1.3 As the land is owned by the Department of Social Development (DSD), work has been ongoing to provide a licence for the land to Council ownership with the appropriate agreements and insurances in place. There has been some engagement with local communities, although this has been

limited due to access to the land and the constraints regarding the growing season.

## **2 Key Issues**

**2.1** The formal discussions to grant access to the land are now planned to conclude by the beginning of March. It is now proposed that the immediate actions are undertaken:

- Do an immediate clean-up on the site and remove any fly-tipping;
- Determine if any patching/replacement of pathways is needed; and
- Insert the site into the East Area maintenance programme to include regular grass-cutting and litter picks.

**2.2** It is vital that all stakeholders and interested parties be involved and lead the process to develop a sustainable community space, with the strong sense of local ownership needed for a successful garden.

The following steps with local stakeholders/ residents / interested community members to determine the next step in the development of River Terrace as a growing space:

- March 2015 Stakeholders to engage in formalised workshops. These workshops will identify the stakeholder's main priorities for the growing space including the strengths and weaknesses of this space for the community.
- March 2015 Work in partnership with the stakeholders to consult with the residents adjacent to the site
- April – May 2015 Open invitation to attend a presentation and workshop on community gardens, to include site visits.
- May 2015 Working group to be established. Results of previous workshops and consultation to be analysed with group.
- June 2015 to February 2016 In collaboration with the working group, a programme of initial community engagement will be developed and may include community clean ups/ environmental and educational workshops/ neighbourhood activity days. How the community decide to utilise the space within these months will influence the design brief for this site.
- November 2015 Landscape Planning and Development Unit to develop a design based on the working group aspirations and the communities capacity.

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- December 2015 – February 2016 construction of community garden to be undertaken by Council contractor, subject to capacity shown by the community to be involved in the construction of the community garden as a form of skills development.
- March 2016 – growing activities to commence.

**2.3** As noted above, the contamination survey reported that it is a grossly contaminated site and in the high risk category. Further survey work would be required if there is any site disturbance or earth re-modelling recommended and there is no estimate for remediation costs. A cost for this work can be ascertained following a further detailed site investigation. This would like require a funding bid to maximise value for money.

**3** **Resource Implications**

**Financial:** An immediate allocation of £20,000 is available for the project.

**Human Resources:** The Community Parks Outreach Manager will work with the community to establish a core group and increase participation in the garden in line with the Growing Communities Strategy.

**Asset and Other Implications:** The transfer of this land will result in the Council gaining an additional asset with associated maintenance implications.

**4** **Equality and Good Relations Implications**

There are no implications at this stage. However equality and good relations factors will be taken in to account in any activities delivered at the community garden or through the project.

**5** **Recommendations**

**Members are asked to agree the proposed community engagement programme.”**

The Committee adopted the recommendations.

**City Cemetery - Decorative Arts Project**

The Committee noted the contents of a report which provided an update on the progress which had been achieved in respect of the decorative arts project at the Belfast City Cemetery. The Assistant Director outlined the steps which would be taken in the delivery of the next phase of the project and gave an overview of the artwork

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which had been chosen, together with an indication of the sites which had been identified within the Cemetery for the installation of the artwork.

**Waterworks Park - Angling Club**

The Committee deferred consideration of a request, which had been received from the Angling Club within the Waterworks Park, for the Council to provide electricity to the club's cabin adjacent to the top pond to allow for further information to be submitted in respect of the costs which might be incurred in the provision of electricity to that cabin.

Arising from discussion in the matter, the Committee agreed that a report be submitted to a future meeting which would explore the feasibility of the Council providing similar-type support to the Belfast Aero-modelling Club, which was based within the Alderman Tommy Patton Memorial Park.

**Meccano Bridge at the River Lagan - Proposal**

The Director indicated that a request had been received from the Engineering Faculty at The Queen's University of Belfast seeking permission to host an event at the Clement Wilson Park. He explained that the Faculty would be seeking to erect a temporary 'Meccano' bridge across a 24-metre span of the River Lagan, on a date as yet to be determined in mid-June. He stated that the proposal had to be approved by the Rivers Agency, however, the University had indicated that it would indemnify the Council against any loss or damage which might occur as a result of the holding of the event.

The Committee granted permission to the Engineering Faculty to host the event, subject to the approval of the Rivers Agency, and agreed that a temporarily container be located at the site by the organisers for that purpose. The permission would be subject to the organisers meeting with the Council's Event Management Plan and submitting details of relevant insurance documentation, stewarding arrangements, the payment of a bond and to the organisers adhering to all health and safety requirements.

**Grove Playing Fields - Request**

The Committee agreed to defer, until its meeting scheduled for 12th March, consideration of a request which had been received for the use of the Grove Playing Fields on Saturday, 9th May. That request, which had been submitted by the Ulster Centenary Committee, would be for the purposes of an assembly point for a parade through Belfast which would mark the centenary of the march past the City Hall by members of the 36th (Ulster) Division, prior to their leaving for pre-war training. It was agreed that representatives of the Ulster Centenary Committee would be invited to attend the meeting to provide further clarification on its request.

**'Run, Walk, Jog for Palestine' - Request**

The Committee was informed that a request to host a sponsored 'Run, Walk and Jog' event at the Waterworks Park had been received from Palestine Aid. The Director

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reported that the event, which would commence at 11:00 a.m. on Sunday, 29th March, would be attended by approximately 200 participants. He confirmed that, whilst the participants would be sponsored, no money would be collected at the park since that aspect of the event would be managed online. In addition, Palestine Aid had been advised that no flags or banners would be permitted to be displayed, other than those advertising the event which would be agreed in conjunction with the Park Manager.

The Committee granted approval for the use of the Waterworks Park for the event, subject to the completion of an appropriate event management plan, which would be to the satisfaction of the Council.

**FIFA Schools' Super Festival**

The Director reported that the Irish Football Association had requested permission to host a Schools' Super Festival for girls at the City of Belfast Playing Fields on Wednesday, 10th June. He pointed out that, if agreed, it would be the second year in which the Council had hosted the event and added that the 2014 festival had served to promote and enhance women's and girls' football in Northern Ireland on a cross-community basis.

The Committee agreed to grant the free use of the City of Belfast Playing Fields to the Irish Football Association for the pitches and associated facilities, subject to the completion of an appropriate event management plan to the satisfaction of the Council.

**Belfast Mela 2015**

The Committee considered the following report:

**“1. Relevant Background Information**

**The Mela is a multicultural festival that has attracted 20,000 people annually from all communities across Belfast and beyond. The Mela has been successful in raising cultural awareness, encouraging civic identity and promoting a positive image for Belfast. In March 2014, the Committee agreed to support Mela 2014 (Artsekta) up to £20,000, subject to a number of conditions.**

**2. Key Issues**

**Evaluation of 2014**

**The Council established a successful arrangement with the Belfast Mela in 2013 and 2014. It operates at minimal cost to the public and in 2014 attracted over 230,000 spectators. In their evaluation for 2014, Belfast Mela estimate that the return on Council's investment is approximately a ratio of £8.90 spend per visitor to every £1 Council support. Visitors rated**

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the event programming at 8 out of a possible 10 and an affordable, family-focussed day out.

As a condition of the financial support, Belfast Mela was requested to facilitate 3 taster events across the city in advance of the main event. These were facilitated at Falls Park, Knocknagoney and New Lodge with over 5,000 participants attending. Other more in-depth outreach activities were facilitated with about 100 participants from An Droichead, Annadale Haywood Residents Association, Glenbyrn Women's Group and participants recruited through the NIHE East Belfast office.

Overall, at the Mela event itself, 93% of participants felt they had learnt something about another culture through the programme and 79% of participants felt that events such as the Mela enhance civic identity and participation.

#### **Proposal for 2015**

The Committee is asked to note that the Council has received a request from the Director of ArtsEkta to use Botanic Gardens for the Belfast Mela on 30th August 2015.

It is proposed that Council continues to provide financial support to the event (up to £20,000), given the positive economic impact it has for the city, improved good relations and attractiveness of the Council assets.

Similar to 2014, as a condition to funding, it is recommended that ArtsEkta is requested to facilitate community engagement and taster events in other local neighbourhoods, to build the audience from across the city. Specific locations could be identified in conjunction with the Community Parks Outreach team, ensuring a spread across the city, and potentially include re-developed assets such as Victoria Park and newly developed such as Girdwood Park.

In relation to facilitating the event itself, the key issues are :

1. In this particular instance the Council has received a request for use for Upper and Lower Botanic Gardens for the Belfast Mela on 30th August 2015 from midday to 6.00pm;
2. The proposed timescale from set up to take down of the event is eight days 25th August to 1st September 2015 inclusive in Botanic Gardens;
3. ArtsEkta has requested permission to collect an entrance fee in the region of £5 per adult;

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4. The event shall be subject to the preparation of an event management plan which shall cover all aspects of management including health and safety, access and will comply with the current events policy;
5. A legal agreement will be provided by Legal Services;
6. Consultation by ArtsEkta will be undertaken with other local stakeholders such as Queens University, Lyric Theatre, local residents groups and the Friends of Botanic Gardens.

3. **Resource Implications**

**Financial**

The Bond of Intent shall be waived but the Bond of reinstatement of £1000 shall be provided by ArtsEkta as in previous year's per event. An allocation of £20,000 can be made from within the departmental revenue budgets to support the event.

**Human Resources**

Community Park Manager to be in attendance for 8 Hours during event.

**Asset and other implications**

ArtsEkta shall ensure all minimal impact on Council property and will provide a Bond of reinstatement prior to the event.

4. **Equality Implications**

The Events Policy for Parks and Leisure facilities and venues was previously screened as part of its consideration at Committee. The application of the policy is deemed to have no differential impact on any one group, given the diversity of applicant groups and range of events organised across the Council's properties.

5. **Recommendations**

Committee is asked to grant permission to ArtsEkta to provide the Belfast Mela in Botanic Gardens subject to the development of an Event Management Plan and satisfactory terms being agreed by the Assistant Director of Parks and Leisure and on condition that :

- The event organisers resolve all operational issues to the Council's satisfaction;



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- **An appropriate legal agreement, to be prepared by the Assistant Chief Executive and Town Solicitor is completed;**
- **The event organisers meet all statutory requirements including Health and Safety and Licensing;**
- **The organisers be permitted to charge an admission fee in the region of £5 to access the Botanic Gardens for the event;**
- **Permit Closure of Botanic Gardens on the 30th August 2015 to permit admittance by Mela tickets holders only.”**

The Committee adopted the recommendations.

**Northern Ireland Electricity – Stewart Street**

The Committee was informed that a request to install an underground electricity cable at the Council-owned land at Stewart Street had been received from Northern Ireland Electricity.

The Committee agreed, in accordance with Standing Orders, to recommend to the Strategic Policy and Resources Committee that it would approve the installation of an underground cable by Northern Ireland Electricity, as requested, and authorise the completion of the way-leave in respect of the matter, subject to the Northern Ireland Housing Executive offering no objection.

Chairman

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## Development Committee

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### MEETING OF DEVELOPMENT COMMITTEE

Members present: Councillor Hargey (Chairman);  
Aldermen M. Campbell, Ekin,  
Kingston, Stoker and Webb;  
Councillors Beattie, Convery,  
Kennedy, Kyle, McAteer,  
Mac Giolla Mhóin, Ó Donnghaile  
and Spence.

In attendance: Mr. J. McGrillen, Director of Development;  
Mrs. L. Toland, Head of Economic Initiatives  
and International Development;  
Miss E. McGoldrick, Democratic Services Officer; and  
Mr. B. Flynn, Democratic Services Officer.

#### **Apologies**

Apologies were reported on behalf of Alderman Stalford and Councillors Keenan, Kelly, Magee, Reynolds and Verner.

#### **Minutes**

The minutes of the meeting of 20th January were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 2nd February.

#### **Declarations of Interest**

No declarations of interest were reported.

#### **Request to Address the Committee**

The Committee agreed to receive, at its meeting scheduled for 10th March, a deputation from the Folktown Community Interest Company in relation to its request for a review of the fees to be levied on market traders at the newly-established Bank Square market.

#### **Pubs of Ulster – Campaign**

The Committee considered the following report:

##### **“1 Background Information**

- 1.1 Pubs of Ulster is the professional body of the Retail Licensed Trade in Northern Ireland, with members drawn from pubs,**

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bars, café-bars, hotels and restaurants. Pubs of Ulster is leading a campaign calling on the Government to reduce VAT rates for businesses in the tourism sector in Northern Ireland. They have written to Council to seek support for the campaign and permit the incorporation of the Council logo on campaign material.

- 1.3 There is currently a sustained campaign ('Cut the Tourism VAT') by the various representative voices across the UK to get a reduction on tourism VAT to be bring it into line with competitor countries.

## 2 Key Issues

- 2.1 The key issues raised in the letter include:

- The Republic of Ireland's meaning VAT rate has disproportionately affected the industry
- Reduction in VAT could create approximately 3,300 jobs locally and help stimulate economic growth
- Independent research by the HM Treasury's economic model shows that a VAT cut would drive the economy by £4 billion in new revenue in the UK and would save consumers an average £50 per head on visitor accommodation and attractions.

- 2.2 21 countries in the EU have a lower VAT rate for the hotel sector and 13 for the overall hospitality sector. In France, tax was reduced from 19.65% to 5% and led to the creation of 21,700 jobs in the first year.

- 2.3 Members will be aware that the Council will launch the new Integrated Tourism Strategy for Belfast in 2015. The overarching strategic goal of the new strategy is to double the value of tourism by 2020. This will result in tourism being worth £870m per annum in five years, based upon current metrics.

- 2.4 The strategy has identified several issues that bring a competitive disadvantage to Belfast, which have to be addressed. As well as air accessibility, licensing laws and opening hours, the strategy also identifies visa and VAT matters. The strategy states that 'unless these are tackled they will continue to prevent the city achieving its full tourism potential'.

- 2.5 The Integrated strategy also highlights research by Deloitte (2013) that notes reducing tourism VAT would not only enhance the UK's competitive position but would be the most

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**efficient way of generating GDP gains for the Exchequer, creating an extra £0.6bn in revenue for the HM Treasury and creating 10,000 jobs in tourism over the next ten years.**

**2.6 In light of the ambition to grow tourism in the city, Members are asked to consider the request from Pubs of Ulster to support the campaign for VAT reduction in the tourism sector.**

**3 Resource Implications**

**3.1 No resource implications.**

**4 Equality and Good Relations Considerations**

**4.1 No equality and good relations considerations.**

**5 Recommendations**

**5.1 To consider the request from Pubs of Ulster and endorse the campaign to reduce VAT on businesses operating in the tourism sector.”**

The Committee agreed to endorse the campaign.

**Belfast Technology Conference**

The Director reminded the Committee that it had agreed to provide funding of £15,000 towards the hosting of the inaugural Belfast Technology Conference, which had taken place in April, 2014. He outlined the key aims of the 2015 conference, which would take place in Titanic Belfast and the City Hall from 29th April until 1st May. He gave an overview of the programme for the conference, together with an outline of the range of speakers who would provide keynote addresses. He indicated that a request for £15,000 in sponsorship had been received from the organisers and he gave an overview of the key benefits which would be accrued by the Council should it agreed to provide funding.

After discussion, the Committee acceded to the request for sponsorship and agreed that further work be undertaken in the creation of a policy which would oversee the Council's future support of similar-type conferences.

**International Relations Framework - Update**

The Committee noted the contents of a report which provided an overview of the work which had been undertaken in respect of the Council's International Relations Framework in 2014/2015, and which outlined the programme of activities that would be delivered as part of the Framework in 2015/2016.

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**Employability and Skill Strategy - Update**

The Committee noted the contents of a report, which had been endorsed by the Shadow Strategic Policy and Resources Committee at its meeting on 30th January, which gave an overview of the future scope of the Council's Employability and Skills Strategy.

**Artist-led Street Furniture**

The Committee agreed to defer consideration of a request for sponsorship, which had been received from the PLACE organisation, which related to a project which would oversee the creation of a number of artist-led street furniture pieces across the City. It was noted that a report in respect of the Council's future support of the project would be submitted to the appropriate Council committee in due course.

**Markets Rights Policy - Clarification**

(Ms. N. Largey, Council Solicitor, attended in connection with this item).

The Committee considered the following report:

**"1 Background Information**

- 1.1 Members will be aware that, in June 2012, the Development Committee approved a new Markets Rights policy for the Council. This policy set in place a framework which allowed the Council to utilise its historic rights to hold markets and to extend these rights to third party organisations to allow them to operate independent markets.**
- 1.2 The main driver of this policy was the growing number of requests for Council from private operators to establish their own markets. A public consultation on the policy was carried out in the Summer of 2011 and the policy was endorsed by the Development Committee at its June 2012 meeting.**
- 1.3 The policy sets out the various types of markets, the relevant conditions and the fees applicable to each. Currently, there are two elements to the market licence fee, namely a one-off licence fee and a fee per stall for each market day. The policy states that both the licence fees and the fees per stall will be waived for any market which is organised 'for solely charitable purposes'. It also notes that discounted licence fees will be payable for events run by charities or non-commercial operators.**

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**2 Key Issues**

- 2.1** At the time of drafting the markets rights policy, the reference to markets held for 'solely charitable purposes' was intended to cover one-off fund-raising events for a specific purpose, for example a car boot sale in aid of a child's medical treatment. However, with the policy now in operation for over two years, it has become apparent that there is some ambiguity around what types of activities this might incorporate.
- 2.2** Officers have therefore engaged with colleagues from the Legal Services section to consider how the policy could be amended to clarify this point. Given that there are a number of applications pending, a proposed clarification has been provided within the report. This simply seeks to provide additional clarity around the terminology used in the existing policy with regard to fees payable. It is proposed that a full review of the policy will be carried out in the coming months, with the revised policy to be brought back to the relevant Council committee for endorsement.
- 2.3** At present, fees (both licence fees and stallage fees) are waived in the case of car boot sales/speciality markets 'operated for solely charitable purposes'. Discounted licence fees and full stallage fees are payable in the case of car boot sales/speciality markets operated by a non-commercial organisers/operators or by a registered charity.
- 2.4** The current fee levels are:
- £50 for a one-off licence
  - £100 for a licence to cover multiple markets
  - £6 per stall at markets/£3 per stall at car boot sales.
- 2.5** While the policy refers to a 'discounted licence fee' in certain instances, no discounted fees have been applied to date. In all instances, markets have been either considered as 'solely for charitable purposes' with no fees payable, or operated on a commercial basis, with full fees payable.
- 2.6** There are a number of different business entities working for charitable, non-commercial and commercial purposes. The Charity Commission estimates that there are between 7,000 and 12,000 charities currently operating in Northern Ireland.

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- 2.7** Community Interest Companies (CICs) were created by the Companies (Audit, Investigations and Community Enterprise) Act 2004 and are a special type of limited company which is intended to benefit the community rather than private shareholders. A CIC is a social enterprise and a business with primarily social objectives whose surpluses are principally reinvested for that purpose in the business or in the community. According to the Community Interest Company Association there are nearly 10,000 CICs across the UK (no figures are currently available for Northern Ireland).
- 2.8** The benefit of establishing a CIC as opposed to a charity is, in part, due to the restrictions which are imposed on the trading abilities of charities. No such restrictions apply to a CIC. In addition, the founder of a CIC can be paid for their work.
- 2.9** Advice from our Legal Services team suggests that it is unlikely that a CIC will meet the criteria set out in the policy in respect of events for 'solely charitable purposes' as there is no requirement for them to comply with this objective. While a CIC has a community focus as opposed to pursuing solely commercial interests, it does not have to exist for 'solely charitable purposes'. In this regard, it is suggested that it does not meet the current stipulations of the policy in terms of organisations exempt from fee payments but that it benefits from the discounted licence fee that is applied to non-commercial organisers/operators or by registered charities.
- 2.10** If stall fees were waived for both charities and CICs, this could represent a significant loss of potential income to the Council. Given the management associated with processing these markets applications, there is a need to allocate officer time to this activity and this is likely to increase as interest as markets grow. By way of example, based on a 30 stall weekly market at £6 per stall, a full fee waiver would mean an annual loss of income of £9,000 to the Council for that market alone.
- 2.11** In order to address the confusion with the existing policy, the following clarification is proposed:



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Description of organiser	Licence fee payable?	Stallage fees payable?
Organisation operating for 'solely charitable purposes', namely a charity, sporting group, social group, church or one-off fundraising market where the event is staffed by volunteers and the groups receives full proceeds of the sale	No	No
Registered charity, non-commercial organisation including CICs, social enterprises and organisations where the primary purpose is not for commercial return	Discounted licence fee payable	Yes
All other markets	Yes	Yes

2.12 It is also proposed that the discounted licence fee rate is set at 50% of the full licence fee, i.e. £25 licence fee payable for a one-off market and £50 licence fee for a recurring market. The full stallage fees would be payable.

2.13 Should Members agree this clarification on the fees, a full review of the policy will be undertaken by the Markets Unit and Legal Services in the coming months and the revised policy will be brought back to the relevant Council committee for endorsement.

### 3 Resource Implications

3.1 No specific resource requirements, apart from officer time to process and manage market applications. The policy is currently generating small levels of income the Council each year but the management costs are currently in excess of the licence fees generated.

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**4 Equality and Good Relations Considerations**

**4.1 Equality and good relations considerations were taken account of in developing the original policy.**

**5 Recommendations**

**5.1 Members are asked to:**

- Note the current markets rights policy and references to fee waiver/discounted fee rates
- Agree the clarification provided at 2.10 regarding licence fees and stallage fees payable by market operators
- Note the proposal to review the markets licence policy and to bring the revised policy back to the relevant Council committee for endorsement.”

The Committee adopted the recommendations.

**St. George’s Market – Enforcement of Rules and Regulations**

The Committee considered the undernoted report:

**“1 Relevant Background Information**

**1.1 All Market Traders renting a pitch from Belfast City Council at St George’s Market are given a set of rules and regulations that includes their Traders Permit, Market Bye laws and a Code of Conduct that they must adhere to in order to trade at the market. Their continued trading is conditional on compliance with these regulations.**

**1.2 While some enforcement does take place, a number of the traders continue to breach regulations on an ongoing basis. This makes it difficult for management to maintain the integrity of the market and ensure compliance with issues such as Health and Safety, while also ensuring that the market is presented properly for customers and that those visiting have a positive experience.**

**1.3 In order to manage this more effectively, it is proposed to introduce a ‘penalty point’ system whereby traders would incur penalties for breaches of the regulations.**

**2 Key Issues**

**2.1 In line with market management in other locations, it is proposed that if a trader breaches any section of their**

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trader permit, Market Bye-Laws or Code of Conduct, a penalty point will go on their file and will remain on it for 3 years. If they have accrued 4 penalty points on their file at any one time they will automatically lose their stall in the market. They then will have to wait 12 months before they can reapply for another pitch at the market and will have to go through the application process in place currently. Should a breach occur, management will undertake an investigation to establish whether the imposition of the penalty points is valid. If it is considered that the penalty point is justified, the trader will be advised in writing, confirming the reason for applying the point.

2.2 Some of the most specific areas that we propose to manage through the penalty point system include:-

- Absenteeism
- Late opening/early closing/general time-keeping
- Non-compliance with storage policy
- Encroaching beyond designated area without authorisation
- Abusive behaviour towards staff, other traders and customers
- Sale of goods other than those set out on their trading permit
- Plagiarism
- Theft – specifically electrical leads
- Late payment
- Moving stalls when market is still open to the public.

2.3 All St Georges traders have copies of the rules and regulations for trading at the market. This will not be an additional document but will be a system to ensure compliance.

### 3 Resource Implications

3.1 The system will be managed by the Markets team.

### 4 Equality and Good Relations Considerations

4.1 None.

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**5 Recommendation**

- 5.1 To approve the introduction of a ‘Penalty Point’ system for St George’s Market Traders in order to support more effective market management.”**

The Committee adopted the recommendation.

**Volunteer Charter**

The Committee considered the following report:

**“1 Relevant Background Information**

- 1.1 The Council currently offers volunteering opportunities across a range of departments which bring many benefits to both the individuals involved and Council. The Volunteering Strategy for NI describes volunteering as ‘the commitment of time and energy, for the benefit of society and the community, the environment or individuals outside (or in addition to) one’s immediate family. It is undertaken freely and by choice, without concern for financial gain.’**
- 1.2 This definition refers to both formal volunteering (carried out with, or under the auspices of an organisation/group) and informal volunteering (carried out outside an organisation, often at neighbourhood level but outside the immediate family). It comprises the widest spectrum of activity, for example, community development, arts, sport, faith based, education, neighbourliness, youth, environmental, health and direct care.**
- 1.3 The unique quality of volunteering, as an activity, is its ability to shape and change itself to the needs of the community. In public services, volunteers bring a range of expertise to particular tasks or projects. Their expertise should complement the skills of staff. In many instances, volunteers can develop the range of support to users that cannot be provided solely by paid staff.**
- 1.4 The volunteering opportunities Council currently offer cut across a number of departments notably; Development, Parks and Leisure, Health & Environmental Services and Human Resources.**
- 1.5 Volunteers are involved in supporting our community centre programmes, our play service, through our play programmes and through the Belfast Youth Forum. Additionally, volunteers support our parks and open spaces;**

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and complement the work of Zoo staff through carrying out surveys and environmental work; they enable council to offer summer scheme opportunities to a greater number of young people than would be possible without them. Within the Development department alone Council benefitted from 73,693 volunteer hours during 2013/14.

- 1.6 Volunteer involvement works best when there are good procedures, clarity of roles, mutual trust and support between paid staff and volunteers. The Development Department, through Community Services, has been leading on developing volunteering within council.
- 1.7 Community Services has developed its own volunteering framework in line with the Investing in Volunteers quality standard to support volunteering hours within its projects and facilities. This work has been undertaken in partnership with Volunteer Now, the lead organisation for volunteers and volunteering in Northern Ireland.
- 1.8 This framework has allowed for the development of a number of procedures including specific volunteer role descriptions and the production of a draft guide to involving volunteers for use by Community Services staff. This framework and the associated procedures provide the basis for the development of a corporate policy and procedures.
- 1.9 Community Services has also been involved in promoting volunteering opportunities within council at events such as Belfast Metropolitan College's Volunteering Fair in October 2014. Officers are also working with the Older People's Reference group to develop and deliver the Age-Friendly Belfast Older Volunteer Awards. The Service has also begun work with Volunteer Now on a volunteer impact assessment which will measure the impact of volunteers on the community and play centre service users.
- 1.10 More recently, as part of her priorities to celebrate and showcase the Heroes of Belfast, the Lord Mayor asked officers to consider how Council can recognise the contributions made by volunteers to life in the city.
- 1.11 As a result the Lord Mayor has asked the service to consider how BCC might develop a Volunteering Charter as a key contributor to the recent motion at SP&R in September 2014 for the development of a Compassionate City Charter as a vehicle to encourage city leadership and bring together efforts towards increasing compassion through local initiatives, policy and projects.

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1.12 This paper outlines how such a Volunteer Charter might be progressed in Council.

2 Key Issues

2.1 Community Services has been working in conjunction with Volunteer Now to agree how we might develop a draft volunteering charter for BCC. An illustrative draft Volunteer Charter is attached for member's consideration.

2.2 This volunteering charter will underpin Belfast City Council's role as a civic leader in providing a statement of principles and good practice around volunteering. It is a set of guiding principles that sets out the rights and responsibilities of volunteers and the organisation. These principles will be used as a framework to develop more detailed policies and procedures that reflect needs and circumstances.

2.3 Additionally the volunteering charter will support greater recognition of volunteers and volunteering within council and provide a clear basis from which to build on the work begun by Community Services. It would also aid the roll out of a corporate volunteering policy and guidance for the effective involvement and management of volunteers.

2.4 A volunteering charter is a formal document that sets out the rights and responsibilities of volunteers and the organisation. A volunteering charter would support greater recognition of volunteers and volunteering within council and provide a clear basis from which to build on the work begun by Community Services. It would also aid the roll out a corporate volunteering policy and guidance for the effective involvement and management of volunteers.

2.5 It is envisaged that the charter will outline the key principles and underpinning ethos of volunteering which may include;

- Advocating Council's commitment to their volunteers by agreeing to abide by the principles of volunteering and the rights and responsibilities chosen by volunteers across the organisation
- The charter would provide reassurance for volunteers that a minimum set of standards will be met by Council.
- Raises the standard and quality of volunteering provided by Belfast City Council.
- The charter is a terms of reference for those responsible for managing volunteers in ensuring

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full support of and commitment to volunteering in the organisation.

- At present there is no corporate volunteer policy or consistent volunteer management and support procedures and the development of a charter provides the basis for having in place a corporate approach to volunteering across the various departments.

2.6 Community Services has examined the process by which other volunteer charters have been developed across other organisations and as part of this, have looked at models in Salford, Edinburgh whilst taking advice from Volunteer Now who have previously worked with the Royal College of Nursing (RCN) in Northern Ireland to develop its volunteering charter. This is based on the Trade Union Congress and Volunteering England's joint Charter for Strengthening Relations Between Paid Staff and Volunteers. The attached draft reflects this practice.

2.7 To ensure a corporate approach to embedding the guiding principles in the practice of services involving volunteers it is proposed that a cross-council officer working group is established to refine the charter and identify actions needed to support the development of a corporate volunteering policy. This group will invite officers from those sections which currently involve volunteers as well as Chief Executive's and Human Resources.

2.8 As the Charter would primarily be for and about volunteers, it is imperative that volunteers are involved in the design of the Charter and have some sense of ownership of the document. It would therefore be proposed to establish a focus group of volunteers who would contribute to the development process of the Charter.

### 3 Resource Implications

3.1 The development of a volunteering charter for council would have limited budget implications for Volunteer Now's facilitation at a cost of £500 which is within the current Community Service budget.

3.2 However, if Council adopt this good practice model for volunteering, officers would need to formally assess any potential additional cost implications, for example, in relation to the proposed standard of support for travel and subsistence costs incurred by volunteers, training for BCC officers and volunteers, etc.

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**4 Equality and Good Relations Considerations**

- 4.1 A volunteer charter for council would recognise that volunteers involved by council should reflect the diversity of the communities that council works with and for.**

**5 Recommendations**

**5.1 We recommend the following:**

- That Committee consider and adopt the draft Volunteer Charter**
- Note and agree the proposed approach to refine the charter and identify actions needed to support the development of a corporate volunteering policy.**
- Note the immediate and potential future budget implications.”**

The Committee adopted the recommendations and endorsed the contents of the draft Charter, a copy of which was published on the Council's website.

**Outstanding Accounts**

In accordance with the Council's Financial Regulations, the Director sought the Committee's authority to have a number of outstanding debts, amounting to £23,759.81, written off, a schedule of which had been submitted for the Committee's information. He pointed out that all reasonable measures had been taken to recover the debts.

The Committee agreed that the debts be written off.

**Gilpin's Project**

The Committee considered the following report:

**“1 Relevant Background Information**

- 1.1 In May 2012 the Development Committee agreed to support a review of the viability of any future redevelopment, technical constraints and potential options for the Gilpins site, Sandy Row. There were three projects in South Belfast (Lagan, Gilpins and Markets Tunnels) endorsed by the Strategic Policy & Resources Committee (SP&R) as the preferred Belfast Investment Fund (BIF) proposals to be taken initially to Stage 1 - whereby testing of their feasibility through a Strategic Outline Business Case (SOC) was proposed.**



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**2 Key Issues**

- 2.1** In November 2014, with the SOC complete, the SP&R Committee were updated on the Gilpins project and in particular the requirement for capacity building to support the local groups to explore the potential for the establishment of a Trust as a vehicle for the development and future management of the project.
- 2.2** Members were asked to note that there was no budget available under BIF for this type of project development activity and the recommendation was to refer this request back of the Development Committee for consideration.
- 2.3** In line with this recommendation from SP&R members are asked to consider the possibility for the provision of assistance for the groups in the Sandy Row interested in coming together and work on the development of a proposal to take forward the project. The work by the consultants on the SOC highlighted the need for a vehicle or collaborative grouping that could provide the required local leadership and governance.
- 2.4** The assistance would seek to address the current capacity issues through support towards the exploration of a Trust or similar vehicle that could provide the conduit and focus as a development partner for the project.
- 2.5** The projected funding required requirement for the initial work to support the local groups in the exploration of the potential for a Trust model alongside the necessary governance requirements is estimated this could be completed for £3,000. This is based on the cost of ongoing pilot work by Development Trust Northern Ireland and would focus on the potential for the establishment based on initial engagement with the potential partners and focussed work to raise awareness of the potential/issues of Trust or similar arrangements.
- 2.6** It should be noted that there is currently no provision within the budgets for the proposed support requested by the Area Working Group.

**3 Resource Implications**

- 3.1** It is anticipated that the cost of the proposed consultancy work would not exceed £3,000.

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**4 Equality and Good Relations Considerations**

**4.1 There are no Equality and Good Relations considerations attached to this report.**

**5 Recommendations**

**5.1 It is recommended that Committee:**

- notes the current budget position in respect of the support requested by the Area Working Group; and**
- considers the request for support from the South Area Working and the approval of £3,000 towards the engagement work with local groups on the exploration of the potential for Trust or similar vehicle to take forward the Gilpins project.”**

The Committee adopted the recommendations.

Chairman

## Licensing Committee

Wednesday, 18th February, 2015

### MEETING OF LICENSING COMMITTEE

- Members present: Alderman Ekin (Chairman);  
Alderman Rodgers;  
Councillors M. E. Campbell,  
Clarke, Hussey, Hutchinson,  
Groves, Magee, McCarthy,  
Mullan, Ó Donnghaile and Spence.
- Also attended: Councillor Graham (Shadow Council).
- In attendance: Mrs. S. Toland, Lead Operations Officer/Head of  
Environmental Health;  
Mr. T. Martin, Head of Building Control;  
Ms. N. Largey, Council Solicitor;  
Mr. B. Flynn, Democratic Services Officer; and  
Miss. L. Francey, Democratic Services Officer.

### Apologies

Apologies were reported on behalf of Aldermen McCoubrey, R. Patterson and Webb and Councillors Attwood and Cunningham.

### Minutes

The minutes of the meeting of 21st January were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 2nd February, 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

#### Review of Entertainments Licensing Legislation – Update

The Head of Building Control reminded the Committee that the Environment Minister, Mr. Mark. H. Durkan, had announced in July 2014 that changes to the current Entertainments Licensing Legislation were required and that he had approached the Council, amongst others, to carry out a review. He pointed out that the current legislation had been introduced almost thirty years ago and that the Council had vast experience of administering the legislation. He added that it was deemed appropriate to update both the legislation and the Model Terms and Conditions in order to remove

**Meeting of Licensing Committee,  
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any provisions which were no longer relevant and to introduce updated provisions as necessary.

The Head of Building Control presented an overview of the proposed changes to the legislation. The proposals included, amongst others, the removal of the requirement to advertise in newspapers, Fixed Penalty Notices to augment existing enforcement powers, the introduction of Five Year Licences, the introduction of Emergency/Temporary Licences, provision for the immediate call-in of licences and combining licences for venues with both outdoor and indoor space.

The Committee noted the information which had been provided.

**Presentation on the Scottish Licensing Model**

The Committee was reminded that, at its meeting on 11th December, it had agreed to invite Mr. Stephen McGowan, a legal expert in Licensing matters, to present an overview of the Scottish licensing system.

Mr McGowan highlighted a number of key differences between Scottish licensing laws and the current law in Northern Ireland. He reported that in Scotland temporary or emergency licences could be granted, as well as personal licences, which were granted to an applicant rather than specific premises. He indicated that, since 2009, applicants in Scotland no longer had to advertise in a newspaper and instead placed a notice on the front of the relevant premises for which the licence had been applied. In addition, all licence applications were listed on the appropriate Council's website. He pointed out that, in his view, the revised procedures had resulted in a more efficient process and that the number of objections to licences had remained stable. Mr McGowan also apprised Members of the benefits of the Primary Authority initiative in England and Wales, currently under consideration by the Scottish Parliament, which allowed a business to form a partnership with one local authority in order to receive tailored support in relation to a range of regulation. He then answered a number of questions from members in relation to the Scottish model.

The Chairman thanked Mr. McGowan for his valuable contribution and invited him to observe the remaining part of the meeting.

**Review of Advertising Requirements for Entertainments Licensing**

The Head of Building Control informed the Committee that, under the terms of the Local Government (Miscellaneous Provisions) (NI) Order 1985 (the Order), an applicant for the grant, renewal, variation or transfer of an Entertainments Licence must provide public notice of an application by publishing an advertisement in newspapers circulated in the Council district. The number and type of papers in which advertisements might be placed was entirely at the discretion of the Council. He explained that the policy (existing from 1985 with modifications) within Belfast had required that notices be advertised in two newspapers, with at least one being advertised in the Belfast Telegraph, Newsletter (Ulster Edition), Daily Mirror (Northern Ireland Edition) or the Irish News. The second notice might be placed in one of the local newspapers distributed or sold in the area in which the premises were located.

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However, if the premises were located within the city centre, the notice must be placed in two of the main newspapers, as outlined.

He reminded Members that, given Local Government Reform, a number of premises would transfer to within the new Belfast boundary and that different policy positions had been applied by both Castlereagh Borough Council and Lisburn City Council in this regard. He explained that, in Lisburn, licensees were required to advertise in two newspapers, however, the cost of advertising was substantially less than that of Belfast. He added that Castlereagh Borough Council, as was the case in many other Councils, required applicants to place advertisements in only one newspaper. He further reminded the Committee that a Working Group had been set up by the Environment Minister, Mark. H. Durkan, to review the Entertainment Licensing Legislation and that its recommendation on this matter included removing any requirement for applicants to advertise in newspapers. However, it might be necessary to display a notice on or near to the premises for 21 days and, in addition, councils would be required to publish all applications on their website.

The Head of Building Control indicated that the Committee might also consider the move to a shortened Advertising Notice which would reduce costs to the applicants whilst still complying with statutory requirements.

After discussion, the Committee agreed to recommend to the new Licensing Committee the following change to its policy in respect of advertising requirements:

- 1) that the new Council would no longer require licensees to advertise in two newspapers for Entertainments Licences and that it would only be necessary to advertise in one newspaper;
- 2) that an applicant may advertise in a local newspaper (titles to be agreed by the Council) distributed or sold in the area where the premises were located, unless the premises were located within the city centre, in which case the applicant would be required to advertise in either the Belfast Telegraph, News Letter (Ulster Edition), Daily Mirror (Northern Ireland Edition) or Irish News; and
- 3) to agree to the Advertising Notice wording as set out in the revised template included as Appendix 2 to the report.

**Review of Street Trading and Pedlary Laws - Update**

The Head of Building Control reminded the Committee that, at its meeting on 17th December, it had considered a report regarding the proposed changes to the Pedlars Acts 1871 and the Street Trading Act (N.I.) 2001. He reported that a letter had been sent to the Minister on behalf of the Committee to express its concerns regarding the negative impacts which any changes to the laws would create for the City. The Minister had now responded and he considered that it would be beneficial, in the first instance, if a meeting was convened initially between officials to discuss the Committee's concerns.

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The Committee agreed that officers would attend the meeting with officials from the Department for Social Development and noted that a further report would be submitted to its meeting in March on the outcome of that meeting.

**Refusal of an Application for the Renewal of a Stationary Street Trading Licence  
in Berry Street - Appeal of Decision**

The Head of Building Control reminded the Committee that, at its meeting on 11th December, it had agreed to affirm its previous decision to refuse the application as submitted by Mr. M. Gulusen for the renewal of his Stationary Street Trading Licence. He informed the Committee that the applicant had since lodged a Notice of Appeal with the Belfast Magistrates Court and that an appeal hearing would take place on 24th February, 2015.

Noted.

**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 Council's Scheme of Delegation.

**Application for the Renewal of a Seven-day Annual  
Entertainments Licence – El Divino**

The Head of Building Control reminded the Committee that, at its meeting on 17th December 2014, it had been advised that two objections had been received in relation to an application for the renewal of a Seven-day Annual Entertainments Licence for El Divino nightclub. The Committee was informed that the complaints related to the following:

- disturbance and antisocial behaviour caused by patrons arriving and leaving the premises;
- lewd behaviour in the car park of El Divino;
- traffic congestion and rubbish on the Laganbank Road;
- disturbance having a detrimental effect on the objector's health and wellbeing; and
- it was unreasonable to have a nightclub on a road where two residential apartment blocks were located.

The Committee was reminded that, at its meeting on 17th December, it had agreed to implement a revised protocol which would permit both the applicant and the objectors to be present within the room whilst an application was under discussion. However, whilst the two complainants had been invited to the meeting, they were unable to attend but had not requested that consideration of the application be deferred.

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Accordingly, the Director of El Divino, Mr. P. Langsford, together with Mr. P. Kelly, senior manager, were admitted to the meeting and welcomed by the Chairman.

Mr. Langsford referred to the objections which had been submitted by the complainants and outlined the steps which had been taken to address those matters. Mr. Langsford and Mr. Kelly indicated that they had taken a number of measures to address the concerns of residents in the Laganbank Road area, which had included closing the Club on Monday nights and at 2.00am on other nights, increasing the number of security personnel, reducing the size of the outdoor smoking area and closing certain areas of the club at 12 midnight in order to reduce noise in the area. Mr. Langsford explained that the nightclub was considering setting up a phone line for residents of the Laganbank Road area which would allow them to speak directly to a manager should they have a complaint. The deputation then answered a number of questions and retired from the meeting.

The Committee agreed, in its capacity as Licensing Authority, to grant a renewal of a Seven-day Annual Entertainments Licence in respect of El Divino, Mays Meadow, Laganbank Road.

**Application for the Transfer, Renewal and Variation of a Seven-day Annual Entertainments Licence – White’s Tavern**

The Head of Building Control informed the Committee that applications had been received from Mr. James Crawford, BCD Events Limited, for the transfer, renewal and variation of a Seven-Day Annual Entertainments Licence for White’s Tavern. He pointed out that the normal process for dealing with Entertainments Licence applications which were not the subject of objections was that the Director of Health and Environmental Services, or his/her nominee, would grant the licence in accordance with the Council’s Scheme of Delegation. However, given that the applicant had applied also for a variation to extend the hours of entertainment past 1.00am the applications were being presented for the Committee’s consideration.

He explained that the areas currently licensed to provide entertainment were the ground floor lounge bar with a maximum capacity of 100 persons, and the first floor lounge with a maximum capacity of 100 persons. The days and hours during which the premises are currently licensed to provide entertainment were as follows:

Monday to Saturday: 11.30 am to 1.00 am the following morning, and  
Sunday: 12.30 pm to midnight

He explained that entertainment was currently provided in the form of a disc jockey and live band performances and that the nature of the variation was to extend the hours during which entertainment might be provided from 1.00 am to 2.00 am on Monday to Saturday and from midnight to 1.00am on Sunday.

The Committee agreed, in its capacity as Licensing Authority, to grant the transfer, renewal and variation of a Seven-Day Annual Entertainments Licence in respect of White’s Tavern, 2-4 Winecellar Entry, and to extend the hours during which

**Meeting of Licensing Committee,  
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entertainment might be provided on Monday to Saturday to 2.00 am the following morning and from midnight to 1.00 am on Sunday.

**Application for the Renewal of a Stationary Street Trading Licence – Cornmarket**

The Committee considered the undernoted report:

**“1 Relevant Background Information**

- 1.1 Mr. V. Wilkinson has applied to renew his Stationary Street Trading Licence for the designated site in Cornmarket, outside BHS.**
- 1.2 Mr Wilkinson wishes to sell shirts, scarves, badges, hats, flags, pictures and mugs all of a soccer and George Best theme. He also wishes to sell batteries, lighters, wrapping paper, greeting cards, umbrellas, toys, tour tickets, boxer shorts, socks, gift bags, St Patrick’s Day and Pride Day hats, flags, whistles and necklaces.**
- 1.3 Mr Wilkinson proposes to use his current trailer measuring 3m x 1.5m.**
- 1.4 His proposed hours of operation are as follows:**
  - Monday to Saturday 11.00 a m to 5.00 p m**
- 1.5 Mr Wilkinson has held the licence at this site since 3rd January 2014 and traded for many years as an employee of the previous licensee, Mr John Tyrrell.**
- 1.6 However, since the licence was granted to Mr Wilkinson he has, on a significant number of occasions, breached his Licence conditions which have resulted in formal action. Some examples of these are detailed below.**
- 1.7 During routine licence inspections on 12th March 2014, 19th June 2014 and 24th August 2014, it was observed by council officers that Mr Wilkinson’s trailer had been left on site after the permitted hours of trading. The Terms and Conditions of a Street Trading Licence state that units must be removed from the area after trading has finished.**
- 1.8 On each of those occasions, Mr Wilkinson was spoken to about the offences and a warning letter was sent to him informing him that, if he continued to leave the trailer on the site in breach of his licence, the Council would have no other option but to remove and store the trailer at a suitable location and that he would incur the cost of this enforcement action.**



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- 1.9 At a subsequent inspection, on 7th September 2014, Mr Wilkinson's trailer was again observed to be on site after the hours of trading at approximately 10.00 p m. His trailer was, therefore, removed from the area, as permitted under Section 23 of the Act. As a result, he had to pay the £200 costs incurred by the Council to have a recovery company remove and store the trailer. The trailer was returned to Mr Wilkinson after payment was made.
- 1.10 On 14th November 2014 and 16th November 2014, it was again observed by Council Officers that Mr Wilkinson's trailer had been left on site after the hours of trading. Mr Wilkinson was spoken to about the offences and a further warning letter was sent to him advising that if he continued to leave the trailer on site that it would be removed as before.
- 1.11 On 19th December 2014 Mr Wilkinson's trailer was again observed by Council Officers to be on site at approximately 10.30pm, some 5 hours after the permitted hours of trading. The trailer was removed from the area and Mr Wilkinson had to again pay the £200 costs incurred by the Council to have a recovery company remove and store the trailer. The trailer was duly returned to him after payment was made and he was given a final warning that any future breaches of his licence conditions may result in legal proceedings against him and the revocation of his Street Trading Licence.
- 1.12 Given these continued licence infringements, it is deemed appropriate for Committee to consider Mr Wilkinson licence renewal application.

2 Key Issues

- 2.1 The Street Trading Act (Northern Ireland) 2001 places a statutory obligation on the Council to grant an application for a Street Trading Licence unless there are sufficient grounds to refuse it.
- 2.2 Section 9 of the Act sets out discretionary grounds under which the Council may refuse to grant an application.
- 2.3 Section 9 (1)(c) states that a Council may refuse a licence if it is satisfied that the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a Street Trading Licence.
- 2.4 Should Committee be of a mind to use its discretionary power to refuse Mr Wilkinson's Street Trading Licence, Section 12 of

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**the Act requires advance notice be given to Mr Wilkinson and that he be invited to make representations.**

**3 Resource Implications**

**3.1 Financial**

**If the Committee grants a licence, the Street Trading Licence fee is as follows:**

- **Application Fee of £100, and**
- **A Licence fee, for Monday to Saturday, of £800 per annum.**

**3.2 Human Resources**

**None.**

**3.3 Asset and Other Implications**

**None.**

**4 Equality Implications**

**4.1 There are no equality or good relations issues.**

**5 Recommendations**

**5.1 The Committee is requested to decide whether:-**

- 1. it is minded to refuse Mr Wilkinson's Licence as he is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a Street Trading Licence and, if so,**
- 2. to agree to consider the refusal of the Licence at a future meeting at which Mr Wilkinson would be invited to make representation regarding his misconduct."**

Accordingly, the Committee agreed, in its capacity as Licensing Authority, that it was minded to refuse the application submitted by Mr. Wilkinson for the renewal of a Stationary Street Trading Licence for Cornmarket, on the discretionary grounds as set out in Section 9 (1) (c) of the Street Trading Act (Northern Ireland) 2001, in that he was, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a Street Trading Licence; and as such Mr Wilkinson would be invited to a future meeting at which he could make representations in relation to the proposed refusal of his renewal application.

Chairman

## Town Planning Committee

Thursday, 5th February, 2015

### MEETING OF TOWN PLANNING COMMITTEE

Members present: Aldermen McCoubrey, L. Patterson and Rodgers; and Councillors Austin, Garrett, Haire, Hutchinson, Jones, McCabe and McCarthy.

In attendance: Mr. B. Flynn, Democratic Services Officer;  
Miss E. McGoldrick, Democratic Services Officer;  
Mr P. Fitzsimons ) Divisional  
Ms. U. Caddell ) Planning Office.

#### **Chairing of Meeting**

In the absence of the Chairman and the Deputy Chairman, it was agreed that Councillor McCarthy take the Chair.

(Councillor McCarthy in the Chair)

#### **Apologies**

Apologies were reported on behalf of the Deputy Lord Mayor (Councillor Hendron), Aldermen M. Campbell and R. Patterson and Councillors Curran, Hanna, Mullan and Newton.

#### **Minutes**

The minutes of the meeting of 8th January were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 2nd February, subject to the omission of those matters which had been delegated to the Committee.

#### **Declarations of Interest**

No declarations of interest were reported.

#### **Requests for Deputations**

It was reported that none had been received.

#### **Routine Correspondence**

The Committee considered the following items of correspondence:

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**Transport NI**

- Notification of the removal of a disabled parking bay at 12 Ohio Street;
- Notification of the proposed introduction of waiting restrictions at Cadogan Park;
- Notification of the abandonment of a public right-of-way at Parkside Gardens;
- Notification of the proposed reduction of the speed limit on the A55 Milltown Road, A55 Belvoir Road, B23 Milltown Road, B23 Hospital Road, C302 Hospital Road and C302 Purdysburn Road.

**Northern Ireland Housing Executive**

- Notification of an extinguishment of public rights-of-way at Stratheden Street.

**Northern Ireland Environment Agency – Advance Notice of Listing**

- Former St Mary's Christian Brothers School, Barrack Street;
- West Belfast Orange Hall, 342 – 344 Shankill Road;
- Caretaker's House, West Belfast Orange Hall, 7 Brookmount Street;
- Albert Hall and Shankill Road Mission Hall;
- Malvern Primary School, Forster Street;
- North Belfast Working Men's Club, 32 Danube Street; and
- Psychiatric Building, Mater Hospital, 37 Crumlin Road.

**Northern Ireland Environment Agency – Advance Notice of Delisting**

- 276 – 294 Tennent Street, Edenderry Gardens (even numbers);
- Kelly's Cellars, 30 – 32 Bank Street;
- 11 College Place North;
- 13 College Place North;
- Arthur Chambers, 4-14 Arthur Street;
- 4 – 8 Church Lane (Miss Moran Tobacconist);
- 10 Church Lane; and
- Ulster Bank (former Methodist Church), Donegall Square East.

The Democratic Services officer pointed out that the consultation exercise regarding the listing and delisting of the above-mentioned buildings would close at the end of February. He indicated that the Shadow Planning Committee, at its meeting on 22nd January, had considered the matter and determined as follows:-

***“After discussion, the Committee agreed to support, in principle, the listing of the following buildings:***

- ***Former St Mary's Christian Brothers' School, Barrack Street;***
- ***West Belfast Orange Hall, 342 to 344 Shankill Road;***
- ***Caretaker's House, West Belfast Orange Hall;***
- ***Albert Hall, 110 to 120 Shankill Road;***
- ***Shankill Road Mission Hall;***
- ***Malvern Primary School, Forster Street;***

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- *North Belfast Working Men's Club, 32 Danube Street; and*
- *Psychiatric Building, Mater Hospital, 37 Crumlin Road*

*The Committee agreed that it would be opposed, in principle, to the de-listing of the following buildings:*

- *No's 276 to 294 Tennent Street, Edenderry Gardens;*
- *Kelly's Cellars, 30 to 32 Bank Street; and*
- *Nos. 11 and 13 College Place North.*

*In addition, the Committee agreed to defer, to enable further information to be provided, consideration of the proposals in respect of the following buildings:*

- *Arthur Chambers, 4 to 14 Arthur Street;*
- *4 to 8 Church Lane (incorporating Miss Moran tobacconist) ;*
- *10 Church Lane; and*
- *Former Methodist Church facade, Donegall Square East.*

*It was noted that the consultation exercise regarding the matter would close at the end of February and, accordingly, the Committee agreed that the issue be reconsidered at its meeting scheduled for 19th of that month, at which it would give its considered response to the proposals. "*

Accordingly, the Committee noted the information that had been provided. In addition, it endorsed the position as taken by the Shadow Planning Committee in respect of the listing and delisting of the properties as outlined.

#### **Streamlined Decisions Issued**

The Committee noted a list of decisions which had been issued by the Planning Service between 1st December and 29th January.

#### **New Applications**

The Committee noted a list of applications which had been received by the Planning Service between 30th December and 26th January, 2015.

#### **Deferred Items Under Consideration**

The Committee noted a list of deferred items which were still under consideration by the Planning Service.

#### **Appeal Dates Notified**

The Committee noted information which had been received regarding the dates for the holding of planning appeals.

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**Application Withdrawn**

The Committee noted that the application Z/2014/0099/F, which related to 20a – 22 Old Cavehill Road, had been withdrawn at the request of the Planning Service to enable amended plans to be considered.

**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 thereon:

<b><u>Site</u></b>	<b><u>Proposal</u></b>	<b><u>Opinion</u></b>
Site between 135 and 143 Upper Springfield Road	Erection of 15, 2 storey dwellings and 4, 2 bedroom apartments and associated site works.	Approval
39 to 41 Falls Road	Proposed new shop and apartment development (1 no retail unit and 11 no apartments).	Approval
420 to 428 Woodstock Road	Proposed alterations and 2-storey extension to 420 to 422 Woodstock Road to provide ground floor retail unit and ancillary use, change of 1st floor use to storage and ancillary use and internal alterations at ground floor to existing retail unit. (Amended description).	Approval
18 Sans Souci Park	Partial demolition of dwelling removing side and rear wall, some internal walls, replacement of both ground and first floor, retention of front facade and roof, 2 storey side and rear extension and driveway width increased to 3.2m. (Amended plans).	Approval
86a Tildarg Street	Proposed erection of a single block of 7 apartments including car parking and landscaping.	Refusal
4 Ulsterville Drive	Change of use from domestic dwelling to a house of multiple occupancy with 4 Bedrooms.	Approval
Queen's University Boat House	Extension to existing rowing club to provide additional storage, installation of new floating pontoon / gates.	Approval

**Town Planning Committee,  
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**Schedule of Planning Applications**

The Committee considered the schedule of planning applications and agreed to adopt the recommendations therein, with the exception of those referred to below:

<b><u>Site</u></b>	<b><u>Proposal</u></b>	<b><u>Opinion</u></b>
55 to 71 Ormeau Road	7 storey mixed use development, 83 apartments with associated parking at ground and mezzanine level, 5 retail units.[Deferred at the request of the Committee - Criteria 5]	Refusal
151 to 167 Antrim Road and 12 Halliday's Road	Demolition of existing public house, betting office and snooker hall, construction of betting office, public house, ATM and 31 apartments (amended description and plans). [Deferred at the request of the Committee - Criteria 5]	Refusal
Musgrave Park Industrial Estate	Proposed warehouse extension for the storage of a glass, in conjunction with additional vehicular parking, additional hardstanding area extension and approximately 60m of culverting extension to the Woodland River. [Deferred at the request of the Committee - Criteria 5]	Refusal
178 Upper Newtownards Road	Change of use from residential to linguistic training centre. [Deferred at the request of the Committee - Criteria 5]	Refusal
Lands adjacent to 392 and 394 Belmont Road	Proposed development of 2 detached dwellings with garages and associated site works. [Deferred at the request of the Committee - Criteria 5]	Refusal
6 Burmah Street	Dormer window to front of dwelling (retrospective). [Deferred at the request of the Committee - Criteria 5]	Refusal
119 North Road	Retrospective application for the demolition of the coach house/stables and greenhouse, erection of two storey building for offices and store erection of single storey covered play area and store, and change of use of the yard to outdoor play area. [Deferred at the request of the Committee - Criteria 5]	Approval

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Lands adjacent to 15 Osborne Park	Change of house type to that as approved under Z/2012/1162/F. [Deferred at the request of the Committee - Criteria 5]	Refusal
263 to 287 Beersbridge Road	Construction of 10 dwellings with associated car parking and landscaping. [Deferred at the request of the Committee - Criteria 5]	Refusal
Site between 30 and 32 Knockdene Park South.	New dwelling (resiting and change of house type from previous approval Z/2013/0604/F) with associated access, parking and amenity space (amended address and description). [Deferred at the request of the Committee - Criteria 5]	Refusal
Apt 3 Forest House 72 Beech Heights Wellington Square	Extension to apartment over existing external private balcony (new P1 application form received). [Deferred at the request of the Committee - Criteria 5]	Refusal
Richmond Lodge Campus 85 Malone Road	1.2m - 3m high fencing to site perimeter boundaries to provide enhanced security. [Deferred at the request of the Committee - Criteria 5]	Refusal

Chairman.



Councillor Kennedy to move:

**Willowfield Parish Community Association**

“This Council congratulates Willowfield Parish Community Association on receiving a national award from the Christian Funders' Forum for the Best Transformative Community Project for Vulnerable Young People. This community-based project has, since 2002, engaged with thousands of young people, raising self esteem, promoting cross-community understanding and addressing issues such as bullying, self-harm and eating disorders.

In acknowledging this Award, the Council pays tribute to voluntary organisations across the City which engage positively with vulnerable young people in economically disadvantaged communities. As a Compassionate City, we encourage both individual and corporate responsibility in providing for the needs of the most vulnerable people within our Society.”

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